

The Board of Directors meeting of the St. Clair Region Conservation Authority was held on the above date, at the Administration Office in Strathroy, at approximately 10:00 a.m.

Present: Steve Arnold, Chair; Terry Burrell, Vice Chair; Bill Bilton, David Boushy, Tim Brown, Tony Bruinink, Elizabeth Davis-Dagg, Joe Faas, Norm Giffen, Anne Marie Gillis, Rod Glen, Betty Ann MacKinnon, Kevin Marriott, Don McCallum, Netty McEwen, Steve Miller, Ben Phay

Absent: Larry MacKenzie, Tom McGregor, Frank Nemcek

Also Present for all or part of Meeting: Brian McDougall, General Manager; Rick Battson, Director of Communication; Patty Hayman, Director of Planning; Dallas Cundick, Environmental Planner/Regs Officer; Alison Seidler, GIS/Resources Technician; Chris Durand, IT/GIS Specialist; Melissa Deisley, Regulations Officer; Tracy Prince, Director of Financial Services; Marlene Dorrestyn, Administrative Assistant; Chantell Core, Nick Core and Travis Bouma.

The Chairman welcomed everyone to the meeting and wished everyone season's greetings, Merry Christmas and a prosperous and happy new year. He then requested that each Director declare a conflict of interest at the appropriate time, on any item within this agenda in that a Director may have pecuniary interest.

BD-13-078

Glen - Giffen

“That the Board of Directors adjourn the regular Board of Directors meeting at 10:01 a.m. and convene as a Hearing Board pursuant to Ontario Regulation 171/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation to consider Application #10840 of Nick and Chantelle Core.”

CARRIED

The Chair presented an outline how the hearing would proceed, as per Section 28 (3) Conservation Authorities Act Hearing Guidelines, October 2005, prepared by Conservation Ontario and Ministry of Natural Resources and an explanation of the *Conservation Authorities Act*. Roll Call was taken.

Dallas Cundick then presented an outline of the Core's application and explained the Authority's staff recommendations as they pertain to the St. Clair Region Conservation Authority's policies and the hazard that exists at the site.

Background

SCRCA Lake Huron Shoreline Policy for Major Additions at the Subject Location States;

1. Major Additions;
 - a. total proposed area for the addition is greater than 30% and less than 50% of the existing foundation area or footprint area (whichever is the lesser amount);

Summary of Pre-Consultation Steps/Chronology of Discussions with Landowners

Step 1:

- existing dwelling footprint is 69 sq. m, and therefore a 34.5 sq. m addition is permissible onto the landward side of existing dwelling;

Step 2:

- CA staff discussed with landowner that the existing detached garage could be removed, and its footprint (41 sq. m) could be used as permissible addition sq. area for addition onto existing dwelling;

Step 3:

- CA staff discussed with landowner that potentially the existing dwelling could be relocated outside the 60 yr. RR, the existing detached garage could be removed, and the combined footprint of the existing dwelling and existing detached garage could be used to determine the total square area permissible for relocated/redeveloped dwelling with addition and attached garage;
 - therefore, total square area for proposed relocated/redeveloped dwelling with addition and attached garage to be no greater than 164 sq. m;
 - due to the buildings existing on-site, staff of the SCRCA thought this approach reasonable and within policy framework;

Therefore, as per SCRCA policies and pre-consultation with landowners, permitted total square area allowed (relocated structure plus additions) no greater than 164 sq. m.

- 164 sq. m meets Plympton-Wyoming Zoning By-law;

Core's submitted application with proposed relocated dwelling and additions with total gross square area of 251.5 sq. m.

- Core's application was for total gross square area of 251.5 sq. m, this is an approximately 130% total gross square area addition to existing combined footprint.
- therefore:
 - the proposed relocation and addition does not meet SCRCA Lake Huron Shoreline policies. Proposed development extends beyond relocation and major addition and constitutes redevelopment or new structural development.

SCRCA Shoreline Policies dictate that:

- for new structural development within the Erosion Hazard;
 - the development must be setback a minimum distance equivalent to the Stable Slope Hazard plus 60% of the Erosion Hazard while considering the protection works standard and access standard to the maximum extent and level possible ;
- as outlined through technical studies single lot protection is not feasible at this reach of shoreline;
- therefore, recommended that this application for permission be denied.

