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Planning File No: PL#2021-0017

January 8, 2024

Municipality of Lambton Shores  
9577 Port Franks Road, R.R. #1  
Thedford, ON N0M 2N0

**Attention: Stephanie Troyer-Boyd, Clerk**

Dear Ms. Troyer-Boyd:

**Re: Application for Zoning By-law Amendment – Z07-2023  
113 Clyde Street, Forest  
Lot 30, Concession 14, Geographic Township of Plympton,  
Municipality of Lambton Shores  
Applicant: Gold Leaf Properties Inc. (Agent: Strik Baldinelli Moniz Ltd.)**

St. Clair Region Conservation Authority (SCRCA) staff reviewed the above noted application for zoning by-law amendment.

### Site Characteristics

The subject property is designated Residential, Significant Woodlot, and General Regulation Area on Schedule "A6" and Schedule "A6" – Natural Heritage of the Municipality of Lambton Shores Official Plan. The subject property is zoned Residential-1 Exception 6 (R1-6) and Environmental Protection-Hazard (EP-H) on Schedule "A-8" of the Municipality of Lambton Shores Zoning By-law 1 of 2003.

The zoning by-law amendment application proposes to change the existing Residential-1 Exception 6 (R1-6) zone to a site-specific Residential-3 (R3) zone to facilitate the development of townhouses (19 units) and to permit a 7.0 metre minimum rear yard. The portion of the lot closest to the creek top of bank will remain in the Environmental Protection-Hazard (EP-H) zone.

### Recommendations

SCRCA has no concerns with the proposed zoning by-law amendment. A site-specific assessment (geotechnical study) was completed to assess the stability of the slope and to determine a suitable erosion hazard limit. SCRCA is satisfied with the findings and recommendations of the geotechnical report. The SCRCA is supportive of the Environmental Protection-Hazard zone remaining on the property.

Written permission from the Conservation Authority under Ontario Regulation 171/06 will be required for any future development and/or site alteration in the regulated area.

### **Documents Reviewed by Staff**

Staff have reviewed the following documents:

- Geotechnical Investigation, prepared by ASF Associates Inc., dated June 2, 2022.

### **DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS**

#### **Provincial Policy Statement Section 3.1 - Natural Hazards**

SCRCA staff provide the following comments as part of SCRCA's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement (PPS), 2020*.

A portion of the subject property is located within the flooding and erosion hazards associated with Hickory Creek. The PPS generally directs development outside of hazardous lands adjacent to river and stream systems which are impacted by flooding and erosion hazards. The PPS defines development as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*.

In support of the development, the applicant retained ASF Associates Inc. to complete a geotechnical assessment of the slope of Hickory Creek to determine a site-specific erosion hazard limit. The erosion hazard limit was determined to include a toe erosion allowance of 5 metres and a stable slope allowance of 2.3:1 (2.3 horizontal to 1 vertical) based on the height of the bank (10 metres). An erosion access allowance was not included in this setback. The SCRCA recommends that a 6-metre erosion access allowance is included on top of the above setback for a total setback of 34 metres from the toe of the slope. It is our understanding that there will not be any development, aside from stormwater management outlet and walkways/trails, within the 30 m drip line offset. This would incorporate the 6-metre erosion access allowance. The SCRCA is satisfied if all development is located outside of the 30 m dripline offset. The erosion hazard limit should be revised to include the 6-metre erosion access allowance as outlined above. The Environmental Protection-Hazard zone should reflect the erosion hazard limit as a minimum. It is our understanding that Environmental Protection-Hazard zone will remain in place. Therefore, the SCRCA is satisfied that the erosion hazard of Hickory Creek has been appropriately addressed.

Within the Scoped Environmental Impact Study, discussion regarding the long-term maintenance of the buffer zone suggests that it should be maintained in a naturalized vegetation and erosion and sediment control fencing should be installed along the buffer limit to prevent further encroachment. SCRCA is supportive of these recommendations. Should a trail be considered within the buffer zone in the future, the trail should be located as far as possible from the top of bank of the watercourse, and should be constructed of a relatively permeable material (i.e. gravel).

The transitional areas along Hickory Creek and within the 30-meter buffer has been proposed to be used to accommodate some of the stormwater management for the proposed development. SCRCA recommends that the existing vegetation be maintained to the maximum extent possible, as discussed above. Sediment and erosion control measures should be implemented during construction to minimize impacts to Hickory Creek.

**St. Clair Region Conservation Authority - Ontario Regulation 171/06**

SCRCA staff provide the following comments as part of SCRCA's Regulatory Authority under Ontario Regulation 171/06 "*Development, Interference with Wetlands and Alterations to Shoreline and Watercourses*" made under Section 28 of the *Conservation Authorities Act*.

The subject property has been identified as being regulated under Ontario Regulation 171/06. The policies of the Authority regulate development including: construction/reconstruction of a structure; placement or removal of fill; regrading; altering a watercourse; altering/developing a shoreline; or interfering with the function of a wetland. Written approval from this Authority will be required in order to undertake any of these activities within the regulated area.

Please be aware that the extent of the Regulation Limit as shown on the attached map is an approximation based on the available information. Please refer to Ontario Regulation 171/06 for a full description of the Regulation Limit.

Hickory Creek is a regulated watercourse on the subject property. Therefore, any proposed stormwater management outlet to the watercourse will require permission under Ontario Regulation 171/06 prior to undertaking any works. Please contact the Authority at [planning@scrca.on.ca](mailto:planning@scrca.on.ca) for a full list of permit application requirements.

**ADVISORY COMMENTS**

**Thames-Sydenham and Region Source Protection Plan**

As per Authority Board direction, we also provide the following information as part of our "disclosure service". The Thames-Sydenham and Region Source Protection Plan has been approved and is designed to identify and help address drinking water source protection concerns. The Approved Plan, supporting documents and relevant maps are available at: <http://www.sourcewaterprotection.on.ca>. The subject property has been identified as being within a vulnerable area or an area where drinking water threat policies apply. These policies have been developed with the intent to reduce risks posed by identified water quality and quantity threats. These approved policies are also available on the website.

## **SUMMARY**

Given the above comments, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any future development taking place within the regulated area; and
3. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Thank you for the opportunity to comment. We respectfully request to receive a copy of the decision and notice of any appeals filed.

If you have further questions, please do not hesitate to contact the undersigned.

Sincerely,



Melissa Deisley  
Director of Planning and Regulations

Encl. Map

cc: Will Nywening, Senior Planner, Lambton Shores

