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

September 27, 2021

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

ATTENTION: Daniel Kingsbury, Planner

Dear Mr. Kingsbury,

RE: Z-2021-047, and B-2021-053, and C-2021-013, and L-2021-011 (Woods)  
27 Whispering Woods  
Roll No.: 410826000417600  
North Part Lot 3 Inverhuron Park  
Geographic Township of Bruce  
Municipality of Kincardine

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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 applications have 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 proposed consent application is to create a new residential lot approximately 4,115 square metres (1.01 acres) from an existing residential property. The retained lot is proposed to be approximately 4.9 acres. Additional Planning Act applications are required to facilitate the consent. The proposed Bruce County Official Plan Amendment is requesting relief of the requirement for full municipal services. The Local Official Plan Amendment is proposed to address the Kincardine's infilling policies. The proposed Zoning Bylaw Amendment seeks to rezone the lands from the Planned Development 'PD' to the Residential One 'R1' zone.

### **Background**

Regarding proposed development on the subject lands, SVCA staff provided pre-consultation comments to the landowner (with copy to the County and Municipality of Kincardine) dated April 2, 2019. A copy of these comments and mapping are attached for reference.



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:**

In the opinion of SVCA staff, the natural hazards affecting the property are wetlands located to the west, south and north of the property, as well as the floodplain of the wetlands. SVCA staff note that a drainage feature, located approximately 24 metres south of the existing dwelling, flows from east to west through and adjacent to the property. In the opinion of SVCA staff, the southcentral portion of the property is designated Natural Environment (NE) in the Municipality of Kincardine OP, this same area is zoned Environmental Protection (EP) in the Municipality of Kincardine Zoning By-law 2003-25. It is the opinion of SVCA staff that the NE designation and EP zone could be revised for the property to better represent site conditions. Therefore, please also see the attached SVCA map, dated March 29, 2019 showing SVCA staff's recommendation for the NE designation and EP zone, shown on the map as SVCA Hazardous Lands. Based on the plans submitted, a dwelling to be located on the parcel proposed to be severed, would not be located within the SVCA recommended EP zone.

#### **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 comply with Section 3.1. of the PPS, 2020.

#### **Bruce County OP Policies**

Section 5.8 of the Bruce County OP and the Kincardine 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 and Kincardine OP, provided the recommend Hazard Land Area as shown on the SVCA map is implemented.

#### **Natural Heritage:**

It is the opinion of SVCA staff that the natural heritage features affecting the property include significant woodlands, potentially significant wildlife habitat, 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 and its adjacent lands, 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 and Kincardine OP Policies

#### Significant Woodlands

The woodlands on the property have been mapped as significant woodlands as per schedule B-3 of the Kincardine OP. However, based on the plan attached with the application, it is the opinion of SVCA staff that preparation of an Environmental Impact Study (EIS) to address the woodlands, is not recommended.

#### 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 D7.5(g) of the Municipality of Kincardine OP states in part that development or site alteration may be permitted in significant wildlife features and in their adjacent lands provided an acceptable Environmental Impact Study (EIS) is completed which demonstrates that there will be no negative impacts on the natural features or the ecological functions. However, based on the plan attached with the application, it is the opinion of SVCA staff that preparation of an Environmental Impact Study (EIS) to address the woodlands, is not recommended.

#### 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 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.**

Portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

“Development” and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines “development” as:

- 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 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.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the majority of the parcel to be retained as well as a small portion of the parcel to be severed is within the Regulated Area. The Regulated Area includes natural hazards located on and adjacent to the property: the wetlands located on lands adjacent to the west, south and north of the property, the floodplain of the wetlands, and an offset distance from the wetlands. To determine the Regulated Area on the property, please refer to the attached SVCA map, dated March 29, 2019.

Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation within the Regulated Area on the property will require permission from the SVCA prior to construction or site alteration commencing.

Once plans are available for development on the property, the SVCA should be contacted to confirm if review/permit is 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, with the exception of endangered species and threatened species policy, which must be addressed by the owner/applicant; and

County of Bruce Planning and Development  
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- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policy, which must be addressed by the owner/applicant.

