



Board of Directors Meeting Agenda

Thursday, September 1, 2022



Board of Directors Meeting

Thursday, September 1, 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 Hearings**
 - 5.1. 6 (10) Governor's Road, Dundas –
Permit Application No. D/C/22/50 – Peck / Reimer
- 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 – 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
- 7. Foundation Briefing** Foundation Chair – Stebbing
- 8. Member Briefing**
- 9. Business Arising from the Minutes**

9.1. Trail accessibility to McMaster University – Hall

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

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

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

10.1.2. BA 2231 2023 HCA Fee Guide

11. Other Staff Reports/Memorandums

11.1. 93 Creanona Boulevard, Stoney Creek –
Permit Application No. SC/F/C/22/57 – Peck
11.2. Watershed Conditions Report – Bastien
11.3. Conservation Areas Experiences Update – Costie

12. New Business

13. In-Camera Items

14. Next Meeting – Thursday, October 6, 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 Management Services

DATE: August 4, 2022

RE: Hearing under Section 28(12) of the *Conservation Authorities Act* for an Application by Ahmed Ameen (2864335 Ontario Ltd.) for Development in a Regulated Area of Middle Spencer Creek at 6 (10) Governor's Road, City of Hamilton – Permit Application No. D/C/22/50

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

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*.

BACKGROUND

Site Description

10 Governor's Road is a 0.14 ha (0.34 ac) property located on the south side of Governor's Road between Ogilvie Street and Main Street, adjacent to Middle Spencer Creek (Attachment A). The lot is irregularly shaped, ±51.5 m deep at the longest point, and ±78.7 m wide where it fronts on Governor's Road. The lot contains an existing two-storey commercial building, covering an area of approximately 194 m² (2087.2 sq ft). The property also has an existing parking lot, that is proposed to provide parking for 24 vehicles as part of the development.

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 the proximity of Middle Spencer Creek and its associated flooding and erosion hazards. The existing building is at an elevation of 86.9 m (Attachment B), which is above the 100-year flood elevation of 85.15 m; however, the flooding resulting from a Regional flood can reach an elevation of 89.22 m at the upstream limit of the property. Therefore, the entire property is within the flood fringe portion of the floodplain.

A portion of the existing building is also within the erosion hazard associated with Middle Spencer Creek. However, the channel of Middle Spencer Creek is reinforced adjacent to the subject property, reducing the potential for erosion. In addition, the proposed redevelopment is not altering the existing foundations of the structure; therefore, the proposal is not a concern from the perspective of erosion hazards.

Until recently two businesses operated on the property, Governor's Variety Store and Sammy's Used Cars.

The Proposal

The subject application proposes to convert the existing building to a medical centre, including reception, exam rooms, doctor's office, pharmacy, operatory rooms, and staff rooms in the existing two-storey building. As part of the conversion, the application proposes to completely renovate the interior space on both the first and second floor, and relocate and alter the building's existing windows and doors. The drawings prepared by Professional Floor Plans for the applicant are attached to this report (Attachment C).

Application Review to Date

On August 23, 2021, the landowner contacted HCA staff to inquire about the regulations pertaining to the property in advance of proposed redevelopment. Staff responded with a detailed description of the flood hazards on the property.

On February 14, 2022, the applicant followed up with an application, design drawings and a topographic survey. On March 16, 2022, HCA staff provided comments on the application. Review of the submitted materials determined that the proposal did not meet the criteria for a letter of permission that would allow interior renovations only to an existing structure in a floodplain. Information was provided that the property is in Dundas Special Policy Area 1, and as such, limited development may be permitted if the existing structure can be adequately floodproofed.

On May 4, 2022, the applicant's engineer provided a structural assessment report (Attachment C). The report identified that the Regional flood level is 2.319m above the first-floor level. The report also concluded that the building structure would not withstand lateral pressures from floodwater at the Regional flood level. Staff responded May 30, 2022, indicating that HCA would not support the use of wet floodproofing for finished spaces as proposed. In response, the applicant indicated that he would like to present his application to the Board for a hearing.

Staff provided information to the applicant on June 15, 2022, 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* (MNR 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 August 4, 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 flood and erosion 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. The Conservation Authority manages these lands as one zone areas with the exception of the Dundas SPAs, which utilize the floodway and flood fringe management approach, and are treated as two zone areas.

The Dundas SPA was originally approved in 1978 and have since been amalgamated and designated with a wider range of SPAs in the City's Official Plan. There are now four officially recognized SPAs within the former municipality of Dundas, which are regulated through a set of policies separate from those used for the Hamilton Conservation Authority's one zone areas. The policies for the former Town of Dundas SPAs are provided in Section 2.1.1.4.1 within this document.

2. 1. 1. 4 Two Zone Areas

The two-zone concept identifies the floodway and flood fringe (Figure 1). The floodway refers to that portion of the flood plain where development and site alteration

would cause a threat to public health and safety and property damage. In other words, it is that portion of the flood plain required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and property damage. The flood fringe is the portion of the flood plain where development may be permitted subject to certain policies and procedures. Some factors to take into account when determining the more hazardous areas of flood plains include depth of water, velocity of flow, combined depth and velocity, vehicle access and structural integrity (MNR & Watershed Science Centre, 2001).

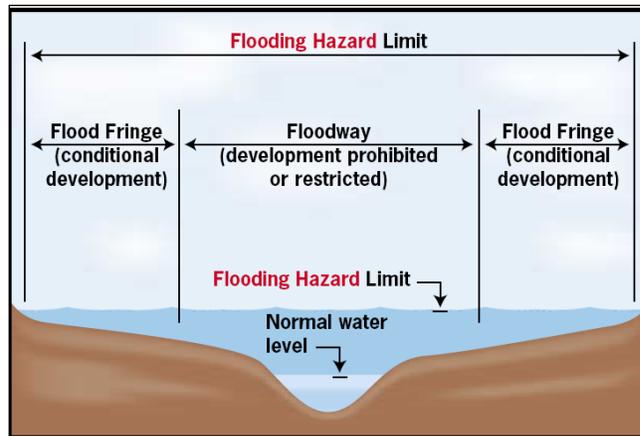


Figure 1: Flooding Hazard Limit for Two Zone Concept

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.

2. 1. 1. 4. 1 **Special Policy Areas**

Due to historical development in the now former Town of Dundas, the HCA and the Town underwent a technical assessment in 1978 and the SPA was incorporated into the Town of Dundas Official Plan. This had the effect of creating four designated Special Policy Areas (SPAs) within the former Town of Dundas and these lands are managed as two zone areas. In instances where Authority staff receive applications for development within the SPAs of the Spencer Creek watershed for hazardous lands surrounding the Spencer, Sydenham, and Anne Creeks they will refer to the following policies.

Any development and/or site alteration within the jurisdiction of the Authority and within the former Town of Dundas Special Policy Areas (SPAs) must be in accordance with the following policies and guidelines and must be to the satisfaction of the Authority.

- a. When considering development within SPAs in the former Town of Dundas, Authority staff will refer to, and require conformity to, SPA policies within the former Town of Dundas' OP, dated October 27, 2000, or any amendments, updates, or revisions thereto (see Appendix H). At such a time that the new City of Hamilton's OP SPA policies are in effect, Authority staff will refer to, and require conformity to, the City of Hamilton's OP SPA policies or any amendments, updates, or revisions thereto.
- b. All floodproofing measures noted in the SPAs policies will be in accordance with Section 8.1, of this document, and its sub-sections.

8 Floodproofing Standards

The term floodproofing is used to describe the combination of measures that are incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties so as to reduce the impacts of flood related damages. Floodproofing alleviates damages to buildings and structures and therefore reduces the risk to public safety and property. The purpose of these planning guidelines is to provide direction when floodproofing is required, therefore the following policies will apply to all proposed developments, where applicable.

The policies and guidelines contained within this document should not be read in isolation of one another. Rather, they should be read concurrently and in their entirety

and the appropriate range of policies and guidelines should be applied to each situation. In the case where more than one policy applies to a situation, the more restrictive policy will apply.

8. 1 General Policies

Any development within the jurisdiction of the Authority and within any and all flooding hazards (i.e. rivers and streams, shorelines, karst areas) must be in accordance with the following policies and guidelines, where applicable, and must be to the satisfaction of the Authority.

- a. Floodproofing is dependent on the following characteristics of a flood. These criteria will be taken into consideration when deciding floodproofing on a site-specific basis:
 - i. The combination of depth and velocity of the flood waters;
 - ii. The duration of the flood;
 - iii. The rate of rise and fall of the flood waters; and
 - iv. The type of flood warning system in place.
- b. All mechanical and electrical systems must be designed and installed so that the heating, lighting, ventilation, air conditioning and other systems are not vulnerable to flood damage during the flood standard. Where flooding could interrupt key power supplies, it may be necessary to provide stand-by or backup systems, with power and controls located above the level of the flood standard.

8. 1. 1 Dry Floodproofing

- a. The use of dry active floodproofing measures will only be accepted in instances where it is not possible and/or practical to utilize dry passive approaches.
- b. When reviewing dry passive floodproofing designs, Authority staff shall ensure that adequate use of fill, columns or design modifications are used in order to ensure that openings in buildings or structures will be elevated above the level of the Regulatory Flood, plus a freeboard of 0.3 m (1 foot), where possible.
- c. Where Authority staff determine that it is not viable or practical to use dry passive floodproofing measures, dry active measures may be explored and utilized. In reviewing such approaches, staff shall ensure that the use of water tight doors, seals, berms/floodwalls or other similar measures to prevent water from entering openings below the Regulatory Flood level are adequately and appropriately incorporated into the design.
- d. All dry floodproofing designs must be prepared and certified by a qualified engineer.
- e. Wherever possible, dry floodproofing measures should be passive rather than active.

8. 1. 2 Wet Floodproofing

- a. Wet floodproofing shall only be considered for structures that are non-residential or non-habitable.
- b. Wet floodproofing shall be to the level of the Regulatory Flood plus a freeboard of 0.3 m. (1 foot), where possible.
- c. When reviewing wet floodproofing measures Authority staff shall ensure that appropriate use is made of materials, methods and design measures such that structural integrity may be maintained in the event of a flood, and that water damage will be minimized to the greatest extent possible.
- d. When reviewing wet floodproofing measures Authority staff shall ensure that designs have included two openings below the level of the Regulatory Flood in order that water is able to freely enter and exit the structure.
- e. If deemed necessary, the Authority may require that wet floodproofing designs be prepared and submitted by a qualified engineer.

City of Hamilton Urban Official Plan – Dundas Area Specific Policies

Dundas UD-1

Dundas Two Zone Floodplain Area 1.0

Council recognizes the inherent dangers to development in areas subject to flooding and the constraints required to minimize the loss of life and property. Accordingly, the following policies shall apply within the floodplain area shown on Map D-1 as Area Specific UD-1:

- a) It is the intent of Council to limit development within the floodplain areas defined by the Hamilton Conservation Authority, of Spencer, Ann and Sydenham Creeks. In this regard, policies a) through i) shall apply to floodplain areas identified from time to time as floodway or flood fringe by the Conservation Authority in consultation with the City.
- b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development.
- c) It is intended the floodway be kept unobstructed, and free of all structures or the placement of fill.
- d) Notwithstanding Policy 1.0 c), existing and similar uses otherwise complying with the intent of this Plan shall be appropriately zoned in the implementing Zoning By-law. However, extensions and enlargements of these uses shall not be permitted within the floodway.
- e) It is the intent of Council that limited development may be permitted within the flood fringe subject to protection from flooding. In this regard such protection shall include the placement and stabilization of fill to or above the limit of the flooding, identified by the Hamilton Conservation Authority, floodproofing, or a combination of both.
- f) Residential development may be permitted, in accordance with Volume 1 of this Plan, within the flood fringe subject to the placement and stabilization of fill to, or above the limit of flooding identified by the Hamilton Conservation Authority.
- g) Non-residential development within the flood fringe area may be permitted on the basis of limited or no fill and subject to adequate flood proofing.

- h) Paved day-use parking lots may be permitted within the flood fringe without the necessity of flood protection measures.
- i) The boundaries of this Area Specific Policy Area are approximate and shall be confirmed by the Hamilton Conservation Authority during the review of applications for development regulations of the Conservation Authority.

Application Assessment

The policies of the Dundas SPA (UD-1) allow for non-residential development within the flood fringe portion of the floodplain subject to adequate floodproofing. HCA policy, more generally, also allows for interior renovations to existing structures within hazard areas. However, the subject proposal includes significant renovations and changes to the existing openings, increasing the flood susceptibility of the building. Therefore, HCA staff advised that the proposal does not meet the intent of the policy to permit interior-only renovations to existing buildings in the floodplain.

The property at 6 Governor's Road is affected by flood hazards associated with Middle Spencer Creek. The property is above the 100-year floodplain (85.15m); however, based on a topographic survey (Attachment B), the entire property is below the elevation of the Regional flood (89.22 m). HCA policies, as outlined above, permit limited development in the flood fringe, subject to adequate floodproofing.

The report provided by Professional Floor Plans (prepared by Raed Al-Rawi, a professional engineer), indicates that dry active floodproofing is not feasible. Given the flood depths that the structure would be subjected to, the existing structure would not withstand the lateral forces of flood water, and the structure would be damaged. Most building materials used in typical construction are not designed to withstand the lateral forces that would result from more than 2 m of floodwater. Given this was the conclusion of the engineer, the applicant is proposing to incorporate wet floodproofing into the building renovation, which would allow water to freely enter and exit the building in the event of a flood to balance the forces on the inside and outside of the exterior walls.

While HCA policy does not expressly prohibit wet floodproofing for non-residential structures, the Technical Guide for River and Stream Systems: Flooding Hazard Limit (MNRF, 2002) provides further detail in Appendix 6 Floodproofing. It states:

“Wet floodproofing is undertaken in expectation of possible flooding. Its use is generally limited to certain specific non-residential/non-habitable structures (e.g. arena, stadium, parking garage), but many of the techniques of wet floodproofing can be used with certain dry floodproofing approaches. The intent of wet floodproofing is to maintain structural integrity by avoiding external unbalanced forces from acting on buildings during and after a flood to reduce flood damage to contents, and to reduce the cost of post flood clean up. As such, wet floodproofing requires that the interior space below the level of the flood standard remain unfinished, be non-habitable, and be free of service units and panels, thereby ensuring minimal damage. Also, this space must not be used for storage

of immovable or hazardous materials that are buoyant, flammable, explosive or toxic.”

The Structural Assessment Report indicates that the wall can support the lateral pressure resulting from up to 1m of floodwater, and the report recommends that passive flood openings be installed at 1m. The rate at which water would enter the building (relative to the expected rate of rise of floodwater in a Regional storm event) is not indicated specifically in the plans provided. In order to be effective, the passive flood openings would need to be designed to allow water inside the building at the same rate that flood water rises to prevent an imbalance of pressure on the walls. It is not clear if the proposed doors would also withstand water up to 1m in height, and that the structure would remain relatively undamaged until floodwaters exceed 1m. It is also uncertain how water below the passive flood openings would exit the building after waters recede in the event of a flood.

While the wet floodproofing as proposed may balance the forces on the building if designed appropriately, the requirement for spaces below the regulatory flood level to remain unfinished is not met in the current proposal.

The HCA policy on flood proofing also requires that electrical equipment (including outlets) be no lower than the level of the Regulatory flood. As the flood depths for the building are greater than 2 m, this is not achievable.

It is noted that the HCA has not permitted wet floodproofing as proposed by this application. Wet floodproofing has been previously approved for utility type non-habitable structures but not for a commercial or institutional use as proposed. Approval of this application would represent a major departure in the HCA’s approach as it relates to development in the flood fringe and floodproofing requirements.

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 Middle Spencer 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.

CONCLUSION

The subject 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, 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.

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
6 Governor's Road, City of Hamilton



Figure 1: General location of the property at 6 Governor's Road (outlined in red).

Attachment C – Structural Assessment Report and Medical Centre Plans



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

August 4, 2022

File: D/C/22/50

BY EMAIL

2864335 Ontario Inc.
c/o Ahmed Ameen
10 Governors Road
Dundas, ON L9H 6E2

Dear Dr. Ameen:

**RE: NOTICE OF HEARING
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO
SHORELINES AND WATERCOURSES REGULATION 161/06 APPLICATION
Ahmed Ameen
10 (6) Governors Road, City of Hamilton**

This letter serves to inform you that the application by 2864335 Ontario, Inc., c/o Ahmed Ameen, received February 14, 2022 for development in a regulated area of Spencer Creek will be considered by the Board of Directors at the meeting scheduled for:

7:00 p.m. on September 1, 2022

Please note this Hearing will be held electronically 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 August 19, 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

Cc: Raed Al-Rawi, Professional Floor Plans, Inc.

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.

PFP-2022-0819-01

Date: 08/19/2022

To: **Hamilton Conservation Authority
Board Of Directors**

RE: **Hearing under Section 28(12) of the Conservation Authorities Act for an Application by Ahmed Ameen (2864335 Ontario Ltd.) for Development in a Regulated Area of Middle Spencer Creek at 6 (10) Governor's Road, City of Hamilton – Permit Application No. D/C/22/50
Comments on Staff report**

Dear Sir/Madam,

We received the staff report dated August 4th, 2022 and we would like to provide some comments and owner's/consultant opinion and clarifications to the main points addressed in the report. For clarifications, only the parts of the report that are commented on are provided below. The full staff report is available.

1. Page 2, Paragraph 2: "The existing building is at an elevation of 86.9 m, which is above the 100- year flood elevation of 85.15 m; however, the flooding resulting from a Regional flood can reach an elevation of 89.22 m at the upstream limit of the property. Therefore, the entire property is within the flood fringe portion of the floodplain."

Comment: We believe that being outside 100-year flood elevation by more that 1.5m is a positive indication. There is no questioning to the regional flood plane numbers but this can be addressed in the proposed design taking into consideration the possibility of occurrence.

2. Page 2, Paragraph 4: "Until recently two businesses operated on the property, Governor's Variety Store and Sammy's Used Cars."

Comment: The design proposes improved office/retail use of a medical and dental offices and pharmacy. The proposed uses will not provide more risk compared with a variety store and a used cars agency. The interior alterations and use will improve the use of the property without any potential risk. Leaving the building with its current use will not have any positive impact on the community and remains within the existing flood elevation.

3. Page 3, Paragraph 1: “On February 14, 2022, the applicant followed up with an application, design drawings and a topographic survey. On March 16, 2022, HCA staff provided comments on the application. Review of the submitted materials determined that the proposal did not meet the criteria for a letter of permission that would allow interior renovations only to an existing structure in a floodplain. Information was provided that the property is in Dundas Special Policy Area 1, and as such, limited development may be permitted if the existing structure can be adequately floodproofed.”

Comment: The design was limited to interior alterations. Existing structures remains intact or further reinforced by introducing further structural elements (elevator shaft). The footprint of the building is not changed, and exterior doors/windows are upgraded for serviceability and aesthetic points of view. The design focused only on interior alterations as per initial staff advise.

4. Page 3, Paragraph 2: “On May 4, 2022, the applicant’s engineer provided a structural assessment report (Attachment C). The report identified that the Regional flood level is 2.319m above the first-floor level. The report also concluded that the building structure would not withstand lateral pressures from floodwater at the Regional flood level. Staff responded May 30, 2022, indicating that HCA would not support the use of wet floodproofing for finished spaces as proposed. In response, the applicant indicated that he would like to present his application to the Board for a hearing.”

Comment: As there is no changes to existing building structure or footprint, we believe that staff should have supported the wet floodproofing considering the design/construction measures proposed in the structural design report. Staff can also ask for reasonable additional precautions to be made to enhance the durability and serviceability of the building in wet floodproofing.

5. Page 10, Paragraph 4: “It is noted that the HCA has not permitted wet floodproofing as proposed by this application. Wet floodproofing has been previously approved for utility type non- habitable structures but not for a commercial or institutional use as proposed. Approval of this application would represent a major departure in the HCA’s approach as it relates to development in the flood fringe and floodproofing requirements.”

