

MEETING OF THE UPPER THAMES RIVER CONSERVATION AUTHORITY HEARING COMMITTEE THURSDAY, JANUARY 21, 2021 – 1:00pm Virtual Meeting Due to COVID-19 Pandemic

Memo to Hearing Committee Members: M. Blosh, T.Jackson, B.Petrie, A. Dale, S.Levin

Please be advised that a meeting of the Hearings Committee will be as follows:

- 1. Approval of Agenda
- 2. Declaration of Conflicts of Interest
- 3. Minutes of Previous Meeting Tuesday, August 27, 2019
- 4. Business Arising from the Minutes

5. Application #195-20

Proposed Replacement Structure in the Floodway 870 O'Loane Avenue, City of Stratford

6. Application #27-20

Proposed Development in a Floodplain, Development in a River or Stream Valley, Development Affecting the Conservation of Land and Alteration to a Watercourse associated with Mills Creek (aka the Mills Award Drain) North and South of Perth Line 29, Township of Perth South

7. Closed Session – Selection Committee Discussion – Matters Relating to a Plan, Procedure, Criteria and Instruction to be Applied to a Negotiation to be Carried on by the Authority

8. Adjournment

I.Wilcox, General Manager

c.c. G. Inglis, T. Annett, B.Glasman, T.Lozier, C.Ramsey, J.Schnaithmann, K.Winfield

MEMO

То:	Chair and Members of the UTRCA Hearings Committee	
From:	Tracy Annett, Manager – Environmental Planning and Reg	ulations
	Jessica Schnaithmann – Land Use Regulations Officer	
Date:	January 12, 2021	Agenda # 5
Subject:	Section 28 Permit Application #195-20 Proposed Replacement Structure in the Floodway 870 O'Loane Avenue City of Stratford	Filename: ENVP #9866

Recommendation:

THAT the UTRCA Hearings Committee consent to the issuance of a permit under O. Reg. 157/06 made pursuant to Section 28 of the *Conservation Authorities Act* for *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* Permit Application #195-20 for the replacement of a single family residence at 870 O'Loane Avenue in the City of Stratford.

Background

An application for a *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* Permit (Permit Application #195-20) has been submitted for the proposed reconstruction of one (1) single family residence, garage and septic system at 870 O'Loane Avenue, Stratford. The existing residence on the subject property has not yet been removed.

The UTRCA was contacted by consultants for the property owner and staff are familiar with the site and have reviewed background information. Elevation survey information has confirmed that the site lies within the floodway of a watercourse known as Roadhouse Creek or the Roadhouse Municipal Drain. Mapping of the subject property is provided as Attachments #1, #2 and #3. Note that a previous lot addition, severance and a minor variance has changed the lot boundaries and which is not yet reflected on the mapping received from MPAC. Through various meetings and phone conversations, the consultants for the proponent have prepared plans and submitted an application to replace a structure in the floodway, Policy 4.2.2.6 *Replacement Structures in the Floodway* found in the *UTRCA Environmental Planning Policy Manual (June 2006)* is applicable. Section 4.2.2.6 is provided as Attachment #4 to this report. Staff are satisfied that the application meets the requirements of policy 4.2.2.6 and this report is being brought forward to the Hearings Committee for consent as required under Policy 4.2.2.6.(h).

Policy 4.2.2.6 (h) Approval of an application under this policy will be subject to the consent of the UTRCA's Hearings Committee.

Analysis

UTRCA Staff have reviewed all submitted engineer approved drawings, site plans and elevation information in support of the proposed re-development. The application has been evaluated for conformity with Policy 4.2.2.6 *Replacement Structures in the Floodway* from the *UTRCA Environmental Planning Policy Manual (June 2006)*. The development, as proposed, meets all requirements (a) through (g) of Policy 4.2.2.6. For example, the structure can be floodproofed to the extent possible, the proposed structures do not exceed the total "footprint" of the original structure, the development has been designed and approved by a qualified professional engineer who has implemented flood reduction measures, etc..

Summary

This report is provided to the Hearings Committee to advise that the application meets the policies of Section 4.2.2.6 from the *UTRCA Environmental Planning Policy Manual (June 2006)* and to obtain the consent of the Hearings Committee for approval of the application.

Reviewed by:

Prepared by:

Tracy Annett, MCIP, RPP, Manager Environmental Planning and Regulations Jessica Schnaithmann Land Use Regulations Officer

Attachments:

- 1. UTRCA Regulation Limit Map 1
- 2. UTRCA Regulation Limit Map 2
- 3. UTRCA Regulation Limit Map 3
- 4. Environmental Planning Policy Manual Section 4.2.2.6 Replacement Structures in the Floodway
- 5. Section 28 Permit Application
- 6. Building Design Drawings
- 7. Site Grading Plan
- 8. Area Grading Plan







Attachment #4: Excerpt from UTRCA Environmental Planning Policy Manual

Policy 4.2.2.6 – Replacement Structures in the Floodway

Replacement Structures in the Floodway – Replacement structures are structures that replace existing building or structures, including buildings and structures designated as architecturally or historically important and that have (recently) been demolished or destroyed but does not include reconstruction on remnant foundations. Replacement structures may be permitted by the UTRCA provided that the replacement structure, its construction and any new servicing requirements comply with the following:

- a) The structure can be floodproofed to the level of the Regulatory Flood. If Regulatory Flood protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation.
- b) The proposed structure must not exceed the total "footprint" area of the original structure as it existed on (April 25, 2000).
- c) The flood risk must not exceed the risk associated with the previous/existing structure or development such that:
 - i. The location of the replacement structure and services are not susceptible to higher depths and/or velocities of flooding;
 - ii. The use associated with the replacement structure and development does not increase risk to property damage or public safety (e.g. converting from habitable to non-habitable); and
 - iii. The use within the replacement structure and/or the property as a whole is not intensified.
- d) The proponent agrees to carry out site-specific flood damage reduction measures such that, in order of priority:
 - i. Dry, passive floodproofing measures shall be implemented to the extent technically possible to achieve the required level of flood protection: and/or
 - ii. Wet floodproofing measures are incorporated as required to achieve and maximize the required level of flood protection.
- e) Ingress and egress should be "safe" or "dry" pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.
- f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.
- g) All applications for development approval must be accompanied by engineering studies, prepared by qualified professionals, detailing such matters as flood frequency, depth and velocity of flow, soil conditions, proposed flood damage reduction measures including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.
- h) Approval of an application under this policy will be subject to the consent of the UTRCA's Hearings and Personnel Committee.

UPPER THAMES RIVER CONSERVATION AUTHORITY Alterations to Shorelines and Watercourses

Upper Thames River Conservation Authority 1424 Clarke Road London, Ontario N5V 5B9 Tel. (519) 451-2800 Fax (519) 451-1188 Conservation Authorities Act - Ontario Regulation 157/06, under O.reg. 97/04

Application #

lei. (313) 431-2000 Fax (313) 431-1188		
Name of Landowner: Michael awen	dy Holman	Tel. Home: 519801 5583
Address: 882 O'LOANE ADE	STRATFORD Postal Code NSA	656 Tel. Business:
Location of Project: 870 O'LOANE A.	DE, STRATFORD	
Street and Number, or L	Lot(s) and Concession Number/ 911 Addre	ess Municipality
DESCRIPTION OF PROJECT		
General description of project New Per	sidential Construction	ton - Existing
House to be remoine	d offer new h	Duce is convolute
Work includes ner	12 OFWELLIGH GA	of centre head
	e Miller up ou	et septe neot
All applications must be accompanied by a detaile	ed site plan, providing information on the fo	bllowing:
1. general location of property in relation to road	ls	0
2. location and dimensions of all existing structu	ures on the property	
3. location of any watercourse, wetland or steep	slope on or near the subject property	
 intended location of all proposed work, includi alteration 	ing construction, filling/grading/excavation	n, wetland interference or watercourse
5. location of septic system, if applicable and oth	her property utilities, wells, etc.	
6. cross-section of proposed work, showing exist	ting and final grades and structure openin	gs
Works including floodproofing of structures must be	e accompanied by detailed drawings, prep	ared by qualified professional engineers,

with proper dates and stamps appearing on all plans. If filling is proposed, details on the type, area and volume of fill must be provided to the UTRCA, with existing and proposed grades clearly presented on plans.

UNLESS OTHERWISE REQUESTED, THE CONSERVATION AUTHORITY ONLY REQUIRES ONE COPY OF ALL PROJECT DRAWINGS. MULTI-PAGED ENGINEERING DRAWINGS MUST BE FOLDED OR REPRODUCED ON 11 x 17" SHEETS.

Dates of Commencement and Completion of Project: JAN 2021 to DEC 2021
If other approvals required for this project please indicate
Federal - Fisheries Act Other
Province - MNR Work Permit Permit to Take Water
Municipal - Building Permit Zoning Severance OPA
Name of Applicant if different than Landowner: Stephen Comer P. Ene
Mailing Address if different than above: 3/05 HDAVE C+PREET C+PA+FORD
Postal Code A)SA 2.AS Phone Number SIG 271 7952 Email Address
1 ustar cour. 12-7 2-13 I none Humber: 319 21-1952 Emilian Audress: Scooper & MTEBS, com
Applicant's Signature: 100000
Application Date Month: 12 Day: 07 Year: 2020
Agent for Applicant (if different from above): STEPHEN COOPER - MTE CONSULTANTS
Mailing Address: see above.
Postal Code: Phone Number: Email Address:

For UTRCA Completion Only				
Application fee:	Date received:		Received by:	
Regulatory floodline elevation:		Typical ground elevation:		
Other pertinent comments				
Project-specific requirements (refer to page	ge 2 for general conditions)			
Approved by:		Date approved:		
Site inspection: Date:		By:		

TERMS AND CONDITIONS

The Owner and Applicant, by acceptance of and in consideration of the issuance of this permit, agree to the following terms and conditions:

- 1. Permission granted by the Upper Thames River Conservation Authority cannot be transferred without prior written approval from the Upper Thames River Conservation Authority.
- 2. Approvals may be required from other agencies prior to undertaking the work proposed. The Upper Thames River Conservation Authority does not exempt the Applicant from complying with any or all other approvals, laws, statutes, or regulations.
- 3. The Upper Thames River Conservation Authority may at any time withdraw any permission given if, in the opinion of the Conservation Authority, the representations contained in the application for permission are not carried out or the conditions/requirements of the permit are not complied with.
- 4. Authorized representatives of the Upper Thames River Conservation Authority may at any time enter onto the lands that are described herein, in order to make any surveys, examinations, investigations or inspections that are required for the purpose of insuring that the work(s) authorized by this permit are being carried out according to the terms of this permit.
- 5. The Owner and Applicant agree:
- To indemnify and save harmless the Upper Thames River Conservation Authority and its officers, employees, or agents from and against all dam
 age, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the Owner and/or Applicant or
 any of his agents, employees or contractors relating to any of the particulars, terms or conditions of this permit;
- That this permit shall not release the Applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
- That all complaints arising from the execution of the works authorized under this permit shall be reported immediately by the Applicant to the Up per Thames River Conservation Authority. The Applicant shall indicate any action that has been taken, or is planned to be taken, with regard to each complaint.
- 6. The project shall be carried out in full accordance with the plans submitted in support of the application.
- 7. The Applicant agrees to install and maintain all sedimentation controls until all disturbed areas have been stabilized.
- 8. All disturbed areas shall be seeded, sodded, or stabilized in some other manner acceptable to the Conservation Authority as soon as possible, and prior to the expiry of this permit.
- 9. The Applicant agrees to maintain all existing drainage patterns, and not to obstruct external drainage from other adjacent private lands.

NOTE: The information on this form is being collected for the purpose of administering a regulation made pursuant to Section 28, Conservation Authorities Act, R.S.O. 1990, Chapter 27. This application and supporting documents and any other documentation received relating to this application, may be released, in whole or in part, to other persons in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990c. M.56, as amended





с

0

7	
7	ISSULED FOR LEGS SYPPOWA
	S.T. COOPER 90256041
	MTE JOB #43-046-100 FLOOR PROOFING DESIGN
N RESIDENCE	FIRST FLOOR PLAN
NTARIO RAWN: JH OCT.26/20	DWG # SHEET: REV: 19-2959 A2 REVIEW



	_		
	and a second	SUED FOR UTRC	A APPROVAL
	FIC	902560	PER H
		MTE JOB #43-0	ONTA 146-100 DESIGN
	BASEMEN	T FLOC	OR PLAN
ARTU			Incu



	ISSUED FOR LITECA APPRIVAL
	SPROFESSIONAL EN
	S.T. COOPER
	90256041 DEC 7/20
	BOUNC: DEONTARIO
	MTE JOB 443-046-100 FLOOR PROOFING DESIGN
RESIDENCE	TITLE:
	SECOND FLOOR PLAN
4	
ARIO	







NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter C. 27 as amended;

AND IN THE MATTER OF

An Application By: The Township of Perth South c/o Spriet Associates (London) Limited (Application #27/20)

For the permission of the Upper Thames River Conservation Authority pursuant to Regulations made under Section 28 (12) of said Act.

TAKE NOTICE that a hearing before the Hearings Committee of the Upper Thames River Conservation Authority will be held under Section 28, Subsection 12 of the <u>Conservation</u> <u>Authorities Act</u> electronically using the Zoom video conferencing platform for remote hearings at the hour of 1:30 pm, Thursday, January 21st, 2021 with respect to the application by the Township of Perth South to permit development in the floodplain, to permit development in a river or stream valley, to permit development affecting the conservation of land and to permit an alteration to a watercourse within an area regulated by the Upper Thames River Conservation Authority under Ontario Regulation 157/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* made pursuant to Section 28 of the <u>Conservation Authorities Act</u> north and south of Perth Line 29 (Lot 12, Concession 4 and Lot 12, Concession 5 and Lot 13, Concession 5 – former Downie Ward) in the Township of Perth South, Ontario.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material (electronically) to the Hearings Committee for the meeting of January 21st, 2021. If you intend to appear and/or submit written material, please contact Karen Winfield ((519)-451-2800, e-mail <u>winfieldk@thamesriver.on.ca</u>). Written material (submitted electronically) will be required by January 14th, 2021, to enable the Committee members to review the material prior to the meeting.

The Hearing is being held electronically due to the global COVID-19 pandemic. Participants who intend to join must provide:

- full name;

- email address; and,

- a phone number where they can be reached during the Zoom hearing (should technical support from our Zoom host/administrator be required);

to Karen Winfield at least 48 hours prior to the scheduled Hearing. Participants will be sent an e-mail with a hyperlink to access the Zoom hearing as well as further instructions.

If you believe that holding the hearing electronically is likely to cause significant prejudice please contact Michelle Viglianti ((519)-451-2800, e-mail: <u>vigliantim@thamesriver.on.ca</u>).

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Hearings Committee may proceed in your absence, and you will not be entitled to any further notice in the

proceedings.

PLEASE NOTIFY THIS OFFICE by 12:00 noon January 19th, 2021 (local time) as to whether you and/or your agent(s) will be attending. A copy of Ontario Regulation 157/06 and Section 28 of the <u>Conservation Authorities Act</u> will be made available to you upon request.

DATED the 11th day of January, 2021

Registered

The Hearings Committee of The Upper Thames River Conservation Authority

Mr. Ian Wilcox, General Manager/Secretary-Treasurer

HEARING PROCEDURES

- 1. Motion to sit as a Hearings Committee to consider the application by the Township of Perth South Enclosure of Mills Creek (a.k.a. Mills Award Drain) north and south of Perth Line 29 in the Township of Perth South (former Downie Ward), Ontario (Application #27/20)
- 2. Roll Call followed by the Chair's opening remarks. For electronic hearings, the Chair shall ensure that all parties and the Hearings Committee are able to clearly hear one another and any witnesses throughout the hearing.
- 3. Staff will introduce Hearings Committee members (and the UTRCA Solicitor if present) to the applicant/owner, his/her agent and others wishing to speak.
- 4. Staff will indicate the nature and location of the subject application.
- 5. Staff will present their report on the application.
- 6. The applicant and/or his/her agent will speak and also make any comments on the staff report, if he/she desires.
- 7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
- 8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
- 9. Members of the Hearings Committee will question, if necessary, both the staff and the applicant/agent.
- 10. The Hearings Committee may make a motion to adjourn and go into camera and/or may make a motion to arrange to visit the subject site. For electronic hearings, the Hearings Committee will separate from other participants for deliberation.
- 11. Upon completion of their deliberations, members of the Hearings Committee may make a motion regarding the application or may resolve to defer any decision on the application.
- 12. A motion will be carried which will culminate in the decision.
- 13. The Hearings Committee will move out of camera.
- 14. The Chair will advise the owner/applicant of the Hearings Committee decision, through Conservation Authority staff if the applicant/agent has left the Hearing location or for electronic hearings if the applicant/agent has left the electronic platform or in person if a decision is rendered with the Applicant/agent still on

hand at the UTRCA office or for electronic hearings directly on-line if the applicant/agent is still available on the online platform.

- 15. If decision is made to "to refuse", the Chair or Acting Chair shall notify the owner/applicant of his/her right to appeal the decision to the Mining and Lands Tribunal within 30 days of receipt of the reasons for the decision.
- 16. Motion to move out of the Hearing.

