

HEARING COMMITTEE MINUTES
THURSDAY, JANUARY 21st 2021

S.Levin, Authority Chair called the Hearing Committee to order at 1:00 pm over Zoom due to the COVID-19 pandemic.

Members: M.Blosh A.Dale T.Jackson B.Petrie S.Levin - Chair

Regrets:

Staff: T.Annett K.Winfield I.Wilcox C.Ramsey B.Glasman
M.Viglianti – Recorder J.Schnaithmann T.Lozier
M.Shifflet S.Schreiner

Solicitor: G.Inglis

1. Approval of Agenda

Mover: T.Jackson

Secunder: M.Blosh

THAT the Hearing Committee approve the agenda as presented.

Carried.

2. Declaration of Conflict of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. There were none.

3. Minutes of Previous Meeting
August 27, 2019

Mover: B.Petrie

Secunder: A.Dale

THAT the Hearing Committee approve the minutes dated August 27, 2019 with the two typos corrected.

Carried.

4. Business Arising from the Minutes

There was no business arising from the minutes to discuss.

5. Application #195-20
Proposed Replacement Structure in the Floodway
870 O’Loane Avenue, City of Stratford

The Chair presented his opening remarks stating the Committee was to consider an application for the replacement of a structure in the floodplain by Michael and Wendy Holman c/o Stephen Cooper, MTE Consultants at 870 O'Loane Avenue in the City of Stratford.

Jamie Dick from MTE Consultants was in attendance on behalf of the proponents.

J.Schnaithmann presented her report to the Hearing Committee for the proposed reconstruction of one single family dwelling, detached garage and septic system.

Mover: T.Jackson

Secunder: B.Petrie

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.
Carried.

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

K.Winfield introduced those present on behalf of the applicant and landowners:

Brandon Widner	Applicant (consultant), Spriet Associates (London) Limited
Lizet Scott	Applicant, Clerk, Township of Perth South
Scott Richardson	Applicant, Drainage Superintendent, Township of Perth South
Ken Bettles	Applicant, Director of Public Works, Township of Perth South
Councillor Sue Orr	Councillor, Township of Perth South
Glen and Dan Coulthard	Landowners in the catchment
Reg Mathison	Landowner in the catchment
Dora Quast	Landowner in the catchment
Jim Van Nes	Landowner in the catchment
Augustin and Birgit Walch	Landowners in the catchment

Katy Walch

Landowner in the catchment

The Chair moved to sit as a Hearing committee to consider the application by the Township of Perth South, enclosure of Mills Creek (aka the Mills Award Drain) north and south of Perth Line 29 in the Township of Perth South (former Downie Ward), Ontario, application number #27/20. Carried.

The Chair presented his opening remarks, stating a Hearing was being conducted under Section 28 of the Conservation Authorities Act in respect to an Application submitted by the Township of Perth South c/o Spriet Associates (London) Limited – Application #27/20 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 in the headwaters of Mills Creek (aka the Mills Award Drain) north and south of Perth Line 29 in the Township of Perth South (former Downie Ward), Ontario.

K.Winfield presented the staff report to the Hearing Committee.

B.Widner of Spriet Associates Ltd. representing the applicants presented the proponent's report, outlined existing drainage and erosion problems present on the properties in question, and reviewed the project plan to the Hearing Committee. The timeline and correspondence with staff was reviewed, where the proponents raised concerns regarding the short timeline given to create and provide comments, despite the year long delay in proceedings due to the COVID-19 pandemic and repeated requests to view the UTRCA staff report.

The Committee asked questions of UTRCA staff and the proponents regarding their written reports and presentations.

Mover: T.Jackson

Secunder: M.Blosh

THAT the meeting adjourn for 10 minutes.

Carried.

The Chair called the meeting back to order at 4:18pm.

There was a suggestion by the UTRCA solicitor for the Committee to adjourn for a set number of days to allow the UTRCA and applicant to work together and come back with partial solution. Both UTRCA staff and the applicant voiced concerns regarding the suggestion.

The landowners in the meeting were recognized by the Chair and spoke to the conditions found on their individual properties and their reasons for wanting to enclose the portion of drain on their properties.

A Committee member voiced their feeling that the unsolicited advice of the UTRCA solicitor was an interference in the process of a hearing and felt it was not appropriate.

Moved: M.Blosh

Seconded: A.Dale

That the Hearing Committee adjourn to Closed Session – In Camera for deliberation.
Carried.

Progress Reported

After a lengthy discussion, the Committee rose and reported the following decision.

