



3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

**Executive Committee Meeting**  
Thursday, November 10, 2022  
7:00 p.m.  
**RVCA Boardroom**  
**3889 Rideau Valley Drive, Manotick ON**  
**and Electronically via Zoom**

**AGENDA**

<b>Meeting 5/22</b>	<b>Page</b>
1) Roll Call and Introductions	
2) Executive Committee to sit as Hearing Board	
• Hearing to be held under Section 28 of the <i>Conservation Authorities Act</i>	
3) Declarations of Interest	
4) Chair’s Opening Remarks	
5) Administration of Oaths or Affirmations	
6) Presentation by RVCA Staff .....	01
7) Presentation by Applicant / Agent	
8) Discussion	
• Questions from Staff and Applicant and/or Applicant’s Agent	
• Questions from Hearing Board	
9) Hearing Board to move In Camera	
10) Hearing Board to move out of Camera	
11) Chair to advise of Hearing Board decision	
12) Adjournment	

**Proudly working in partnership  
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,  
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,  
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport



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## STAFF REPORT

**To:** RVCA Executive Committee – Application Hearing  
**From:** Eric Lalande, MCIP, RPP, Planner, Planning and Watershed Science  
**Subject:** Hearing of Application for Development – Ontario Regulation 174/06  
**Date:** November 10, 2022

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**Application:** RV5-3222

**Applicant:** Andrew Hynes and Jennifer Bellamy  
104 Fortune Street  
Richmond, ON K0A 2Z0

### Description of Property:

Lot 23, Concession 3, geographic township of Goulbourn, now the City of Ottawa. Known municipally as 104 Fortune Street.  
Roll#: 06142718250940000000

### Application for Development:

The application is requesting permission for the construction of an addition to the existing dwelling, construction of a new attached garage and relocation of an existing auxiliary building into the floodplain associated with the Jock River. The development application was submitted with the following information:

- Site Plan, showing approximate grades (based on topographical images)
- Building Plan
- Topographic Map

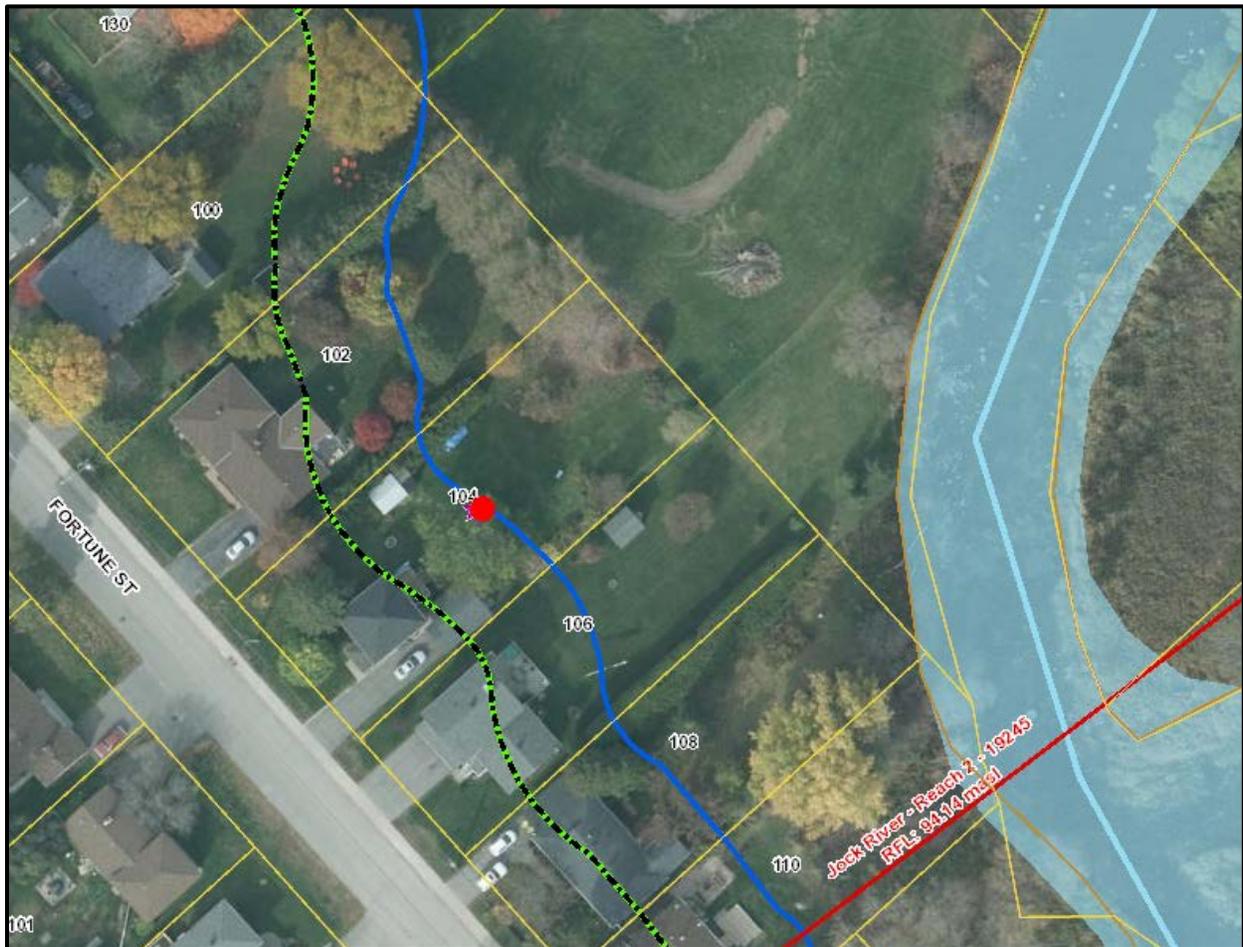
The supporting information is recommended to be included as a condition for review and approval, if necessary.

