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September 6, 2019

Ms. Laura Moy, Clerk
Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario, N8N 1W9

Dear Ms. Moy:

RE: Application for Official Plan Amendment and Zoning By-Law Amendment [D19 BRIDAY]
12433 Dillon Drive
ARN 374412000002400; PIN: 752610053 752610062 752610084
Applicant: Briday Victoria Development Corporation

The following is provided as a result of our review of the Notice of Public Meeting to Consider proposed Official Plan Amendment and Zoning By-Law Amendment [D19 BRIDAY]. The purpose of the applications are to (1) re-designate the subject land to a residential designation and (2) to change the zoning of the subject lands from Community Facility Zone and Residential Zone 1 to a site-specific Residential Zone 3.

Staff have received and reviewed the following documents submitted with this application:

1. Traffic Impact Study prepared by RC Spencer Associates Inc. dated may 2019
2. Concept Plan prepared by Zelinka Priamo Ltd., dated April 2019
3. Planning Justification and Design Report, Briday Victoria Development Corporation prepared by Zelinka Priamo Ltd., dated June 2019
4. Proposed Victoria of the Lake Development Design Brief, prepared by Odan Detech Consulting Engineers, dated June 26, 2019
5. Servicing Plan, Grading Plan and Sections drawings, prepared by Odan Detech Consulting Engineers, dated June 2019

Staff have reviewed this application as per our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement and as a regulatory authority under Ontario Regulation 158/06. ERCA provides these comments as per our Conservation Authority Board approved policies.

Site characteristics:

Existing mapping indicates that the subject property is subject to the 1:100 year extent of flooding associated with Lake St. Clair. This County of Essex Official Plan reflects this area as being subject to the Lake St. Clair Flood Prone Area (Schedule C1) along with associated Flooding and Erosion (Natural Hazards) policies as outlined in section 2.4 and more specifically, section 2.4.1. The 1:100 year flooding elevation at this location is

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176.400 m GSC based on existing shoreline floodplain hazard mapping.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Lake St. Clair.

The subject lands are also located within the floodprone area of Lake St. Clair. The 1:100 year flood level elevation at this location and along the municipal roads surrounding the proposed development is significant. In particular, the concern is with respect to the depths of water across the road during a flooding event and the concern surrounding public health and safety. The respective policies within the PPS that must be addressed by the subject applications for re-designation and rezoning include the following:

3.1.1 Development shall generally be directed to areas outside of:

a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;

...

3.1.2 *Development* and *site alteration* shall not be permitted within:

...

c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and

...

3.1.6 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.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may



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be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

In summary, the PPS discourages development within areas subject to significant natural hazards. The PPS outlines a series of tests that need to be addressed to permit development to proceed in areas that are subject to specific types of natural hazards. These tests are detailed in the Technical Guide for River and Stream Systems: Flooding Hazard Limit published by the Ministry of Natural Resources, which support the Natural Hazard Policies of the PPS (MNR, 2002). The specific method that a particular development application can be supported must take into account the above policies and reflect how the effects and risk to public safety can be appropriately mitigated (e.g., 3.1.7 a) subject to applicable floodproofing standards and access standards).

ERCA will continue to work with the Town of Tecumseh to ensure the application can address the requisite tests of the PPS and of the Technical Guide to address the proposed development within the identified portions of hazardous lands of this property. The work that the Town of Tecumseh has completed to date and as identified on its website "Lake Flooding" (<https://www.tecumseh.ca/en/living-here/lake-flooding.aspx>) recognizes that areas within the Town of Tecumseh subject to flooding during a lake induced flooding event. The subject lands are located within one of the provided images (e.g., Sheet 1 Gauthier to Lacasse). The Town of Tecumseh has indicated that additional work on the emergency response plan to address these areas along the municipal roads to satisfy the intent of the PPS policies. ERCA supports this approach to mitigate the effects of flooding at this location from a natural hazards perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development on this site. We recommend that stormwater quality



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and stormwater quantity for the subject site conform to the Windsor-Essex Region Stormwater Management Standards Manual. We understand that the subject application was accompanied by a Design Brief prepared by the Odan/Detech group. The additional information about the areas of flooding inundation from the "Lake Flooding" study completed by the Town of Tecumseh may not be appropriately considered in the Design Brief. We request the opportunity to review the Design Brief in consultation with the Town of Tecumseh staff to ensure the design parameters are in acceptance to the regional standards.

FINAL RECOMMENDATION

We wish to continue to work with the Town of Tecumseh to ensure that the supporting information is available to address natural hazards issues associated with this development. Ongoing work between staff from our office and staff from the Town of Tecumseh to identify appropriate means to address safe access and associated natural hazard concerns to provincial standards will be required in advance of this development proceeding.

Given the above comments, it is the opinion of the Essex Region Conservation Authority that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated. Additional work is required as outlined in comments above.
2. Ontario Regulation 158/06 does apply to the subject site and a permit from ERCA will be required prior to any development taking place.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn

