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

May 28, 2021

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Z-2021-010 and B-2021-013, and C-2021-003 (Rick Smith Farms Ltd.)
426 Hayes Lake Avenue
Roll Number 410711000310700
South Part Lot 10 Concession 12
Geographic Township of Kinloss
Township of Huron-Kinloss

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.

Purpose

The purpose of the applications is to facilitate the severance of a surplus farm dwelling lot from an agricultural parcel. Amendments to the County Official Plan (OP) and Zoning By-law are required to facilitate the consent.

Recommendation

The proposed applications are acceptable to SVCA staff.

Background

SVCA staff (Michael Oberle) was contacted by Mr. Mike Smith on January 25, 2021, regarding the property related to a recent purchase and possible a) surplus farm dwelling severance, and b) sever to create a number of lots along Hayes Lake Avenue within the R1 zone. SVCA provided preliminary email comments dated January



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

26, 2021, to Mr. Mike Smith with copy to Bruce County Planning staff (Julie Steeper and Candace Hamm) for their reference.

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 application 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:

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 Huron-Kinloss Zoning By-law, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the property. We note that only a small area in the northeastern portion of the parcel to be retained is located in the EP zone associated with the low area adjacent to wetlands. The wetlands are part of the Greenock Swamp Provincially Significant Wetlands (PSW).

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, and the site plan sketch included with the applications showing the parcel to be severed, complies 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 comply 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 property are wetlands and significant wildlife habitat.

Provincial Policy Statement – Section 2.1

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

Bruce County OP Policies

Significant Wetlands

Part of Greenock Swamp Provincially Significant Wetlands (PSW) is located on lands adjacent to the north of the property and are shown on Schedule C: Constraints of the County of Bruce OP. Section 4.3.2 of the Bruce County OP states in part that development and site alteration shall not have an impact on wetlands, unless it has been demonstrated through an acceptable Environmental Impact Study (EIS) that there will be no negative impacts to the wetland or its ecological functions. SVCA staff are of the opinion that the negative impacts to the wetlands as a result of the proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address the wetlands based on the proposal.

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 the proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address significant wildlife habitat.

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.

The parcel proposed to be severed is not located within the SVCA Approximate Screening Area, however, areas of the parcel 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 parcel 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 parcel to be retained, the SVCA Approximate Screening Area is representing the PSW on the lands adjacent to the property, and any low area adjacent to the wetland, plus an offset distance of 120 metres outwards from the wetlands, as well as any drains that flow through the property, plus an offset distance of 30 metres outwards from the drains. According to SVCA data, the drains affecting the property include part of Sutton Municipal Drain (MD), a closed/tiled, and part of Black Creek MD (Guest Branch).

SVCA Permission for Development or Alteration

If future development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including re-routing the drains and/or agricultural tile drainage is proposed within the SVCA Approximate Screening Area on the property, 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, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regards 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: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Don Murray, Authority Member, SVCA (via email)