Please inform this office of any decision made by the Municipality of Kincardine 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/

Enclosure: SVCA comment and mapping dated April 2, 2019

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



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SENT ELECTRONICALLY ONLY ([danmorleyconstruction@gmail.com](mailto:danmorleyconstruction@gmail.com))

April 2, 2019

Alicia Woods-Morley  
27 Whispering Woods  
RR 2  
Tiverton, Ontario  
N0G 2T0

Dear Ms. Woods-Morley,

RE: Pre-Submission Consultation for Proposed *Planning Act* Application(s), and Proposed Development  
27 Whispering Woods  
Roll No.: 410826000417600  
North Part Lot 3 Inverhuron Park  
Geographic Township of Bruce  
Municipality of Kincardine

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As part of the pre-submission consultation process, you have asked Saugeen Valley Conservation Authority (SVCA) staff to review a plan in anticipation of a proposed *Planning Act* application to sever the property into two parcels and for future development on both the parcel proposed to be retained and the parcel proposed to be severed. On November 28, 2018 you forwarded drawings, dated November 2018, identifying the Existing Site Plan, the Proposed Site Plan, and the Existing Home to the SVCA. The plans also identify relocating the existing dwelling to the parcel proposed to be severed and construction or reconstruction of a dwelling on the parcel proposed to be retained. A copy of the plans are attached for ease of reference. SVCA staff (Michael Oberle) met with you to conduct a site inspection of the property on February 28, 2019.

The Regulatory comments provided in this correspondence are in accordance with the SVCA's mandate and the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the pre-submission consultation comments regarding *Planning Act* matters are in accordance with the Memorandum of Agreement between the SVCA and the County of Bruce relating to plan review. Development as proposed on the plans is acceptable to SVCA staff, and the following comments are offered.

### **SVCA Regulation**

Portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.



### **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

### “Development” and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines “development” as:

- 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 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.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the majority of the parcel to be retained as well as a small portion of the parcel to be severed is within the Regulated Area. The Regulated Area includes natural hazards located on and adjacent to the property: the wetlands located on lands adjacent to the west, south and north of the property, the floodplain of the wetlands, and an offset distance from the wetlands. To determine the Regulated Area on the property, please refer to the attached SVCA map, dated March 29, 2019.

### Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation within the Regulated Area on the property will require permission from the SVCA prior to construction or site alteration commencing.

Based on your plans, construction of a dwelling on the parcel proposed to be severed will not be located within the Regulated Area. Therefore, a Permit from the SVCA will not be required for the construction of a dwelling on the parcel proposed to be severed.

However, based on your plans, reconstruction of a dwelling on the parcel proposed to be retained will encroach into the Regulated Area, therefore, a Permit from the SVCA will be required. A Permit from the SVCA can be granted, subject to conditions. Conditions of approval will include but may not be limited to lowest exterior opening requirements and grading limitations. SVCA staff may require that the lowest exterior opening (for example bottom of door sill/window sill/vent/exterior opening) be at or above existing grade.

### Right to Hearing

Please be advised that the owner(s) of a property may submit an Application for a development or alteration proposal to the SVCA at any time. An Application must be complete as determined by the SVCA for it to be considered. The completeness of an Application is determined by SVCA staff, or an administrative review can be requested by the applicant to the SVCA's General Manager/Secretary Treasurer. In the event that the administrative review by the SVCA's General Manager/Secretary Treasurer determines an Application is not complete, the applicant can request an administrative review by the Authority.

In accordance with Section 28 (12) of the *Conservation Authorities Act*, permission required under Ontario Regulation 169/06, as amended, shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity for a hearing (by request) before the Authority or, in the case of the SVCA, before the Authority's Executive Committee. Should you receive an SVCA permit, approved by staff, with conditions of approval and object to one or more of the conditions, you will have the option to attend a hearing before the SVCA Executive Committee. Should you submit a complete Application for which staff is not prepared to issue a permit, you will have the option to attend a hearing scheduled before the SVCA Executive Committee.

After holding a hearing under Section 28 (12), the SVCA Executive Committee shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions

After the hearing, if the Executive Committee refuses permission, or grants permission subject to conditions, the person who requested permission shall be given written reasons for the decision. If the person is refused permission or objects to conditions imposed on the permission, the person may appeal to the Minister of Natural Resources and Forestry within 30 days of receiving the reasons for the refusal.

### ***Planning Act* Application Pre-Submission Consultation**

It is the understanding of SVCA staff that a *Planning Act* Application may be required to facilitate development on the property as proposed on your plans. Please note, SVCA staff provides advice and recommendations to the County and the Municipality regarding natural hazard and natural heritage matters, but the SVCA is not the Approval Authority for *Planning Act* Applications. We recommend you contact the County and/or the Municipality for information on the *Planning Act* process. Should a *Planning Act* Application be circulated to the SVCA, proposing to sever the property into two parcels and for future development on both the parcel proposed to be severed and the parcel proposed to be retained, in accordance with the plans as provided to the SVCA, it would be found acceptable to SVCA staff, subject to conditions, and as mentioned below. The following pre-submission consultation comments are offered by SVCA staff in advance of a formal *Planning Act* Application being submitted to the Municipality.

SVCA staff are aware that the Municipality is in the process of reviewing the current Municipality of Kincardine Official Plan (OP). Please be advised that SVCA staff has reviewed your proposal in accordance with the current Municipality of Kincardine OP, which we understand to be in force and effect at this time.

### **Natural Hazard**

In the opinion of SVCA staff, the natural hazards affecting the property are wetlands located to the west, south and north of the property, as well as the floodplain of the wetlands. SVCA staff note that a drainage feature, located approximately 24 metres south of the existing dwelling, flows from east to west through and adjacent to the property. In the opinion of SVCA staff, the southcentral portion of the property is designated Natural Environment (NE) in the Municipality of Kincardine OP, this same area is zoned Environmental Protection (EP) in the Municipality of Kincardine Zoning By-law 2003-25. It is the opinion of SVCA staff that the NE designation and EP zone could be revised for the property to better represent site conditions. Therefore, please also see the attached SVCA map, dated March 29, 2019 showing SVCA staff's recommendation for the NE designation and EP zone, shown on the map as SVCA Hazardous Lands. Based on the plans submitted, a dwelling to be



located on the parcel proposed to be severed, and the reconstruction of a dwelling on the parcel proposed to be retained would not be located within the SVCA recommended EP zone.

### **Natural Heritage**

The natural heritage features and areas affecting the property include potentially significant wildlife habitat, and potentially significant wildlife habitat. In addition, information regarding significant woodlands is also mentioned below.

#### 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 D7.5(g) of the Municipality of Kincardine OP states in part that development or site alteration may be permitted in significant wildlife features and in their adjacent lands provided an acceptable Environmental Impact Study (EIS) is completed which demonstrates that there will be no negative impacts on the natural features or the ecological functions. SVCA staff is of the opinion that the impacts to significant wildlife habitat as part of this proposal will be negligible. Should a *Planning Act* Application be submitted, based on the proposal as submitted, the preparation of an EIS to address significant wildlife habitat concerns would not be recommended by SVCA staff.

#### Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on the lands adjacent to the property. Section 2.1.7 of the PPS 2014 indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the owner to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

#### Significant Woodlands

As mentioned above, SVCA staff are aware that the Municipality is in the process of reviewing the current Municipality of Kincardine OP. Although significant woodlands have not been identified on, or on the lands adjacent to the property as per the Municipality of Kincardine OP, Schedule 'C', SVCA staff note that Map 20 as shown in the Municipality of Kincardine Official Plan Draft Background Report (MHBC, 2018) does identify significant woodlands on the property. SVCA staff is of the opinion that based on the plans submitted, development as proposed for the parcel to be retained may encroach into the woodland area, though would be minor in nature. Should a *Planning Act* Application be submitted, based on the proposal as submitted, the preparation of an EIS to address significant woodlands would not be recommended by SVCA staff, as per Section D7.6 of the Municipality of Kincardine OP.

### **Water Table/Groundwater Elevation**

You have also asked if the SVCA has any information regarding water table/groundwater elevation in the area of your property. The SVCA does have various engineering reports that were completed over the years for the community of Inverhuron, generally related to surface water and drainage issues. However, it does not appear

Alicia Woods-Morley

Pre-Submission Consultation for Proposed *Planning Act* Application(s), and Proposed Development

April 2, 2019

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that we have records readily available with documented groundwater elevation data for the area of your property.

### **Conclusion**

Specific development proposals are required to be submitted and reviewed by SVCA staff on an individual basis. SVCA staff has provided preliminary comments based on the information that is currently available. Should development on the property not proceed for some time, or should your development proposal change, there is no guarantee these comments will remain unchanged indefinitely. An SVCA Permit will be required prior to construction or site alteration commencing within the SVCA Regulated Area. A Permit from the SVCA can be granted, subject to conditions for development proposed outside the SVCA Hazardous Lands on the property.

