

CROWE VALLEY CONSERVATION

SECTION 28 HEARING

30 MACKENZIE ROAD  
MARMORA AND LAKE

Presentation for Board  
Meeting

March 21, 2024



# OVERVIEW

- PROPOSAL SUMMARY
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- CVCA POLICY
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# PROPOSAL SUMMARY

- Proposed development involves:
  - New residential structure within the floodplain that exceeds the allowable size increase to be considered reconstruction of existing
  - New accessory structure within the floodplain that exceeds the allowable size increase
  - Placement of fill **and** changes to grade to create a building envelope / for the purpose of permitting development.



# CVCA POLICY

## NEW DEVELOPMENT IN FLOODPLAIN

- Development does not conform with CVCA policy because:
  - New development within the Regulatory floodplain is not permitted
  - The proposed dwelling and deck are within the Crowe Lake floodplain

The dwelling exceeds the allowable size increase (50% of existing up to 500ft<sup>2</sup>)

- Existing dwelling is 625.5ft<sup>2</sup>
- Total square footage allowed = 938.25ft<sup>2</sup> (existing + 50%)
- Proposed is 2,272ft<sup>2</sup>, which is an increase of **263%** or 1,646.5ft<sup>2</sup>

The deck exceeds the allowable size increase (up to 500ft<sup>2</sup>)

- Existing deck is 286ft<sup>2</sup>
- Total rebuild allowed = 500ft<sup>2</sup> (286ft<sup>2</sup> + 214ft<sup>2</sup>)
- Proposed is 780ft<sup>2</sup>, an increase of **173%** or 494ft<sup>2</sup>



# BACKGROUND

## LOCATION / PROPERTY

- Property is located at 30 MacKenzie Road, Municipality of Marmora and Lake
- Waterfront property on Crowe Lake
- Property located along the south side of MacKenzie Road
- Entire lakefront side contains Crowe Lake Regulatory floodplain



# BACKGROUND

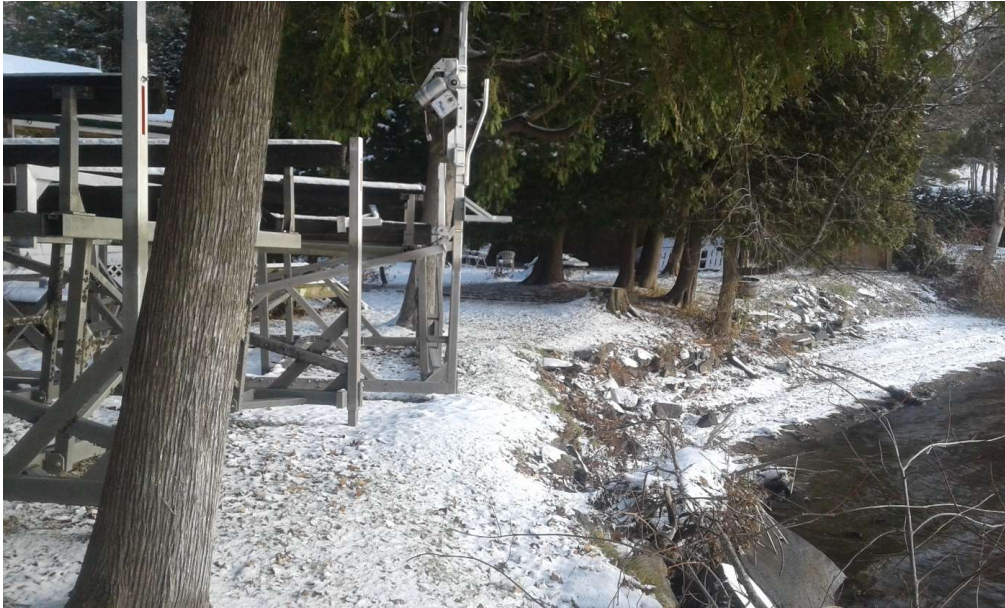
## EXISTING DEVELOPMENT

- Existing development:
  - Existing single storey dwelling with deck and crawlspace within floodplain
    - 625.5ft<sup>2</sup> footprint for the dwelling
    - 286ft<sup>2</sup> footprint for the deck
  - Existing septic system deemed not suitable due to age



