



# Board of Directors Meeting Agenda

Thursday, April 7, 2022

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## **Board of Directors Meeting**

**Thursday, April 7, 2022 at 7:00 p.m.**

**This meeting will be held by WebEx videoconference.**

**The meeting can be viewed live on HCA's You Tube Channel:  
<https://www.youtube.com/user/HamiltonConservation>**

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Delegations**
- 5. Section 28 Hearing**
  - 5.1. 26 Marshboro Avenue, City of Hamilton (Greenville)  
Permit Application No. F/F,C,A/21/104
- 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 – March 3, 2022
  - 6.3. Approved February 17, 2022 Budget & Administration Committee Minutes – for receipt only
  - 6.4. Letter from Sue Carson regarding livestreaming of Board of Directors meetings, dated March 22, 2022
  - 6.5. Letter from Minister of Municipal Affairs and Housing regarding Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt: Proposed amendments to the Greenbelt Plan (2017) and Greenbelt Area Boundary Regulation (O. Reg 59/05) and Ideas for Adding more Urban River Valleys to the Greenbelt, dated March 24, 2022
- 7. Foundation Briefing** Foundation Chair – Stebbing

**8. Member Briefing**

**9. Business Arising from the Minutes**

9.1. Urban River Valleys to Grow the Greenbelt Phase 2 Consultation – Peck

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

10.1. Budget & Administration Committee – March 17, 2022 – Moccio  
(Recommendations)

10.1.1. BA 2212 Hybrid Meeting Participation and Livestreaming

**11. Other Staff Reports/Memorandums**

- 11.1. Renewal of Collaboration Agreement between City of Hamilton and HCA to Enforce Violations on HRCA lands – Costie
- 11.2. Saltfleet Wetland Construction Verbal Update – Peck
- 11.3. Watershed Conditions Report – Bastien
- 11.4. Conservation Areas Experiences Update – Costie

**12. New Business**

**13. In-Camera Items**

**14. Next Meeting – Thursday, May 5, 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

**DATE:** April 7, 2022

**RE:** Hearing under Section 28(12) of the *Conservation Authorities Act* for an Application by 2549863 Ontario Inc. (c/o Everist Prokofiev) for Development in a Regulated Area of Middle Spencer Creek at 26 Marshboro Avenue, City of Hamilton (Greensville) – Permit Application No. F/F,C,A/21/104

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## STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors refuse the application made by 2549863 Ontario Inc. (c/o Everist Prokofiev) for development of a single family dwelling, driveway, and septic bed, in a regulated area of Middle Spencer Creek at 26 Marshboro Avenue, City of Hamilton (Greensville) as the development does not conform to the requirements of the Hamilton Conservation Authority's *Planning & Regulation Policies and Guidelines (October, 2011)* as they relate to the implementation of *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*.

## **BACKGROUND**

### **Site Description**

The subject site at 26 Marshboro Avenue is a 3.06 ha (7.56 ac) vacant property, located south of Highway 8, within the Greensville Rural Settlement Area. The property is also within the Niagara Escarpment Plan Area of the Greenbelt Plan, and sits within the Middle Spencer Creek subwatershed. A tributary of Middle Spencer Creek traverses the southern portion of the subject property (Attachment A).

The Mid-Spencer/Greensville Rural Settlement Area Subwatershed Study (SWS, Aquafor Beech Ltd., April 2016) identified wetland communities associated with the creek corridor on the property, as well as Linkages and Significant Woodland on site, and recommended the subject lands be considered a Core Area within the City's Natural Heritage System (NHS). Given the natural heritage features present, the SWS identified the entire property as a Constraint Area to development.

The City's Rural Hamilton Official Plan (RHOP), Greensville Rural Settlement Area Plan, currently designates the subject lands as Settlement Residential (Volume 2, Map 8a). Schedule B of the RHOP identifies a Linkage Area associated with the property. The property is zoned Settlement Residential R2-24(H) in the Township of Flamborough Zoning By-law.

An Environmental Impact Study completed in support of development at the subject property (EIS, Golder Associates Ltd., March 2019; revised June 2020) confirmed the presence of the natural heritage features identified as part of the SWS. The EIS further identified Significant Valleyland and Significant Wildlife Habitat features as being present on the property.

The property is regulated pursuant to 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 presence of wetland features, as well as its proximity to Middle Spencer Creek and its associated valley system.

### **The Proposal**

The subject permit application proposes to construct a 245 m<sup>2</sup> (2637 ft<sup>2</sup>) single family dwelling, and associated driveway, and septic bed. The proposal will require valley slope grading work, as well as installation of a driveway culvert and drainage swale (bioswale). The site plan and grading plan provided in support of the proposal and permit application are attached to this report (Attachment B).

## **Application Review to Date**

In March 2017 the City of Hamilton circulated HCA a Formal Consultation application (FC-17-042) for the proposed creation of four (4) single residential lots on the subject property. HCA provided background information regarding the site's natural heritage features, as identified through the Greensville SWS, and made recommendations regarding the information and studies that would be required in support of a planning application(s) for the proposed lots. This included the recommendation that an Environmental Impact Study (EIS) would be required, and that a site visit with HCA staff should be conducted to confirm wetland boundaries on site and to assess the creek valley feature and identify top of bank, towards determining the erosion hazard limit.

Further to HCA's Formal Consultation comments, HCA staff provided input to a Terms of Reference for the completion of an EIS in October 2017. HCA staff also participated in a site visit on May 17, 2017 to inspect the property and assist in staking wetland boundaries and delineating the valley top-of-bank.

In May 2019 the City of Hamilton circulated HCA a Minor Site Plan Application (MDAR-19-093) for the subject lands which proposed the development of two single detached dwellings, one at the top of valley and one in the valley adjacent to the creek and wetland (Attachment C). This submission included an EIS (Golder Associates Ltd., March 2019) completed in support of the development. HCA also understood that a related Consent application for the division of the property into two lots, and a Zoning Bylaw Amendment application for the removal of Holding (H) provision were also submitted at this time. However, HCA was not circulated on these applications.

In reviewing the EIS submitted with the site plan application, HCA noted the EIS had confirmed the presence of the natural heritage features identified as part of the Greensville SWS. The EIS further identified Significant Valleyland and Significant Wildlife Habitat features as being present on the property. The EIS documented the proposal would result in development within and adjacent to the identified natural heritage features present on the property, including removal of vegetation and grading in areas associated with the significant valleyland and significant woodland. The EIS's overall conclusion was that the development of two residential lots on the property was likely not feasible given the constraints present.

In HCA's comments regarding the site plan submission, staff noted a significant portion of the proposed development would be located within the valley and its associated erosion hazard limit, and other areas of the development would be within 30m of the identified wetland. HCA noted its policies would not permit new development within the valley or within 30m of a wetland, and that as such HCA staff would not be able to support a future permit application for the proposed development.

In August 2020 the City of Hamilton circulated HCA a revised site plan submission which proposed the development of one single detached dwelling, at the top of the valley (Attachment C). The submission included a revised EIS (Golder Associates Ltd., June 2020). Notwithstanding the proposal had been revised from two to one residential

dwelling, in reviewing the submission and revised EIS, HCA continued to have concerns regarding the potential impacts on the identified natural heritage features. Staff further noted the proposed driveway would be located within the valley and its associated erosion hazard limit, and within 30m of the identified wetland, and that HCA policies would not permit development within valleys and their related erosion hazard limits, or within 30m of a wetland.

In January 2021 the applicant's agent, IBI Group Ltd., provided a further revised submission for HCA and City staff's consideration, which proposed one single detached dwelling in the valley, adjacent to the creek and wetland (Attachment C). In reviewing the revised proposal, HCA staff again noted the development would be located within the confined river valley system and its associated erosion hazard, as well as within 30m of the wetland, and that HCA's policies would not support a permit application for the proposal.

City of Hamilton planning staff have also expressed concerns regarding the proposal throughout the site plan application review process, and the site plan application has not been approved by the City to date.

In April 2021 the applicant's agent confirmed with HCA staff that the applicant intended to submit a permit application for the proposed development in order to have the opportunity for a hearing in front of the HCA Board of Directors. The agent also requested a site visit to review and refine the wetland boundary, to assist in developing their final site plan and permit application submission. HCA provided the agent with the permit application and submission requirements on April 28, 2021, and ecology staff participated in a site visit to review wetland boundaries on June 30, 2021.

On December 23, 2021, HCA received a permit application submission for the proposed development, which proposed one single detached dwelling at the bottom of the valley, adjacent to the creek and wetland (Attachment B). The proposal was based on the earlier site plan from January 2021, with some minor revisions including a reduction in the dwelling's square footage.

Staff provided information to the applicant on February 16, 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* (MNRF October 2005, Amended 2018, 2020 and 2021) and the *Hamilton Region Conservation Authority Administrative By-law* (HCA, October 7, 2021), HCA provided the Notice of Hearing to the applicant, as well as a copy of this Hearing Report, which outlines HCA staff's analysis of the application and reasons for recommending refusal, on March 7, 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).

The PPS also provides for the protection of significant natural heritage features and systems. It recognizes that the province's long-term prosperity, environmental health and social-well being depend on the conservation of biodiversity and protection of natural heritage features and water resources. Section 2.1 of the PPS outlines the provincial policy framework for the protection of natural heritage, and includes the over-arching policy objective that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (PPS 2.1.2).

### ***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 on valley slopes or within erosion hazard limits.

## **2. 1. 2. Erosion Hazard Limits**

Generally, development should not occur on or on top of valley walls because the long-term stability of the slope, and therefore public health and safety, cannot be guaranteed. Development should be set back from the top of valley walls far enough to avoid increases in loading forces on the top of the slope, changes in drainage patterns that would compromise slope stability or exacerbate erosion of the slope face, and loss of stabilizing vegetation on the slope face.

### **2. 1. 2. 3 Development**

Any development and/or site alteration within the jurisdiction of the Authority and within the erosion hazard limit and/or in, on or adjacent to valleylands must be in accordance with the following policies and guidelines and must be to the satisfaction of the Authority.

- a. Development activities and uses on natural valley slopes will generally be prohibited. At its discretion, however, the Authority may permit the following uses:
  - i. Passive recreation and associated structures (e.g. staircases);
  - ii. Structures associated with erosion and sediment control; and
  - iii. Any other relevant or appropriate use and/or development as deemed satisfactory by the Authority.
- b. *Development* is not permitted in *significant valleylands* unless it can be demonstrated through the submission of an *EIS* that there will be no *negative impacts* on the natural features or the *ecological functions* for which the area is identified.
- d. Any development proposals adjacent to valleylands must be located outside of the erosion hazard limit and incorporate a vegetation protective zone appropriate for the features associated with that valley.

HCA policies also address the conservation of natural heritage features and areas. Consideration of the conservation of natural features is a key component in the determination of whether or not a permit can be issued. Section 3 of HCA's policy manual addresses natural heritage features and includes the following policies relevant to the subject application.

### 3.1 General Policies

- a. The *Authority* will encourage that natural features and areas be protected for the long term.
- b. The *Authority* will encourage that the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.
- d. With the exception of those policies in Section 3.1.3, the *Authority* will require a minimum 10 metre *vegetation protective zone* for *natural heritage features*, where viable.

#### 3.1.4 Significant Woodlands and Forested Areas

- b. *Development and/or site alteration* will not be permitted on lands adjacent to *significant woodlands* (within 50 m of the boundary of the *woodland*) unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated through the submission of an *EIS* that there will be no *negative impacts* on the natural features or on their *ecological functions*.

#### 3.1.7 Wetlands

- a. *Development, site alteration, and/or interference with wetlands* will generally not be permitted:
  - i. In or on the areas of Non-PSWs;
  - ii. Within the *adjacent lands* of PSWs (120 m); or
  - iii. Within the *adjacent lands* of Non-PSWs (30 m)

Unless the hydrological, hydrogeological, and *ecological function* of the subject lands and of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on natural features or their *ecological functions*, such proposals may require the completion of an *EIS*, and should utilize all opportunities for protection and rehabilitation of the *wetland* feature.

- c. Except as provided for in Policy 3.1.7 (i), no *development, site alteration, and/or interference with wetlands* is permitted within 30 m of any *wetland*.
- i. Within 30 m of Any Wetland – Permit

These policies regulate development, site alteration, and/or interference with wetlands on lands located within 30 m of PSWs and within 30 m of Non-PSWs, and will require a formal permit under HCA Regulation 161/06 under Ontario Regulation 97/04, and may require the completion of an *EIS*. Where buildings and structures already exist within 30 m of any wetland, the following provisions will apply:

- i. No new septic systems permitted;
- ii. No swimming pools (above ground and in-ground) permitted;
- iii. Existing septic systems may be upgraded and/or replaced provided there are no viable locations available outside of the 30 m area of interference and it does not encroach any closer to the wetland than the existing system;
- iv. A replacement structure / addition may be permitted to encroach closer to the wetland than the existing development at its closest point; and
- v. An accessory structure may be permitted to encroach closer to the wetland than the existing development at its closest point.

### **Application Assessment**

The property at 26 Marshboro Avenue is located in a creek valley system associated with Middle Spencer Creek. The property has been identified as a Significant Valleyland, and contains other significant natural heritage features, including Significant Woodland, Significant Wildlife Habitat and Wetland. The City of Hamilton identifies the property as a Linkage Area, and the Greensville SWS identifies the property as a Constraint Area to development and recommends it be included as a Core Area in the City's Natural Heritage System.

The proposed development would be located in the Significant Valleyland feature and require vegetation removal and fill and grading activity on the valley slope. The proposed house, driveway and septic bed are located immediately adjacent to the identified areas of Significant Woodland and within the minimum required setback for woodland features. Further, the majority of the proposed driveway and a portion of the septic bed are within the 30m no development setback required for the wetland.

The proposed dwelling would be located on the slope of the valley wall, and is therefore also located within the erosion hazard area associated with the creek and valley. HCA policies, as outlined above, do not permit development within valleylands or their associated erosion hazard limits.

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, and to conserve natural heritage. 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 erosion 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 and adjacent to significant natural heritage features, and within the erosion hazard associated with Middle Spencer Creek. Provincial and HCA policies seek to provide for the long-term protection and conservation of significant natural heritage features and systems. Provincial and HCA policies also take a preventative approach to addressing the potential risks and impacts associated with natural hazards by generally directing development to areas outside of hazardous lands. It is HCA staff's opinion the policy framework outlined in HCA's *Planning and Regulation Policies and Guidelines (October, 2011)* does not support the proposed development.

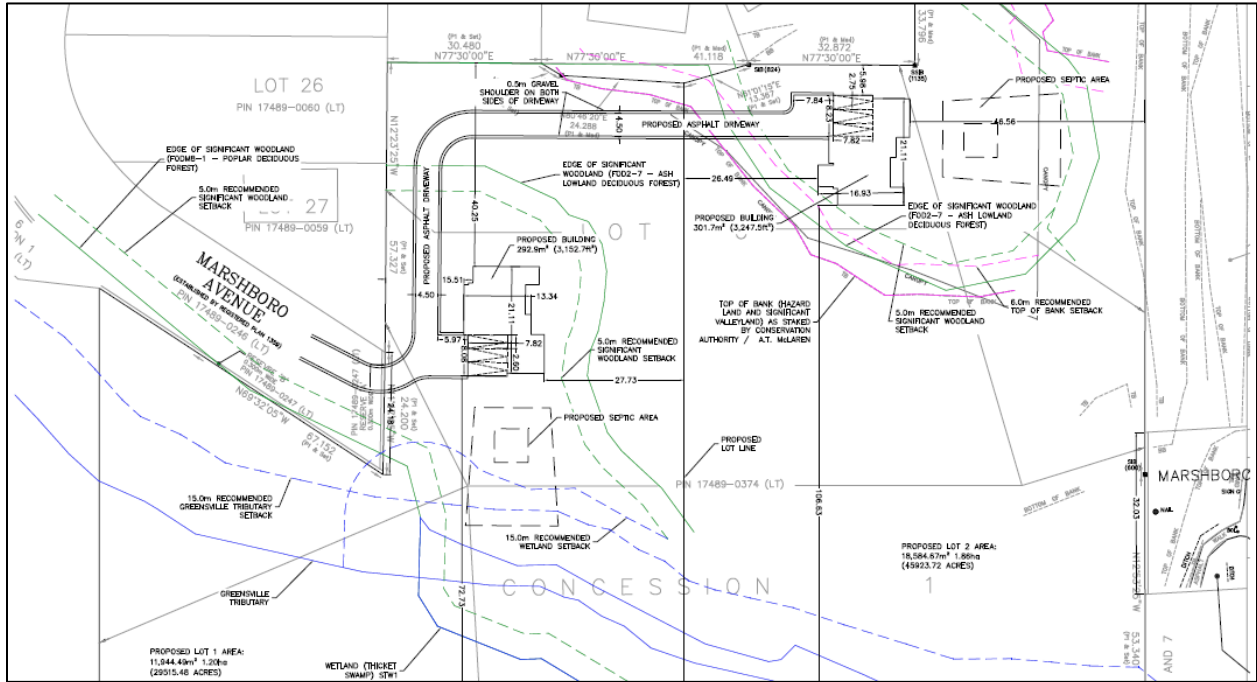
On this basis, the proposed development does not meet the conditions under which HCA may issue a permit under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*.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

