

Risk Management Office

237897 Inglis Falls Road

RR4 Owen Sound, ON N4K 5N6

Phone: 519-470-3000 Toll Free: 877-470-3001

rmo@greysauble.on.ca

Notice of Restricted Land Use *Clean Water Act – ss. 59(2)(a)*

TO/ATTN: H J SIEBER FARMS Ltd

Location Address: 396 Bruce Road 23, 360 Bruce Road 23

Assessment Roll #: 410821000429000 and 410821000424100

Property Owner Name H J SIEBER FARMS Ltd and/or

Person engaged
in Activity
(where applicable) _____

Notice File No. RLU-4108-2021-005 RMP File No. n/a

From the information noted in the application for a severance, it has been determined that **neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities)** applies on the above-noted property, pursuant to the *Clean Water Act, 2006*

Consequently, **no policies apply to the activities identified in the application**, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that the above property is located within the Events-base Area for the Kincardine Drinking Water System, whereby the storage of fuel greater than 10,000 litres is regulated.

If any activities or operations on this property change, please contact this office. If you have any questions, please contact this office (519-470-3000 or toll-free 1-877-470-3001) or via email at c.seider@greysauble.on.ca.

Signature of RMO:  Date: April 20, 2021



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: bmugabe@brucecounty.on.ca and bcplpe@brucecounty.on.ca

May 10, 2021

County of Bruce Planning & Development Department
1243 Mackenzie Road
Port Elgin, Ontario
N0H 2C6

ATTENTION: Barbara Mugabe, Planner

Dear Ms. Mugabe,

RE: Consent to Sever Land B-2021-022 (BEC)
360 Bruce Road 23, PT LOT 32 TO PT LOT 34 CON A, Roll No.: 410821000424100
and
396 Bruce Road 23, PT LOT 35 CON A, Roll No.: 410821000429000
Geographic Township of Kincardine
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 consent application is to sever a parcel of land approximately 804.5 m X 616.5 m, 50 ha +/- of farmland. The retained parcel is approximately 766.6 m X 1998 m, 173.66 ha +/- . Both the severed and retained parcels will continue to be used for agricultural purposes.

Recommendation

The proposed application is 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 application 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:

It is the opinion of SVCA staff that the 396 Bruce Road 23 property does not contain any natural hazard features as mapped by the SVCA, and as defined by the PPS, 2020.

However, SVCA staff conducted a site inspection to the properties on May 10, 2021 as part of the application. It is the opinion of SVCA staff that there is a small watercourse that begins just east of the west property line of 360 Bruce Road 23 property. The watercourse is an unnamed tributary of Lake Huron. The watercourse is considered a natural hazard feature by the SVCA. Furthermore, it is the opinion of SVCA staff that at the next available opportunity, the Hazard Lands designation on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone in the Municipality of Kincardine Zoning By-law 2003-25, should be updated to recognize the watercourse. SVCA staff can provide updated mapping for the 360 Bruce Road 23 property to the County of Bruce at their request.

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 application 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 application appears to be consistent with the policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property include possibly 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, and 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.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

As mentioned above, an unnamed tributary of Lake Huron flows through the very western portion of the 360 Bruce Road 23 property. The tributary 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 this proposal will be negligible, and SVCA staff are not recommending the preparation of an Environmental Impact Study (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. In the opinion of SVCA staff, the potential negative impacts to significant wildlife habitat as a result of this proposal will be negligible, and the completion of an EIS to address significant wildlife habitat is not recommended for this proposal at this time.

Threatened and Endangered Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or adjacent to the property. The SVCA's role is to identify habitat through a screening process in consideration of the PPS 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 and the local policies have 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.

None of the 396 Bruce Road 23 property is subject to the SVCA's Ontario Regulation 169/06.

However, a small area (associated with the watercourse) on the 360 Bruce Road 23 property is 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 360 Bruce Road 23 property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, or alteration to the watercourse, is proposed within the SVCA Approximate Screening Area on the 360 Bruce Road 23 property, the SVCA should be contacted, as permission may be required.

Summary

SVCA staff has reviewed the application 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 application is 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, with the exception of endangered species and threatened species policies, which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policies, which must be addressed by the applicant/landowner.

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

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Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Jennifer Lawrie, Clerk, Municipality of Kincardine (via email)
Maureen Couture, Authority Member, SVCA (via email)
Bill Stewart, Authority Member, SVCA (via email)