



Grand River
Conservation Authority

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Cottage Lot Site Development Policy

May 28, 2009

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Grand River Conservation Authority Cottage Lot Site Development Policy

1 Building on Cottage Lots

The Grand River Conservation Authority owns the land adjacent to Belwood and Conestogo Lakes. This land was acquired for dam and reservoir construction, which was completed in 1942 and 1958, respectively. Subsequent to construction, a decision was made to allow access to lands adjacent to the reservoirs for recreational purposes including public access and cottage lots. This was done with the understanding that the dams and reservoirs would be operated primarily for water management purposes to prevent downstream flooding during the spring snowmelt and extreme rainfall events and to augment low river flows in the summer to ensure adequate water quality and quantity in downstream communities who use the river for water supply.

The Grand River Conservation Authority and the cottage lot tenants of both Belwood and Conestogo Lakes entered into a Mediation Agreement dated October 22, 2007 (the "Mediation Agreement"). The Grand River Conservation Authority and the cottage lot tenants of both Belwood and Conestogo Lakes entered into a Lease dated January 1, 2008 (the "Lease"), which was governed by the *Residential Tenancies Act, 2006*. Section 14 of the Lease provided for a "Landlord's site development policy".

To ensure that the Grand River Conservation Authority is able to meet water quality, water quantity and water supply needs throughout the year, the Authority must have the ability to raise and lower reservoir levels as required. Lands below the maximum operating elevation for the reservoirs are essential for flood storage purposes during extreme flood events. The maximum operating elevation that is needed for water management purposes is 425.38 metres at Belwood reservoir and 393.50 metres at the Conestogo reservoir. Building activities within the maximum operating elevation are restricted.

Many of the lots created around the reservoirs are located on lands that today are considered flood or erosion hazards. In these areas, the Grand River Conservation Authority is mandated under the Conservation Authorities Act to regulate development¹ according to provincial policies and the terms and conditions specified under Ontario Regulation 150/06.

The extent of the flood hazard adjacent to Belwood and Conestogo Lakes is defined by the elevation of the *top of dam*, which is 426.72 metres at the Shand Dam (Belwood) and 395.00 metres at the Conestogo Dam. Development within the flood hazard above the maximum operating elevation is limited. In addition, lands above the elevation of the flood hazard may be subject to an erosion hazard. The *Regulation Limit* around the reservoirs is defined as the furthest limit of the flood and erosion hazard plus an allowance as prescribed in Ontario Regulation 150/06.

¹ Development means:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or

the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990, c. 27, s. 28, ss. 25).



The *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* are posted on the Grand River Conservation Authority website at www.grandriver.ca. Other policies referred to in this document can also be found at the same website under the Cottage Lot Program.

2 General Building and Site Development Policies

Building or site alteration on cottage lots owned by the Grand River Conservation Authority adjacent to Belwood and Conestogo Lakes is subject to the following general policies.

- 2.1 *General repairs* to existing cottages will be permitted.
- 2.2 Where cottage lots are located within the *Regulation Limits* defined by Ontario Regulation 150/06, all building or site alteration must be in accordance with the *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Sections 7.1.2-7.1.3 – General Policies* in addition to any policies and stipulations outlined in this document.
- 2.3 Additions may be permitted, between the *maximum operating elevation* and the *top of dam*, where it can be demonstrated that:
 - a) the footprint of the cottage is not expanded to an area greater than 1,500 ft², not including decks or an attached garage,
 - b) the addition does not block the view of the lake from adjacent cottages,
 - c) the addition does not move the cottage footprint closer to the reservoir,
 - d) the ground floor elevation is at or exceeds that of the existing cottage, *and*
 - e) any attached garage as an addition, is less than or equal to 625 ft² and is not habitable.
- 2.4 Non-habitable accessory buildings less than or equal to 100 ft² associated with an existing cottage located *between the maximum operating elevation and the top of dam*, may be permitted where it can be demonstrated that:
 - a) the building is not used for habitation,
 - b) the building does not block the view of the lake from adjacent cottages,
 - c) the building is not used to store fuels, solvents, chemicals, paints, solid waste, or any other hazardous materials,
 - d) the building or structure is securely anchored, *and*
 - e) electrical services are located above the *top of dam*.
- 2.5 Non-habitable accessory buildings associated with an existing cottage located *above the top of dam*, may be permitted where it can be demonstrated that:
 - a) the accessory building is:
 - less than or equal to 625 ft² in the case of a garage,
 - less than or equal to 120 ft² in the case of a shed; or
 - less than or equal to 290 ft² in the case of a boathouse, *and*
 - b) the building does not block the view of the lake from adjacent cottages.