**Attachment A – Site Location**  
**26 Marshboro Avenue, City of Hamilton**

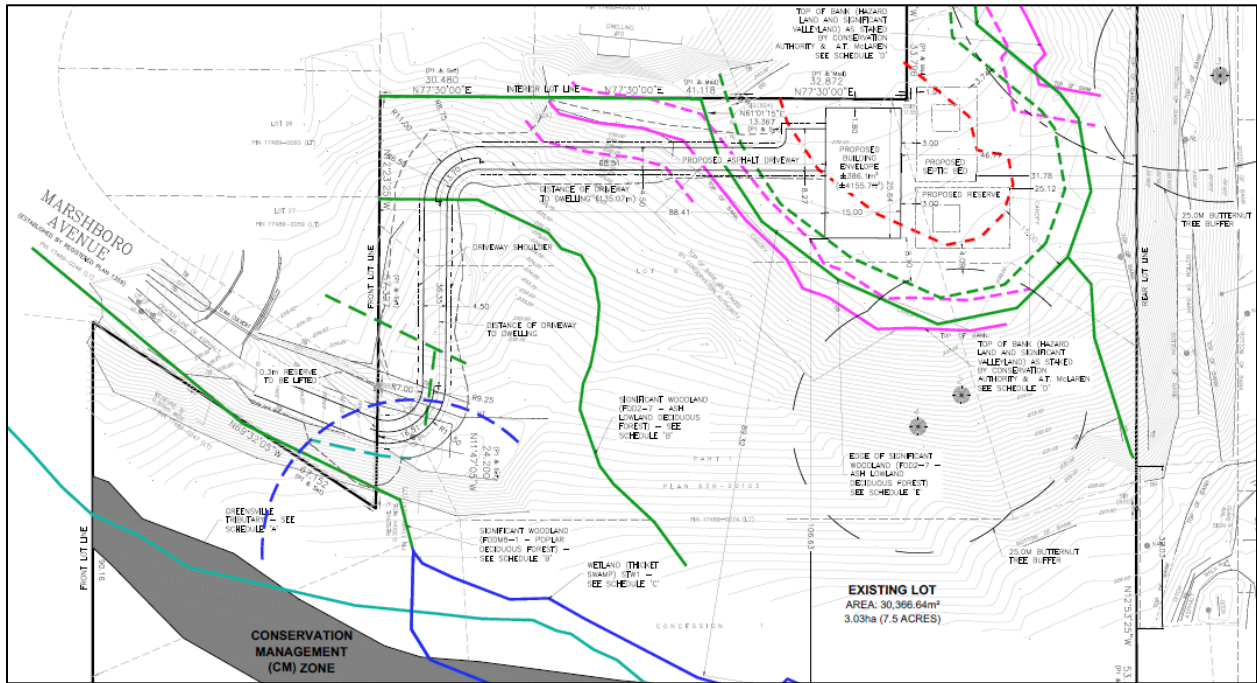




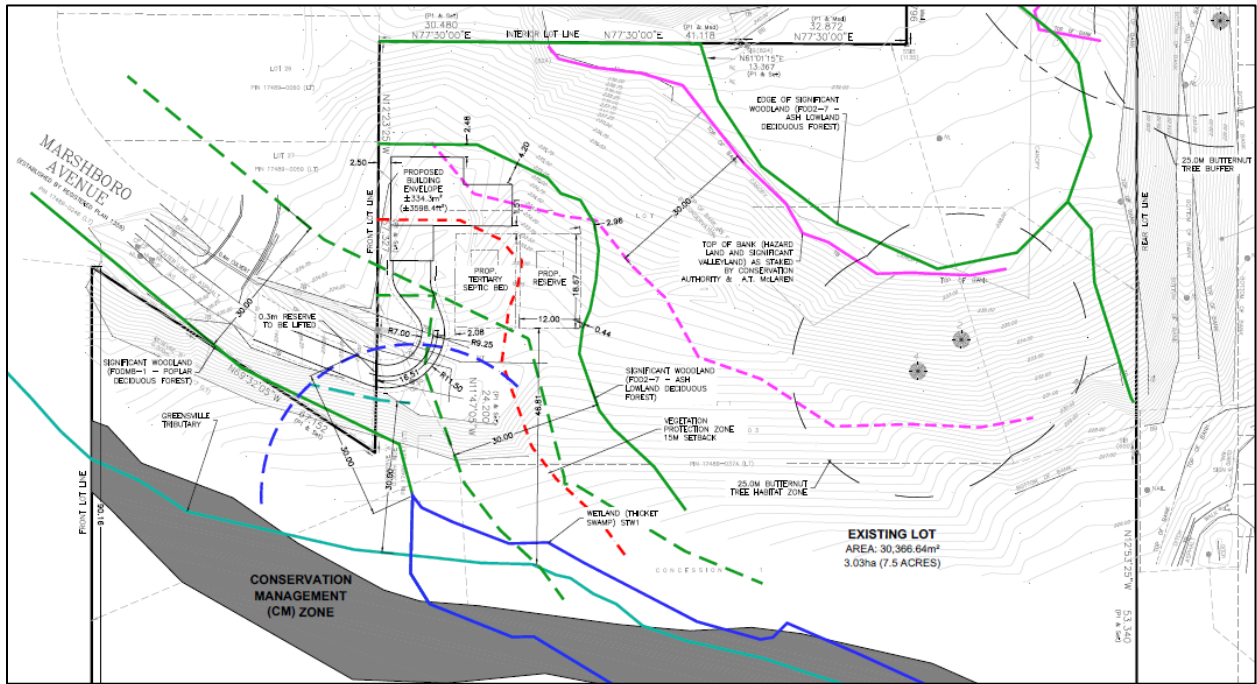
## Attachment C – Development Concept Evolution



**May 2019 Submission – Two Single Detached Dwellings (Top of Slope & In Valley)**



**August 2020 Submission – One Single Detached Dwelling (Top of Slope)**



January 2021 Submission – One Single Detached Dwelling (In Valley)



Hamilton  
Conservation  
Authority

A Healthy Watershed for Everyone

March 7, 2022

File: F/F,C,A/21/104

**BY EMAIL**

2549863 Ontario Inc.  
C/o Everist Prokofiev  
1393 Brackencrest Road  
Mississauga, ON  
L5G 2W6

Dear Mr. Prokofiev:

**RE: NOTICE OF HEARING  
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO  
SHORELINES AND WATERCOURSES REGULATION 161/06 APPLICATION  
2549863 Ontario Inc. (c/o Everist Prokofiev)  
26 Marshboro Avenue, City of Hamilton (Greensville)**

This letter serves to inform you that the application by 2549863 Ontario Inc. (c/o Everist Prokofiev), received December 23, 2021 for development in a regulated area of Middle Spencer Creek will be considered by the Board of Directors at the meeting scheduled for:

**7:00 p.m. on April 7, 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 March 23, 2022, to enable the Board members time to review the material along with the staff report.

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

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

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

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

Yours truly,



Mike Stone MCIP, RPP  
Manager, Watershed Planning Services

Cc: Carmela Agro, IBI Group (agent)

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.<sup>1</sup>
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.<sup>2</sup>
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.

<sup>1, 2</sup> 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.

26 Marshboro Avenue  
Greenville, Hamilton

# Board of Directors Hearing

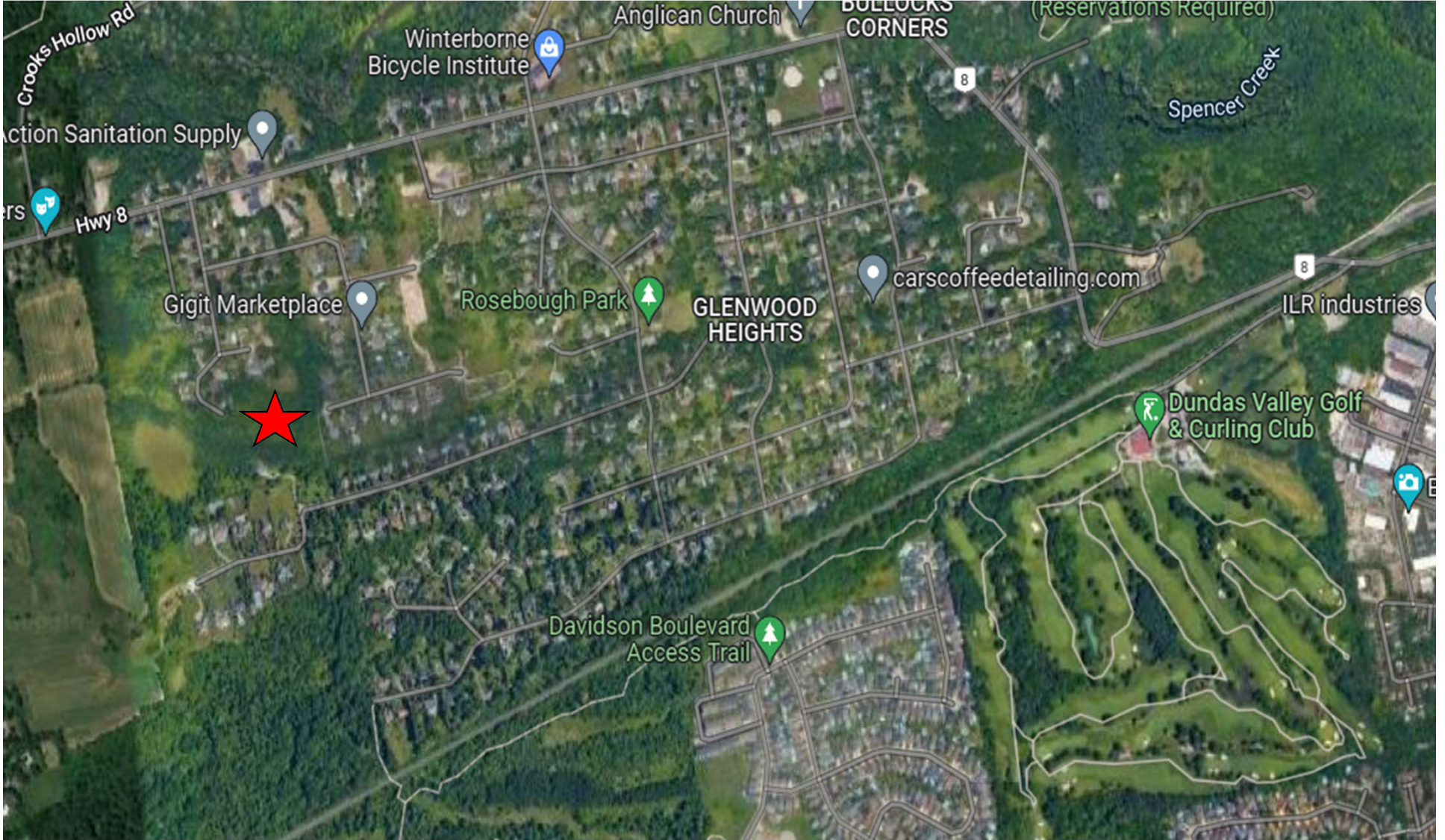
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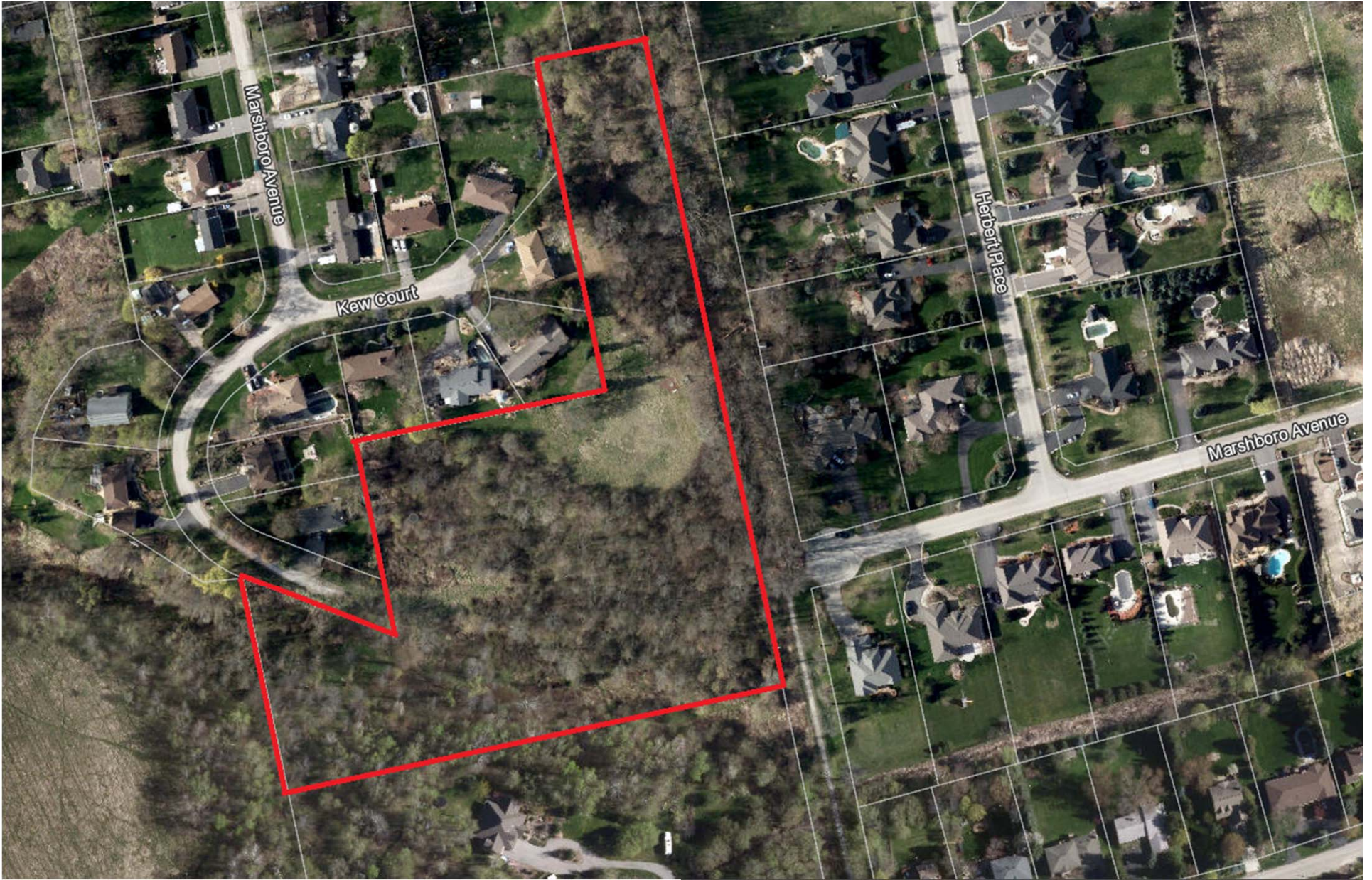
IBI Group  
April 7, 2022



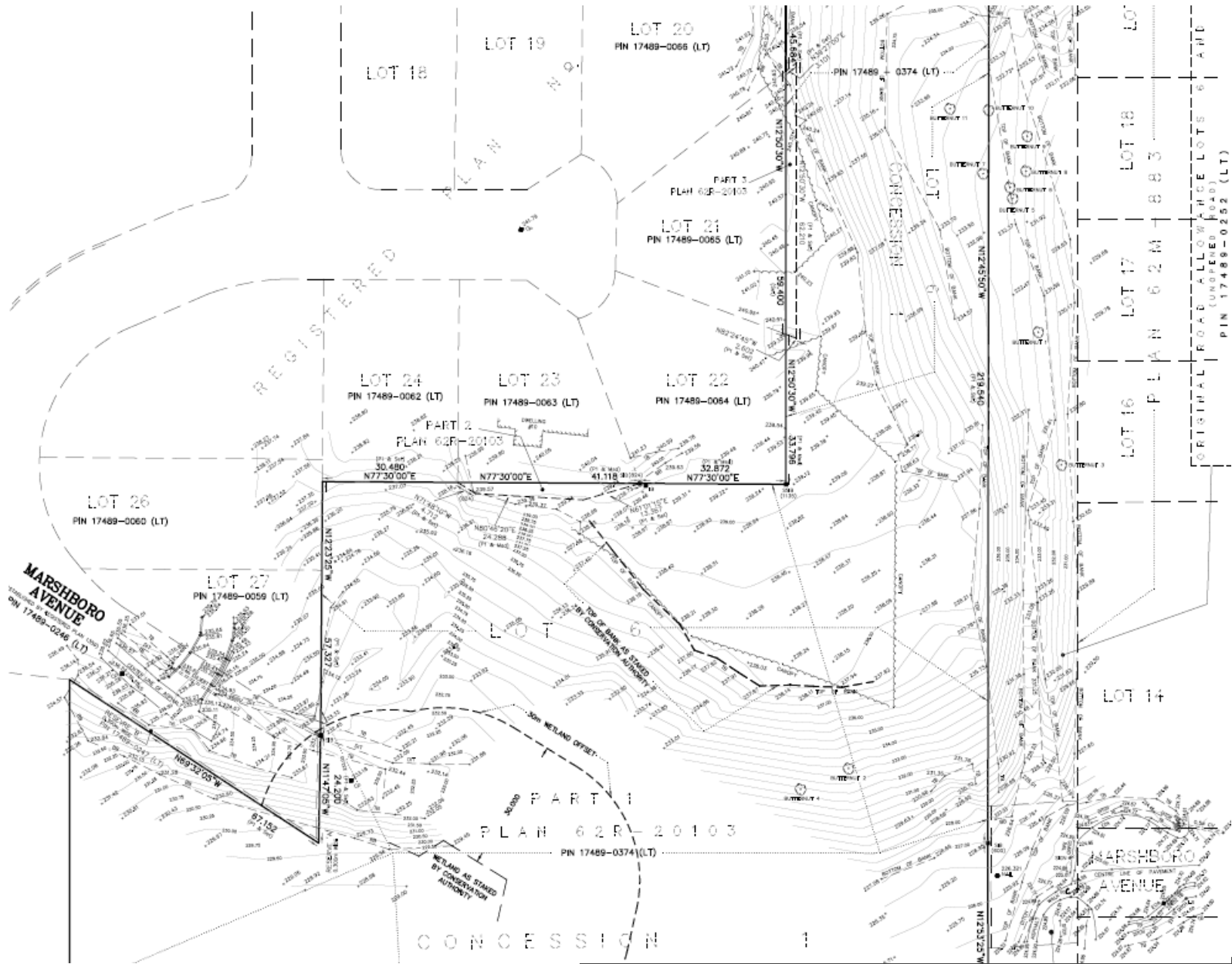
[www.ArtByProkofiev.com](http://www.ArtByProkofiev.com)



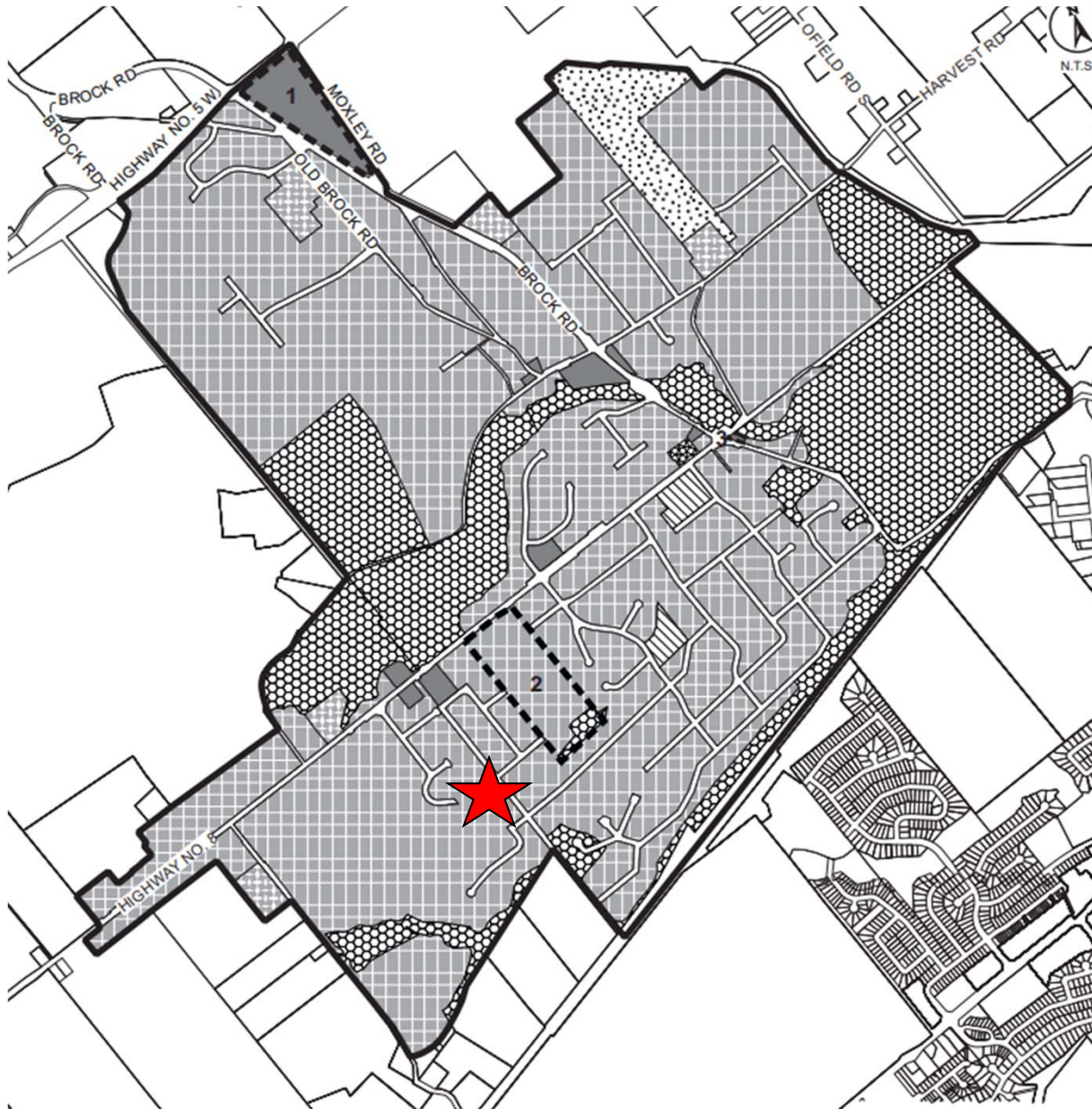
Aerial



## Aerial



# Legal Survey



# Greenville Secondary Plan:

## Rural Residential

### Greenville Secondary Plan







# Greenville Secondary Plan:

## Major Development Area C

- Limited to 5 lots per year



### Legend:

-  Settlement Area Boundary
-  Site Specific Area 1
-  Area Excluded from Secondary Plan Boundary
-  Major Development Area A
-  Major Development Area B
-  Major Development Area C