Comment: We strongly believe that the proposed change of use/interior renovations are feasible, reasonable, and achievable. We request Board of Directors approval and both owner and designer are willing to work with staff to solve and address any detailed concerns or requirements in a practical and positive manner. Many of the staff comments can be questioned/addressed properly such as:

- **Non-habitable spaces: Currently half of the building is being used as a variety store that is habitable space and does include a number of fridges and all the merchandise are within the flood level. Also, the used car dealership indoor offices are habitable places. Changing to a medical office/pharmacy with limited display items in the pharmacy will reduce the hazard in comparison with the current uses.**
- **Existing electrical panels are already in the flood elevation, so the current proposal does not involve any change/alteration.**
- **The building structure can be reinforced to allow for better performance. However, entrance to the building at grade level enforces the use of wet floodproofing. Additional measures such as waterproofing drywalls/floors and other fixtures can be proposed as well to enhance the building performance.**
- **Passive flood openings and details can be provided and discussed to the satisfaction of staff.**

Point of Contact

Point of contact from PFP shall be Raed Al-Rawi – General Manager (289-937-6442)

Sincerely yours

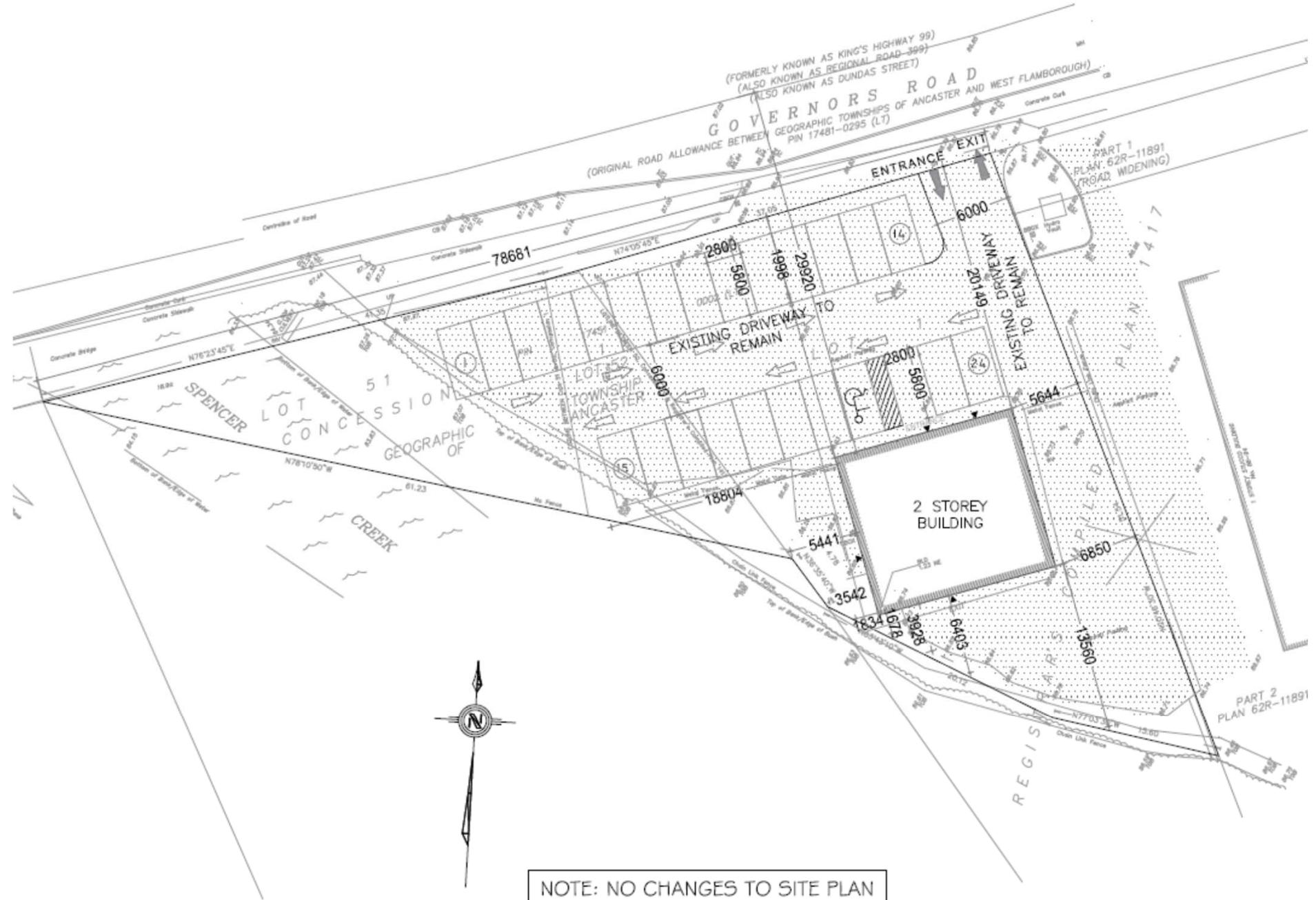


Raed Al-Rawi, P Eng.
Ph. D., M. sc., B. Sc., Civil engineering
General Manager - PFP

6(10) Governors Rd.
Hamilton, ON, L9H 6E2

Hearing under Section 28(12) of the Conservation Authorities

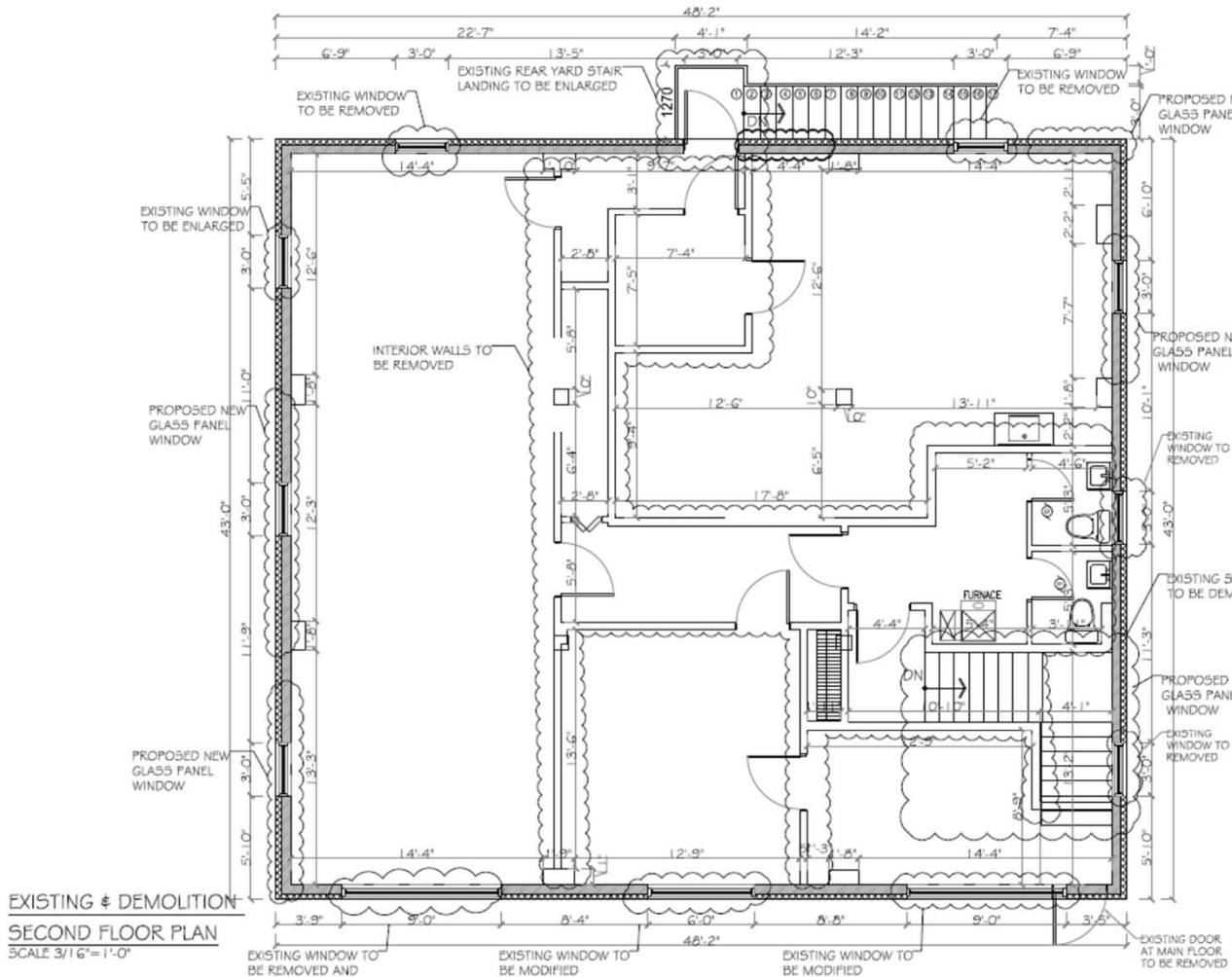
Site Plan



NOTE: NO CHANGES TO SITE PLAN

SITE PLAN
SCALE 1:300

EXISTING SECOND FL. PROPOSED SECOND FL.



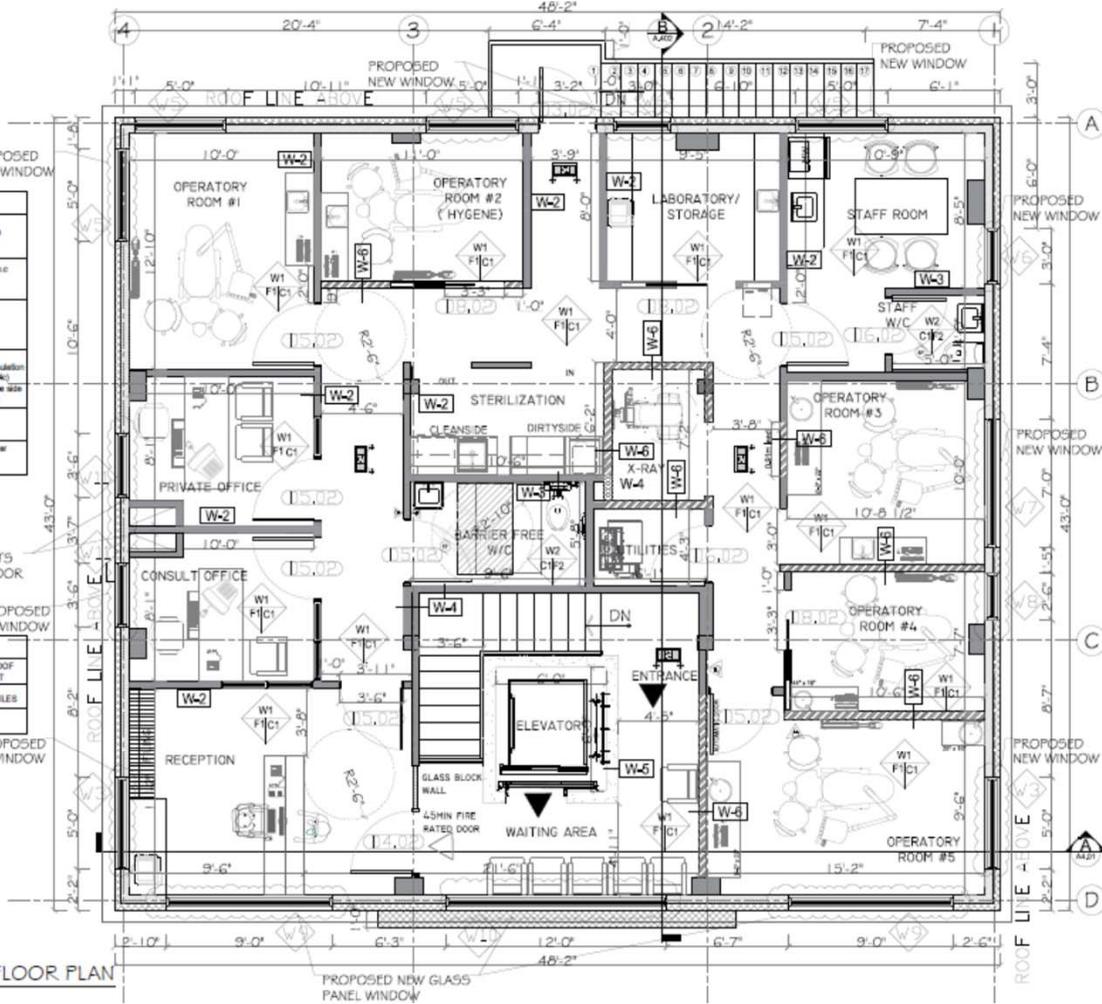
WALLS SCHEDULE

W1	12mm Dry Wall 3600 @ 400mm Studs WR12 Insulation Exterior Block Wall Exterior veneer or Stone
W2	36mm x 80mm studs spaced 400mm o.c. 80mm thick absorptive material 12.7 Type X gypsum board
W3	12mm Dry Wall 36mm x 80mm @ 400mm O.C. Studs W/ 80mm thick absorptive material 12.7mm Type X gypsum board
W4	1-layer of 15mm 5.1 Type Gypsum Board 36 x 80mm @ 400mm Studs Wiremesh Insulation 80mm thick absorptive material (SB-3 w/c) Rigid Metal Channel @ 400mm on one side 2-layers of 15mm 5.1 Type Gypsum Board
W5	200mm Block Wall 12mm Dry Wall
W6	Interior Partitions W/Lead Liner Sheets per Supplier Specifications Lead Liner

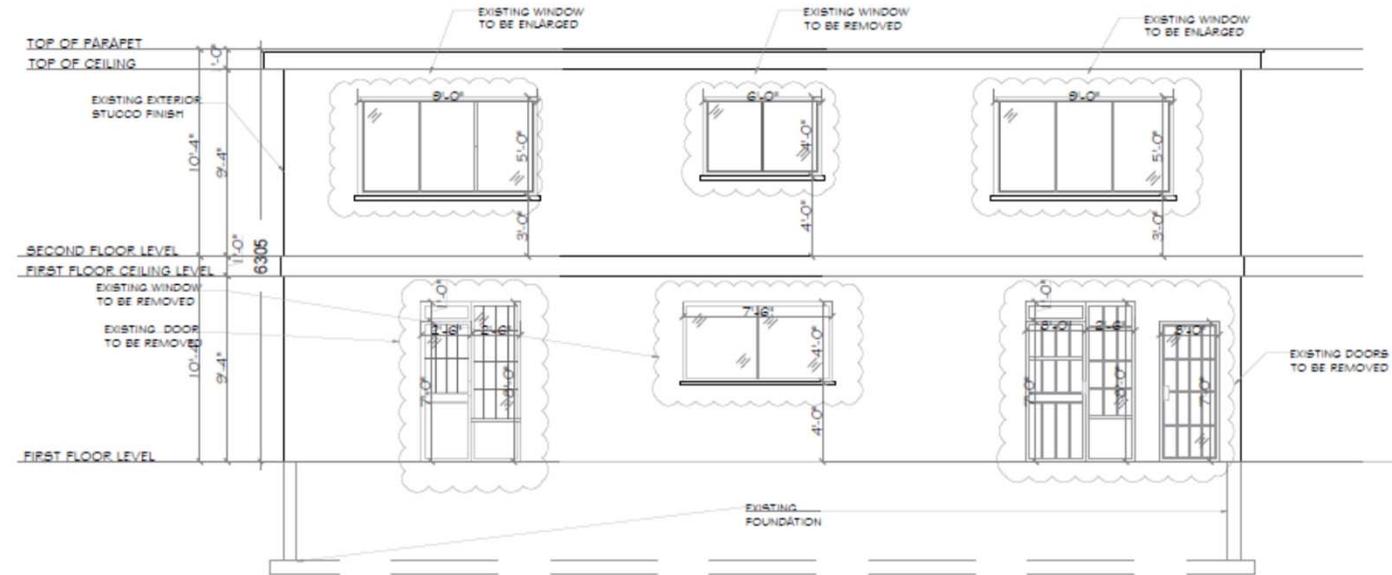
FINISHING SCHEDULE

W1	WALL PAINT	W2	WATERPROOF WALL PAINT
F1	FLOOR TILES	F2	CERAMIC TILES
C1	ACOUSTIC CEILING TILES (2x4)		

PROPOSED SECOND FLOOR PLAN
SCALE 3/16"=1'-0"



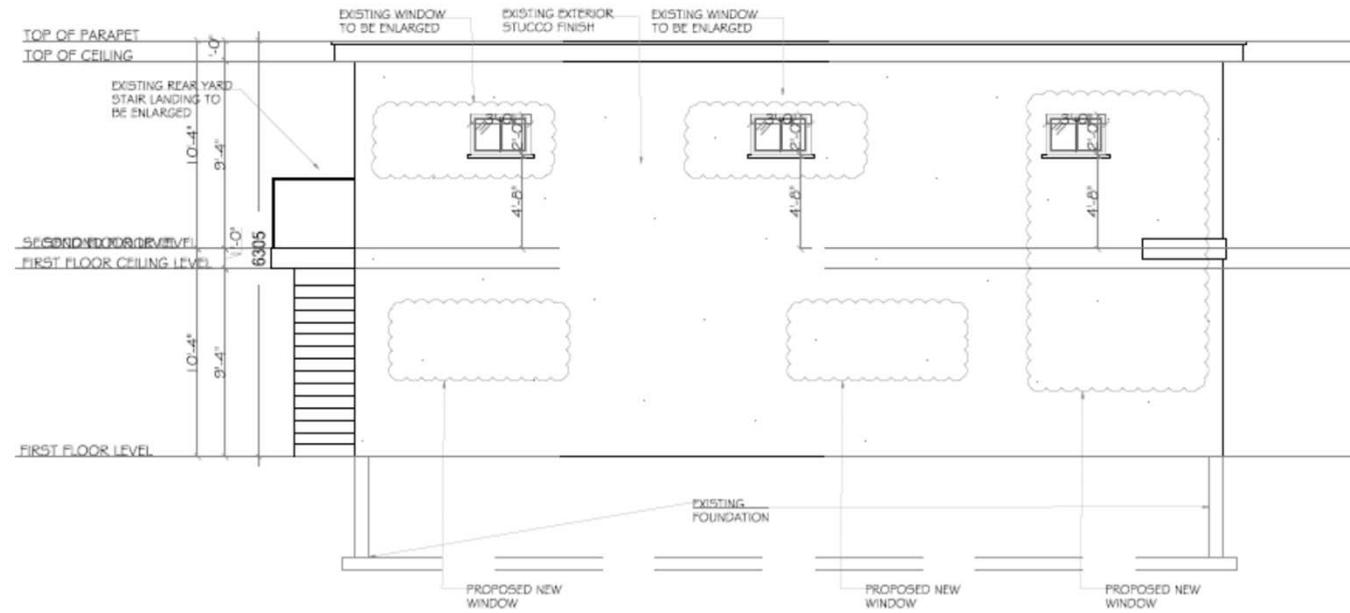
EXISTING FRONT ELV.



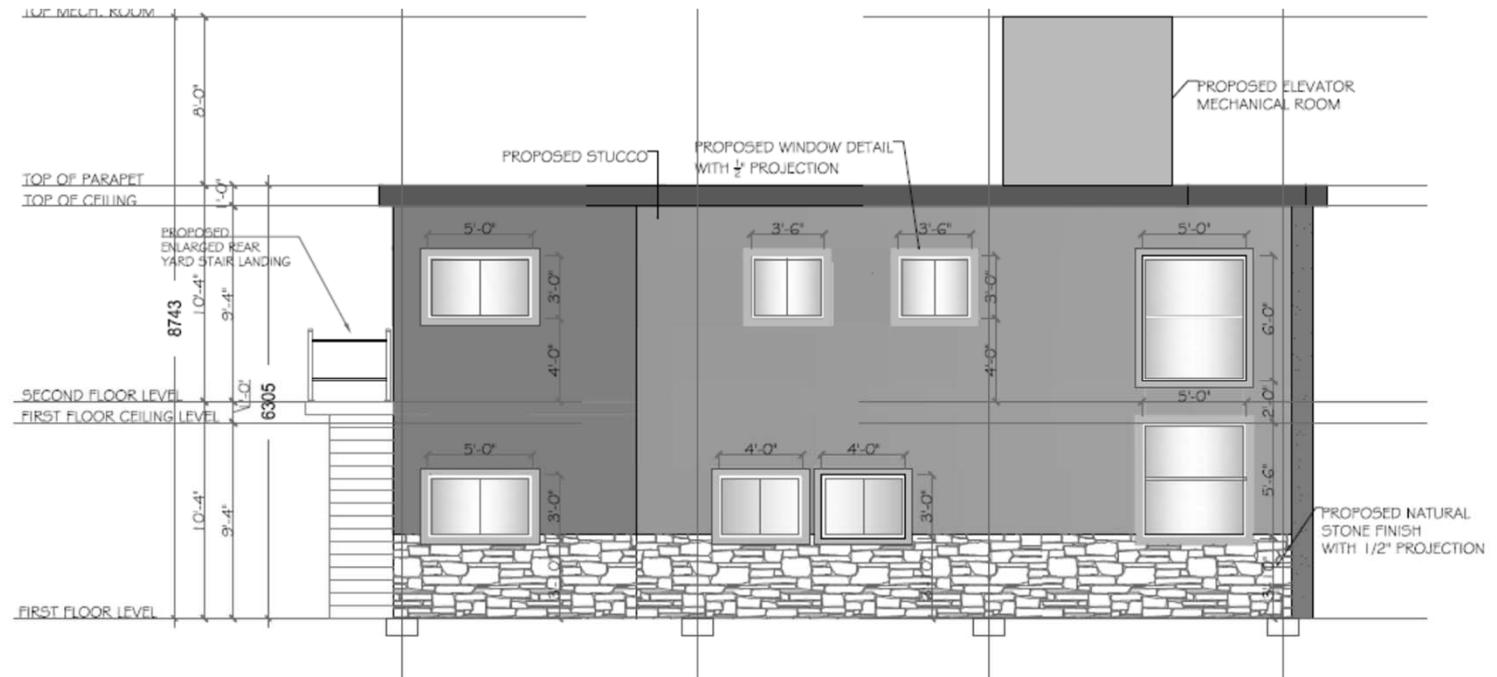
PROPOSED FRONT ELV.



EXISTING EAST ELV.



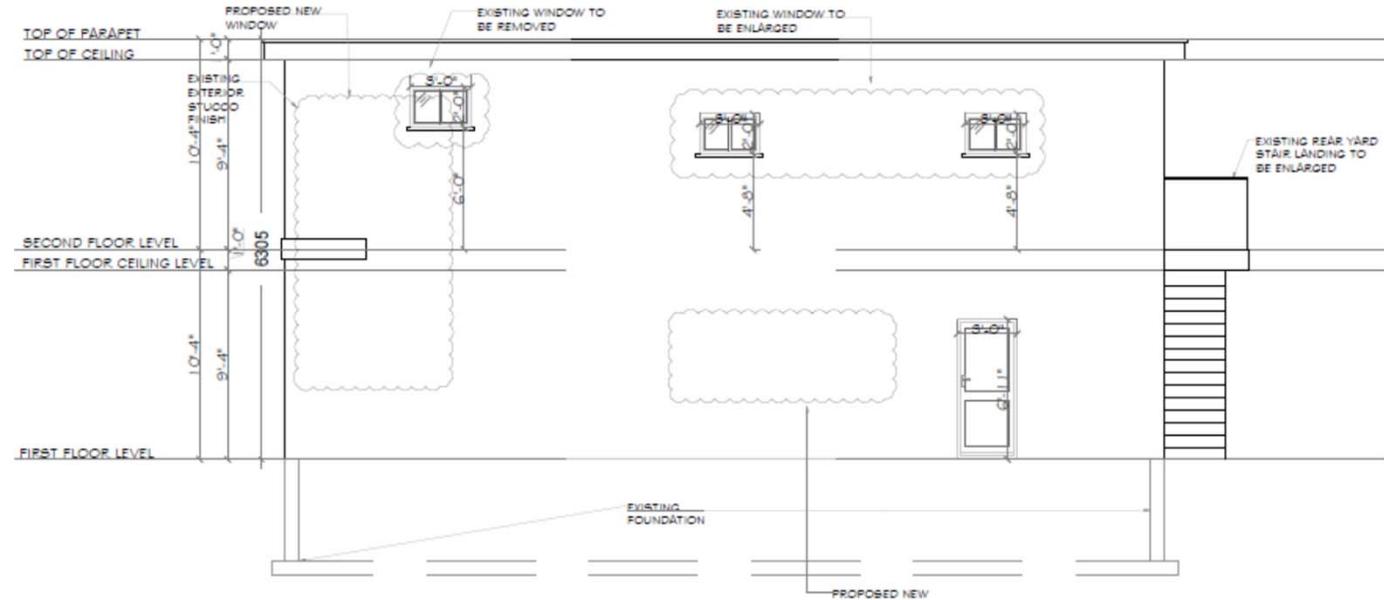
PROPOSED EAST ELV.



