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August 10, 2022

Mr. Aaron Hair
Division Leader – Community Planning
Municipality of Lakeshore
Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Aaron Hair:

RE: Consent Application: B-14-2022
(1469 ERCA Mapping) 1477 COUNTY 22 RD & Rourke Line
ARN 375118000038100; PIN: 750311531
Applicant: MGVS Developments Inc.

The following is provided, as a result of our review of Consent Application B-14-2022.

The applicant has requested a lot severance of approximately 2.39 ha (5.9 acres), with 93.6 m frontage on Girard Dr. and 20.2 m frontage on Rourke Line Road and proposes to construct an elementary school on the site.

It appears from the ERCA mapping, that the *Clean Water Agency*, still owns part of Block 14, for a buffer from the treatment plant across the road (*unclear if this buffer is still needed and or can be purchased by the adjacent landowner, to create a lot or block for a future stormwater management pond*).

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

The following comments reflect our role as representing the provincial interest in natural hazards, as outlined 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 Browns Creek Drain and Lake St. Clair.

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority, prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The ERCA hazard information for this site and the Lakeshore Shoreline Management Plan, confirm, the subject property is within an identified hazard land (*i.e. floodplain*).

With regard to the provision of safe access at this location, we note that the low lying nature of the existing roadways in this area (*i.e. Rourke Line and Girard Drive*) may result in excess water over the

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roads, during a 1:100 year flood event. The municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 b) of the *Provincial Policy Statement* (2020).

"Development" according to the 2020 PPS: *"means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act."*

Section 3.1.2 c) of the PPS states, development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- 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
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Further, Section 3.1.5 a) of the 2020 PPS states:

3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Further, Section 3.1.7 of the PPS states:

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

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As the proposal includes institutional development (i.e. elementary school), there is a requirement to achieve “dry access” during the 1:100 year event, for the purposes of emergency responses, during times of flooding. The ERCA, has asked previously, for further information from the developer and their consultant, including proposed entrance locations, existing grades in the area etc. for both the Municipality and the ERCA, to make the appropriate informed decision regarding the “dry access” requirement for the proposed elementary school. The submitted plans for the proposed lot creations, do not indicate proposed driveway and / or emergency access(s) points. No concept plan has been submitted to the ERCA to support the consent application.

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 PPS, 2020 - Stormwater Management

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

We recommend that the municipality ensure through the Site Plan Control process and the Plan of Subdivision approval process, that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the *Stormwater Management Planning and Guidance Manual*, prepared by the Ministry of the Environment (MOE, March 2003) and the *Windsor-Essex Region Stormwater Management Standards Manual*.

The ERCA has not reviewed the proposed stormwater management solution for this proposed lot creation and for the rest of the retained land, through either the site plan control process or the plan of subdivision process and feels the consent application maybe premature at this time. In addition, a regional stormwater management pond is proposed for the entire mixed use development on Block 14 and it appears from the ERCA mapping system that the *Clean Water Agency* still owns part of Block 14 for a buffer from the treatment plant across the road.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015.

The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water.



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The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext. 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION – Deferral

The property owner will be required to obtain a *Permit and / or Clearance* from the Essex Region Conservation Authority, prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*, prior to a Building Permit being issued by the Municipality for the proposed elementary school.

Therefore, it is strongly recommended, that this consent application, be deferred, by the Committee of Adjustment, until the provision of "*dry access*" for the proposed elementary school, can be confirmed / assessed by the Municipality and the proposed stormwater management scheme for this area, has been approved by the ERCA, at least "*in principle*", to proceed with a decision on the consent application.

We noted in our previous correspondence on the re-zoning application for this area, that we would comment further on the provision "*safe ingress and egress*" to the mixed use development, including the provision of "*dry access*" for the proposed school site, during the site plan control / plan of subdivision agency planning review process. At which time, more details maybe provided to the ERCA, in order to satisfy Section 3.1 *Natural Hazards of the 2020 PPS* and Section 28 of the *Conservation Authorities Act* for safe access / dry access. The stormwater management scheme for this area would be reviewed at this time as well. However, the proponent and the Municipality, have elected to proceed by way of a consent application, rather than a plan of subdivision / site plan application, at this time, which would have provided an opportunity for the entire site to be reviewed comprehensively, to better address safe access / dry access and stormwater management concerns.

We are formally requesting a **Deferral** of this consent application. Please provide a copy of the Decision for our records.



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

Sincerely,



Kim Darroch, B.A.(Hons.), M.PL., RPP, MCIP
Team Lead, Planning Services