Directors Comments & Concerns:

- two parts to the decision 1) redevelopment 2) size of development.
- if plans were within the 164 sq. m requirements, would the application have been approved?
- would more square footage be allowed if variance obtained from municipalities?
- is the 60 year limit acceptable to Authority staff?
- if the development is set back as far as possible, how does that affect the toe of bank?

- *(the plans show moving the house as far back from the top of bank as possible, but that's only to the 60 year line, not the 100)*
- what about the other houses on Bluepoint?
- is there information on any modelling done recently to get clearer picture? *(in 2010 the Authority hired Baird to update the recession rates. No change in recession rates for minimal increase from 1996 Shoreline Plan.)*
- lake levels are low now, still significant concern for erosion in that area.
- why does the Conservation Authority allow a 60 year limit when 100 is the norm *(short answer: for existing residential lots – SCRCA policy to permit conditional on limits to area/footprint addressing erosion (coastal etc.)*
- main building footprint is relocated about 5 m away from top of bank

The property owners Nick and Chantelle Core presented their thoughts on their application:

- their application was based on a collaboration of their family's needs and the rules of the Authority
- purchased the house in 2008 and did understand that there were limitations on how they could expand on their property.
- they are not requesting a grand extravagant home, but would be small enough to live comfortably with their family.
- they obtained a geotechnical study on the property and decided to move some of the buildings so they would be outside the 60 year line.
- they have exceeded the square footage policy, but asked for leniency to meet with that regulation.
- storm sewers are now in place.
- they feel they are making an investment and have no concerns. They have no intention of putting their family at risk.
- they have talked to Lambton County regarding a variance to move closer to the road.

The Core's designer, Travis Bouma talked with engineers and geotech engineers and neither had concerns with the design.

Directors comments and concerns:

- explain square footage issues, first calculations only include main floor, our calculations include all floors
- would taking away bedroom above garage make a difference?
- (must minimize risk to life and property).
- what is the percentage of increase of footprint from original? (D.Cundick response = 100% increase in footprint from original dwelling);
 - existing dwelling footprint is 69 sq. m
 - proposed relocated/redeveloped dwelling etc. footprint is 138 sq. m.
 - proposed relocated/redeveloped dwelling footprint is 100% increase in footprint of existing dwelling footprint.

why did the property owners go above the municipal zoning bylaw? 50% if not a minor variance.

- Lambton County planners are in support of the plan. *(This was what the Cores said verbally to the board during their presentation. Staff of SCRCA have no verbal or written confirmation that County has no objections to proposed plan.)*
- Conservation Authorities would like plans downsized.

The Chair thanked everyone for their comments.

BD-13-079

Gillis - Bruinink

“That the Hearing Board go in camera at 11:15 a.m. to review and discuss the appeal of Application #10840.”

CARRIED

BD-13-080

McCallum - Faas

“That the Hearing Board regarding the appeal of Application #10840 rise and report at 11:50 a.m.”

CARRIED

BD-13-081

Miller – Faas

“That the Hearing Board in accordance with the requirements of the Conservation Authorities Act, held a hearing regarding Nick & Chantelle Core, Application #10840 on December 12, 2013 and hereby refuses the application and directs staff to issue a Notice of Decision accompanied by the required information regarding the right to appeal.”

CARRIED

BD-13-082

Gillis – McEwen

“That fees for a new application for development on the site within 60 days for this applicant be waived, as works to administer and review the application has been recently reviewed.”

CARRIED

BD-13-083

Miller - Bilton

“That the Hearing Board adjourns the Hearing and reconvenes as the Board of Directors at 11:55 a.m.”

CARRIED

BD-13-084

MacKinnon – Miller

“That the minutes of the Board of Directors meeting, held November 14, 2013, be approved as distributed.”