**Note:** This map is unchanged from Schedule B.16-3 of the former Town of Flamborough Official Plan.

### Volume 2: Map 8b Greenville Major Development Areas Rural Settlement Area Plan

#### Rural Hamilton Official Plan

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012



## Greenville Secondary Plan



Not within a  
Vulnerable  
Source  
Protection  
Area

Legend

-  Settlement Area Boundary
-  Vulnerable Area 1
-  Vulnerable Area 2
-  Urban Boundary

Volume 2: Map 8c  
Greenville Rural Settlement Area Plan  
Source Protection - Greenville Vulnerable Areas  
Rural Hamilton Official Plan

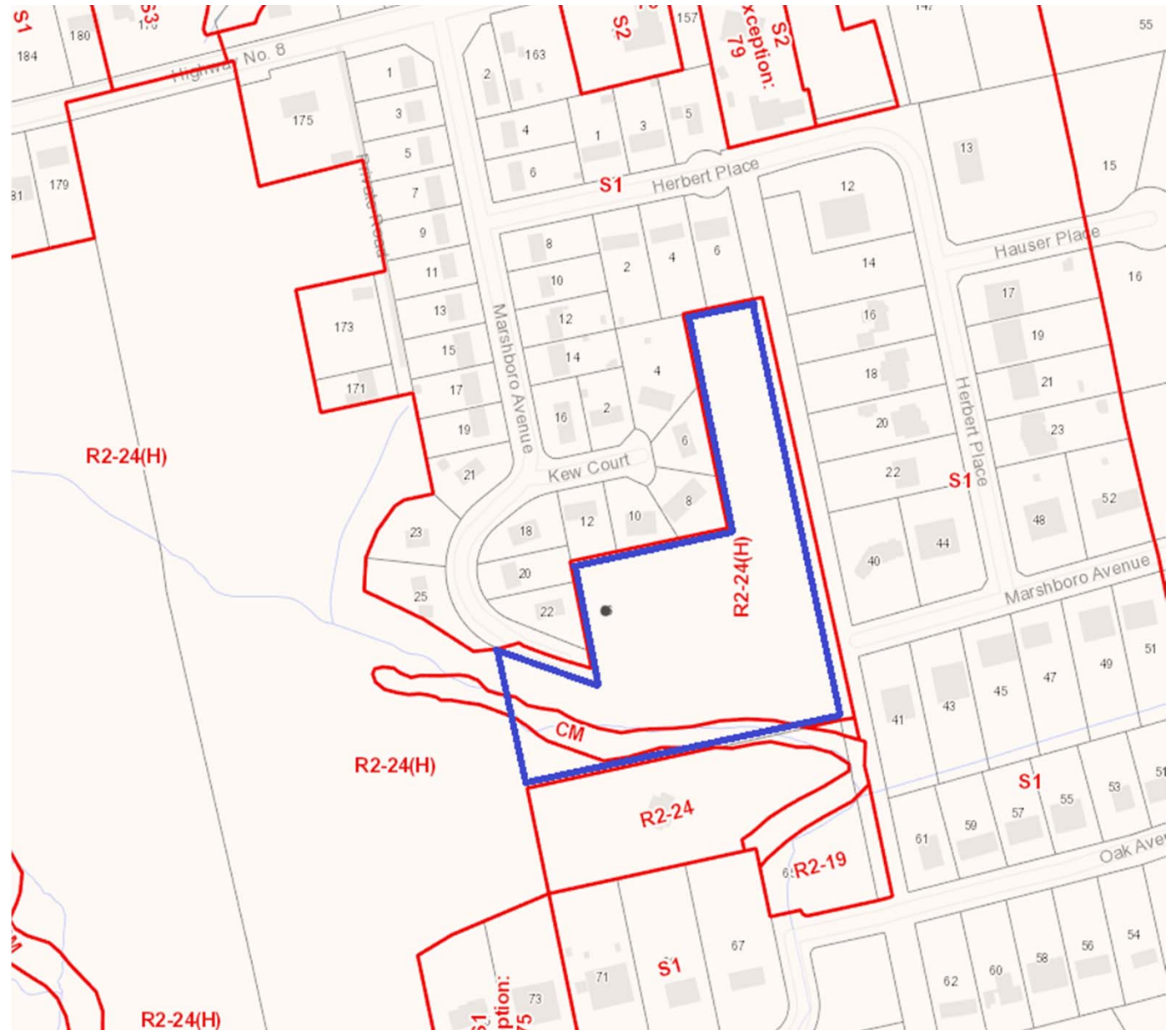
Effective Date: May 3, 2016

Greenville Secondary Plan

Existing Zoning  
in Town of  
Flamborough  
Zoning By-law  
no. 90-145-Z:

Settlement  
Residential R2-  
24 (H)

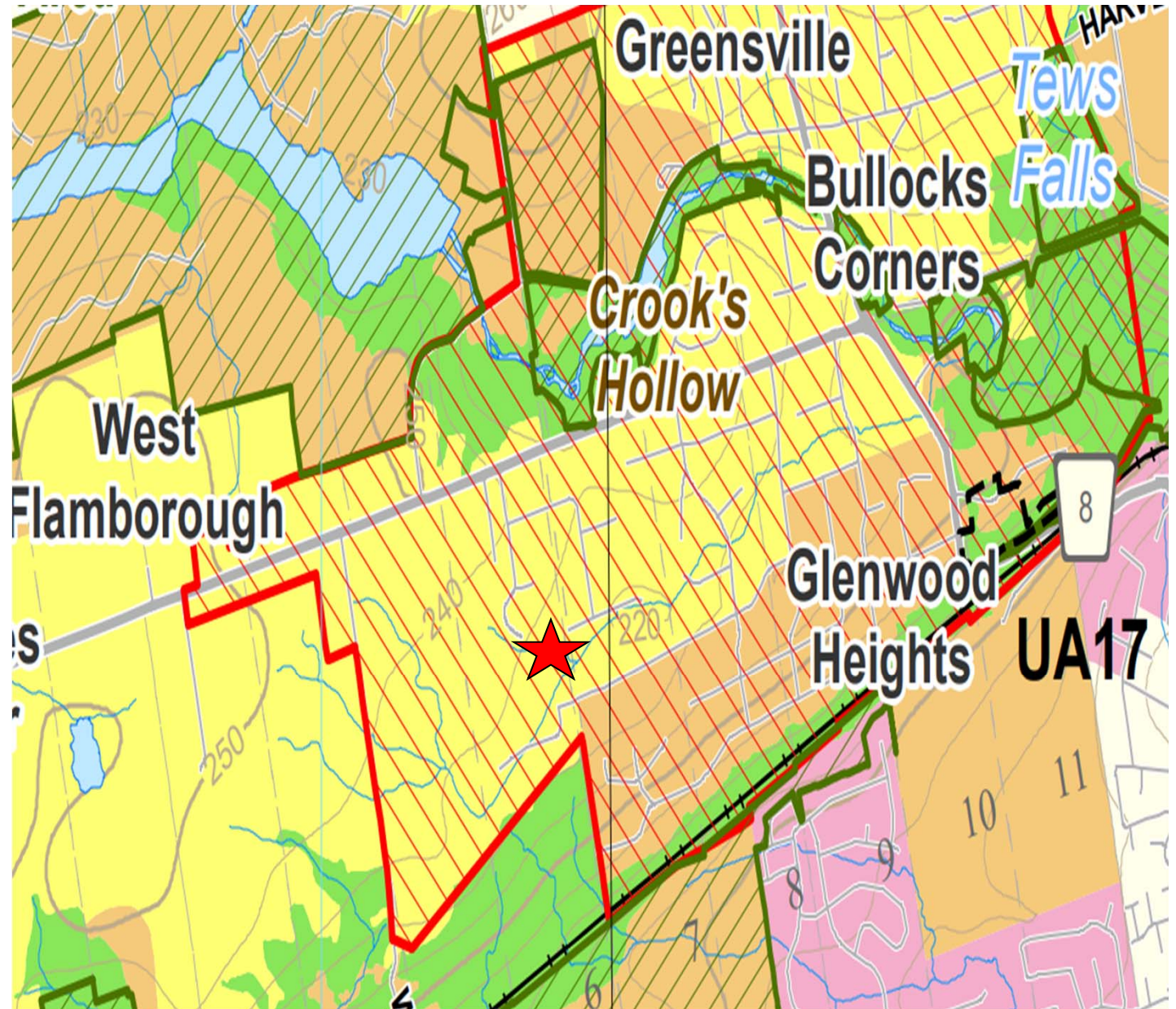
Conservation  
Management



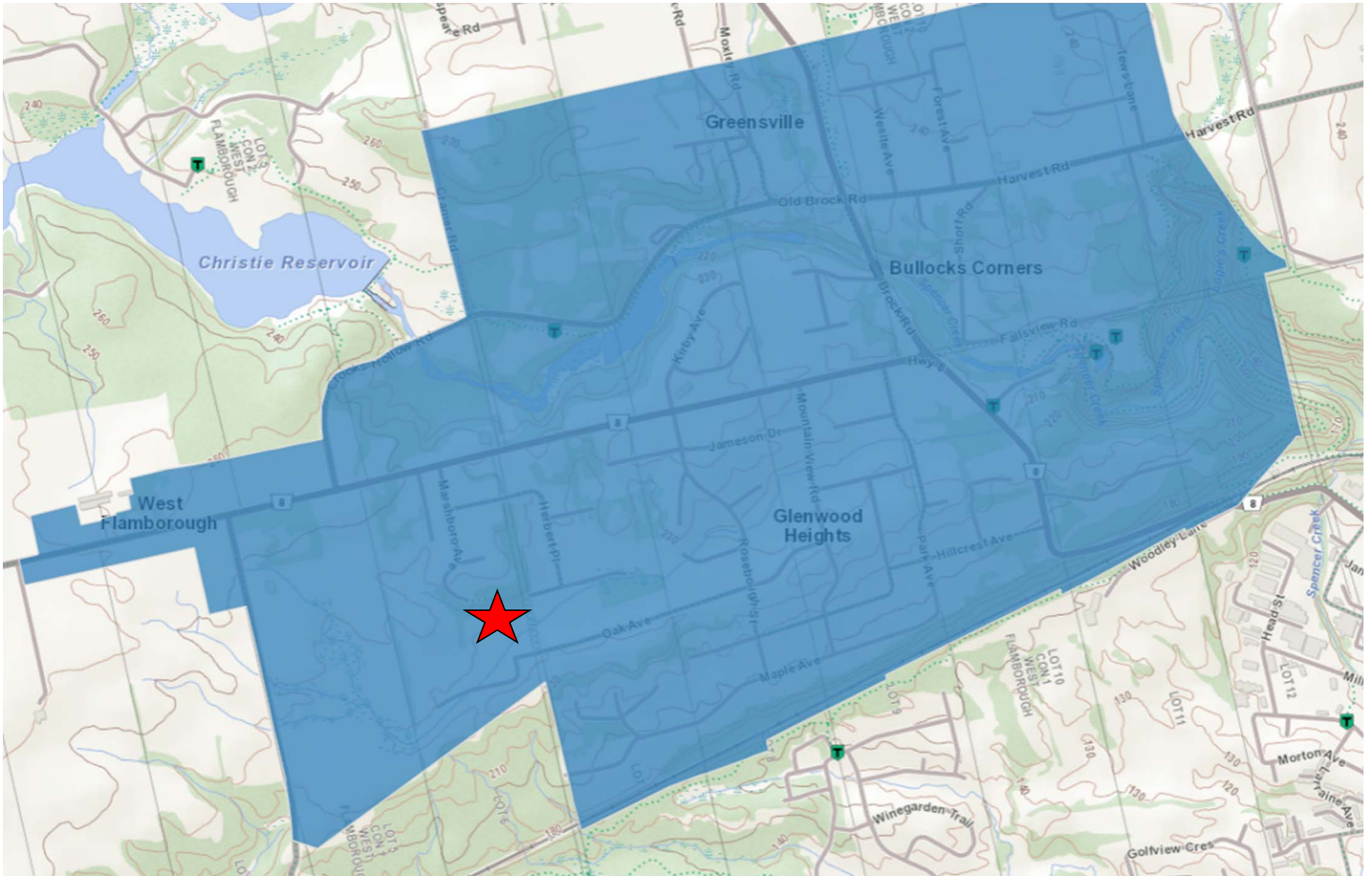
Zoning By-law no. 90-145-Z

# Niagara Escarpment Plan:

## Minor Urban Centre



Niagara Escarpment Plan



## Minor Urban Centre

# GREENSVILLE SUBWATERSHED STUDY

Species at Risk and Species of  
Conservation Concern Recorded by  
NRSI (2007 & 2011) and Aquafor  
Beech Limited (2014)

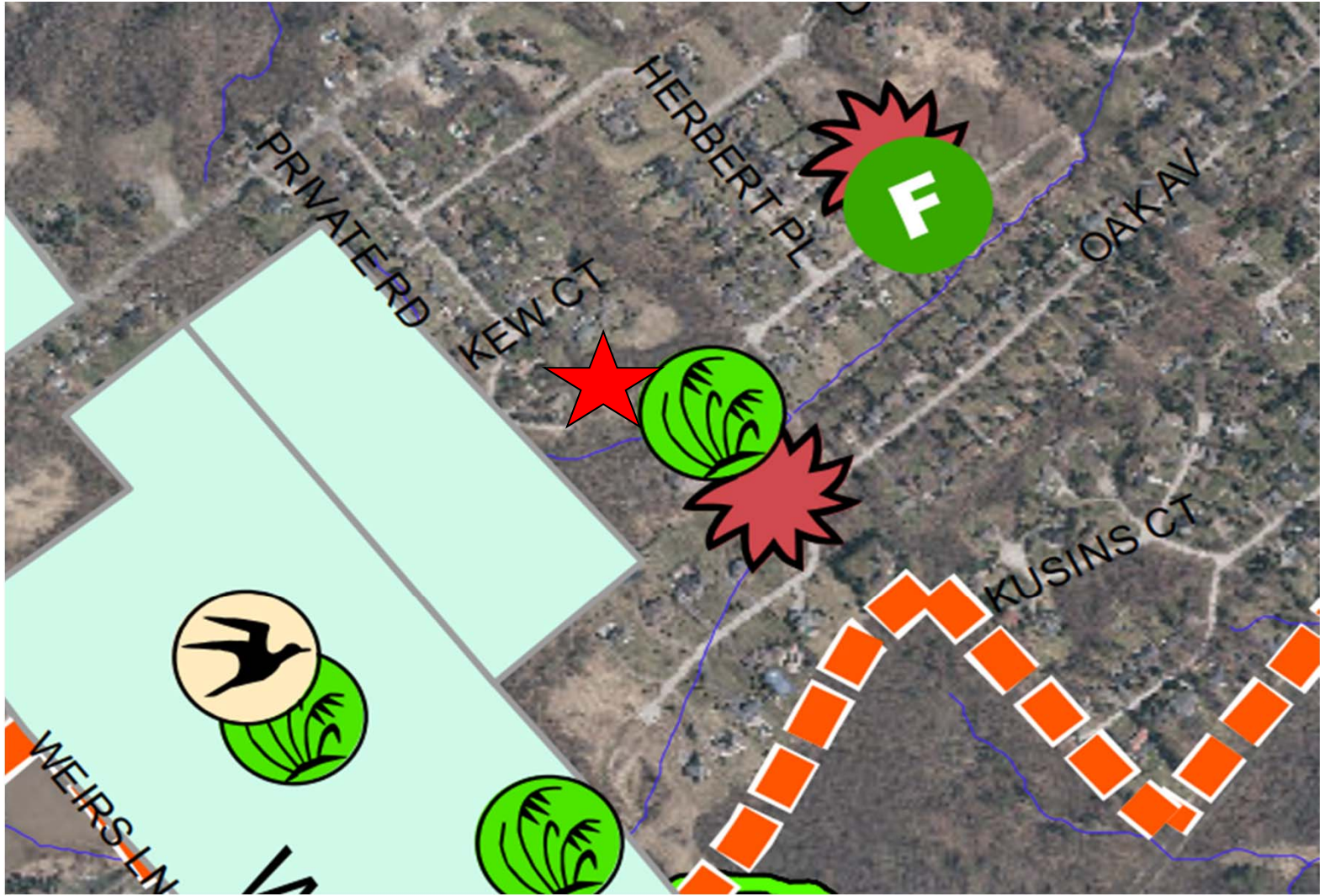
## FIGURE: 4.6.6

Sub Watershed Study

26 Marshboro Avenue

April 7, 2022

12



Black Bulrush (2007)



Butternut (2007)