# BACKGROUND

## EXISTING DEVELOPMENT



# BACKGROUND EXISTING DEVELOPMENT





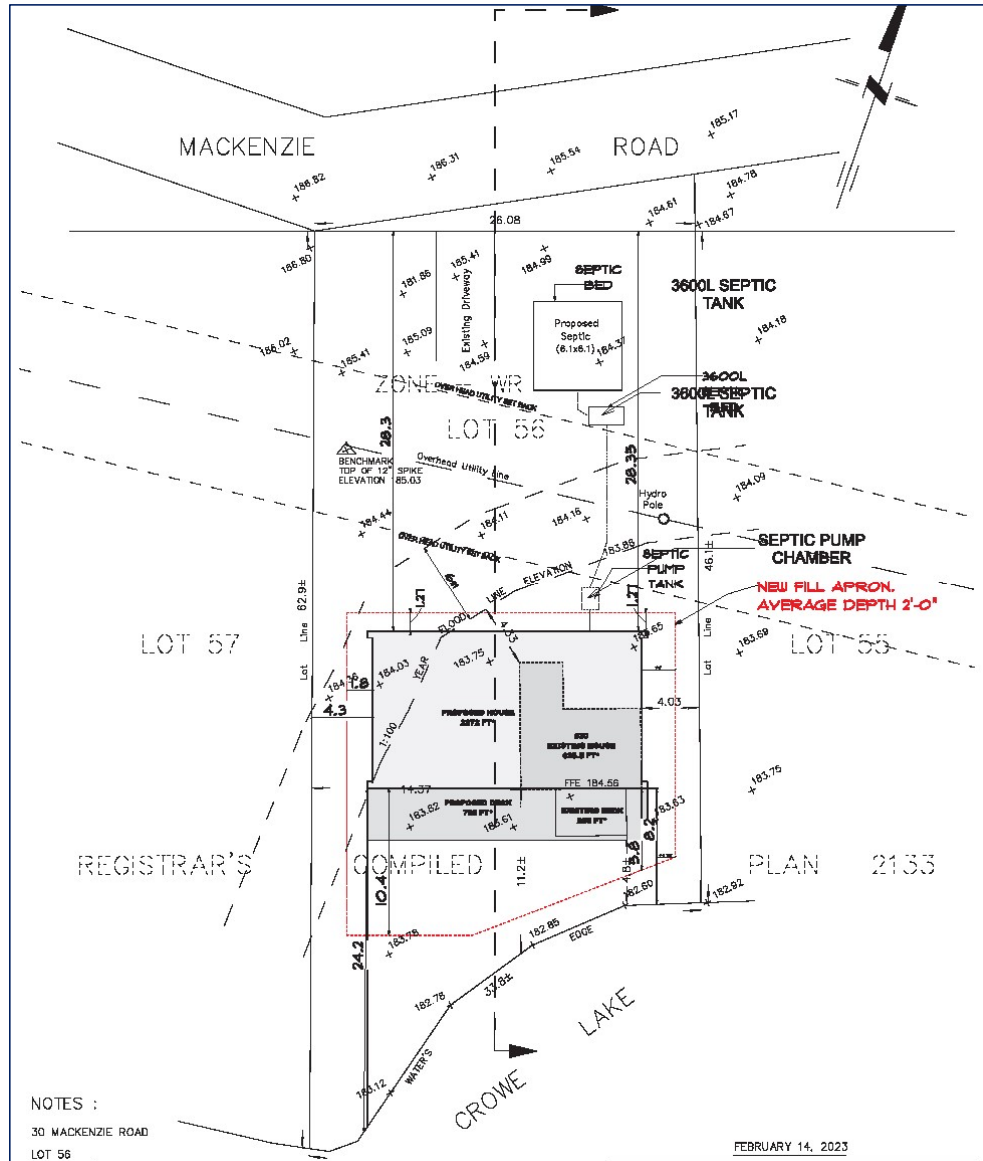
# BACKGROUND

## PROPOSED DEVELOPMENT

- Proposed development:
  - Construct single family dwelling, deck and septic system
    - Proposed dwelling is 2,272ft<sup>2</sup>
    - Proposed deck is 780ft<sup>2</sup>
    - Proposed deck is 4.8m from the shoreline of Crowe Lake
    - Lowest openings to dwelling will be +0.3m above Regulatory flood elevation
    - Proposed dwelling, deck and septic pump within floodplain
    - Proposed septic tank and bed located outside the floodplain and hazard setback







