

Board of Directors

Upper Thames River Conservation Authority



UPPER THAMES RIVER
CONSERVATION AUTHORITY

Upper Thames River Conservation Authority Board of Directors'
Meeting Agenda
April 16, 2024 at 9:45 A.M 1424 Clarke Road, London

1. Territorial Acknowledgement

2. Modifications to the Agenda

3. Declarations of Pecuniary Interest

4. Administrative Business

4.1. Approval of Minutes of Previous Meeting: March 26, 2024

4.2. Business Arising from Minutes

4.3. Correspondence

5. Presentations/Delegations

5.1. City of London Delegation – Mud Creek

6. Reports – For Consideration

6.1. Mud Creek Two Zone Concept BoD-04-24-29

7. Reports – In Camera

8. Reports – For Information

8.1. Administration and Enforcement – Section 28 Status Report BoD-04-24-30

8.2. Project Status Update BoD- 04-24-31

- 8.3. Proposed Regulation Minister's Permit and Review Powers ERO #019-8320 BoD-04-24-32
- 8.4. Hydro Plant Update BoD-04-24-33
- 8.5. Former Children's Safety Village – Progress Update BoD-04-24-34
- 8.6. UTRCA Land Acquisition – Wheeler Tract (Fish Creek Property Donation) BoD-04-24-35
- 8.7. [Thames River Current April Edition](#)

9. Reports – Committee Updates

- 9.1. Finance and Audit Committee
- 9.2. Hearing Committee – March 26, 2024 Outcome BoD-04-24-36

10. Notices of Motion

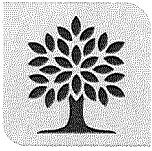
11. Chair's Comments

12. Member's Comments

13. General Manager's Comments

14. Adjournment

Approved by Tracy Annett, General Manager



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London
C A N A D A

April 8, 2024

To: Upper Thames River Conservation Authority (UTRCA)

Attention: Tracy Annett, CAO/Treasurer

Subject: City of London Request for Delegation at the April 16th UTRCA Board Meeting

Submitted: April 5, 2024

Delegates:

Shawna Chambers, P.Eng., DPA, City of London, Division Manager, Stormwater Engineering, 519-661-2489 x7318, schambers@london.ca

Scott Mathers, P.Eng., MPA, City of London, Deputy City Manager, Planning and Economic Development, 519-661-2489 x4430, smathers@london.ca

Address: City of London, 300 Dufferin Avenue, London, ON N6A 4L9

Request:

The City of London wishes to convey its support for the recommended two-zone floodplain and flood fringe limits proposed for Mud Creek to reduce flooding risk and support 56 hectares of proposed infill development in the subwatershed.

Rationale:

The City, and its consultant AECOM, an expert consultant in floodplain modelling and mapping, has worked with UTRCA for 2 years to prepare all technical information to support the extents of the floodplain and flood fringe in Mud Creek between CN Rail and CP Rail. Confirming the floodplain and flood fringe is consistent with the 2017 Mud Creek Subwatershed East Branch Environmental Assessment (EA) which recommended a “complete corridor”, or engineered channel to mitigate flooding across Oxford Street, support infill/intensification, improve ecological functions, and provide a public multiuse pathway. Since the completion of the EA, the Thames River 250-year flood elevation was updated. This created a need to consider additional flood mitigation measures in this reach of the watershed, including the proposed two-zone floodplain and flood fringe. In accordance with provincial Flood Hazard Technical Guide, the City’s consultant prepared a Technical Appendix 4 outlining the merits of this proposal. The

City's modelling work represents a worst-case scenario that can be refined during upcoming development approvals process.

Municipal Natural Channel Project:

Between 2020 and 2022, the City constructed the Phase 1 Mud Creek natural channel rehabilitation from Wonderland Road to CN Rail, including two tunnels under CN Rail for the cost of \$10M. Between 2024 and 2026, the City is planning to extend the expanded Mud Creek Phase 2B channel approximately 700m north from the new CN Rail tunnels to just north of Oxford Street. Excess soils for this project are proposed to be partially managed by placing fill within the flood fringe, all to support floodproofing of future development and reduce project costs.

The future Phase 3 of Mud Creek will include the extension of the natural channel north of Oxford Street to CP Rail. The landowners in this area will work with the City and UTRCA to obtain future approvals through the Planning Act and Section 28 processes to extend the channel further north as part of the subdivision works.

Ultimately, there will be approximately 2 km of natural channel reconstructed, along with a multiuse pathway for residents to enjoy the physical and mental health benefits of being close to nature in an urban setting.

Upcoming Housing Development:

There are active development applications waiting for the City's Phase 2B channel works to be completed as the flood mitigation measure. The development application processes will be proceeding in parallel with the City's construction over the next two years for housing to be constructed over the next 10-years. Most significantly, the latest draft plan submitted for the 37-hectare subdivision at 323 Oxford Street, 92 and 825 Proudfoot Lane, proposes adding approximately 3,800 units over the next 10 years.

Conclusions:

The proposed two-zone floodplain and flood fringe concept will support the City's channel works and allow for 56 hectares of infill development that has been on hold for over 15 years. This investment in the built area will reduce the frequency of flooding of a major arterial road and support infill development to contribute to the City of London's 47,000 provincial housing target.

Thank you for your consideration in this matter.

Best Regards,



Shawna Chambers, P.Eng., DPA (she/her)
Division Manager, Stormwater Engineering
City of London 519.661.2489 (CITY) x7318

Cc: Kelly Scherr, Scott Mathers, Ashley Rammeloo, Heather McNeely – City of London

To: UTRCA Board of Directors
From: Jenna Allain, Manager, Environmental Planning and Regulations
Date: April 5, 2024
File Number: 04-24-29
Agenda #: 6.1
Subject: Mud Creek Two-Zone Concept

Recommendation

THAT the UTRCA Board of Directors approve the concept for a two-zone approach for a defined area within the Mud Creek Subwatershed in the City of London;

AND

THAT the existing board-approved policies for flood fringe and floodway be implemented for the area identified for the two-zone approach,

AND FURTHER,

THAT the two-zone concept within the Mud Creek Subwatershed be reviewed every 10 years.

Background

Mud Creek Subwatershed

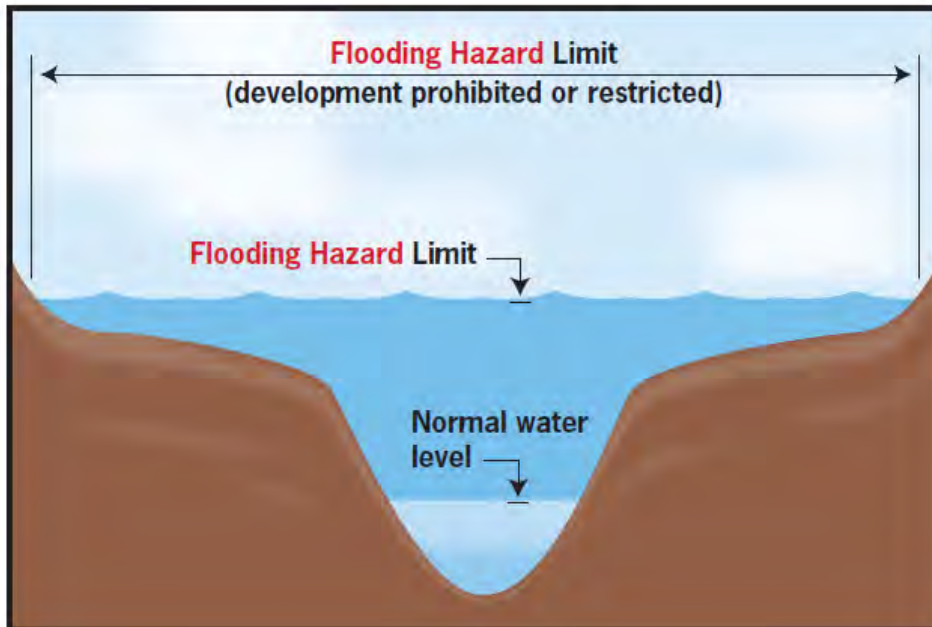
The Mud Creek Subwatershed is located within the northwest area of the City of London and is a major tributary to the Thames River. The area is generally bounded by Riverside Drive to the South, Wonderland Road to the west, the CP rail line to the north and Cherryhill Boulevard to the east.

In 2017, the City of London finalized the Mud Creek Subwatershed Schedule B Municipal Class Environmental Assessment (Mud Creek EA) through a public review process that was completed in consultation with the UTRCA. The recommended solutions from the Mud Creek EA included channel conveyance improvements that would alleviate existing and future flooding concerns. Further to this, the City has also undertaken a hydraulic floodway analysis to investigate the impacts of flooding in the area, and to identify potential flood fringe lands. The City is requesting that a two-zone concept be applied to a portion of the Mud Creek Subwatershed area to allow for development or redevelopment of the lands that have been identified as flood fringe.

Two-Zone Concept

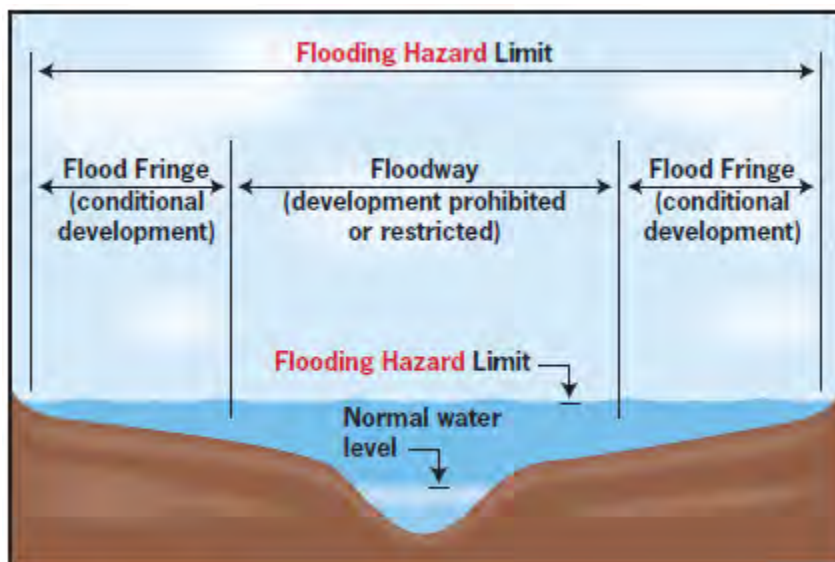
Generally, a flood plain consists of one zone, defined by the applicable flood standard (see Figure 1 below). For the UTRCA, the flood standard is the 1937 flood, deemed equivalent to a 250-year storm event, or a flood with a 0.4 percent chance of occurring in any given year. Most of the flood plains in the UTRCA watershed are regulated as one zone policy areas. In these areas, the entire flood plain is considered the floodway, and new development is generally prohibited or restricted.