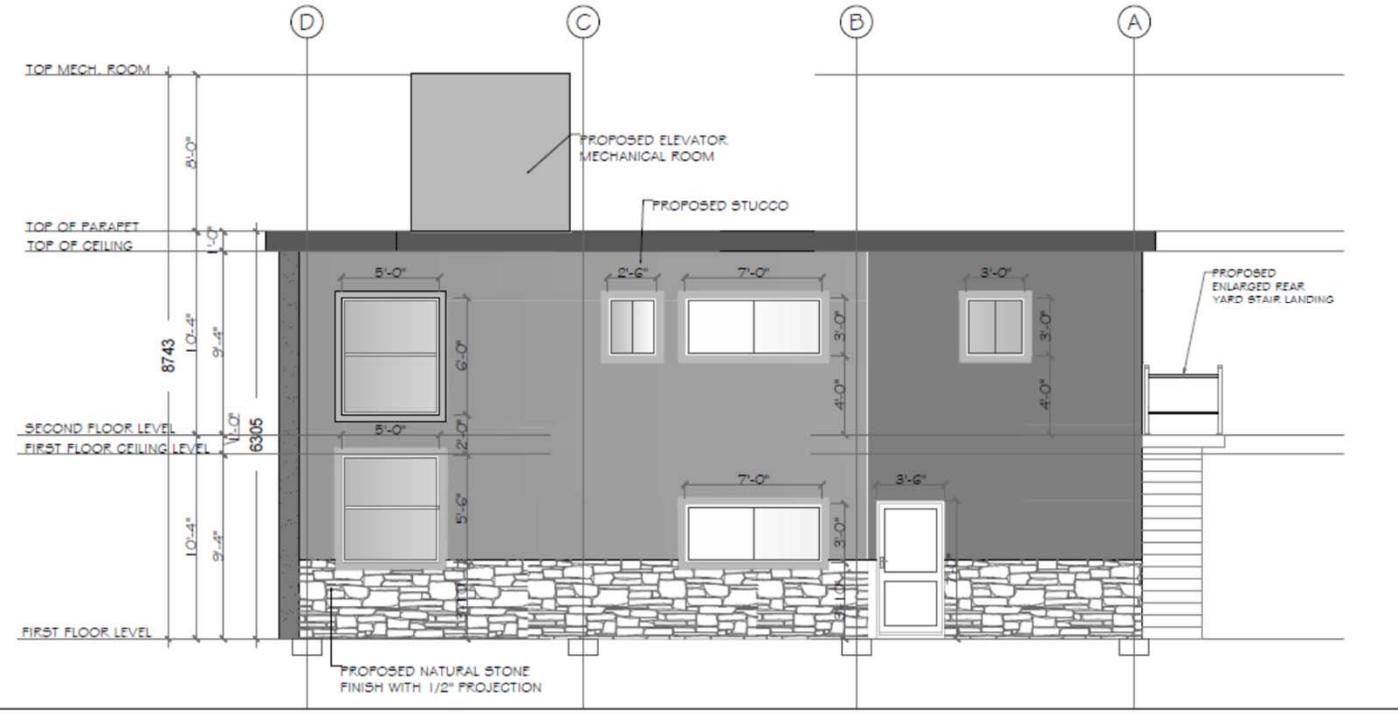
PROPOSED EAST ELEVATION

SCALE 3/16" = 1'-0"

EXISTING WEST ELV.



PROPOSED WEST ELV.



PROPOSED WEST ELEVATION
SCALE 3/16" = 1'-0"

IMPROVMENTS TO EXISTING BUILDING

- Upgrade building occupancy and use
- Upgrade and enhance exterior elevations
- Upgrade interior layouts and finishing materials
- Upgrade accessibility through an elevator, universal washroom and accessible doors.
- Improve building structure and lateral stability through elevator shaft construction

WET WATERPROOFING MEASURES

- Passive flood openings in the exterior walls from all sides.
- Elevator mechanical room shall be located on the roof together with rooftop HVAC units.
- All HVAC ducts are below first floor ceiling and above the flood level.
- The electrical panels on the first floor shall be sealed inside the enclosure.
- Dental units are located on the second floor minimizing the damages to the building materials and equipment.
- There are no outdoor equipment.
- Pharmacy and Medical Office inventory can be temporary re-located to the second floor during the flood period.

THANK YOU



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: September 1, 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 June 25, 2022 and August 18, 2022 are summarized in the following Summary Enforcement Report (SER-7/22).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-7/22 as information.

HAMILTON REGION CONSERVATION AUTHORITY

DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS

August 18, 2022

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 01, 2022

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

SUMMARY ENFORCEMENT REPORT SER 7/22

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
H/F,C,A/22/45	27-May-22	27-Jun-22	33		500 Nebo Rd Lot 13, Concession 1 Hamilton	Wood pole works along Circuit Q29HM involving the like-for-like replacement of wood pole structures 228A and 238D using Standard Compliance Requirements (SCR) in a regulated area of Hannon Creek.	Approved subject to standard conditions.
D/F,C/21/106	13-Dec-21	27-Jun-22	30		119 Grant Blvd Lot 57, Concession 1 Dundas	Construction of an addition to an existing single-family residence on in a regulated area of Ancaster Creek.	Approved subject to standard conditions.
H/F,C,A/22/38	19-Apr-22	28-Jun-22	65		32 Kilbride Rd Lot 13, Concession 1 Hamilton	Installation of Anodeflex Cable, and a Junction Box in a regulated area of Hannon Creek.	Approved subject to standard conditions.
F/F,C,A/22/46	25-May-22	29-Jun-22	35		43 Hwy 5 W Lot 24, Concession 3 Flamborough	Fill placement, grading, servicing and construction of a storm sewer outlet, in a regulated area of Borer's Creek.	Approved subject to standard conditions.

HAMILTON REGION CONSERVATION AUTHORITY

DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS

August 18, 2022

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 01, 2022

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

SUMMARY ENFORCEMENT REPORT SER 7/22

H/F,C,A/22/48	24-Jun-22	05-Jul-22	16	58 Chedoke Ave Lot 19, Concession 4 Hamilton	Construction of a rear deck and concrete pad for a hot tub in a regulated area of a ravine slope associated with Chedoke Creek.	Approved subject to standard conditions.
H/F,C/22/54	25-Jul-22	15-Aug-22	15	181 Pottruff Rd N Lot 29, 30, Concession 2 Hamilton	Installation of an inground pool in a regulated area of a ravine slope associated with Red Hill Creek.	Approved subject to standard conditions.

BD12, 3064**MOVED BY: Susan Fielding
SECONDED BY: Brad Clark****THAT the agenda be approved, as amended.****CARRIED****4. Delegations****4.1. Angela Zheng – Trail accessibility to McMaster University**

Angela Zheng presented a summary of the submitted materials, highlighting a request to replace recently removed steps with a new staircase and bike runnel, on HCA lands between University Gardens and McMaster University, that connects the two areas and is used as a commuter trail. The presentation included results of a neighbourhood survey on the subject.

The members thanked Angela for her presentation and posed questions. Russ Powers advised the Board that this is a well used trail and given his past service on the board had memory of when the lands came to HCA. Mr. Powers indicated he had spoken to McMaster University and they have no objection to the continuation of the access.

Staff were directed to review the request and return to the next Board of Directors meeting with an update. It was requested that the report back to the Board include confirmation that HCA owns the property, an estimated cost for a staircase, and information on the former steps and trail connection access. Staff were also directed to consult with the Ward Councillor during their review.

BD12, 3065**MOVED BY: Maria Topalovic
SECONDED BY: Susan Fielding****THAT the delegation be received.****CARRIED****BD12, 3066****MOVED BY: Jim Cimba
SECONDED BY: Santina Moccio****THAT the item be referred to staff for review and to consult with the Ward Councillor on the matter, and report back to the next Board of Directors meeting.****CARRIED**

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – June 2, 2022
- 5.3. Approved April 21, 2022 Budget & Administration Committee Minutes – for receipt only

6. Foundation Briefing

Jennifer Stebbing presented the following:

The Foundation received a total of **\$12,620** in donations from June 1 to 30, 2022. They break down as follows:

- \$7,000 from the Lois Evans Natural Heritage Fund via the Hamilton Community Foundation for Salfleet Wetland project
- \$4,291 for Area of Greatest Need, which included a \$2,000 Estate gift
- The remaining \$1,329 was directed to various projects, including Tribute Trees, Land Securement and Environmental Education.
-

This brings their fiscal year-to-date fundraising total to **\$615,057**, and to 74% of their goal.

The Election of Officers was held at the June Board of Directors meeting, with the roster remaining the same as the previous year: Jennifer Stebbing as Chair, Graham Reid as Vice-Chair and Justin Taravski as Secretary-Treasurer. The Board will take a break from meetings until September, but committee and behind-the-scenes work will continue throughout the summer.

BD12, 3067

**MOVED BY: Tom Jackson
SECONDED BY: Santina Moccio**

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

7.1. Salfleet Conservation Area Wetland Construction Progress

Scott Peck provided the members with a photographic tour of the progress to-date on the construction of the Saltfleet wetlands. Much of the work for the first wetland (BC-1) is complete, with the construction expected to be completed by the end of the summer. Construction on the second wetland, (SC-8), is planned for Spring, 2023 once the design is finalized and tendered. Staff are also beginning to work on the requests for proposals for the design for the third wetland that will be constructed on the newly acquired Punchbowl Market property.

BD12, 3068

**MOVED BY: Brad Clark
SECONDED BY: Jim Cimba**

THAT the verbal update regarding Saltfleet Conservation Area Wetland Construction Progress be received.

CARRIED

8. Business Arising from the Minutes

8.1. HCA Quarterly Report #1 to MECP – Ontario Regulation 687/21

Lisa Burnside provided a summary of the memorandum noting HCA has been meeting with our member municipalities to communicate that HCA's programs and services inventory represents status quo for our current budget. HCA will need to work with municipal partners to develop memorandums of understanding and agreements for our non-mandatory programs and services where we receive municipal funding. No changes have been made to the inventory at this time and at this point, there have not been any difficulties identified in meeting transition plan milestones.

BD12, 3069

**MOVED BY: Jim Cimba
SECONDED BY: Susan Fielding**

THAT the memorandum entitled HCA Quarterly Report #1 to MECP – Ontario Regulation 687/21 be received.

CARRIED

8.2. Board of Directors Notification Policy

Lisa Burnside presented a summary of the report noting the newly developed policy provides staff and the Board a clear understanding of what circumstances will be shared for circulation to Board members. Notification matters include a range of issues from significant flooding/erosion events, material finance matters, and significant adverse events on HCA owned or managed property.

BD12, 3070**MOVED BY: Jim Cimba
SECONDED BY: Brad Clark**

THAT the Board of Directors Notification Policy as outlined in the July 7, 2022 report be approved, subject to any amendments from the Board.

CARRIED**9. Reports from Budget & Administration Committee and Conservation Advisory Board****9.1. Budget and Administration Committee – June 16, 2022
(Recommendations)****9.1.1. BA 2222 Increase to HCA Casual Wage Rates**

Santina Moccio provided a summary of the staff report, noting the proposed 2023 casual / seasonal wage grids provide for the required increase to minimum wage this Fall and also provide a further \$0.25/hr increase effective January 1, 2023, to assist with recruitment and retention of summer staff. Summer students play a vital role in supporting operations during the operating season.

BD12, 3071**MOVED BY: Santina Moccio
SECONDED BY: Tom Jackson**

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

THAT the revised Casual/Seasonal wage grids for Hamilton Conservation Authority, Confederation Beach Park, Wild Waterworks and Construction/Forestry and Fleet as outlined be approved, which provides for the following:

- a) The Provincially mandated 50 cent scheduled inflationary increase to minimum wage effective October 1, 2022 which will be applied across all wage categories, and additionally**
- b) A further 25 cents be applied January 1, 2023 across all wage categories and steps to enhance HCA's competitiveness, particularly in the minimum wage market for the 2023 hiring year.**

CARRIED9.1.2. BA 2223 Increase to Health Care Spending Account

Santina Moccio brought forward the staff report proposing that effective January 1, 2023, HCA will increase its annual health care spending account maximum by \$100. The new HCSA maximums are \$500 annually for full time staff with family coverage, \$300 annually for full time staff with single coverage, and \$100 for contract staff and early retirees. It was confirmed that there is no carry over for the Health Care Spending Account.

BD12, 3072 **MOVED BY: Santina Moccio**
 SECONDED BY: Brad Clark

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

THAT the current health care spending account allocation be increased effective January 1st, 2023 to new maximums as follows:

- **\$500 annually for full time staff with family coverage**
- **\$300 annually for staff with single coverage**
- **\$100 annually for staff under contract / early retiree coverage**

CARRIED**10. Other Staff Reports/Memoranda**10.1. Fifty Point Marina Channel Dredging – Tender Results

Matt Hall presented a summary of the report and answered the members' questions. Dredging is completed every few years as regular maintenance. It was noted there is a design depth that HCA works to maintain to allow boat passage.

Funding for the project was discussed. Matt advised that marina revenues could cover the cost of dredging, however, the project is included in the separate capital budget.

BD12, 3073 **MOVED BY: Tom Jackson**
 SECONDED BY: Susan Fielding

THAT the HCA award the tender for dredging the marina channel at Fifty Point Conservation Area to Ontario General and Marine Construction Inc., for a total cost of \$219,751.10 which includes a contingency sum and HST.

CARRIED

10.2. Fifty Point Marina Boat Launch Ramp Reconstruction – Tender Results

Matt Hall presented a summary of the report and answered the members' questions. The existing ramp is the original that was installed when the marina first opened and is now in need of replacing. Various improvements have been made elsewhere in the marina.

Warranties included with the recommended bid were discussed. Matt noted that this project, as is typical for most construction projects, has a one year warranty. This is an industry standard. Additional warranties can be requested for specialty construction projects; however, this could increase costs for the project.

Options for value engineering were discussed. Rankin Construction proposed cast in place solutions that could reduce costs. This will require consultation with the consultants that designed the project. It was also suggested to consider an aqua dam rather than a coffer dam for cost savings. Staff were directed to report back on value engineering solutions for potential costs savings that can be achieved in discussion with the contractor.

BD12, 3074

**MOVED BY: Jim Cimba
SECONDED BY: Maria Topalovic**

THAT the HCA award the tender for the Boat Launch Ramp Reconstruction at Fifty Point Conservation Area to Rankin Construction Inc., for a total cost of \$608,731.00, which includes a contingency sum and HST, and further;

THAT a total of \$300,000 be reallocated from the HCA General Capital Reserve Fund, in order to adequately fund the revised scope of work;

And further that staff report back to the Board on any value engineering solutions that can be achieved through discussion with the contractor.

CARRIED

10.3. Saltfleet Stage 3 Archeological Assessment Quote

Scott Peck presented a report indicating the potential costs associated with an archaeological assessment required for the design and construction of the second wetland in the Saltfleet Conservation Area (wetland SC-8).

The number of assessment monitors and number of hours required were discussed. It was clarified that there is typically one monitor from each First Nations community. A best estimated cost may be \$20,000 for the monitoring.

Sharing stage 1 and stage 2 work with First Nations groups was discussed. The consultants determine if the stage 1 and stage 2 assessments are shared with the First Nations monitors. They are provided to the Ministry for filing, as required. Staff are developing relationships with the First Nations communities, of which doing this monitoring work is an important part.

There was discussion about the types of artifacts that may be expected, based on the assessments for the first wetland (BC-1). Four sites are pre-contact and one is Euro-Canadian. Stage 1 on BC-1 was pre-contact so staff expect similar findings to that assessment.

Should a stage 4 assessment be required, the removal of artifacts would be required. Staff are hopeful that this project can remain within the preserve and protect status. There is potential to alter designs to meet the buffer requirements.

BD12, 3075

**MOVED BY: Brad Clark
SECONDED BY: Maria Topalovic**

THAT the Board of Directors approve the quote submitted by Detritus Consulting Ltd., to complete the required Stage 3 Archaeological Assessments for the SC-8 Wetland for an upset limit of \$238,000 excluding HST.

CARRIED

10.4. Appointment of Enforcement Officer

Mike Stone presented a summary of the report, introducing Cathy Plosz, Senior Planner, and outlining the legislative requirements for staff to be appointed as enforcement officers for the purposes of administering and enforcing *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetland and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*. Administration and enforcement responsibilities

include reviewing and processing permit applications, field work and attendance at site inspections.

BD12, 3076

**MOVED BY: Maria Topalovic
SECONDED BY: Brad Clark**

THAT the HCA Board of Directors appoint Cathy Plosz, Senior Planner, as an Enforcement Officer for the purpose of enforcement 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

Russ Powers lost internet connectivity.

10.5. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, noting there were no recent observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding. Currently, there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding expected.

There are currently no significant rainfall events forecasted for the watershed over the next 2 weeks. Latest assessments indicate possible drought conditions. A decision on declaring a Level 1 Low Water condition was deferred until the next scheduled assessment. Drought conditions may possibly be declared for the watershed at the beginning of July, given the below average precipitation amounts for March to May, and the slightly below average amount of rain received in June so far.

The Christie Lake water level is about 1.7 feet lower than the low end of preferred summer levels. Due to drier than normal conditions in the watershed, HCA staff continue to balance reservoir levels and appropriate downstream flows. The current level of Valens Lake is within typical summer levels.

BD12, 3077

**MOVED BY: Brad Clark
SECONDED BY: Jim Cimba**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

Russ Powers re-entered the meeting.

10.6. Conservation Areas Experiences Update

Gord Costie provided a verbal update, noting the Conservation Areas are fully operational for the season, having just hosted a busy Canada long weekend. Visitation continues to regulate following the pandemic-related reopening, however staff expect to maintain healthy visitation levels. Camping reservations continue to be popular, with weekday reservations still higher than typical. The reopening of Wild Waterworks for the 2022 season was also highlighted. It was a difficult challenge for staff but are pleased to be able to open. The first weekend was well attended.

The members congratulated staff on accomplishing the recruitment and noted there is a buzz in the community about Wild Waterworks being open again.

An update on membership pass sales was also provided. The first six months are comparable to 2019. Some indicators such as day use and pay and display parking are showing signs of softening with pandemic related re-opening. However, membership pass sales are still solid.

BD12, 3078

**MOVED BY: Santina Moccio
SECONDED BY: Tom Jackson**

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

CARRIED

11. **New Business**

There was none.

12. **In-Camera Items**

BD12, 3079

**MOVED BY: Santina Moccio
SECONDED BY: Jim Cimba**

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

CARRIED

During the *in camera* session, one personnel matter and one legal matter were discussed.

**12.1. Confidential Report – BA/Jun 02-2022
Personnel Matter**

Santina Moccio provided a summary of the staff report regarding a personnel matter and answered the members' questions.

The following motion came out of camera and was read:

BD12, 3080

**MOVED BY: Santina Moccio
SECONDED BY: Brad Clark**

THAT the confidential report entitled BA/Jun 02-2022 be approved and remain in camera.

That the Budget & Administration Committee recommends to the Board of Directors

- 1. THAT the existing secondment position of Health & Safety Coordinator be converted to an ongoing full-time position and further;**
- 2. THAT the position undergoes a formal job evaluation to determine its proper pay range band within our pay structure.**

CARRIED

**12.2. Confidential Memorandum – BD/Jul 01-2022
Legal Matter**

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

BD12, 3082

**MOVED BY: Tom Jackson
SECONDED BY: Santina Moccio**

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

CARRIED

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, September 1, 2022 at 7:00 p.m.

14. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

Hamilton Conservation Authority

Minutes

Budget & Administration Committee

June 16, 2022

Minutes of the Budget & Administration Committee meeting held on Thursday, June 16, 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
 Jim Cimba
 Lloyd Ferguson

Regrets: **Maria Topalovic**

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

Others Present: **None**

1. Welcome

The Chair called the meeting to order and welcomed everyone present.

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 legal matter to be added in-camera.

BA 2220

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

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Consent Items

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes – April 21, 2022

6. Business Arising from the Minutes

There was none.

7. Staff Reports/Memoranda

7.1. Annual Statistical Reporting for Freedom of Information Requests

Jaime Tellier presented a summary of the memorandum and answered the members' questions on this new annual report to advise members of FOI requests reported to the Privacy Commission. The members were appreciative of this new information memorandum.

BA 2221

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

THAT the memorandum entitled Annual Statistical Reporting for Freedom of Information Requests be received.

CARRIED

7.2. Increase to HCA Casual Wage Rates

Nancy Watts presented a summary of report in regard to the 2023 casual/seasonal wage grids that will provide for the required increase to minimum wage this Fall and also provide a further 25 cent increase effective January 1, 2023 to assist with recruitment and retention of summer staff, to successfully run our seasonal operations. Summer students play a vital role in supporting operations during the period of May to September and HCA competes with various other employers in the area for the available pool of summer students.

BA 2222

**MOVED BY: Lloyd Ferguson
SECONDED BY: Dan Bowman**

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

THAT the revised Casual/Seasonal wage grids for Hamilton Conservation Authority, Confederation Beach Park, Wild Waterworks and Construction / Forestry and Fleet as outlined be approved, which provides for the following:

- a) **The Provincially mandated 50 cent scheduled inflationary increase to minimum wage effective October 1, 2022 which will be applied across all wage categories, and additionally**
- b) **A further 25 cents be applied January 1, 2023 across all wage categories and steps to enhance HCA's competitiveness, particularly in the minimum wage market for the 2023 hiring year.**

CARRIED

7.3. Increase to Health Care Spending Account

Neil McDougall presented a summary of the report in regard to the extended health plan which includes a health care spending account that provides staff with a level of flexible benefits. It allows members to use the account on the coverage that they need, rather than HCA undertaking periodic reviews and changes to specific benefit coverage. It has been well over a decade since the account was put in place and it is timely to review the annual maximum allocation as costs continue to increase and to ensure the plan remains competitive.

