

"Inspiring a Healthy Environment"

March 15, 2021

Attn: Marion Cabral
County of Middlesex
399 Ridout Street North
London, ON N6A 2P1

Dear Ms. Cabral:

RE: Applications to Amend the Official Plan Zoning By-law for Proposed Maes Pit
Location: 9548 and 9584 Glendon Drive, Part of Lots 1 and 2, Concession 2, Municipality of Middlesex-Centre, County of Middlesex

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2020)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject lands are located within a vulnerable area.

These advisory comments are being provided to the Municipality, the County, and the applicant to communicate information related to natural hazards, natural heritage, and natural resources on and adjacent to the subject lands, and are intended to provide information that does not duplicate the review and approval process for *Aggregate Resources Act (ARA)* applications, as required by Section 28 (11) of the *Conservation Authorities Act*.

PROPOSAL & BACKGROUND

The applicant has submitted Official Plan and Zoning By-law Amendment applications to the Municipality of Middlesex Centre to rezone the subject lands to permit aggregate extraction. This application includes a submission to the Ministry of Natural Resources and Forestry (MNR) to ensure the operation is appropriately licensed under the ARA for a Category 1, Class A licence below the water table. The area proposed to be licensed and rezoned is 24.7 ha (61 ac), with 21.3 ha (52.6 ac) proposed for extraction.

The UTRCA acknowledges receipt, and has undertaken a review of the following documentation submitted for this application:

- Planning Report prepared by Esher Planning Inc., dated September 2020;
- Summary Report prepared by WM Bradshaw, dated October 2017;
- Hydrogeological Assessment prepared by NovaTerra, dated May 2017;
- Natural Environment Report prepared by BioLogic., dated November 2017; and,
- Site Plans prepared by WM Bradshaw, not dated.

The UTRCA has provided comments on the technical reports through the review of the *Aggregate Resources Act* process. These comments focused on the Natural Environment Report and Hydrogeological Assessment to determine impacts to adjacent natural hazard and natural heritage features. A final response was not provided to the UTRCA's third set of comments relating to initiation of extraction area and monitoring.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of Local and Provincially Significant Wetlands and their surrounding area of interference, along with an adjacent watercourse known as the Crow Creek Drain/Komoka Creek.

Typically, the UTRCA has jurisdiction over these lands and landowners are required to obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland. As per Section 28 (11) of the *Conservation Authorities Act*, written approval from the UTRCA is not required for applications under the ARA. These comments are to inform and advise the Municipality and County of any potential concerns relating to the natural hazard and natural heritage features.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

The policy which is applicable to the subject lands includes:

2.2.4 Natural Hazard Features

An allowance of 15 metres has been added to the Riverine Hazard Limit for the purpose of maintaining sufficient access for emergencies, maintenance and construction activities. The allowance provides for an extra factor of safety providing protection against unforeseen conditions that may affect the land located adjacent to a natural hazard area. When undertaking work on the subject lands, the relocation/re-alignment of any natural hazard features cannot negatively impact neighbouring property owners.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

3.3.3 Woodland Policies

The woodlands located on the subject property and adjacent to the subject property have been identified as Significant in the Middlesex Natural Heritage Study (2003) as well as in the updated Middlesex Natural Heritage Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (see note below) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

COMMENTS & RECOMMENDATION

As indicated the subject lands and adjacent lands contain natural hazard and natural heritage features in the form of locally and Provincially Significant Wetland and a cold water creek. The UTRCA has undertaken a review of the associated technical reports through the *Aggregate Resources Act* application and is generally satisfied with the information that has been provided. The UTRCA previously requested that extraction be initiated from the west to monitor potential impacts on the adjacent features. As this has not been accommodated, we request implementation of the following:

1. Install a hobo data logger within the stream, at SG1, annually from April to November recording temperatures once an hour. This data shall be used to calculate thermal regime and track stream temperatures. This monitoring shall continue until below water extraction has ceased.
2. Provide further information on the mitigative measures that will be undertake should an increase in stream temperature occur as a result of increasing pond or groundwater temperatures. Hydrogeological recommendation #11 states that a 5 degrees Celsius change will be the trigger point for such analysis. Can this change be reversed through action by the pit operator? Please provide additional information.

Generally, the UTRCA has no objections to the Official Plan or Zoning By-law Amendment application, however we request that aforementioned comments be implemented to ensure long term protection of the surrounding features.

REVIEW FEE

The UTRCA is authorized to collect fee for the review of applications submitted under the *Planning Act*. Our review fee for these applications is \$1,125. The applicant will be invoiced under separate cover.

Thank you for the opportunity to comment.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Stefanie Pratt
Land Use Planner

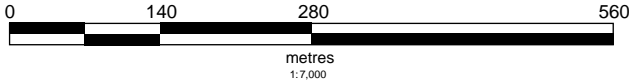
Enclosure: UTRCA Regulation Limit Mapping (please print on legal paper for accurate scales)



Notes:
9548 and 9584 Glendon Drive, Komoka

Created By: SP May 30, 2018

* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



Regulation Limit

Regulation under s.28 of the *Conservation Authorities Act*
Development, interference with wetlands, and alterations
to shorelines and watercourses. O.Reg 157/06, 97/04.

Legend

- UTRCA Watershed (1:10K)
- Assessment Parcel (MPAC)
- Watercourse
 - Open
 - Tiled
- Middlesex NHSS Woodland (2014)
 - Candidate for Ecologically Important
 - Ecologically Important
 - Significant Ecologically Important
- Wetlands (MNR)
 - Evaluated-Provincial
 - Evaluated-Other
 - Not Evaluated
- Wetland Hazard
- Flooding Hazard
- Erosion Hazard
- Regulation Limit 2015

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. In the case of discrepancies between the mapping and the actual features on a property, the text of Ontario Regulation 157/06 prevails and the jurisdiction of the UTRCA may extend beyond areas shown on the maps.

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This document is not a Plan of Survey.

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UPPER THAMES RIVER

CONSERVATION AUTHORITY

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