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SENT ELECTRONICALLY ONLY: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

March 18, 2021

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Official Plan Amendment C-2020-121, and
Proposed Zoning By-law Amendment Z-2020-078, and
Proposed Consent(s) to Sever Land B-2020-121, B-2020-122 (Dippel)

190 Concession 2 E – West Part Lot 30 Con 3, Roll Number 410501000109800; and,
19 Sideroad 30 N – East Part Lot 30 Con 3, Roll Number 410501000109900
Geographic Township of Carrick
Municipality of South Bruce

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications 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) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the applications are to facilitate the severance of two surplus farm dwelling lots from an agricultural parcel. Amendments to the County Official Plan and Zoning By-law are required to facilitate the consents.

Recommendation

The proposed applications are generally acceptable to SVCA staff.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through 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). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the properties are the watercourse that flows through the central portions of the properties and the floodplain and erosion hazard of the watercourse. The watercourse is part of Zimmerman Drainage Works Municipal Drain, which is a tributary of Carrick Creek. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of South Bruce Zoning By-law 20-63, represents the watercourse and its flooding and erosion hazards. The designation and zone generally coincides with the SVCA Hazard Lands for the properties as mapped by the SVCA.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the applications appear to be consistent with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the applications appear to be consistent with the natural hazard policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the properties include significant woodlands, fish habitat and its adjacent lands, and potentially habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, fish habitat, habitat of endangered species and threatened species and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

It is the opinion of SVCA staff that the applications appear to be consistent with Section 2.1, Natural Heritage policies of the PPS, 2020; with the exception of policy 2.1.7 of the PPS, endangered species and threatened, which must be addressed by MECP.

Bruce County OP Policies

Significant Woodlands

Although not mapped in the Bruce County OP, SVCA staff is of the opinion that the woodlands located on and/or on lands adjacent to the properties form part of a larger woodland and therefore are considered significant woodlands. Furthermore, Ministry of Natural Resources and Forestry mapping shows forest cover of 15% for the geographic Township of Carrick. Section 4.3 of the Bruce County OP generally prohibits development within woodlands and its adjacent lands, except in accordance with applicable policies. However, as no new buildings or structures are proposed within the woodlands or its adjacent lands, it is the opinion of SVCA staff that Section 4.3.2.6.2i of the Bruce County OP applies and SVCA staff are not requesting the preparation of an Environmental Impact Study (EIS) to address the woodlands, based on the applications.

Fish Habitat and its Adjacent Lands

As mentioned above, a watercourse flows through the central portions of the properties. The watercourse is part of Zimmerman Drainage Works Municipal Drain, and is a tributary of Carrick Creek. The watercourse is considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of the applications will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the properties. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

None of the parcels proposed to be severed are subject to the SVCA's Ontario Regulation 169/06. A permit will not be required by the SVCA for development on the parcels proposed to be severed.

However, an area (associated with the watercourse and its related flooding and erosion hazards) on each of the parcels proposed to be retained are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the parcels proposed to be retained, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. For the parcels proposed to be retained, the SVCA Approximate Screening Area includes the watercourse, its related flooding and erosion hazards, as well as an offset distance from the watercourse.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area on the parcels proposed to be retained, the SVCA should be contacted, as permission may be required.

Summary

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The applications are generally acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated; with the exception of policy 2.1.7 of the PPS, endangered species and threatened species, which must be addressed by MECP.

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- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; with the exception of local planning policies regarding endangered species and threatened species, which must be addressed by MECP.

Please inform this office of any decision made by the Municipality of South Bruce and/or the County of Bruce with regard to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Leanne Martin, CAO/Clerk, Municipality of South Bruce (via email)
Mike Niesen, SVCA Member representing the Municipality of South Bruce (via email)