² As per the Statutory Powers Procedures Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

¹ As per the Statutory Powers Procedures Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

MEMO

То:	Chair and Members of the UTRCA Hearings Committee		
From:	Tracy Annett, Manager – Environmental Planning and Reg Karen Winfield, Land Use Regulations Officer	Julations	
Date:	January 11, 2021	Agenda #	6
Subject:	Section 28 Permit Application #27/20 for Proposed Development in a Floodplain, Development in a River or Stream Valley, Development Affecting the Conservation of Land and Alteration to a Watercourse associated with Mills Creek (aka the Mills Award Drain) - North and South of Perth Line 29, Township of Perth South, Ontario.	Filename	Document# 123073

RECOMMENDATION

THAT Application #27/20 for the proposed enclosure of approximately 2.3 kilometres of an open watercourse and the proposed filling in of a floodplain and stream valley associated with the headwaters of Mills Creek (also known as the Mills Award Drain) north and south of Perth Line 29 in the Township of Perth South (former Downie Ward), Ontario be denied as it is contrary to UTRCA watercourse alteration policies, results in a net loss of watercourse length, a net loss of flood storage and flood attenuation, a net conservation of land loss, a potential increase in downstream erosion and an overall net environmental loss.

The Application

A Section 28 Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit application (No. #27/20) has been submitted for the proposed enclosure of approximately 2.3 km of a watercourse and the proposed filling in of a floodplain and stream valley associated with the headwaters of Mills Creek (also known as the Mills Award Drain) north and south of Perth Line 29 (Lot 12, Concession 4 and Lot 12, Concession 5 and Lot 13, Concession 5 – former Downie Ward) in the Township of Perth South, Ontario.

Definitions

Watercourse: an identifiable depression in the ground in which a flow of water regularly or continuously occurs (Conservation Authorities Act, R.S.O. 1990 c. C.27)

Drain: (Noun) a system of pipes, openings in the ground, or other devices that are used for carrying away waste matter and water (Cambridge English Dictionary)

Important to note that a watershed is simply a drainage basin and virtually all watercourses in our watershed (or drainage basin) are technically drains. They form a connected stream order or drainage network that eventually outlets to the Lower Thames Valley CA and ultimately Lake St. Clair. However, not all CA regulated watercourses are <u>municipal</u> drains and not all municipal drains are CA regulated watercourses.

Award Drains: (Have a different legal status than other drains.) Created under the Ditches and Watercourses Act and were so named because the work of construction was "awarded" to persons along the ditch. Ditches were constructed for nearly a century under this Act. There are a great many in Ontario. The act was repealed June 1, 1963. Although a person "requisitioned" the municipality for a drain and an engineer – appointed by municipal council – investigated the drainage problem – the property owners assigned or awarded sections of the drain are responsible for the maintenance. Unlike municipal drains, the local municipality is not responsible for maintaining award drains, has no authority to enter onto land to perform the work and no means to recover costs. (Ontario Ministry of Agriculture, Food and Rural Affairs, (OMAFRA) website)

Municipal Drains: What makes municipal drains different from other forms of drainage systems is that they are municipal infrastructure and the municipality is responsible for their management. They are created pursuant to a bylaw passed by the local municipality. The municipal bylaw (passed under the Drainage Act) adopts an engineer's report that contains plans, profiles and specifications defining the location, size and depth of the drain and how costs are shared among property owners. The municipality is responsible for the construction of the drainage system and future maintenance and repair. Costs may be recovered from the property owners in the watershed of the drain. (Ontario Ministry of Agriculture, Food and Rural Affairs, (OMAFRA) website)

Site Information

A watercourse currently known as Mills Creek or the Mills Award Drain accepts water from agricultural properties north and south of Perth Line 29 (between Road 125 and Road 130) south-west of the City of Stratford. (General location mapping is attached to this report as **Attachment #1**.) The headwaters originate within a woodland considered significant in the Perth County Official Plan and protected under the County of Perth's Forest Conservation By-Law. This watercourse then travels in an open channel running from north to south for approximately two and a half kilometres before outletting directly into the Avon River.

The Avon River at this location has been identified as containing federally and/or provincially protected aquatic species at risk. Like the woodland at the headwaters of the Mills Award Drain the woodland at the confluence of the Avon River is also considered significant in the Perth County Official Plan and protected under the County of Perth's Woodland (Forest) Conservation By-Law.

The watercourse itself (Mills Creek) and the associated stream valley, riverine flood and erosion hazard land associated with this watercourse are regulated by the Upper Thames River Conservation Authority (in accordance with Ontario Regulation 157/06, approved pursuant to Section 28 of the *Conservation Authorities Act*). Attached UTRCA Regulation Limit mapping (Attachment #2) outlines the location of the subject properties and shows the approximate location of this watercourse and associated estimated flood hazard and UTRCA regulation limit. Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Drain Mapping outlines the location of the existing Mills Award Drain (Attachment #3) as does the mapping from Spriet Associates of the existing Award Drain (Attachment #4)

Attached engineering plans from Spriet Associates (London) Limited (Attachments #5 & #6) outline the location of the drainage catchment, location of the main watercourse (proposed for enclosure) and a number of smaller branches. It should be noted that while there are a number of other smaller branches (tributaries) proposed to be incorporated as part of the new municipal drain (Branches 'A' through 'D' from the engineering plan) only Branch 'B' is currently open and also proposed for enclosure. Branch 'B' serves a smaller catchment area (<125 hectares) and UTRCA staff have previously advised we would have no objection to enclosure of this specific branch.

Background

In February of 2017 UTRCA staff were contacted by the landowner(s) of the upstream property to request permission for enclosure of the Mills Award Drain the entire length of their property north of Line 29. At that time the landowners were advised that staff could not approve an enclosure at this location as it did not conform to UTRCA policy (Appendix A). (Landowner was familiar with our policies and permit process as UTRCA had previously approved enclosure of another smaller watercourse on an unrelated property owned by the same landowner(s).)

In June of 2018 the County of Perth advised our office that charges had commenced (under the Perth County Forest Conservation By-Law) against the upstream landowner (an Ontario numbered company) for unauthorized tree removal in the significant woodland. They further advised that during their investigations they noticed one branch of the watercourse had been enclosed through the woodland. (We were later advised that the corporation subsequently pled guilty to "unlawful destruction of trees in a woodland" but that no requirement to replant was issued by the court.) Before and after aerial photos of the tree removal and enclosure of one branch of the watercourse through this woodland are enclosed (Attachment #7).

Following photographic confirmation that the watercourse enclosure had commenced without UTRCA approval staff attempted to contact the landowner(s) to discuss restoration. No effort was made on the part of the landowner(s) to discuss or proceed with restoration and instead they subsequently petitioned under the *Drainage Act* to have the remainder of the watercourse enclosed. The petition process would also necessitate the Award Drain being converted into a Municipal Drain.

In January of 2019 UTRCA staff attended a drain meeting (held under the Drainage Act -Meeting notice included as Attachment #8) at the Township of Perth South offices which included the Township appointed Drainage Engineer (Brandon Widner, Spriet Associates (London) Limited), Township staff and invited landowners. At this meeting we were verbally advised that the unauthorized construction works on the 883999 Ontario Inc. property included the installation of two new header drainage tiles - one on each side of the watercourse and running immediately parallel to the watercourse – to take majority of the field tile drainage from that property to new outlets at the south end of the property just upstream of Line 29. We were further advised that an existing outlet into the headwaters from a further upstream agricultural property (owned by R. & H. De Witt) had been captured into the new header tile system of the 883999 Ontario Limited property to convey water around the watercourse and down to the new outlets by Line 29. While header tiles running parallel to a watercourse can be responsibly sited with a sufficient setback from the watercourse banks and the provision of strategically placed outlets, we are concerned that this site-specific header tile installation (immediately adjacent the watercourse banks and rerouting the upstream waters) amounted to unnecessary alteration to a watercourse. Further we are concerned that piping of the water originally outletting from the upstream lands has effectively altered the watercourse by removing a substantial portion of the surface water that previously would have run through the open channel (potentially altering the local hydrology and increasing flooding and erosion downstream).

At this meeting there was also discussion of previous attempts (we were advised roughly "ten years ago") to enclose this same watercourse through the properties south of Line 29 towards the Avon River that (at the time) were not approved by the federal Department of Fisheries and Oceans (DFO) Canada. Two landowners downstream of Line 29 also expressed their interest in enclosing the entire watercourse down to the south end of their properties or beyond. UTRCA staff advised the drainage engineer, township staff and landowners present that we could not support the enclosure of the main watercourse and that our policies would not support it. At this time we offered the option of a Hearing if the Township (as applicant involving a potential municipal drain) chose to pursue the enclosure.