BA 2223**MOVED BY: Jim Cimba
SECONDED BY: Lloyd Ferguson****THAT the Budget & Administration Committee recommends to the Board of Directors:****THAT the current health care spending account allocation be increased effective January 1st, 2023 to new maximums as follows:**

- **\$500 annually for full time staff with family coverage**
- **\$300 annually for staff with single coverage**
- **\$100 annually for staff under contract / early retiree coverage**

CARRIED**8. New Business**

There was none.

9. In-Camera Items for Matters of Law, Personnel and Property**BA 2224****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 personnel matter were discussed.****9.1. Confidential Memorandum – BA/Jun 01-2022
Legal Matter**

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

BA 2225**MOVED BY: Dan Bowman**

SECONDED BY: Jim Cimba

THAT the confidential memorandum entitled BA/Jun 01-2022 be received and remain in camera.

CARRIED

9.2. Confidential Report – BA/Jun 02-2022
Personnel Matter

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

The following motion came out of camera.

BA 2226

MOVED BY: Jim Cimba
SECONDED BY: Dan Bowman

That the Budget & Administration Committee recommends to the Board of Directors

- 1. THAT the existing secondment position of Health & Safety Coordinator be converted to an ongoing full-time position and further;**
- 2. THAT the position undergoes a formal job evaluation to determine its proper pay range band within our pay structure.**

CARRIED

9.3. Confidential Verbal Update – BA/Jun 03-2022
Legal Matter

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

BA 2227

MOVED BY: Dan Bowman
SECONDED BY: Lloyd Ferguson

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, July 21, 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.

Level 1 Low Water Condition Declared as of July 28th, 2022

What are Low Water Condition Declarations

A Low Water condition is declared when precipitation amounts and/or streamflow rates fall below pre-determined thresholds.

These thresholds are set by the provincial government in its Low Water Response Program. Low Water condition levels range from Level I to Level III, representing progressively more severe water supply shortages and restrictions on water use.

HCA and the Hamilton Low Water Response Team are responsible for evaluating watershed conditions and declaring Low Water conditions for the HCA watershed.

Current Declaration

A Level 1 Low Water Condition has been declared for the entire HCA watershed. 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.

Level 1 was declared as three-month precipitation totals were mostly below 80% of long-term averages, and 30-day average streamflows were mostly below the minimum average summer month flow.

Current Conditions

The three-month precipitation totals (April 1-June 30) indicated Level 1 Low Water Conditions. The three-month precipitation totals were 48-85% of long-term averages, with 6 of 8 stations receiving less than 80% (the threshold for Level 1).

In addition, 30-day average streamflows at the end of June indicated Level 1 or Level 2 Low Water Conditions at three of the five available stations (Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street).

Details of the Ontario Low Water Response Program are available at: www.ontario.ca/page/low-water-response-program

What can you do to help?

At this time, the Hamilton Low Water Response Team is encouraging a 10 percent reduction in water use. This applies to all users of water supplied from watercourses, waterbodies and groundwater sources within the HCA watershed.

Reducing the use of these water sources at this critical time will avoid more serious shortages in the watershed, and lessen the impact of reduced water availability on our environment.

Water users reliant on the municipal water system are asked to follow any active municipal water use bylaws.

It's important we all do our part to reduce water use in our watershed.

At Home

- Follow local lawn watering restrictions in your area
- Water your gardens in the morning or evening rather than the heat of the day (where permitted)
- Use a broom to clean paved surfaces instead of water
- Install toilet dams
- Use rain barrels water you need around the yard
- Repair leaky faucets
- Reduce non-essential water use (car washing, lawn watering)

Municipal Users

- Actively encourage compliance with outdoor water use by-laws.
- Reduce water withdrawals for park and public lands irrigation by scheduling withdrawals, use of storage.

Golf Course Users

- Make use of water storage on the course
- Withdraw water more slowly over a longer period of time (i.e. reduce pumping rate)
- Schedule surface water withdrawals with neighbouring golf courses.

Agricultural Users

- Mobilize a local agricultural water users group
- Withdraw water more slowly over a longer period of time (i.e. reduce pumping rate)
- Schedule surface water withdrawals with neighbouring water takers

Want more information on Low Water Conditions?
Call 905-525-2181, ext. 138

Aggregate Users

- Reduce non-essential water use (e.g. landscape watering) and use efficient equipment for washing and dust suppression
- Aggregate operations with washing plants increase surveillance of wash operations to identify and correct any water losses (e.g. leaky pipes)
- Recycle washing water and augment from dewatering effluent
- Closely monitor operating levels and permit conditions (e.g. pond levels) where applicable
- Withdraw surface water slowly over a longer period of time (i.e. reduce pumping rate)



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone



A Healthy Watershed for Everyone

For Immediate Release: Thursday, July 28, 2022

Water conservation urged within the Hamilton Conservation Authority watershed

Due to ongoing dry conditions, the Hamilton Low Water Response Team has declared a Level 1 Low Water Condition for the entire HCA watershed. 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.

The Hamilton Low Water Response Team is encouraging a 10 percent reduction in water use. This applies to all users of water supplied from watercourses, waterbodies, and groundwater sources within the HCA watershed.

Strategies for reducing water use can be found on the attached Level 1 Low Water Condition Factsheet. Reducing the use of these sources at this critical time will avoid more serious shortages in the watershed, and lessen the impact of reduced water availability on our environment.

Water users reliant on the municipal water system are asked to follow any active municipal water use bylaws.

A Low Water Condition is declared when precipitation amounts and/or streamflow rates fall below pre-determined thresholds, set by the provincial government under its Low Water Response Program. Level 1 was declared as three-month precipitation totals were predominantly below 80 percent of long-term averages, and 30-day average streamflows are predominantly below the minimum average summer month flow.

Rainfall in the last three months has been well below normal with extended dry periods, resulting in well below normal flows in area watercourses. The three-month precipitation totals (April 1 to June 30) indicated Level 1 Low Water Conditions. The three-month precipitation totals were 48 to 85 percent of long-term averages, with 6 of 8 stations receiving less than 80 percent (the threshold for Level 1). In addition, 30-day average streamflows at the end of June indicated Level 1 or Level 2 Low Water Conditions at three of the five available stations (Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street).

The Hamilton Low Water Response Team is made up of water users in the watershed including: agricultural representatives, golf courses, nursery operators, quarry operations, and industrial users as well as provincial and municipal representatives. HCA staff act as co-chair for this team, and are responsible for regular evaluation of watershed conditions which provides evidence to support declaring low water conditions.

It is important that we all do our part to reduce water use within the watershed.

Media contact:

Jonathan Bastien, P. Eng.

Water Resources Engineer / Co-Chair - Hamilton Low Water Response Team

Phone: 905-525-2181, ext. 138

Email: Jonathan.Bastien@conservationhamilton.ca

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.

P.O Box 81067, 838 Mineral Springs Road, Ancaster, Ontario L9G 4X1 | P: 905-525-2181

nature@conservationhamilton.ca | www.conservationhamilton.ca

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED & RECOMMENDED BY: Matthew Hall, Director; Capital Projects & Strategic Services
Gord Costie, Director; Conservation Area Services
Bruce Harschnitz, Manager; Conservation Area Services

MEETING DATE: September 1, 2022

RE: Grant Blvd. Staircase Request – Public Delegation Follow-up

STAFF RECOMMENDATION

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.

BACKGROUND

On February 28, 2022, HCA staff were notified by a local resident of safety concerns relating to a set of wooden steps located on at the northwestern end of Grant Blvd in Dundas. The steps led to a pathway which crosses a bridge over Ancaster Creek and connects to a parking area owned by McMaster University.

HCA staff then undertook a review of the area and confirmed that the steps in question were indeed on HCA owned property. Upon inspection, the wooden steps were determined to be hazardous, both in their condition and construction. HCA staff made note that another local pathway, approximately 100 metres south of this location, also exists. This second community access point, follows the natural contoured slope of the land, has no man-made infrastructure, and connects directly to the bridge as well (see Appendix A for details). The bridge was also reviewed by HCA staff and was found to be in good condition, with no immediate areas of concern.

Following staff's field review and internal discussion about an appropriate approach to take, the decision was made to remove the unsafe steps and restore the grounds around them. Local community access was to be kept in place via the alternate existing route to the bridge. In April 2022, HCA staff proceeded to remove the steps and restore the area. Regular communication between HCA staff and the member of the public who originally notified us of the issue, was maintained throughout this period of time.

A public delegation was held during the July 7, 2022 Board of Directors meeting regarding this area and trail accessibility to McMaster University, highlighting a request to replace recently removed steps with a new staircase and bike runner. Staff were directed to review the request and return to the next Board of Directors meeting with an update. It was requested that the report back to the Board include confirmation that HCA owns the property, an estimated cost for a staircase, and information on the former steps and trail connection access. Staff were also directed to consult with the Ward Councillor during their review.

STAFF COMMENT

A review of HCA land acquisition files notes that this property was obtained by HCA from McMaster University in 1996. As noted in the background of this report, the steps were removed for safety reasons, following concerns brought forward by a local resident and staff assessments of their condition and construction.

The background of this report also outlines there is a second local pathway, not far from the location of the former steps, that also connects directly to the bridge and McMaster property.

The pathways within this area are currently not considered formal HCA trails and do not connect to any other HCA trail network. Staff were able to contact the retired Dundas Valley Superintendent from the time period when the lands were acquired by HCA who indicated that the steps and bridge were already in place and the pathways were established over time, by local area residents looking to gain access to this area of McMaster University and the area surrounding it. From multiple staff visits it is clear that the pathway provides and facilitates use by bicycle as the steps were not bike friendly.

Staff have assessed the second pathway and note that trail upgrades can be made to its width, slope and surface material to bring it in line with other standard HCA trail connections which will enhance and improve user experience year-round. This scope of work could be undertaken in house later this year in fall or winter.

Estimated costs for a new staircase would range significantly and are dependant on a number of different factors; including overall size and material selection. Assuming a new steel frame staircase with appropriate concrete footings was to be designed and constructed to current codes, including a bicycle runner as requested, HCA staff estimate this to fall somewhere between \$150,000 to \$200,000. These costs are not

currently budgeted for within HCA's Capital Projects accounts, they also do not factor in HCA staff time to facilitate and manage a project of this magnitude and would take considerable time for design, tender and installation.

On July 7, 2022 a site visit was held with the Ward Councillor and HCA staff. It was noted that public access to the bridge has not been eliminated due to the removal of the unsafe steps. Additionally, the surrounding streets adjacent to this access point are posted as No Parking areas, making the connection available for pedestrians and cyclists only. Ultimately there was support from the Councillor for enhanced access for the community via existing trail upgrades to make it more accessible for these users and this option provides the most immediate and economical way forward.

McMaster University staff currently working on their own Master Plans of the adjacent property, were also contacted during this review process. McMaster staff have confirmed that maintaining public trail access in this location will continue to be permitted moving forward.

Finally, it should be noted that all HCA trails, bridges and staircases, across the watershed do not receive winter maintenance of any kind. Trail users are notified of this via various means of communication including signage on site and the HCA website. There are numerous HCA trails with slopes greater than what is existing at the Grant Blvd. connection, that are travelled regularly by the public throughout all seasons. HCA trail users are advised to travel with seasonal conditions in mind at all times of the year, and to wearing appropriate attire, footwear and apparel as necessary.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Conservation Area Experience**
 - Initiatives – Maintaining passive and active recreational use such as trails, camping and swimming

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

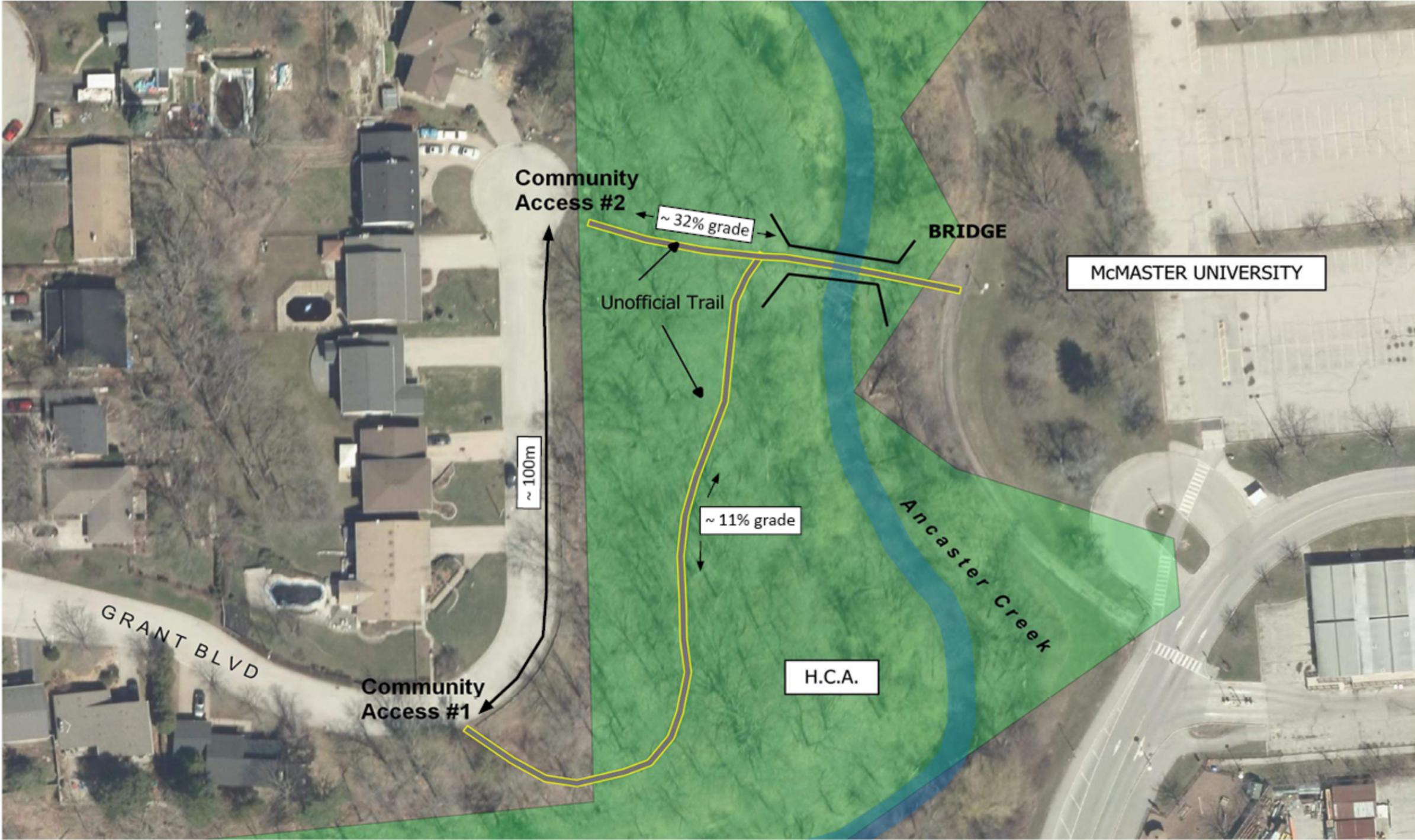
The anticipated cost to make the recommended trail improvements is expected to fall between \$10,000 to \$15,000, using HCA in-house staffing and resources. This work can be covered utilizing existing Capital funding within the General Trails Maintenance

account. There may also be an opportunity to engage the local community to contribute toward the trail enhancement project through the Hamilton Conservation Foundation.

CONCLUSIONS

HCA lands between University Gardens and McMaster University, that connects the two areas are used as a local community commuter trail and access point. HCA staff recommend making improvements to the existing pathway leading to the bridge, in order to bring it in line with other standard HCA trail connections this fall and winter as part of capital work plans to enhance the user experience.

BRIDGE ACROSS ANCASTER (COLDWATER) CREEK



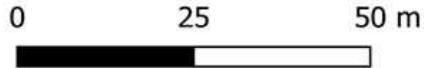
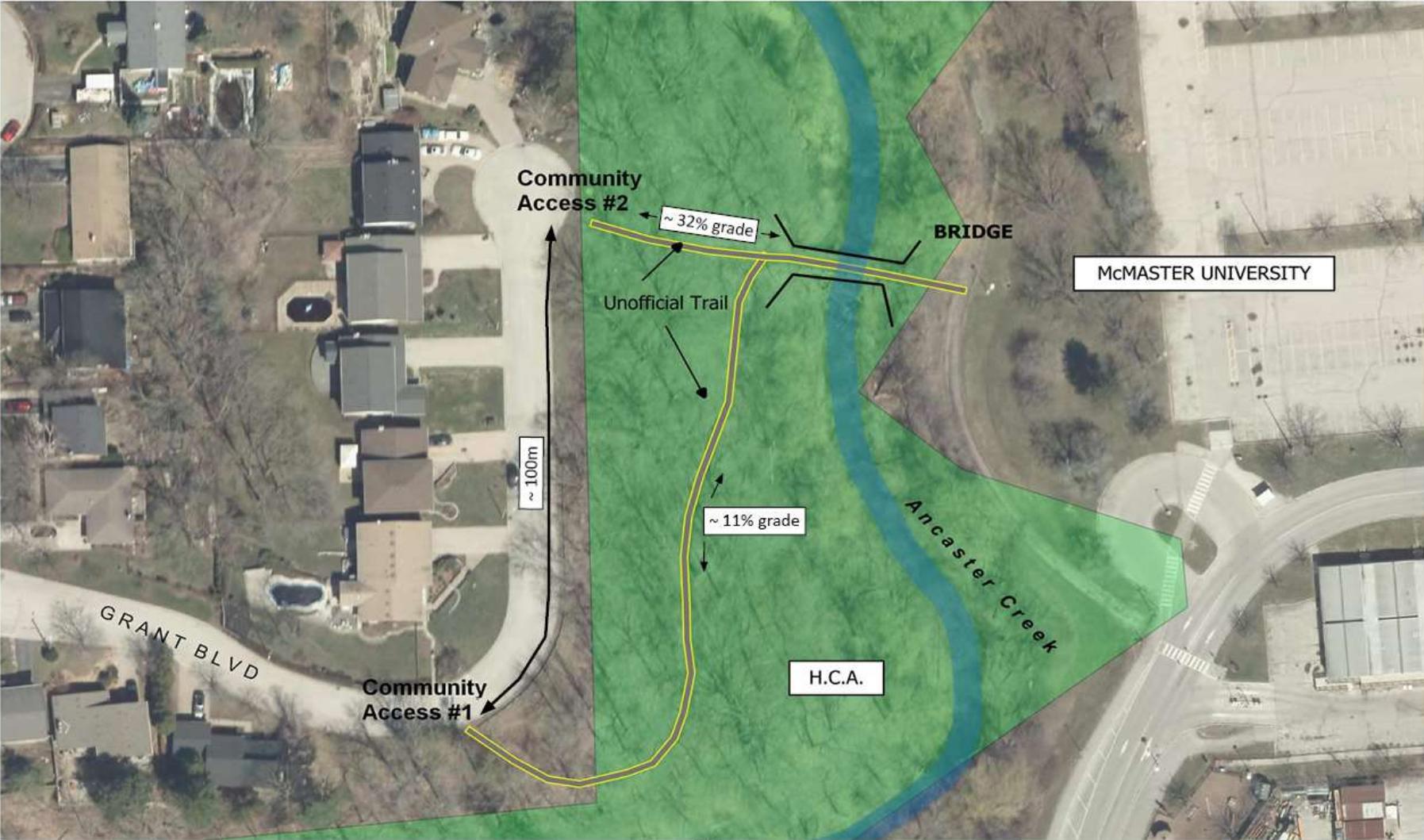
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GRANT BLVD TRAIL

Board of Directors Meeting – September 1, 2022



BRIDGE ACROSS ANCASTER (COLDWATER) CREEK



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Community Access #1 - Existing Trail



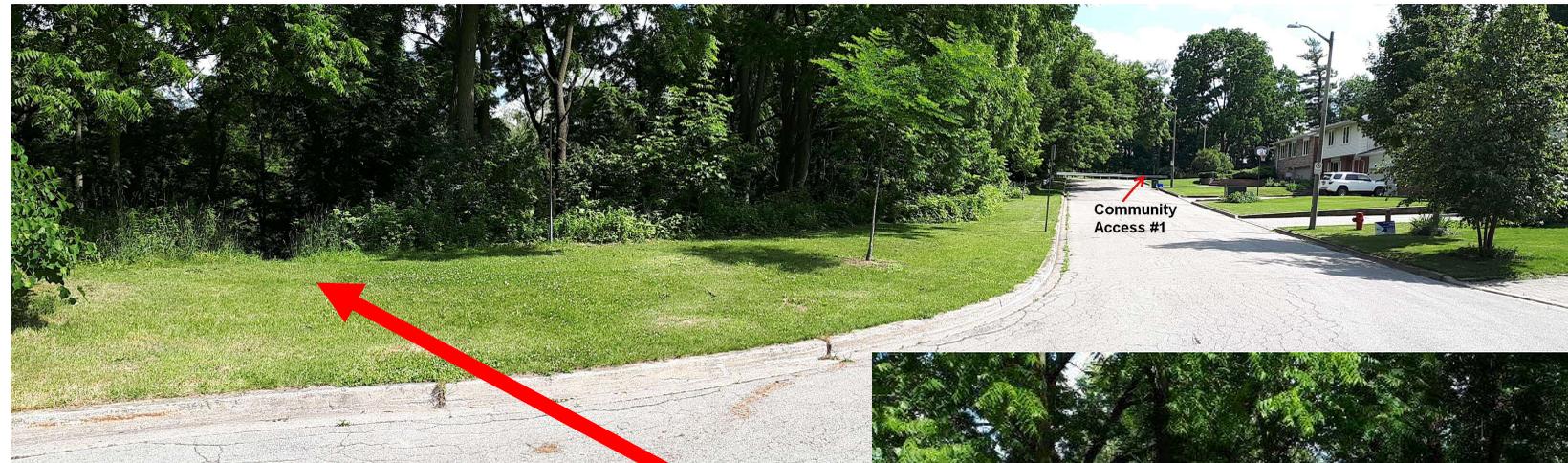
Existing Trail



Bridge – across Ancaster Creek



Community Access #2



Community Access #2 - Old Hazardous Steps



Community Access #2 - stairs removed





Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: August 18, 2022

RE: Application to renew governance exceptions granted by MECP

STAFF RECOMMENDATION

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.