## Sub Watershed Study


# GREENSVILLE SUBWATERSHED STUDY

Fish Habitat Classification Within  
Greenville Rural Settlement Area

**FIGURE: 4.7.2**

Sub Watershed Study



 Direct Fish Habitat

 Indirect (Contributing) Fish Habitat

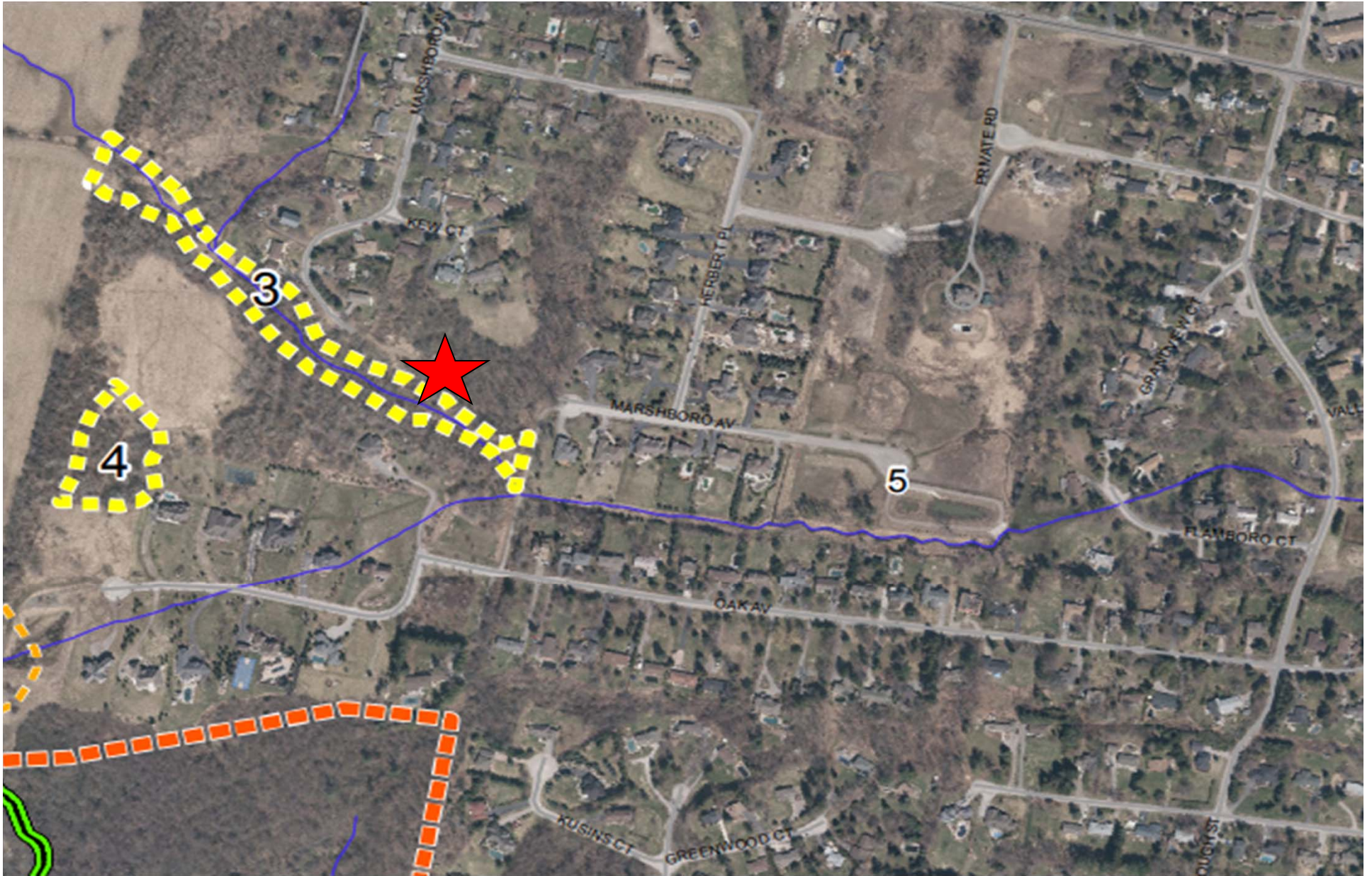
## Sub Watershed Study

# GREENSVILLE SUBWATERSHED STUDY

Wetlands Within The Rural  
Settlement Area

**FIGURE: 4.7.4**

Sub Watershed Study



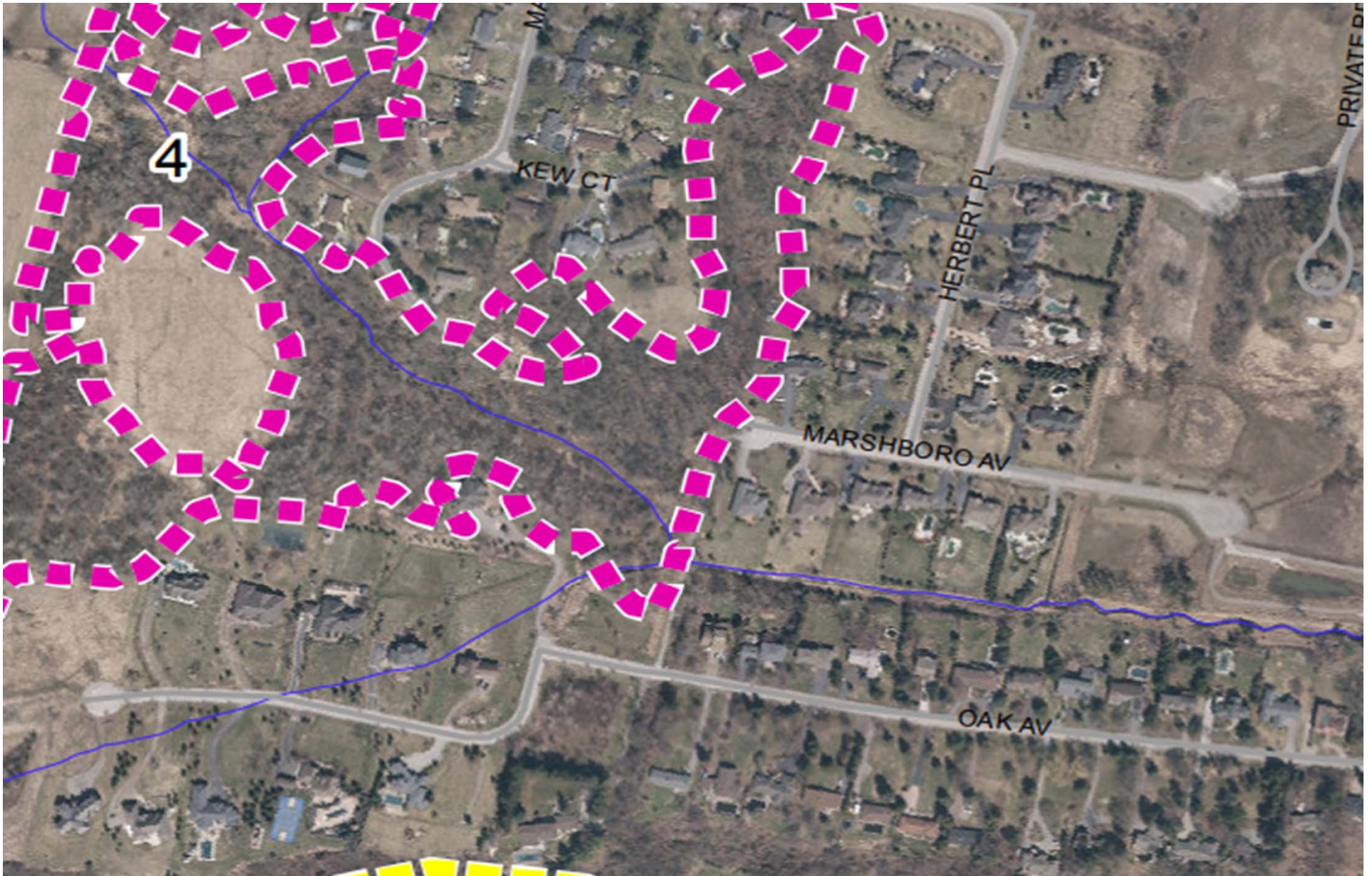
## Sub Watershed Study

# GREENSVILLE SUBWATERSHED STUDY

Woodlands Within The Rural  
Settlement Area

**FIGURE: 4.7.5**

Sub Watershed Study



## Sub Watershed Study

# GREENSVILLE SUBWATERSHED STUDY

Details of the Revised Natural Heritage  
System Within The Rural Settlement Area

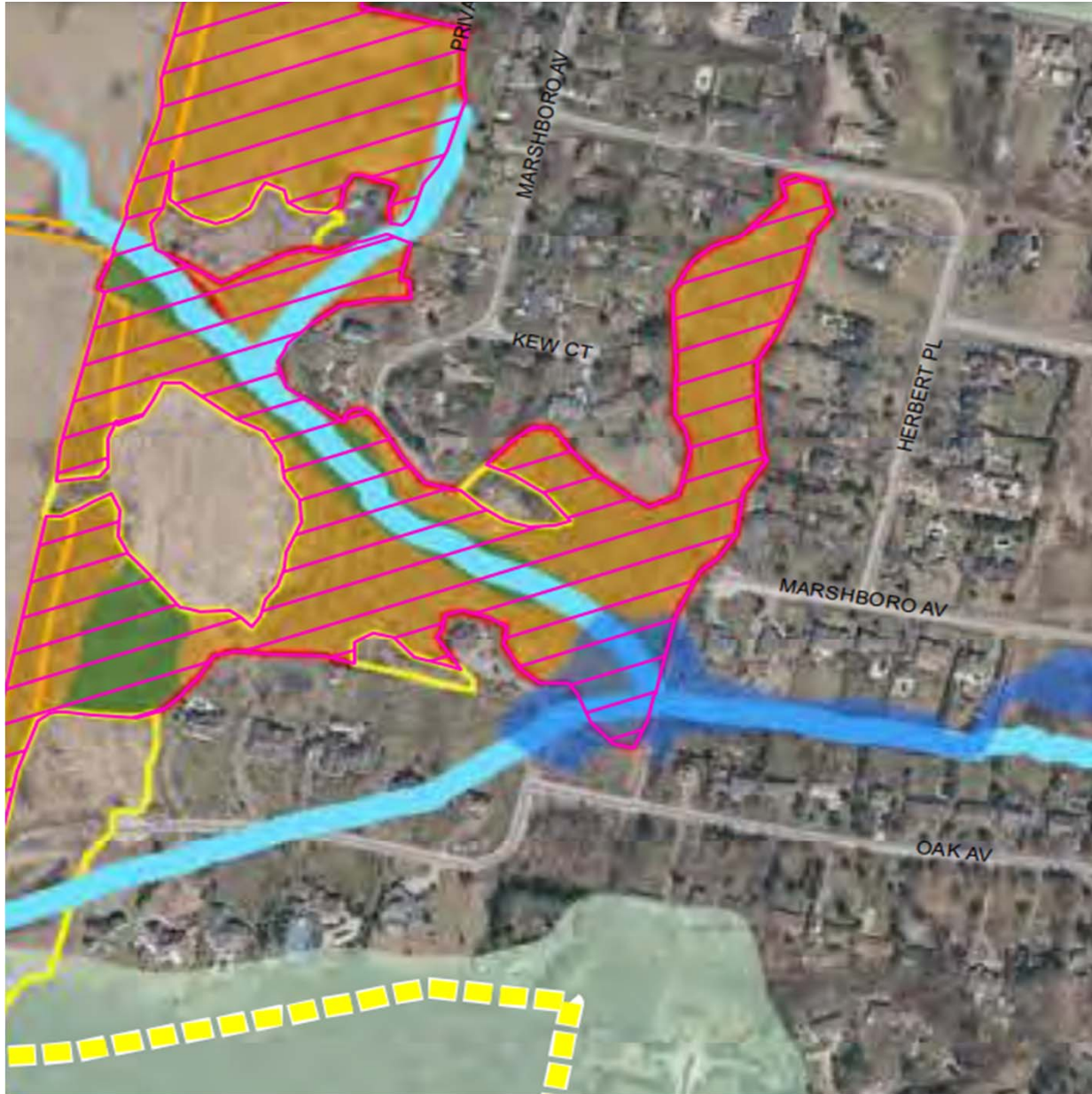
## FIGURE: 9.2.3

Sub Watershed Study

26 Marshboro Avenue

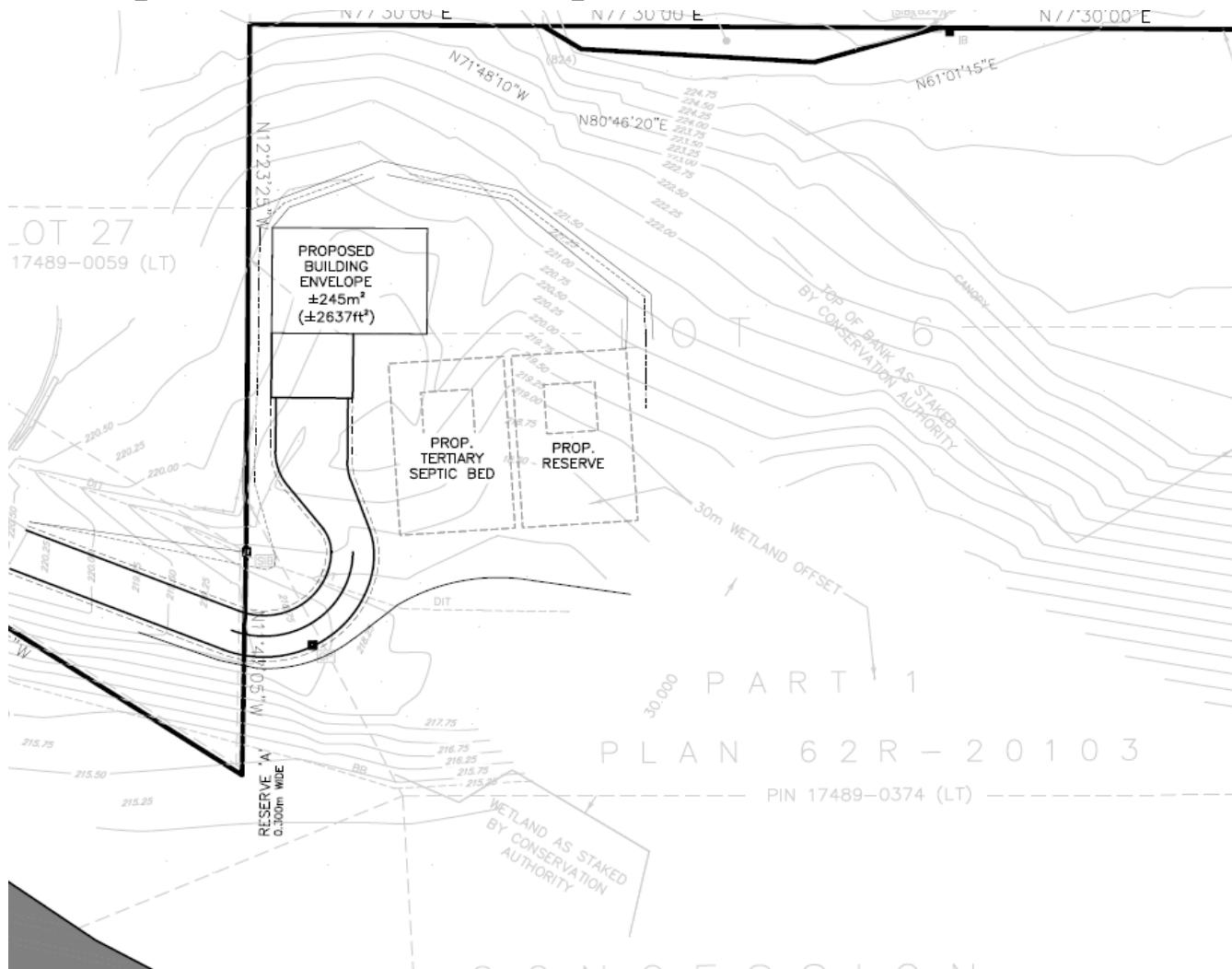
April 7, 2022

20



## Sub Watershed Study

# Development Proposal



## Current Site Plan

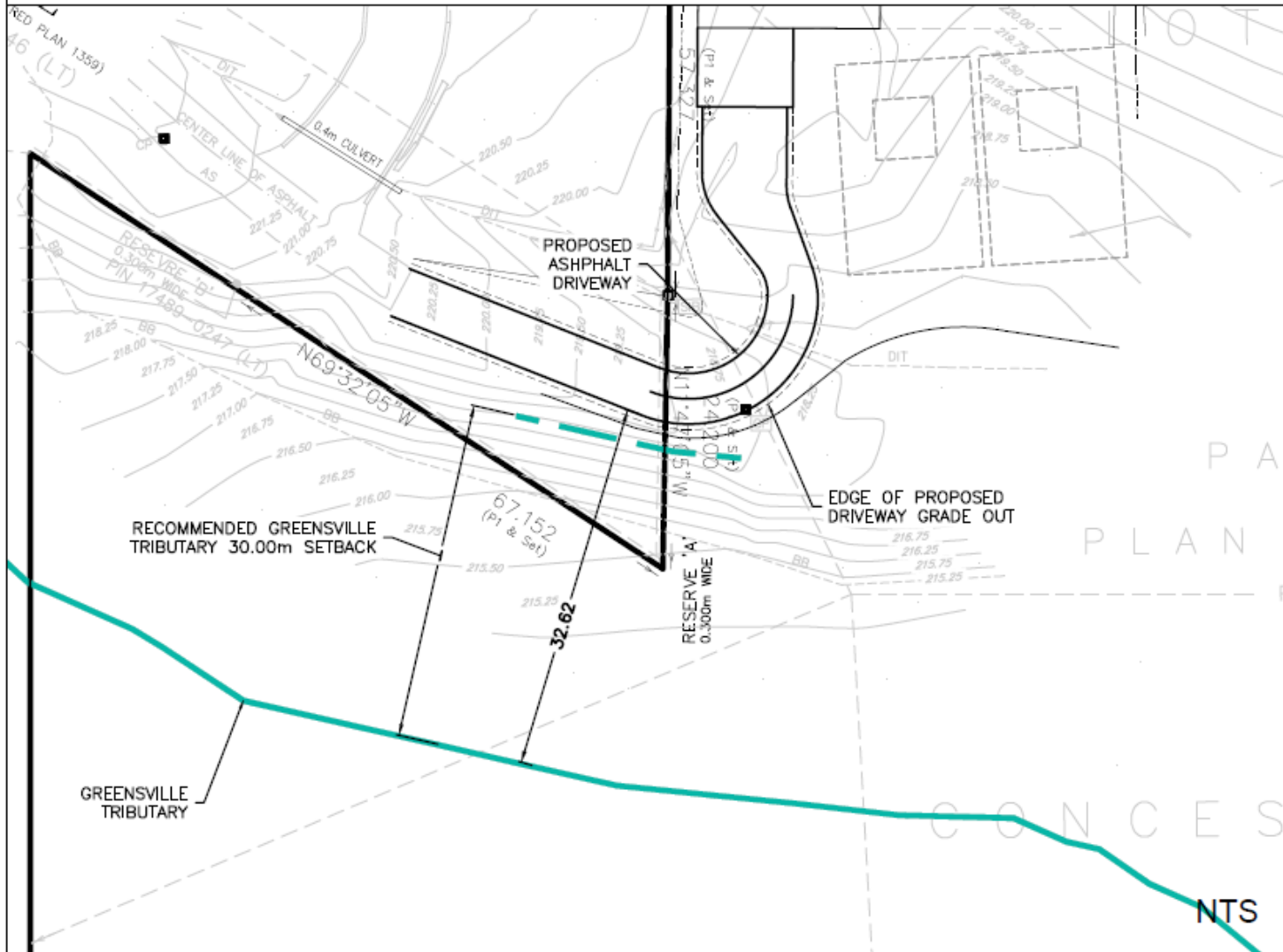
# Supporting Studies:

- Environmental Impact Study;
- Site Plan;
- Grading Plan;
- Butternut Assessment; and a
- Stormwater Management Brief.