On November 11, 2019 UTRCA staff were again invited to the township office for a drain meeting regarding the sites. Spriet Associates engineering staff presented a preliminary drainage plan to all interested parties, including township staff, UTRCA staff and affected landowners. Proposed plan included an enclosure from the headwaters down to an area within the southerly woodland near the Avon River. The recently installed header tiles on the property upstream of Line 29 would not be replaced but would instead become incorporated into the drainage design as the upstream piped section of the watercourse, allowing the existing channel to be filled in.

Again UTRCA staff advised that, at a staff level, we would not be in a position to approve an enclosure of this watercourse as currently proposed. Staff advised that the landowners (via the Township as the official landowner/applicant) had the option of requesting a Hearing before the UTRCA Hearings Committee. We suggested that any potential Hearing would be to discuss approval (pending conditions) for the project, with detailed engineering design to be at a later date if the concept itself was approved. (If approved, submission of detailed engineering design would logically become one of the potential future conditions.) Further, we discussed the potential for mitigation measures and other options for "Net Environmental Benefits" in the catchment or within the subcatchment to counterbalance the loss of the open watercourse, its floodplain and riparian area. We cautioned that it would be incredibly difficult to mitigate the loss of 2.3 km of any watercourse, its associated flood storage and all the other benefits an open watercourse provides.

Current Proposal

Additional information was requested by, and provided to, Spriet Associates regarding our policies and the need for a Hearing. Subsequently our office received an e-mail from the township appointed engineer (December 23, 2019) with an official permit application form **(Attachment #9)** and the current proposal regarding the watercourse enclosure to be brought before our Hearings Committee. (For details on the currently proposed plan please refer to the attached engineering info: *Mills Drain Township of Perth South – Plan, Profile & Details – 2 sheets, prepared by Spriet Associates (London) Limited, dated November 2019 – Attachments #5 & #6*)

As per the attached engineering plans we note the current proposal includes enclosure of approximately 2.3 kilometres of the watercourse with a new municipal drain to commence along the south edge of the R. & H. De Witt property down through the 883999 Ontario Inc. property, under Perth Line 29 (township road), the D. Ridley property, the E.& R. Matthison property, the Glancar Farms Limited property with an outlet on the B. & D. Quast property.

UTRCA received an e-mail (dated January 16, 2020) from Spriet engineering advising that to mitigate the loss of the watercourse a variety of Water And Sediment Control Berms (WASCoBs) would be proposed on 4 of the properties in the catchment. Further, to assist with flood detention and to reduce erosion, a grassed swale would be proposed to be constructed over the entire enclosure with a 3-5 metre wide bottom and 10:1 side slopes. A copy of this e-mail with the proposed WASCoB locations is attached to this report (Attachment #10).

Site Visit

UTRCA staff attended a site visit (February 18, 2020) with the drainage engineer and the drainage superintendent to view details of the downstream channel section and the proposed outlet location. (Photos of the watercourse sections are included as **Attachments #11 & #12**)

A well defined channel was noted on both sides of Line 29. While the presence of snow at the time of our site visit made it difficult to view all features there was evidence that the watercourse channel likely carries flow year round, has defined bed and banks, well sorted substrate and a defined high-water mark. There was further evidence of regular erosion from seasonal flows. Natural meanders and ravine areas exist downstream of the proposed outlet location.

(Additional photos of the watercourse taken from the watercrossing at Line 29 from 2017 to 2020 are also included as **Attachments #13, #14, #15 and #16**.)

Discussion

Copies of the UTRCA Permit Application Form, the current engineering proposal, previous correspondence from UTRCA, previous correspondence from the agent/applicant, site photos and mapping of the properties are attached to this report.

The linear length of the watercourse reach currently proposed for enclosure would amount to approximately 2.3 kilometres from the south edge of the R. & H. De Witt property down through

the 883999 Ontario Inc. property, under Perth Line 29 (township road property), through the D. Ridley property, the E. & R. Matthison property and the Glancar Farms Limited property with an outlet on the B. & D. Quast property.

Associated filling of the open channel, floodplain and stream valley would also be required to bury the tiles/pipes. According to our in-house data, the drainage area (catchment) upstream of the area proposed for enclosure is approximately 206 hectares. This is an area greater than what we would generally approve for enclosure. Proposed enclosures with an upstream catchment area of 125 hectares or greater are generally not candidates for enclosure given the potential for increased flooding and/or erosion concerns on upstream and/or downstream properties. Filling in of the stream channel can result in a net loss of flood storage shifting the burden for water storage elsewhere. Piping and straightening of the channel can alter the speed/velocity of flows creating or exacerbating flooding and/or erosion further downstream. Cumulatively, the loss of our headwaters in favour of straightened pipes and filled channels may detrimentally impact the overall watershed hydrology.

Definitions

Development:

(a) the construction, reconstruction, erection or placing of a building or structure of any kind,
(b) 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,

(c) site grading, or

(d) 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. C.27)

Regulation of Development

The infilling of 2.3 kilometres of an open channel and the associated floodplain is development (by definition). Through our individual "*Development, Interference With a Wetland and Alterations to Shorelines and Watercourses*" Regulations and *Ontario Regulation 97/04* Conservation Authorities have a legislated responsibility to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands within our watershed requires permission from the Conservation Authority.

Section 3 of Ontario Regulation 157/06 states that "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." These are referred to as the "5 Tests" and these tests must be considered in Conservation Authority decisions on permit applications. (Please note that UTRCA only considers "4 Tests" as without Great Lakes Shoreline there are no dynamic beaches within our watershed.)

Regulation of Alteration to a Watercourse

While the infilling of 2.3 kilometres of an open channel and the associated floodplain is considered development (by definition), it is also a major watercourse alteration. Section 6 of the Regulation states that "the Authority may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland."

When UTRCA staff assess for whether or not a watercourse would be a candidate for an alteration/enclosure, and whether or not the proposal would meet the "4 Tests" there are a number of attributes we look for (catchment size greater/less than 125 hectares, flooding and/or erosion concerns, watercourse associated with a wetland, impacts to conservation of land and/or the valley itself, potential presence of sensitive groundwater features (seeps, springs), etc.) If any of these attributes are present, then our general position is to not be supportive of the enclosure.

Piping a watercourse changes the local hydrology by (among other things) removing the opportunity for natural energy dissipation in a rough channel and removing the opportunity for surface contact between land and water in favour of a round pipe/tile. A piped channel generally loses the ability to interact with the groundwater thereby reducing or eliminating groundwater discharge/recharge (which affects seasonal baseflow to downstream waters). A watercourse length of 2.3 km converted from an open channel to a smoother pipe would generally increase the velocity of the water (speed of flows) after a run-off event cumulatively leading to an increase in erosive forces downstream. This may in turn alter sediment dispersal (a form of pollution) and bedload downstream. There are natural meanders and ravine areas downstream of the proposed outlet and ultimately the Avon River which may be detrimentally impacted by piping of the headwaters upstream.

While the applicants are proposing the incorporation of grassed swales (to mitigate flooding and erosion) our experience has been that over time many of these grassed swale areas get removed by individual landowners in favour of cropping. Further, it has been our experience that there is little to no enforcement taken under the *Drainage Act* to reinstate these grassed swale features once a landowner has removed them. In general, it does not appear that a realistic 'Net Environmental Benefit' has been provided to counterbalance the loss of the open watercourse, floodplain and stream valley and to mitigate for the loss of conservation of land. We note as well that to accommodate enclosure of the watercourse large portions of the currently protected woodlands would need to be removed/eliminated (both on the property upstream of Line 29 and on the properties downstream of Line 29 by the Avon River). Woodland areas over and adjacent to an enclosed drain (within the drainage easement) would then need to remain cleared to ensure access to the drainage works for ongoing maintenance in perpetuity. This project will therefore result in a net loss of protected woodland.

Through discussions with the applicants, UTRCA staff agreed that we would not require detailed engineering input with the submission package at this time as our policies do not support the enclosure of this watercourse. Should this application be approved by the Hearing Committee, the requirement for detailed engineering design would be a logical condition of permit approval.