Figure 1. One-Zone Floodplain Concept (Image from MNRF Technical Guide for River and Stream Systems: Flood Hazard Limit, 2002)



The two-zone concept recognizes the fact that the flood plain can often be divided into two zones: the floodway, where most of the flow is conveyed, and flood fringes, which may exist on both sides of the floodway (see Figure 2 below). Where the two-zone concept is applied, the floodway is the inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or the area where flood depth and/or velocities are such that they pose a potential threat to life and/or property damage.

Figure 2. Two-Zone Floodway – Flood Fringe Concept (Image from MNRF Technical Guide for River and Stream Systems: Flood Hazard Limit, 2002)



The Provincial Policy Statement (2020) recognizes the application of the two-zone concept, and Policy 3.1.6 states that “where the two-zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry”.

The UTRCA’s Environmental Planning and Policy Manual (2006) also recognizes the application of the two-zone concept. It states that “The UTRCA, in cooperation with watershed municipalities, may apply a Two Zone Policy Approach in serviced settlement areas. In areas where the Two Zone Policy Approach is applied, the flood plain consists of a Floodway area and a Flood Fringe area”.

Finally, the City of London’s Official Plan also references the Two-Zone Concept. Policy 1458 states “In keeping with provincial policies, the City of London and the Upper Thames River Conservation Authority have adopted a two zone floodway-flood fringe concept to allow infill development and redevelopment of an existing use for identified areas along the Thames River and its tributaries where there is a significant difference between the One Hundred year Flood Standard and the Regulatory Flood Standard or where a flood fringe has been delineated through hydraulic floodway analysis. Flood fringe areas may be identified and delineated by the Upper Thames River Conservation Authority and added to Map 6 by amendment to this Plan.

Application of the Two Zone Concept for a portion of the Mud Creek Subwatershed

The Ontario Ministry of Natural Resources Technical Guide – River and Stream Systems: Flood Hazard Limit (2002) is a guidance document which presents the hydrologic and hydraulic work needed to conduct flood plain analyses. The guide includes an appendix (Appendix 4) which describes the factors that must be considered, and the application procedures for when a two-zone concept is proposed. The City of London has prepared the attached memo which describes how each of the factors listed

in Appendix 4 of the Technical Guide have been considered and provides the justification for applying the two-zone concept to a portion of the Mud Creek Subwatershed area. It is important to note that the factors have been considered using the assumption that the channel improvements being undertaken by the City of London (Phase 1 and 2) have already been completed. The memo provides maps indicating the areas that have been identified as proposed flood fringe lands.

Two-Zone Concept Policy Approach

The UTRCA Environmental Planning and Policy Manual (2006) provides policies for two-zone concept areas. Should the UTRCA Board of Directors approve the two-zone concept for the identified areas within the Mud Creek Subwatershed, these existing policies (and any future updates to these policies) will be applied to the approved area. Any proposal for site alteration or development within the identified two-zone area will require a Section 28 permit and will be subject to the policies provided below.

Section 3 – Municipal Plan Review of the UTRCA Planning and Policy Manual, contains the following policies for Floodway and Flood Fringe Areas:

3.2.3.1 Floodway Policies

1. Floodway policies apply to all land within the Regulatory Flood Plain except for specifically identified flood fringe areas and specifically identified Special Policy Areas.
2. Development and site alteration is generally prohibited within the floodway of any watercourse regardless of whether the area of inundation contains high points of land not subject to flooding.
3. Parking is considered to be a component of development. The expansion of parking in a floodway to service new development that is not located in the floodway is not permitted. Parking must be located in the same zone as the use (e.g. parking for residential use must be zoned residential).
4. For new development, vehicular and pedestrian access must dry (at or above the Regulatory Flood Elevation).
5. For existing legal non-conforming uses, the Authority will encourage improvements to parking, access and floodproofing.
6. Where a development proposal contains flood plain lands is submitted in a municipality that has a flood plain assembly scheme, the Authority shall recommend that those lands be dedicated to the Authority and/or the municipality.

3.2.3.2 Flood Fringe Policies

1. Flood fringe policies are applied in those special cases where a Two Zone Policy Approach is implemented.

2. Development and site alteration is permitted in flood fringe areas subject to satisfying the Authority's floodproofing requirements. These requirements are implemented through the Section 28 Permit process.
3. Parking for existing, infill and re-development as a minimum must be provided at the 1:100 Year Flood elevation and this elevation must be within 0.3 metres of the Regulatory Flood Elevation.
4. Parking for new development must be at the Regulatory Flood Elevation.
5. For new development, vehicular and pedestrian access must be dry (at or above the Regulatory Flood Elevation).
6. For infill development and re-development, vehicular and pedestrian access must be safe, within 0.3 metres of the Regulatory Flood Elevation or determined using the Technical Guide – River & Stream Systems: Flooding Hazard Limit (OMNR and Watershed Science Centre, 2002).

Section 4 – Section 28 Review & Approval Process of the UTRCA Planning and Policy Manual, contains the following policies for Floodway and Flood Fringe Areas:

4.2.2 Riverine Flooding Hazard Policies

1. Floodway – New development is generally not permitted within the floodway of any watercourse.
2. Flood Fringe – Development and site alteration is permitted in identified flood fringe areas, subject to satisfying floodproofing requirements through the UTRCA's Section 28 Permit Process. Specific policies are provided below.
 - a. Residential – For new development, no building openings are permitted below the Regulatory Flood Elevation. Construction drawings with floodproofing considerations must be prepared by a qualified professional. If a basement is proposed, dry, passive floodproofing measures must be presented on detailed drawings prepared by a qualified professional. Sufficient surveys and inspections will be required to allow for the provision of as-built drawings upon completion of the project. Additions will be permitted (including bedrooms and associated increases in density) if access is safe or dry and floodproofing is achieved to the level of the Regulatory Flood Elevation. If floodproofing to the Regulatory Flood Elevation is not feasible, additions must be less than 25 per cent of the existing ground floor area and must not include bedrooms or require zoning by-law amendments to increase population density.
 - b. Industrial/Commercial - Access must be at a minimum of the floodway elevation and within 0.3 metres of the Regulatory Flood Elevation. Dry, passive floodproofing is preferred, with no building openings below the Regulatory Flood

Summary

UTRCA staff have worked closely with the City of London staff, and their consultants to review the completed flood plain analysis and the Appendix 4 memo. Staff are satisfied that the appropriate modelling has been completed and the justification provided to apply the two-zone concept approach to the portions of the Mud Creek Subwatershed identified on the maps included in the memo. It should be noted however, that the mapping included is for information purposes only, and shows the approximate regulatory floodline limits. As indicated in subsection 4.(5) of Ontario Regulation 41/24, the description of a regulated area defined in the regulation prevails over the depiction of those areas on maps. The mapping is subject to change, is not a substitute for professional advice, and a site-specific determination may be required. As flood fringe lands are developed or redeveloped over time, the impacts of that development on flood flow conveyance and flood storage should be assessed. It is therefore recommended that, should the two-zone concept for the Mud Creek Subwatershed area be approved by the UTRCA Board of Directors, a review of the concept should be undertaken at least every 10 years.

Next Steps

The City of London has submitted a Section 28 permit application for the Mud Creek Phase 2B Channel rehabilitation project. This project extends a 45-60 metre wide natural corridor from the CN Rail to just north of Oxford Street following the concepts of a “complete corridor” to move water, wildlife and people. The project objectives are to increase flood conveyance, reduce flooding limits in Mud Creek, enhance the natural environment through restoration plans, and provide a community walking trail. As part of the channel rehabilitation work, the City intends to place fill that will be removed from the channel onto the privately-owned lands located at 450 Oxford Street. Subject to the approval of the two-zone concept, staff will proceed later this month with a hearing to evaluate a Section 28 permit to accept the fill on this property.

Recommended by:

Jenna Allain, Manager, Environmental Planning and Regulations



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To:
Jessica Schnaithmann

Project name:
Mud Creek Phase 2

CC:
Mark Shifflett (UTRCA)
Shawna Chambers (CoL)
Paul Titus (CoL)

Project ref:
60664534

From:
Brian Richert (AECOM)
Bill Trenouth (AECOM)

Date:
April 5, 2024

Memorandum

Introduction

Background

In 2017, the Mud Creek Subwatershed Schedule B Municipal Class Environmental Assessment (Mud Creek EA) was finalized through a public review process in consultation with UTRCA and MECP (CH2M Hill, 2017). The recommended solutions from the Mud Creek EA include the following infrastructure:

- Upgrades to the CNR culvert.
- Upgrades to the Oxford Street culvert, and the Proudfoot Lane culvert.
- Enlargement, deepening and realignment of the east branch of Mud Creek from Wonderland Road South, northerly to Oxford Street West.
- A mitigation / compensation and environmental management plan to improve ecological conditions within Mud Creek. Natural channel design will be used to restore the aquatic and terrestrial habitat within the Mud Creek corridor. Implementing the preferred alternative will result in a reduced frequency of flooding and approximately 2.1 kilometers of enhanced creek corridor.
- In addition to the City-led works, there are developer-led works which include an enhanced natural corridor from Oxford Street West, northerly to the CPR tracks.

