



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
8:30 p.m.
RVCA Boardroom
3889 Rideau Valley Drive, Manotick ON
and Electronically via Zoom

AGENDA

Meeting 6/22	Page
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) Hearing Board to sit as Executive Committee	
13) Approval of Previous Executive Committee Meeting Minutes Executive Committee Meeting – July 28, 2022	
14) Adjournment	

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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

STAFF REPORT

To: RVCA Executive Committee – Application Hearing
From: Sarah MacLeod-Neilson, Planner
Subject: Hearing of Application for Development - Ontario Regulation 174/06
Date: Nov 10, 2022

Application File No.: RV1- 2817

Applicant(s): Robyn Mulcahy

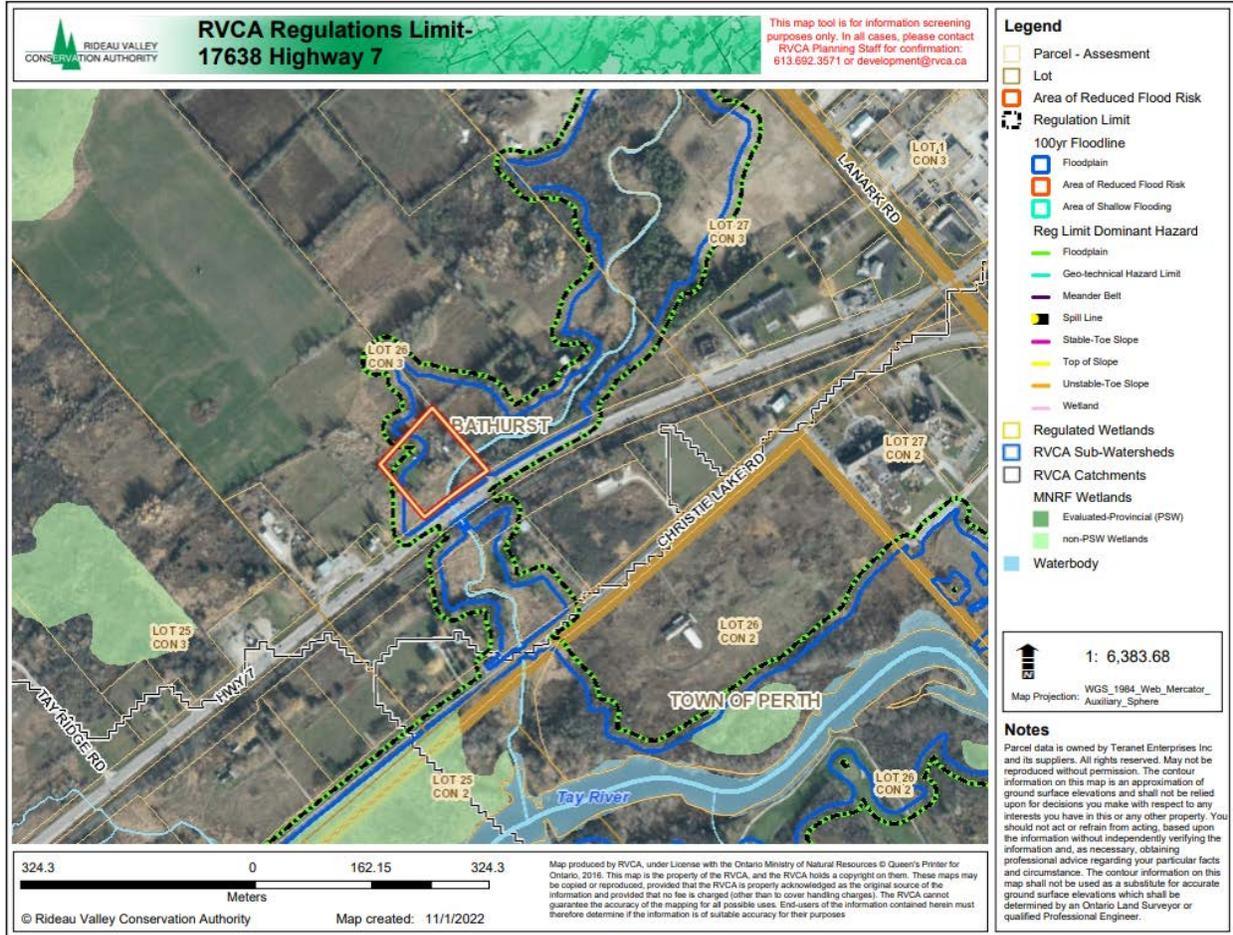
Legal Description of Property:

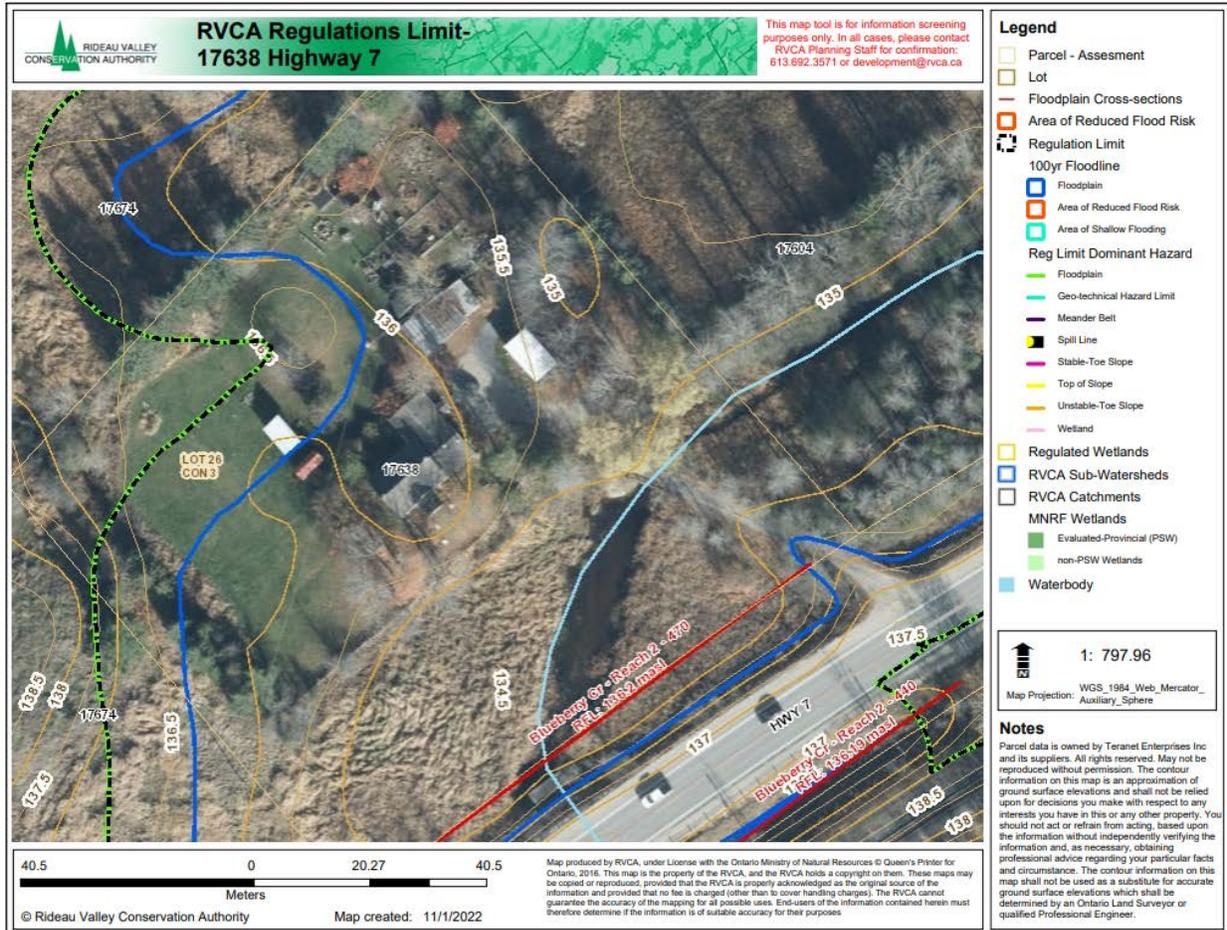
**17638 Highway 7, Part Lot 26, Concession 3, geographic Township of Bathurst,
now in Tay Valley Township**

Project Description:

- a) Retroactive permission to construct a 416 ft² building for an art studio as an auxiliary use to the Blueberry Creek Forest School and Nature Center,
- b) The building as detailed in submitted drawings titled *New Construction Art Studio*, Project No. 1720, Drawing No. A-1 to A-4, prepared by Laura Hands Design, dated September 7, 2017
- c) Development consisting of grading associated with the reconstruction of the accessory structure.