The application has been evaluated for conformity with our general flood and erosion hazard policies (which are based on the "4 Tests") as well as *Watercourse & Flood Plain Alteration Policies* Section 4.2.5 contained within the *UTRCA Environmental Planning Policy Manual (June 2006)*. There are a variety of policies contained within this section that would not support

enclosure of this watercourse and filling in of the floodplain and these policies are attached with this report for comparison. Specifically, Section 4.2.5 references watercourse alterations and enclosures:

- Major *flood plain* alterations (including placement of *fill* to create a building lot) and major watercourse alterations (including enclosures) are generally not permitted. Such alterations may be considered where justification is provided through a subwatershed study, an *Environmental Assessment* or similar comprehensive study and are subject to conformity with municipal planning documents.
- 5. The Authority shall encourage that all *watercourses* and adjacent resource areas remain in their natural state.
- 6. Watercourses will be protected, improved or restored by minimizing potential negative impacts, having full regard for riparian rights and conditions.
- 7. Development and site alteration will be restricted in or near *watercourses* so that those features and their related hydrologic functions are protected, improved or restored.

Conclusion

The Authority's approval is required for the issuance of permits under the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* Ontario Regulation 157/06 in accordance with Section 28 of the *Conservation Authorities Act*. Applications which conform to this Regulation and board approved policy found within the UTRCA *Environmental Planning Policy Manual* (June 2006) may be recommended for approval by Authority Staff who have been granted responsibility to process such proposals. If applications are submitted which do not conform to board approved policy, Authority Staff cannot approve the application, however a hearing may be requested. The application is then subject to the consent of the UTRCA Hearings Committee. Only the UTRCA Hearings Committee can refuse the application.

This report is provided to the Hearings Committee to advise that the application does not meet our general flood and erosion hazard policies (4.2.1, 4.2.2, 4.2.3) and specifically *Watercourse & Flood Plain Alteration Policies* Section 4.2.5 of the *UTRCA Environmental Planning Policy Manual* (June 2006). Staff have no choice but to recommend denial of Application #27-20 as it is contrary to policy. The applicants have advised they wish to proceed with a Hearing before the UTRCA Hearings Committee to obtain consent for the floodplain filling and watercourse enclosure.

Recommended by:

Prepared by:

Tracy Annett, Manager Environmental Planning and Regulations Karen Winfield Land Use Regulations Officer

c.c. Ken Bettles, Director of Public Works, Township of Perth South, Applicant Scott Richardson, Drainage Superintendent, Township of Perth South, Applicant Lizet Scott, Clerk, Township of Perth South, Applicant Brandon Widner, Spriet Associates (London) Limited, Agent for the Applicant Brad Glasman, UTRCA Tatianna Lozier, UTRCA Cari Ramsey, UTRCA Jessica Schnaithmann, UTRCA Ian Wilcox, UTRCA Grant Inglis, UTRCA Solicitor

Attachments:

- 1. Notice of Hearing
- 2. Hearing Procedures
- 3. General Location Map Mills Creek (Mills Award Drain), Township of Perth South
- 4. UTRCA Regulation Limit Mapping of the Mills Award Drain in the Township of Perth South (former Downie Ward).
- 5. OMAFRA Drainage Map Mills Award Drain
- 6. Mills Award Drain Plan, Spriet Associates
- 7. Engineering Design (*Mills Drain Township of Perth South Plan, Profile & Details 2 sheets, prepared by Spriet Associates (London) Limited, dated November 2019*)
- 8. Photos Before and After of Mills Award Drain Woodland North of Line 29, Perth South
- 9. Notice of (January 2019) On-Site Meeting and Mills Award Drain Map
- 10. Completed UTRCA Section 28 Permit Application Form
- 11. E-mail correspondence between Spriet Assoc. and the UTRCA (October 29, 2019 to January 23, 2020)
- 12. Photos of watercourse at Line 29 (February 19, 2020).
- 13. Photos of watercourse through properties south of Line 29 (February 19, 2020).
- 14. Photos of watercourse at Line 29 (March 13, 2017).
- 15. Photos of watercourse at Line 29 (April 9, 2017).
- 16. Photos of watercourse at Line 29 (December 10, 2019).
- 17. Photos of watercourse at Line 29 (January 14, 2020).
- 18. General Flood and Erosion Hazard and Watercourse & Flood Plain Alteration Policies from the UTRCA *Environmental Planning Policy Manual* (June 2006).

Stratford Devon S OntarioS D Douro-S John Sore St 20 13.0 Nortolk S 122 ne Ave E PER TH SOUTH Line-2 163 112 20 26 122 13.0 113 Emily's Glass 5" 151 163 ucen St W St Marys 118 120A 2 120 123 119 4.83km Gregory Ck

Location Map - Mills Award Drain - Tributary to the Avon River Southwest of City of Stratford

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map.



OMAFRA Drain Mapping - Mills Award Drain, Perth South (as of January 2021)



Ontario 💓 © Queen's Printer for Ontario, 2021

Map Created: 1/1/2021 Map Center: 43.36209 N, -81.06079 W















2016

2017



Before and after - watercourse enclosure through Significant Woodland - north side of Line 29 at upper end of Mills Award Drain.



Corporation of the Township of Perth South 3191 Road 122 St. Pauls, ON N0K 1V0 Telephone 519-271-0619 Fax 519-271-0647 Iscott@perthsouth.ca

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER

Please be advised that Brandon Widner of Spriet Engineering, appointed by the Council of the Township of Perth South under the Drainage Act R.S.O 1990, has scheduled an on-site meeting for:

1:30 p.m. on Monday, January 14, 2019

To attend:

At Township Office Council Chambers, 3191 Road 122, St. Pauls

The purpose of this meeting is to examine the area and site of the proposed works being:

The Mills Award Drain

You, as an owner of lands affected, are requested to attend at such time and place.

Dated this 28th day of December 2018.

Yours truly, Township of Perth South

izet Scott

Clerk



UPPER THAMES RIVER Application For Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Upper Thames River Conservation Authority Conservation Authority 1424 Clarke Road London, Ontario N5V 5B9 Conservation Authorities Act - Ontario Regulation 157/06, under 0.reg. 97/04
UPPER THAMES RIVER CONSERVATION AUTHORITY Upper Thames River Conservation Authority 1424 Clarke Road London, Ontario N5V 5B9 Alterations to Shorelines and Watercourses Conservation Authorities Act - Ontario Regulation 157/06, under O.reg. 97/04 Annulication #
CONSERVATION AUTHORITY Upper Thames River Conservation Authority Conservation Authorities Act - Ontario Regulation 157/06, under O.reg. 97/04 1424 Clarke Road London, Ontario N5V 5B9 Application #
1424 Clarke Road London, Ontario N5V 5B9
Application #
Tel. (519) 451-2800 Fax (519) 451-1188
Name of Landowner: 883999 WT INK ROMPTHISMUD RIPHEN CLEUCAFEL, Home: 519:271.0619
Address: 3191 Ropp 122 STIPPULS Postal Code: NOKIVS Tel. Business:
Location of Project: CON 4 \$ 5 LOTS 12 \$ 13 PERTH SOUTH
Street and Number, or Lot(s) and Concession Number/ 911 Address Municipality
DESCRIPTION OF PROJECT
MULE DRAWLE FOUNDARIA OF DEPTI STA
General description of project: 111225 DRAND TOUNSHIP OF PERMY SUB
UNDER DEARTE ACT TO ENCLOSE THE
EXIST SURFACE KIN IN THEIR FARMS.
All applications must be accompanied by a detailed site plan, providing information on the following:
1. general location of property in relation to roads
2. location and dimensions of all existing structures on the property
 Incation of any watercourse, wetland or steep slope on or near the subject property intended location of all proposed work including construction filling/grading/excavation wetland interference or watercourse
4. Intended location of all proposed work, including construction, himing/grading/excavation, wetland interference of watercourse
5. location of septic system, if applicable and other property utilities, wells, etc.
6. cross-section of proposed work, showing existing and final grades and structure openings
Works including floodproofing of structures must be accompanied by detailed drawings, prepared by qualified professional engineers,
with proper dates and stamps appearing on all plans. If filling is proposed, details on the type, area and volume of fill must be provided
to the UTRCA, with existing and proposed grades clearly presented on plans.
UNLESS OTHERWISE REQUESTED, THE CONSERVATION AUTHORITY ONLY REQUIRES ONE COPY OF ALL PROJECT DRAWINGS.
MULTI-PAGED ENGINEERING DRAWINGS MUST BE FOLDED OR REPRODUCED ON 11 x 17" SHEETS.
Dates of Commencement and Completion of Project: <u>JULP 18</u> <u>2020</u> to <u>DEC 31 <u>2021</u></u>
Federal - Fisheries Act
Province - MNR Work Permit Permit to Take Water
Municipal - Building Permit Zoning Severance OPA
Name of Applicant if different than Landowner. TOUR ALL OF PERTYL SOUTH LEDGIES ASSO
Mailing Address if different than above: 2101 Room 122 ST DEVILS
Postal Code: A COVICE Phone Number: 619-77/02/9 Email Address: SPIC V DPC SON CO A DOCT PPIPERI CA
NON DIAN DIAN
Applicant's Signature: <u>B. Suldon</u> P. ENG.
Applicant's Signature: <u>B. Suldon P. ENG.</u> Application Date Month: <u>IZ Day: ZO Year: ZOI9</u>
Applicant's Signature: <u><u><u></u><u><u></u><u><u></u><u><u></u><u><u></u><u></u><u><u></u><u></u><u><u></u><u><u></u></u><u><u></u><u></u><u></u><u><u></u><u></u></u></u></u></u></u></u></u></u></u></u>