# BACKGROUND TIMELINE

- Section 28 permit application submitted to CVCA

May 05, 2023

- Permit application received

May 08, 2023

- Administrative processing of application
- Policy requirements communicated to Applicant

August 08, 2023

- CVCA received Jewel Engineering Opinion Letter



# BACKGROUND TIMELINE

September 13, 2023

- Policy requirements and recommendations/options to meet policy provided to Applicant and Agent
- Revised elevation survey submitted to CVCA
  - Verified proposal does not meet Policy
- Applicant did not submit any revisions to the original proposal despite CVCA staff recommendations
- Applicant immediately requested a hearing
- CVCA communicated that the application as proposed could not be approved by staff and hearing information provided



# PROPOSAL DETAILS

- Reconstruct a new dwelling
  - 2,272ft<sup>2</sup> footprint; Single-storey with crawlspace
  - Is entirely in the flood plain and hazard setback
  - Does not conform to CVCA policy ❌
  
- Reconstruct a new open deck
  - 780ft<sup>2</sup> footprint
  - Is entirely in the flood plain
  - Does not conform to CVCA policy ❌



# PROPOSAL DETAILS

- Install septic system
  - Septic tank and filter bed located outside of floodplain and setback
  - Septic pump located within floodplain
  - Will be floodproofed appropriately
  - Conforms to CVCA policy ✓