### Site Description and Context

The subject land is located along the northeast side of Fortune Street within the Village of Richmond and currently has an existing dwelling, detached garage and shed located outside of the regulated floodplain. The subject land is located approximately 30 metres from the Jock River, separated by adjacent amenity areas associated with residential properties. The rear

portion of the subject land is affected by the floodplain associated with the Jock River and is currently landscaped amenity space.

The regulated flood level in the area of proposed development is 94.14 metres above sea level. The grade in the area slopes towards the river, with the front portion being above 94.5 metres with the rear portion dropping to approximately 93.5 metres above sea level based on topographical mapping.

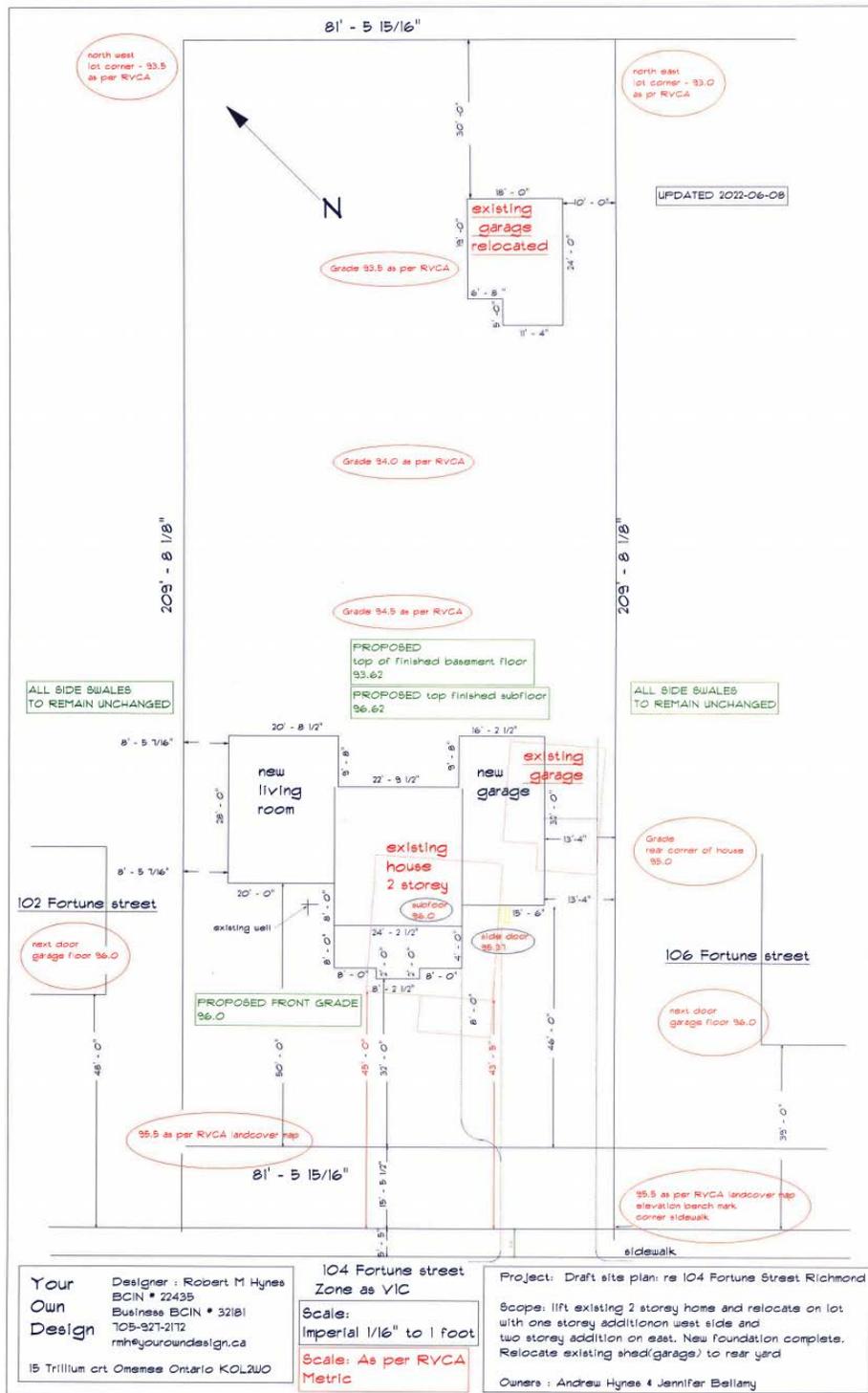


*RVCA Geoportal – Aerial view of the subject land with floodplain overlay*

**Considerations:**

The application was submitted on June 11, 2022 and was reviewed against the policy sections described below. The submitted plans show the addition of a new addition and a new attached garage. The submitted plans show the relocation of an existing detached garage from a location outside of the floodplain to the rear of the lot within the 1:100 year regulated floodplain (flood level of 94.14 metres above sea level). Further, the grades based on available topographical information show the area proposed as being below the 1:25 year flood elevation

(approximately 93.83 masl). The subject lands have ample area to accommodate relocating the attached garage outside the floodplain, as well as locations above the 1:25 year floodplain. It is noted that the size of the accessory structure is within the size permitted by policies for accessory structures within the floodplain.



## Legislation and Regulation Considerations:

### Conservation Authorities Act – Section 28

**28** (1) *Subject to subsections (2), (3) and (4) and section 28.1, no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:*

*2. Development activities in areas that are within the authority's area of jurisdiction and are,*

*i. hazardous lands,*

**28.1** (1) *An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,*

*(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;*

*(b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and*

*(c) any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25.*

### Hearing

**28.1** (5) *An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2017, c. 23, Sched. 4, s. 25.*

The applicant was advised by formal letter, dated October 19, 2022, that staff would not be in a position to approve the application and thus the application has been brought forward to a hearing with the Executive Committee.

