

June 23, 2023

VIA EMAIL: planning@oliverpaipoonge.on.ca

Wayne Hanchard
Chief Administrative Officer/Clerk
Municipality of Oliver Paipoonge
3250 Highway 130
Rosslyn, Ontario P7K 0B1

Dear Mr. Hanchard,

**Re: Subdivision 2-2022 - 1974862 Ont. Ltd
PLAN 683 LOT 8 9 19 TO 21 PT ST CLD & CON 1 & 2 N/R PT LOT 8 9 10 AND RP 55R1268
PARTS 1 TO 3 5**

Lakehead Region Conservation Authority (LRCA) staff have reviewed the above-noted application regarding the proposal to develop a 17 lot, 2 block subdivision over lands which are comprised of PLAN 683 LOT 8 9 19 TO 21 PT ST CLD & CON 1 & 2 N/R PT LOT 8 9 10 AND RP 55R1268 PARTS 1 TO 3 5. The primary access for this subdivision is off Vibert Road, with Lots 11-17 proposed to be accessed off of the Cooper Road extension associated with the easterly subdivision application.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents as part of this application:

- Vibert Road Environmental Impact Statement (EIS), North Rock Engineering - Project No. E22-010-01, 2022
- Subsurface Investigation and Remediation Program, Project No. 18-059-01, 2018

It is noted that the North Rock Engineering EIS report does not reference or use the most up to date Official Plan Schedule "B", specifically the Environmental Protection designation is out of date and does not represent the current Pennock Creek Floodplain or wetland layer. Additionally, the floodplain and wetland layers depicted within Appendix C (Setback and Floodplain Location Map) is incorrect.

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 (PPS, 2020), as a regulatory authority under Ontario Regulation 180/06 and related to policy applicability and to assist with implementation of the Lakehead Source Protection Plan under the *Clean Water Act*.

Recommendation

LRCA staff supports the creation of lots 1-6 and 11-17 as there appears to be a sufficient developable area to support industrial development on the lots outside the hazard area. Staff do not support the creation of lots 7-10, Block A and Block B as there does not appear to be a sufficient developable area outside the hazard area (i.e., Regional Floodplain of Pennock Creek and Evaluated Wetland). Lots 8 and 9 may be supported, if it can be demonstrated that the available land outside the flooding hazard and recommended setbacks as outlined in the North Rock EIS, is sufficient to provide adequate area for the proposed use.

Based on the updated Pennock Creek Floodplain mapping, Cooper Road does not provide adequate access and egress as it is overtopped at a 25-year return period. It is understood that Vibert Road will provide primary access, and Cooper Road will provide secondary access to lots 11-17.

It is recommended that the following items be included as a condition of approval to the satisfaction of the LRCA within the Subdivision Agreement:

- The owner shall, design, construct and install adequate access and egress on Cooper Road over Pennock Creek to the subdivision to the satisfaction of the Lakehead Region Conservation Authority.
- The lot grading and drainage plan be to the satisfaction of the Lakehead Region Conservation Authority.
- All lots with any regulated area on them have a notification requirement, where the purchaser of the lot is notified that a portion of the lot is regulated by the Lakehead Region Conservation Authority and any development within the regulated area will require a permit from the Authority.

The North Rock EIS recommended no buildings or structures and access/egress routes be constructed within the EP zoned wetland area and a 30-metre setback should be maintained from the wetland for all planned development on the lots. The Setback and Floodplain Location map in the EIS report does not show the most updated Pennock Creek floodplain and Evaluated Wetland. The North Rock EIS report and map should be updated to show the most updated Regional Floodplain for Pennock Creek and Evaluated Wetland and recommended setbacks.

Comments are based on the Pennock Creek updated Floodplain Study dated September 2020 and the Neebing River Watershed Evaluated Wetland Study dated November 2018. It is recommended that all maps associated with the Subdivision be updated to use the correct floodplain and wetland layers.

Site Characteristics

Existing mapping indicates that the subject property is situated within the LRCA Regulated Area. Regulated features include:

- Pennock Creek floodplain and adjacent regulated buffer,
- Neebing River Watershed Evaluated Wetlands and associated adjacent regulated buffer,
- Land zoned Hazard Land, Use Limitation or Environmental Protection.

Delegated Responsibility and Statutory Comments:

1. The Lakehead Region Conservation Authority has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.

It is noted that development in the context of the Provincial Policy Statement includes the creation of new lots. The subject application (i.e., specifically the lots not supported by the LRCA) does not meet the intent of the following Sections within the Provincial Policy Statement.

- Section 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
 - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
 - c) hazardous site.
 - Section 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.
2. The Lakehead Region Conservation Authority has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 180/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches unstable soil and bedrock are not affected. The Lakehead Region Conservation Authority also regulates the alteration to or interference in any way with a watercourse or wetland.
 - The construction of any buildings or structures, the placing or dumping of fill, site grading, interference with a wetland, or any alteration to the shoreline or existing channel of a lake or watercourse will require a permit from the Authority.
 - Any development within the wetland may also require an Environmental Impact Statement prepared by a qualified professional.

Advisory Comments

3. The Lakehead Region Conservation Authority has reviewed the application as an adjacent landowner and provides no further comments.

Summary

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

1. Lots 7-10, Block A and Block B are not supported as they do not meet the intent of Section 3.1 of the PPS.
2. Lot 1-6 and Lot 11-17 are considered to meet the intent of Section 3.1 of the PPS and their creation is supported.
3. It is recommended that all lots that contain any areas regulated by the Authority have a notification requirement, where the future purchasers of the lots are notified of the requirement of a permit from the LRCA under O. Reg. 180/06.
4. Ontario Regulation 180/06 does apply to the subject site. A permit from Lakehead Region Conservation Authority will be required prior to any development taking place in the regulated area.
5. The subject site is not located within an area that is subject to the policies contained in the Source Protection Plan.

This information is current at the time of writing and may be amended as more accurate information becomes available. If you should have any questions, please contact Scott Drebit, GIS/Water Resources Technologist, at the Authority office.

Please forward a copy of the decision to the Conservation Authority.

Sincerely,



Scott Drebit
GIS/Water Resources Technologist


















tjc/mds/sd

Encl: Map

Subdivision 2-2022 1974862 Ont Ltd



Legend

-  Subject Property
 -  Parcels
 -  LRCA Property
 -  Approximate Regulated Area
- Regulated Features:**
-  Regional Floodline
 -  100 Year Floodline
 -  Fill Line
 -  Floodplain
 -  Water Body
 -  Provincially Significant Wetland
 -  Evaluated Wetland
 -  Unevaluated Wetland
 -  Stream
 -  River
- Roads**
-  Highway
 -  Road
 -  Street

0 50 100 150 200 250 m

1:6,500

This publication was produced by:
Lakehead Region Conservation Authority
130 Conservation Rd.
Thunder Bay, ON
P7B 6T8

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Coordinate System: NAD 1983 CSRS UTM Zone 16N
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