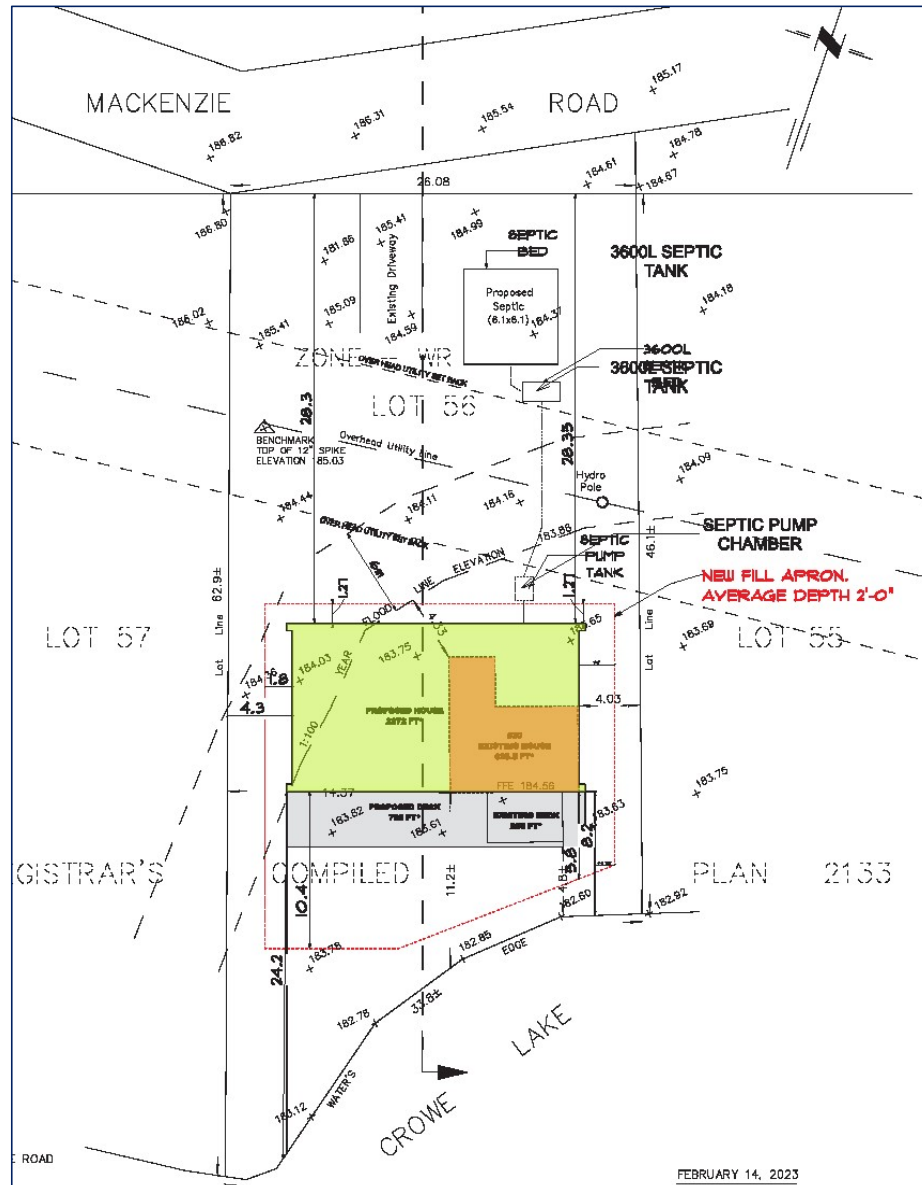
# CVCA POLICY

## NEW DEVELOPMENT IN FLOODPLAIN

- Dwelling does not conform with CVCA policy because:
  - The dwelling exceeds the allowable size increase (50% of original up to 500ft<sup>2</sup>)
    - When the size increase is exceeded, the proposal is considered ‘new development,’ and subject to policy 5.3.1.2 which states:  
***“New single residential development on an existing lot will not be permitted within a flooding hazard regardless of previous approvals provided under the Planning Act or other regulatory process.”***