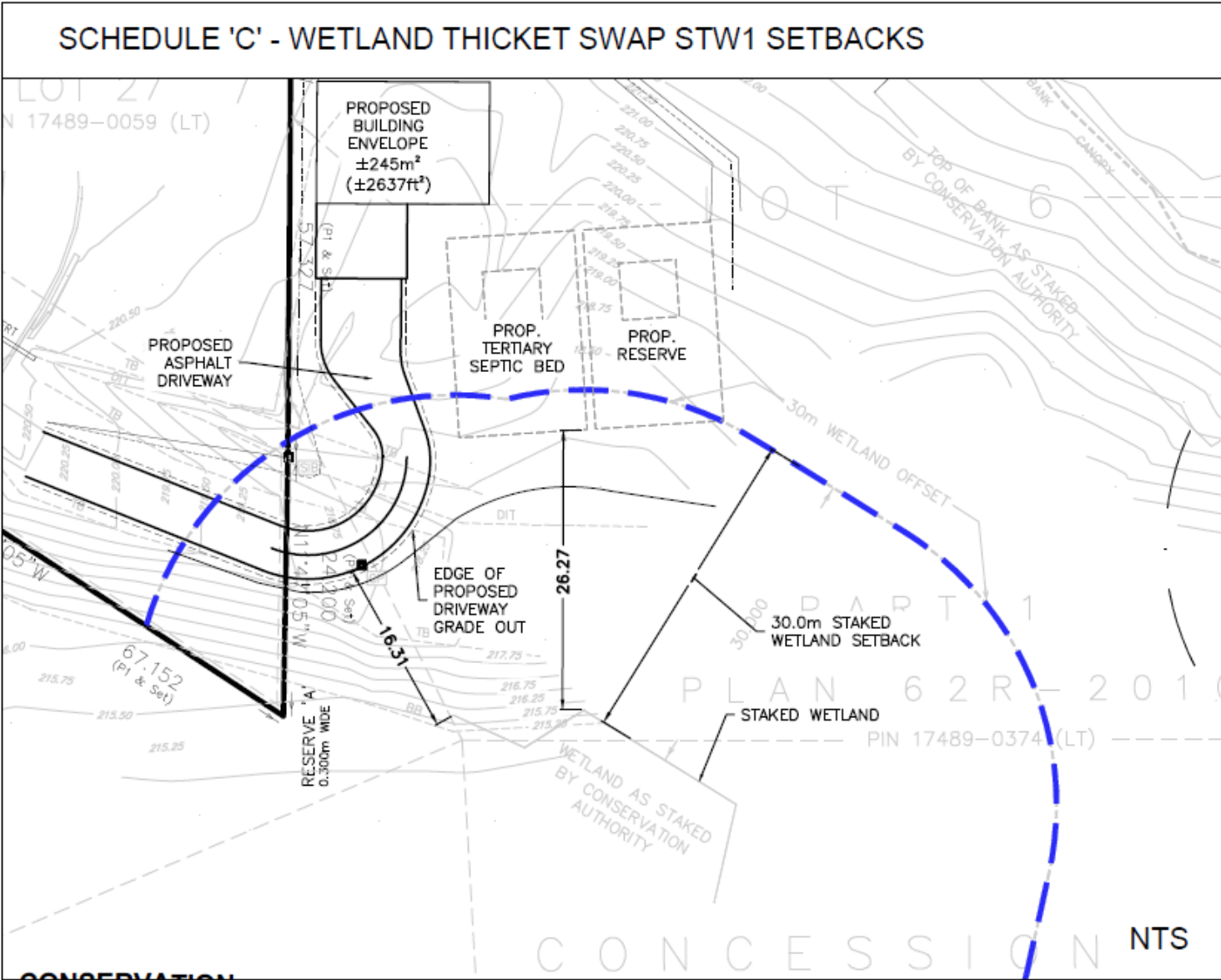
## Key Issues:

- Generally: development should not occur on or on top of valley slopes unless deemed satisfactory;
- No development in significant valleys unless an EIS confirms there is No Negative Impact;
- No development in Significant Woodlands unless an EIS confirms No Negative Impact;
- Generally: No development in a wetland unless No Negative Impact (EIS and / or HydroG Study).

# SCHEDULE 'A' - GREENSVILLE TRIBUTARY SETBACKS

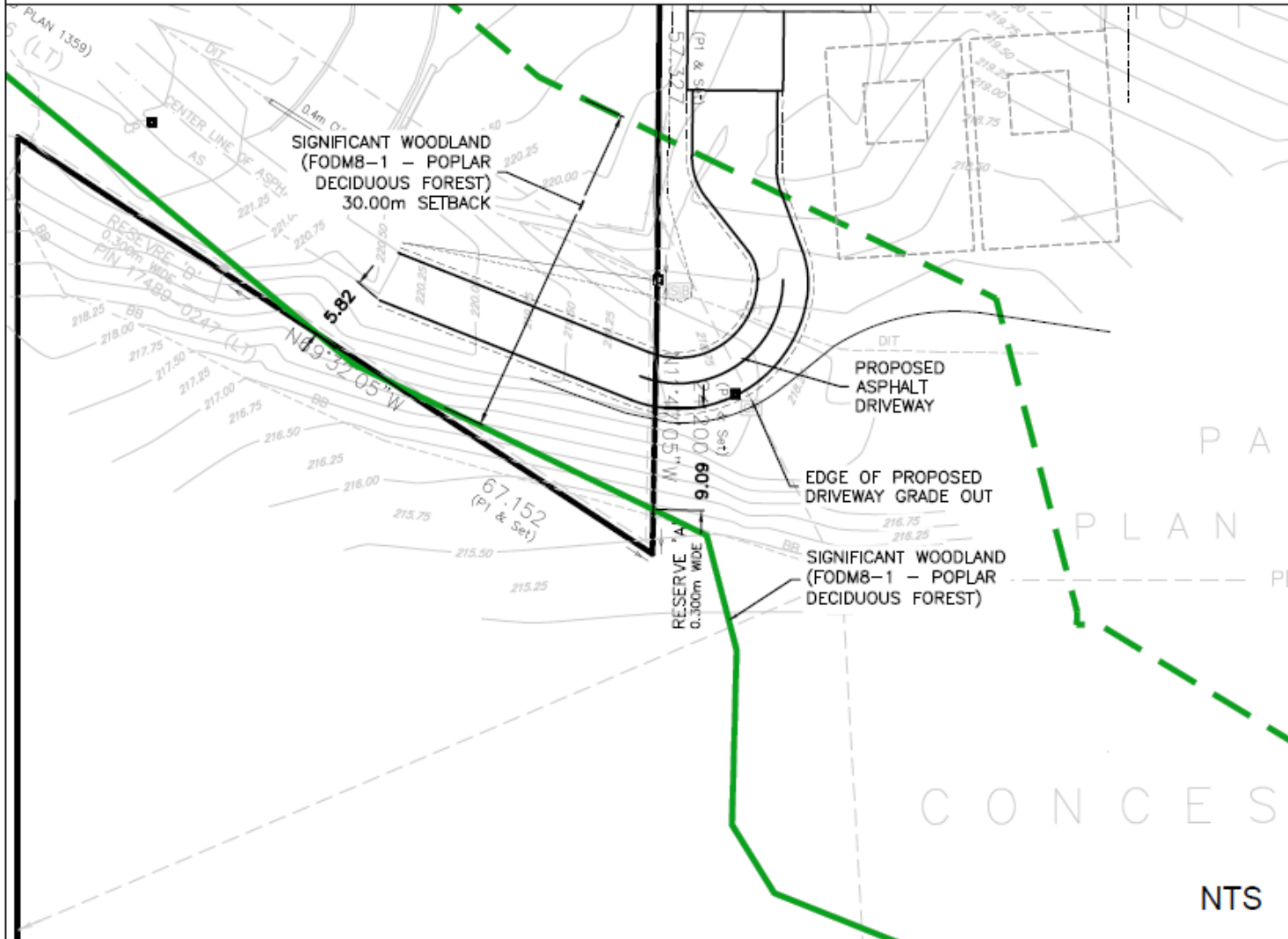


## Current Site Plan



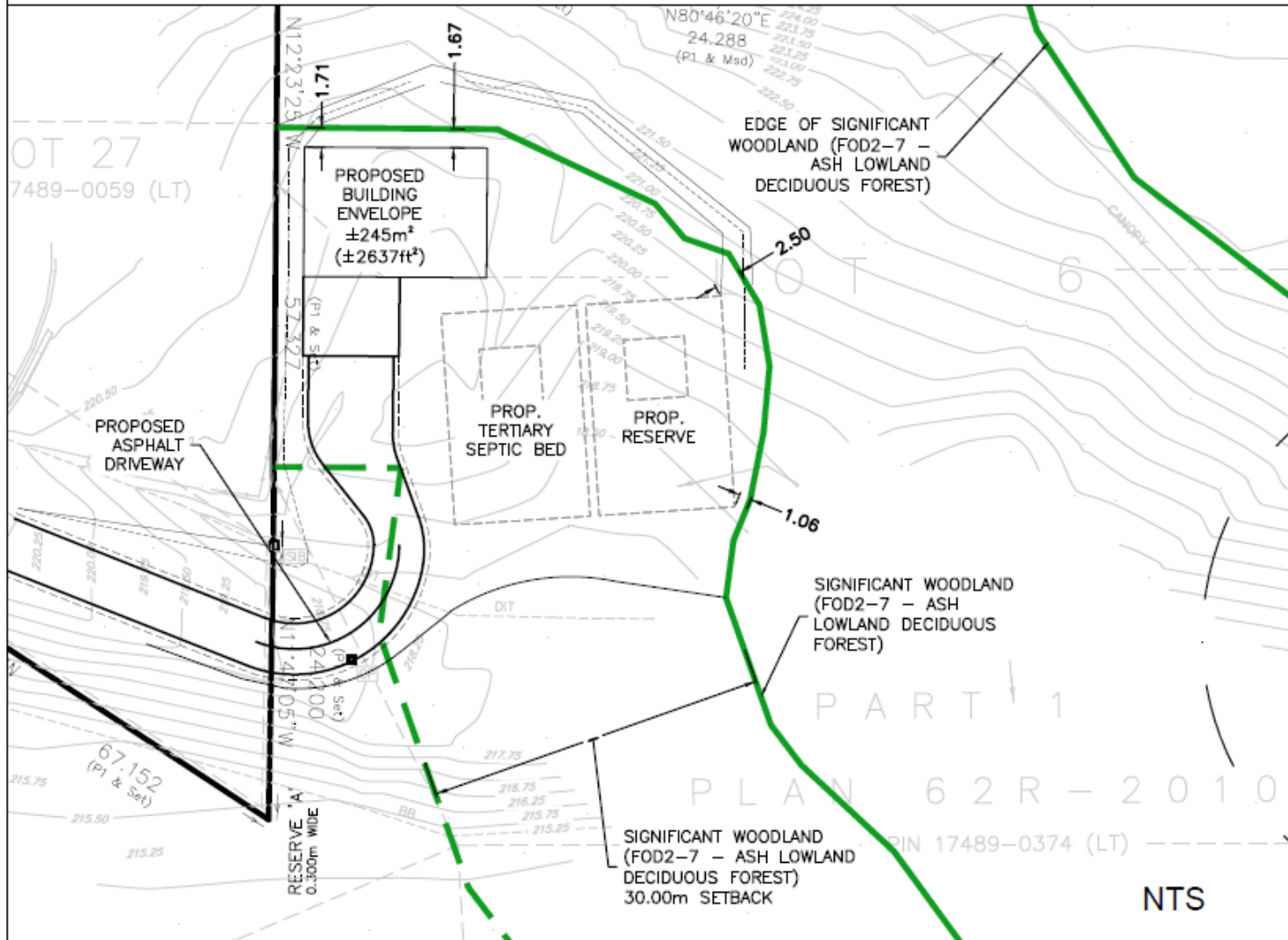
## Current Site Plan

# SCHEDULE 'B' - SIGNIFICANT WOODLAND (FODM8-1 POPLAR DECIDUOUS FOREST SETBACKS)



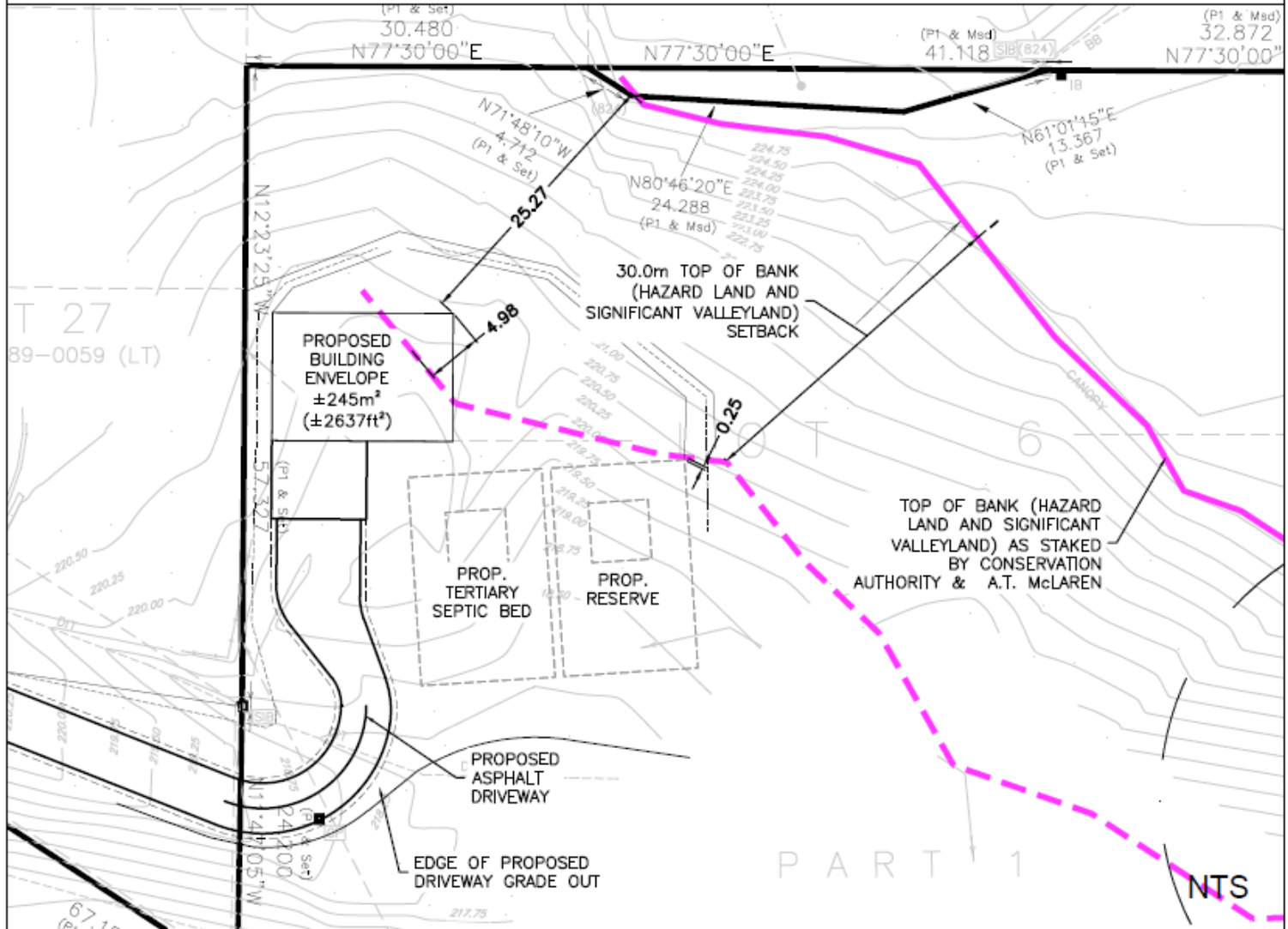
## Current Site Plan

# SCHEDULE 'E' - SIGNIFICANT WOODLAND (FOD2-7 - ASH LOWLAND DECIDUOUS FOREST) SETBACKS



## Current Site Plan

# SCHEDULE 'D' - TOP OF BANK (HAZARD LAND AND SIGNIFICANT VALLEYLAND) SETBACKS



## Current Site Plan

## Reasons to Support the Development:

- Generally conforms to the HCA policies and guidelines;
- Consistent with existing development patterns and setbacks;
- Conforms with Greensville Sub Watershed Study;
- Conforms with Greensville Secondary Plan and NEC Minor Urban Centre designations;
- Conforms with the Zoning By-law;
- Tree Replacement can be implemented; and
- Allows one house on one existing lot.

## **Everist Prokofiev respectfully requests:**

That the Staff Report be received and that the Authority Board approves the Permit Application and that Staff be directed to prepare appropriate conditions of approval to implement the proposed development (tree replacement, geotechnical study, final grading and erosion control drawings, etc)



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:** February 7, 2022

**RE:** Summary Enforcement Report  
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06  
Applications for February 7, 2022

---

HCA Regulation applications approved by staff between the dates of February 22, 2022 and March 24, 2022 are summarized in the following Summary Enforcement Report (SER-3/22).

## RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-3/22 as information.

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

March 24, 2022

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, April 07, 2022

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

**SUMMARY ENFORCEMENT REPORT SER 3/22**

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
H/F,A/21/94	15-Nov-21	22-Feb-22	72		200 Macklin St N (Chedoke Creek Pts of 330 Macklin St N and 16 Old Guelph Rd) Lot, Concession Hamilton	Targeted dredging in a regulated area associated with the Chedoke Creek.	Approved subject to standard condition
F/F,C/22/02	20-Jan-22	28-Feb-22	33		5 Medicorum Pl Lot 12,13, Concession 3 Flamborough	Construction of a 10,675.36 m2 manufacturing building, in a regulated area of Borer's Creek.	Approved subject to standard condition
F/F,C/22/12	05-Jan-22	01-Mar-22	43		315 Brock Rd Lot 9, Concession 2 Flamborough	For a septic system installation in a regulated area of Middle Spencer Creek.	Approved subject to standard condition
F/F,C,A/22/15	02-Feb-22	04-Mar-22	29		Pt Lts 12 and 13, Con 2, along Harvest Rd and Ofield Rd N and S Lot 12,13, Concession 2 Flamborough	Micro conduit installation in municipal RoW and residential connection in a regulated area of Logie's Creek.	Approved subject to standard condition
SC/F,C/22/14	15-Feb-22	07-Mar-22	20		6 Campview Rd Lot 6, Concession BF Stoney Creek	Construction of an in-ground pool in a regulated area of the Lake Ontario shoreline.	Approved subject to standard condition

**HAMILTON REGION CONSERVATION AUTHORITY**

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

March 24, 2022

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, April 07, 2022

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**SUMMARY ENFORCEMENT REPORT SER 3/22**

A/F,C/22/17	23-Feb-22	10-Mar-22	31	1282 Scenic Dr Lot 54, Concession 2 Ancaster	Construction of a new single family residence on a vacant lot in a regulated area of Chedoke Creek.	Approved subject to standard condition
H/F,C/21/97	25-Oct-21	14-Mar-22	78	15 Oakwood Pl Lot 57, Concession 1 Hamilton	Development of a hydro pool, patio, raised deck and associated grading and landscaping accessory to an existing single residence in a regulated area of Lower Spencer Creek.	Approved by Board of Directors at March 3, 2022 Hearing subject to conditions.
F/F,C,A/22/18	01-Feb-22	15-Mar-22	51	261 Hwy 5 W Lot 19, Concession 3 Flamborough	Installation of approximately 50 metres of a new NPS 20 natural gas pipeline, and construction of a temporary NPS 12 bypass pipeline in a regulated area of Borer's Creek.	Approved subject to standard condition
SC/F,C/22/16	24-Feb-22	17-Mar-22	35	206 Fruitland Rd Lot 14, Concession 2 Stoney Creek	Demolition of an existing dwelling and garage, and construction of a new single-family residence on in a regulated area of Watercourse 5.	Approved subject to standard condition



**BD12, 3006****MOVED BY: Cynthia Janzen  
SECONDED BY: Dan Bowman****THAT the agenda be approved.****CARRIED****4. Delegations**

There were none.

