

[Transmitted via email and regular mail]

887 Bayview Street, PO Box 126
Warton ON N0H 2T0

February 15, 2021

County of Bruce Planning & Development Department
268 Berford Street, PO Box 129
Warton ON N0H 2T0
bcplwi@brucecounty.on.ca
Attention: Eric Steele

RE: B-2020-125 – Objection to Consent to Sever Application, 885 Bayview Street, Warton

Dear Mr. Steele,

This is in response to the notice of consent to sever application I received dated February 3, 2021. Please accept this letter as my objection to the application and formal request to be provided any notices pursuant to section 53(17) of the *Planning Act*.

I have reviewed the materials submitted for the application on the Bruce County Website which makes it apparent that this should not be proceeding as a complete application at this time. The only document present is a Site Plan. The lot that is proposed to be severed is on the waterfront of Georgian Bay and the lot contains a significant proportion of land on the bed of Colpoy's Bay as well as land that was created by fill. Accordingly, at minimum, I submit that the following documents and reports are required on file for the public to be properly consulted and for the County to make an informed decision:

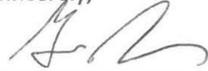
- 1) A Coastal Assessment;
- 2) Studies specified under section 6.19 of the Bruce County Official Plan (BCOP) including an Archaeological Assessment (ix); Fisheries Impact Assessment (xvii); Planning Justification Report (xxxiv); Surface Water Impact Assessment (xliv) and Lot Grading/Drainage Plan (xxv);
- 3) Current comments on the application from the Grey Sauble Conservation Authority; and
- 4) Results of consultation with the Saugeen Ojibway Nation (SON). (I understand that there is a legal assertion of Aboriginal title to the beds of Lake Huron and Georgian Bay, which is in litigation in the Ontario Superior Court).

In addition, the proposed severance does not conform with Section 1.3.4 of the Niagara Escarpment Plan (NEP) and Section 5.14.1.3 of the BCOP with respect to lot creation in an Escarpment Natural Area. The Site Plan submitted indicates that the proposed severance for a building lot includes the portion of the lot on the west side of Bayview Street. Amendment UA 60 to the Niagara Escarpment Plan (OIC 228/2020) did not alter the designation of the portion of the lot on the west side of Bayview Street and those lands remain in the Escarpment Natural

Area. This proposed severance would therefore result in the creation of a new building lot in an Escarpment Natural Area contrary to the NEP and BCOP.

Accordingly, it is premature to consider further processing this application until the matters set out in this letter have been addressed. Please do not hesitate to contact me should you wish to discuss these submissions.

Sincerely,



Greg Norris

c.c. Mayor Janice Jackson

Niagara Escarpment Commission, Owen Sound Office (necowensound@ontario.ca)

From: [Eric Steele](#)
To: [Planning Applications Division](#)
Cc: [RE: 18-2006-125 - Letter of Objection \(Attn: Eric Steele\)](#)
Subject: [Thursday, February 25, 2021 10:48:58 AM](#)
Date:

Good morning Mr. Norris,

I have reviewed your comments regarding providing additional studies for the above referenced application. I would like to note that under Bruce county Official Plan policy 6.19.1, the County can provide exceptions for planning application requirements. Under 6.19.3, the specific submission requirements are determined depending on aspects such as the phase and/or scale of the proposal and its location relative to other land uses. I have provided more detailed responses to each of your comments below.

Coastal Assessment

Since the application is proposing to create a new lot and there are no additional development plans that have been submitted, a coastal analysis was not required to be submitted as part of a complete application. As part of the application process, Grey Sauble Conservation Authority (GSCA) was circulated and have provided comments. The GSCA has noted that there is no specific development plan and that any future development would require a development permit to be obtained. The GSCA has also identified that a portion of the property lies within the Wave Upbrush setback and if future development is proposed within this area, a Coastal Assessment would be required.

Archaeological Assessment

An assessment such as this is typically required for a proposed development that includes work in or near the lake bed and would fall under a separate process with the Department of Fisheries and Oceans. Additionally, setbacks within the Zoning By-law and those identified by the GSCA to the waterfront would direct development to areas of the property that would not impact fisheries, as would conditions of a development permit with respect to sediment control measures.

Fisheries Assessment

An assessment such as this is typically required for a proposed development that includes work in or near the lake bed and would fall under a separate process with the Department of Fisheries and Oceans. Additionally, setbacks within the Zoning By-law and those identified by the GSCA to the waterfront would direct development to areas of the property that would not impact fisheries, as would conditions of a development permit with respect to sediment control measures.

Surface Water Impact Assessment

A Surface Water Impact Assessment is required for a planning application to evaluate changes in surface water quality and quantity that will result from development. The application is proposing to create a vacant residential lot that is relatively flat and would drain towards the waterfront similar to the other lots that exist on Bayview Street. If an application is brought forward for a development in the future that would require relief from zoning provisions and setbacks and potentially alter the quantity and quality of surface water, an assessment could be required.

Lot Grading and Drainage Plan

As I mentioned above, the application is proposing to create a vacant lot. The lot is currently relatively flat and surface water would continue to drain towards the waterfront. The GSCA has commented that any future development would require a development permit to be obtained and a lot grading and drainage plan would need to be submitted to ensure that drainage is adequately addressed for the proposed development.

Comments from Saugeen Ojibway Nation

The application was circulated to the Historic Saugeen Métis, the Saugeen Ojibway Nation, and the Métis Nation of Ontario for comment. The Historic Saugeen Métis has provided comments that they have no objection to the application.

Niagara Escarpment Plan Designation

We have received comments from the Niagara Escarpment Commission also confirming that the decision of the Niagara Escarpment Plan Amendment # UA60 applies only to the lands located east of Bayview Street. These comments have been forwarded to the applicant for discussion of removing the lands on the west side of Bayview Street from the proposed lot, so that there is no change to lot boundaries within the Escarpment Natural designation on the west side of Bayview Street.

If you should have any further questions or would like to discuss any of the above, please do not hesitate to contact me.

Sincerely,

Eric Steele
Planner
Planning and Development
Corporation of the County of Bruce
226-909-3082
www.brucecounty.on.ca



Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.

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