



June 5, 2024

From: Eric Lalande, MCIP, RPP, Senior Planner

RE: Planning Opinion related to development within floodplain and wetlands at the 141 Peter Street (Perth Golf Course)

1. My name is Eric Lalande. I am a Senior Planner with the Rideau Valley Conservation Authority (RVCA). I have been a planner with the RVCA since January 2017. I am a Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute. I am a Registered Professional Planner. I have been qualified to provide expert testimony in the field of land use planning by the Tribunal or its predecessors on three occasions. My Curriculum Vitae and Acknowledgment of Expert's Duty are included with this statement as Exhibit "A".
2. The following provides a summary of my professional planning opinion to be presented before the Ontario Land Tribunal related to the application for Plan of Subdivision made by Caivan (Perth GC) Limited to the municipality of Lanark County for lands known as the Perth Golf Course (09-T-22001), located at 141 Peter Street in the Town of Perth.
3. The proposed development consists of an application to subdivide land to create 940 residential dwellings, along with various blocks for roads, parks and stormwater management facilities.
4. The Rideau Valley Conservation Authority interests relate to the management of development in order to avoid and minimize the potential for impacts associated with natural hazards. The subject lands are specifically identified as being adjacent to the Grants Creek Wetland, as well as being impacted by the regulated floodplain associated with the Tay River and Grants Creek.
5. As presented by the proposed draft plan, the appellant is seeking to create multiple blocks within the floodplain, along with a block for access purposes through the wetland. Lot creation is considered development under the Provincial Policy Statement and Local Official Plans.

Provincial Policy Statement

6. The Provincial Policy Statement is the *Planning Act* instrument designated for setting provincial interests and directing land use planning decisions. While providing broad planning objectives, it provides specific policy direction related to natural hazard management through Section 3.0 Protecting Public Health and Safety.
7. To support growth in a logical manner, it is a provincial interest to reduce the potential for public cost or risk to Ontario's residents from natural or human-made hazards. Therefore, development shall be first and foremost directed away from areas of natural hazards where

there is an unacceptable risk to public health or safety or of property damage, and where development will not create new or aggravate existing hazards.

8. Where hazards cannot be avoided due to their function or provincial importance, the PPS requires mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate. Impacts and mitigation to be considered are not limited solely to the subject lands, but also include any impacts that may be created in the surrounding area.
9. A plan of subdivision for residential dwellings does constitute a type of development that cannot avoid natural hazards and is more specifically a type of development that should be directed away from floodplains.
10. Specifically, the Provincial Policy Statement provides under section 3.1.1 that Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
11. However, given that the entirety of the floodplain associated with the development is considered floodway, section 3.1.2 states that “development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.
12. As such, the proposed plan of subdivision is not consistent with the Provincial Policy Statement, and the application may be considered premature, given that the floodplain has not been appropriately addressed.

Lanark County Sustainable Official Plan

13. The Lanark County Sustainable Communities Official Plan provides a similar policy basis related to flooding and erosion.
14. Section 7.3 Flooding and Erosion states that floodplains include all areas known to be subject to 1-in-100 year flood events. These areas have been identified and mapped by the Conservation Authorities. It further directs the following policies:
 1. Local Official Plans shall include mapping which identifies areas subject to flooding and erosion.
 2. Development and site alteration is prohibited in flood plains and areas subject to erosion hazards except in accordance with the policies respecting development and site alteration in such areas established by the Conservation Authority having jurisdiction over the lands in question.
15. The Rideau Valley Conservation Authority generally does not permit new development within flooding hazards, specifically new dwellings within a floodplain. The Rideau Valley Conservation Authority has policies related to minor modification to the extent of floodplains through a process referred to as Balance Cut and Fill, however no an application has been submitted for review to date.

Town of Perth Official Plan

16. The Town of Perth Official Plan provides similar direction to the County's Official Plan and likewise the overarching Provincial Policy Statement.
17. Section 7.2 Goal Statement for Natural and Human Made Hazards of the Town of Perth Official Plan directs that all development has a high regard for public health and safety through mitigating adverse effects or by prohibiting development in unsafe places.
18. Section 7.3.2.4. further states that no new buildings are permitted to be constructed within the flood plain except flood control structures, or low impact buildings or structures such as a gazebo, dock, garden or small storage shed or utility structures if permitted by the applicable flood plain regulation. Other public and private activities including the construction of roads, or new structures necessary for the conservation, public recreation (recreational trails, tow path), water supply, wastewater management, will be permitted in the flood plain subject to the approval of Council, the Conservation Authority and where deemed necessary, shall meet a flood proofing and access standard.

Summary

19. While it is generally understood that the application would necessitate the realignment of the floodplain through earthworks, supporting information has not been provided through the *Planning Act* application and an application for development activity under the *Conservation Authorities Act* has not been submitted. It is premature to conclude that realignment of the floodplain is achievable in accordance with applicable policies and guidelines. Modification to natural hazards is not taken lightly, and where determined to be appropriate, should be approached from a perspective of minimizing influence on natural processes, and not by maximizing development potential. Predicating a subdivision on modification to natural hazards should not form the basis for future "available development lands", particularly where lands outside of a hazard are available.
20. In summary, the application as submitted cannot be supported on the basis of natural hazards and is considered premature.



Eric Lalande, MCIP, RPP
Senior Planner
Planning and Watershed Science
Rideau Valley Conservation Authority

Appendix A
CV and Acknowledgment

CURRICULUM VITAE

Eric Lalande, BES, MCIP, RPP

PROFESSIONAL MEMBERSHIP:

Member of Canadian Institute of Planner;
Member of Ontario Professional Planner Institute;
Registered Professional Planner;

EDUCATION

University of Waterloo

September 2004 – May 2008

- Bachelor of Environmental Studies
 - o Major: Honours Planning
 - o Minor: Geography

EXPERT WITNESS QUALIFICATION:

Previously qualified before the:

1. Ontario Municipal Board, January 2009
 - a. Lawry vs. Haldimand County (OMB Case No.: PL081206)
 - b. Re: Agricultural Lot Creation
2. Ontario Land Tribunal, January 2022
 - a. Williams vs. Rideau Valley Conservation Authority (OLT-21-001540)
 - b. Re: Floodplain Development
3. Ontario Land Tribunal, September 2022
 - a. Kertzer vs. Rideau Valley Conservation Authority (OLT 21-001757)
 - b. Re: Floodplain Development

WORK HISTORY

Haldimand County

May 2008 – October 2009

Planner I

- Review and comment on *Planning Act* applications;
- Policy development, major projects included Zoning By-law update, urban design guidelines; and
- Niagara Region Conservation Authority land cover review committee liaison

Niagara Region

November 2009 – November 2010

Regional Planner

- Review and comment on *Planning Act* applications, focus on Lake Erie shoreline development; and
- Review and inspect Development Permit (Niagara Escarpment) applications;

City of London

November 2010 – June 2016

Policy Planner I

- Implement Community Improvement Area incentive funding programs;
- Policy review and development, major projects include methadone clinic land use policy, secondary dwelling implementation, and development permit programs; and
- New Official Plan (London Plan) policy development

Development Planner I (2012) and Development Planner II (2014)

- Review and comment on *Planning Act* applications; and
- New Official Plan (London Plan) policy development

City of Brantford

June 2016 – December 2016

Intermediate Planner

- Review and comment on *Planning Act* applications

Rideau Valley Conservation Authority

January 2017 – Present

Planner and Senior Planner (2023)

- Review and comment on *Planning Act* applications for member municipalities as commenting agency scoped primarily to natural hazards, natural heritage, stormwater, groundwater; and
- Conservation Authority Regulations pre-consultation, permit review, inspection and enforcement.



Ontario
Ontario Land Tribunal

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
OLT-23-000534	Town of Perth

1. My name is Eric Lalonde. I live in the City of Ottawa in the Province of Ontario
2. I have been engaged by or on behalf of the Town of Perth to provide evidence in relation to the above-noted OLT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the OLT may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date April 15, 2024


Signature