CARRIED

The General Manager’s Report was presented:

- Conservation Ontario Council meets on December 9th – a verbal report will be provided at the December 12th Board meeting
- the Township of Adelaide-Metcalf has confirmed the appointment of Betty Ann MacKinnon to the Board of Directors for 2014
 - appointments for 2014 for all other municipalities were confirmed previously
- Tom Prout, General Manager of the Ausable-Bayfield Conservation Authority has announced his retirement effective at the end of this year

- best wishes of the Board of Directors and staff of St. Clair Region Conservation Authority will be conveyed to Tom at a celebration to be held in January
- Keith McLean Conservation Lands
 - staff have reviewed plans for renovations to the on-site house with the trustees of the McLean estate
 - repairs to bring the house up to the building code, update the interior and several windows as well as connection to the municipal waterline, and replacement of the outdated furnace and undersized septic system were a consensus
 - staff plan to host an open house for local contractors on Monday December 16 to reviews conceptual plans and provide requests for proposals
 - proposals will be due in early January with the intent of having the work completed by the end of March
 - the position of Property Overseer was advertised locally around Chatham-Kent and on the Authority's website
 - over 30 applications have been received to date including several well qualified candidates
 - selected applicants will be interviewed in January
 - the position is intended to commence April 1

BD-13-085

Faas - Marriott

“That the Board of Directors acknowledges the General Manager’s report, dated December 2, 2013.”

CARRIED

A status update regarding Conservation Ontario’s Whitepaper – Watershed Management Futures for Ontario was reviewed.

BD-13-086

Miller - Bilton

“That the Board of Directors acknowledges the status update dated November 2013 regarding Conservation Ontario’s Whitepaper – Watershed Management Futures for Ontario as well as the verbal report from the Conservation Ontario Council meeting of December 9, 2013.”

CARRIED

A report on the business arising from the last meeting was discussed.

- information on the Great Lakes Forum was provided to the directors
- Conservation Ontario levy for 2014 was provided to the directors
- thanks to Conservation Area staff – Board of Director thanks to be conveyed to all Conservation Area staff by General Manager
- investigate what the U.S. is doing to develop habitat behind break walls – investigating – will report at future meeting
- request for further information on how flood lines are created and how they impact development in a regulated area – presentation later in meeting.
- investigate possibilities for getting better price for gravel - done
- investigate cost of chipping entrance roads to Conservation Areas - ongoing

BD-087

Boushey - Gillis

“That the Board of Directors acknowledges the updates on business arising from the November 14, 2013 meeting.”

CARRIED

A Conservation Lands Update was reviewed:

- Conservation Lands Maintenance and Development:
 - C.J. McEwen Conservation Area (Plympton-Wyoming):
 - a new steel roof has be installed on the washroom building
 - a number of dead poplar trees have been removed
 - Peers Wetland Conservation Area (Chatham Kent):
 - a gravel parking lot has been completed
 - gravel has been placed inside the pump control structure
 - renewal leases have been prepared for both tenants (Cogeco and Wallaceburg Outdoor Club)
 - Bridgeview Conservation Area (Petrolia):
 - railings on the dam have been removed (to eliminate ice damage to the railings during spring floods) and they will be reinstalled by mid-April
 - Strathroy Conservation Area (Strathroy):
 - a number of dead ash trees have been removed from along the trail system
 - staff have completed the street tree planting inventory for the municipality; this involving mapping future tree planting locations using GPS technology; this information will assist the municipality to plan, budget and implement a tree planting program
 - Warwick Conservation Area (Warwick):
 - rip rap erosion protection has been installed under the main trail bridge
 - staff are working with the municipality and the adjacent landowner to secure an alternate access roadway into the conservation area (present access roadway is being eroded by an adjacent stream)
 - a number of dead ash trees have been removed
 - A.W. Campbell Conservation Area (Brooke-Alvinston):
 - structural repairs have been made to the sugar shack and the Campbell House museum pavilion
 - a number of dead ash trees have been removed
 - staff have performed property inspections and installed “no hunting” signs at the following properties; Harrison Woodlot, Sinclair, Gawne, McAlpine Forest Tract, and McPhail Forest Tract.
- Tree Planting:
 - 70 hardwood and 60 wildlife shrubs have been planted in our conservation areas, McKeough and Lambton County lands.
- McKeough Lands:
 - soil erosion works have been completed on property 82; this involved a series of berms and hikenbottoms which were installed along the eroded slope of the agricultural field
 - 3 surplus farm buildings have been demolished

BD-13-088**Bruinink - Boushy****“That the Board of Directors acknowledges the Conservation Lands Update, dated November 22, 2013 concerning maintenance and development on conservation areas, and McKeough Upstream Lands.”****CARRIED**

A staff report on water levels, current and flood conditions was presented.