- 2.6 New cottages located *above the top of dam* may be permitted where it can be demonstrated that:
- all applicable polices for development within the *Regulated Limits*, as outlined in the *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines Regulation* have been met,
 - the footprint of the new cottage is less than or equal to 1,500 ft², excluding decks or attached garages,
 - the cottage does not block the view of the lake from the adjacent cottages,
 - any attached garage is less than or equal to 625 ft² and is not habitable,
 - no habitable basement is proposed, *and*,
 - a class 4 or tertiary sewage system is installed in accordance with provincial standards in a location suitable to the Grand River Conservation Authority.
- 2.7 Additions may be permitted to existing cottages *above the top of dam*, where it can be demonstrated that:
- all polices relating to hazardous lands or hazardous sites (e.g. erosion hazard, wetlands, other areas, etc.) within *Regulated Limits*, as outlined in the *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines Regulation* have been met, where applicable,
 - the footprint of the cottage is not expanded to an area greater than 1,500 ft², not including decks or an attached garage,
 - the addition does not block the view of the lake from adjacent cottages, *and*
 - any attached garage as an addition, is less than or equal to 625 ft² and is not habitable.
- 2.8 Replacement cottages may be permitted, *except in areas below the maximum operating elevation*, where it can be demonstrated that:
- development within the flooding hazard is in accordance with *Section 8.1.2* as outlined in the *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines Regulation*,
 - the replacement cottage is relocated above the *top of dam* or where this is not feasible or where this causes the view of the lake to be impaired, the footprint of the replacement building is located no closer to the reservoir than the original building,
 - the footprint of the replacement cottage is less than or equal to 1,500 ft², excluding decks or attached garages,
 - any attached garage is less than or equal to 625 ft² and is not habitable,
 - no habitable basement is proposed,
 - a class 4 or tertiary sewage system is installed in accordance with provincial standards in a location suitable to the Grand River Conservation Authority,
 - the replacement cottage is floodproofed to the *top of dam*, where applicable,
 - all electrical, mechanical and heating services are located above the *top of dam*, wherever possible, *and*
 - polices relating to hazardous lands or hazardous sites (e.g. erosion hazard, wetlands, other areas, etc.) within *Regulated Limits*, as outlined in the *Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines Regulation* have been met, where applicable.
- 2.9 Replacement of sewage systems already located *between the maximum operating elevation and the top of dam* may be permitted where it can be demonstrated that:
- there is no other suitable location on the lot above the *top of dam* that will accommodate the system,
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- b) the sewage system is upgraded to a Class 4 or a tertiary sewage system in accordance with provincial standards in a location suitable to the Grand River Conservation Authority, *and*
 - c) the base or bottom of the sewage system is buried at an elevation that is above the *maximum operating elevation*.
- 2.10 A minimum setback of 1.5 metres between any structure and the cottage lot side yard boundaries shall be maintained as identified in Schedule “D” of the Cottage Lot Program Lease, subject to topographic features or other features of the land.
- 2.11 Docks will be constructed in accordance with the Grand River Conservation Authority Boat Ramp Policy and in a way that they can be adjusted to changing reservoir levels.

3 Sewage Systems and Wells

The location and type of sewage systems installed for cottage use can have a considerable impact on water quality in the lake. All sewage systems need to be monitored and maintained to ensure optimal effectiveness. Malfunctioning and aging systems should be upgraded to ensure the continued enjoyment and use of the reservoir for recreation, downstream drinking water supply, and overall river health. Wells need to be located in appropriate areas and constructed properly to ensure that there is no potential for contamination from sewage systems or other sources.