From:Brandon Widner <brandon@spriet.on.ca>To:Karen Winfield <winfieldk@thamesriver.on.ca>, Cari Ramsey <RamseyC@thamesriver.on.ca>CC:"kbettles@perthsouth.ca" <kbettles@perthsouth.ca>, "srichardson@northperth.ca"<srichardson@northperth.ca>30/01/2020 2:29 PMSubject:EXTERNAL EXTERNAL RE: Mills Drain

Karen

I have discussed this with the Municipality and we would like to book the hearing March 24

Let me know what else is required from our end

Thanks

Brandon Widner P.Eng Spriet Associates Architects and Consulting Engineers 155 York St. - London, ON - N6A 1A8 phone: 672.4100 fax: 433.9351 brandon@spriet.on.ca www.spriet.on.ca

This message and any accompanying files are supplied as a matter of courtesy and are not to be taken as a replacement of copies of the officially sealed documents. If you are not the intended recipient of this message, please notify Spriet Associates at 519.672.4100 or by reply email. Any attached data is provided without warranty of any kind either expressed or implied. Any person(s) or organization(s) making use of or relying upon this data is responsible for confirming its accuracy and completeness. Any disclosure, distribution and copying of any of the information within this communication is strictly prohibited. These files do not include a professional architect's or engineer's stamp and only drawings with such stamp are to be considered as true and final. Spriet Associates are not responsible for edited or reproduced versions of this digital data.

Before printing this e-mail, please consider whether a hard copy is necessary.

From: Karen Winfield [winfieldk@thamesriver.on.ca]
Sent: Thursday, January 30, 2020 1:03 PM
To: Brandon Widner; Cari Ramsey
Cc: kbettles@perthsouth.ca; srichardson@northperth.ca
Subject: RE: Mills Drain

Hi Brandon,

We would gladly sit down with yourself and the Township if it meant the watercourse would not be enclosed as part of the drain report. If enclosure is still the only option then we can book a hearing at our office.

The next available board meetings that we can fit in a hearing would be Tuesday, March 24th in the afternoon or Tuesday, May 26th in the afternoon. (The February and April board meetings are already full.) We currently have time slots open for a hearing on the March and May dates.

If the landowners wish to go the hearing route then please advise us ASAP if yourself and a township representative (and the landowners if they wish) would be available for one or both of those dates. We will have to obtain the availability of our members to ensure that we would have quorum for a hearing on those dates.

We are still open to discussing other options that don't involve enclosure.

Please let us know either way.

Thank-you,

Karen Winfield

Land Use Regulations Officer

1424 Clarke Road London, Ontario, N5V 5B9 519.451.2800 Ext. 237 | Fax: 519.451.1188 winfieldk@thamesriver.on.ca

UPPER THAMES RIVER

>>> Brandon Widner <brandon@spriet.on.ca> 30/01/2020 7:04 AM >>> Karen / Cari

Just looking for a status update on this one, the municipality has been pressuring me to move this one forward. Has a date been picked to go to the hearing board, or would you like to sit down before that with myself and the municipality and see if we can come to a resolution on this one.

Thanks

Brandon Widner P.Eng Spriet Associates Architects and Consulting Engineers 155 York St. - London, ON - N6A 1A8 phone: 672.4100 fax: 433.9351 brandon@spriet.on.ca

www.spriet.on.ca

This message and any accompanying files are supplied as a matter of courtesy and are not to be taken as a replacement of copies of the officially sealed documents. If you are not the intended recipient of this message, please notify Spriet Associates at 519.672.4100 or by reply email. Any attached data is provided without warranty of any kind either expressed or implied. Any person(s) or organization(s) making use of or relying upon this data is responsible for confirming its accuracy and completeness. Any disclosure, distribution and copying of any of the information within this communication is strictly prohibited. These files do not include a professional architect's or engineer's stamp and only drawings with such stamp are to be considered as true and final. Spriet Associates are not responsible for edited or reproduced versions of this digital data.

Before printing this e-mail, please consider whether a hard copy is necessary.

From: Brandon Widner
Sent: Thursday, January 16, 2020 7:45 AM
To: 'winfieldk@thamesriver.on.ca'; 'ramseyc@thamesriver.on.ca'
Cc: srichardson@northperth.ca; kbettles@perthsouth.ca
Subject: RE: Mills Drain

Karen / Cari

We have had discussions with the Township regarding this project and the net environmental benefit plan, and in our opinion one of the main reasons we are taking the project to the hearing board is to do with the offsetting requirements that you have asked for, as well we feel this project is being treated differently to other enclosures already approved in the Township.

I will provide some things that we can add to help with mitigating the loss of the open watercourse, which we will go into more detail when we go to the hearing board.

883999 Ontario Inc.

-In this property we would suggest the inclusion of 2 or 3 WASCob Structures, to help slow the water and release it at a slower rate and work in conjunction with the tile that has been already installed in that property. These are widely accepted in industry and considered best management practices for managing soil erosion, we would pick idea locations in this farm, one being up near the wooded area to before the surface water enters the field, another one upstream of line 29.

D. Ridley Proerty

- We would incorporate another WASCob adjacent to property line to Matthison using the existing laneway to help berm water as well as include one on Branch "A" in the area of the existing Ridley laneway

Matthison Property

- In this property we would recommend another WASCob at the property line between Mattison and Glencar Farms.

Glencar Property

 Would be recommend two WASCoB's both located at the property line between Glencar and the Murray Property

Our report would also include constructing a swale over the entire enclosure with a 3-5m bottom with 10:1 side slopes. The combination of all of these features will help with flood detention and reduce erosion and I believe with these features added the flood detention area will be very similar to the area being removed by the channel, I disagree completely with the area of offsetting being 30m width when the existing ditch is approx. 4-5m with cropping being doing adjacent to the channel, which has been the case for an extended period of time.

Thanks

Brandon Widner P.Eng Spriet Associates Architects and Consulting Engineers 155 York St. - London, ON - N6A 1A8 phone: 672.4100 fax: 433.9351 brandon@spriet.on.ca www.spriet.on.ca This message and any accompanying files are supplied as a matter

This message and any accompanying files are supplied as a matter of courtesy and are not to be taken as a replacement of copies of the officially sealed documents. If you are not the intended recipient of this message, please notify Spriet Associates at 519.672.4100 or by

reply email. Any attached data is provided without warranty of any kind either expressed or implied. Any person(s) or organization(s) making use of or relying upon this data is responsible for confirming its accuracy and completeness. Any disclosure, distribution and copying of any of the information within this communication is strictly prohibited. These files do not include a professional architect's or engineer's stamp and only drawings with such stamp are to be considered as true and final. Spriet Associates are not responsible for edited or reproduced versions of this digital data.

Before printing this e-mail, please consider whether a hard copy is necessary.

From: Karen Winfield [winfieldk@thamesriver.on.ca]
Sent: Monday, December 23, 2019 10:28 AM
To: Brandon Widner; Cari Ramsey
Cc: 'kbettles@perthsouth.ca'; srichardson@northperth.ca
Subject: Preliminary Drain Meeting - Mills Drain

Hi Brandon,

As discussed, prior to arranging a Hearing we will require submission of an appropriate net environmental benefit plan (to mitigate the loss of this open watercourse) that can be presented to our Hearings Committee.

Thank-you,

Karen W.

>>> Brandon Widner <brandon@spriet.on.ca> 23/12/2019 8:15 AM >>>

Karen / Carrie

Attached is the permit application and the plans for the Mills Drainage project in Perth South.

We would like to move ahead with the proposal as discussed at the preliminary meeting on November 12, 2019

Let me know what the next steps are going to be regarding the hearing board

Thanks

Brandon Widner P.Eng Spriet Associates Architects and Consulting Engineers 155 York St. - London, ON - N6A 1A8 phone: 672.4100 fax: 433.9351 brandon@spriet.on.ca www.spriet.on.ca

This message and any accompanying files are supplied as a matter of courtesy and are not to be taken as a replacement of copies of the officially sealed documents. If you are not the intended recipient of this message, please notify Spriet Associates at 519.672.4100 or by reply email. Any attached data is provided without warranty of any kind either expressed or implied. Any person(s) or organization(s) making use of or relying upon this data is responsible for confirming its accuracy and completeness. Any disclosure, distribution and copying of any of the information within this communication is strictly prohibited. These files do not include a professional architect's or engineer's stamp and only drawings with such stamp are to be considered as true and final. Spriet Associates are not responsible for edited or reproduced versions of this digital data.