Watershed Precipitation and Streamflow Conditions:

- highlights:
 - increased flow events due to precipitation in November
 - falling temperatures result in snow accumulations
 - lake levels returning to close to the 10 year average
 - recent urban flood overview (Calgary and Toronto)
- precipitation events through September and October in some cases in excess of 100mm (4 inches) accumulating over short periods, have resulted in significant rainfalls in the upper reaches of the Sydenham River notably in the Strathroy area and beyond into the London area watersheds. In contrast, several significant rainfall events in November had a significant impact on water levels in many areas. Ground conditions were already saturated from significant precipitation throughout the previous months and flows were subsequently affected. Flows returned to normal seasonal levels quickly and as temperatures decreased to below zero in the latter part of the month much of the new precipitation has resulted in snowfall accumulations. Moving into December, there will remain the chance of periods thaw which may release accumulated snow pack into the watercourses resulting in higher flow conditions moving to the end of 2013. The annual snow survey program was initiated mid-November to record accumulations and the equivalent water content thus providing greater accuracy when determining the potential for high flow conditions in the event of a sudden thaw. Precipitation totals for November were not complete at the time of this report but complete end of year statistics will be included in the next report.
- Weather Forecast (Weather Network, Environment Canada)
 - December - slightly below average temperatures with above average precipitation in the form of snow mid-month (70% chance of white Christmas)
 - Fall and Winter - Temperatures will be near normal with slightly above normal precipitation into the winter months
- Great Lakes Levels
 - Lake Huron levels continue to improve over last year extremely low levels increasing by 27cm (10.6 inches) but remain slightly below the 10 year average -5cm (2inches). As each station receives flow from the previous water body the relative impact on levels are identified downstream from Lake Huron to Lake Erie.

BD-13-089**Davis-Dagg - McEwen****“That the Board of Directors acknowledges the report dated November 25, 2013 on the current watershed conditions, Great Lakes water levels.”****CARRIED**

A staff report summarizing Fish Habitat Review activities was presented.

- the federal government announced their intention to amend the Fisheries Act in 2012, and these

amendments came into full force on November 25, 2013. Due to these changes the existing partnership agreement between DFO and the SCRCA regarding fish habitat review is cancelled as of that date. The SCRCA is suspending fish habitat review activities until we hear further details from DFO on their new “Fisheries Protection Program” and the future of the partnership expected in April 2014.

- upon municipal request, staff are willing to review projects for their fish habitat implications on a case by case basis.
- when we have sufficient details on a new Memorandum of Understanding between DFO and the SCRCA, we will return to the Board for further direction.
- recommendation: that staff inform our municipalities of the change in fish habitat review activities as outlined above.
- previous activities: Prior to November 25, as part of our Level 2 Service Agreement with Fisheries and Ocean Canada (DFO), SCRCA was conducting an initial review of drain projects to identify any impacts to fish and fish habitat. SCRCA would determine how the proponent could mitigate any potential impacts to fish and fish habitat. If impacts to fish and fish habitat could be mitigated, then the Conservation Authority issued a letter of advice. If impacts to fish and fish habitat could not be fully mitigated, the project was forwarded to the local Department of Fisheries and Oceans for further review.
- the partnership with DFO helped municipalities avoid delays in obtaining advice or authorization approvals from DFO
 - review helped municipalities avoid damage to fish habitat and potential fines or prosecution under the Fisheries Act
 - improved sediment control, erosion control and off-season timing improves the water quality and aquatic habitats in the SCRCA and keeps the soil on the land
- files Processed for Level 2 Service Agreement
 - between January 1 2013 and November 25 2013, 204 drain files were reviewed under the Agreement by St. Clair Conservation staff.
- from June 1st to November 25, 2013, 95 files were processed under the Agreement with DFO.

BD-13-090

Burrell - Phay

“That the Board of Directors acknowledges the status report dated November 28, 2013, summarizing Fish Habitat Review activities undertaken on behalf of Fisheries and Oceans Canada in 2013, and acknowledges the cancellation of the Fish Habitat Review partnership agreement by Fisheries and Oceans Canada on November 25 2013.”

CARRIED

BD-13-091

Glen – Bruinink

“That the Board of Directors lift motion regarding 2014 DART fees from the table.”