Sewage Systems and Wells

- 3.1 Applications for construction of new cottages must be accompanied by an inspection report for the sewage system prepared by a certified On-Site Sewage Inspector or Installer through the Ministry of Municipal Affairs and Housing, Development and Buildings Branch and an inspection report for the well, prepared by a Well Technician licensed by the Ontario Ground Water Association.
- 3.2 New sewage systems or wells must meet all current regulatory standards.
- 3.3 New sewage systems or wells must adhere to set backs from systems on adjoining cottage lots in accordance with provincial standards.
- 3.4 A Certificate of Compliance must be submitted to the Grand River Conservation Authority Property Section upon completion of any new sewage systems or well.

Sewage System Upgrades

- 3.5 Applications for cottage additions must be accompanied by an inspection report for the sewage system prepared by a certified On-Site Sewage Inspector or Installer through the Ministry of Municipal Affairs and Housing, Development and Buildings Branch.

Prohibited Sewage Systems for New Construction

- 3.6 New Class 1, 2, and 3 sewage systems will not be permitted. These are:
 - Class 1: a privy, earth pit privy, privy vaults, pail privy and portable privy
 - Class 2: a system designed for grey water only
 - Class 3: a cesspool.



4 Lot Grading, Landscaping, Site Work

- 4.1 Pesticide use is not permitted except in accordance with the *Grand River Conservation Authority Pesticide Policy*.
- 4.2 Alterations to the lake bottom or on lands within the Regulation Limit must be in accordance with the Grand River Conservation Authority Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Sections 7.1.2-7.1.3 – General Policies.
- 4.3 Removal of shoreline vegetation is not permitted except in accordance with the *Grand River Conservation Authority Willow Growth Management Policy* and in consultation with the Grand River Conservation Authority.
- 4.4 Fences between cottage lots are not permitted below the *top of dam*.

5 Security Deposit

The Grand River Conservation Authority requires a deposit in the amount of \$2,000.00 prior to the undertaking of any construction, site alteration or placement or upgrade of sewage systems or wells on cottage lots. The deposit can be in the form of a performance bond or certified cheque and must be paid prior to the works being approved by the Grand River Conservation Authority. The deposit will be retained by the Grand River Conservation Authority in a non-interest bearing account to the credit of the cottage lot tenant. The deposit will be returned to the tenant 1) upon completion of the exterior of the building, provided that the building is in compliance with the approved plans, *and/or* 2) upon the receipt of a certificate of compliance for any constructed sewage system or well, *and* 3) the cottage lot is restored and any road damage is repaired to the satisfaction of the Grand River Conservation Authority.

The road system used to access cottage lots is recognized as a seasonal cottage access road. From November 1st to April 30th, any load over 4.54 tonnes must have special approval from the Grand River Conservation Authority to use the cottage road. Notwithstanding any approval, the cost of repair for any damage incurred to the cottage road as a result of construction will be assessed to the cottage lot tenant, or deducted from the security deposit.

6 Glossary of Terms

Accessory Building means a non-habitable free-standing structure such as a garage, shed, boathouse, storage building, etc.

Cottage means a land lease home as defined in the Mediation Agreement dated October 22, 2007 and accompanying lease dated January 1, 2008.

Top of dam means the elevation point on the cottage lot where water would be present if the reservoir was filled to a point where water was cresting over the top of the dam. This is also called the *flood hazard*. The *top of dam* for the Belwood reservoir is 426.72 metres. The *top of dam* for the Conestogo reservoir is 395.00 metres.



General Repairs means repairs that do not alter the footprint of the building. These repairs may include roofing, window replacement, replacement of doors, flooring, replacement of fixtures, and electrical improvement.

Maximum Operating Elevation of the Dam means the elevation point on the cottage lot where water would be present if the dam was being operated at its full operating capacity. This elevation is 425,38 metres for the Shand Dam (Belwood) and 393.50 metres for the Conestogo Dam.