### Ontario Regulation 174/06, Development Prohibited – Section 2, 3, 5,

**2.** (1) *Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,*

*(c) hazardous lands;*

**3.** (1) *The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 174/06, s. 3 (1).*

## Policy Considerations

The proposed development has been reviewed as two components as identified above:

The proposal for an addition to the existing dwelling and attached garage is considered to meet the policies of the RVCA's development policies, as the proposal is located in lands adjacent to the regulated floodplain and are designed in a manner to protect against flood susceptibility. As such, RVCA staff has no concerns with the granting of permission for the scope of work applied for outside of the floodplain.

However, at a staff level, the application is unable to be approved for the relocation of an auxiliary building based on policy Section 1.3.1 a) into the floodplain as associated with the project, as it is considered that there is sufficient area outside the floodplain, or in an area less susceptible from flooding associated with the floodplain. Specifically:

*Section 1.3.1) Notwithstanding Section 1.2 (1), development may be permitted associated with the **reconstruction or relocation** of a building located on an existing lot of record within the 1:100 regulatory floodplain, provided that it has not been destroyed by flooding and if is demonstrated, to the satisfaction of the Conservation Authority, that the control of flooding, erosion, pollution, or conservation of land will not be affected by its reconstruction. Consideration must be given to reducing the risk of flooding and property damage through relocation of the building.*

*For the **reconstruction or relocation** of a building within the 1:100 regulatory floodplain the submitted plans shall clearly demonstrate that the building:*

- (a) can not be relocated to an area outside the flood hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk; and*
- (b) will be protected from the flood hazard through incorporation of appropriate flood proofing measures as outlined in Section 1.4 (Floodproofing);*
- (c) the building would previously have been considered habitable; and*
- (d) will not exceed the original habitable floor area or the original footprint area of the previous structure. Permission will generally be refused for the reconstruction of derelict or abandoned buildings in the floodway.*

### Provincial Policy Statement, 2020

*3.1.2 Development and site alteration shall not be permitted within:*

*d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

**Summary:**

With respect to the addition and attached garage the application can be approved at a staff level, however, as the application includes the proposal for relocation of the garage, the entirety of the project is being brought forward to the executive committee.

While it is understood that the location proposed is for personal preference and site functionality, staff cannot take these reasons into consideration over the intent of the policies therefore, at a staff level, approval cannot be issued for the application for development of residential building for the following reasons:

1. The floodplain associated with the Jock River is administered as a one-zone floodplain, wherein the floodway is considered to be the entire regulated limits of the mapped hazard.
2. The subject lands have sufficient area to relocate the accessory structure to a location outside of the floodplain on the lot.
3. The granting of permission will be inconsistent with the approved Development Policies amended and approved by the Executive Committee February 2018.
4. The granting of permission will set a precedent.

**Next Steps:**

- Approve the application
- Approve the application with condition
- Deny the application

**Recommended Conditions:**

Any decision to approve the proposal should consider the following conditions as part of their direction to staff for administration of permission issuance:

1. That private services be designed and approved in accordance with the Ontario Building Code, to the satisfaction of the Ottawa Septic System Office.
2. That a notice on title be registered with a warning clause advising of the dwelling being located within the floodplain hazard limits associated with the Flowing Creek floodplain.
3. The building plans be submitted and reviewed to determine adequate floodproofing are integrated into the design.
4. That a professional engineer certify the designed structure shall meet or exceed the floodproofing designed standards of the RVCA's Policies Regarding the Construction of Buildings and Structures, Placing of Fill and Alterations to Waterways.
5. That standard permit conditions related to access, inspection and fill placement be implemented.
6. That a permit be approved for up to 2 years from the date of permit issuance.