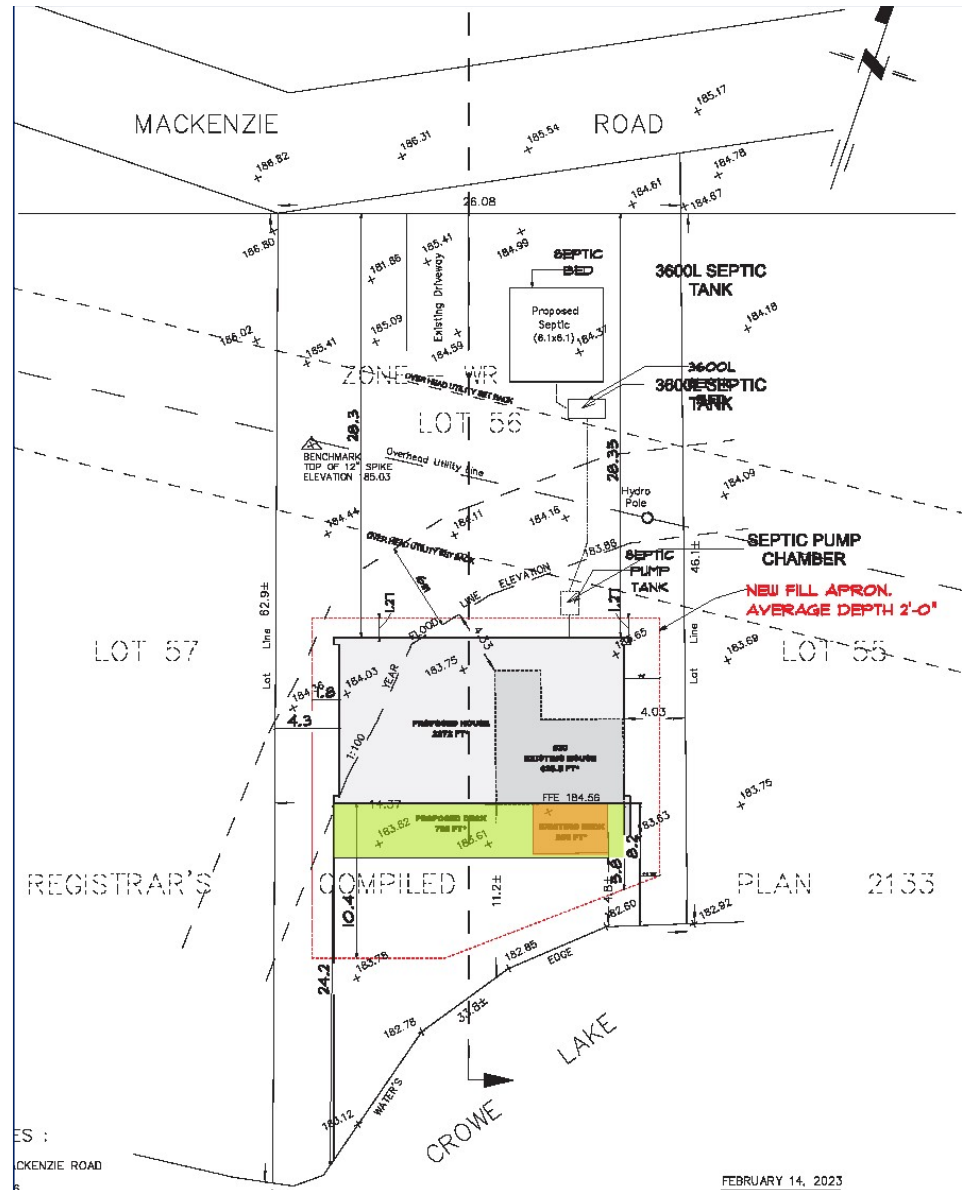


# CVCA POLICY

## NEW DEVELOPMENT IN FLOODPLAIN

- Deck does not conform with CVCA policy because:
  - The deck exceeds the allowable size increase (up to 500ft<sup>2</sup>)
    - When a size increase is proposed, the proposal is subject to policy 5.3.4.1 which states:  
*“...the building or structure does not exceed a ground floor footprint of 46.5 square metres for settlement areas or shoreline development areas and for rural areas, the building or structure does not exceed a ground floor footprint of 100 square metres.”*







# CVCA POLICY

## FILL WITHIN FLOODPLAIN

- Dwelling does not conform with CVCA policy because:
  - The development would require fill to create a building envelope within the Regulatory floodplain and is subject to policy 5.2.2 which states

***“Placement of fill to create a building envelope for future / proposed development within the Regulatory floodplain shall not be permitted.”***