BACKGROUND

In March of 2021, the HCA Board of Directors unanimously endorsed a motion that the Hamilton Conservation Authority apply 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 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

The resolution was passed unanimously and the minutes of the March 2021 board meeting noting a recorded vote were attached to the exception request, as well as the required template exception form. The one board member from the Township of Puslinch was unable to attend the March 2021 Board meeting. However, she sent email correspondence indicating her support for the Board motion, and this correspondence indicating her support was also attached to the exception request, along with the Board minutes.

HCA was granted an exception for these provisions by the Minister of the Environment, Conservation and Parks on June 3, 2021 that is valid until the end of 2022 (Application attached as Appendix A).

STAFF COMMENT

As the exceptions from MECP expire at the end of December 2022, HCA must reapply in order to continue operating our Annual General Meeting (AGM) by annual democratic election for the position of Chair and Vice Chair and to provide for term limits beyond two consecutive years to hold office.

The details in the *Conservation Authorities Act* are currently as follows:

Chair, vice-chair

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Term of chair, vice-chair

(1.1) A chair or vice-chair appointed under subsection (1) shall hold office for a term of one year and shall serve for no more than two consecutive terms. 2020, c. 36, Sched. 6, s. 4.

Representation from each municipality

(1.2) An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality. 2020, c. 36, Sched. 6, s. 4.

Exception

(1.3) Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,

(a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms; or

(b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair. 2020, c. 36, Sched. 6, s. 4.

Impact on HCA:

Section 17 (1.2) Rotation of Chair and Vice Chair amongst participating municipalities

- This requirement impacts democratic elections for the position of Chair and Vice Chair as HCA only has two participating municipalities and the second municipality only has one member
- Therefore, the member from the Township of Puslinch would be required to be in the position of Chair or Vice Chair for their entire period of appointment
- Implementation of this provision will be at the AGM in 2023 for HCA, unless an exception is granted
- A participating municipality or conservation authority may apply to the Minister of the Environment, Conservation and Parks requesting an exception to the rotation

Section 17 (1.1) Term limits for the Chair and Vice Chair

- This requirement sets a maximum term limit of two consecutive years for the Chair / Vice Chair to hold office, unless an exception is requested
- Implementation of this provision will be at the AGM in 2023, for HCA, unless an exception is granted
- A participating municipality or conservation authority may apply to the Minister of the Environment, Conservation and Parks requesting an exception to the term limits

Given that the current exceptions expire in four months, it is the recommendation of staff to reapply for the exceptions so that there is clarity around the proceedings of the 2023 AGM and our Administrative Bylaws can be updated accordingly.

STRATEGIC PLAN LINKAGE

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

- Strategic Priority Area – Organizational Excellence

AGENCY COMMENTS

HCA was granted its past exception requests from the Minister of MECP. The minister did provide the following in their explanation:

“I note that the intent of the changes made through Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, to section 17 of the Conservation Authorities Act were to encourage fuller representation and perspectives from participating municipalities in a conservation authority. I encourage the HRCA membership to take this into account when considering future appointments to the positions of chair and vice-chair. I would ask that you share this correspondence with all members of the HRCA, and please invite the Town of Puslinch to contact me in writing regarding the rotational requirements, should this be of concern.”

LEGAL/FINANCIAL IMPLICATIONS

Not applicable

CONCLUSIONS

Staff have provided an overview and analysis of the specific provisions in the *Conservation Authorities Act* that were proclaimed February 2, 2021 with associated recommendations for exceptions through the Minister that were successfully applied for in 2021 and which are only valid until the end of 2022. Due to the pending expiration of the initial granted exception, staff recommend reapplying to establish clarity for the upcoming 2023 AGM proceedings and our Administrative Bylaws can be updated accordingly.



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

Via Email (minister.mecp@ontario.ca)

March 9, 2021

Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks
Ministry of the Environment, Conservation and Parks
5th Floor
777 Bay St.
Toronto, ON M7A 2J3

Dear Minister Yurek,

Re: Application for Minister's Exceptions (Chair and Vice-Chair Provisions)

We are writing to you as the Chair of the Board of Directors and Chief Administrative Officer of the Hamilton Conservation Authority (HCA) to make application for Minister's exception requests for the subsections in the Conservation Authorities Act (CAA) in regard to the Chair and Vice-Chair Provisions for both subsection 17 (1.3) (a) as well as subsection 17 (1.3) (b). These sections relate to the terms for these positions as well as the rotation amongst participating municipalities.

At the HCA Board meeting held on Thursday March 4, 2021 the following resolution was passed unanimously:

BD12, 2857

WHEREAS some specific provisions in the Conservation Authorities Act were recently proclaimed to initiate changes to conservation authority governance; and

WHEREAS the June 3, 2021, HCA Annual General Meeting is affected by the changes as it relates to the rotation of the Chair and Vice Chair positions amongst participating municipalities unless the Authority applies to the Minister of the Environment, Conservation and Parks requesting an exception and

WHEREAS the June 3, 2021, HCA Annual General Meeting is also impacted by term limits for the positions of Chair and Vice Chair unless the Authority applies

to the Minister of the Environment, Conservation and Parks requesting an exception; and

WHEREAS the future citizen appointments to the HCA Board of Directors would be impacted by the requirement to have 70% of board members to be elected officials unless HCA's participating municipalities, the City of Hamilton and Township of Puslinch, apply to the Minister of the Environment, Conservation and Parks requesting an exception;

THEREFORE, BE IT RESOLVED

THAT the Board of Directors approve the following:

- 1. THAT the Hamilton Conservation Authority apply 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 given HCA's unique board composition with only two participating municipalities and just one member from the second participating municipality; and further**
- 2. THAT the rotation be based on annual democratic election by board members who wish to stand for these positions and further;**
- 3. 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 to align with the appointment terms from the participating municipalities and further;**
- 4. THAT the maximum four consecutive terms be based on annual democratic election by board members who wish to stand for these positions and further;**
- 5. THAT the Board endorse the current complement of five elected officials and five citizen appointments from the City of Hamilton and the option of the Township of Puslinch to appoint either a citizen or elected official and further;**
- 6. THAT HCA request the City of Hamilton and Township of Puslinch make application to the Minister of the Environment, Conservation and Parks to request exceptions to maintain the current complement of citizen appointments on the HCA Board.**

This resolution was passed unanimously and the minutes of the board meeting noting a recorded vote are attached as well as the required template exception form. Our one board member from the Township of Puslinch was unfortunately unable to attend the meeting due to a family medical emergency the evening of our Board meeting, however,

she has submitted the attached correspondence indicating her support for the board motion.

On behalf of the HCA Board of Directors, we appreciate you taking the time to consider our requests and we look forward to your review and response.

Sincerely,



Councillor Lloyd Ferguson
Chair, Hamilton Conservation Authority



Lisa Burnside
CAO, Hamilton Conservation Authority

Cc:
City of Hamilton Mayor and Council
Township of Puslinch Mayor and Council
Ted Arnott, MPP Wellington – Halton Hills
Donna Skelly, MPP Flamborough – Glanbrook

**Template: Subsection 17(1.3) of the *Conservation Authorities Act (CAA)*
Application for Minister’s Exception (Chair and Vice-Chair Provisions)**

Please complete the following table and submit to the Minister at minister.mecp@ontario.ca, along with:

- a covering letter, and
- clear statement of the request from the authority membership through a resolution of the authority or from the council of the participating municipality through a council resolution (as applicable)
- meeting minutes and details of a recorded vote on that resolution.

Item	Details from Applicant
Name of participating municipality or conservation authority submitting application	Hamilton Conservation Authority (HCA)
Composition of Authority:	
Total number of the authority membership	11
Number of participating municipalities in the authority	2
For each participating municipality, the number of appointed municipal council members and non-municipal council members	The City of Hamilton has 10 members comprised of 5 appointed municipal councillors and 5 appointed non-municipal council members (citizen appointments). The Township of Puslinch as 1 appointment which has varied between a municipal councillor or a non-municipal member (citizen appointment).
Proposal details:	
Statement of the request for an exception (e.g. seeking an exception under clause 17(1.3) (a), 17(1.3) (b) of the CAA or both etc.). (see Appendix for these legislative provisions)	Exceptions are requested for both 17(1.3) (a) and 17(1.3) (b).
Which participating municipality(ies) does the candidate for chair and/or vice-chair represent(s).	The City of Hamilton is currently represented in both the position of Chair and Vice-Chair.
Whether the candidates for chair and/or vice-chair are members of municipal council or non-elected municipal appointees.	The position of Chair is held by a member of council from the City of Hamilton. The position of Vice-Chair is held by a non-elected municipal member (citizen appointment).
Service time to date of the chair and/or vice-chair incumbents in the role whose terms are proposed to be extended.	The Chair has served since June 2019. The Vice-Chair has served since June 2019.

Item	Details from Applicant
<p>Detailed rationale, including local circumstances, for the Minister to consider as to why an exception is needed.</p>	<p>As result of amalgamation when the five lower tier municipalities ceased to exist as of January 1, 2001, HCA was left with just one participating municipality other than the City of Hamilton, that being the Township of Puslinch. The Township of Puslinch only has one representative. Given this circumstance, and that the current Chair and Vice-Chair are both from the City of Hamilton, it is not possible to comply with Section 17 (1.2). This section would require the one member from Puslinch to occupy both the outgoing Chair and Vice-Chair positions to comply with rotation provisions. Additionally, given that there is only one member from a second participating municipality, this representative would be required to be in the position of Chair or Vice-Chair for their entire term of appointment whether or not they had the desire, experience or confidence to be in such a position. A further local circumstance is that the levy apportionment between the City of Hamilton and Township of Puslinch is dramatically different with the City of Hamilton contributing 99.3% of levy and the Township of Puslinch contributing the balance of 0.7% of levy. The local practice of annual democratic election has worked well for HCA since amalgamation in 2001 with the Township of Puslinch board member being democratically elected, holding the position of Vice-Chair from 2004 to 2011 and again in 2018 until May 2019.</p> <p>Given the foregoing rationale and local circumstances, the Hamilton Conservation Authority proposes the following exceptions that were unanimously endorsed through Board resolution:</p> <ol style="list-style-type: none"> 1) THAT the Hamilton Conservation Authority apply 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 given HCA's unique board composition with only two participating municipalities and just one

Item	Details from Applicant
	<p>member from the second participating municipality; and further</p> <p>2) THAT the rotation be based on annual democratic election by board members who wish to stand for these positions and further;</p> <p>3) 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 to align with the appointment terms from the participating municipalities and further;</p> <p>4) THAT the maximum four consecutive terms be based on annual democratic election by board members who wish to stand for these positions</p>

Appendix: Relevant wording in the *Conservation Authorities Act*

Chair, vice-chair

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Term of chair, vice-chair

(1.1) A chair or vice-chair appointed under subsection (1) shall hold office for a term of one year and shall serve for no more than two consecutive terms. 2020, c. 36, Sched. 6, s. 4.

Representation from each municipality

(1.2) An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality. 2020, c. 36, Sched. 6, s. 4.

Exception

(1.3) Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,

- (a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms; or
- (b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair. 2020, c. 36, Sched. 6, s. 4.

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – February 4, 2021
- 5.3. Approved October 10, 2020 Conservation Advisory Board Minutes – for receipt only
- 5.4. Email from MECP re Proclamation of Provisions of the Conservation Authorities Act, February 5, 2021
- 5.5. News Release ‘Ontario Takes Steps to Grow the Greenbelt’, Ministry of Municipal Affairs and Housing, February 21, 2021

Brad Clark requested item 5.5 be brought out of the consent agenda to ask questions of staff. Brad asked Scott Peck if there is any opportunity to include the Saltfleet Conservation Area in the expansion of the Greenbelt Plan area.

Scott advised that the Saltfleet Conservation Area and other lands to the east of Centennial Parkway are largely already included in the Greenbelt Plan area. The direction of the proposal from the province is primarily to add urban river valleys, to connect them to the existing Greenbelt Plan Area. With respect to the Saltfleet Conservation Area, staff would be supportive of the Stoney and Battlefield Creeks systems being included in the Greenbelt Plan.

Brad further inquired about the process for submitting this request. Scott noted the discussion paper is high level at this time and does not include details of the process. He added that he understands City of Hamilton staff will be bringing a report on the proposed expansion to City Council in the coming weeks. HCA staff will bring a report to the Board of Directors in April regarding the proposed expansion as it relates to HCA lands and will include these connections to the Saltfleet Conservation Area in the report.

Brad also inquired about the potential to include the Eramosa Karst feeder lands in this expansion to preserve the lands in perpetuity. Scott indicated that these lands could also be included in the forthcoming staff report.

6. Member Briefing

There was none.

7. Business Arising from the Minutes

7.1. Proclamation of Governance Provisions of the Conservation Authorities Act

Lisa Burnside gave a presentation summarizing the report and answered the members' questions related to exception application requirements for a board resolution, recorded vote, meeting minutes and the timeframe the Ministry staff are striving to respond to for all exception requests. It was also noted that it is not possible for HCA to follow the provision for the rotation amongst participating municipalities for the position of Chair and Vice-Chair with only one member from a second participating municipality to succeed the two City of Hamilton members. Lisa further added that all 36 Conservation Authorities have different board memberships and composition and the province has provided the exception process to consider local circumstances.

The members expressed their strong support for the staff recommendations and made note of how citizen representatives on the Board have made valuable contributions. All six recommendations reinforce our current process which operates effectively.

BD12, 2857

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

WHEREAS some specific provisions in the Conservation Authorities Act were recently proclaimed to initiate changes to conservation authority governance; and

WHEREAS the June 3, 2021, HCA Annual General Meeting is affected by the changes as it relates to the rotation of the Chair and Vice Chair positions amongst participating municipalities unless the Authority applies to the Minister of the Environment, Conservation and Parks requesting an exception and

WHEREAS the June 3, 2021, HCA Annual General Meeting is also impacted by term limits for the positions

of Chair and Vice Chair unless the Authority applies to the Minister of the Environment, Conservation and Parks requesting an exception; and

WHEREAS the future citizen appointments to the HCA Board of Directors would be impacted by the requirement to have 70% of board members to be elected officials unless HCA's participating municipalities, the City of Hamilton and Township of Puslinch, apply to the Minister of the Environment, Conservation and Parks requesting an exception;

THEREFORE, BE IT RESOLVED

THAT the Board of Directors approve the following:

- 1. THAT the Hamilton Conservation Authority apply 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 given HCA's unique board composition with only two participating municipalities and just one member from the second participating municipality; and further**
- 2. THAT the rotation be based on annual democratic election by board members who wish to stand for these positions and further;**
- 3. 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 to align with the appointment terms from the participating municipalities and further;**
- 4. THAT the maximum four consecutive terms be based on annual democratic election by board members who wish to stand for these positions and further;**
- 5. THAT the Board endorse the current complement of five elected officials and five citizen appointments from the City of Hamilton and the**

option of the Township of Puslinch to appoint either a citizen or elected official and further;

6. THAT HCA request the City of Hamilton and Township of Puslinch make application to the Minister of the Environment, Conservation and Parks to request exceptions to maintain the current complement of citizen appointments on the HCA Board.

RECORDED VOTE:

For:	Dan Bowman Brad Clark Jim Cimba Chad Collins Lloyd Ferguson Tom Jackson Cynthia Janzen Santina Moccio Maria Topalovic	Opposed: None
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CARRIED

7.2. Mandatory Permit Insurance Indemnification – Verbal Update

Neil McDougall advised the Board that he contacted the General Manager of Conservation Ontario to obtain any status updates on indemnity from the Province when conservation authorities are required to issue permits without staff and Board approval. Conservation Ontario advised that a request was submitted to the Province and a response has not yet been received. Conservation Ontario has submitted a request for a save harmless statement from the Province on behalf of all Conservation Authorities.

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

8.1. Conservation Advisory Board – February 11, 2021
(Recommendations)

8.1.1. CA 2103 2021 Reservation Service –
Spencer Gorge Conservation Area

Gord Costie provided a summary of the report, highlighting the success of the pilot project in managing visitation and traffic in the vicinity of the conservation area. Gord noted there was good discussion at the Conservation Advisory Board meeting about the reservation system.

BD12, 2858

**MOVED BY: Maria Topalovic
SECONDED BY: Dan Bowman**

THAT the Conservation Advisory Board recommends to the Board of Directors THAT:

WHEREAS the COVID-19 pandemic continues to drive and reshape HCA Conservation Area operations, visitor attendance levels, and visitor management strategies;

WHEREAS the former Shuttle Bus service based out of Christie Lake was effectively removed as a visitor management measure for the Spencer Gorge Conservation Area due to the COVID-19 pandemic measures and operational challenges;

WHEREAS the pilot 2020 reservation system for Dundas Peak, Tew Falls, and Webster Falls operations for the fall colour season, was highly successful in controlling and regulating the number of visitors, reducing vehicle traffic and congestion within the nearby community;

WHEREAS staff were directed to evaluate the effectiveness of the pilot reservation system and report back regarding its ongoing potential during the regular operation system in 2021;

**THEREFORE, be it resolved
THAT staff be directed to implement the following recommendations outlined in the report titled “2021 Reservation Service – Spencer Gorge Conservation Area”;**

Recommendation #1 - THAT the reservation system continue as an extension of the 2020 fall pilot program during the main operating season allowing staff the opportunity to further evaluate the effectiveness of a longer reservation service period; and further

Recommendation #2 – THAT the 2021 reservation system for Spencer Gorge Conservation Area continue to

- The remaining \$680 was donated to Tree and Shrub Planting, Environmental Education and Land Securement

This brings our fiscal year-to-date (Dec 2020 to Feb 2021) fundraising total to **\$66,343**

Margaret thanked Cynthia Janzen for her advice on marketing and outreach. The Foundation Board of Directors is currently developing a communications plan.

BD12, 2860

**MOVED BY: Santina Moccio
SECONDED BY: Maria Topalovic**

THAT the Foundation Chairman's Report be received as information.

CARRIED

9. Other Staff Reports/Memoranda

9.1. Permit Timelines – Conservation Ontario Client Service Initiative

Mike Stone presented a summary of the memorandum and answered the members' questions.

Brad Clark inquired about ramifications for not meeting the prescribed timeframes, given the complexity of some large applications. Mike Stone commented that the standards are intended as best practices rather than prescribed in legislation. He added that staff are committed to providing the best service possible.

BD12, 2861

**MOVED BY: Cynthia Janzen
SECONDED BY: Dan Bowman**

THAT the memorandum entitled Annual Reporting on CA Permit Review Timelines – January 1, 2020 to December 31, 2020 be received as information.

CARRIED

9.2. Tender for Lawn Mower Equipment

Neil McDougall presented a summary of the report, highlighting that the units have been tested by staff and are replacing existing older units. He further noted that the staff recommendation is to award the contract to the lowest bidder.

BD12, 2862**MOVED BY: Chad Collins
SECONDED BY: Santina Moccio****THAT the Board of Directors award the purchase of nine (9) Zero Turn lawn mowers to Galer Farm Equipment LTD for the amount totaling \$124,845.12 (includes applicable taxes).****CARRIED****9.3. Watershed Conditions Report**

Scott Peck presented a summary of the memorandum, stating that current water levels in some of our major watercourses are well below the long-term averages, consistent with a level 2 low water condition. This is unusual for this time of year. Staff will continue to monitor the watercourses according to our low water protocols.

Scott also noted the Lake Ontario water levels are 9 cm below average for this time of year and 74 cm below the highest level ever recorded for this time of year.

The Chair inquired about issues with flooding associated with snow melt. Scott responded that there are no specific concerns with snow melt flooding at this time.

BD12, 2863**MOVED BY: Santina Moccio
SECONDED BY: Maria Topalovic****THAT the memorandum entitled Watershed Conditions Report be received as information.****CARRIED****9.4. Conservation Areas Experiences Update**

Gord Costie provided a verbal update advising that the Westfield Heritage Village Maple Syrup Festival and Spring Christie Lake Antique and Vintage Show are both cancelled due to the pandemic.

Gord further shared that high visitation to the Conservation Areas continues. Staff have responded with early staffing of gate houses and maintenance to meet the visitation demands. The larger areas are holding well as they have substantial parking and acreage. However, the smaller parkette conservations areas, such as Tiffany Falls, Artaban Road, the Hermitage, Webster Falls, Tew Falls, and Devil's Punchbowl are overwhelmed at times. In response, staff have deployed weekend private security, road way pylons and barricades have been installed, and social

media updates are sent out. Staff are also reviewing other visitor management measures and will be brought to the City Waterfalls Working Group.

Lloyd Ferguson added that he will be bringing a motion to an upcoming City of Hamilton General Issues Committee for Tiffany Falls to be designated as a Special Enforcement Area as well as working with City by-law enforcement staff to manage the parking issues.

Lloyd also inquired about the status of the road right of way used by visitors last summer to access the beach at Fifty Point. Lisa Burnside responded that staff continue to work with the Town of Grimsby staff and review our files to confirm property boundaries.

Chad Collins requested safety signage and social media messaging be deployed to discourage visitors from going out on the Lake Ontario ice mounds at Confederation Beach Park. Gord responded that staff will follow up on this request.

BD12, 2864

**MOVED BY: Dan Bowman
SECONDED BY: Maria Topalovic**

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

CARRIED

10. New Business

There was none.

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

BD12, 2865

**MOVED BY: Santina Moccio
SECONDED BY: Maria Topalovic**

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

CARRIED

Brad Clark left the meeting.

During the *in camera* session, one personnel matter was discussed.

11.1. Confidential Report – BD/Mar 01-2021

Lisa Burnside and Neil McDougall provided a joint summary of the memorandum and answered the members' questions.

BD12, 2866

**MOVED BY: Chad Collins
SECONDED BY: Tom Jackson**

THAT the confidential memorandum entitled BD/Mar 01-2021 be received and remain in camera.

CARRIED

BD12, 2867

**MOVED BY: Jim Cimba
SECONDED BY: Santina Moccio**

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

CARRIED

12. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, April 1, 2021 at 7:00 p.m.

13. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

From: [Susan Fielding](#)
To: [Lisa Burnside](#); [Jaime Tellier](#); lloyd.ferguson@hamilton.ca
Subject: Proclamation of Governance Provisions of the Conservation Authorities
Date: March 8, 2021 4:01:29 PM
Importance: High

Attn: Lisa Burnside, CAO, Hamilton Conservation Authority
Councillor Lloyd Ferguson, Chair, Hamilton Conservation Authority

Dear Lisa and Lloyd:

Due to a family medical issue, I was unable to attend the Thursday March 4 2021 meeting of the Hamilton Conservation Board of Directors Meeting.

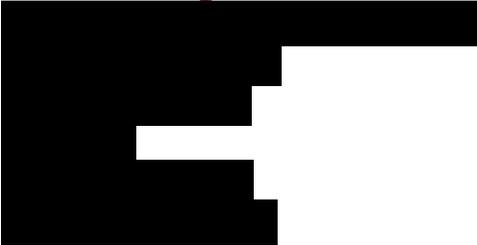
As the sole Hamilton Conservation Authority member representing the Municipality of Puslinch on the Board, I am writing to give my support to Report 7.1 on the March 4 Agenda re: Proclamation of Governance Provisions of the Conservations Authorities Act and concur with staff recommendations 1, 2, 3, 4, 5, 6.

I would request the correspondence that is being forwarded to MECP in this regard also be copied to the Township of Puslinch, Wellington-Halton Hills MPP Ted Arnott and myself.

Susan

--

Susan Fielding



Report



TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED AND PREPARED BY: Neil McDougall, Director of Finance & CSS
Gord Costie, Director, Conservation Areas Services
Bruce Harschnitz, Manager, Conservation Area Services
T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Management Services

MEETING DATE: August 18, 2022

RE: HCA 2023 Fee Schedule

STAFF RECOMMENDATION

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.

BACKGROUND

The Hamilton Conservation Authority (HCA) administers a fee schedule for a wide variety of services offered through its many program areas and Conservation Area locations. The Fee Schedule has been reviewed and updated with input from staff from Conservation Area Services (CAS), Watershed Management Services (WMS), and the HCA Executive Team.

Important considerations for the 2023 Fee Schedule include the general inflationary increases on HCA's cost structure and the recognition that we continue to expand value added offerings and experiences for our conservation area visitors. Additionally, in the WMS division, staff have completed the appropriate consultation as recommended as part of the comprehensive fee review and provide a phased increase plan to reach Board approved cost recovery targets.

New this year, as required by recent changes to the *Conservation Authorities Act*, HCA must formally adopt a written policy with respect to the fees that it charges for the programs and services it provides. That proposed policy appears as part of the Fee Schedule document.

STAFF COMMENT

Fee Policy

Earlier this year, on April 22, 2022 the Province released Phase 2 levy and budget regulations. An aspect of these new regulations related specifically to the fee policy and fee schedule requirements for conservation authorities. While HCA already had in place a comprehensive fee schedule that set out the list of all the programs and services that it provides and in respect of which it charges a fee, HCA did not have an overarching fee policy to accompany the fee schedule. Section 21.2(7) of the *Conservation Authorities Act* notes that every authority shall adopt a written policy with respect to the fees that it charges which will include the fee schedules, the frequency of review, the process for carrying out a review, and the circumstances in which a person may request that the Authority reconsider a fee. Additionally, the act requires the policy and fees to be made public, include notice of fee changes and outlines the power of an authority on reconsideration of fees. Accordingly, staff have drafted the attached fee policy to be included as part the HCA fee schedule in Appendix A so that HCA is in compliance when this amendment comes into force on January 1, 2023.

Fee Schedules

The CAS 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 such as the new trail app at the Eramosa Karst and virtual experiences at Westfield, new trail mapping standards, improved roadways and bridges, the new wetlands, natural areas and passive trail network at Saltfleet, etc. As a result, staff are recommending these modest changes to 2023 conservation area fees. As always, these adjustments are made with an eye to what neighbouring conservation authorities offer for similar value and while keeping prices as affordable as is fiscally responsible.

In the WMS division, the last substantive examination of plan review and permit fees was made in 2011, following a staff level comprehensive fee review and stakeholder consultation process. Since that time, increases to fees have occurred – generally based on inflation, cost of living allowances (COLA), and minor updates to fee category structure.

HCA undertook a comprehensive fee review in 2020 for the HCA’s municipal plan review and permitting programs to form the basis for updates to the 2023 user fees. Watson and Associates Economists Inc. was contracted to conduct this independent review. An extensive analysis was undertaken to determine how close current fees were in relation to the Board approved cost recovery targets of 80% for permit applications and 100% for planning applications. Following this process and consultation in 2022 with stakeholders to review the newly proposed fees, staff are recommending that the suggested fees from the completed Watson Report be implemented. While the percent increase change is significant in some cases, the recommended fees are still comparable to our neighbouring conservation authorities and our ranking relative to municipal fees remains unchanged. Additionally, staff recommend that a ‘phase in’ for fee increases be utilized so that the impact of the recommended fees are not felt all at once. The recommended fees are proposed to be put in place over a two year period with half of the increase implemented for 2023, and the remaining increase in place for 2024. As HCA begins planning for the 2023 operating budget, new planning and legislative requirements related to Bill 109 with tighter timelines for processing, along with targets from our own customer service delivery standards will drive the need for additional staff.

Highlights 2023 Fee Schedule

Conservation Area Services Division:

Daily Admission Fees to Conservation Areas

- Modest increase of 44 cents to entrance fee at major conservation areas based on per vehicle and driver rate and pay and display/auto gate systems identified in the fee guide
 - This increase recognizes enhancements in maintenance, mapping and apps beginning with the Eramosa Karst
- The Pay and Display/Auto Gate system continued to be installed across the watershed in 2022 with upgrades to many units which will continue in 2023
 - This furthers our goal of fairness for all users and moves us closer to the goal of providing access to multiple locations with a one day pass
- The HCA Membership Pass will increase by \$5 for 2023 recognizing that the price of \$115 has been held since 2020. It is priced very competitively compared to many other Conservation Authorities making it a great value. For example, Halton CA is priced at \$150, Credit Valley is priced at \$135, Grand River is priced at \$128, and Niagara is priced at \$106

- In 2022, HCA partnered with our local library systems within our watershed (Hamilton, Grimsby, and Wellington) to provide passes that can be signed out, similar to library books
- this program has become quite popular with the Hamilton Public Library (HPL) System and as such, HPL has requested HCA supply more passes than our original contract. Currently, HCA has supplied 44 (2 per branch) and staff recommendation supports the HPL request to provide an extra 50% (22) passes

Fifty Point Marina and Conservation Area

- Various minor fee increases have been incorporated for seasonal camping, boat launch ramp, trailer storage and mooring

Valens Lake Conservation Area

- Increase to monthly RV/Trailer Storage

Westfield Heritage Village Conservation Area

- Increase for wedding room and building reservations

School Groups

- Spectator vehicle fee of \$5 has been removed to ease parent / guardian arrival

Watershed Management Services Division:

HCA provides plan review and technical services to our member municipalities and landowners throughout our watersheds. Additionally, the HCA regulates the following pursuant to the Hamilton Conservation Authority's *Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*:

- all development in or adjacent to river or stream valleys, wetlands, shorelines, or hazardous lands;
- alterations to a river, creek, stream, or watercourse; and
- interference with wetlands.

The HCA has established Board of Director approved policies in place that set an expectation of 100% cost recovery for planning application review and 80% cost recovery for permit application review. This was approved as HCA policy by the Board of Directors in 2011. In this regard, in 2020, the HCA engaged the services of Watson & Associates Economists Ltd. to assess the full cost of providing these services and the sufficiency of current HCA fees in achieving the established cost recovery policies. The study was completed at the end of 2020 with recommended fee increases, however, given the uncertainty of the COVID pandemic over the past two years and desire to undertake consultation, only cost of living increases were put in place for 2021 and 2022.

Through past staff information sharing to the Budget and Administration Committee regarding this issue, we advised that staff would contact our member municipality's and stakeholders regarding the proposed fee increases and our phased approach to implementation. In this regard, the City of Hamilton, Township of Puslinch, and the West End Homebuilder's Association were provided the proposed fees for 2023 and 2024 with the phased implementation. Neighbouring conservation authorities were also sent a consultation package. Additionally, the proposed watershed management fees were posted on our HCA website engagement platform for public comment. Through this process, there were no concerns or objections raised regarding the proposed fee increases and the phased approach for implementation in 2023 and 2024.

The proposed 2023 fee schedule implements the recommendations of the 2020 Watson & Associates report with a phased approach and includes 50% of the increase over the 2020 fee. The 2024 fee schedule will implement the full recommended fee increase to reach the Board's directed goal of 100% for Planning and 80% for Regulation cost recovery.

The proposed fee structure was developed with regard to cost and revenue impacts and also applicant benefit and affordability. Further, the fee structure seeks to ensure compliance with Provincial direction regarding collection of fees and cost recovery. The proposed fees are anticipated to increase overall planning cost recovery performance from 58% to 99% cost recovery levels. Fees for Minor Variance applications have been set below full cost recovery in line with municipal fees and other CA fees, resulting in less than full cost recovery for minor variances. On average, across all application types, fees have increased approximately 70%. The most notable change for planning applications is that clearance fees have been removed, an hourly rate for resubmissions fees has been replaced with a one time 15% surcharge, and a reduction in aggregate extraction applications has been implemented. Also, a permit application review fee for Niagara Escarpment Plan Development Permits has been implemented where previously no review fee was in place.

On the Permit side, the fee structure has largely been maintained with the most significant fee increases for Basic Minor Development Permits and Minor and Intermediate Interference with Wetlands, Alterations to Watercourses and Shorelines. For Minor and Major Development Permits, the hourly fee for service over 10 hours has been removed to be consistent with the average cost approach utilized in setting fees and to remove the administrative burden in imposing this fee.

Implementation of the staff recommended fee schedules and policies for plan review and permit services for 2023 through 2024 will provide sufficient cost recovery support to plan review and permitting services, assist in staff retention, and facilitate HCA working to meet customer service delivery standards as endorsed by the Board of Directors in 2019.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Continue to pursue new funding relationships and opportunities
- **Strategic Priority Area – Conservation Area Experience**
 - Initiatives – Identify and act upon revenue generation/cost reduction and investment in visitor services opportunities in our conservation areas

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

This Fee policy and schedule have been prepared to satisfy the requirement regarding the charging of fees for a program or service and to document the principles and practices regarding fees charged under Section 21.2 of the *Conservation Authorities Act*.

The attached Fee Schedules are based on the user-pay principle. The fees and revenues generated are designed to assist with recovering the costs associated with administering and delivering the services on a program basis.

For the CAS division, the proposed fee increases for 2023 listed in this report, are sufficient to cover off inflation and increases to minimum wage, recognizing that revenues will be reliant on the continued levels of attendance. Conservation area revenue supports the operations, maintenance of our parks to provide high quality, diverse conservation areas that promote outdoor recreation, health and well-being, and strengthen public awareness of the value of being in our conservation areas.

For the WMS division, the fee increases detailed in this report meet the Board approval cost recovery targets in a phased approach. The permit fee structure has largely been maintained with the most significant fee increases for Basic Minor Development Permits and Minor and Intermediate Interference with Wetlands, Alterations to Watercourses and Shorelines.

CONCLUSION

The inclusion of the fee policy with the fee schedule ensures HCA is in compliance with the changes to the *Conservation Authorities Act* with the Phase 2 regulations released

earlier this year. The revenues obtained from the customers and permit holders of the Conservation Areas for our services are important to the sustainability of the HCA. Staff support the above fee recommendations for 2023 to remain competitive, viable, and attractive in the marketplace.

Appendix A

FEE POLICY

Basis

This Fee Policy has been prepared as required under Section 21.2 of the *Conservation Authorities Act*.

The amount of a fee charged by an authority for a program or service it provides shall be:

- a) the amount prescribed by the regulations; or
- b) if no amount is prescribed, the amount determined by the authority.

The attached Fee Schedules are based on the user-pay principle.

Process

When developing and establishing fees, the Authority considers several factors including cost recovery for certain services, the fees of neighbouring Conservation Authorities, the nature and level of fees charged by local municipalities for related services and in some cases, the value of similar services provided by local agencies or the private sector.

Fees account for estimated staff time, travel, equipment, and material costs plus a reasonable charge to cover the administration of the program, including an allocation for shared corporate support. HCA staff may consider other issues and data where and when relevant to revise the fee schedule including analysis of trends, workload changes, shifts in the development market and types of applications, consultation with developers/municipalities regarding plan review and permit programs, new planning/legislative requirements and service targets, comments and feedback from conservation area users, etc.

The Fee Policy has been approved by the Board of Directors and is administered and applied by HCA staff. The Chief Administrative Officer (CAO) may, only under extreme extenuating circumstances, waive or reduce fees.

When updating existing fee schedules or establishing new fees the policy direction will be:

- a. fees need to be set with regard to legislative requirements, and be based on a user-pay philosophy
- b. fee increases should include an inflationary component

- c. fees for service should not exceed the fully burdened costs of delivering the services
- d. refunds of fees may carry an administrative cost/penalty
- e. fee schedules are to be reviewed annually
- f. fee schedules will be approved on an annual basis for use in developing the budget for the following year

Exemptions

The Authority may waive fees for non-profit conservation groups contributing to the protection and restoration of the natural environment as approved by the CAO on a case-by-case basis. Examples include but are not limited to: Ducks Unlimited, Nature Conservancy of Canada, Bruce Trail Conservancy, Royal Botanical Gardens and various "Friends of" groups. Projects carried out by HCA or under the supervision of HCA are also exempt.

To be consistent with Accessibility Standards for Customer Service Regulation (o.Reg.429/07) and the Human Rights Code, the Conservation Areas permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties, free of charge.

Reconsideration of Fees

As noted in Section 21.2(11) of the *Conservation Authorities Act*, "any person who considered that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged."

Request for an administrative review must be in writing to the CAO or designate and specify the reason(s) for the request for review. As per Section 21.2(12) of the *Conservation Authorities Act*, upon reconsideration of a fee that was charged by the Authority, the Authority may,

- a) order the person pay the fee in the amount originally charged;
- b) vary the amount of the fee originally charged, as the Authority considers appropriate; or
- c) order that no fee be charged for the program or service

The Authority will make its decision within 30 days after receiving the request. If not satisfied with the outcome of the review by the CAO, then an appeal will be referred to the HCA Board of Directors. Appeals will be dismissed or upheld through a resolution

by the Board of Directors. The appellant will then be notified in writing of the Board's decision.

For the process of reconsideration of fees related to an application for a permit, please refer to the *Conservation Authorities Act* Section 21.2 (13-21). Note, this section is still to be proclaimed by the Lieutenant Governor.

Policy Review and Public Notification

This fee policy and schedules will be reviewed annually by the HCA Executive Management Team, in conjunction with the annual budgeting process. The Executive Team will seek information regarding fees, from various sources as identified in this policy; prepare proposed revised fee schedules with a report to the Budget & Administration Committee for their review and recommendation to the Board of Directors for their final receipt and approval.

The public is notified of any proposed increases or revision to the Fee Policy or Schedule by way of public agenda posting of the Budget & Administration committee on the HCA website noting an agenda item that the fee policy and schedule will be reviewed on an identified date that will then also flow through to the Board of Directors at their next meeting. Both meetings are open to the public where correspondence or delegations may be received. Once approved, the revised HCA Fee Policy and Fee Schedules will be posted on HCA's website.

Hamilton Conservation Authority

2023 Draft Fee Schedule



A Healthy Watershed for Everyone

Hamilton Conservation Authority

Definitions and Clarifications

Senior

Individuals 65 years and up. Proof can be shown by drivers license, health card or seniors card.

Disabled

Individuals with a disability as defined by the Ontario Human Rights Code.

Second Vehicles

Second vehicle membership passes are available to households who require 2 vehicle passes for the same household - second pass does not come with reward.

Additional Vehicles - Camping

Additional vehicles camping at Fifty Point or Valens Lake Conservation Areas require a camp permit to be displayed in the vehicle window for night security. Additional vehicle fees are posted under camping fees for Fifty Point or Valens Lake Conservation Areas for regular and passholder rates.

Mobile home towed vehicle is normally "No Charge".

Seasonal Campers at Fifty Point Only require a second membership pass for additional vehicles without additional charge as outlined above.

Bruce Trail Conservancy Members

All parking fees apply. If member(s) get dropped off or walk in, the admission fee does not apply. Reservation fees and restrictions may apply.

Catering Fees

Private caterers must pay 10% of gross sales in advance of date to gain entry. Insurance of \$2 - \$5 million is required 2 weeks before event date from catering company listing Hamilton Conservation Authority (plus City of Hamilton, if at Confederation Beach Park or Wild Waterworks) as "additional insured".

Fees

Fees subject to change.

Hamilton Conservation Authority

HCA Annual Membership Passes

- Year round access for 12 months from the date of purchase.
- Passes can be purchased at all major HCA Conservation Areas, online or over the phone.
- Membership passes allow for up to 6 people per vehicle. Each passenger after 6 will pay the per passenger fee.
- Vehicle access at all autogates.
- Membership passes do not cover reservation fees when reservations are required at Spencer Gorge or Westfield Heritage Village.

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Passes that come with a reward	Before HST	Before HST
Regular Annual Membership Pass	\$115.00	\$120.00
Senior/Disabled Pass - New or Renewal	\$95.00	\$100.00
Renewal Pass	\$105.00	\$110.00
Family Pass Plus		\$180.00
2 Year Pass - New or Renewal (comes with 2 rewards)	\$210.00	\$220.00
2 Year Senior/Disabled Pass (comes with 2 rewards)	\$190.00	\$200.00

Passes that do NOT come with reward **Must be same date as original**

Second Vehicle Pass	\$60.00
Lost/Stolen Replacement Pass	\$25.00

Ancaster Well Access Card

- Ancaster Well Access Cards can ONLY be purchased at our Main Office and a new waiver MUST be signed annually.

One time initial fee	\$8.85
Replacement pass if original is lost	\$4.43

Hamilton Conservation Authority

Film/Photo Shoot Location/Equipment/Building Rentals

Contact Marketing & Events Manager, 905-525-2181.

Some general guidelines:

1. Daily location fee applies
2. Liability Insurance of \$2 million or \$5 million required and must include 3rd party coverage (HCA named as additional insured plus City of Hamilton if event held at Confederation Beach Park/Wild Waterworks)
3. Staff required are chargeable at hourly rate, plus benefits and transportation +15%
4. Preparation and site restoration if by Authority forces at labour, materials, equipment plus benefits +15%
5. A security deposit is required prior to the location shoot based on estimates
6. Daily rates range from \$1800.00 - \$10,000.00 + HST

	2022	Draft 2023
Administration for Returned Cheques	Before HST	Before HST
Administration fee per cheque	\$51.33	

Permit to Cross Authority Lands for Construction & Similar Purposes

Contact Director of Capital Projects & Strategic Services, 905-525-2181.