Purpose

The City is requesting that a two-zone concept be applied to identify flood fringe lands in the vicinity of Oxford Street in the Mud Creek watershed (**as shown on Figure 1**) and allow for the use of flood fringe policies when or if these lands are redeveloped during a future planning process or building review process. During the implementation of the recommended solutions from the Mud Creek EA this area was identified as Phase 2A/B.

The proposed conveyance upgrades – which includes channel restoration, realignment, corridor grading and crossing upsizing – will significantly reduce flood risks in the area. Further, a large number of the properties which stand to benefit from the works are already host to varying types of development: structures, parking, or combinations thereof. Further development is also contemplated for this area in the City's Official Plan following the completion of the conveyance upgrades recommended in the Mud Creek EA. Such redevelopment in this area would require floodproofing. It is expected that this document will assist in coordinating and clarifying appropriate approaches for redevelopment and floodproofing in the area. **Figure 1** identifies the properties situated within the proposed two-zone area

(both public and private), and **Figure 2** and **Figure 3** include identification of dry access (as applicable), as well as the locations where such access would be sited as a condition of future Development Approvals.

Two-Zone Concept Factors

The Ontario Ministry of Natural Resources Technical Guide – River and Stream Systems: Flood Hazard Limit (2002) is a guidance document which presents the hydrologic and hydraulic work needed to conduct flood plain analyses. In it, the guide “*recognizes the fact that the flood plain can often be divided into two zones: the floodway, where the majority of the flow is conveyed, and the flood fringes, which exist on both sides of the floodway.*” The guide includes an appendix (Appendix 4) which describes the factors that must be considered, and the application procedures for when a two-zone concept is proposed.

The following provides an overview of the two-zone concept factors to be considered as found within Appendix 4, as they apply to the subject area.

(1) Frequency of Flooding

From the Technical Guide: *Caution should be exercised in applying the two-zone concept for chronic problem areas. While development in such areas could adequately be floodproofed, maintenance and upkeep would continuously be required to ensure floodproofing measures and local services remain effective.*

In general, the Mud Creek improvement project is expected to reduce flood frequency in the proposed flood fringe lands from an almost annual basis to less than a 100-year return period frequency. As such, with the completion of the Mud Creek improvement project, this area should no longer be the chronic problem area for flooding as it has been in the past. It is therefore, a generally suitable area to consider the application of the two-zone concept. The proposed flood fringe lands are expected to remain partially or entirely within the 250-year floodplain.

(2) Physical Characteristics of The Valley

From the Technical Guide: *Steepness of valley slopes, instability of banks and poor soil conditions in flood fringe areas can physically render the flood fringe unsuitable for development. Adopting the two-zone concept would show more promise for areas with a flat overbank and shallow flow. Topography varies, so evaluation is necessary on a local basis in determining suitability.*

The existing Mud Creek corridor is very flat, and steep slopes are beyond the limits of grading of the site. The majority of properties within the proposed flood fringe lands are situated in a flat overbank area that would be impacted by shallow, low velocity flooding.

(3) Local Need

From the Technical Guide: *Suitability of flood fringe areas for development can be influenced by municipal planning considerations including availability of developable land elsewhere in the municipality. In urban area where land values are high and pressure development is usually the greatest, the concept shows promise. Lot sizes are usually larger in rural areas, and it is generally possible to locate development outside the flood plain. Therefore, proposed application of the two-zone concept in rural/agricultural areas will require detailed rationale/justification.*

The City of London wishes to achieve several objectives by implementing the two-zone concept for the floodplain:

- Maximize Land Use to highest and best use within the Mud Creek corridor to support:
 - New and infill development and intensification along one of the major transportation corridors within the City of London.

- Optimize residential unit yields in the context of the infrastructure investments to date funded by the City of London and the Development Charges.
- Promote cost-effective and responsible soils management for the City's Mud Creek project in accordance with the Ministry of Environment, Conservation and Parks (MECP) Excess Soils Regulation (i.e., Ontario Regulation 406/19).
 - The re-use of 15,795 m³ of environmentally suitable soil on these lands prevents the off-site disposal of excess soil generated from the Project Area, which is consistent with the objectives of O.Reg. 406/19.
- Assist with meeting London's Housing commitment to construct 47,000 units by creating a larger developable land block.
- Prevent further expansion of the Urban Growth Boundary by supporting infill and intensification within the existing Built Area.
- Enable lands to be developed as identified in the Mud Creek EA and as shown on Map 1 of the City of London's Official Plan that was developed in consultation with UTRCA during the Official Plan Appeal process during the Official Plan Appeal process.
- Update the Natural Hazards Map 6 of the Official Plan to reflect an updated floodplain following completion of the channel reconstruction works to allow for development to occur per Map 1 Placetypes and Map 5 Natural Heritage in the Official Plan.

The province of Ontario has given the City of London a target to construct 47,000 new homes in 10 years. To mitigate greenfield and urban sprawl development, the City is in the process of establishing a 40-60% infill and intensification target. Housing constructed within the Mud Creek subwatershed supports infill and intensification efforts. More infill development indirectly supports environmental and land conservation efforts by preventing urban sprawl outside of the Urban Growth Boundary, into prime agricultural lands that are often bordered by lands with Natural Heritage significance. In addition, the Official Plan specifically contemplates this area developing for urban uses upon the completion of the Mud Creek channel and stormwater works.

(4) Impacts of Proposed Development

From the Technical Guide: *Encroachment within the flood fringe area usually results in an increase in flood levels. The extent of potential increases will be dependent on a number of factors in watershed characteristics and the degree to which the two-zone concept is to be applied. As a result, it may be necessary to recalculate for the flood standard the flood levels for floodproofing purposes and identify and assess the upstream and downstream impacts where the two-zone concept is being considered. This is particularly true where the two-zone concept is to be applied over extensive areas.*

(a) Flood Levels at the Site and Upstream

Filling and construction within the flood fringe area reduces the cross-sectional area of the waterway, so the corresponding flood level increases at the site and immediately upstream. This increase in the flood level can be estimated with reasonable accuracy and normally does not require major engineering studies.

The subject area is impacted by flooding from Mud Creek itself, as well as, from the downstream Thames River confluence. A modelling exercise was undertaken to investigate potential impacts on flooding at the site and upstream from filling (floodproofing) in the potential flood fringe lands. The basic hydraulic model utilized was developed as part of the Mud Creek Phase 2 Detailed Design Hydrology and Hydraulics Report (AECOM, 2023), and reflects completion of the proposed Phase 2 project (public property works only) expected to be constructed in 2024. Potential impacts on flooding at the site and upstream were investigated by assuming the entire proposed flood fringe lands were filled above the 250-year flood level in the hydraulic model.

Model results indicate that the 250-year water surface elevation increases by up to 0.10 m above the water surface elevation of the model results without the fill, and is limited to the properties in the immediate vicinity of Oxford Street. The increased flood elevations result in flood depths over Oxford

Street being increased by 0.06 m, during the 250-year flood event. The increased flood elevations would not impact any additional buildings or structures; flood extents would not significantly increase.

Both Oxford Street and Proudfoot Lane experience overtopping in both the base case (Phase 2 improvements implemented, but with no additional fill placed on the adjacent private properties) and in the proposed conditions (with fill included). For both transportation routes, the impacts to pedestrian and vehicle safety were evaluated by examining flood depths and velocities for both cases. The evaluation found that there would be an increased risk to vehicles and pedestrians for both Oxford Street and Proudfoot Lane. The depth of flooding over the road under existing, base, and proposed conditions poses a hazard to vehicle and pedestrian traffic and would render the street impassable during the flood conditions.

Road works and other improvements associated with future City projects along Oxford Street will be confined within the existing right-of-way. Future city projects will also maintain the existing profile of Oxford Street and will not require additional fill placement within the floodplain.

(b) Flood Levels Downstream

General encroachment within the flood fringe area reduces the storage capacity of the flood plain and results in an increase in flood flows and the flood levels along the downstream reaches of the river. If undertaken during the initial flood plain mapping process, the revised levels can be computed without major additional expense. Where flood plain mapping was undertaken several years earlier and the data base utilized in preparing the maps is not readily available, the calculation of the revised flood levels may require major engineering studies at substantial cost.

Downstream of the proposed two-zone concept area along Mud Creek is impacted primarily as a result of backwater from the Thames River. Several existing buildings (primarily single-family homes) and two major transportation corridors (Wonderland Road and Riverside Drive) are located within the flood hazard downstream of the subject area. The existing infrastructure is primarily at risk of flooding from the Thames River, as it is substantially outside the existing impacts from Mud Creek 250-year flood flows.

Due to the relative magnitude of proposed filling compared to the size of the Thames River watershed, the reduction in storage capacity in the floodplain caused by filling of the proposed flood fringe lands is negligible with respect to flooding impacts from the Thames River.

With respect to flooding from Mud Creek 250-year flood flows, the Mud Creek improvement project provides a net overall increase in flood storage; however, it is insufficient to provide a complete flood storage balance with the proposed filling of flood fringe lands. It should be noted that the Mud Creek improvement project will significantly improve conveyance of flood flows through the improved Mud Creek channel to the Thames River. The improved conveyance results in reduced flood storage for more frequent flood events (less than 100-year return period). Over 90% of the fill estimated to completely floodproof the proposed flood fringe lands will be located above the 100-year return period flood level (Mud Creek 250-year return period flows). The increased flood storage from the Mud Creek channel improvements (above 100-year return period levels) balances approximately 70% of the proposed loss of flood storage due to filling of the flood fringe lands (above 100-year return period levels).

Model results confirm that filling of the proposed flood fringe lands will not significantly increase downstream flood impacts.

(5) Feasibility of Floodproofing

From the Technical Guide: *One of the major factors in determining if a flood fringe area is suitable for development is the feasibility and cost of floodproofing.*

The primary method of floodproofing future development (re-development) in the proposed flood fringe is anticipated to be through filling to raise the development above the 250-year flood level. Such method

of floodproofing generally does not require any specific maintenance or upkeep to ensure floodproofing measures remain effective.