CARRIED

A staff report regarding cost recovery for implementation of the provincially mandated DART process we considered.

- with the approval of the provincial “Generic Regulation” in 2006 for all Conservation Authorities (CAs), all CA Regulations were updated to ensure conformity of wording and complement municipal implementation of provincial policies under the Planning Act such as hazardous lands and wetlands. The clarification and wording update in the “Generic Regulation” meant open

municipal drains met the definition of a watercourse as defined in the Conservation Authorities Act and therefore fall under the regulatory authority of conservation authorities. Since 2006/2007, the CA's along with other provincial organizations formed DART, a Drainage Act and Regulation Team, to streamline approval processes for drain maintenance and repair. In April 2013 the Board authorized staff to use the provincially accepted and approved DART protocol with the direction for staff to monitor staff requirements to implement the protocol and provide recommendations on appropriate cost recovery options.

- *DART Cost Recovery* Board Report presented at the September 19, 2013 meeting proposed a minor and major works DART review fee of \$200 and \$600 respectively. The question was posed in response to the report: can fees be added to the drainage report? At the time of discussion, staff responded that fees can be added to the drainage report.
- after the meeting further clarification on the matter was sought by staff. It was found that other conservation authorities (e.g., Upper Thames), invoice municipalities for the review fee. In turn municipalities add the associated costs to the final drainage work bill for the landowners. OMAFRA has agreed to pay grant on the amount levied to the agricultural property owners.

An amendment to the proposed motion was considered.

Davis-Dagg – Gillis

“That the Board of Directors acknowledges the report dated November 25, 2013 on cost recovery for implementation of the provincially-mandated DART process and that the fees be the same as Upper Thames price structure \$100 for minor and \$500 for major work.”

Amendment Lost

A recorded vote was requested on the following resolution.

BD-13-092

McCallum - Bilton

“That the Board of Directors acknowledges the report dated November 25, 2013 on cost recovery for implementation of the provincially-mandated DART process and approves the inclusion of DART fees in the 2014 Schedule of Fees.”

CARRIED

Authority revenue and expenditures to October 31, 2013, were reviewed.

Directors Comments:

- Looks like property management costs are up – *will clarify at year end*

BD-13-093

Miller - Burrell

“That the Board of Directors acknowledges the revenue and expenditure report to October 31, 2013, as it relates to the budget.”

CARRIED

November 2013 disbursements totaling \$735,621.08 were considered.

BD-13-094

Faas - Boushy

“That the Board of Directors approves the November 2013 disbursements as presented in the amount of \$735,621.08.

CARRIED

A status report on general levy received to date was discussed.

BD-13-095

McCallum - MacKinnon

“That the Board of Directors acknowledges the status report on the 2013 general levy receipts to date.”

CARRIED

Appointments to the 2014 Nominating Committee were discussed.

BD-13-096

McCallum - Miller

“That the 2014 Nominating Committee consisting of the following four directors representing the four districts of the Authority being Sarnia, Lambton, Chatham-Kent, and Middlesex be: Norm Giffen, Anne Marie Gillis, Joe Faas and Bill Bilton and further that the Nominating Committee’s recommendation for the 2014 membership be presented at the Annual General Meeting.”

CARRIED

The 2014 Tentative Schedule of Meetings was considered.

BD-13-097

Davis-Dagg - McCallum

“That the Board of Directors approves the 2014 tentative schedule of meetings for the Board of Directors and Committees, dated November 30, 2013.”

CARRIED

A staff report regarding an application for a JCP program was reviewed.

- the Conservation Authority has submitted a pre-proposal to the Ministry of Training, Colleges and Universities for a Job Creation Partnership Program involving eight participants. The application requests funding of \$112,941 for wages and \$29,566 for support.
 - Resource Technicians (3): April 21 – October 17 (26 weeks)
 - Flood Management Assistant: April 7 – December 19 (37 weeks)
 - Fisheries Technician: April 7 - January 24 (42 weeks)
 - Planning Technician: April 7 - January 24 (42 weeks)
 - Conservation Services Technician: April 21 – October 17 (26 weeks)
 - Documentation Clerk: April 7: December 19 (37 weeks)
- over the years, our region has benefited from the support we have received through the Job Creation Partnership Program. Many of our accomplishments would not have been possible without the contribution of participants with this program.
- we are pleased with the success of the program both in benefits to the participants and to the environmental wellbeing of our region. The practical experience this training has provided coupled with the networking opportunities, have provided a valuable head start for many. We are

also very proud with the tremendous track record of our participants finding full time employment as a result of their experience at the St. Clair.