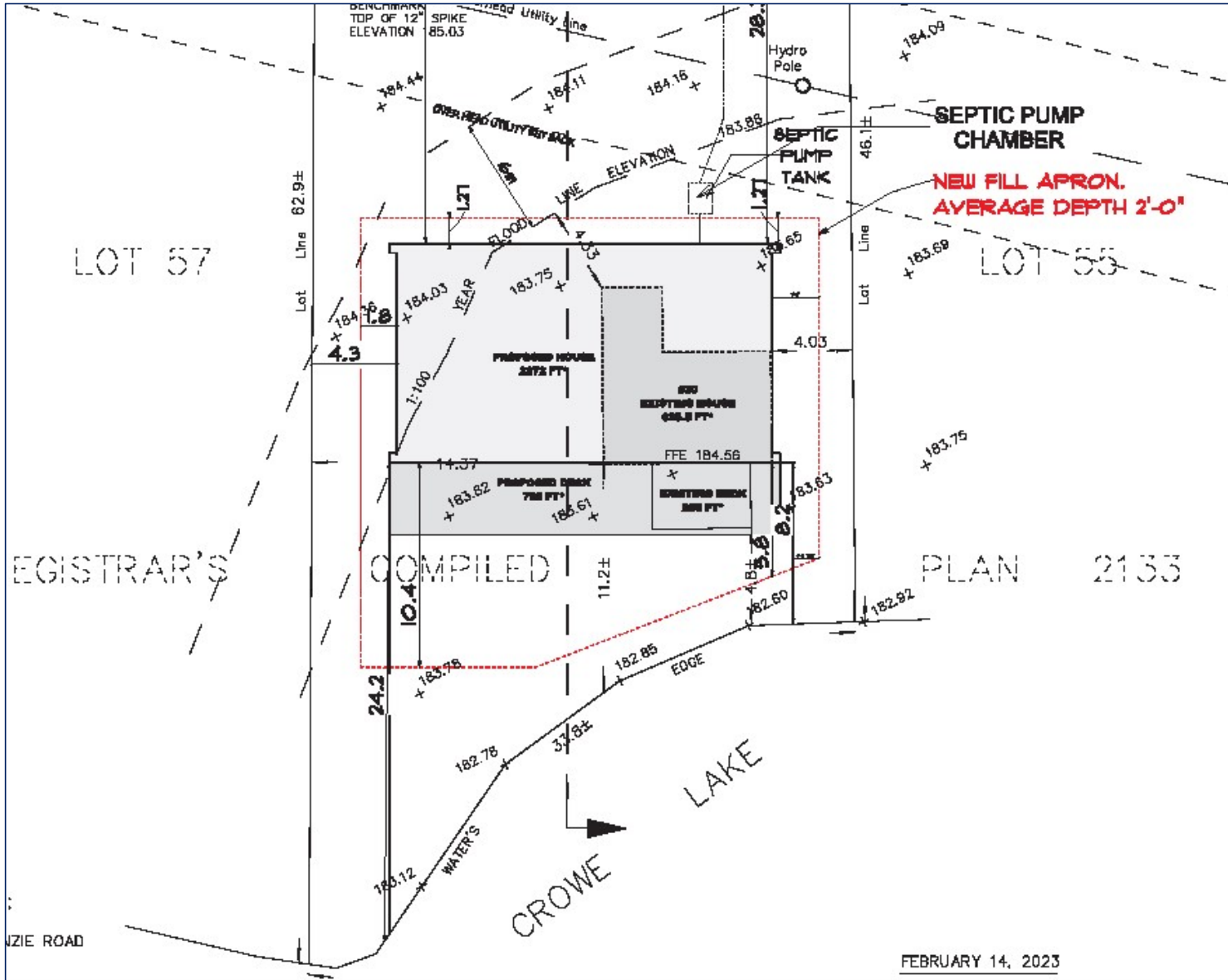
# CVCA POLICY

## CHANGES TO GRADE WITHIN FLOODPLAIN

- Dwelling does not conform with CVCA policy because:
  - The development would require grade modifications within the Regulatory floodplain for the purpose of permitting development, which is subject to policy 5.3.13.1 which states:

***“Fill placement and or excavation for the purpose of changing the grade on a property within the flood hazard for the purpose of permitting development will not be permitted.”***









# CVCA POLICY SUMMARY

(1)

The proposed development represents development within the regulatory floodplain, which is not permitted by CVCA policy unless specified by supplemental policies.



# CVCA POLICY SUMMARY

(2)

The proposed development is considered new single residential development within the floodplain, which is not permitted by CVCA policy.

*Note:*

*Reconstruction is considered new development when it exceeds the allowable size increase within the flood plain.*



# CVCA POLICY SUMMARY

(3)

The proposed development exceeds the size limit for accessory structure development within the floodplain, which is not permitted by CVCA policy.



# CVCA POLICY SUMMARY

(4)

The proposed development requires placement of fill to create a building envelope for future/proposed development within the Regulatory floodplain, which is not permitted by CVCA policy.



# CVCA POLICY SUMMARY

(5)

The proposed development requires changing the grade on a property within the flood hazard for the purpose of permitting development, which is not permitted by CVCA policy.



# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ Proposed development involves:

- A total of 123.4m<sup>3</sup> of material placed into the existing floodplain
- Fill apron exceeds 1m in width surrounding dwelling brought up to Regulatory flood elevation (183.88m (CGVD28)), and tapering towards Crowe Lake to existing grade at 3:1 slope
- With the proposed additional fill in the floodplain required to adequately floodproof the dwelling, the shape and location of the floodplain will be altered



# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ **Precedent Setting - Provincial Implications**

- If this application is allowed to proceed as is, it could have precedent setting implications and undermine the authority of CVCA.
- This could have consequential impacts to future flood hazard applications and cumulative impacts along the CVCA shorelines.





# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ **Upstream and downstream impacts:**

- Specific impacts on neighbouring properties is not known
  - This would require extensive technical work (hydraulic modelling)
  - Cost prohibitive at this scale of development
- Changes to floodplain characteristics (storage, shape, depth, location) have cumulative effects over time
  - Consider a 100-year planning horizon



# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ Cumulative Effects Considerations:

- Provincial directive is clear that prevention is the preferred approach for development in flood hazard areas, with effective management of the flood hazard directing development out of the hazard.
- When making decisions on development proposals, the CVCA must have a wider perspective than one specific development scenario.
- The CVCA must use a preventative approach and consider cumulative impacts over a long period of time (i.e. all development over a 100-year horizon).



# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ **Opinion Letter Floodline Assessment**

- Assessed flood impacts on an individual property scale
- Not requested by CVCA
  - Proposal is a significant deviation from policy
- A Peer Review was conducted
  - Methodology
  - Conclusions
- Cumulative impacts?



# CVCA WATERSHED ADVISORY BOARD

## KEY CONSIDERATION – CONTROL OF FLOODING

### ■ THEREFORE:

- Ontario Reg. 159/06, states that permission for development may be granted if it is in the Watershed Advisory Board's (the Authority's) opinion that the control of flooding will not be affected by the development



# STAFF RECOMMENDATION

- This application does not meet CVCA policy requirements on multiple accounts:
  - New development in the floodplain
  - Fill to create a building envelope within the floodplain
  - Grade changes within the floodplain for the purpose of permitting development.
- Considering the tests of the Regulation:
  - The development will affect the control of flooding, especially considering cumulative impacts over time

**Recommendation: Application be denied**