Min. User Fee As determined by CaPSS based on
Scope of Works

Security deposit for damage (refundable certified cheque)	
Administration fee (non refundable)	\$250.00

Christie Lake Conservation Area		
1000 Hwy #5 West Dundas, Ontario L9H 5E2		Draft
	2022	2023
Entrance (Attended Gate)	Before HST	Before HST
Per Vehicle and Driver	\$13.72	\$14.16
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$12.39
Per Passenger over 5 yrs of age	\$4.42	
Walk In's/Drop Off's	\$4.42	
Equestrians - Includes one horse, truck and trailer	\$17.70	\$18.58
Each additional horse with same trailer	\$1.77	
Auto Gate (No Attendant)	\$13.72	\$14.16
Middletown Road Parking Lot		
Pay and Display (per day)	\$13.72	\$14.16
Crooks Hollow Conservation Area - 756 Crooks Hollow Road		
Pay and Display (per day)	\$13.72	\$14.16
Special/School Rates		
School Events, Cross Country, Field Days, Track Meets, etc.		
Students - All ages	\$4.20	
Spectator vehicle (Events)	\$4.42	remove
Bus Entry (15+ passengers) School Groups	\$177.00	
Non School Groups	\$265.00	
Area Rentals (Regular gate entrance fees apply)		
Group Picnic Areas	\$75.00	
Beach Pavilion I	\$300.00	
Beach Pavilion II	\$235.00	
Lakeside Pavilion	\$235.00	
McCoy Pavilion	\$235.00	
Marina Pavilion	\$235.00	
Additional Picnic Fees		
BBQ's/Volleyball Nets (with no pavilion rental)	\$31.00	
Cancellation Fee for Rental Areas		
Pavilions	\$115.00	
Group Picnic Areas	\$40.00	

Christie Lake Conservation Area		Draft
	2022	2023
Boat Rentals	Before HST	Before HST
1 Hour Rental (Weekends and Holidays)	\$17.70	
Half Day Rentals (2hrs or Less, weekdays excluding holidays)	\$26.55	
Full Day Rentals (2hrs or more, weekdays excluding holidays)	\$53.10	
Late Returns (per half hour)	\$13.27	
Boat Safety Deposit (Refundable)	\$26.55	
 Additional Rentals (without boat rental)		
Paddle/Jackets/Oars	\$13.27	
Paddle/Jackets/Oars Deposit (HST included, Refundable)	\$8.85	
 Camper/Overnight Fees		
Organized Youth/Specialty Groups		
Per person per night	\$6.75	
Minimum fee per group	\$88.50	
 Organized Adults (min. 20 people)		
Per person per night	\$11.50	
Minimum fee per group	\$230.00	
 Miscellaneous		
Wedding Pictures (admission included, reservation required)	\$310.00	
Family/Engagement Photo Permit	\$102.00	

Dundas Valley Conservation Area		
650 Governors Road Dundas, Ontario L9H 5E3		Draft 2023
Entrance (Attended Gate)	2022	2023
Dundas Valley Conservation Area	Before HST	Before HST
Main Entrance - 650 Governors Road		
Per Vehicle	\$9.73	
Per Vehicle and Senior/Disabled Driver Discount	\$7.96	
Walk In's/Drop Off's	n/a	
Equestrians - Includes one horse, truck and trailer	\$17.70	\$18.58
Each additional horse with same trailer	\$1.77	
Bus Entry (15+ passengers) School Groups	\$177.00	
Non School Groups	\$265.00	
 Auto Gate (No Attendant)	 \$9.73	
Hermitage Parking Lot - 621 Sulphur Springs Road		
Auto Gate (per entry)	\$9.73	
Merrick Orchard Parking Lot - 380 Lions Club Road		
Auto Gate (per entry)	\$9.73	
Artaban Road Parking Lot - 720 Artaban Road		
Pay and Display (per day)	\$9.73	
Tiffany Falls Parking Lot - 900 Wilson Street East		
Pay and Display (per day)	\$9.73	
Monarch Trail Parking Lot - 855 Old Dundas Road		
Pay and Display (per day)	\$6.64	\$7.08
Summit Bog Parking Lot - 525 Highway #52, Jerseyville		
Pay and Display (per day)	\$6.64	\$7.08
Special/School Rates - School Events, Cross Country, Field Days, Track Meets, etc.		
Students (all ages)	\$4.07	
Spectator vehicle (Events)	\$4.42	remove

Dundas Valley Conservation Area		Draft
	2022	2023
Area Rentals (Regular gate entrance fees apply)	Before HST	Before HST
Group Picnic Area (non school groups)	\$93.00	
Group Picnic Area (school group)	\$84.08	
Fire Pit with wood	\$39.83	
 Stacey Meadow Pavilion	 \$283.00	
Bruce Trail Overnight Rest Stop - Superintendent Approval & Permit Required		
- Available to Bruce Trail Members Only - Restrictions Apply	\$44.25	
- Regular entrance fees apply		
Wedding Picture and Photography Permit		
- Fee per session (Admission not included, reservation required)		
Dundas Valley Conservation Area (natural settings)	\$310.00	
Hermitage Ruins Location	\$385.00	
Family/Engagement Photo Permit	\$102.00	
Wedding Ceremonies and Receptions - Restrictions Apply		
Dundas Valley Conservation Areas (Trails, Wooded Areas)		
Outdoor Natural Setting Wedding Ceremony (2 Hour time allotment)	\$455.00	
 Stacey Meadow Pavilion		
Outdoor Ceremony (2 Hour time allotment)	\$460.00	
Pavilion Reception	\$770.00	
Outdoor Ceremony and Pavilion Reception	\$1,220.00	
 Hermitage Ruins		
Outdoor Ceremony	\$1,354.00	
On Site Reception	\$1,354.00	
Outdoor Ceremony and On Site Reception	\$2,478.00	
Trail Centre		
Trail Centre Rental by special arrangement		
Per day	\$590.00	

Dundas Valley - Environmental Education	
650 Governors Road Dundas, Ontario L9H 5E3	

Draft
2023

Public Educational Programs	2022	Before HST	Before HST
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Destination Conservation Programs			
Half day Program (2 hrs, 30 person max.)		\$350.00	\$400.00
Additional person over the 30 max.		\$6.19	
Additional person over the 30 max. for full day program (2 x 2hr programs)		\$10.00	

Cancellation Fees (Destination Conservation) (No HST) \$150.00
 If cancelled less than 15 business days (3 weeks) in advance of date and not rescheduled within 4 weeks of cancellation. (Weather cancellations exempt)

Professional Activity Days, Workshops, Teen and Adult Programs, Hikes
 Staff lead specialty programs - fees based on type of program.

Children's Day Camps			
Per child (ages 7 - 11) per session			
HCA Member		\$135.00	
Non-Member		\$150.00	

Leader In Training Camp (4 Day Program)			
Per Child (ages 12 - 14) per session			
HCA Member		\$200.00	
Non-Member		\$215.00	

Fifty Point Conservation Area		
1479 Baseline Road Winona, Ontario L8E 5G4		Draft 2023
		2022
Entrance (Attended Gate)	Before HST	Before HST
Per Vehicle and Driver	\$13.72	\$14.16
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$12.39
Per Passenger over 5 yrs of age	\$4.42	
Walk In's/Drop Off's	\$4.42	
 Weekday Boat Launch (Monday to Thursday)	 \$13.72	 \$14.16
 Auto Gate (No Attendant)	 \$13.72	 \$14.16
Weekend Boat Ramp (Friday to Sunday Including Holidays)		
Vehicle with boat on trailer, minimum	\$25.00	
Vehicle with commercial trailer, minimum	\$53.10	
Launch Ramp Annual Pass		
Annual boat ramp pass	\$150.00	\$160.00
Renewal boat ramp pass	\$140.00	\$150.00
Senior/Disabled boat ramp pass	\$130.00	\$140.00
Triaxle/Hydraulic	\$190.00	\$200.00
 Ramp sticker for annual pass	 \$40.00	 \$50.00
Weekend extra fee (Friday to Sunday Including Holidays)	n/a	remove
Special/School Groups		
For school groups special event x-country, field days, track meets etc.		
Per student (all ages)		\$4.20
 Bus Entry (15+ passengers)	School Groups	\$177.00
	Non School Groups	\$265.00

Fifty Point Conservation Area		Draft
	2022	2023
RV/Trailer Storage (October 1 - May 1)		
	Before HST	Before HST
Daily Rate	\$13.75	
Monthly Storage		
- Must Hold a Valid Annual Membership Pass		
Minimum	\$53.00	\$58.00
25 ft or More - Per Foot	\$2.10	\$2.60
RV/Boat Launch Ramp		
Subject to availability and in addition to RV site fee, docking may be arranged separately at the marina office at an additional charge per night fee. Boat and trailer to be stored in the secure compound when not in the water. No on-site boat or trailer storage permitted.	\$13.27	
Area Rentals (Regular gate entrance fees apply)		
Group Picnic Areas	\$75.00	
Winona Pavilion	\$250.00	
Lakeside Pavilion (Fridge, stove, microwave and serving area)	\$350.00	
- Additional fees may apply depending upon the level of service required		
Cancellation Fee for Rental Areas		
Pavilions	\$115.00	
Group Picnic Areas	\$40.00	
Miscellaneous		
Wedding Photos (admission included, reservation required)	\$310.00	
Family/Engagement Photo Permit	\$102.00	
Trailer Dump	\$21.25	
Camping		
Recreational Vehicle Site Fee (Individual)		
Changes or Cancellation (more than 24hrs before arrival)	\$8.50	
Changes or Cancellation (less than 24hrs before arrival)	No Refund	
Reservation fee (Non-refundable)	\$13.27	
Electric/Water/Sewer 30 amp	\$51.00	
Electric/Water/Sewer 50 amp	\$54.00	
Additional Vehicle	\$13.50	

Fifty Point Conservation Area		Draft
		2023
R/V Sites - Seasonal Campers	Before HST	Before HST
<p>Seasonal camping May 1, 2023 to October 31, 2023 (6 months) includes water, sewer and hydro site and vehicle pass. Deposit of \$300.00 required by Dec. 1, 2022. Balance due by May 1, 2023 or before trailer is moved onto the site. Additional vehicle pass required for second vehicle. Additional fees apply to storage trailers, boats/personal water craft, day use visitors and overnight visitors. Note that under Marina Services, Items 2, 3, 4, & 5 will apply to camping sites #50 to #60. Water and sewer may not be available at the site. Seasonal campers are not permitted to become permanent.</p>		
Electric/Water/Sewer 30 amp	\$5,440.00	\$5,600.00
Electric/Water/Sewer 50 amp	\$5,800.00	\$5,975.00
Seasonal Camper Deposit	\$300.00	
Group Camping		
Organized groups, must be pre-approved by Area Manager		
Youth per person	\$6.75	
Adult per person	\$11.50	
Youth minimum fee	\$85.00	
Adult minimum fee	\$200.00	

Fifty Point Marina		Draft
	2022	2023
Mooring	Before HST	Before HST
Seasonal		
Mooring from April 15 - Oct 15 includes 2 HCA membership passes, a seasonal pump out pass (some weekend restrictions apply), and 2 guest passes. Additional guest passes can be purchased. A 5% discount will be applied to all summer mooring fees if paid and received by April 1st by cash, debit, cheque or e-transfer. The Authority offers two plans which incorporate the approximate 20% discount offered on the seasonal mooring rate to those boaters who winter store at Fifty Point Marina.		
Plan "A" For those who winter stored previous winter		
Hydro, per foot	\$86.50	\$91.50
Non-hydro, per foot	\$81.40	\$86.00
Requiring more than normal hydro and footage	\$91.50	\$96.50
Plan "B" For those who have not winter stored		
Hydro, per foot	\$108.00	\$114.50
Requiring more than normal hydro and footage	\$112.00	\$119.50
Overnight		
Over night mooring rate includes day use admission to the area by boat		
Per foot	\$1.75	\$1.85
Minimum Fee	\$40.70	\$46.25
Reciprocal FPYC	\$40.70	\$46.25
Day Time Mooring		
Regular watercraft entry charge applies to boat/driver/passengers (April 1 - Nov 1)		
No discount for restaurant use		
Weekdays	\$13.75	\$15.00
Weekends (Friday, Saturday, Sunday & Holidays)	\$25.50	
Monthly Mooring		
Subject to availability, includes trailer parking if required. Per foot per month.		
June - August	\$27.75	\$29.40
April/May and September/October	\$19.55	
Dock "A" non-hydro docks min 20ft		
Plan "A"	\$70.15	
Plan "B"	\$89.50	
Replacement of south parking lot access card	\$15.00	
Additional Guest Pass (Entrance ONLY, Not Provided for ramp use)	\$63.00	

Fifty Point Marina

Note: Marine Service**

1. Minimum mooring charges apply as follows: Dock "A"- 18ft, 25ft. With hydro, A48 30ft. Dock "B, C, D, H - 25ft. min with hydro. Dock "E"- 30ft min with hydro. Dock "F" - 37ft min with hydro. Dock "G"- 32ft min with hydro. Dock "J" - even #'s 40ft min, odd #'s 37ft min. Boat length is measured from the furthest projection at the bow to the transom.
2. A 5% discount will be applied to all summer moorings paid and received by April 1st with cash, debit, cheque or e-transfer.
3. \$300 deposit is required by December 31st to hold docks for the following year. This deposit is non-refundable after January 31st.
4. For refund application on a seasonal mooring, monthly rate is used to pro-rate charges based on when the dock is re-rented, until August 1st.
5. Pro-rating for dockage will begin if dockage is contracted after July 1st, based on a 100 day season.
6. Boats requiring special docks, price by docking arrangement. Docks requiring additional premium are: A48, B33, E25, F29, F30 G37, G38, end of C, D and H. Walls 1, 2, 3, 4 and 5.
7. A surcharge of double the price per foot for every foot over 40ft.
8. Pump out pass is only valid for boat to which it was issued.

	2022	Draft 2023
Storage	Before HST	Before HST
Dry Sailing Summer Storage		
Monohulls on trailer	\$500.00	\$530.00
Triaxle Trailers, Add	\$220.00	
Catamarans (over 9ft width) on trailer, Add	\$320.00	
Boat on Trailers under 10 Ft	\$250.00	
 Boat Trailer Storage		
Per Night	\$11.00	
Seasonal Rate		
Returning Customer	\$175.00	
New Customer	\$326.50	
 Triaxle Trailers		
Returning Customer	\$290.00	
New Customer	\$438.00	

Fifty Point Marina

Winter Storage (Seasonal Boaters)

Includes haul out, wash and launch, per square foot Oct 1 - May. A 1.5% discount will be applied to all winter storage fees if paid and received by Oct 1 with cash, debit, e-transfer or cheque. A \$100.00 per week fee applies to any boat in winter storage launched after the normal spring lift-in schedule to a maximum of the normal launch fee for the boat. This applies to customers who are renting a dock seasonally. Additional fees may apply for Winter storage for sailboats for mast stepping in fall and spring or leaving the mast lying on the deck. Winter storage only customers will receive a HCA membership pass expiring May 1 of the following year.

Winter Storage (Non-Seasonal Boaters)

Includes haul out, wash and launch, per square foot Oct 1 - May. A 1.5% discount will be applied to all winter storage fees if paid and received by Oct 1 with cash, debit, e-transfer or cheque. A late launch fee will be applied for the full normal amount for the boat lift-in immediately after the spring lift period is over. Additional fees may apply for sailboats for mast stepping in the fall and spring or leaving the mast lying on the deck. New winter storage sailboat customers will require a cradle that will properly support the boat with the mast standing as we will no longer be taking these masts down. Winter storage only customers will receive a HCA membership pass expiring May 1 of the following year.

	2022	Draft 2023
	Before HST	Before HST
Sail Boats		
Per sq. ft.	\$5.75	
Minimum fee	\$1,150.00	
(For boats over 6,800 kg, additional rates may apply)		delete line
new: (For boats that require the MML40 for moving to storage)		\$6.10
Power Boats		
Per sq ft	\$4.90	
Minimum fee	\$977.00	
(For boats over 6,800 kg, additional rates may apply)		delete line
new: (For boats that require the MML40 for moving to storage)		\$5.20
Storage only (No haul out or wash, October 1 - May 1)		
Per sq. ft.	\$3.90	\$4.10
Minimum	\$776.00	
Boat on trailer under 10' length	\$290.00	

Fifty Point Marina		Draft
		2022
		2023
Boat Handling and Miscellaneous Services	Before HST	Before HST
Launch or Lift-out with mobile marine lift, per foot of boat		
Minimum fee	\$266.25	\$300.00
Up to 35ft.	\$10.65	
36-40ft	\$12.65	
41ft and over (restrictions may apply - up to 14' beam)	\$14.65	
Late Launch (per week after scheduled date)	\$88.50	
Sling Time		
Per Hour	\$150.00	
Per Night	\$275.00	
Boat Wash	\$60.00 - \$120.00	
Cradle Storage	\$0 - \$250.00	
May - October depends on size and type. Applies to cradles that do not fold and for boats that do not winter store.		
November to April		\$250.00
Mast Stepping		
Per foot (min. 25ft)	\$6.20	
Minimum extra fee	\$155.00	
(For those masts with special handling and/or require additional crane time)		
Mast Storage		
Per foot	\$6.20	
Minimum	\$100.00	
Move Boat (minimum - with boat trailer)	Minimum \$75.00	
Move Boat (minimum - with MML 40)	Minimum	\$125.00
Dockside Pump out (per tank)		
Weekday	\$13.27	
Weekend	\$17.70	
Marina Wait List	\$200.00	

Fifty Point Marina		Draft	
		2022	2023
		Before HST	Before HST
Cradle Rental	Minimum Fee	\$145.00	
Power boats, included in winter storage fee. Sail boat per foot subject to availability. Boat stands do not count as a cradle (extra charges apply).			
Cradle Feet (minimum)		\$180.00	\$185.00
Cradle Pick up/Load			
Per hour man/vehicle		\$150.00	
Load/Unload	Min.	\$25.00	
Hydraulic Trailer Use			
Per hour		\$180.00	
Minimum Charge		\$90.00	
Labour - Hourly rate			
Standard charge for each staff		\$90.00	
Minimum		\$45.00	
Boat Towing - Fee Range			
In harbor		\$52.00 to \$85.00	
Land Storage			
Summer Months - Per sq ft		\$0.95	\$1.00
Summer Seasonal (equal to rate for Winter storage-Storage Only)		\$3.80	\$4.10
Commercial Operators Pass		\$177.00	
Commercial operators must register with the marina office for registration of insurance and approval of jobs. A season pass issued to commercial operators provides free admission only for when they are working on boats that are renting mooring or in dry land storage. Commercial operators pass is only valid for using the boat ramp when towing boats that rent seasonal mooring space. Commercial operators using the marina to perform work for non-marina mooring or storage clients are subject to normal daily fees.			

Hamilton Mountain Conservation Areas		
	2022	Draft 2023
Entrance (No Attendant)	Before HST	Before HST
Eramosa Karst Conservation Area - 86 Upper Mount Albion Road		
Pay and Display (per entry)	\$6.64	\$7.08
Devil's Punchbowl Conservation Area - 185 Ridge Road		
Auto Gate (per entry)	\$6.64	\$7.08
Saltfleet Conservation Area - 444 First Road East		
Pay and Display (per entry)	\$6.64	\$7.08
Chippewa Rail Trail Parking Lot - 55 Dartnall Road		
Pay and Display (per entry)	\$6.64	\$7.08
Wedding Picture and Photography Permit		
- Fee per session (Admission not included, reservation required)		
Natural settings	\$310.00	
Family/Engagement Photo Permit	\$102.00	
Wedding Ceremonies and Receptions - Restrictions Apply		
Hamilton Mountain Conservation Areas (Trails, Wooded Areas)		
Outdoor Natural Setting Wedding Ceremony (2 Hour time allotment)	\$442.48	

Spencer Gorge Conservation Area
Tew Falls/Dundas Peak - 590 Harvest Road Webster Falls - 28 Fallsview Road Dundas, Ontario

Draft
2023

Entrance (Attended Gate) Reservations Required During Certain Periods	Before HST	Before HST
Admission Fees (Tew Falls and Webster Falls Parking Lot)		
Per Vehicle and Driver	\$13.72	\$14.16
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$12.39
Per Passenger over 5 yrs of age	\$4.42	
Walk In's/Drop Off's	\$4.42	
Auto Gate (No Attendant)	\$13.72	\$14.16
Buses (any vehicle over 15 passengers, must pre-book)	\$265.00	
Reservation Fee		
Per Reservation* (reservation period tbd)	\$8.85	
* - reservations must be made online one day in advance of visit		
Miscellaneous		
Wedding Pictures (admission included, reservation required)		\$310.00
Family/Engagement Photo Permit		\$102.00

Valens Lake Conservation Area		
1691 Regional Road 97 Cambridge, Ontario N1R 5S7		Draft
	2022	2023
Entrance (Attended Gate)	Before HST	Before HST
Per Vehicle and Driver	\$13.72	\$14.16
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$12.39
Per Passenger over 5 yrs of age	\$4.42	
Walk In's/Drop Off's	\$4.42	
Auto Gate (No Attendant)	\$13.72	\$14.16
Fletcher Creek Ecological Preserve - 3921 Concession 7 Road		
Pay and Display (per day)	\$6.64	\$7.08
Additional Fees		
Trailer Dump Fee	\$20.00	
Bus Entry (15+ passengers)	\$177.00	
School Groups	\$265.00	
Non School Groups		
Area Rentals (Regular gate entrance fees apply)		
Powell Pavilion (Glassed In)		
Whole	\$330.00	
Cancellation Fee for Rental Areas		
Pavilions	\$115.00	
Boat Rentals		
Half Day (2hrs or Less)	\$26.55	
Full Day (2hrs or More)	\$53.10	
Late Half Hour	\$13.27	
Boat Safety Deposit (Refundable)	\$26.55	

Valens Lake Conservation Area		Draft
		2022
		2023
Camping	Before HST	Before HST
- Minimum 3 night reservation on Long Weekends (Victoria Day, Canada Day, Civic Holiday, Labour Day)		
Reservation Fees (Non-Refundable)	\$13.27	
Shortening Stay on Long Weekend	No Refund	
Changes or Cancellation (more than 24hrs before arrival)	\$8.50	
Changes or Cancellation (less than 24hrs before arrival)	No Refund	
Non-hydro	\$44.00	
Hydro and Water 15/30 amp	\$51.00	
Additional Vehicle	\$13.50	
Winter Program (December 1 - April 30)		
Pre Paid 20 Nights - Trailer Storage inclusive (Must Have Valid HCA Annual Pass)	\$918.00	
Reservation Fees (Non-Refundable)	\$13.27	
Roofed Accommodations		
- Minimum 2 night reservation (3 nights on Long Weekends)		
- No pets allowed		
Reservation Fees (Non-Refundable)	\$13.27	
Shortening Stay	No Refund	
Cancellation/Change - minimum 1 week in advance	50% of fee	
Cancellation/Change - less than 1 week in advance	No Refund	
Drumlin Cabins (per night)	\$135.00	
Drumlin Cabins - Deluxe (per night)	\$160.00	
Additional Vehicle	\$13.50	

Valens Lake Conservation Area		Draft
		2022
		2023
Group Sites	Before HST	Before HST
Group Area Fees (Non-Refundable)		
- Per night, two night minimum plus reservation fee		
Fox Run (maximum 15 people)	\$27.00	
Forest Edge	\$60.00	
Maplenook	\$120.00	
White Tail and Aspen Cove (hydro)	\$75.00	
Wilderness Pavilion (no hydro)	\$60.00	
Pinegrove Pavilion (hydro)	\$80.00	
Organized Groups & Family Groups		
Youth Per Night	\$6.75	
Adult Per Night	\$11.50	
RV/Trailer Storage		
Daily Storage Rate	\$13.00	
Monthly Trailer Storage		
- Must Hold a Valid Annual Membership Pass		
Minimum charge	\$45.00	\$50.00
20 ft or More - Per Foot	\$2.25	\$2.50
Miscellaneous		
Wedding Pictures (admission included, reservation required)	\$310.00	
Family/Engagement Photo Permit	\$102.00	
School Events (Track and Field, Meets, etc.)		
All ages	\$4.20	