Moved: T.Jackson

Seconded: Brian

That the Hearing Committee defer the decision for 45 calendar days for the parties to make further submissions and will schedule a hearing committee meeting on that basis.
Carried.

Moved: B.Petrie

Seconded: M.Blosh

To adjourn the Hearing for application #27-20.
Carried.

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

The committee agreed to re-schedule the Selection Committee discussion for another day.

8. Adjournment

There being no further business to discuss, the Chair adjourned the meeting at 6:37pm.

HEARING COMMITTEE MINUTES
THURSDAY, March 18 2021

S.Levin, Authority Chair called the Hearing Committee to order at 1:00 pm over Zoom due to the COVID-19 pandemic.

Members: M.Blosh A.Dale T.Jackson B.Petrie S.Levin - Chair

Regrets:

Staff: T.Annett K.Winfield I.Wilcox C.Ramsey B.Glasman
M.Viglianti – Recorder T.Lozier

Solicitor: G.Inglis

1. Approval of Agenda

Mover: T.Jackson

Secunder: M.Blosh

THAT the Hearing Committee approve the agenda as presented.
Carried.

2. Declaration of Conflict of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. There were none.

3. 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

The Chair noted this meeting was a continuation of the Hearing held January 21, 2021 regarding Application #27-20, and as such, the Chair of the Hearing remained unchanged.

The following were present on behalf of the applicant and landowners:

Brandon Widner Applicant (consultant), Spriet Associates (London) Limited

Lizet Scott Applicant, Clerk, Township of Perth South

Scott Richardson Applicant, Drainage Superintendent, Township of Perth South

Ken Bettles	Applicant, Director of Public Works, Township of Perth South
Councillor Sue Orr	Councillor, Township of Perth South
Glen Coulthard	Landowners in the catchment
Reg Mathison	Landowner in the catchment
Jim Van Nes	Landowner in the catchment
Katy Walch	Landowner in the catchment

B.Widner presented the revised proposal, highlighting the changes made from the original proposal presented on January 21, 2021.

K.Winfield presented the staff report to the Hearing Committee.

The Committee asked questions of UTRCA staff and the proponents regarding their written reports and presentations.

While reviewing the proposed conditions listed in the staff report, the applicants informed the Committee of their concern regarding the width of the grass buffer in condition four, feeling that a 10 to 30 meter buffer would not be feasible.

A Committee member raised questions around the consideration of safety and protection of people in considering drain enclosures, given the number of farm accidents involving open drains. They also raised questions and concerns around the definition and use of the term Net Environmental Benefit. It was suggested that section 6.4.2 of the UTRCA Environmental Planning Policy Manual be included in future staff reports to the Hearing Committee when the Hearing relates to the Drainage Act.

The landowners in the meeting were recognized by the Chair and spoke to their feelings and concerns regarding the proposal being considered.

Moved: B.Petrie

Seconded: M.Blosh

That the Hearing Committee adjourn to Closed Session – In Camera for deliberation.

Carried.

Progress Reported

After a period of deliberation, the Committee made the following decision:

Mover: T.Jackson

Secunder: B.Petrie

THAT the Committee approve the proposal (March 18, 2021) with conditions.
Carried.

Conditions:

- 1) That following detail design and staff receipt of the final Drain Report a UTRCA Section 28 *Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* permit be obtained prior to commencing the work. This permit will include all our standard conditions for construction works in and around water;
- 2) That the WASCoBs be designed and sized in accordance with current OMAFRA design standards and all of these details be clearly outlined in the final Drain Report;
- 3) That a grassed waterway north of line 29 be designed over the main drain and sized in accordance with current OMAFRA design standards and to (at a minimum) the slope and size criteria previously provided to the UTRCA (in an e-mail from B. Widner of Spriet Associates London Ltd. dated January 16, 2020) and all of these details be clearly outlined in the final Drain Report;
- 4) That a grass buffer with a minimum of 3 meters be included along both sides of the remaining open portion of the watercourse in accordance with Agriculture Canada and OMAFRA guidelines as noted above and that these grassed buffer widths be clearly outlined as requirements in the final Drain Report;
- 5) That the final Drain Report confirm that all future drain maintenance access on the remaining open portion of the watercourse be on the east side of the drain in order to preserve trees/shrubs on the west (shade producing) side of the watercourse.
- 6) That the stilling basin and pools and riffles shown in the drawing included in the March 18, 2021 Hearing Committee agenda be included as a condition of the permit and included in the final Drain Report.

4. Adjournment

There being no further business to discuss, B.Petrie moved to adjourn the meeting at 4:22pm.



Tracy Annet
General Manager
/mv