

May 26, 2017

Town of St. Marys  
175 Queen Street East  
P.O. Box 998  
St. Marys. Ontario      N4X 1B6

**Attention: Susan Luckhardt, Planning Coordinator, (via e-mail [sluckhardt@town.stmarys.on.ca](mailto:sluckhardt@town.stmarys.on.ca))**

Dear Ms. Luckhardt,

**Re:                    Applications for Official Plan Amendment, Zoning By-law Amendment & Consent:  
                         B04-2017; B05-2017; B06-2017  
                         Owners: Margaret McMillan Baird (Bairds of Strathaven Inc.)  
                         Agents: Dave Hanly & Janet Baird-Jackson  
                         Property: 825 & 895 Queen St. East in the Town of St. Marys**

---

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within 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 (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments:

### **PROPOSAL**

The purpose of the application for Official Plan Amendment is to request a change to the land use designation of the lands on which two single-detached dwellings are currently located. The two single-detached dwellings are to remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The proposed retained lands are to remain in the "Highway Commercial" designation.

The purpose of the Zoning By-law Amendment application is to request that the zoning of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.

The purpose of the applications for Consent is to sever the existing residential dwelling uses from the balance of the lands. The three (3) consent applications will result in The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres along Queen St. East, a frontage of 185.32 metres on Road 120, and an area of 4.7 hectares.

### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject property (retained lands) is affected by the Authority's Regulation Limit which includes the riverine flooding and erosion hazards associated with the Sheldon Drain/Trout Creek. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any development or site alteration in the regulated area which includes filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### **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 policies which are applicable to the subject lands include:

#### ***3.2.2 General Natural Hazard Policies***

These policies direct new development, and site alteration, away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. Furthermore, the Authority does not support the fragmentation of hazard lands through lot creation. This policy is consistent with the Provincial Policy Statement (PPS, 2014) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

#### ***3.2.3 Riverine Flooding Hazard Policies***

These policies address matters such as the provision of detailed flood plain mapping, uses that may be permitted in the flood plain, one & two zone flood plain policy areas as well as special policy areas.

#### ***3.2.4 Riverine Erosion Hazard Policies***

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

Given that the applications (OPA, ZBA & Consents) do not propose the further fragmentation of hazard lands, the foregoing, at this time, is being provided for information purposes only.

### **DRINKING WATER SOURCE PROTECTION**

#### **Clean Water Act**

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject property is within identified as being within a vulnerable area. Mapping which shows these areas is available at: [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

***Provincial Policy Statement (PPS, 2014):***

**Section 2.2.1** requires that:

*“Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*

**Section 2.2.2** requires that:

*“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

- We would remind the Town that a Section 59 Screening Form is required to be submitted as part of these applications. Please complete and submit the form for our review at your earliest convenience.

**RECOMMENDATION**

At this time, given that fragmentation of hazard lands is not being proposed, nor is any development being proposed within the Regulated area at this time, the UTRCA has no objection to the subject applications (OPA, ZBA & Consents) affecting property municipally known as 825 & 895 Queen St. East, St. Marys. The foregoing comments are provided for the information of the applicant/agent, owner(s) the Planning Advisory Committee, Land Division Committee, Council and the Planning Department.

**UTRCA REVIEW FEES**

In June 2006, the UTRCA’s Board of Directors approved the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority*. This manual authorizes Authority Staff to collect fees for the review of Planning Act applications including applications for Official Plan Amendment, Zoning By-law Amendment & Consent (\$200.00 each). When applications are submitted concurrently, the fees will be reduced by 50%. The total fee for our review of these applications is \$600.00 (\$200.00 + 50% of \$800.00). An invoice will be sent directly to the applicant under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.

UTRCA Comments  
OPA, ZBA & B04-2017, B05-2017 & B06-2017  
825 & 895 Queen St East., St. Marys  
Bairds of Strathaven Inc./Hanly & Baird-Jackson