Westfield Heritage Village Conservation Area		
1049 Kirkwall Road Rockton, Ontario L0R 1X0		Draft 2023
	2022	
Entrance (Attended Gate)	Before HST	Before HST
No Event Day		
Per Vehicle and Driver	\$13.72	\$14.16
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$12.39
Per Passenger over 5 yrs of age	\$4.42	
Walk In's/Drop Off's	\$4.42	
Auto Gate (No Attendant)	\$13.72	\$14.16
Equestrians - Includes one horse, truck and trailer	\$17.70	\$18.58
Each additional horse with same trailer	\$1.77	
Signature Series Events		
	To Be Determined	
Education Programs		
Per Student (under 14)		
With Afternoon tour Guide	\$9.73	
Full Day program with lunch facilities	\$9.73	
Per Student (14+)	\$6.00	
With Afternoon Guide	\$11.00	
Rental of Ironwood for School Lunch	\$33.00	

Westfield Heritage Village Conservation Area		Draft 2023
Special Programs	Before HST To Be Determined	Before HST
Room and Building Reservations, Weddings - 2022 - if paid before Dec. 31, 2021		- 2023 - before Dec 31, 2022
Ironwood Hall (Special occasion permits are required)		from 2022 fee schedule
Full Day	\$1,560.00	\$1,805.00
Weekdays (Mon - Thurs)	\$440.00	\$540.00
Early Set up (3 - 7pm)	\$340.00	\$400.00
Mountsberg Church Rental		
Per 2 hour intervals	\$440.00	\$530.00
Additional Hour Rental Fee (after 7pm)	\$60.00	\$70.00
Tour Guides		
Per hour, per guide	\$60.00	
Photo Permits		
Wedding Photos Per session (reservation needed if not packaged)	\$310.00	
Family/Engagement Photo Permit	\$102.00	
Cancellation Policy and Deposits		
A non-refundable reservation deposit of \$250.00 is required. The balance due one month before rental. Special occasion permits and insurance required or personal insurance liability is required and to identify the serving of alcohol. Deposit of \$150.00 is required for a wedding ceremony rental and a deposit of \$400.00 is required for the rental of Ironwood.		
Returned Cheques administration fee	\$50.00	
Honorariums		
For use of town crier, etc. (min. fee)	\$106.19	

Westfield Heritage Village Conservation Area		Draft 2022	Draft 2023
Room and Building Reservations, Weddings - 2022 - if paid after Jan 1, 2022		Before HST	Before HST '2023 post Jan 1, 2023
Ironwood Hall (Special occasion permits are required)			
Full Day		\$1,700.00	\$1,855.00
Weekdays (Mon - Thurs)		\$500.00	\$550.00
Early Set up (3 - 7pm)		\$370.00	\$410.00
Mountsberg Church Rental			
Per 2 hour intervals		\$500.00	\$545.00
Additional Hour Rental Fee (after 7pm)		\$70.00	\$75.00
Room and Building Reservations, Weddings - 2023 - if paid before Dec. 31, 2022		Before HST	'2024 rate if paid before Dec 31, 2022
Ironwood Hall (Special occasion permits are required)			
Full Day		\$1,805.00	\$1,890.00
Weekdays (Mon - Thurs)		\$540.00	\$560.00
Early Set up (3 - 7pm)		\$400.00	\$420.00
Mountsberg Church Rental			
Per 2 hour intervals		\$530.00	\$555.00
Additional Hour Rental Fee (after 7pm)		\$70.00	\$75.00

HCA Plan Review & Permit Fees		Draft
	2022	2023
Plan Review Service Fees	Before HST	Before HST
Subdivision and Condominiums		
Minor	\$1,287.61	\$1,658.00
Intermediate	\$5,159.29	\$6,629.00
Major	\$9,672.57	\$11,962.00
Applicant Driven Revision	\$3,230.09	\$4,204.00
Clearance Fees		
Per Phase Charge (on top of Major clearance fee above)	\$920.35	\$1,180.00
Consents		
Minor	\$747.79	\$1,092.00
Major	\$1,610.62	\$2,923.00
Minor Variances		
Minor	\$460.18	\$606.00
Major	\$920.35	\$1,318.00
Official Plan Amendments		
Minor	\$747.79	\$1,480.00
Major	\$3,765.49	\$5,056.00
Zoning By-law Amendments		
Minor (including H-Zone Removal)	\$747.79	\$1,480.00
Major	\$3,765.49	\$4,895.00
Site Plan Approval Application		
Minor	\$1,070.80	\$1,977.00
Intermediate	\$4,088.50	\$6,501.00
Major	\$5,362.83	\$7,964.00
Resubmission 15% of full application fee	\$106.19	15% of full app
Formal Consultation	\$539.82	\$661.00
Niagara Escarpment Plan Amendments - Applicant-Driven	\$3,230.09	\$3,823.00
Niagara Escarpment Plan Development Permits	added in 2023	\$1,592.00
Complex Applications	\$9,676.99	\$11,967.00
The application fee will be paid at the time of filing an application to the municipality. All subdivisions, vacant land condominiums, major and complex site plans (i.e. Community living projects, golf courses, cemeteries, etc.) continue to be circulated to the Hamilton Conservation Authority.		
Aggregate Extraction Applications	\$53,663.72	\$29,623.00
The application fee will be paid at the time of filing an application to the municipality. This fee relates to large aggregate extraction applications.		

HCA Plan Review & Permit Fees

Notes and Definitions:

1. Subdivisions/Condominiums/Site Plans:

Major – The area is equal to or greater than 4.5 hectares in size and technical studies (i.e. SWM, EIS or Geotechnical) are required.

Intermediate – The area is less than 4.5 hectares in size and technical studies (i.e. SWM, EIS or Geotechnical) are required.

Minor – In the area of interest to the HCA.

2. Other Applications:

Major – Technical studies (i.e.. SWM, EIS or Geotechnical) are required.

Minor – In the area of interest of the CA.

3. Area of Interest – Natural Heritage, Natural Hazard areas on a CA screening map, checklist, OP and/or ZB.

4. Complex Applications are Planning Act (e.g.. OPA/ZBA) and/or Site Plan applications for commercial/industrial/residential applications equal to or greater than 4.5 hectares in size, golf courses, trailer parks, campgrounds, and cemeteries, etc., that involve complex policy considerations and/or the review of extensive multi-disciplinary technical studies.

5. Combined Applications - Combined applications will be charged at 100% of the highest fee rate and 50% of the combined fee rate for other review categories.

6. Refunds may be provided directly to the applicant if it is found that an application charged at the "major" rate only required the level of review normally associated with the minor or intermediate rates. In such cases, the minor or intermediate rate will be retained and the difference refunded.

7. Additional Fees may be charged directly to the applicant if it is determined that an application requires a greater level of review effort than normally associated with the application type and fee collected at the time of submission. HCA may also charge additional fees based on current fee schedule rates for applications that have been inactive for two years or more.

8. Subdivision Revision Fees will be paid directly to the HCA and must be paid prior to issuance of revised draft conditions. A draft plan revision fee will be applicable to developer driven amendments to a subdivision or condominium application.

9. Resubmission Fees will be charged directly to the applicant for the review of technical studies and plans, drawings, models, etc., beyond the first submission and two resubmissions. A fee will be charged for each resubmission and will be based on 15% of the original application fee.

10. Formal Consultation fees will be charged to provide preliminary preconsultation comments on all proposed planning applications circulated as part of the City's Formal Consultation process. This fee will be deducted from the application fee when a formal application is submitted.

HCA Plan Review & Permit Fees

Development, Interference With Wetlands, Alterations to Shorelines & Watercourses

Pursuant to Hamilton Conservation Authority Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, within HCA regulated areas, a permit is required for:

- Development
- Interference with Wetlands
- Alteration to Shorelines and Watercourses

1. Minor Development:

Is considered to be minor landscaping works and minor filling and grading activities, (between 0.05 m and 0.3 m in depth) OR minor additions to an existing structure (including decks) that involves less than a 50% increase in size of the original ground floor area or accessory structure to a maximum area of 28m².

	2022	Draft 2023
	Before HST	Before HST
Basic applications (no technical studies required)	\$411.50	\$730.00
Applications involving review of technical studies	\$969.03	\$1,344.00

2. Major Development:

Is considered to be the construction, reconstruction, and erection of a new building or structure, OR the construction of an addition to an existing structure that involves a 50% or greater increase in size of the original ground floor area, OR any change to an existing building or structure that would have the effect of altering the use or potential use of the building or structure or increase the number of dwelling units, OR site alterations involving the temporary or permanent placing, dumping or removal of fill material resulting in significant grade changes.

Basic applications (no technical studies required)	\$1,610.62	\$2,164.00
Applications involving review of technical studies.	\$3,230.09	\$4,702.00

3. Fill Placement:

The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere, and the placement of material/fill is the primary activity.

Minor - Less than 500 m ³ and no technical studies required	\$411.50	\$464.00
Intermediate - Less than 500 m ³ and technical studies required	\$2,154.87	\$2,963.00
	plus \$0.50/m ³	
Major - Greater than 500 m ³	\$4,296.46	\$5,901.00
	plus \$0.50/m ³	

HCA Plan Review & Permit Fees

4. Interference with Wetlands, Alterations to Watercourses and Shorelines:

Alteration to Watercourse includes: straightening, changing, or diverting a watercourse channel, installation or replacement of culverts and bridges, bank re-grading or stabilization.

Alteration to Shoreline includes: installation or replacement/repair of retaining walls, other slope stabilization works and bank regrading.

Interference with Wetlands includes: buildings and structures to be located within 120 meters of a Provincially Significant Wetland or within 30 meters of all other wetlands; vegetation removal, grading, filling, and hydrological changes.

	2022	Draft 2023
	Before HST	Before HST
Minor - works not requiring supportive technical studies such as minor repairs or adjustments to existing shoreline protection/watercourse structures, simple culvert replacements, small full-span pedestrian bridges, buildings and structures, fill placement, jack and bore and directional drill activities.	\$796.46	\$1,353.00
Intermediate - works limited in scope/extent which may require supportive technical studies such as moderate-scale repairs to shoreline protection works, localized watercourse alterations and stream bank stabilization, buildings and structures, fill placement.	\$2,154.87	\$3,800.00
Major - works requiring supportive technical studies such as channel re-alignments and natural channel design, major shoreline protection works, new large-scale bridge crossings, buildings and structures, fill placement.	\$4,296.46	\$5,532.00
5. Multi-lot/Unit Development (10 or more lots or units) and Major Infrastructure Works:		
Infrastructure works (storm water management ponds, services, roads, bridges, etc.), new golf courses and major alterations to existing golf courses.	\$5,362.83	\$6,253.00
6. Violation Surcharge		
75% surcharge will be applied when activities which require a permit under Regulations are undertaken without a permit.		
7. Minor Revisions to Permits	\$269.91	\$382.00
8. Expired Permits	\$269.91	\$317.00
9. Letter Of Permission		
With Site Visit	\$256.64	\$329.00
No Site Visit	\$176.99	\$227.00
10. Resubmissions (per hour of review time)	\$106.19	\$108.32

HCA Plan Review & Permit Fees

NOTES:

- Permits are issued for a two (2) year period. Significant alteration or changed ownership subject to new permit application. All fees are to be made payable to the Hamilton Region Conservation Authority.

- Permit extensions and/or renewals will not be granted. Where a permit has expired and the same applicant re-applies for a new permit within 6 months of the expiry of the original permit, and there have been no changes to the proposed works, HCA may issue a new permit for an administrative fee of \$305.

- Resubmission fees will be charged directly to the applicant for the review of technical studies and plans, drawings, models, etc., beyond the first submission and two resubmissions. A fee will be charged for each resubmission and will be based on total staff review time at the hourly review rate charged by the HCA.

	2022	Draft 2023
Service/Reforestation/Planning Fees/Misc. Fees	Before HST	Before HST
Natural Areas Inventory Database Private Requests		
Per hour preparation time	\$106.19	\$108.32

Reforestation Tree Planting Service

The Authority provides a Reforestation Tree Planting Service to private landowners who own a minimum of 2 ha (5 acres) free of buildings. To recover the cost of this service, a charge to the private landowner applies. Landowner pays cost of trees in addition to planting costs. Replanting at same terms and conditions. This charge is based on full cost recovery of crew, equipment materials, benefits + 22% administration. Estimates are prepared on request.

Fees for Seed Collection and Cuttings

All work to be performed by purchaser and must satisfy authority environmental criteria. Volumes for uncleaned seed as collected.

Cuttings per cubic meter	\$18.58	\$18.96
Seed Collections by weight per lb.		
Grass seed	\$43.23	\$44.09
Wildflower seed	\$62.74	\$64.00
Conifer seed	\$32.08	\$32.72
Walnut, Hickory, Oak seed	\$4.65	\$4.74
Other deciduous tree and shrub seed	\$2.83	\$2.89
Seed Collections by volume per litre		
Conifer cones	\$0.58	\$0.59
Walnut, Hickory, Oak seed	\$1.42	\$1.44
Other deciduous tree and shrub seed	\$0.97	\$0.99

HCA Plan Review & Permit Fees		Draft	
		2022	2023
		Before HST	Before HST
GIS Mapping			
Colour Printing (includes ortho photo or area fill)	per sq.ft.	\$14.91	\$15.21
Colour printing (no ortho photo or area fill) (any size up to 40" wide)	per sq.ft.	\$5.09	\$5.19
Digital files (email)			
Ortho photography 1km X 1km (ecw, jpg or geotiff) per file		\$36.28	\$37.01
- Ortho photography available for 2002, 2010, 2015			
Custom maps (including HCA scanned maps) based on size	per sq.ft.	\$5.62	\$5.73
Vector Data (high detail e.g. Contours, dem)	per sq.km.	\$55.62	\$56.73
Vector Data (low detail e.g. Watercourse etc.)	per hour	\$106.19	\$108.32
Custom Map Preparation (plus printing or digital file cost)		\$106.19	\$108.32
Photocopies			
per sheet		\$0.27	\$0.27
Stream Flow/Weather/Fishery Data			
Per hour staff time		\$106.19	\$108.32
Stream flow Discharge measurement, per hour + mileage		\$106.19	\$108.32
Technical Data staff time relates to hourly engineering, Ecology, IT and GIS staff time to prepare data as requested.			
Tables/Charts/Plans/Maps			
Computer Disc		\$34.51	\$35.20
Electronic Files		\$25.66	\$26.18
Solicitor and Real Estate Agent Requests RE:Property			
A. Solicitor, Real Estate, Consultant Request, and Property Reports (requiring a site visit)			
		\$256.64	\$310.00
B. Solicitor, Real Estate, Consultant Request, and Property Reports (no site visit)			
		\$176.99	\$270.00
Property Reports include building permit inquiries and input to general inquires as to development constraints on a property. All requests are payable in advance. In all cases, this fee includes a written reply to the landowner/agent/consultant. The municipal building department will be copied, when building permits are being			
Administration Fee For Returned Cheques			
Administration fee per cheque		\$51.33	
Borrowed Reports			
Deposits are normally held for borrowed reports until returned in good condition. Amount is based on 2 x value of report.			

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

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

DATE: September 1, 2022

RE: Proposed house renovation within the erosion hazard
limit of Lake Ontario at 93 Creanona Blvd., Stoney
Creek, City of Hamilton – HCA File No. SC/F/C/22/57

STAFF RECOMMENDATION

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.

BACKGROUND

In August of 2020 HCA staff received an enquiry from an agent on behalf of a prospective buyer regarding potential restrictions and requirements for the proposed purchase and renovation of an existing single family residence at 93 Creanona Blvd. in Stoney Creek, which is located on the Lake Ontario shoreline (Attachment A).

HCA staff responded to the enquiry noting that the property is affected by flooding and erosion hazards associated with Lake Ontario, and that any application for development would need to be supported by a coastal hazard assessment to more specifically identify the hazards and assess the condition of the existing shorewall protection structure. HCA staff attended a site visit on September 23, 2020 to inspect site

conditions and discuss the prospective buyer's development plans and permit requirements.

In March of 2021, the agent notified HCA the property had been purchased and provided plans for the proposed renovation. A detailed coastal hazard assessment was not included with the submission. The proposed renovation included the addition of a new garage with living space above, conversion of a portion of the existing garage to new living space, creation of a second dwelling unit in the basement, renovation of the existing main floor, removal and replacement of the roof, and resurfacing of the house exterior.

HCA responded noting the garage addition would be located outside of the estimated hazard limits and could therefore be supported, along with the proposed main floor interior and exterior renovations. HCA staff noted the second dwelling unit in the basement could not be supported given the basement is susceptible to lake flooding, and that the proposed conversion of the existing garage to new living space could not be supported without a more detailed hazard assessment to confirm hazard limits. HCA policy generally does not permit new development within the lake hazard limits without adequate shoreline protection.

In May of 2021, a coastal hazard assessment for the subject property was submitted, along with revised plans for the renovation. In reviewing the report, HCA staff noted the assessment confirmed the majority of the existing house is located within the erosion hazard limit, with portions of the house also affected by lake flooding. The submission confirmed the garage addition and second floor addition was located beyond the hazard limit and could be supported. The plans for the basement had been revised to remove the separate basement entrance/walk-up, eliminating the concern regarding establishment of a second dwelling unit. While a portion of the existing garage was confirmed to be within the erosion hazard, given the relatively small area, HCA staff agreed its conversion to living space could likely be supported. HCA requested some technical clarifications regarding the coastal hazard assessment report, and noted that subject to receiving this staff could support a permit application for the renovations.

In April of 2022, HCA received a response to the technical comments staff provided on the coastal hazard assessment in May of 2021. Between April and July of 2022 there was on-going dialogue between HCA staff and the coastal engineer regarding the hazard assessment and delineation in order to confirm the final hazard limit delineation on the property. Once this was completed, HCA advised the property owner and agent that the final hazard limits would need to be incorporated into the renovation plans and submitted along with an HCA permit application.

A permit application was received on August 8, 2022, and included the final coastal hazard assessment and revised design plans. In reviewing the plans HCA staff noted that the area of proposed basement renovation had been expanded to include additional excavation of basement area underneath the existing garage. This additional area is partially located within the erosion hazard. HCA responded noting that staff

continue to be supportive of the application, but given the policy conflicts related to new development area within the erosion hazard on both the ground floor and in the basement, the permit would need to be reviewed and approved by the HCA Board of Directors.

STAFF COMMENT

The subject permit application proposes renovation of an existing single family residence that is located partially within the flood and erosion hazards associated with Lake Ontario. The renovations include the addition of a new garage with living space above, conversion of a portion of the existing garage to new living space, renovation of the existing main floor and basement, excavation of additional basement area under the existing garage, removal and replacement of the roof, and resurfacing of the house exterior.

In reviewing the permit application submission, staff note that HCA policy allows for interior renovations that do not alter the use or potential use, do not increase the size, and do not increase the number of dwelling units of the building. Policy also supports new additions to existing structures where the addition is located outside of hazard limits. In this regard, the majority of the proposed renovation complies with HCA policies.

However, the proposed conversion of a portion of the existing garage to living space and excavation of additional basement area does not meet HCA policies that restrict new development with the Lake Ontario erosion hazard. Notwithstanding this, staff do not have any significant concerns with these aspects of the proposal from a natural hazard or risk to property perspective given the relatively small area of garage and basement conversion, and that the majority of the renovation is located outside of the hazards.

HCA staff can not issue a permit which does not comply with Board-approved policy. Proposals that do not meet policy may be considered for approval by the Board of Directors, typically through a formal hearing process where staff are not supportive of the application. Given staff's support for the proposal, it is being recommended the Board approve the permit without a formal hearing.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2019-2023 outlines its Strategic Priority Areas and associated Initiatives for advancing the Authority's Vision and Mission to ensure a healthy watershed for all through leadership in conservation and sustainable management of the watershed. HCA implements a wide variety of programs to fulfill this mandate, including programs to 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

Not Applicable

LEGAL/FINANCIAL IMPLICATIONS

Not Applicable

CONCLUSIONS

Staff are supportive of the issuance of a permit as it relates to the proposal as the overall intent of the HCA Board approved policies are met in staff's opinion. Staff have no objection to the issuance of a permit for the subject application.



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: August 23rd, 2022

RE: Watershed Conditions Report

SYNOPSIS

During the period of June 27th, 2022 to August 23rd, 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 near to slightly above baseflow conditions, and are generally well below long-term average monthly flows for August. Also, the average monthly flows in August so far have been below to significantly below average.

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 (766.99 ft) are well below preferred summer operating levels (771.0 to 771.5 ft) and are 1.2 feet above 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.

Current Valens Lake levels (275.13 m) are slightly below preferred summer operating levels (275.25 to 275.45 m).

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 end of July) suggested continued Level 1 Low Water Conditions in the watershed overall. 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.

CURRENT WATERSHED CONDITIONS – August 23rd, 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 near to slightly above 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).

These current flow conditions are generally well below long-term average monthly flows for August. Current flows are 7% of long-term average monthly flows at the Middle Spencer Creek at Highway 5 gauge, 53% of averages at the Lower Spencer Creek at Market Street gauge, 53% of averages at the Ancaster Creek at Wilson Street gauge, and 40% of averages at the Red Hill Creek at Barton Street gauge. The exception is Upper Spencer Creek at Safari Road, where current flows are 153% of long-term average monthly flows, due to recent rainfall.

Also, the average monthly flows in August so far have been significantly below average at the three Spencer Creek gauges (effectively no flow at the Middle Spencer Creek at Highway 5 gauge and 20 to 37% of the long-term average monthly flows at the other two gauges). Ancaster Creek at Wilson Street gauge and Red Hill Creek at Barton Street gauge flows have been below average (62% and 50% of long-term average monthly flows respectively).

These below average flow trends also extended into recent months. 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 74.71 – 74.73 m IGLD85 as of yesterday. The Lake Ontario mean daily water level averaged across the entire lake (74.69 m IGLD85 as of yesterday) is about 22 cm below average for this time of year.

Current Storages in HCA Reservoirs

Current Christie Lake levels (766.99 ft) are well below preferred summer operating levels (771.0 to 771.5 ft) and are 1.2 feet above 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 (275.13 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 June 27th, 2022 to August 23rd, 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 end of July) suggested continued Level 1 Low Water Conditions in the watershed overall, based on the following:

- 3-month (May to July) precipitation totals indicated Level 1 Low Water Conditions for the watershed overall;
- 1-month (July) precipitation totals, as well as recent 30-day average flows, indicated Level 2 Low Water Conditions for the watershed overall; and,
- Weekly precipitation totals did not indicate Level 2 Low Water Conditions

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.