**5. Section 28 Hearing****5.1. 15 Oakwood Place, City of Hamilton – Permit Application No. H/F,C/21/97****BD12, 3007****MOVED BY: Santina Moccio  
SECONDED BY: Jim Cimba****THAT the Board of Directors sit as the Hearing Board.****CARRIED**

Mike Stone presented a summary of the staff report, indicating staff were unable to support the application as HCA and provincial policy generally direct new development beyond hazardous lands in order to protect people and property.

Douglas and Sarah Kinzie presented a summary of their development proposal, noting their intent for this to be their long term home, within their existing neighbourhood. Their central reasons for the proposal are to renovate existing areas that are currently hard-scaped and to mitigate erosion. It was suggested the helical piers of the balcony would improve the load on the slope. In addition, native plantings would be added to further stabilize the area. Another noted improvement would be to redirect roof runoff further down the slope. Mr. Kinzie indicated the intent is not to increase the size of the patio, but to replace what is in place, while also meeting City requirements for pools. A geotechnical consultant recommended sinking the pool in-ground to reduce the load on the slope.

The development proposal in relation to erosion hazards associated with a ravine slope on the property and possible hazard mitigation measures were discussed. It was clarified the existing house is within the long term erosion hazard limit of the slope. The house was built in 1991. Construction of the house would not be supportable through HCA's current policies. It was noted that it is possible that construction techniques such as helical piers, could stabilize slope and mitigate the erosion risk, however a geotechnical assessment would be required to determine the



**THAT the application by Douglas Kinzie for development of a hydropool, patio, raised deck and associated grading and landscaping accessory to an existing single residence in a regulated area of Lower Spencer Creek at 15 Oakwood Place, City of Hamilton, be approved subject to standard conditions, completion of a geotechnical assessment, and entrance into a save harmless agreement with the Hamilton Conservation Authority.**

## **CARRIED**

### **6. Consent Items for Applications, Minutes and Correspondence**

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approval of Board of Directors Minutes – February 3, 2022
- 6.3. Approved December 9, 2021 Conservation Advisory Board Minutes – for receipt only
- 6.4. Approved January 20, 2021 Budget & Administration Committee Minutes – for receipt only
- 6.5. 16 Items of correspondence respecting the 2022 Election of Officers, labelled a) to p)
- 6.6. Email from MECP dated February 8, 2022 re: Conservation Authority Agricultural Sector Representatives

### **7. Foundation Briefing**

#### ***Donations***

Jennifer Stebbing reported the Foundation received a total of **\$7,300** in new donations from February 1, 2022 to February 28, 2022, with \$5,082 of that for the *Step Into Nature* Education Fund. The remaining donations were directed to the Area of Greatest Need Fund, Westfield Heritage Village, Dundas Valley Trails, and the Land Securement Fund.

The Westfield locomotive tender restoration continues to build steam with great media coverage, which we are working to capitalize on and raise the necessary funds for the project, in partnership with the Friends of Westfield.

Other fundraising efforts for the Foundation in 2022 will focus on continuing to fully fund the Environmental Education Program, funding future work at Saltfleet Conservation Area, and starting to build our Education Endowment to a level where it will generate sufficient income to fully fund the annual operating needs of the education program.

**BD12, 3011**

**MOVED BY: Santina Moccio**

**SECONDED BY: Jim Cimba**

**THAT the Foundation Briefing be received.**

**CARRIED**

## **8. Member Briefing**

### **8.1. 2021 HCA Annual Report**

Lisa Burnside presented the annual report, noting the report marks the third year of progress for HCA's 5-year strategic plan. It demonstrates HCA's important work toward our vision of a healthy watershed for our communities and the shared natural environment. Lisa shared she is very proud of the significant progress HCA made in all areas through the continuing pandemic, and that it is the result of the hard work and dedication of all staff, our board of directors, our many volunteers and the ongoing support of our municipal partners, the City of Hamilton and Township of Puslinch.

Some examples of highlights from the report shared under each of the strategic program areas include:

#### Organizational Excellence

- Successful piloting of a new online stakeholder engagement tool to facilitate community comments on HCA projects
- HCA's website reached a new milestone with over 2 million page views
- Sustained increased gate admissions, marina operations and camping fees offset pandemic-related reductions in other HCA program areas

#### Water Management

- 99 permits issued for development projects to ensure protection of people and property
- Undertook public safety assessments for the Christie and Valens dams
- Continued to invest in our water quality monitoring programs

#### Natural Heritage Conservation

- Awarded the first contract for construction of the first Saltfleet CA wetland, which is now underway and fully funded by a tremendous grant from the Heritage Green Community Trust.
- Continued with mapping and removal of invasive species on our lands with over 17 different species managed
- Enhanced natural heritage features across our watershed with over 4,700 native species planted
- Hosted 12 volunteer events in 2021 with 308 garbage bags of trash collected

#### Conservation Areas Experience

- Welcomed over 1.2 million visitors to our owned or managed properties
- Reached record annual pass sales with over 12,000 passes sold, doubling 2019 numbers
- Added 177 acres to expand our landholdings

#### Education and Environmental Awareness

- Hosted over 20 public and volunteer events with plantings, invasive species removal and garbage removal.
- Expanded our suite of virtual education programs and booked over 100 virtual education sessions with the Hamilton public school board

Lisa also added that Foundation donors contributed over \$285K to support many projects and were instrumental in our ask to Heritage Green Community Trust for the grant request to fund the first wetland at Saltfleet.

The members congratulated staff on the report and all of the work undertaken over the past year.

**BD12, 3012**

**MOVED BY: Dan Bowman  
SECONDED BY: Santina Moccio**

**THAT the 2021 HCA Annual Report be received.**

**CARRIED**

## **9. Business Arising from the Minutes**

There was none.

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

### **10.1. Conservation Advisory Board – February 10, 2022**

(Recommendations)

10.1.1. CA 2203 Westfield Heritage Village Accession and Deaccession Lists

Dan Bowman, the Chair of CAB, introduced the report, highlighting an Ideal Lever spinning wheel, a very rare and significant acquisition for the collection, as well as other items recommended for accession. He also described the criteria used to select items for deaccession, often due to poor condition or lack of interpretive value.

**BD12, 3013**                    **MOVED BY: Dan Bowman**  
 **SECONDED BY: Jim Cimba**

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

**THAT the Westfield 2021 Artifact Accessions and Deaccessions List as noted in the February 10, 2022 Accessions/Deaccessions report be accepted as the artifacts to be added to, or removed from, the Westfield Heritage Village Conservation Area and the Hamilton Conservation Authority collection.**

**CARRIED**

10.1.2. CA 2204 2022 Annual Membership Pass Program Renewal Strategy

Dan Bowman brought forward the staff report, noting the significant increase in pass sales since the pandemic began. While staff already undertake some initiatives to engage and connect with members and encourage them to renew, the report outlines a 6-point strategy of additional member engagement tools to retain and attract new pass holders. The strategy includes a postal code analysis to better understand pass holder demographics, improving platforms for online pass sales and tracking pass holders for renewal, as well as ensuring staff have the appropriate training and tools to market and sell the pass.

**BD12, 3014**                    **MOVED BY: Dan Bowman**  
 **SECONDED BY: Cynthia Janzen**

**THAT the Conservation Advisory Board recommend to the Board of Directors:**

**THAT the 2022 Annual Membership Program Renewal Strategy Report be received for information regarding our Annual Membership Pass Program; further;**

**THAT staff be directed to implement the six-point strategy outlined in the 2022 Annual Membership Program Renewal Strategy Report dated February 10, 2022.**

**CARRIED**

10.1.3. CA 2205 HCA 10 Year Masterplan Strategy Update

Dan Bowman summarized staff report recommending adjustments to the existing schedule for the development of master plans to move up the east mountain Conservation Areas to be completed next in the sequence. The change aligns with the creation of the new Hamilton Mountain Conservation Areas business unit and with the development of the Saltfleet Conservation Area master plan and surrounding areas management plans, which are currently underway.

**BD12, 3015            MOVED BY: Dan Bowman  
                              SECONDED BY: Jim Cimba**

**THAT the Conservation Advisory Board recommend to the Board of Directors:**

**THAT the amended Master Plans Implementation Priority List of the HCA Ten Year Master Plan Update Strategy be approved.**

**CARRIED**

10.1.4. CA 2207 LDD (Gypsy) Moth Surveys & 2022 Control Program

Dan Bowman shared with the members details of presentation given by Lesley McDonell at the CAB meeting. Ecology staff have advised that the LDD moth has now become endemic and will have to be managed continuously. Staff recommended against spraying to manage the moth as it is not ecologically or economically effective. HCA sprayed in 2018 and 2019 and despite these efforts, LDD moth numbers have risen again. Staff recommended a targeted approach that focuses on scraping egg masses and using burlap banding to protect high value oak trees in our forests for 2022 which has worked well in recent years. Staff are also looking to rely on the moths' natural enemies, including a bacterium, virus and parasitic wasps that feed on the caterpillars, to reduce the population.

**BD12, 3016            MOVED BY: Dan Bowman  
                              SECONDED BY: Brad Clark**

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

**THAT this report be received for information regarding our LDD moth surveys and results; and further;**

**THAT the HCA not undertake a spray program to control LDD Moths in 2022, and;**

**THAT the HCA undertake a targeted approach (banding, egg mass scraping) that focuses on high value oak trees in our forests for 2022.**

**CARRIED**

## **11. Other Staff Reports/Memoranda**

### **11.1. Wild Waterworks Waterslide Refurbishment Tender Results**

Matt Hall presented a summary of the staff report and answered the members' questions. A previous tender resulted in only one bid being received and that exceeded the allowable project budget. For this second tendering, the scope and nature of work was refined to reduce costs. In addition, the specifications were refined to consider alternative companies with similar or related specialities. No bids were received by the deadline.

Limiting factors for contractors to submit bids was discussed. When surveyed, one contractor cited other commitments, and another expressed concern that the attraction has reached the end of its serviceable lifespan and recommended replacement instead of refurbishment. It was clarified that the proposed work was cosmetic in nature and that all slides are required to be assessed by HCA's licenced slide mechanics, and TSSA for safety standards each year before opening. Cancellation of this project will not affect the ability of Wild Waterworks to open for the 2022 season.

The members expressed regret that the project could not move forward this year. It was noted that the City of Hamilton is currently undertaking a master plan for Wild Waterworks to evaluate the feasibility of a number of scenarios for the future of facility and HCA staff are involved in the process.

**BD12, 3017**

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

**THAT HCA staff recommends to the Board of Directors:**

**That the West Slide Refurbishment project at Wild Waterworks be closed given that no bids were received for this second tender attempt.**

**CARRIED**

11.2. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, highlighting that staff have been active in the past weeks releasing Flood Watch and Warning bulletins. Localized road flooding occurred at four known locations in HCA's watershed and in low-lying areas prone to flooding, due to a rain and snowmelt event on February 17<sup>th</sup>. An updated Flood Watch was issued February 22<sup>nd</sup> due to the ongoing event.

Significant watercourse flooding and significant public safety concerns were possible in all area watercourses due to the storm event. Potential public safety concerns in particular areas were noted. Christie Lake and Valens Lake levels were noted as above typical winter levels, but significant flood storage was available.

There were no current or recent observations or reports of Lake Ontario shoreline flooding. However, shore-bound wave heights of up to 2.1 m were forecasted for Friday, February 25. The waves had potential to result in localized shoreline flooding and staff continued to monitor the situation closely and were prepared to issue flood messages as appropriate.

**BD12, 3018**

**MOVED BY: Dan Bowman  
SECONDED BY: Susan Fielding**

**THAT the memorandum entitled Watershed Conditions Report be received.**

**CARRIED**

11.3. Conservation Areas Experiences Update

Gord Costie provided the members with a verbal update, highlighting that winter attendance is steady, with areas containing waterfalls continuing with higher visitation. He also noted the record number of HCA membership pass holders are observable at the Conservation Areas, and that Westfield Heritage Village is excited to host a modified maple syrup festival on Sundays in March as well as two other days during March break, using a reservation system to enhance visitor experience.

**BD12, 3019**

**MOVED BY: Tom Jackson**

**SECONDED BY: Susan Fielding**

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

**CARRIED**

## **12. New Business**

There was none.

## **13. In-Camera Items**

**BD12, 3020**

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

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

**CARRIED**

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

### **13.1. Confidential Verbal Update – BA/Feb 02-2022**

Brad Clark declared a conflict of interest on this item when the specific topic of the verbal update on a legal matter was shared and left the meeting.

Scott Peck then provided a verbal update regarding a legal matter and answered the members' questions.

**BD12, 3021**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Santina Moccio**

**THAT the confidential verbal update entitled BA/Feb 02-2022 be received and remain in camera.**

**CARRIED**

**BD12, 3022**

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

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

**CARRIED**

**14. Next Meeting**

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

**15. Adjournment**

On motion, the meeting adjourned.

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Neil McDougall  
Secretary-Treasurer

# Hamilton Conservation Authority

## Minutes

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### Budget & Administration Committee

February 17, 2022

Minutes of the Budget & Administration Committee meeting held on Thursday, February 17, 2022 at 6:00 p.m., by videoconference and livestreamed on YouTube.

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

**Regrets:** None

**Staff Present:** Lisa Burnside, Gord Costie, Neil McDougall, Scott Peck, and Jaime Tellier, and Nancy Watts

**Others Present:** None

#### 1. Chair's Remarks

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. The Chair proposed to remove item 8.1 on the agenda to return to a future meeting with discussion on the topic.

**BA 2207**

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

**THAT the agenda be approved, as amended.**

**CARRIED**

#### **4. Delegations**

There were none.

#### **5. Consent Items**

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes – January 20, 2022

#### **6. Business Arising from the Minutes**

There was none.

#### **7. Staff Reports/Memoranda**

There were none.

#### **8. New Business**

8.1. Board member sign up for advisory committees at AGM

The item was deferred to a future meeting.

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

**BA 2208**

**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, one personnel and one legal matter were discussed.**

9.1. Confidential Verbal Update – BA/Feb 01-2022

Nancy Watts provided a verbal update regarding a personnel matter and answered the members' questions.

9.2. Confidential Verbal Update – BA/Feb 02-2022

Scott Peck provided a verbal update regarding a legal matter and answered the members' questions.

**BA 2209**

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

**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, March 17, 2022 at 6:00 p.m.

## **11. Next Meeting Adjournment**

On motion, the meeting adjourned.

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[REDACTED]  
Dundas, L9H 5E3.  
[REDACTED]

March 22<sup>nd</sup> 2022.

Dear Chair Ferguson, staff and members of the HCA board,

I am a member of Conservation Matters, a subgroup of Hamilton 350. At the start of 2021, members of Hamilton 350 were discussing concerns about the new Ontario Provincial Conservation Authorities Act, that appeared to make changes to how Conservation Authorities are governed.

As we live in the GHTA, we thought we ought to learn more about the CAs within our watershed and how the act might reduce the ability of the CAs to protect the areas for which they are responsible. So, a small group of us began to watch your monthly CA board meetings and 4 others in the surrounding regions.

We have been very impressed by the work that your organizations undertake to protect Ontario's environment. The staff presentations and annual reports have been helpful in educating us and we have been passing on this information to others via our monthly webinars. As a group we are focussed on flooding and climate change issues, but we are also concerned about how the new act means significant changes to the structure of your Board and Authority budgets.

We hope that we will be able to continue to watch your board meetings when the “zoom” accessibility ends and that at a hybrid meeting will be available for the public to watch in the name of transparency.

This letter is just to inform you that the work you do is appreciated and we have enjoyed the chance to learn about the importance that the Conservation Authorities play in preserving the Ontario environment.

Sincerely Sue Carson,

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March 24, 2022

Dear Stakeholder:

**RE: Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt:  
Proposed amendments to the Greenbelt Plan (2017) and Greenbelt Area  
Boundary Regulation (O. Reg 59/05) and Ideas for Adding more Urban River  
Valleys to the Greenbelt**

I am writing today to announce that the Ministry of Municipal Affairs and Housing (MMAH) is launching the next phase in its consultation on Growing the Greenbelt.

In Ontario's 2020 and 2021 budgets, the government committed to protecting and expanding the Greenbelt.

In the spring of 2021, our government held consultations focused on ways to grow the size and enhance the quality of the Greenbelt, which included seeking ideas for adding, expanding and further protecting Greenbelt lands.

Since the close of the [first phase of consultation](#), our government has been undertaking work to identify potential boundaries to grow the Greenbelt that takes a balanced approach to supporting smart growth to create much-needed housing and jobs.

As a result, this phase of the consultation (Phase 2) will seek feedback on both:

1. **Proposed amendments to the Greenbelt Plan (2017) and the Greenbelt Area boundary regulation (O. Reg 59/05)** that includes the addition of 13 new and expanded Urban River Valley areas. The consultation is open for 30 days and ends on April 23, 2022; and
2. **Ideas for adding more Urban River Valleys to the Greenbelt** through new Urban River Valleys and expansions to existing Urban River Valleys that could include tributaries or parcels of publicly owned land. This part of the consultation is open for 30 days and ends on April 23, 2022.

This proposal is about growing the size and quality of the Greenbelt, and the government will not consider the removal of any lands from the existing Greenbelt, nor will it consider any changes that reduce existing policy protections in the Greenbelt.

.../2

For more information on these proposals, please visit [ERO 019-4485 - Proposed Amendment to the Greenbelt Plan - Growing the size of the Greenbelt](#) and [Ontario.ca/Greenbelt](#) where you will find information including the proposed amendments to Greenbelt Plan Schedules 1, 2 and 4, proposed mapping amendments to the Greenbelt Area boundary regulation (O. Reg 59/05) and interactive mapping displaying the proposed URV additions at various scales.