**Appendix:**

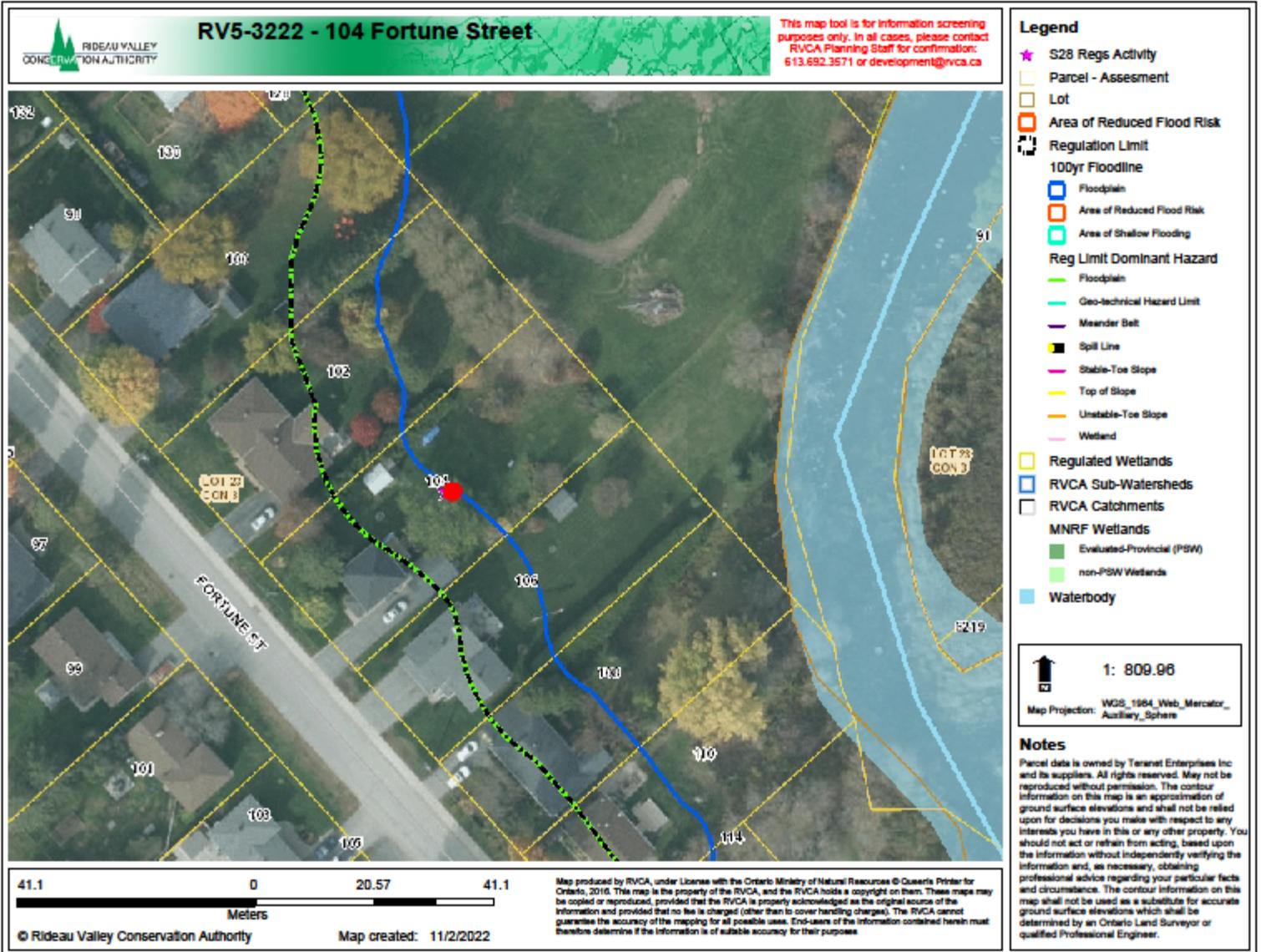
**Site Photos:**



*Site Photo: June 20, 2022 – 104 Fortune Street – Looking towards the existing dwelling and garage.*



*Site Photo: June 20, 2022 – 104 Fortune Street looking West from the rear yard towards the home*





**Rideau Valley  
Conservation  
Authority**

Box 599, 3889 Rideau Valley Drive  
Manotick, Ontario K4M 1A5  
613-692-3571  
www.rvca.ca

Application/File #: **RV5-3222**

Prior to application submission, please contact the RVCA for pre-consultation or visit www.rvca.ca

Official Use Only  
Date Received Stamp

**jUN 11, 2022**

Related Files

n/a

Fee

**\$635**

# Application for "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Ont. Reg. 174/06

Pursuant to Section 28 of the *Conservation Authorities Act* and Ontario Regulation 97/04

The Rideau Valley Conservation Authority will consider your application based on the information you provide below. Any false or misleading statement made on this application will render null and void any permission granted. Complete all relevant sections, date, sign and return the application along with applicable scale drawings and other documents necessary (refer to minimum guideline requirements) as well as application fee "Schedule B."

## Contact Information (please print clearly)

Property Owner's Name(s): **Andrew Hynes, Jennifer Bellamy**

Mailing Address (Street, P.O. Box) | **104 fortune St** | City | **Richmond** | Postal Code | **K0A 2Z0**

Telephone: Home | **n/a** | Work | **n/a** | Mobile | **705 917 2172**

E-mail | **andrew.hynes22@gmail.com**

Agent's Name:

**\* Property owner's letter of authorization required**

Mailing address (Street, P.O. Box) | | City | | Postal Code |

Telephone: Home | | Work | | Mobile |

E-mail |

## Location of Proposed Works

Property Assessment Roll Number (From Property Tax Notice, required) | **0614.273.815.28300.0000**

Municipal Street Address | **104 Fortune St**

Municipality | **Richmond** | Former Municipality | | Watercourse/Drain | **Jock River**

Lot | | Concession | | Registered Plan Number | | Sub-lot |

Culvert Identification Number |

## Description of Works (please check each that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Placement of fill, site alteration, changes in land elevation | <input checked="" type="checkbox"/> Construction of a structure (building, septic system, pools) |
| <input type="checkbox"/> Pond construction, cleanout and/or repair                     | <input type="checkbox"/> Watercourse crossing (culvert or bridge)                                |
| <input type="checkbox"/> Dam re-construction/repair                                    | <input type="checkbox"/> Bank protection   |
| <input type="checkbox"/> Dredging  | <input type="checkbox"/> Alteration to a watercourse or shoreline                                |
| <input type="checkbox"/> Drainage works and ditching                                   | <input type="checkbox"/> Other _____   |
| <input type="checkbox"/> Interference with a wetland                                   |  |

What is the purpose of the work? relocate existing house on property and build addition to house.  
relocate shed to back of property as shown on site plan.