As part of the Mud Creek improvement project (Phase 2B), the City is proposing to relocate excess soils from public land to the adjacent potential flood fringe lands on private properties (412, 418, and 450 Oxford Street). The public lands at 630 Proudfoot Lane are a part of the existing Mud Creek Channel and fill placement in this location will occur as part of the Phase 2 works. Given that the City of London's channel project is anticipated to generate excess soils, the beneficial re-use of excess soil on the subject lands will ultimately reduce soil management costs. The landowner has agreed, in principle, to accept excess soils from the City's project, subject to confirmation from a Qualified Person (QP) regarding the overall quality of the soil being generated through this work.

Local re-use and proper management of excess soil are the primary tenets of O.Reg. 406/19, and this has many benefits including significantly reducing greenhouse gas emissions from transporting soil, reducing illegal dumping and inappropriate relocation, and decreasing the amount of reusable soil going to landfill. Re-using this volume of the private property would result in avoiding the transportation of approximately 1,040 truckloads of excess soil off-site. The local re-use of suitable excess soils generated from City of London's channel project provides significant benefits, both from a financial and environmental perspective. Ultimately, it is perhaps one of the most cost-effective forms of flood proofing which can be utilized.

(6) Constraints to The Provision of Services

From the Technical Guide: *Flood fringe areas are low-lying, and it is often difficult and expensive to provide necessary services (watermains, sewers, drainage works, etc.) to serve the developments. Drainage systems should provide protection against the flood standard, and it may be difficult to provide outlets above the level of flood standard. In these situations, it may be necessary to provide pumping facilities which would result in some additional expense in new developments.*

The subject lands are currently fully serviced through water, sanitary sewer, gas, hydro and telecommunication infrastructure running on Oxford Street. Existing stub connections are provided to the subject lands, and no major servicing upgrades are anticipated. Site stormwater controls will be designed and constructed by the respective development proponents and accepted by the City through the existing Site Plan Approval process.

(7) Ingress/Egress

From the Technical Guide: *Major accessways to development potentially located in the flood fringe must be examined. It is not acceptable to have development isolated during the flood conditions because roads and escape routes are not passable.*

Oxford Road and Proudfoot Lane are the two major existing access ways in the two-zone concept area. **Figure 2** highlights the portions of each accessway that are not dry, based upon evaluation of flood depth and velocities. **Figure 2** also highlights the corresponding adjacent properties that have dry access or not. The following describes the expected access strategy for each property (or group of properties) within the proposed flood fringe lands (will be addressed through Planning Act Process and Section 28 Permitting Process – noting that some lands may be rezoned and require site plans).

- 450 Oxford Street will have a dry access lane into the property constructed to connect to the southern part of Proudfoot Lane beyond the 250-year flood extents;
- 630 Proudfoot Lane, 412 Oxford Street and 418 Oxford Street will form a part of a larger development block with 450 Oxford Street and will share the proposed dry access lane;
- 415 Oxford Street will have dry access through a future internal subdivision street per subdivision draft plan conditions (39T-21505) and the development agreement for this parcel;
- 700 Proudfoot Lane has access to Proudfoot Lane north of the 250-year flood extents, and 720 Proudfoot Lane maintains a shared access through 700 Proudfoot Lane;

- 500 Oxford Street has access to Oxford Street west of the 250-year flood extents;
- 491 Oxford Street West does not have dry access to Oxford Street or Proudfoot Lane beyond the 250-year flood extents, and does not have an established shared access agreement with any adjacent properties. Under current conditions, dry ingress and egress from this property cannot be provided, but safe access may be possible at the northern edge of the flood extents; additional assessment of the location will be required to confirm; and,
- 453 Oxford Street has no dry access but is zoned OS4 and is to remain open space.

(8) Changes in Land Use

From the Technical Guide: *Land use is a key factor considered in flood plain studies and the calculation of flood lines. Proposed development, not anticipated in these calculations, could create increased flood risks and thus reduce the effectiveness of flood plain management programs.*

It is therefore imperative that municipalities discuss proposed changes in land use with the local Conservation Authority or Ministry of Natural Resources, where one does not exist.

The majority of the land within the proposed two-zone concept area is already developed. Future development within the Mud Creek subwatershed was accounted for during the Mud Creek EA and subsequent modelling completed during the Phase 1A/B projects. The modelling was further updated during the Phase 2A/B projects.

(9) Administrative Capability

From the Technical Guide: *The feasibility of the two-zone concept requires the examination of a number of factors and implementation requires assurance that various conditions are complied with. Therefore, staff availability and expertise must also be considered.*

As well, certain planning tools (e.g. zoning, site plan control, subdivision control) are required to effectively implement the necessary land use controls. Where such tools are not available, e.g. areas without municipal organization, application of the two-zone concept is not a viable option unless supported by detailed methods of implementation.

It is not mandatory that a municipal official plan contain floodway - flood fringe policies prior to utilizing the two-zone concept. It is certainly intended that the municipal documents ultimately outline the basis for utilizing the two-zone concept and the areas of the municipality where it would apply. However, some municipalities in conjunction with the Conservation Authority 2002 appendix 19 Technical Guide - River and Stream Systems: Flooding Hazard Limit Ontario Ministry of Natural Resources (Fill, Construction and Alteration to Waterways Regulation) or the Ministry of Natural Resources, may have already been utilizing the two-zone concept. In this regard, it is not the intent of the Provincial Flood Plain Policy that the water management options be applied retroactively to municipal planning documents.

During the preparation of an official plan update or a major official plan amendment affecting flood plain areas, the municipality in conjunction with the Conservation Authority or Ministry of Natural Resources, should include policies addressing:

- *existing areas of the municipality utilizing the two-zone concept and/or;*
- *a framework for analyzing potential areas of two-zone application, including both land use considerations and technical flood plain information and*
- *The inter-relationship between the official plan, zoning by-law and the Conservation Authority's Fill, Construction and Alteration to Waterways Regulation.*

The Regional Engineer of the Ministry of Natural Resources shall be involved in decision making regarding potential application of a two-zone concept.

The City of London in collaboration with the Upper Thames Conservation Authority (UTRCA) has the administrative capacity to oversee and manage development within the Mud Creek corridor and proposed two-zone area, in conjunction with the recommended EA solution and other applicable

legislation and policies including the PPS, and the UTRCA's Policy Manual. The City is actively working with all approval agencies, developers, and other interested parties to facilitate responsible development in accordance with The London Plan (Official Plan) to realize a vision of increased urban density, the creation of community nodes, and infill/redevelopment of existing land assets.

The City and UTRCA are in agreement that sufficient administrative capacity and expertise exist within the organizations such that involvement by MNR is unnecessary at this time.

Summary

In order to facilitate development of properties along Oxford Street in the Mud Creek watershed, flood proofing measures are required to raise the area above the level of the 250-year floodplain. A two-zone concept area is recommended to identify flood fringe lands in the vicinity of Oxford Street within the Mud Creek watershed and allow for the use of flood fringe policies when or if these lands are redeveloped.

Seven (7) of the nine (9) concept factors that must be considered are fully supportive of the two-zone concept. This memo and the associated technical attachment show:

- The Mud Creek improvement project is expected to reduce the flood frequency in the proposed flood fringe lands and as such, this area should no longer be the chronic problem area for flooding it has been in the past;
- There is a local need to maximize land use within the Mud Creek corridor to support development and intensification along a major transportation corridor within the City of London, optimize infrastructure investments, and meet London's housing commitment;
- Impacts associated with fill placed on developing properties are minor and pose no significant increased risk of damages to existing development or risk to the public;
- Filling to raise the development above the 250-year flood level does not require any maintenance or upkeep to ensure the implemented measure remains effective and provides financial and environmental benefits associated with the transportation of excess soils off-site; and,
- Strategy is outlined to provide dry / safe access, under 250-year flood conditions, for the properties that front Oxford Street and Proudfoot Lane.

As such, impacts under proposed development and ingress/egress are deemed to be manageable.