If you have any questions about the consultation, please contact the ministry at [greenbeltconsultation@ontario.ca](mailto:greenbeltconsultation@ontario.ca).

I look forward to receiving your input on this proposal.

Sincerely,



Steve Clark  
Minister

# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED & PREPARED BY:** T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Management Services

**MEETING DATE:** April 7, 2022

**RE:** Consultation on Growing the Size of the Greenbelt

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## STAFF RECOMMENDATION

**THAT the Board of Directors direct staff to respond to the Environmental Registry of Ontario postings (ERO#-019-4485 and ERO#019-4483) to outline the HCA's support for the policy and regulation that would see the Greenbelt Plan amended to include Battlefield Creek and Stoney Creek as Urban River Valleys.**

## BACKGROUND

In April 2021, in response to a posting on the Environmental Registry of Ontario (ERO#019-3136, a report (see attached) was presented to the HCA Board of Directors regarding the Province's proposal to Grow the Greenbelt. At the time, the proposal considered adding and protecting additional urban river valleys and adding lands associated with the Paris Galt Moraine. The Board of Directors approved a motion endorsing the comments as outlined in the attached report and authorized staff to submit the comments to the ERO.

Further to the above noted Phase 1 consultation, the Province has now started the Phase 2 portion of the consultation process and has posted three proposals on the ERO as follows:

- ERO#019-4485 – Proposed Amendment to the Greenbelt Plan – Growing the size of the Greenbelt
- ER#019-4483 – Proposed Amendment to the Greenbelt Area boundary regulation – Growing the size of the Greenbelt

- ERO#019-4803 – Ideas for Adding more Urban River Valleys

The ERO posting includes proposed amendments to the Greenbelt Plan (2017) and the Greenbelt Area boundary regulation (O. Reg 59/05) that includes the addition of 13 new and expanded Urban River Valley areas. Further, the Province is requesting feedback for adding more Urban River Valleys to the Greenbelt through new Urban River Valleys and expansions to existing Urban River Valleys that could include tributaries or parcels of publicly owned land.

It is noted that the Province is not proceeding with a Greenbelt expansion of the Paris Galt Moraine area at this time. Phase 2 of this process relates to consulting on adding 13 Urban River Valley areas to the Greenbelt Plan.

## **STAFF COMMENT**

The attached report outlines that the HCA is supportive of adding urban river valleys to the Greenbelt within the HCA's watershed and specifically noted the Battlefield Creek and Stoney Creek where ideal candidates in this regard as they provide an urban river valley link from Lake Ontario to the Niagara Escarpment and the HCA's lands located in this area including the Devil's Punch Bowl Conservation Area and the Saltfleet Conservation Area and its wetland development project. It was noted that the Province should provide a rationale for inclusion of these features and that the City should be supportive of the policy and regulation.

In this regard, the proposed policy and regulation outlined in ERO#019-4485 and ERO#019-4483 include Battlefield Creek and Stoney Creek as shown on the attached map as new urban river valleys to be added to the Greenbelt.

The ERO postings outlines that the key factors in identifying the proposed urban river valleys (URV) include:

- "Most additions are supported by a municipal council resolution and/or staff report from municipalities and/or conservation authorities. Additional URVs have also been identified by the province.
- The proposed URV
  - are located in an urban settlement area, outside of the Greenbelt, to allow for the ecological connection and integration of the Greenbelt into urban settings through river valley connections,
  - are connected physically and/or have a strong functional connection to the current Greenbelt, Greenbelt Plan, and Great Lakes, inland lakes or areas beyond,
  - contain natural and hydrologic features, including coastal wetlands, in keeping with Greenbelt Plan's vision and goals and URV policies to protect natural and open space lands to assist in ecological connections, natural heritage and hydrologic features and functions of river valleys,

- are generally designated in official plans for uses that meet Greenbelt Plan objectives,
- include mostly or entirely publicly owned lands, as the URV policies apply only to publicly owned and not privately-owned lands, and
- boundaries of the proposed URVs are generally based on a 60 m setback from the water's edge and include both public and privately-owned lands  
This is consistent with the approach used to identify the boundaries of the existing 21 URVs in the Greenbelt Plan.”

Based on the key factors identified, staff are supportive of the Province’s proposal to include Battlefield Creek and Stoney Creek as Urban River Valleys in the Greenbelt Plan.

As it relates to ERO#019-4803, Ideas for adding more Urban River Valleys, staff are of the opinion that there are limited further opportunities for this in our watershed. Any identification of additional lands should be reviewed in the future in consultation with the City of Hamilton.

## **STRATEGIC PLAN LINKAGE**

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

- **Strategic Priority Area – Natural Heritage Conservation**
  - Initiatives – Promote sustainable development by working with the City of Hamilton on natural heritage issues and undertake the HCA plan input and review program.

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

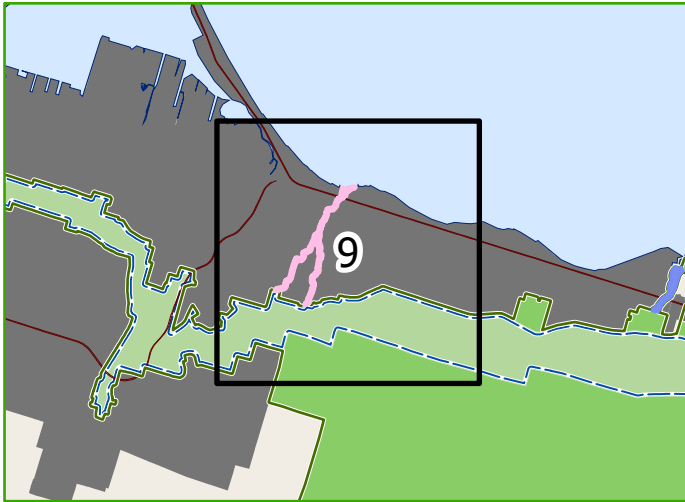
Not applicable.

## **CONCLUSIONS**

The inclusion of Battlefield Creek and Stoney Creek as Urban River Valleys in the Greenbelt Plan recognizes the importance of these features and their function and the links they provide between Lake Ontario and the Greenbelt Plan area associated with the Niagara Escarpment and adjacent lands and HCA lands.

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# greenbelt



## LEGEND



- Greenbelt Area\*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

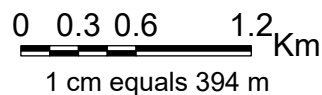
**Maps are for Consultation Purposes Only**

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

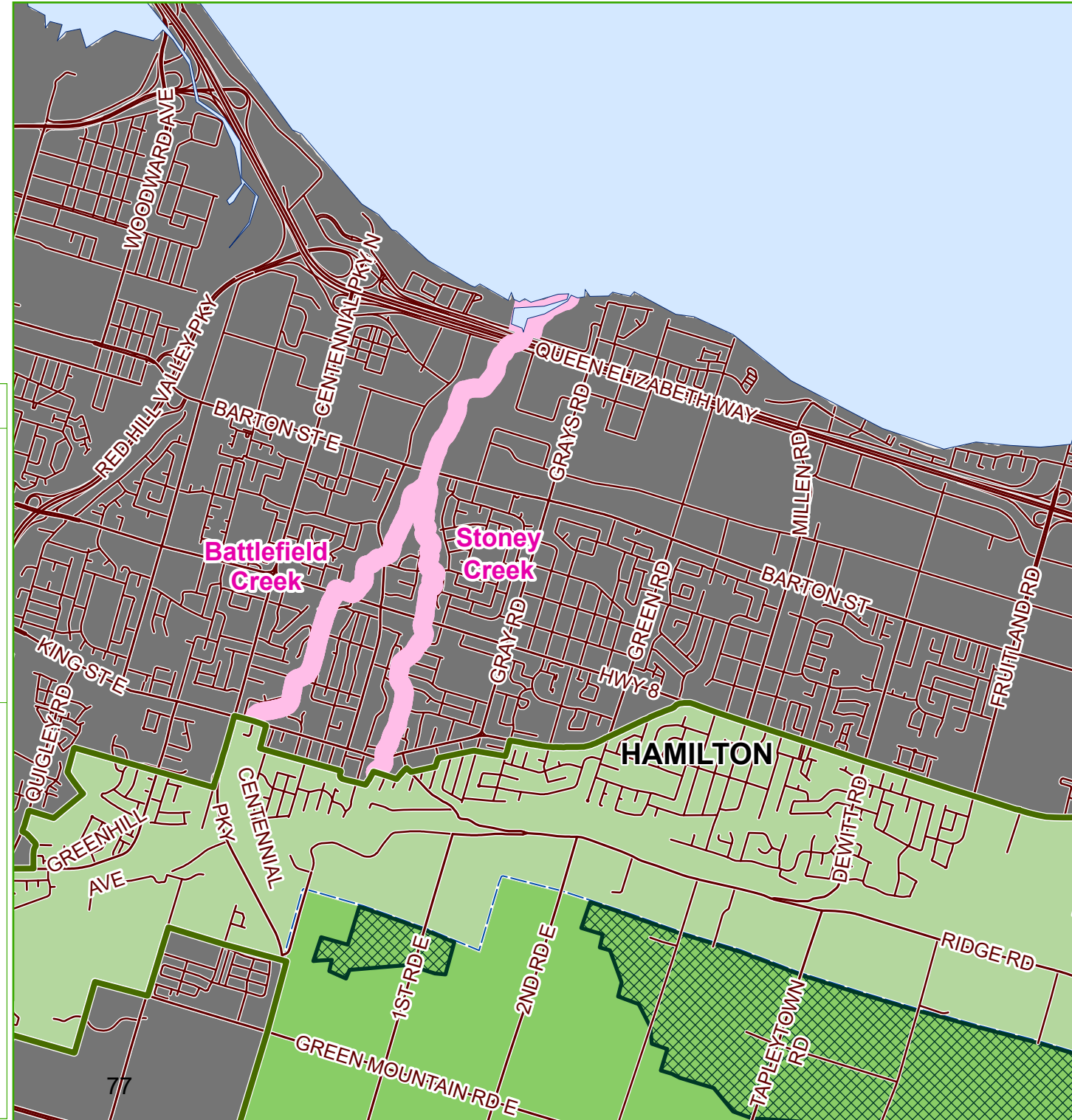
Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

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\*Ontario Regulation 59/05, as amended.



Map North: 0°



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# Report

**TO:** Budget & Administration Committee

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED AND PREPARED BY:** Jaime Tellier, Executive Assistant / Records Management Coordinator  
Neil McDougall, Secretary-Treasurer

**MEETING DATE:** March 17, 2022

**RE:** Hybrid Meeting Participation and Livestreaming

---

## STAFF RECOMMENDATION

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

**THAT the Board of Directors approve the livestreaming of Board of Director and Advisory Board meetings when in-person meetings resume to provide for an additional method of public participation once the new audio visual technology in the HCA auditorium is finalized; and**

**THAT staff be directed to bring a report to an upcoming Budget & Administration Committee to address any necessary revisions or clarifications in HCA’s Administrative By-law as a result of the addition to livestream and any housekeeping amendments related to hybrid participation.**

## BACKGROUND

The coronavirus pandemic necessitated a shift to virtual Board of Director and Advisory Board meetings. During these fully virtual meetings held by WebEX, HCA met the requirements to have meetings open to the public by livestreaming.

The experience has also demonstrated that due to the configuration of HCA’s meeting space in the main office auditorium, existing teleconferencing equipment was found to provide inconsistent sound quality for meeting participants, particularly for those

telephoning into the meeting when hybrid in-person meetings were attempted. Additionally, HCA did not have the equipment in place to provide for a hybrid meeting where some could participate in-person and others virtually through online videoconferencing platforms, such as WebEX.

Over the past few months, staff have undertaken the purchase and installation of updated equipment and are currently testing and incorporating final equipment components to ensure good sound quality. As we finalize and test the equipment, the timing aligns to discuss and set the strategic direction for consideration for ongoing livestreaming to allow, and support, an additional method of public participation.

## **STAFF COMMENT**

Throughout the pandemic, HCA livestreamed Board, Advisory Board and Committee meetings that were held via WebEx, to YouTube, with the recordings remaining posted until the minutes of the meetings were approved at subsequent meetings. Per HCA's Administrative By-law, the minutes are the official record of the meeting.

With the equipment installation required to facilitate hybrid meetings now complete, the practice of livestreaming and posting to HCA's YouTube channel the recorded videos of Board meetings, Conservation Advisory Board and Budget & Administration Committee meetings, is being recommended by staff to continue. Prior to the pandemic, livestreaming and posting recordings of meetings was already a regular practice for both of our participating municipalities, the City of Hamilton and Township of Puslinch, as well as one of our adjacent CAs, the Niagara Peninsula Conservation Authority. During the pandemic, all local Conservation Authorities moved to meeting virtually and making the meetings viewable live through various means.

Similar to HCA, with a return to in-person meetings on the horizon in 2022, our neighbouring CA's (Grand River and Conservation Halton) are also considering future use of technology to facilitate hybrid meeting participation and/or enhance public participation.

While the Conservation Authorities Act, does not require Board of Directors meetings to be recorded or livestreamed, provision of this additional means of making the meetings open to the public will improve accessibility to HCA's meetings.

HCA has received feedback from the public, noting the public has grown accustomed to the flexibility to view the meetings remotely, rather than attending in-person. Particularly, some have noted the remote location of HCA's office and lack of access by public transit as factors limiting public access to its meetings. The ability to listen by phone does not provide visuals that may be shown on screen such as maps, photos or presentations.

## **STRATEGIC PLAN LINKAGE**

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

- **Strategic Priority Area – Organizational Excellence**
  - Initiatives – Continue to update and streamline operational policies and leverage emerging technology to enhance business service delivery.
  - Identify opportunities to engage the community, adjacent landowners and Indigenous Peoples

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

HCA's current administrative by-law provides for members of the Board of Directors and Advisory Boards and Committees to participate in meetings electronically whether fully electronic / telephonic or hybrid.

Any additional provisions to clarify procedures associated with hybrid meetings and livestreaming will also be undertaken. These amendments will be brought through the Budget & Administration Committee at an upcoming meeting.

## **CONCLUSIONS**

As HCA updates its audiovisual technology in its auditorium to facilitate hybrid meetings and sound quality, staff recommend that live streaming of Board of Director and Advisory Board meetings continue to further enhance how these meetings are made available to the public.

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Hamilton  
Conservation  
Authority

11.1

A Healthy Watershed for Everyone

# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED by:** Gordon R. Costie, Director of Conservation Area Services

**PREPARED BY:** Bruce Harschnitz, Manager of Conservation Area Services

**MEETING DATE:** April 7, 2022

**RE:** Renewal of Collaboration Agreement between City of Hamilton and Hamilton Conservation Authority to Enforce Violations on HRCA lands

## STAFF RECOMMENDATION

**WHEREAS** in 2021 HCA had entered into an agreement with City of Hamilton Municipal Law Enforcement Officers (MLEO) to enforce violations under the Trespass to Property Act, on premises owned or occupied by the HCA, primarily to educate the public on HCA’s behalf, but also, where appropriate, to issue verbal or written warnings to individuals who are caught engaging in prohibited activities or entering prohibited areas;

**WHEREAS** HCA has limited human resources to designate staff as Provincial Offices Officers to enforce infractions to the *Conservation Authorities Act* and the *Trespass to Property Act*;

**WHEREAS** HCA is experienced with working with other enforcements agencies such as Hamilton Police Services, Ministry of Natural Resources and Forestry, and municipal parking bylaw and welcome working closer with Municipal Law Enforcement Officers where the two organizations can benefit in tourism and enforcement consistency across the City;

**WHEREAS** the City of Hamilton council endorsed a motion at its February 23, 2022 council meeting (attached as Appendix A) that the increased Municipal Law

**and Parking Enforcement in Waterfall areas pilot program be extended for one year to end on April 1, 2023, with operations ending November 15, 2022;**

**THEREFORE, BE IT RESOLVED**

**THAT the HCA Board of Directors authorize staff to renew the collaboration agreement between City of Hamilton and Hamilton Conservation Authority to enforce violations on HRCA lands as an extension of the pilot program to November 15<sup>th</sup>, 2022 (attached as Appendix B), under the same terms and conditions that were highlighted in the May 13, 2021 letter of agreement (attached as Appendix C).**

**BACKGROUND**

In 2021 due to an influx of visitors to Hamilton, specifically to the waterfall and escarpment parks, the HCA had requested enforcement support from the City of Hamilton to deter visitors from engaging in prohibited activities and entering areas of the park that are closed to the general public.

**STAFF COMMENT**

Based on review of pilot program operating in 2021, increased enforcement has been successful and has resulted in an observed increase in compliance with regulations in affect in these areas; has contributed to improved public safety and has reduced the number of complaints regarding unsafe parking.

**STRATEGIC PLAN LINKAGE**

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

- **Strategic Goal – Organizational Excellence**
  - Providing a positive and safe environment for both staff and visitors
  - Foster strong working relationships with our federal, provincial and municipal partners through regular meetings to discuss issues of mutual interest

**AGENCY COMMENTS**

Not applicable.

**LEGAL/FINANCIAL IMPLICATIONS**

City Council has approved the extension of their pilot program in 2022 to better assess the overall effectiveness of increased enforcement in Waterfall areas under more normal conditions.


## **CONCLUSIONS**

In light of the above, it is appropriate for the Board of Directors to authorize HCA staff to renew the collaboration agreement, as drafted by the Director of Licensing and By-law Services for the City of Hamilton, to enforce violations on HRCA lands as an extension of the pilot program to November 15<sup>th</sup>, 2022, under the same terms and conditions that were highlighted in the May 13, 2021 letter of agreement.

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**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Strategic Initiatives Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 10, 2022
<b>SUBJECT/REPORT NO:</b>	2022 Council Referred Business Case – Waterfalls Enforcement (PED18011(c)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Marty Hazell (905) 546-2424 Ext. 4888
<b>SUBMITTED BY:</b>	Marty Hazell Director, Strategic Initiatives Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the 2022 Council referred business case involving increased Municipal Law and Parking Enforcement in Waterfall areas, be referred to the 2023 Budget process for consideration; and,
- (b) That the increased Municipal Law and Parking Enforcement in Waterfall areas pilot program be extended for one year to end on April 1, 2023, with operations ending November 15, 2022, at an estimated at \$361,190, to be funded from the Tax Stabilization Reserve (Account # 110046).

### EXECUTIVE SUMMARY

In 2020/2021, staff provided increased Municipal Law and Parking Enforcement in Waterfall areas as a pilot program approved by City Council, which was to be considered as part of the 2022 Budget process to be made permanent. If this program is not made permanent through the 2022 Budget process, the pilot project will end.

Given that this pilot project has been operating in unusual and atypical circumstances of the COVID pandemic, staff are not in a position to provide Council with strong data with respect to its effectiveness. Therefore, staff feel it prudent to defer the Business Case to the 2023 Budget in order to be able to better assess the financial viability and overall

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: 2022 Council Referred Business Case – Waterfalls Enforcement (PED18011(c)) (City Wide) – Page 2 of 4**

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effectiveness of increased enforcement in Waterfall areas under normal conditions (i.e. a 'non-pandemic'). Staff is further recommending that this pilot be continued in the interim, as a pilot project, for one additional year.