Proposed Starting Date | September 1, 2022 Completion Date | September 1 2023

Existing use of land residential Proposed use of land residential  
 (i.e., residential, commercial, vacant) *Details (e.g. Permit Number, Application Number)*

- |  |   |   |
|--|---|---|
| Previous RVCA application on this property?  | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no    |
| Planning approval required? (e.g. site plan approval or re-zoning, minor variance)                                 | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no               |
| Applications made to other agencies? (e.g., MNRF, MOECC, Parks Canada, DFO)  | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no    |
| Municipal Building Permit required?  | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no               |
| Septic application/permits required?   | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no    |
| Is fill remaining on site? (If the answer is "no" you must specify an address where the fill is to be removed to:) | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no address _____ |

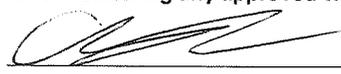
## Submission Requirements and Terms

Digital transmission of PDFs are: USB/flash drive, CD or email (development@rvca.ca)

- Applications must be submitted digitally with one hard copy to scale.
- Permits or Approvals granted by the Rideau Valley Conservation Authority are non-transferable.
- Permits, approvals, etc. may be required from other agencies prior to undertaking the proposed work. Rideau Valley Conservation Authority permission, if granted for the proposed work, does not exempt the owner/agent from complying with any or all other laws, statutes ordinances, directives, regulations, approvals, etc. that may affect the property or the use of same.
- Fees paid are for application processing only; the RVCA reserves the right to refuse permission based on policy provisions and the applicant's right to a hearing under Section 28(12) of the Act.
- Section 28 (20) *Conservation Authorities Act* — An officer appointed by the RVCA may enter on private property, other than a dwelling or building, if the entry is for the purpose of considering a request related to the property for permission that is required by a regulation. By signing this form consent is being granted.
- Cancellation fee may apply to applications that have been accepted.

**\* I/we the undersigned hereby certify to the best of my/our knowledge and belief that all of the above-noted, attached and/or supporting documentation information is correct and true. I/we further solemnly declare that I/we have read and fully understand the contents of this application and specifically the terms and conditions, and the declaration which is written below.**

**By signing this application, consent is given to the Rideau Valley Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved works pursuant to Section 28(20) of the Act.**

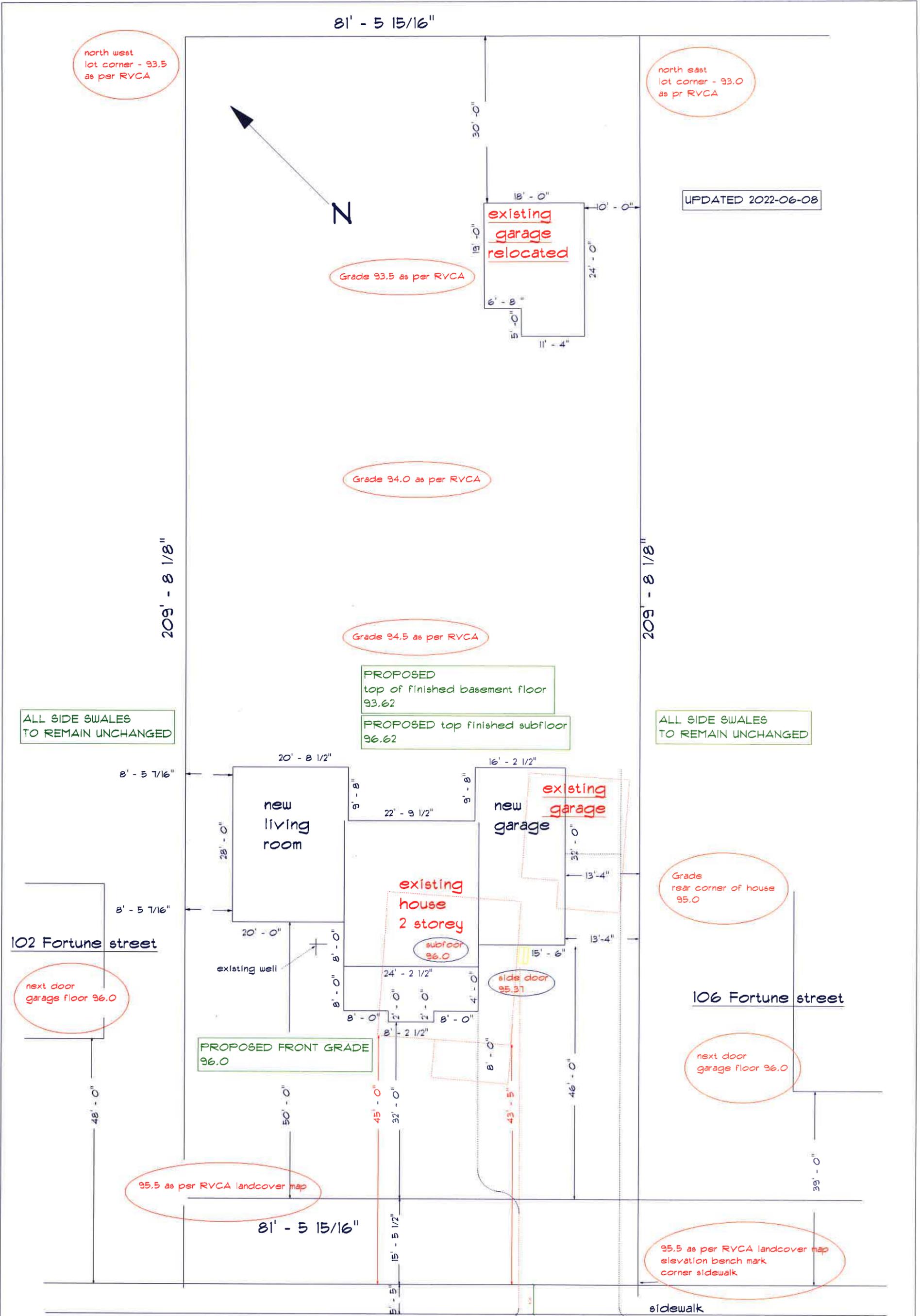
Owner's name: Andrew Hynes  Date: 2022 / 05 / 11

Authorized Agent: \_\_\_\_\_ 

Letter of Authorization from owner must be attached if agent is signing off on all works

## Notice of Collection

Pursuant to the municipal Freedom of Information and Protection of Privacy Act, the personal information contained on this form is collected under the Authority of the *Conservation Authorities Act*, R.S.O. 1990, Chapter C. 27, and O Regulation 174/06 RVCA Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses. This information is used to access applications and where approved issue permits. Information on this form will be disclosed to government and municipal agencies for review and comments and may be disclosed to members of the public through the Freedom of Information process.