Before printing this e-mail, please consider whether a hard copy is necessary.

From: Karen Winfield [winfieldk@thamesriver.on.ca]
Sent: Wednesday, November 20, 2019 8:14 PM
To: Brandon Widner; Cari Ramsey
Cc: 'kbettles@perthsouth.ca'; srichardson@northperth.ca
Subject: Re: EXTERNAL EXTERNAL Preliminary Drain Meeting - Mills Drain

Hi Brandon,

Responses below in blue.

Thank-you,

Karen W.

>>> Brandon Widner <brandon@spriet.on.ca> 14/11/2019 8:12 AM >>> Karen / Cari

Just to follow up from the meeting on Tuesday I would like some things clarified with regards to this project as I am sure council will be asking me some questions.

Regarding the Walsh Property (883999 Ontario Inc.)

- From what I have heard an offsetting agreement has been reached or is in the process regarding the enclosure in the top end of their property through the woodlot, but not the remaining portion. Can you please confirm the length on enclosure that the offsetting agreement was agreed upon?
- There were two watercourses through the woodland. Unless this has changed.... only one of the watercourses was enclosed. No agreement has been finalized (as we are still awaiting a permit application and plans from the landowners) but we have only been discussing one of the watercourse reaches through the woodland and it is our understanding this was not the "tail" of the Mills Award Drain but a separate branch of approximately 133 metres.
- As the above agreement encompasses the woodlot, what is the reasoning for the additional offsetting you were inquiring about regarding the remaining portion, as this is inconsistent with previous projects which have been approved by the UTRCA. Ie. McEwen Drain.

There were two watercourses through the woodland. Unless this has changed.... only one of the watercourses was enclosed and it was not the tail of the Mills Award Drain.

- Can you also confirm that if the scope of the project is only to incorporate the 375mm tile that was installed in 2017, is it required to go the hearing board?
- Yes. This would have to go to our Hearings Board for approval and the Township would have to be the proponent.

Regarding the Ridley Property

• Can you provide some clarification regarding this property as again you have requested offsetting which is inconsistent with previous received approvals, there is currently no trees along the drain, and the upstream watershed is less than 125ha.

Can you confirm which branch you are referring to? Branch 'A'? Isn't this already enclosed?

- Can you please define what is required for offsetting as this landowner owns a large amount of land adjacent the Avon River, would plantings along/ adjacent the river be adequate?
- If the scope of work is to enclose just this portion of the drain is it required to go to the hearing board?

Regarding the Matthison Propeties

- This property has two components the Main Drain and the Branch drain up to the road, both currently are open channels
- Regarding the branch drain, currently the upstream farm outlets their farm tiling into the existing road surface culvert and there is a small ditch running adjacent his laneway, can this branch be approved at the staff level or again is this required to go to the hearing board? The upstream watershed is approx 27ha.

Can you confirm which branch you are referring to? Branch 'B'? Or is Branch 'B' considered to be the Ridley Property above?

- For the main drain if the upstream watershed is less than 125ha. can the enclosure be approved at a staff level or again do we have to go hearing board?
- Given the extent of the enclosure, the proximity to the Avon River downstream and the presence of the protected woodland upstream the main drain enclosurewould have to go to our Hearings Board for approval.
- As for the main drain an you please define what is required for offsetting as this landowner owns land amount of land adjacent the Avon River, would plantings adjacent the existing river woodlands be adequate and or foresting some of the previous gravel pit.

We can't require any specific offsetting or 'Net Environmental Benefit' because that would put us in the position of saying weare approving this.... There are lots of options for landowners to undertake that may provide net environmental benefits on properties - wetland creation, floodplain enhancement, tree plantings, etc. In general.... with the loss of a watercourse and its associated floodplain and to mitigate flooding and erosion downstream we would be highly supportive of wetland creation projects. For other projects that have been approved in our watershed there have been compensation ratios of anywhere from 2:1 to 7: 1. It may be incredibly difficult to mitigate the loss of 2.3 km of a watercourse and it's associated flood storage.

Regarding Glencar Farms Ltd.

• This property consist of the main drain and two branches, the branches from my understanding you have not issues with, as for the enclosure regarding offsetting can you define what would be required as he will mostlikely have to use on of his other properties, could offsetting include in his lands the creation of WasCOB's berms which could easily be included as part of the drain.

We have no objection to the works proposed for Branch 'C' and Branch 'D'. As to the maindrain, our comments above regarding offsetting still apply.

• This property exceeds the 125ha. limit of enclosures, so I understand this is why we are going to the hearing board, can you list the other reasons

Given the extent of the enclosure, the proximity to the Avon River downstream and the presence of the protected woodland upstream the main drain enclosurewould have to go to our Hearings Board for approval.

Additionally can you provide the Township and myself with the breakdown of next steps to go to the hearing board as we are trying to keeps cost minimized if the project does not proceed!

As discussed we would recommend that the Township takes it to our Hearings Board in the form of "approval in principle" to keep any further engineering costs down. To get a hearing though the following would be required:

- A completed permit application form with the Township as the proponent, available on our website at:

http://thamesriver.on.ca/wp-content/uploads/PlanningRegulations/application_for_consent.pdf

- (There will likely be a permit fee and Hearing request fee starting in 2020...);

- Drainage Plans (which you basically already have done);

- We can't require any specific "Net Environmental Benefit" plans but it is highly recommended they submit ones that actually provide a 'Net" environmental benefit to counteract the loss of the watercourse and it's associated flood storage. Watercourse straightening/piping/enclosures may cumulatively exacerbate flooding and erosion downstream due to the alteration of the flows. The loss of the channel by infilling may reduce flood storage. Watercourse enclosures may have detrimental impacts on groundwater infiltration/recharge and there is an obvious loss of habitat and biodiversity when the channel is filled in. How do they plan to counteract all of these? Their plan should speak to that.

Karen you mentioned that you were not notified about the meeting, I looked into it and it appears the notification was sent to Cari, October 29th via email. Going forward I will try to ensure you are also included.

Hmmm.... Cari and I are generally very good about swapping e-mails on these things but maybe this one got overlooked. I'm not sure what happened here. But cc-ing both of us would be useful in case one of us are away in the future.

Thanks

Brandon Widner P.Eng Spriet Associates Architects and Consulting Engineers 155 York St. - London, ON - N6A 1A8 phone: 672.4100 fax: 433.9351 brandon@spriet.on.ca www.spriet.on.ca

This message and any accompanying files are supplied as a matter of courtesy and are not to be taken as a replacement of copies of the officially sealed documents. If you are not the intended recipient of this message, please notify Spriet Associates at 519.672.4100 or by

reply email. Any attached data is provided without warranty of any kind either expressed or implied. Any person(s) or organization(s) making use of or relying upon this data is responsible for confirming its accuracy and completeness. Any disclosure, distribution and copying of any of the information within this communication is strictly prohibited. These files do not include a professional architect's or engineer's stamp and only drawings with such stamp are to be considered as true and final. Spriet Associates are not responsible for edited or reproduced versions of this digital data.

Before printing this e-mail, please consider whether a hard copy is necessary.

From: Lizet Scott [LScott@perthsouth.ca]
Sent: Tuesday, October 29, 2019 2:16 PM
To: Brandon Widner; srichardson@northperth.ca; Ken Bettles; Cari Ramsey (ramseyc@thamesriver.on.ca)
Subject: Notice of Preliminary Drain Meeting - Mills Drain

Good afternoon,

Please find attached the above notice mailed out to affected landowners today.

Please let me know if you have any questions.

Lizet Scott Clerk Township of Perth South 519-271-0619 x224

ETwitter

CONFIDENTIALITY NOTICE: This message and any attachments may contain information that is privileged or confidential and is for the use of the intended recipient(s). Any unauthorized review, retransmission, conversion to hard copy, disclosure, distribution or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail or by calling <u>519-271-0619</u> and delete this message and any attachments from your system. Thank you.

Photos of the Mills Award Drain

(Taken February 19, 2020)

*** Photos taken from roadside only and AFTER upstream drainage works were undertaken.



Photo taken from Line 29 culvert facing north (upstream). - (February 19, 2020)



Photo taken from Line 29 culvert facing south (downstream). - (February 19, 2020)

Photos of the Mills Award Drain (Taken February 19, 2020)

*** Photos taken through the properties south of Line 29.



Photo of 'Branch B' taken approximately 50 metres south of Line 29 - facing south (downstream).



