

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: May 4, 2009
REPORT NO.: PL.09.52
**SUBJECT: Watercourse Realignment on
Town Lands (Related File – Lora
Bay Heights)**
**PREPARED BY: David Finbow, Director,
Planning & Building
Services/CBO**

A. Recommendations

THAT Council receive Staff Report PL.09.52 respecting “Lora Bay Heights, Watercourse Realignment on Town Lands”;

THAT Council authorize the proposed watercourse relocation on Town lands with such related works and requirements being at the sole cost and expense of the proponent as outlined in the Department of Fisheries and Oceans Authorization for Works or Undertakings Affecting Fish Habitat and subject to any requirements of the Grey Sauble Conservation Authority;

THAT Council authorize the Town Clerk to sign/execute on behalf of the Corporation any permit applications necessary to carry-out such works; and

THAT prior to the Town Clerk signing/executing any permit application that the proponent may make, and prior to the work proceeding, the proponent must make application for and obtain a Municipal Works Permit with the following insurance requirements:

1. General Liability Insurance in the amount of not less than \$5,000,000.00 per occurrence naming the Town as an additional insured;
2. Automobile Liability Insurance with an inclusive limit of not less than \$2,000,000.00 per occurrence; and,
3. Environmental Pollution Liability Insurance of not less than \$2,000,000.00 and shall include the Town as an additional insured.

B. Background

The purpose of this Report is to allow Council to consider watercourse realignment on Town owned-land that has been proposed by an adjacent land owner (Appendix “A”). With respect to the development proposal, same was the subject of a Public Meeting held on September 3, 2008.

An Authorization for Works has been issued by the Department of Fisheries related to the watercourse realignment with a portion of the realignment proposed to occur on Town owned land. This Authorization is valid to September 15, 2010 and contains conditions that relate to the compensation for the loss of 182.6 metres of fish habitat (the portion of the watercourse to be realigned). The work, if executed would, as per the Developer's Environmental Consultant, improve both aquatic and terrestrial habitat (given the state of the current watercourse which contains a multitude of impediments including boulder weirs, a dilapidated footbridge and an under sized culvert). The Environmental Consultant's design reflects a meandering low-flow channel within a shallow valley and, according the Consultant, meet the following criteria:

- a) provide sufficient capacity to safely convey all flood flows, including the Regional Storm event;
- b) facilitate and encourage fish passage during periods of flow;
- c) extend the period during which fish passage is possible;
- d) re-establish channel-floodplain connectivity;
- e) ensure the maximum velocities and minimum depths within the design range of flows enable fish passage;
- f) extend terrestrial habitat from the existing forested valley side of Little Beaver River, to provide opportunities for riparian vegetation, wildlife, and shading for the stream;
- g) restore natural meandering processes, including localized bank undercutting and meander migration, on which fish depend for habitat creation and maintenance;
- h) restore diversity in flow by re-introducing a pool-riffle pattern and discouraging the growth of cattails in the thalweg;
- i) remove low-flow barriers to fish passage posed by the dilapidated footbridge, partly crushed culvert, and boulder weirs;
- j) reduce the potential for anomalous bank erosion resulting from previous haphazard in-stream works (e.g., boulder weir placement, channel excavation); and
- k) maintain or enhance the quality of surface runoff that enters the watercourse.

Associated with the Authorization is a requirement that the Developer implement a monitoring program just prior to construction to September 30, 2012 "to ensure that the compensation and mitigation measures are installed, maintained and function as intended."

The Developer's Land Use Planner has advised that "The municipal (read "public") benefit to the subject proposal is a vast improvement to one of its environmental drainage features and, the potential to add lands to the open space component. The proposed and approved improvements are in the tens of thousands of dollars (one estimate is that it will be about \$50,000)."

The Senior Management Team has reviewed the subject request and are supportive of same in light of the enhancements proposed to the watercourse, the inherent restrictions on these lands, and given the related costs of the enhancements, recommend that the Town not seek compensation related to the works notwithstanding that the Developer will derive some benefit from same.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government.

Preserving and enhancing natural and environmental features and cultural heritage of the community.

D. Environmental Impacts

The proposed works will, if executed in accordance with the Authorization from the Department of Fisheries and Oceans, provide for an enhanced aquatic and terrestrial habitat.

E. Budget Impact

N/A

F. Attached

A. Concept Plan

Respectfully submitted:

David Finbow
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