ALL SIDE SWALES TO REMAIN UNCHANGED

PROPOSED top of finished basement floor 93.62  
 PROPOSED top finished subfloor 96.62

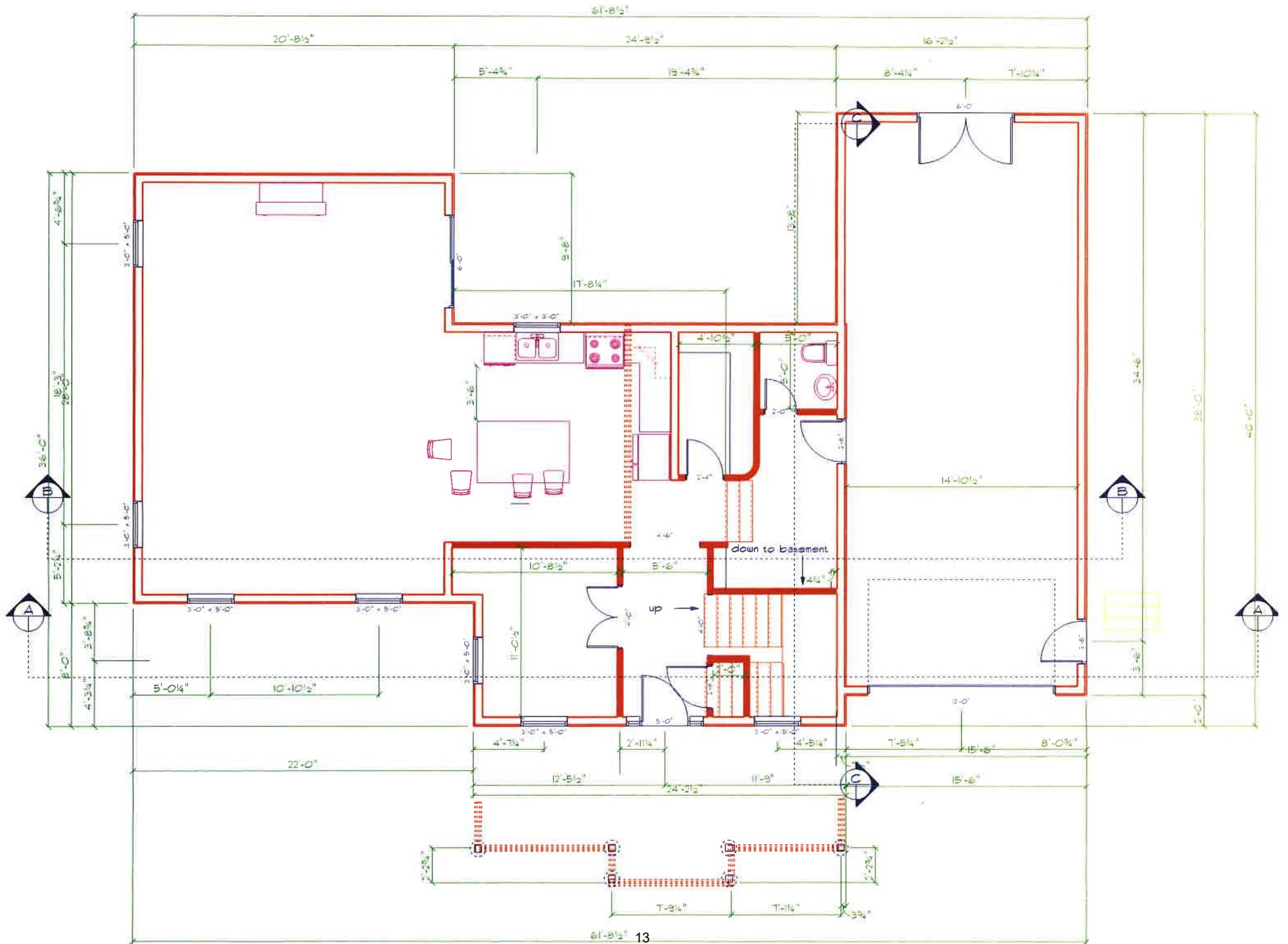
ALL SIDE SWALES TO REMAIN UNCHANGED

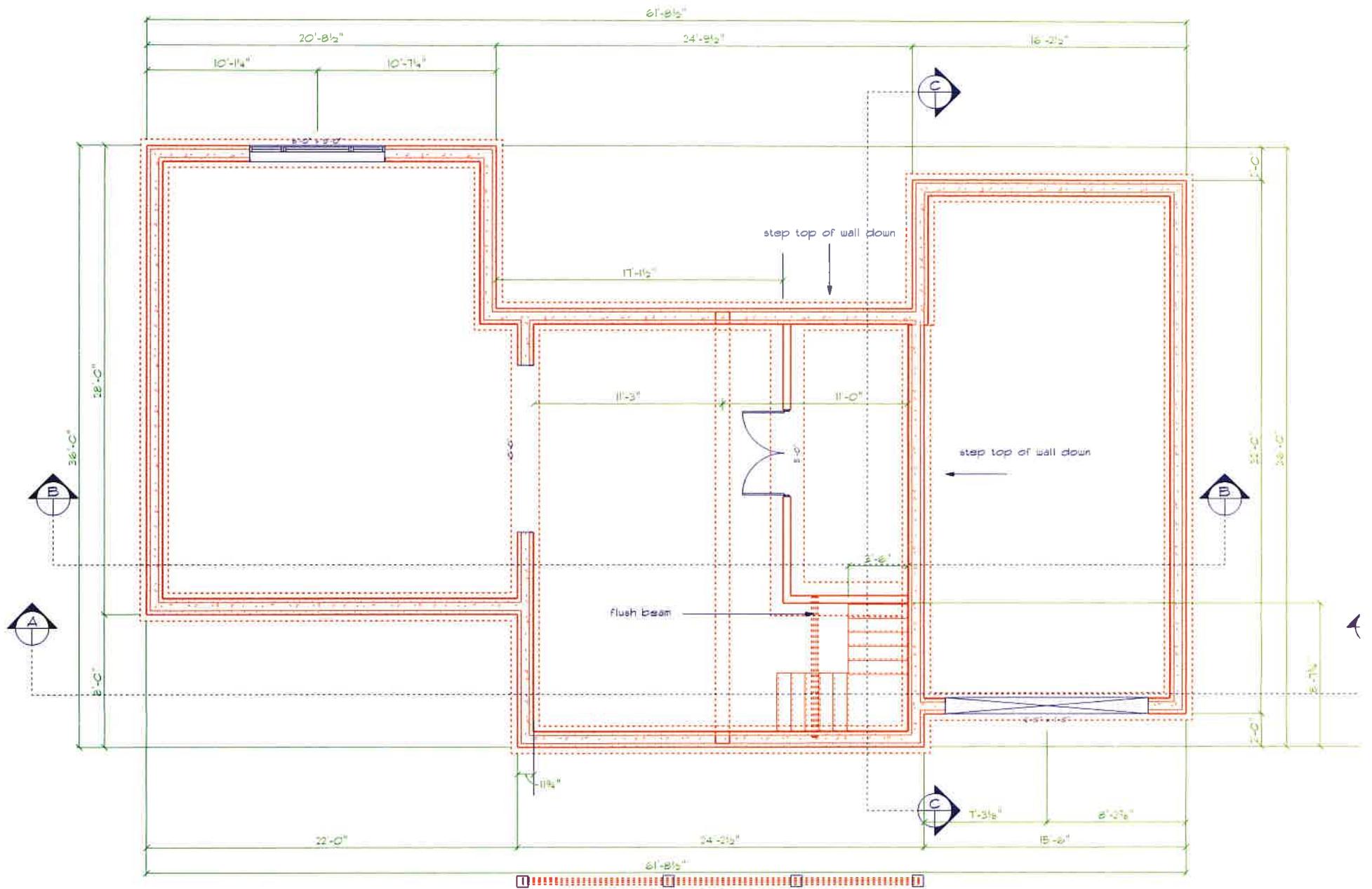
PROPOSED FRONT GRADE 96.0