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY

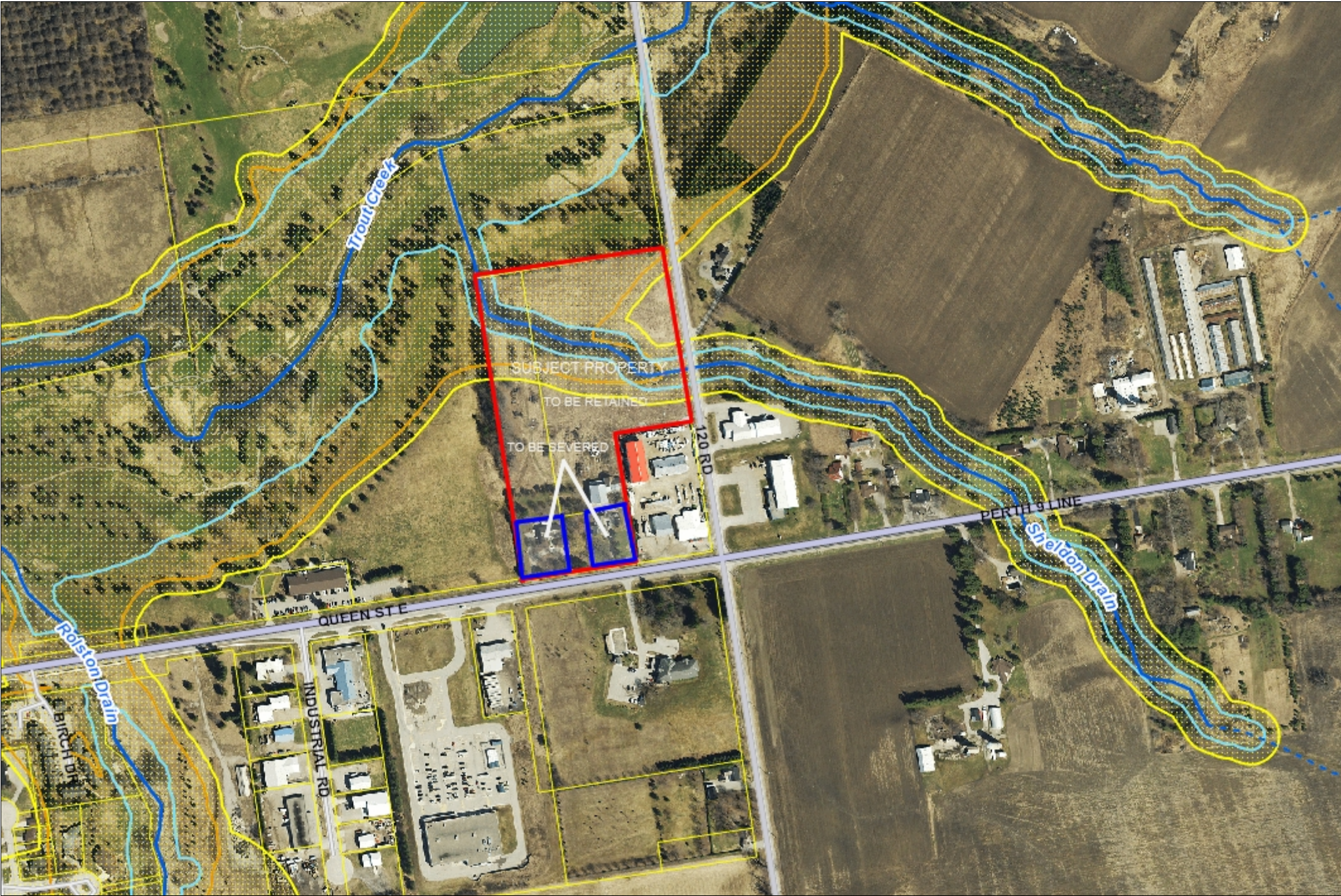


Spencer McDonald  
Land Use Planner  
SM/sm

c.c. Dave Hanly, Planner/Agent (via email: [ctkelly@rogers.com](mailto:ctkelly@rogers.com))  
Mark Stone, Planner (via email: [mark@mlsplanning.ca](mailto:mark@mlsplanning.ca))

Enclosure: UTRCA Regulation limit mapping (please print on legal sized paper for the scales to be accurate)





Notes:  
825 & 895 Queen St E. St. Marys (B04-06/17)

Created By: SM    May 25, 2017

\* 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 (St. Marys)
- Watercourse
  - Open
  - Tiled
- 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. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.

The UTRCA disclaims explicitly any warranty, representation or guarantee as to the content, sequence, accuracy, timeliness, fitness for a particular purpose, merchantability or completeness of any of the data depicted and provided herein.

The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

This document is not a Plan of Survey.

Sources: Base data, 2010 Aerial Photography used under licence with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

UPPER THAMES RIVER  
CONSERVATION AUTHORITY  
Copyright ©2017 UTRCA.