

*"Inspiring a Healthy Environment"*

August 25, 2016

City of London – Planning Services  
P.O. Box 5035  
London, Ontario N6A 4L9

**Attention: Mike Corby** (sent via e-mail)

Dear Mr. Corby:

**Re: File No. Z-8659 – Application to Amend the Zoning By-Law**  
**Applicant: Drewlo Holdings Inc.**  
**661 & 667 Talbot Street, London, Ontario**

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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 (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in 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.

### **PROPOSAL**

A 16 storey, 236 unit residential apartment building is proposed for the subject lands.

### **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 riverine flooding and erosion hazards associated with the Thames River. The UTRCA has jurisdiction over these lands and landowners may be 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.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:  
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

#### ***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. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy (PPS) 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, flood plain planning approach (one zone vs. two zones), and uses that may be allowed in the flood plain including the flood fringe subject to satisfying the UTRCA's Section 28 permit requirements.

### **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.

### **Geotechnical Study**

The Upper Thames River Conservation Authority has reviewed a series of geotechnical submissions to support the proposed development. On July 17, 2013, UTRCA staff met with the applicant and their geotechnical consultant to review the Conservation Authority's most recent concerns regarding *Slope Stability Evaluation for 661 and 667 Talbot Street London, Ontario* dated June 3, 2013 prepared by Law Engineering. This evaluation was completed for a 14 storey, 158 unit apartment residence. At that meeting, the UTRCA agreed to grant a policy exception to permit the proposed development to encroach into the erosion access allowance by 1.5 metres at the 3 locations as shown on the drawing which accompanied the geotechnical report - *Enclosure 1 Drawing A1 – Site Plan Proposal - 661, 667 Talbot Street Proposed Residence Talbot Complex 2011 London, Ontario* dated June 25, 2011 revised May 6, 2013 prepared by R. Tome & Associate stamped June 3/13 by J. C-Y Law Professional Engineer. This drawing showed three encroachments into the erosion access allowance – a small corner of the north parking lot (adjacent to space 9), a corner of the Landscaped Amenity Space and a portion of the parking garage ramp. The UTRCA advised that our Section 28 permit process would be tied to a 4.5 metre erosion access allowance as shown on Drawing A1 noted above.

Subsequently, the UTRCA received *Reply to UTRCA Comments Slope Stability Evaluation for 661 and 667 Talbot Street London, Ontario* dated July 26, 2013 prepared by Law Engineering which included Drawing A1 – *Site Plan Proposal - 661, 667 Talbot Street Proposed Residence Talbot Complex 2011 London, Ontario* dated June 25, 2011 revised May 6, 2013 prepared by R. Tome & Associate stamped July 26/13 by J. C-Y Law Professional Engineer and additional cross sections were provided on October 15, 2013. The UTRCA accepted these submissions and the configuration of the proposed development shall be in conformity therewith.

## **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 lands are 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/>

### **RECOMMENDATION**

As indicated, the UTRCA granted a policy exception whereby the proposed development was permitted to encroach 1.5 metres into the erosion access allowance as shown on Drawing *A1 – Site Plan Proposal - 661, 667 Talbot Street Proposed Residence Talbot Complex 2011 London, Ontario* dated June 25, 2011 revised May 6, 2013 prepared by R. Tome & Associate stamped July 26/13 by J. C-Y Law Professional Engineer. We have reviewed the most recent version of *Drawing A1 – Site Plan Proposal - 661, 667 Talbot Street Proposed Residence Talbot Complex 2011 London, Ontario* prepared by and stamped by William Haas Consultants Inc on May 9, 2016. It appears that the encroachment of the proposed development exceeds the policy exception which was granted by the UTRCA and we seek clarification from the applicant. Accordingly, the Conservation Authority requests that the application be deferred until this matter has been resolved.

### **MUNICIPAL PLAN REVIEW FEE**

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review is \$200.00 and will be invoiced under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton  
Land Use Planner  
CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. Sent via email  
Applicant – Drewlo Holdings Inc.  
UTRCA – Tracy Annett – Manager, Environmental Planning & Regulations and Mark Snowsell - Land Use Regulations Officer