**Your Own Design**  
 Designer : Robert M Hynes  
 BCIN # 22435  
 Business BCIN # 32181  
 705-927-2172  
 rmh@yourowndesign.ca  
 15 Trillium crt Omemeo Ontario K0L2W0

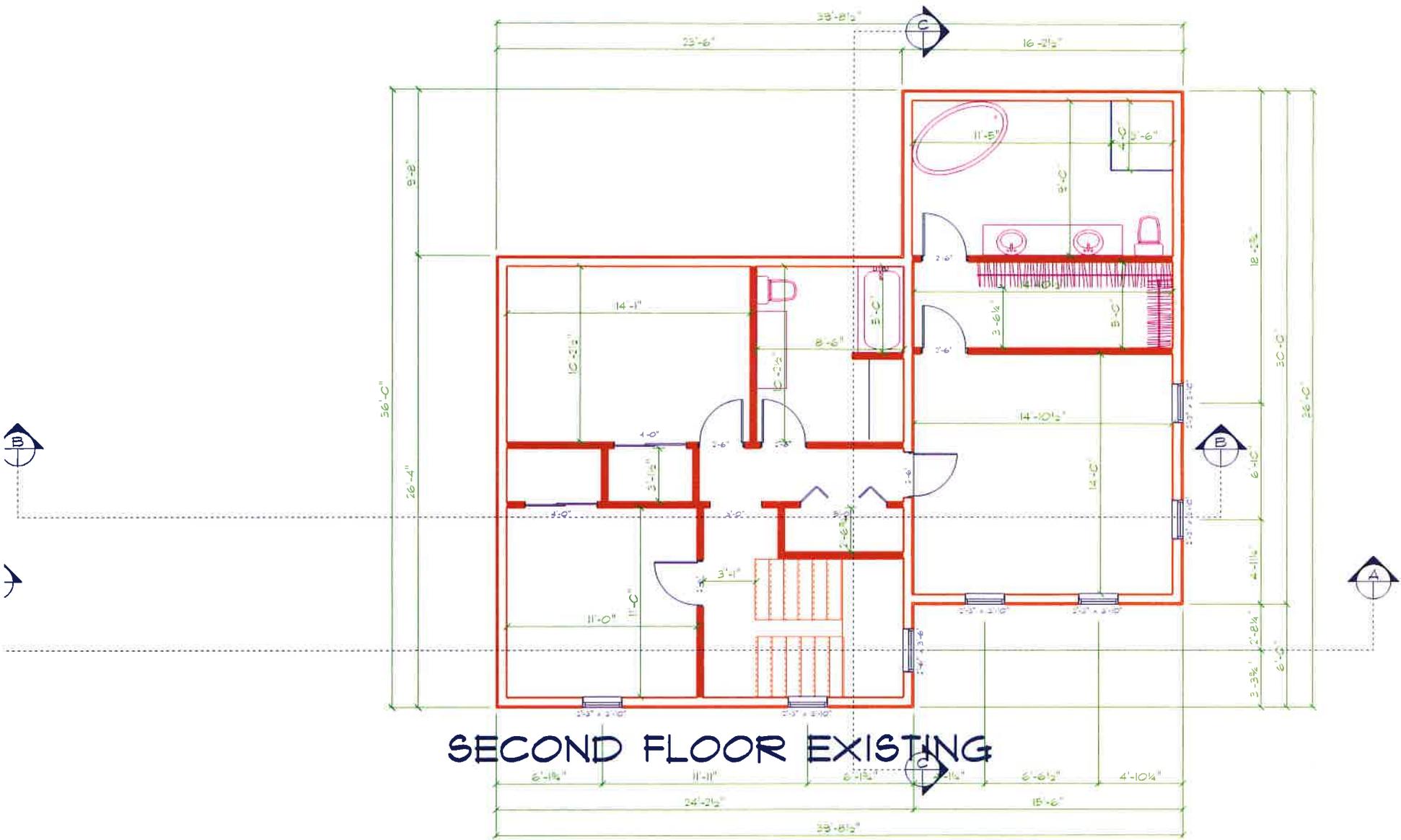
104 Fortune street  
 Zone as VIC  
 Scale:  
 Imperial 1/16" to 1 foot  
 Scale: As per RVCA  
 Metric 12

Project: Draft site plan: re 104 Fortune Street Richmond  
 Scope: lift existing 2 storey home and relocate on lot with one storey addition on west side and two storey addition on east. New foundation complete. Relocate existing shed(garage) to rear yard  
 Owners : Andrew Hynes & Jennifer Bellamy



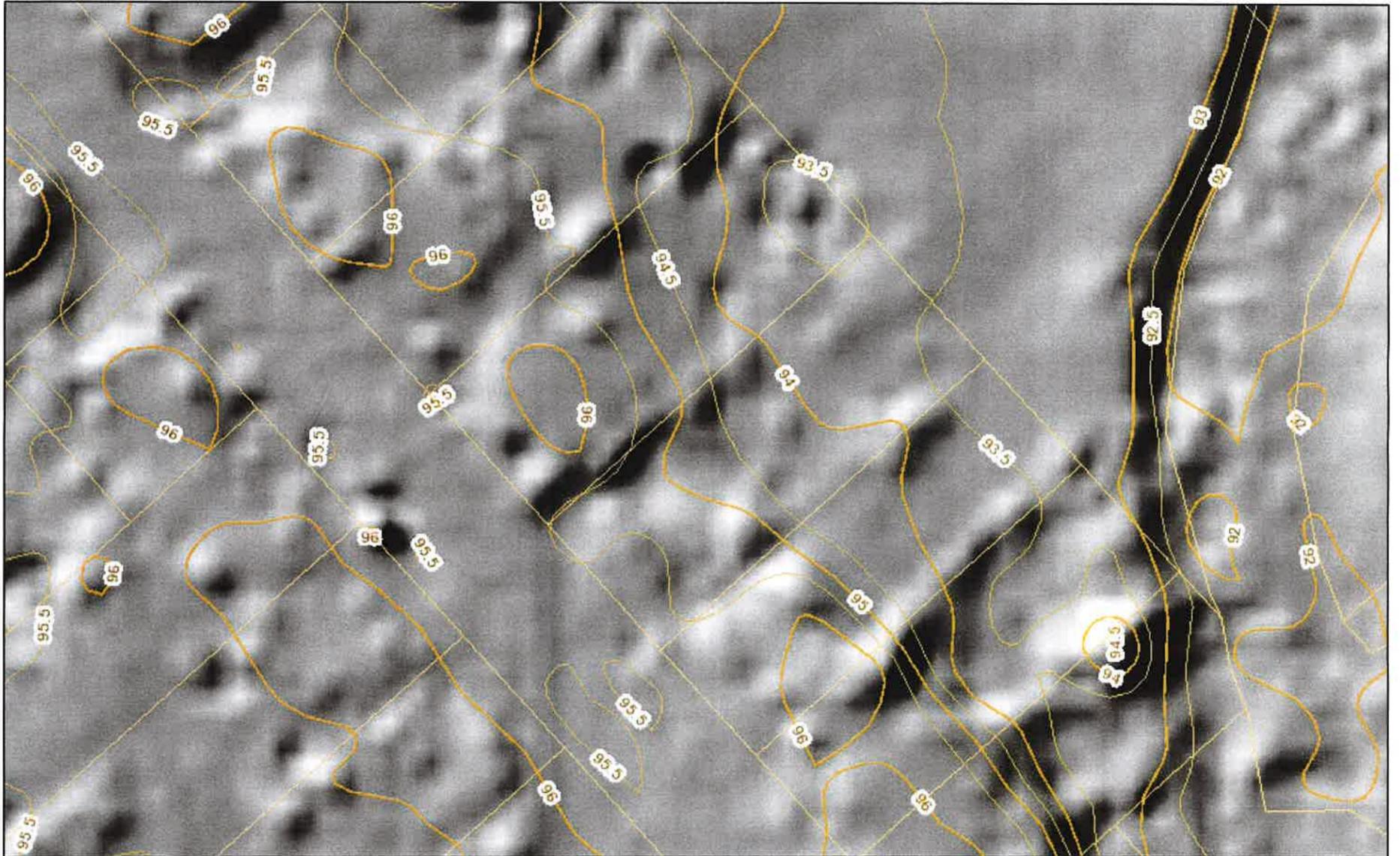


# MAIN FLOOR RENO

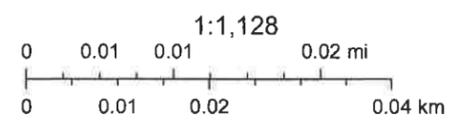


**SECOND FLOOR EXISTING**

# RVCA Landcover



2022-06-08, 5:12:56 a.m.



City of Ottawa, Province of Ontario, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA, AAFC, NRCan, Rideau Valley

RVCA Landcover - Online Mapping  
Rideau Valley Conservation Authority (RVCA)