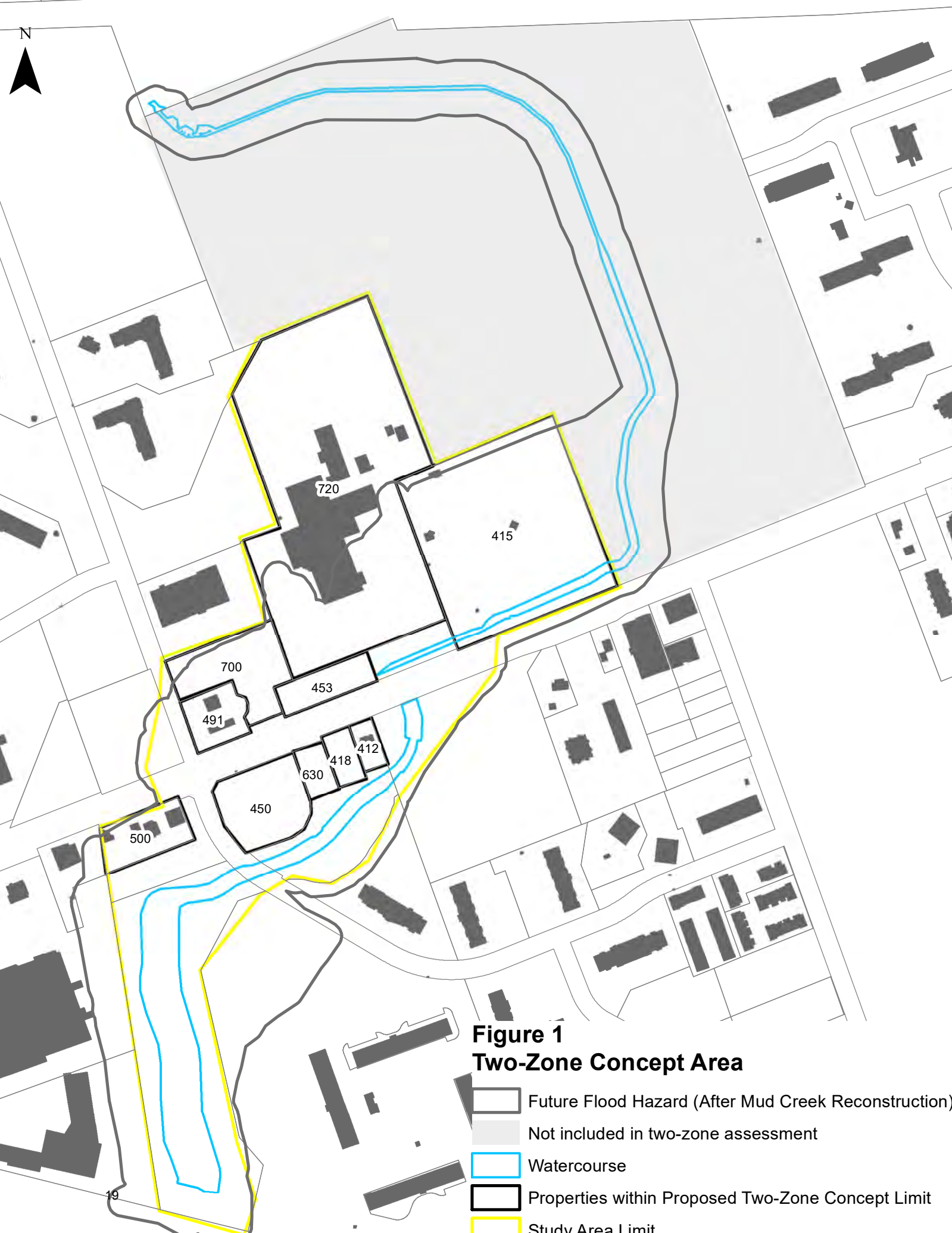







Figure 1
Two-Zone Concept Area

-  Future Flood Hazard (After Mud Creek Reconstruction)
-  Not included in two-zone assessment
-  Watercourse
-  Properties within Proposed Two-Zone Concept Limit
-  Study Area Limit

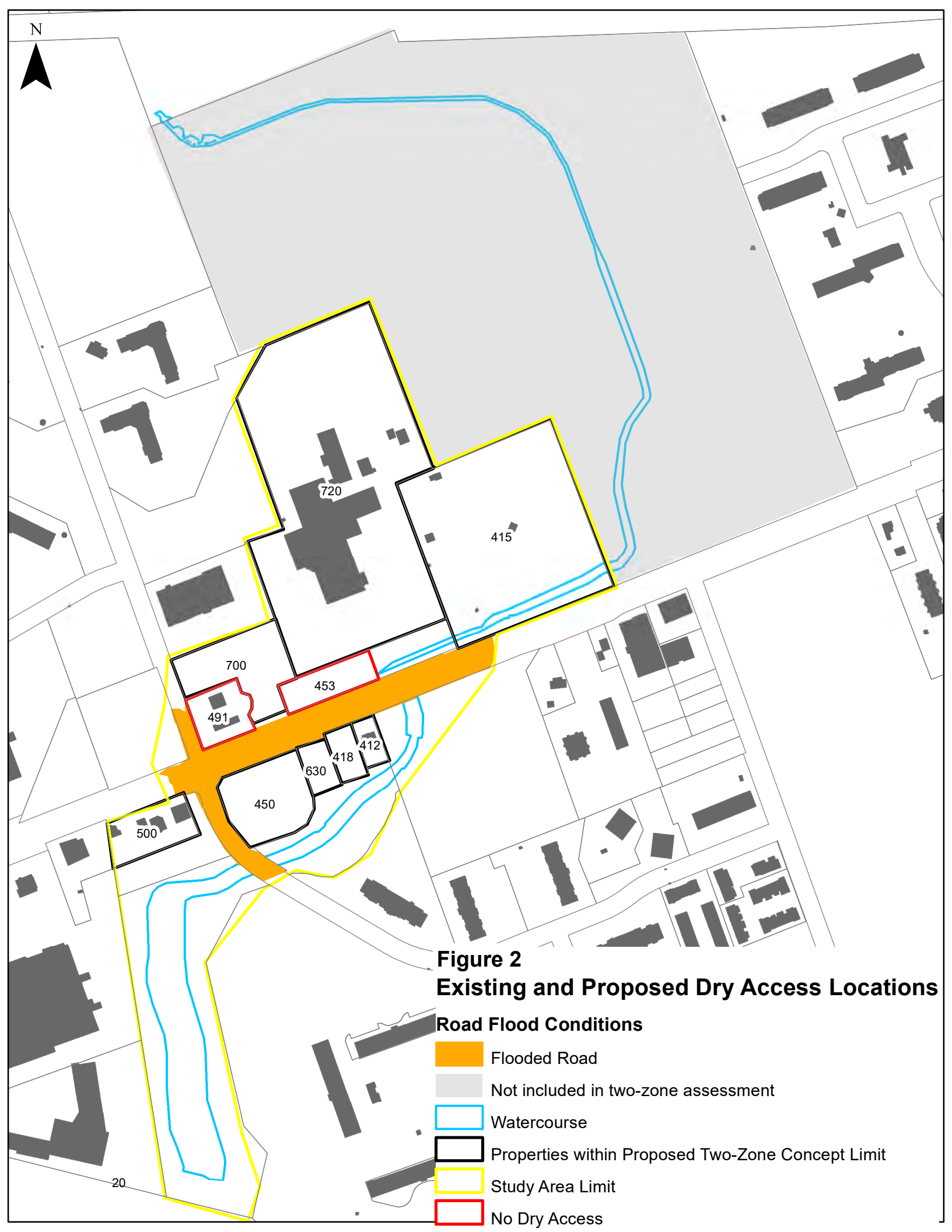


Figure 2
Existing and Proposed Dry Access Locations

Road Flood Conditions

- Flooded Road
- Not included in two-zone assessment
- Watercourse
- Properties within Proposed Two-Zone Concept Limit
- Study Area Limit
- No Dry Access

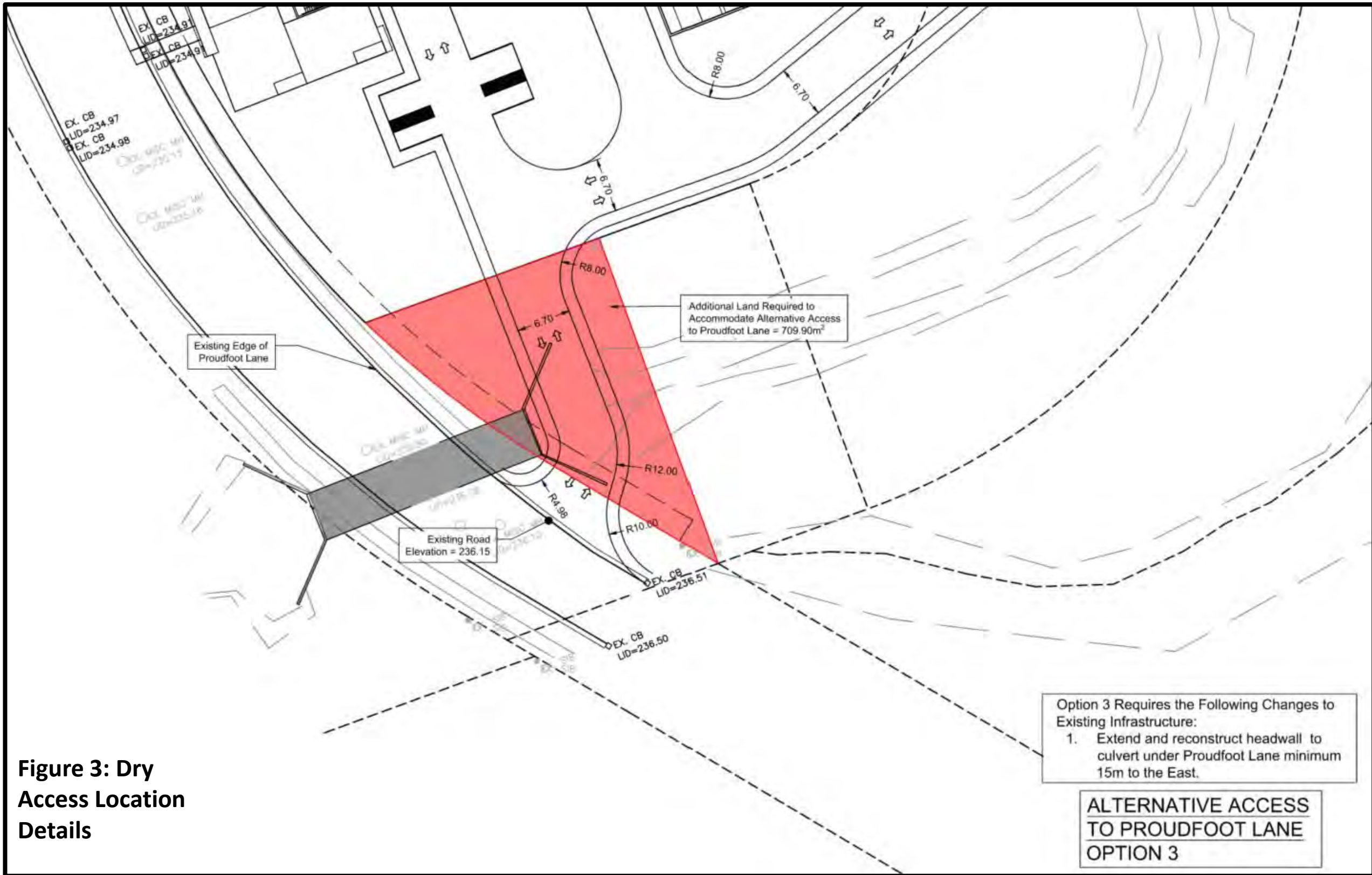


Figure 3: Dry Access Location Details

Option 3 Requires the Following Changes to Existing Infrastructure:
 1. Extend and reconstruct headwall to culvert under Proudfoot Lane minimum 15m to the East.

ALTERNATIVE ACCESS TO PROUDFOOT LANE OPTION 3

*Dry Access from 450, 630, 418, and 412 provided through proposed future access lane

To: UTRCA Board of Directors
From: Jenna Allain, Manager, Environmental Planning and regulations
Date: April 5, 2024
File Number: BoD-04-24-30
Agenda #: 8.1
Subject: Administration and Enforcement – Section 28 Status Report

Recommendation

THAT the Board of Directors receive the report for information.

Background

The attached tables are provided to the Board as a summary of staff activity related to the Conservation Authority's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act). The table covers permits issued between March 1, 2024 and March 31, 2024. It should be noted that as of April 1, Ontario Regulation 157/06 has been revoked, and this will be the final summary report for permits issued under O. Reg. 157/06. Any permits issued after April 1st will be reported on as permits issued under Section 28 of the Conservation Authorities Act, and the new Ontario Regulation 41/24. Any permits that were in progress prior to April 1st will follow the transition policies as approved at the March 26th Board meeting.

To date, 51 permit numbers have been assigned in 2024 with 23 of those permits issued before March 31st. An additional 14 permits were issued in 2024 where the permit number was assigned in 2023, and one permit was issued where the permit number was assigned in 2022. This brings the total number of permits issued in 2024 to 38. Nine permit extensions or amendments have been issued in 2024, and staff have issued 67 clearances for regulated properties where proposed development was reviewed and determined not to require a Section 28 permit.

Information about permits in progress has been provided in the table below in a tally format. As noted above, 51 permit numbers have been assigned in 2024, with 23 issued by March 31st. Four permits have been issued in April 2024 where the permit number was assigned in 2024 (these permits will be reported on during the next monthly Section 28 report). This leaves 24 permit applications that are currently in progress. We also have 16 additional permit applications from 2023 that are still in progress. In total, we have 40 permits in progress which have been split out by municipality and application type in the table below.

Table 1. Permits in Progress Tally

Municipality	Major	Minor	Routine	Total
Township of Blandford-Blenheim	0	0	0	0
Township of East-Zorra Tavistock	0	0	1	1
Town of Ingersoll	2	1	0	3
City of London	2	5	4	11
Township of Lucan-Biddulph	0	0	0	0
Municipality of Middlesex Centre	2	1	1	4
Municipality of North Perth	0	0	0	0
Township of Norwich	0	1	1	2
Township of Perth East	1	2	1	4
Township of Perth South	0	1	1	2
Town of St. Marys	0	0	1	1
City of Stratford	0	0	1	1
Municipality of South Huron	0	0	0	0
Township of South-West Oxford	1	0	1	2
Municipality of Thames Centre	1	0	0	1
Municipality of West Perth	0	0	0	0
City of Woodstock	2	1	3	6
Township of Zorra	0	2	0	2
TOTAL	11	14	15	40

Section 28 Report Correction

At the March 26th Board of Directors meeting, it was noted that Permit 29-24 was issued in compliance with the timeline standards even though it was issued on February 28th, 2024 when it was required to be issued by February 8th, 2024. This was an error, and the table should have indicated that it did not comply with the timeline standards.

Enforcement Update

Staff are providing the following update regarding a previous violation resolved through the courts.

On July 19, 2018 UTRCA staff received a complaint of a possible sediment spill into the Thames River in the vicinity of a subdivision, known as Edgewater Estates, being constructed near Komoka Provincial Park. The subdivision was being constructed adjacent to the Thames River on tablelands set at a distance from the top of the river valley. UTRCA advised the Ministry of the Environment Conservation and Parks (MECP) of the sediment spill and proposed a joint site visit. Both agencies attended the site and noted concerns with sediment entry into the river, the lack of appropriate sediment and erosion controls on site and a network of large “drainage trenches” which appeared to be draining excess groundwater towards the Thames River. The large drainage trenches were never part of any site grading or drainage plans submitted to the UTRCA for review or approval. UTRCA staff required the developer (South Winds Development Co. Inc.), their consulting engineering firm (LDS Consultants Inc.) and multiple contractors/sub-contractors on site to immediately upgrade all sediment and erosion controls on the property to prevent more sediment from reaching the river.

On July 24, 2018, following a large rainfall event, the Municipality of Middlesex Centre advised UTRCA of another sediment spill into the Thames River originating from the Edgewater Estates subdivision site. At this point it was evident that an entire section of the river had filled with sediment (creating a large “delta”) in an area known to contain federally and provincially protected aquatic and terrestrial species at risk. UTRCA staff advised the federal Department of Fisheries and Oceans (DFO) Canada of the magnitude of sediment problems on site. The provincial park land had also accumulated sediment, so the Ministry of Natural Resources and Forestry (MNRF) parks staff were also notified. Changes in work (i.e. deviation from approved plans and UTRCA permit requirements) continued to occur on site without the developer or their engineering firm consulting with the municipality or UTRCA staff before commencement.

A multi-agency meeting occurred (DFO, MECP, MNRF, Municipality and UTRCA) in August of 2018 to discuss next steps with DFO enforcement taking the lead on requiring the developer to remove the “delta” from the river. (At this point we were advised that this was the biggest sediment spill in Canada that year). Workers were on site for many days using vacuum trucks to restore the river.

MECP enforcement eventually laid charges on several groups/individuals (including the developer and their consulting firm) given the impacts to water quality and that sediment smothered habitat for species protected under the *Endangered Species Act*. Charges were also laid under the Ontario *Water Resources Act* and the Ontario *Environmental Protection Act*. A variety of UTRCA staff provided witness statements and documentation and two received summons to testify at the 2023 trial. In the end all parties pled guilty and were ordered to pay fines some of which went to the UTRCA “for the purpose of assisting in the protection or recovery of the Spiny Softshell Turtle” and “the protection or recovery of the Eastern Hog-nosed Snake”.

Details of the charges and fines can be found on the Ontario Court Bulletin:

<https://news.ontario.ca/en/court/1004328/real-estate-development-company-president-consulting-firm-and-ceo-fined-266000-for-environmental-protection-act-ontario-water-resources-act-and-endangered-species-act-violations>

Recommended by:

Jenna Allain, Manager, Environmental Planning and Regulations

Prepared by:

Jessica Schnaithmann, Land Use Regulations Officer

Ben Dafoe, Land Use Regulations Officer

Cari Ramsey, Land Use Regulations Officer

Mike Funk, Land Use Regulations Officer

Dave Griffin, Land Use Regulations Assistant

Richard Brewer, Land Use Regulations Assistant

Karen Winfield, Planning and Regulations Resource Specialist

Section 28 Status Report – Summary of Applications for 2024

Development, Interference with Wetlands and Alterations to Shoreline and Watercourses Regulation Ontario Regulation 157/06

Report Date: March 2024

[Client Service Standards for Conservation Authority Plan and Permit Review \(CO, Dec 2019\)](#)

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
7-24	London	465 Sunningdale Road West	Minor	Development	Proposed Construction of an Accessory Building which Includes Two Washrooms, Storage Area and Servery Room	10-Jan-2024	1-Mar-2024	22-Mar-2024	1-Mar-2024	YES	Schnaithmann
180 B-23	Middlesex Centre	147 Harris Road	Major	Development	Proposed Construction of New Detached Garage/Cabana, Installation of Associated New Septic System, Construction of New Access Driveway	9-Jan-2024	27-Mar-2024	24-Apr-2024	7-Mar-2024	YES	Winfield
28-24	SW Oxford	Robinson Rd & Wilson Rd	Minor	Development	Directional drill of 2-1.5" pipe for fibre optic cable at depth of 1.7m below bottom of watercourse	20-Feb-2024	26-Feb-2024	18-Mar-2024	8-Mar-2024	YES	Brewer

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
23-24	East Zorra Tavistock	845059 Braemar Sd Rd	Routine	Utility Corridor	To install new plastic gas service at 845059 Braemar Sd Rd, Endbridge Gas Inc is proposing to install ~83m of NPS 1 1/4 inch PE natural	30-Jan-2024	8-Mar-2024	22-Mar-2024	11-Mar-2024	YES	Brewer
37-24	EZ Tavistock	McLean Drain	Routine	Municipal Drain	Drain maintenance	1-Mar-2024	1-Mar-2024	15-Mar-2024	13-Mar-2024	YES	Brewer
183-23	Woodstock	Havelock Corners SD Phase 6 (745422 Oxford Rd 17)	Major	Development	Preliminary site grading associated with the Havelock Corners Subdivision development	27-Sep-2023	12-Mar-2024	9-Apr-2024	19-Mar-2024	YES	Dafoe
42-24	West Perth	3844 Road 155	Routine	Restoration/Creation	UTRCA Wetland project	29-Feb-2024	11-Mar-2024	25-Mar-2024	19-Mar-2024	YES	Dafoe
8-24	Middlesex Centre	6625 Egremont Dr	Routine	Development	New Gas Pipeline Service	22-Jan-2024	23-Jan-2024	6-Feb-2024	20-Mar-2024	NO	Ramsey
13-24	London	Wellington Gateway - Phase 3 (696 Wellington Road)	Minor	Municipal Project	Wellington Gateway and Municipal Infrastructure Improvements - Phase 3	7-Feb-2024	19-Mar-2024	9-Apr-2024	21-Mar-2024	YES	Schnaithmann
31-24	London	4143 Colonel Talbot Road	Minor	Utility Corridor	HDD for Enbridge Gas Pipeline Replacement	24-Jan-2024	11-Mar-2024	1-Apr-2024	21-Mar-2024	YES	Griffin
32-24	London	3637 Colonel Talbot Road	Minor	Utility Corridor	HDD for Enbridge Gas Pipeline Replacement	24-Jan-2024	11-Mar-2024	1-Apr-2024	21-Mar-2024	YES	Griffin

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
36-24	SW Oxford	Union Rd	Minor	Utility Corridor	Directional drill of 2-1.5" pipe for fibre optic cable at depth of 1.7m below bottom of watercourse	28-Feb-2024	13-Mar-2024	3-Apr-2024	22-Mar-2024	YES	Brewer
41-24	Middlesex Centre	Lot 15, Con 9	Routine	Utility Corridor	Integrity Dig #4202 - NPS 42 inch Trafalgar natural gas pipeline	5-Mar-2024	14-Mar-2024	28-Mar-2024	26-Mar-2024	YES	Brewer
217-23	London	West Lions Park to Thames River	Minor	Municipal Project	Infrastructure Renewal Program including sewer replacement, channel reconstruction and upgrades to Thames River storm sewer outlet to Thames River	21-Feb-2024	25-Mar-2024	15-Apr-2024	26-Mar-2024	YES	Funk
223-23	Middlesex Centre	22596 Coldstream Rd	Major	Development	Proposed construction of a single-family dwelling, septic system, inground pool and pool house	16-May-2023	19-Mar-2024	16-Apr-2024	28-Mar-2024	YES	Ramsey

To: UTRCA Board of Directors
From: Tracy Annett
Date: March 18, 2024
File Number: BoD-04-24-31
Agenda #: 8.2
Subject: Project Status Updates

Recommendation

THAT the Board of Directors receive the report for information.