Director Comments:

- commended staff on finding opportunities to assist the Authority and the public.

BD-13-098

Bilton - MacKinnon

“That the Board of Directors acknowledges the report dated December 3, 2013 on the pre-proposal to the Ministry of Training, Colleges and University for a JCP program involving eight participants.”

CARRIED

Minutes of December 4, 2013 Health and Safety Committee was reviewed.

BD-13-099

Faas - Brown

“That the Board of Directors acknowledges the December 4, 2013 meeting minutes of Health and Safety Committee.”

CARRIED

A staff report outlining a summary of 2013 special events was discussed.

SCRCA Annual General Meeting, Sarnia, February 21, (75)

A.W. Campbell Maple Syrup Festival, March 16 - 17, A.W. Campbell Conservation Area (1,000)

Sydenham River Canoe Race, April 21, Shetland Conservation Area (57 canoes and kayaks - 150)

Strathroy Chamber of Commerce Home and Leisure Show, April 27, (1,500)

Arbour Day, April 27, Donahue Park, Sarnia (25 - Union Gas employees, City of Sarnia employees and committee)

Arbour Day, April 30, High Park School, Sarnia (70 - Enbridge employees, City of Sarnia employees two classes and committee)

Strathroy Paddle Day, May 25, Strathroy Conservation Area, (70)

Denning Bros. Funeral Home Memorial Forest Dedication, May 26, (250)

Art Walk, June 1 – 2, Sarnia (25,000)

Kid's Funfest, June 8, Sarnia 300 seedlings distributed

Member's Project Bus Tour and Opening of McLean Conservation Lands, June 27, (60)

Wyoming Fall Fair, Agriculture in the Classroom, September 11

Jakes Day, September 15, Lambton Upland Game Bird Chapter

McKenzie and Blundy Memorial Forest Dedication, September 15, Wawanosh Wetlands Conservation Area (600)

Geocaching Event, September 22, Lorne C. Henderson Conservation Area, (60)

Foundation Memorial Forest Dedication, September 22, Lorne C. Henderson Conservation Area (120)

Brigden Fair, Agriculture in the Classroom, October 11

BD-13-100

Miller - McEwen

“That the Board of Directors acknowledges the report dated November 21, 2013 of the summary of 2013 special events.”

CARRIED

The meeting went “In Camera” to discuss identifiable individuals.

BD-13-101

Bilton - Brown

“That the Board of Directors go in camera at 12:20 p.m. to discuss Conservation Awards and personnel issues with the General Manager remaining.”

CARRIED

BD-13-102

Faas - Bilton

“That the Board of Directors rise and report at 12:25 p.m.”

CARRIED

BD-13-103

Gillis – Glen

“That the Board of Directors approves the member’s meeting per diem remain the same, at \$75.00, and that the Chair’s honourarium remain the same at \$3,550 and the Vice Chair’s honourarium remain the same at \$1,675.00 for 2014.”

CARRIED

BD-13-104

McCallum – McEwen

“That the Board of Directors approves that the mileage rate remain the same at \$0.55 per km for 2014.”

CARRIED

BD-13-105

Davis-Dagg – Glen

“That the Board of Directors acknowledges the step adjustments and approves an adjustment to the salary grid of 1.5% effective January 1, 2014.”

CARRIED

BD-13-106

Burrell – Miller

“That the Board of Directors approves the adjustments to the payments for the Authority employees Benefit Plan including all costs for Long Term Disability benefits being paid for by employees while the costs of Health and Dental benefits will be shared at a ratio of 90% Authority, 10% employees, effective January 1, 2014.”

CARRIED

BD-13-107

Gillis – Giffen

“That the Board of Directors approves the 2013 Conservation Award winners as outlined in the report dated December 4, 2013.”

CARRIED

BD-13-108

Bilton - Miller

“That the meeting be adjourned.”

Steve Arnold
Chair



Brian McDougall
General Manager

Attached to original minutes: Roll Call Attendance sheet
 Recorded voting sheet