The subject property is largely within the RVCA's regulation limit, the proposed building is located entirely within the 1:100 year floodplain of Blueberry Creek.





Existing Conditions:

- Developed lot situated largely within the 1:100 year flood plain of Blueberry Creek and Regulation limit
- Regulated flood level is 136.2 metres above sea level
- Blueberry Creek flows through the southeast portion of the lot, access to the property from Highway 7 is via a wooden bridge over the creek.
- An existing dwelling and accessory buildings are present, the Blueberry Creek Forest School and Nature Centre is located on the property



Figure 1. Flood conditions on Blueberry Creek facing east toward the bridge at 17638 Highway 7, April 8, 2017, photo by M. Bradburn



Figure 2. Subject structure, November 14, 2017, photo by M. Bradburn

Application for Development

- Retroactive permission to construct a 416 ft² building for an art studio as an auxiliary use to the Blueberry Creek Forest School and Nature Center,
- The building as detailed in submitted drawings titled *New Construction Art Studio*, Project No. 1720, Drawing No. A-1 to A-4, prepared by Laura Hands Design, dated September 7, 2017
- Development consisting of grading associated with the reconstruction of the accessory structure.

Submitted Construction Drawings

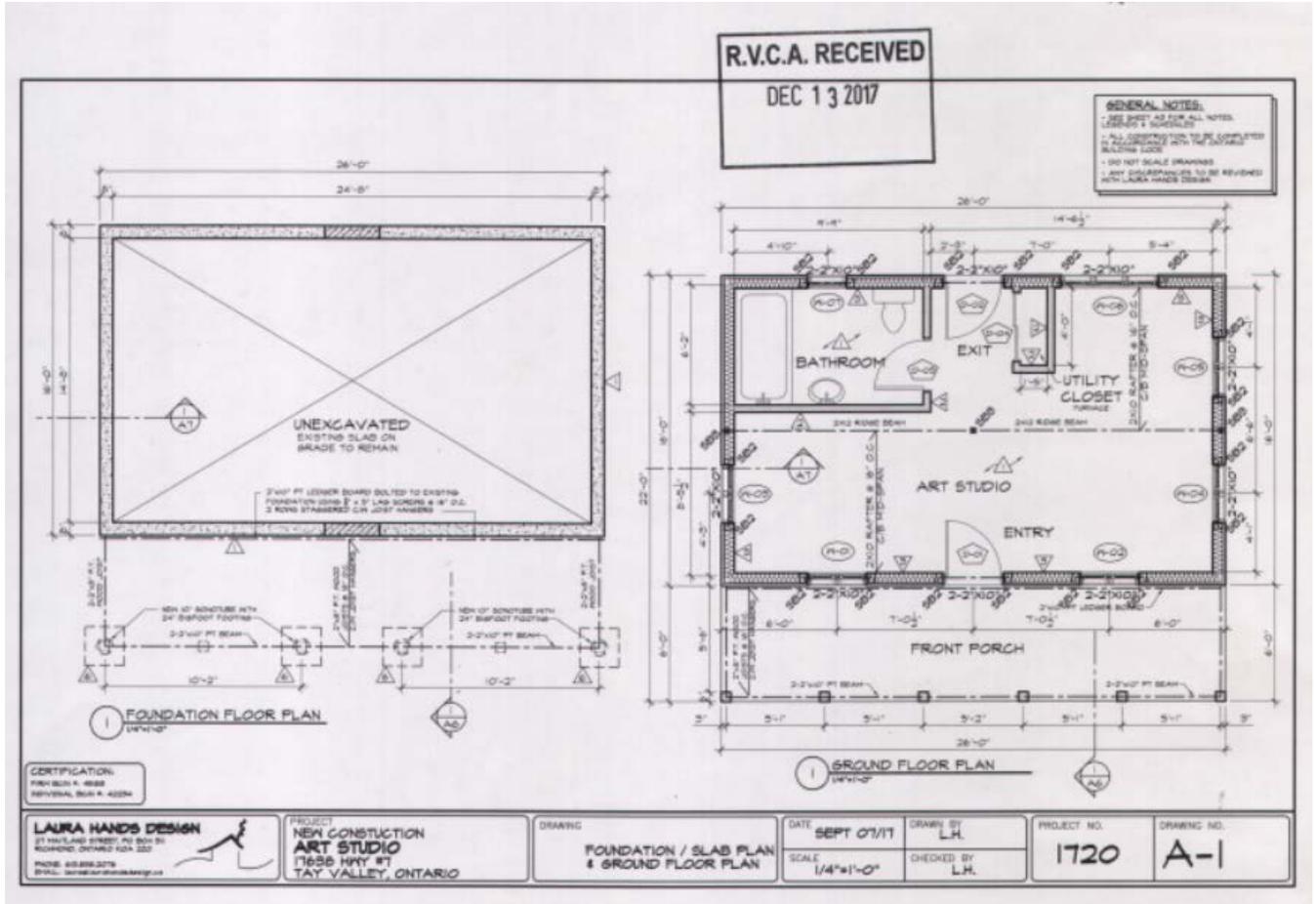


Figure 3. Foundation/slab plan and ground floor plan

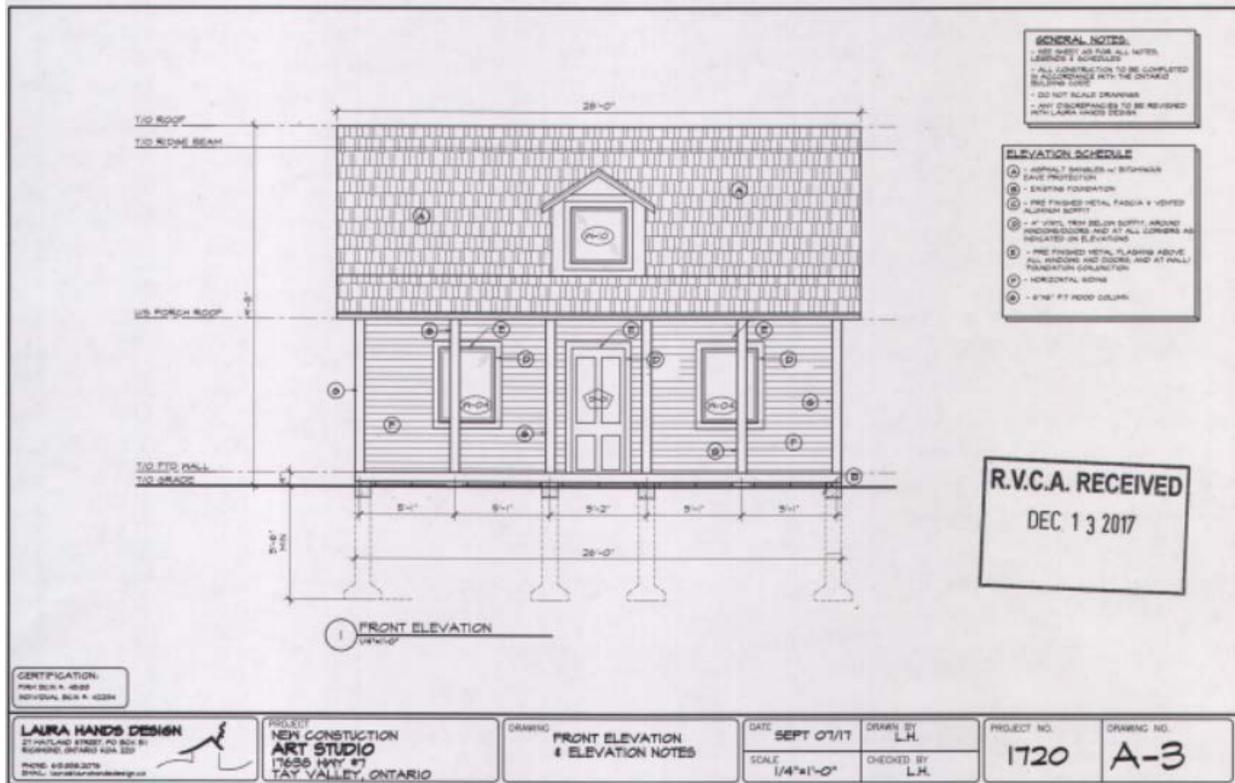


Figure 4. Front elevation of the proposed building

Issues Specific to Development Proposal:

1. The proposed development does not meet sections of RVCA's Development Policies, specifically 1.1, 1.2.2 and 1.4.4.
2. A zoning by-law amendment is required to rezone the property to "Institutional" to allow the proposed use. The RVCA must consider the PPS in this regard. Section 3.1.5 of the PPS specifically prohibits the proposed use.
3. Existing grades at the building are approximately 135.5 m geodetic, 0.70 m below the regulated flood level
4. Access to the property is via a bridge with the deck at approximately 135 m geodetic, 1.20 m below the regulated flood level.

Policy Implications

RVCA Development Policies Under Section 28 of the Conservation Authorities Act, last amended February 22, 2018

Section 1.1 General Principles of the RVCA Policies regarding Development indicates the following:

d) New development must not increase the risks to public safety which are expected to be present during the regulatory flood (or more frequent floods); in this regard, the availability of access to and egress from the structure and the potential depths of water over access routes will be the primary consideration

Section 1.2 Development within a One-Zone Regulatory Floodplain of a River or Stream Valley:

2. Further to Section 1.1, development shall be prohibited within the 1:100 year floodplain including within areas of reduced flood risk (flood fringe) where the use is:

a) An institutional use associated with hospitals, nursing homes, preschool, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding and/or failure of floodproofing measures or protection works. Section 1.4 Flood proofing:

1.4.4 FLOODPROOFING — Safe Access / Egress

The following principles related to the facility of access / egress and associated with overall public safety and the provision of emergency services will apply:

For vehicular and pedestrian access routes (municipal roadways and private rights-of-way) safe access will be considered to be available if the depth of flooding at regulatory (1:100 year) flood level along the full length of the travelled surface of the access roadway or right-of-way is no greater than 0.3 metres.

Access / egress shall remain dry at all times for institutional buildings servicing the sick, the elderly, the disabled or the young and in buildings utilized for public safety (ie. police, fire, ambulance and other emergency measures) purposes.

Provincial Policy Statement, 2020

Section 3.0 Protecting Public Health and Safety

3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;

Analysis

The building for which this application seeks approval has been constructed but not completed. It is located entirely within the 1:100-year floodplain of Blueberry Creek. The 1:100-year flood elevation is 136.20 m above mean sea level (geodetic). Existing grades on the property in the areas of the building are approximately 135.50 m geodetic, which is 0.70 m below flood level. Access to the property is over a wooden bridge spanning Blueberry Creek. The bridge deck is approximately 1.20 m below flood level based on topography from RVCA floodplain mapping. Safe access/egress is not available.

This application was submitted to our office on December 1, 2017 and reviewed against the policy sections described previously. RVCA had provided written comments dated October 24, 2018, indicating that the application did not meet policy respecting development within the floodplain and at a staff level a recommendation for approval could not be made. Following a series of discussions between RVCA staff and the applicants, revised drawings (August 26, 2021) were received to propose the construction of a storage building in place of an art studio. Preliminary feedback was provided (September 7, 2021) outlining outstanding issues to be addressed before RVCA could support the revised proposal. On August 23, 2022, it was confirmed that the applicants wished to reconsider the original proposal for an Art Studio Auxiliary Structure to the Forest School and Nature Centre with drawings dated September 7, 2017. A second letter was sent to the applicants indicating the proposal did not meet policy on September 12, 2022.

A staff approval cannot be made for the following reasons:

1. The development has the potential to increase risks to public safety during a regulatory flood because the site would be inundated with 0.70 m of water during a regulatory flood.
2. Safe access/egress is not available. The bridge over Blueberry Creek would be under approximately 1.20 m of water during a 1:100 year flood.

3. Institutional uses are prohibited in the floodplain.
4. The granting of permission will be inconsistent with the approved Development Policies amended and approved by the Executive Committee, February 2018, as outlined in a letter from our office dated Sep 12, 2022.
5. The granting of permission will set a precedent.

Given RVCA's Development Policies under Section 28 of the Conservation Authorities Act staff recommend denial of application number RV1-2817.