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

January 11, 2020

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

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Consent to Sever Land B-2020-082 and B-2020-083 and B-2020-084 (Borth)
Unassigned civic address
Roll No.: 410501000131603
Part Lot 27, Concession D
Geographic Township of Carrick
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.

According to the Request for Agency Comments, the purpose of the consent applications is:

- To permit the severance of two industrial parcels within the settlement area of Mildmay, one of which will be merged on title with an adjacent industrial lot;
- To permit the severance of the balance of the lands within the settlement area of Mildmay for future development (unknown) purposes; and,
- To retain the balance of the lands outside of the settlement area of Mildmay for agricultural purposes.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments and attached site plan; and
- 2) Planning Merit letter dated November 18, 2020 by Ron Davidson Land Use Planning Consultant.



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

Recommendation

The proposed applications are acceptable to SVCA staff.

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 property are the watercourse on the adjacent lands to the property, Otter Creek and its related flood plain and erosion hazards, and any wetlands on the property. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP, and the EP designation as shown on the schedule to the South Bruce OP, and the Environmental Protection (EP) Zone as shown in the Municipality of South Bruce Zoning By-law 20-63, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the property.

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.

Municipality of South Bruce OP and County of Bruce OP Policies

Section 5.8 of the County of Bruce OP and the Section 4.8.3 of the Municipality of South Bruce OP generally direct development to be located outside of Hazardous Land and hazardous Lands Area. It is the opinion of SVCA staff that the applications appear to be consistent with the policies of the Bruce County OP; and the Municipality of South Bruce OP.

Natural Heritage:

As part of SVCA staff's review of the applications, we have identified the following natural heritage features as potentially affecting the property: fish habitat and its adjacent lands, significant wildlife habitat, and 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 fish habitat and its adjacent lands, significant wildlife 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; with the exception of policy 2.1.7 of the PPS, threatened and endangered species, which must be addressed by the Ministry of Environment, Conservation and Parks (MECP), as noted below.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

As mentioned above, Otter Creek flows through lands adjacent to the property. Otter Creek 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.

Significant Wildlife Habitat

While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. SVCA staff are of the opinion that the negative impacts to significant wildlife habitat as a result of this proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address significant wildlife habitat.

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 property. 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 application 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.

According to the Site Plan attached to the applications, neither proposed lot 1 or proposed lot 2 of the lands to be severed are subject to the SVCA's Ontario Regulation 169/06.

However, the eastern portion of proposed lot 3 of the lands to be severed and the eastern portion of the proposed retained lot are within the SVCA Approximate Regulated 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 and Approximate Regulated Area is located associated with our Regulation on proposed lot 3 and the lot 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 proposed lot 3 and the proposed lot to be retained, the SVCA Approximate Regulated Area includes Otter Creek and its related flood and erosion hazards, any wetlands on and/or adjacent to the property, as well as an offset distance from the floodplain of the watercourse and wetland features.

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 Regulated Area on the proposed lot 3 or the lot 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 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, threatened and endangered species, which must be addressed by MECP.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; with the exception of local planning policies regarding threatened and endangered 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)
Mark Goetz, Authority Member, SVCA (via email)