

**RVCA LETTER OF PERMISSION – ONT. REG. 174/06,
S. 28 CONSERVATION AUTHORITIES ACT 1990, AS AMENDED.**

Revised Date: March 3, 2009
Orig Date: February 17, 2009
File: RV5 0309

Mattamy Ltd. (Jock River)
123 Huntmar Drive
Ottawa, ON
K2S 1B9

Attention: Sean MacFarlane,

Subject: **Application for Development being the establishment of an earth berm on a property at part of Unit 19, Index Plan 4D-23 and part of Lot 2, Concession 2, former Township of Goulbourn, now in the City of Ottawa, bounded by Ottawa Street to the North and the Jock River to the south within the Village of Richmond.**

Dear Mr. MacFarlane,

The Rideau Valley Conservation Authority has reviewed the application submitted on behalf of Mattamy Ltd. and understands the proposal to be for:

1. The removal of fill associated with construction of a berm already on the property.
2. The establishment of a new berm closer to the municipal road and farther from the river.
3. The reinstatement of the land area at the existing/"original" berm site.
4. The placement of fill between the new berm and Ottawa Street to match existing surrounding grades.

This proposal was reviewed under Ontario Regulation 174/06, the "*Development, Interference with Wetlands, and Alteration to Watercourse and Shorelines*" regulation, which the Conservation Authority administers as well as the approved "Policies Regarding the Construction of Buildings and Structures, Placing of Fill and Alterations to Waterways" (Adopted by the Executive Committee, October 21, 1993 and last revised and approved by the Board of Directors, April 2006).

History

This proposal relates to two previous regulation application filings on the property, RV5-16/05 submitted and approved by the RVCA on December 9, 2005 under Ont. Regulation 166/90 and RV5-01/08 submitted by Mattamy relating to work undertaken in December 2007.

In 2005, a letter of permission was issued by the RVCA for the construction of a berm "to maintain flood risk mapping land levels as per (the 1980 Acres Floodplain) Mapping Study (96.0 metres)". The application indicated that the berm would be 15 cm to 30 cm in height and on site material would be used to construct the berm at a height of land determined in the field as the natural or high point of land, approximately the 96.0 metre contour. The berm as it exists today is 1-2 metres in height, 10-20 metres in width at the base, 2-100 metres from the Jock River and established more or less at the 95.5 metres contour.

On May 6, 2006, Ontario Regulation 166/90 (Fill, Construction and Alteration to Waterways Regulation) was rescinded and Ontario Regulation 174/06 was enacted. Both regulations were made pursuant to the provisions of Section 28 of the Conservation Authorities Act, and both gave responsibility for administration to the Rideau Valley Conservation Authority. The change in the regulatory legislation in May 2006 resulted in, amongst other things, incorporation of revised and extended hazard delineation along the Jock River (Jock River Floodplain Mapping Study completed in July 2005 by PSR). The new Mapping Study extended the hazard mapping upstream of the previous limit of study and provided for additional lands being subject to RVCA's regulatory jurisdiction; the 1:100 year flood level was considered to be 96.35 metres. A provincially mandated public process was followed in order for this new mapping to take effect.

The purpose of the 2005 application (previous property owner) was to establish a berm at the flood level, (96.0 metres – defined by the pre 2006 Flood Plain Mapping Study) thereby, preventing the remainder of the property from being subject to the floodplain regulations after incorporation of the New Mapping Study into the regulation in May 2006.

Project Scope

This application proposes removing the existing berm [established in Winter/Spring 2006, with further filling and reinforcement in December 2007] and locating it at the 2005 approved location. It is also proposed to remove the flapgate and culvert from the drainage easement until the issues relating to drainage for the property and greater surrounding area can be addressed. The berm will also be extended parallel along both sides of the drainage easement north up to Ottawa Street. The overall function of the drainage ditch/easement will be reviewed as part of a Storm Water Management and Drainage Plan to be completed by Mattamy respecting any future development applications.

The placing of fill for the berm and the associated filling behind the berm up to Ottawa Street is not expected to have a negative impact on the control of flooding. The filling operation and location of the "berm" should not impact the roadside conveyance of water and should not impact the conveyance of water through the Drainage Easement running through the centre of the subject property providing the work is undertaken as proposed.

This permission results in the re-location of the 2005 berm in the originally approved location. The filling between the relocated berm (maximum height 96.4 metres geodetic) and Ottawa Street will be to a maximum level of 96.5 and only to a level to taper to match existing grades.

Permission and Conditions

By this letter the Rideau Valley Conservation Authority hereby grants you permission to undertake the works on this property as outlined in the application, covering letter dated January 23, 2009 from David Schaeffer Engineering Ltd. and Drawings completed by same, Project 303, Figures 1-4, dated January 21, 2009 prepared for Mattamy Ltd. and all subject to the following conditions:

1. The existing berm will be removed from its current site. The material may be used for the construction of the new berm **if** deemed appropriate by a qualified Professional Engineer. Any excess material not required for the construction of the new berm may be used as fill in areas to the north of the relocated berm to a maximum elevation of 96.5 metres, noting the maximum berm height will be 96.4 metres. Any excess material will be disposed of in a suitable location outside all 1:100 year floodplains and regulated areas and not within a wetland.
2. The proposed berm shall be established as noted on the attached plan, (DSEL, Project 303, Figure 1-4 dated January 21, 2009) with the southern most boundary of the berm located no further south than the line denoted on the plan and established at an original grade no lower than 96.1 metres

as depicted on the plan with the top of the berm at a maximum elevation of 96.4 metres or not greater than 0.3 metres in height. Grades along Ottawa Street will also be no higher than 96.4 metres.