Background

To assist the Board with previously discussed items the following status updates are provided. This report is updated and included at each meeting in order to identify project timelines and expected future reports.

Discussion

The table below provides progress and timelines associated with UTRCA projects and the strategies required to fulfil the requirements of O.Reg 686/21, Mandatory Programs and Services Regulation. Planned reports and updates at board meetings may change.

Many of the items provided below are directed by legislative changes, either directly through O.Reg 686/21 or through updated regulations that impact our projects / policy direction (e.g. Section 28 regulations under the CAA). These projects will continue throughout 2024, regular updates will be provided.

Report Back Items	Planned report or update	Project lead(s)	Status
2024 Draft Budget and discussion items (October 2023 meeting Draft Budget provided)	January, provide update on Municipal Feedback February AGM – 2024 Budget Consideration	Teresa Brad Christine Tracy	Complete – Municipal Communications Ongoing - Status of contract discussions with Environment and Climate Change Canada Provided updated numbers in October for the proposed Category 1 deficit and the proposed category 3 levy / cost apportionment. Complete – Communications plan
WCC Building Update	January Will be marked complete in next report	Brent & Mike	Complete - Board Request. To provide an overview of the building now that we have used the space for 10 years, building performance.

Report Back Items	Planned report or update	Project lead(s)	Status
Review of S28 Violations	February Will be marked complete in next report	Jenna	Complete - Review of the 2023 violations at the February 2024 Board of Directors meeting
Children's Safety Village(June 2023)	February – postponed to April	Teresa & Brent	In Progress – Internal Discussions on-going, business plan for use as education / visitors centre and campground registration. Update provided in April Report to BOD.
Strategic Plan	April - postponed to May to align with Watershed Strategy update	Tracy Teresa	In progress – RFP being developed. Timeline to be confirmed once consultant engaged.
Hydro Plant	April	Dan Hyland Chris and Brent	In Progress - Consultant to be engaged to determine potential issues and estimates to resolve the issues. Staff change had delayed the RFP process. Update provided in April Report to BOD.
Reserves Policy	April	Tracy Christine	In Progress Report to F&A – After the 2023 Audit the policy will be shared with the Finance and Audit committee for discussion. Report to the Board to follow
Cyber Security	April	Tracy Christine Chris	In Progress Report to F&A – Staff to prepare a report on the current state of cyber security for the organization and any recommendations to improve to be presented to the Finance and Audit Committee at the April meeting, in-camera. Report to the Board to follow.
Retention Policy	May	Tracy & Michelle	Initiated – updated retention policy to be prepared based on a collaborative CA draft. The CA draft has been legally reviewed.
Wetland Compensation Policy (March 2023 meeting and August 2023)	May	Jenna and Sarah	In progress - Draft Wetland Compensation Policies initiated. Changes to the CAA and CA roles in commenting on natural heritage features have required further examination. Report to be provided once finalized, date to be confirmed.
Section 28	June	Jenna	In Progress - Release of new Regulations

Report Back Items	Planned report or update	Project lead(s)	Status
Regulation Policies (March, 2024)			on Friday February 16th, effective April 1, 2024. Staff will continue to: develop policies and procedures, and undertake consultation with municipalities, partners and development groups., etc.
Land Tenant Program Update (March 2022 meeting, November 2023, March 2024)	September	Brent and Mike	In Progress – Ongoing status of land tenant program, in-camera.

Legislative Requirements	Planned report or update	Project lead(s)	Status
Land Management Strategy (February 2024)	May	Brent Brandon Cathy	In Progress – To be completed by December 31, 2024 Inventory and acquisition and disposition policy are closely linked to this initiative.
Land Inventory (August 2023 meeting and February 2024)	May	Brandon, Phil, Cathy & Brent	In progress – Inventory update was provided in August. To be included with Lands Strategy and a legislative requirement. The Lands Inventory will inform the Lands management strategy and acquisition and disposition strategy. To be completed December 31, 2024
Land Acquisition and Disposition Strategy (February 2024)	May	Brent & Brandon	In progress - Complements the Land Management Strategy and Land Inventory. To be completed December 31, 2024.
Watershed-Based Resource Management Strategy (September 2023 and February 2024)	May	Tara	In Progress – Complements the Strategic Plan. To be completed December 31, 2024.
Operations and Ice Management Plan (November 2023 meeting)	June	Chris	In progress - Compiling background information. To be completed December 31, 2024
UTRCA Asset Management	June	Brent & Christine	In progress - May breakdown into Groups of Assets e.g. Natural Hazard

Legislative Requirements	Planned report or update	Project lead(s)	Status
Plan(January 2024 Policy approved)			Infrastructure, Fleet, Facilities etc. Regular progress reports to support the above Group of Assets as our first priority.
Asset Management Plans related to natural hazard infrastructure (November meeting)	June	Chris	In progress – One component of overall group of assets within the UTRCA’s Asset Management Plan. To be completed December 31, 2024.

Definitions

Progress	Timeline
Not started	indicate project initiation date
In progress	anticipate completion date
Complete	date completed
Overdue	expected completion date and reasons for the delay
On Hold	other circumstances

Summary

The summary provided is intended to help track items requesting report updates to the Board and project updates to meet our legislative requirements. The number of projects underway is significant.

Recommended by:

Tracy Annett, General Manager

To: UTRCA Board of Directors
From: Tracy Annett, General Manager
Date: April 9, 2024
File Number: BoD-04-24-32
Agenda #: 8.3
Subject: Proposed Regulation Minister's Permit and Review Powers ERO #019-8320

Recommendation

THAT the Board of Directors receive the report for information.

Background

On Friday April 5, 2024 the Ministry of Natural Resources and Forestry posted a proposal for a Regulation detailing new [Minister's Permit and Review powers under the Conservation Authorities Act](#), to the Environmental Registry (ERO#019-8320). The attached email correspondence was received Jennifer Keyes, Director of Resources Planning and Development Policy Branch notifying Conservation Authorities of the Posting.

Recently proclaimed provisions in the *Conservation Authorities Act* and associated regulations came into effect on April 1, 2024, including new powers for the Minister to;

- 1) issue an order to prevent a conservation authority from issuing a permit and to take over the permitting process in the place of a conservation authority, and
- 2) review a conservation authority permit decision at the request of the applicant.

The proposed regulation would outline the limited circumstances where these powers would apply to matters of provincial interest and the process for individuals to request the Minister to use the powers.

The commenting period for the ERO posting is between April 5, 2024 and May 6, 2024. Conservation Ontario is coordinating comments and setting up an opportunity to further discuss the regulations with staff.

Recommended by:

Tracy Annett, General Manager

Attachment: Email Correspondence dated April 5, 2024 received from Jennifer Keyes

Received via email April 5, 2024

** This email is being sent on behalf of Jennifer Keyes, Director, Resources Planning and Development Policy Branch **

Good afternoon:

I am writing to you today to notify you of a regulation proposal that is available for public comment on the Environment Registry of Ontario at posting #[019-8320](#).

Sections of the *Conservation Authorities Act* coming into effect on April 1, 2024 include provisions enabling the Minister of Natural Resources and Forestry (the Minister) to i) issue an order to prevent a conservation authority from issuing a permit and decide on a permit application in the place of the conservation authority, and ii) to review a conservation authority permit decision at the request of an applicant.

This proposed regulation would set out the limited circumstances under which the Minister may use these powers as circumstances where the proposed development activity or other activity pertains to specified matters of provincial interest. Additionally, it proposes a transparent process for individuals to request the use of these powers and sets out the information that would be submitted to the Minister as part of such a request.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca.

Sincerely,

Jennifer Keyes
Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry

Ontario 

Taking pride in strengthening Ontario, its places and its people

To: UTRCA Board of Directors
From: Dan Hyland, Supervisor, Water and Erosion Control Structures
Date: April 4th, 2024
File Number: BoD-04-24-33
Agenda #: 8.4
Subject: Hydro Plant Update

Recommendation

It is recommended that the board receive this report for information.

Background

Previous reports were made to the finance and audit committee in May and October of 2020.

Issues with electronic equipment in the WCC, due at least in part to harmonics (fluctuations in the waveforms of alternating current which can affect the performance and reliability of the power system) were identified in the old administration building. Initially, the issue was thought to be in the power feed but more recent experience points to effects of the hydro plant. Assessment has been undertaken at various times in the past, but more recently the impacts on information system equipment in the WCC became a concern to the point of Uninterrupted Power Supplies (UPS) not accepting the incoming power. Due to concerns for damage to electronic equipment in the WCC, the hydro plant was shut down until it could be assessed. Previous assessments were inconclusive and COVID and staffing changes resulted in delays in further testing. The delay allowed for reconsideration of the breadth of assessment and has resulted in work recently being awarded to a local consultant who has experience with other cogeneration facilities.

Update

Staff met with various consultants, contractors and suppliers. Based on these discussions we requested proposals from 3 consultants. Consultants were requested to review background information, provided as part of the RFP, and propose an approach for assessing issues and suggesting solutions. Two proposals were received and the work was awarded to the lower cost proposal (\$27,840 plus tax), which included a more detailed methodology for testing, assessment and possible next steps. It is recognized that depending on the results from the proposed testing additional work should be expected.

Next Steps

It is anticipated that the consultant will be able to complete initial testing in April/May. Depending on the results, additional testing may be warranted. Staff will update the board once the results are known.

Additional improvements such as capacitors to optimize power generation revenues will be assessed. Other improvements might include upgrades to equipment or system programming. Depending on cost estimates, financial cost/benefit analysis may be warranted.

Once the hydro plant is operational we may seek assistance with renegotiating power supply contracts, administration and pursuing additional renewable energy opportunities. In addition to efforts to get Fanshawe Hydro plant producing power again, the feasibility of renewable energy generation on other UTRCA structures (including, but not limited to solar, wind and hydroelectric) will be assessed (pursuant to agenda #: 6.4 from the June 9, 2023 Board Meeting).

With work proceeding on Asset Management, the Fanshawe Hydro Plant will be incorporated into Asset Management plans which will provide further insight into the future of this asset class.

Prepared By

Dan Hyland, Supervisor, Water and Erosion Control Structures

Recommended by:

Chris Tasker, Manager, Water and Information Management

To: UTRCA Board of Directors
From: Brent Verscheure, Manager, Lands, Facilities and Conservation Areas
Date: April 9, 2024
File Number: BoD-04-24-34
Agenda #: 8.5
Subject: Former Children’s Safety Village – Progress Update

Recommendation:

THAT the Board of Directors receive the report for information.

Background

In 2021, the UTRCA concluded a 20-year land lease agreement with the London & Area Children’s Safety Village (hereafter referred to as CSV). YMCA day camps and educational programming continued at the CSV for the 2022 operating season while UTRCA staff worked towards a mutually beneficial arrangement with all partners. The UTRCA accepted official ownership of the CSV in January 2023.

Infrastructure Updates and Improvements

In the Spring of 2023, staff assessed the overall facility’s condition and risk management needs and developed a work plan and schedule for implementation. The target of this plan was to outline the infrastructure requirements for repairs and improvements to restore the aging, vacant building to a baseline where staff could envision and utilize future uses.

Deficiencies outlined in the baseline conditions assessment that were identified as high risk or high operational priority was completed by year end, including several major projects:

- Demolition of 25 small accessory buildings/structures,
- Window replacement and repairs (for several leaking windows),
- Interior walls refinishing and painting,
- Washroom improvements and upgrades,
- Exterior landscaping,

Additional various minor projects included:

- Floor restoration, protection and carpet cleaning,
- Exterior signage,
- Interior light replacement,
- Building system inspections (HVAC, plumbing, electrical, roofing, mechanical, etc.)

Staff continue to undertake day-to-day facility management procedures to declutter, organize and clean in preparation for UTRCA use. Health and Safety-related requirements and updates (fire plans, first-aid stations) have been developed and incorporated.

As we progress through 2024, staff continue to coordinate the use of the facility with the people and work of the organization. This includes maintaining and improving the building's functionality, safety, and efficiency. By adopting a customer-centric approach, we can better meet the needs and expectations of the staff and visitors that use the facility.

Usage

Beginning late in 2022, staff used the facility to host several different community events, including Celebrating Natural Connections (1500 visitors) and the London - Middlesex Children's Water Festival (2000 visitors). The YMCA of Southwestern Ontario continued to rent the facility for its 2023 summer day camp program at Fanshawe CA, using the main building as their programming base. Apportioned revenue from the rental agreements was used to offset the facilities' annual operating expenses.

So far in 2024, UTRCA Community Education staff has welcomed more than 600 grade 3-6 students to the facility. These students are participating in the UTRCA's STEM flooding education program, where students work through a series of hands-on activities, demonstrations, and experiments to investigate the complexities of flooding in our local environment and its impact on the community. In April, another 160 students will be participating in Watershed Report Card and Conservation Education programs based out of the facility, which is ideal for these programs due to its size, multiple large classrooms, and layout.

In 2024, staff have participated in internal planning sessions to continue to develop how the facility will be best utilized and to ensure future uses are aligned with the UTRCA's organizational objectives. Staff foresee future use of the space as a combination of education and partnership programming, an interpretive visitor centre, CA recreational equipment rentals and a rental facility for outside organizations, among other potential environmental programs.

What's My Name?

With consideration of the above-noted short-list of proposed future uses, we have asked staff for input in renaming the former CSV facility and have received several suggestions so far. The final selection will ensure that the name relates to the building use, geographical location as well as the desire to promote a publicly facing and accessible facility that evokes a feeling of inspiring a healthy environment. Staff will announce the official name once it has been confirmed.

Next steps

Planned improvements for 2024 include the installation of fibre optic cable with full integration of information technologies by the fall of 2024. Integration of the building and surrounding site into the Fanshawe CA day use open space strategy is in development.

Community Partnerships and Education staff have applied for several grants (e.g., NSERC - Promo in Science, Environmental Damages - Climate Change Literacy) to equip and enhance the facility. We are actively seeking funding for technology, facility improvements including furnishings and finishes, and grants for energy retrofit opportunities. We intend to use the facility year-round as a central location for learning and community engagement.

Finally, we continue to engage new community partners on the redevelopment and future vision. The facility is becoming an exciting location for delivering Community Partnerships, Community Education, and Conservation Areas programming. It has already proven to be a great opportunity to promote hands-on environmental experiences and conservation messaging, while expanding the outdoor recreation opportunities offered to a larger audience to achieve the organizational targets.

Recommended by:

Brent Verscheure, Manager, Lands, Facilities and Conservation Areas

Teresa Hollingsworth, Manager of Community and Corporate Services

Prepared by:

Michael Knox, Properties Superintendent

Karlee Flear, Coordinator, Community Education

To: UTRCA Board of Directors
From: Brent Verscheure, Manager, Lands Facilities and Conservation Areas
Date: April 9, 2024
File Number: BoD-04-24-35
Agenda #: 8.6
Subject: UTRCA Land Acquisition – Wheeler Tract (Fish Creek Property Donation)

Recommendation

THAT the Board of Directors receive the report for information,

AND THAT the Board of Directors direct staff to develop and implement a communications plan in collaboration with all parties involved in the land acquisition.

Background

Through 2021-2024, Conservation Ontario (CO) has been granted funding through the Canada Nature Fund offered by Environment and Climate Change Canada (ECCC). This program's objective is to deliver on multiple nature-based solutions by securing and protecting ecologically significant properties including wetlands, grasslands, and riparian areas.

Following discussions with Brian and Elizabeth Wheeler regarding the donation of a 34.12 hectare portion of their property along Fish Creek (see Figure 1), UTRCA staff applied for the ECCC funding opportunity early in 2022 to support the land acquisition. In late 2022, UTRCA staff were notified by CO of our successful application and the approval of eligible funds to secure this property.

Update

As resolved during the closed session at the UTRCA Board of Directors meeting on August 29, 2023, the Board directed staff to provide a status update regarding the acquisition of these lands. With the agreement of this property donation now rendered complete, staff have submitted invoice totals to Conservation Ontario and await the transfer of funds to finalize the land acquisition. It should be noted that the funding also covered all UTRCA staff time and expenses associated with the acquisition of the lands. In anticipation of this finalized acquisition, staff are now preparing work plans for passive land management of this parcel in 2024.

Finally, UTRCA staff endeavour to have a draft communications plan to share with the Board and will provide a verbal update during the closed session. Details will include anticipated timelines to work with all parties involved to provide an appropriate media

release to promote our efforts and collaboration to provide restoration, enhance protection and promote environmental stewardship.

Recommended by:

Brent Verscheure, Manager, Lands, Facilities and Conservation Areas

Prepared by:

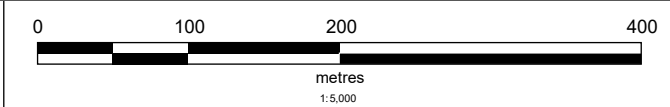
Brandon Williamson, Land Management Coordinator

Legend

- UTRCA Watershed (2017 LiDAR)
- UTRCA Property
- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled



Notes:



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This document is not a Plan of Survey.

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To: UTRCA Board of Directors
From: Michelle Viglianti, Administrative Assistant
Date: April 4, 2024
File Number: BoD-04-24-36
Agenda #: 9.2
Subject: Hearing Committee – March 26, 2024 Outcomes

Recommendation

THAT the Board of Directors receive the report for information.

Background

The Hearing Committee met on March 26th. The full Hearing Committee meeting packages can be found on the [Upper Thames River Conservation Authority Website](#).

Hearing Committee Decisions

March 26, 2024

The following is the decision taken from the March 26, 2024 Hearing Committee minutes, in regard to a request to permit development within a riverine flood hazard associated with a river or stream valley and within an area regulated by the UTRCA at 49 Blackburn Cr. in the Municipality of Middlesex Centre, Komoka:

RESOLVED THAT Application #33-24 for the proposed development within a riverine flood hazard associated with a river or stream valley and area regulated by the Upper Thames River Conservation Authority (UTRCA) at 49 Blackburn Crescent, Municipality of Middlesex Centre (Komoka), Ontario be denied as it is contrary to UTRCA riverine flood hazard policies.

The above decision was made for the following reasons:

According to current elevation information and flood modeling, the flood depths on the property during a Regulatory (1:250 Year) Flood Event would be estimated to range from a depth of 3.5 metres at the rear of the property to approximately 1.5 metres at the front of the property. According to current flood modeling, the road would overtop in a Regulatory Flood event (potentially to a depth of more than a metre), cutting off flood free access to the lot.

Prepared and Recommended by:

Michelle Viglianti, Administrative Assistant