Main watercourse - approximately 300 metres south of Line 29 - facing north-east (upstream)



Main watercourse (covered in snow) approximately 600 metres downstream of Line 29 - facing north



Main watercourse approximately 900 metres downstream of Line 29 approaching woodland – facing south-east (downstream)



Main watercourse approximately 950 metres downstream of Line 29 - facing south-east (downstream)



Main watercourse approximately 1 km downstream of Line 29 - photo of bankfull width (~4 metres)



Main watercourse - facing south (downstream) - approximately location of proposed outlet.



Main watercourse - facing south (downstream) – meandering downstream channels and bank erosion visible approximately 10 metres downstream of location of proposed outlet.

Photos of the Mills Award Drain

(Taken March 30, 2017)

*** Photos taken from roadside only and BEFORE upstream drainage works were undertaken.



Photo taken from Line 29 culvert facing north (upstream).



Photo taken from Line 29 culvert facing south (downstream).

Photos of the Mills Award Drain

(Taken April 9, 2017)

*** Photos taken from roadside only and BEFORE upstream drainage works were undertaken.



Photo taken from Line 29 culvert facing north (upstream).



Photo taken from Line 29 culvert facing south (downstream).

Photos of the Mills Award Drain

(Taken December 10, 2019)

*** Photos taken from roadside only and AFTER upstream drainage works were undertaken.



Photo taken from Line 29 culvert facing north (upstream).



Photo taken from Line 29 culvert facing south (downstream).

Photos of the Mills Award Drain

(Taken January 14, 2019)

*** Photos taken from roadside only and AFTER upstream drainage works were undertaken.



Photo taken from Line 29 culvert facing north (upstream).



Photo taken from Line 29 culvert facing south (downstream).



Photo of 'Branch' B – (Approximately 160 metres west of the main watercourse branch) taken from Line 29 facing south (downstream)

Appendix A - Applicable Policy

***Please Note: the following information is taken from the UTRCA Environmental Planning Policy Manual, approved by the Board of Directors, June 28, 2006. While the following policies have been included with this report to assist with your review for this Hearing, we note policies in the manual are intricately interwoven and should always be read in their entirety. The UTRCA Environmental Planning Policy Manual (2006) is available on our website at:

http://thamesriver.on.ca/wp-content/uploads//PlanningRegulations/EnvPlanningPolicyManualupdate2017.pdf

or a hard-copy can be made available to you upon request. It is advised that you refer to all the policies contained within the manual as other policies, not listed below, may also be applicable.

4 SECTION 28 REVIEW & APPROVAL PROCESS

4.2.1 General Policies for Hazard Limit

- 1. *Development* and *site alteration* shall be directed away from *hazard lands* where there is an unacceptable risk to public health or safety or property damage and shall be directed to areas located outside of the defined limits of the hazard.
- 2. *Development* and *site alteration* may only be permitted in *hazard lands* provided that all of the following conditions can be implemented to the satisfaction of the Authority:
 - a) Floodproofing measures n/a
 - b) No new hazards will be created and existing hazards will not be aggravated.
 - c) No adverse environmental impacts will result.
 - d) The *development* does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances* n/a
- 3. All *development* and *site alteration* proposed within the *Regulation Limit* shall require prior written approval from the Authority in accordance with Section 28 of the Conservation Authorities Act and be consistent with policies contained herein.
- 4. Any development or site alteration, permitted in accordance with policies 4.2.1 (1., 2. and 3.), with the exception of watercourse alterations, will maintain a minimum setback of 30 metres from the bank of any coldwater/coolwater watercourse and warmwater sportfish watercourse and 15 metres from the bank of any warmwater baitfish watercourse. Exceptions may be considered on a site-specific basis in areas of existing development, where the works will not encroach into the setback any further than the existing building/structure and where no other alternative exists. Additional setbacks may be required as per other agency guidelines.
- 5. Fencing n/a

6. Integration – While this section of the manual is devoted to policies associated with the review and approval of applications made to the UTRCA pursuant to Section 28 of the Conservation Authorities Act, it is imperative that staff integrate natural heritage policies, goals and objectives into the decision-making process. Similarly, staff must be familiar with and have full regard for other environmental legislation which may have a direct bearing on whether development, interference with *wetlands* and alterations to shorelines and *watercourses* may proceed.

4.2.2 Riverine Flooding Hazard Policies

- 1. Floodway n/a
- 2. Flood Fringe n/a
- 3. Special Policy Areas n/a
- 4. Additions to existing buildings n/a
- 5. Accessory buildings n/a
- 6. Replacement Structures n/a
- 7. Swimming pools n/a
- 8. Golf Courses n/a
- 9. Stormwater Management Facilities n/a
- 10. Cut and *fill* activities generally shall not be permitted in the *floodplain* of any *watercourse*.
- 11. Where the *flood plain* of a *watercourse* has not been calculated, the Authority shall require the applicant to prepare the calculations and mapping in accordance with *flood plain* mapping criteria established by the Ministry of Natural Resources.
- 12. Parking Lots n/a
- 13. Access n/a
- 14. Minor Works n/a
- 15. Agriculture The use of the flood hazard limits for ongoing cropland, livestock feeding and grazing, orchards, and nurseries and associated activities such as plowing, and fencing are not considered *site alterations*. The construction of farm buildings (excluding residences, commercial greenhouses and large-scale enclosed livestock facilities) may be considered within the flooding hazard limit, where no site can be reasonably utilized for the proposed works outside of the flooding hazard limit and where the structures will be floodproofed.

4.2.3 Riverine Erosion Hazard Policies

- 1. *Fill* and grading and related *site alteration* activities shall not be permitted in erosion *hazard lands*, unless associated with measures prescribed and/or approved by a municipality or environmental agency specifically intended to remediate *erosion* concerns.
- 2. The Authority shall encourage the *conservation of land* through the control of construction and placement of *fill* on existing or potentially unstable slopes.
- 3. Any *development* or *site alteration* proposal which is in close proximity to an erosion hazard and located within the *Regulation Limit*, must be supported by a favourable geotechnical report and an *Environmental Impact Study* (*EIS*) prepared by a qualified professional, to the satisfaction of the UTRCA.
- 4. Any *development* or *site alteration* proposal which is in close proximity to a *meander belt* and that is located within the *Regulation Limit*, must be supported by a favourable geomorphological study and an *EIS*, prepared by a qualified professional, to the satisfaction of the UTRCA.
- 5. Existing structures n/a

4.2.5 Watercourse & Flood Plain Alteration Policies

- Major flood plain alterations (including placement of fill to create a building lot) and major watercourse alterations (including enclosures) are generally not permitted. Such alterations may be considered where justification is provided through a subwatershed study, an Environmental Assessment or similar comprehensive study and are subject to conformity with municipal planning documents.
- 2. Minor *flood plain* and *watercourse* alterations will be evaluated on an individual basis, having consideration for the following:
 - a) No negative impacts on the natural features or on the ecological functions, including fish and wildlife requirements as set out by other federal, provincial or municipal legislation/plans/technical guidelines and a *net environmental benefit* is achieved;
 - b) Maintenance of the natural topography of the *watercourse* system, flood conveyance and flood storage;
 - c) No adverse impacts on fluvial processes (meander belt);
 - d) No adverse impacts on groundwater recharge/discharge;
 - e) Geotechnical issues are addressed; and
 - f) Implementation of recommendations within UTRCA-endorsed watershed or subwatershed studies or *Environmental Assessment*.
- 3. The straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or *watercourse* shall only be permitted with prior written approval of the UTRCA. An exception is made for activities conducted pursuant to the <u>Drainage Act</u>, where the Conservation Authority has an opportunity to work in cooperation with member

municipalities and other approval agencies (including Fisheries and Oceans Canada – DFO) to consider and mitigate the environmental impacts of drain maintenance and new drainage proposals.

- 4. Bridges n/a
- 5. The Authority shall encourage that all *watercourses* and adjacent resource areas remain in their natural state.
- 6. Watercourses will be protected, improved or restored by minimizing potential negative impacts, having full regard for riparian rights and conditions.
- 7. Development and site alteration will be restricted in or near *watercourses* so that those features and their related hydrologic functions are protected, improved or restored.
- 8. Pit Licence Applications n/a
- 9. Golf Courses n/a
- 10. The Authority does not support the construction of in-stream, by-pass and connected ponds which link directly into a watercourse. n/a
- 11. A minimum setback of 15 m from all watercourses is required for all ponds. n/a
- 12. Ponds will not be permitted within wetlands. -n/a
- 13. Dugout ponds and off-line by-pass ponds n/a

UTRCA Environmental Planning Policy Manual Approved by Board of Directors June 28, 2006