3. The berm is to be located no closer than 3 metres to the drainage watercourse on both sides and/or **not** within the City of Ottawa's Drainage Easement, whichever is greater.
4. The culvert located in the drainage easement will be removed as the earthworks are completed and no fill or other obstruction will be placed in the drainage easement without approval from the City of Ottawa. The flap gate will be removed immediately from the culvert to ensure free flow of water.
5. The area of the original berm will be rehabilitated to original grade with plant material re-established as discussed in DSEL letter dated January 23, 2009.
6. A finished grading plan will be submitted as soon as the work is complete to confirm the height and location of the new berm and the grade height and location of the existing berm reinstated to original grade. A refundable deposit of \$3000.00 is required to be submitted prior to commencement of the work.
7. No earthworks shall commence before May 1, 2009 and only if flows in the Jock River are considered at or lower than summer levels. Sediment control will be established as defined on Figure 3 prepared by David Schaeffer Engineering Ltd. (DSEL), dated January 21, 2009 and additional measures will be installed as deemed necessary.
8. Sediment and Erosion control Inspections will take place daily by DSEL or other appropriate and designated engineering staff while work is ongoing, and thereafter prior to and immediately following any forecasted rainfall event until such time as the site is revegetated, to ensure sediment control is operational and functional. This is ultimately the responsibility of the property owner and all persons associated with the construction/earthworks/grading on the property. Failure to comply may result in this permission being revoked and charges under other applicable law.
9. Any material excavated from the property and not required must be removed immediately and disposed of at a suitable disposal site outside the 100 year floodplain and regulated area.
10. The RVCA is to receive 48 hours notice of the proposed commencement of the proposed works to ensure compliance with all conditions.
11. There is to be **no** work at the bank or in the Jock River as part of this approval. The contractor will take all necessary measures to ensure no sediment migration into the river occurs and that no machinery, no grubbing and no further vegetation clearing takes place on the property as part of the proposed rehabilitation work. Failure to comply may result in this permission being revoked and charges under other applicable law.
12. It is acknowledged by all parties that the area of the fill operation between the new berm and Ottawa Street, when completed and confirmed, will be considered outside the 1:100 year flood plain of the Jock River. The Regulated Area of Ontario Regulation 174/06 nevertheless extends 15 metres from the 1:100 flood elevation which will be confirmed as the outer limit of the relocated berm. The portion of the property within the Regulated Area of Ontario Regulation 174/06 remains subject to the RVCA's regulatory jurisdiction regarding the Development, Interference with Wetlands and Alteration to Watercourses" regulation and associated implementation policies, as amended from time to time by the RVCA Board of Directors.

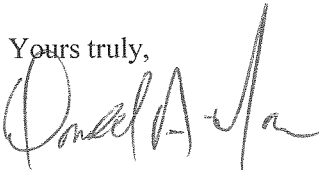
The regulatory mapping for Ontario Regulation 174/06 is reviewed once a year and amendments introduced as required. Once the works are completed, the Rideau Valley Conservation Authority agrees to pursue an amendment to the regulatory mapping to reflect the changes to the 1:100 floodplain contemplated in this approval.

Failure to comply with any or all conditions will result in the letter of permission being revoked with associated legal action to remedy the situation to the Conservation Authority's satisfaction.

By this letter, the Rideau Valley Conservation Authority assumes no responsibility or liability for any flood or erosion damage which may occur either to your property or the structures on it, or if any activity undertaken by you adversely affects the property or interests of adjacent landowners. This letter does not relieve you of the necessity or responsibility for obtaining any other federal or provincial permits including, but not limited to, approvals under the Public Lands Act, Ontario Water Resources Act, Building Code Act, Planning Act, Endangered Species Act etc.

Nothing in this letter of permission is intended to imply or confer any right of occupation or use of public land. This permission may not be transferred to any other party.

Should you have any questions, please contact Shelley Macpherson at our office.

Yours truly,

Donald A. Maciver, MCIP, RPP
Director of Planning

SM/DAM/sm

- cc: Susan Murphy, Mattamy Ltd.
- City of Ottawa, Guy Bourgon
- City of Ottawa, Mike Wildman
- City of Ottawa, Don Morse MCIP RPP
- Helmut Brodmann LL.B. Bell, Baker
- DSEL

NOTE: This letter of permission does not come into full force and effect until the attached copy of this letter is signed by the responsible corporate official, dated, and returned to the Authority offices in Manotick.

This letter's return shall be taken as an acknowledgment and an acceptance of the conditions contained herein, as per the Authority's approval based on the application submitted.

Pursuant to the provisions of S. 28 (12) of the Conservation Authorities Act (R.S.O. 1990, as amended) any or all of the conditions set out above may be appealed to the Executive Committee of the Conservation Authority in the event that they may be unsatisfactory or can not be met.

Name (printed) _____ Date: _____

Corporate position / title: _____

Signed: _____