**Alternatives for Consideration – See Page 3**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The estimated total cost for continuation of pilot project (two Temporary FT MLE Officers and 5 Temporary PT Parking Enforcement Officers 3 days/week) from March 15, 2022 to November 15, 2022 is estimated at \$466,190. However, with \$60,000 of expenses already budgeted for and \$45,000 in potential revenues, the net cost to the City would be \$361,190 to be funded from the Tax Stabilization Reserve (Account # 110046).

In 2021, revenues of the pilot program exceeded projections (\$168,483 vs. \$45,000 projected). However, this was in part due to the longer than expected COVID restrictions which correlated with high activity around waterfalls areas. Additionally, as enforcement continues compliance has increased, resulting in declining fines issued. The above costs utilize conservative revenues which match that of the original pilot program. Any surpluses created by the pilot will need to be reconciled through the Tax Stabilization Reserve.

**Staffing:** Consistent with the original pilot the Waterfalls Enforcement program will be staffed with two Temporary FT MLE Officers and five Temporary PT Parking Enforcement Officers.

**Legal:** N/A

**HISTORICAL BACKGROUND**

In dealing with Report PED18011(b) (Increased Municipal Law and Parking Enforcement in Waterfall Areas Across the City - Pilot Program) the General Issues Committee, on February 11, 2021, approved the following:

- (a) That, subject to approval of the funding source in recommendation (b), staff be directed to assign additional Municipal Law Enforcement (MLE) and Parking Enforcement staff to Waterfall areas where challenges have been identified including, but not limited to, weekends from March 15, 2021 through to November 15, 2021, by approving additional temporary FTEs as follows: - by adding 2

**SUBJECT: 2022 Council Referred Business Case – Waterfalls Enforcement (PED18011(c)) (City Wide) – Page 3 of 4**

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Temporary FT Municipal Law Enforcement Officers; and - by adding 5 Temporary PT Parking Enforcement Officers;

- (b) That funding for the enhanced Municipal Law and Parking enforcement in Waterfall areas, including staffing and vehicle costs, estimated at a total incremental net cost of up to \$354,000 be funded from the City's Tax Stabilization Reserve 110046;
- (c) That staff be directed to report back in January 2022 after the conclusion of the recommended pilot with an overall evaluation, including measurable results such as fines issued for various offences, revenues generated, etc., and with recommendations as to whether the enhanced enforcement should be continued in 2022.

The above recommendations were approved by City Council on March 31, 2021.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Finance staff were consulted in the development of the recommendations in this report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

To date, increased enforcement has been successful based on public and Councillor office feedback and has resulted in an observed increase in compliance with by-law regulations; has contributed to improved public safety and has reduced the number of complaints regarding unsafe parking. Therefore, staff feel it prudent to defer this business case to 2023 in order to be able to better assess the financials under normal conditions (i.e. a 'non-pandemic'). Some of the analytics being assessed for this pilot include; by-law charges and compliance rates, fee and fine revenues, et al which will be used to accurately assess the financial viability and overall success of the program.

**ALTERNATIVES FOR CONSIDERATION**

Council could assess the pilot during the 2022 budget process as originally approved. However, staff are not in a position to provide Council with strong data with respect to its effectiveness.

Council could assess the pilot during the 2022 budget process as originally approved. However, staff are not in a position to provide Council with strong data with respect to its effectiveness.

Financial: N/A

Staffing: N/A

Legal: N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.



City of Hamilton  
 City Hall, 71 Main Street West  
 Hamilton, Ontario,  
 Canada L8P 4Y5  
 www.hamilton.ca

Planning and Economic Development Department  
 Licensing and By-law Services Division  
 Physical Address: 330 Wentworth Street North, 2<sup>nd</sup> Floor  
 Phone: 905.546.2782 Fax: 905.540.6280

Hamilton

March 3, 2022

Hamilton Region Conservation Authority  
 P.O. Box 81067  
 838 Mineral Springs Road  
 Ancaster, ON L9G 4X1

**E-DELIVERED**

**Attention: Lisa Burnside, CAO**

Hello Ms. Burnside,

**Re: Collaboration between City of Hamilton and Hamilton Region  
 Conservation Authority (“HRCA”) to enforce violations on HRCA lands**

In 2020/2021, the City of Hamilton provided increased Municipal Law and Parking Enforcement in waterfall areas, including lands owned and operated by the Hamilton Region Conservation Authority (“HRCA”) as a pilot program. Please see attached a copy of the signed letter agreement dated May 13, 2021 between the City of Hamilton and the HRCA.

The arrangement between the City and the HRCA expired on November 15<sup>th</sup>, 2021, however on February 23, 2022 City Council approved the extension of the pilot program to November 15<sup>th</sup>, 2022. Please see attached Report PED 18011 (c) and the Council Minutes for February 23, 2022.

If the HRCA Board also approves the extension of the pilot program to November 15<sup>th</sup>, 2022, under the same terms and conditions that were highlighted in the May 13, 2021 letter of agreement, please sign this letter as your acknowledgement and agreement to the above and return to my attention.

Best Regards,

Monica Ciriello  
 Director of Licensing and By-law Services  
 City of Hamilton

## Hamilton Region Conservation Authority

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Lisa Burnside, CAO, Hamilton Region Conservation Authority

*I have read and agree with the above.*

*I have the authority to sign this letter and bind the Hamilton Region Conservation Authority.*



City of Hamilton  
 City Hall, 71 Main Street West  
 Hamilton, Ontario,  
 Canada L8P 4Y5  
 www.hamilton.ca

Planning and Economic Development Department  
 Licensing and By-law Services Division  
 Physical Address: 77 James Street North, Suite #250  
 Phone: 905.546.2782 Fax: 905.540.6280

Hamilton

May 13, 2021

Hamilton Region Conservation Authority  
 P.O. Box 81067  
 838 Mineral Springs Road  
 Ancaster, ON L9G 4X1

**E-DELIVERED**

**Attention: Lisa Burnside, CAO**

Hello Ms. Burnside,

**Re: Collaboration between City of Hamilton and Hamilton Region Conservation Authority (“HRCA”) to enforce violations on HRCA lands**

Due to an influx of visitors to Hamilton, specifically to the waterfall and escarpment parks, the HRCA has requested enforcement support from the City of Hamilton (“City”) to deter visitors from engaging in prohibited activities and entering areas of the park that are closed to the general public.

On March 31, 2021, City Council approved Report PED18011(b) which directed staff to assign additional Municipal Law Enforcement (MLE) and Parking Enforcement staff to waterfall areas where challenges have been identified including, but not limited to, weekends from March 15, 2021 through to November 15, 2021, by approving additional temporary Full Time Employees as follows:

- 2 Temporary Full Time MLE Officers; and
- 5 Temporary Part Time Parking Enforcement Officers.

Further, on April 14, 2021, City Council passed a resolution that City staff work with the City’s Legal Department and with the HRCA to formalize the appointment of City staff as Provincial Offences Officers to enforce offences and regulations under the *Conservation Authorities Act*, as well as the *Trespass to Property Act* when carrying out their duties on property under the jurisdiction of the HRCA.

While reviewing the *Conservation Authorities Act*, it appears further Ministerial approval is required prior to the appointment of City MLE officers by HRCA; however, in the interim, City MLE officers could act as agents under the *Trespass to Property Act* to help educate the public and provide written or verbal trespass notices on behalf of the HRCA to individuals that are engaging in prohibited activities or entering prohibited areas on HRCA lands. On May 6, 2021, the HRCA Board passed a resolution supporting this strategy. If further enforcement is required, the MLE officers would be obliged to promptly contact

police officers since they are not designated as Provincial Offences Officers under the *Provincial Offences Act* to issue those tickets.

The above described arrangement between the City and the HRCA shall continue up to and including November 15<sup>th</sup>, 2021, unless otherwise negotiated by the parties and approved by City Council and the HRCA Board.

The areas to be enforced, shall include, Spencer Gorge Conservation Area (*specifically areas around Dundas peak, Webster falls, and Tews falls*); *Tiffany Falls Conservation Area, Devil's Punchbowl and Dundas Valley.*

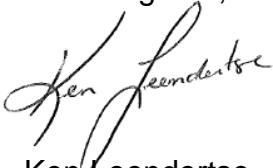
The MLE officers shall at all times be employed by the City and shall report to their current supervisors. Staff members of the HRCA shall communicate directly with the Manager of Municipal Law Enforcement, Licensing and By-law Services for the City of Hamilton, to discuss any details under this arrangement.

The City and the HRCA may meet bi-weekly to discuss enforcement strategies and share information for the purpose of evaluating the pilot project and reporting back to Council.

The MLE officers will wear City of Hamilton uniforms but shall carry with them an authorization card from the HRCA indicating that they have the authority to act as agents to enforce the *Trespass to Property Act*. The HRCA shall also provide the officers with training regarding how enforcement will be conducted on HRCA lands.

Kindly sign this letter as your acknowledgment and agreement to the above and return to my attention.

Best Regards,



Ken Leendertse  
Director of Licensing and By-law Services  
City of Hamilton

**Hamilton Region Conservation Authority**



Lisa Burnside, CAO, Hamilton Region Conservation Authority

*I have read and agree with the above.*

*I have the authority to sign this letter and bind the Hamilton Region Conservation Authority.*



# 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:** April 7, 2022

**RE:** Watershed Conditions Report

## SYNOPSIS

During the period of February 15<sup>th</sup>, 2022 to March 30<sup>th</sup>, 2022, there was one watercourse flooding event which resulted in localized road flooding. There were also a number of potential events of flooding or public safety concern (watercourse and shoreline) that warranted issuing messages and additional monitoring of conditions. Details are provided within the report.

Currently there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Current flows are moderately elevated at Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street gauges, while flows are near baseflows at Ancaster Creek at Wilson Street and Red Hill Creek at Barton Street gauges. Current flows are near to well below the long-term average monthly flows for March.

Average monthly flows in March were generally slightly above the long-term average monthly flows.

The Lake Ontario mean daily water level in the Hamilton area is about 37 cm above average for this time of year.

Christie Lake and Valens Lake levels are above typical winter levels, but significant flood storage is available and the reservoirs are at 22 percent and 64 percent of

preferred maximum storage capacities, respectively.

In the next 2 weeks, no significant watercourse flooding is expected. In the next 9 days, no significant Lake Ontario shoreline flooding is expected

The latest drought assessment indicated normal watershed conditions. For the beginning of April, drought conditions are not anticipated within the watershed.

## **CURRENT WATERSHED CONDITIONS – March 30<sup>th</sup>, 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. That said, current flows are moderately elevated at Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street gauges. Current flows are near baseflows at Ancaster Creek at Wilson Street and Red Hill Creek at Barton Street gauges.

Current flows are near to well below the long-term average monthly flows for March.

In addition, average monthly flows in March were generally slightly above the long-term average monthly flows.

The average monthly flows in February 2022 were well above the long-term average February flows. The average monthly flows in January 2022 were well below the long-term average January flows. The average monthly flows in September to December 2021 were predominantly well above the long-term average monthly flows. The average monthly flows in August 2021 were near to slightly below the long-term average August flows. The average monthly flows in July 2021 were generally significantly above the long-term average July flows. For January to June 2021, in general the average monthly flows were significantly below 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 is approximately 75.09 m IGLD85. This is about 37 cm above average for this time of year.

## Current Storages in HCA Reservoirs

The current reservoir level at Christie Lake dam (about 766.17 ft) is above typical winter levels (765.30 – 765.80 ft). The reservoir is at 22 percent of its preferred maximum storage capacity (corresponding to a water level of 773.0 ft).

The current reservoir level at Valens Lake dam (about 274.76 m) is above typical winter levels (274.15 – 274.40 m). The reservoir is at 64 percent of its preferred maximum storage capacity (corresponding to a water level of 275.5 m).

## Current Soil Conditions

The surface and root-zone soils are currently moist, and partially frozen.

## **RECENT STORM EVENTS**

During the period of February 15<sup>th</sup>, 2022 to March 30<sup>th</sup>, 2022, there was one watercourse flooding event. There were also a number of potential events of flooding or public safety concern (watercourse and shoreline) that warranted issuing messages and additional monitoring of conditions.

### Watercourse Flooding

#### *February 15<sup>th</sup> to February 28<sup>th</sup>*

The Hamilton area was expected to receive between 2 and 16 mm of rain on February 16<sup>th</sup>, with possible significant melting of the current snowpack. On February 17<sup>th</sup>, 25 and 35 mm of mixed precipitation (rain and snow) was anticipated, with continuing melting of the snowpack.

The area received between 19 and 43 mm of total precipitation on February 17<sup>th</sup>. The majority of the precipitation was received as rain during the day, with approximately 6 – 12 mm of this precipitation being received as snow during the evening and night. Additional rain of up to 11 mm was received between February 18<sup>th</sup> and 20<sup>th</sup>. This was accompanied by significant melting of the snowpack.

Localized road flooding within the HCA watershed is known to have occurred in:

- Sulphur Creek at Sulphur Springs Road between Mineral Springs Road and Governors Road,
- Upper Stoney Creek at Tapleystown Road between Green Mountain Road East and Powerline Road,
- Upper Stoney Creek at Mud Street East between First Road East and Second Road East,

- Upper Stoney Creek at Third Road East between Green Mountain Road East and Ridge Road.

Additional road flooding or significant watercourse flooding may possibly have occurred that was not reported. Localized flooding of low-lying areas that typically flood during higher water levels also occurred in various areas.

On February 22<sup>nd</sup>, the Hamilton area was expected to receive between 6 and 20 mm of rain, with melting of the remaining snowpack anticipated. The area actually received 8 to 20 mm of rain. Water levels and flows were elevated, and localized flooding of low-lying areas that typically flood during higher water levels is expected to have occurred in various areas. However, there were no reports or observations of significant watercourse flooding during this period of time.

Prior and during this storm event, HCA engineering staff have closely monitored conditions, and issued the following messages to communicate the potential watercourse flooding conditions to the municipalities, police, fire, school boards, other local agencies, and media:

- Flood Watch – Watercourse Flooding on February 15<sup>th</sup>
- Flood Warning – Watercourse Flooding on February 17<sup>th</sup>
- Termination of Flood Warning – Watercourse Flooding on February 22<sup>nd</sup>
- Updated Flood Watch – Watercourse Flooding on February 22<sup>nd</sup>
- Watershed Conditions Statement (Water Safety) on February 24<sup>th</sup>
- Termination of Watershed Conditions Statement (Water Safety) on February 28<sup>th</sup>

#### Potential for Lake Ontario Shoreline Flooding

##### *February 23<sup>rd</sup> to February 26<sup>th</sup>*

Forecasts ahead of the high wave event expected sustained shore-bound winds of up to 39 km/hr, with wind gusts of up to 68 km/hr. Wave heights of up to 2.0 m were forecasted.

There was an increased risk of significant localized flooding along Hamilton's shoreline, due to the forecasted storm surge and wave action.

However, there were no observations or reports of significant shoreline flooding or erosion due to this event.

In the lead up to and during this potential event, HCA engineering staff closely monitored conditions, and issued the following messages to communicate the potential Lake Ontario Shoreline flooding risks to the City and public:

- Flood Watch – Lake Ontario Storm Surge on February 23<sup>rd</sup>
- Termination of Flood Watch – Lake Ontario Storm Surge on February 26<sup>th</sup>

## Public Safety Concerns – Watercourses

### *March 7<sup>th</sup> to March 11<sup>th</sup>*

The Hamilton area received about 5mm of rain between March 5<sup>th</sup> & 6<sup>th</sup>, which was accompanied by melting of the snowpack.

Water levels and flows were elevated, and localized flooding of low-lying areas that typically flood during higher water levels is expected to have occurred in various areas. However, there were no reports or observations of significant watercourse flooding. Prior, during, and after this potential storm event, HCA engineering staff closely monitored conditions, and issued the following messages to communicate the potential watercourse flooding conditions to the City and public:

- Watershed Conditions Statement – Water Safety on March 7<sup>th</sup>
- Termination of Watershed Conditions Statement – Water Safety on March 11<sup>th</sup>

### Potential for Watercourse Flooding

#### *March 18<sup>th</sup> to March 28<sup>th</sup>*

Due to recent melting of the remaining snowpack, water levels and flows in Spencer Creek were elevated on March 18<sup>th</sup>, with localized flooding of low-lying areas that typically flood during higher water levels expected to be occurring in various areas. However, there were no reports or observations of significant watercourse flooding at this time.

Forecasts for March 18<sup>th</sup> & 19<sup>th</sup> anticipated that the area would receive between 10 and 20 mm of rain. The Hamilton area actually received less than 10 mm of rain between March 18<sup>th</sup> & 19<sup>th</sup>.

Additionally, forecasts for March 23<sup>rd</sup> anticipated that the Hamilton area would receive between 20 and 25 mm of rain. This had the potential for significant watercourse flooding in all watercourses.

The Hamilton area actually received between 18 and 28 mm of rain on March 23<sup>rd</sup>. Water levels and flows were significantly elevated, however, there were no reports or observations of significant watercourse flooding.

Prior, during, and after this potential storm event, HCA engineering staff closely monitored conditions, and issued the following messages to communicate the potential watercourse flooding conditions to the City and public:

- Watershed Conditions Statement – Water Safety on March 18<sup>th</sup>
- Flood Watch – Watercourse Flooding on March 22<sup>nd</sup>
- Termination of Flood Watch – Watercourse Flooding on March 28<sup>th</sup>

## Potential for Lake Ontario Shoreline Flooding

*March 22<sup>nd</sup> to March 28<sup>th</sup>*

Forecasts ahead of the high wave event expected sustained shore-bound winds of up to 33 km/hr, with wind gusts of up to 57 km/hr. Wave heights of up to 1.7 m were forecasted.

There was an increased risk of significant localized flooding along Hamilton's shoreline, due to the forecasted storm surge and wave action.

However, there were no observations or reports of significant shoreline flooding or erosion due to this event.

In the lead up to and during this potential event, HCA engineering staff closely monitored conditions, and issued the following messages to communicate the potential Lake Ontario Shoreline flooding risks to the City and public:

- Flood Watch – Lake Ontario Storm Surge on March 22<sup>nd</sup>
- Termination of Flood Watch – Lake Ontario Storm Surge on March 28<sup>th</sup>

## **RECENT WATERSHED LOW WATER CONDITIONS**

For the latest drought assessment (which includes data up to the end of February), the 3-month and 18-month precipitation totals indicated normal conditions within the watershed, based on data at 1 available station. 30-day average streamflows also indicated normal conditions within the watershed, based on data at 5 available stations.

## **FORECASTED WATERSHED CONDITIONS**

### Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) or snowmelt events 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 precipitation and snowmelt 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

likely that the water level of Lake Ontario will continue a seasonal rise over the next couple of weeks. The rate and magnitude of water level changes will depend largely on received precipitation amounts and temperatures.

#### Watershed Low Water Conditions

For the beginning of April, drought conditions are not anticipated within the watershed.

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