If a *Planning Act* application is circulated to the SVCA, SVCA staff would not be opposed to a *Planning Act* application that would allow for severing the property into two parcels as proposed. Preliminary SVCA staff comments regarding Zoning and OP matters have been included within this correspondence but should not be considered all-encompassing or the formal SVCA staff *Planning Act* Application comments.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Michael Oberle

Environmental Planning Technician

Saugeen Conservation

MO\





Enclosures

cc: Michele Barr, CBO, Municipality of Kincardine (via email)  
Maureen Couture, Authority Member, SVCA (via email)  
Bill Stewart, Authority Member, SVCA (via email)

Whispering Woods

Woods-Morley  
27 Whispering Woods  
N Pt Lt 3 Inverhuron Park  
Bruce Twp.  
Mun. of Kincardine  
Roll No.:410826000417600

**Legend**

-  SVCA Hazardous Lands
-  Approximate Subject Property
-  SVCA Regulated Area
-  Parcel Fabric



UTM Zone 17N, NAD 83

1:1500

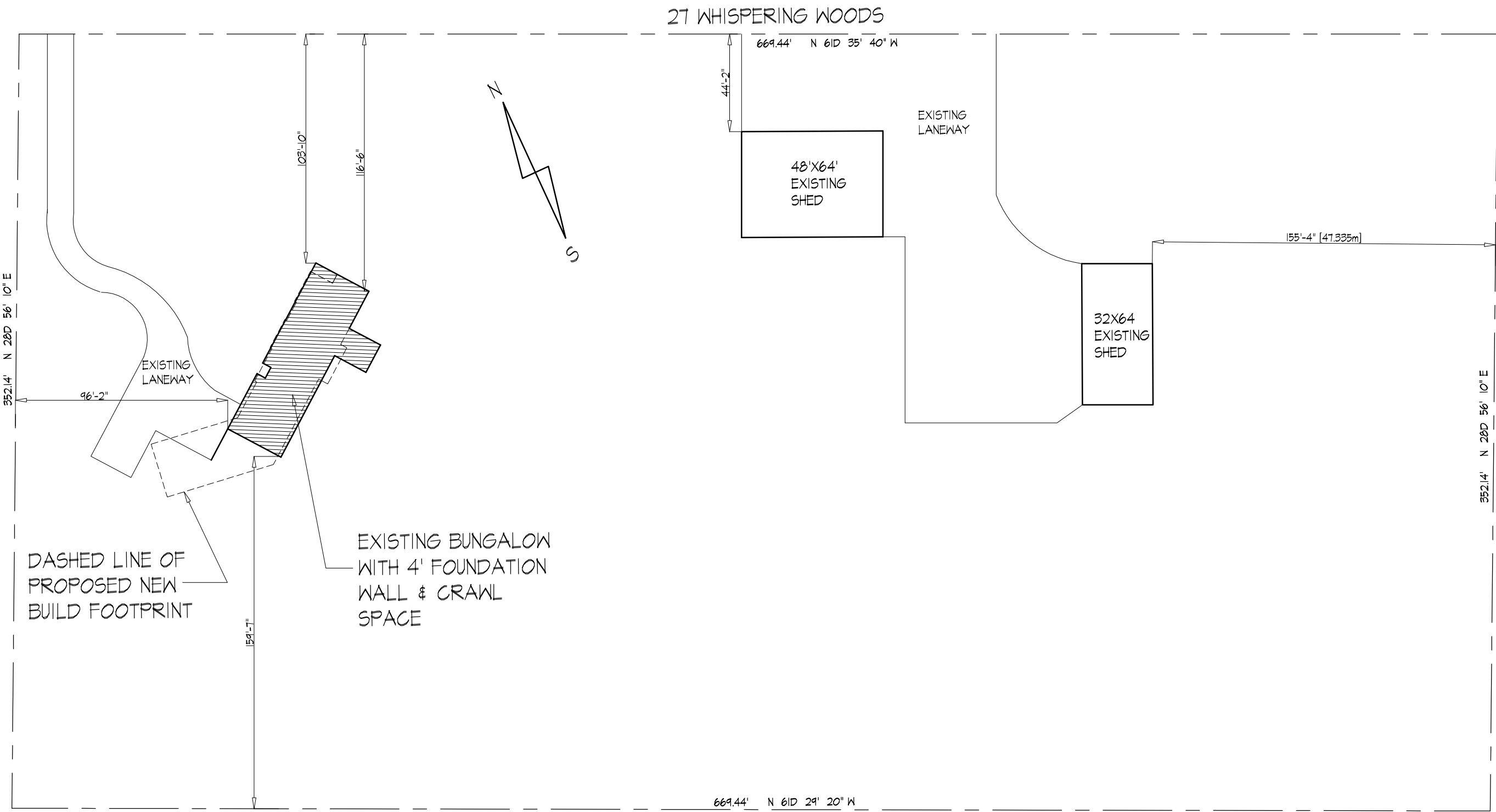
The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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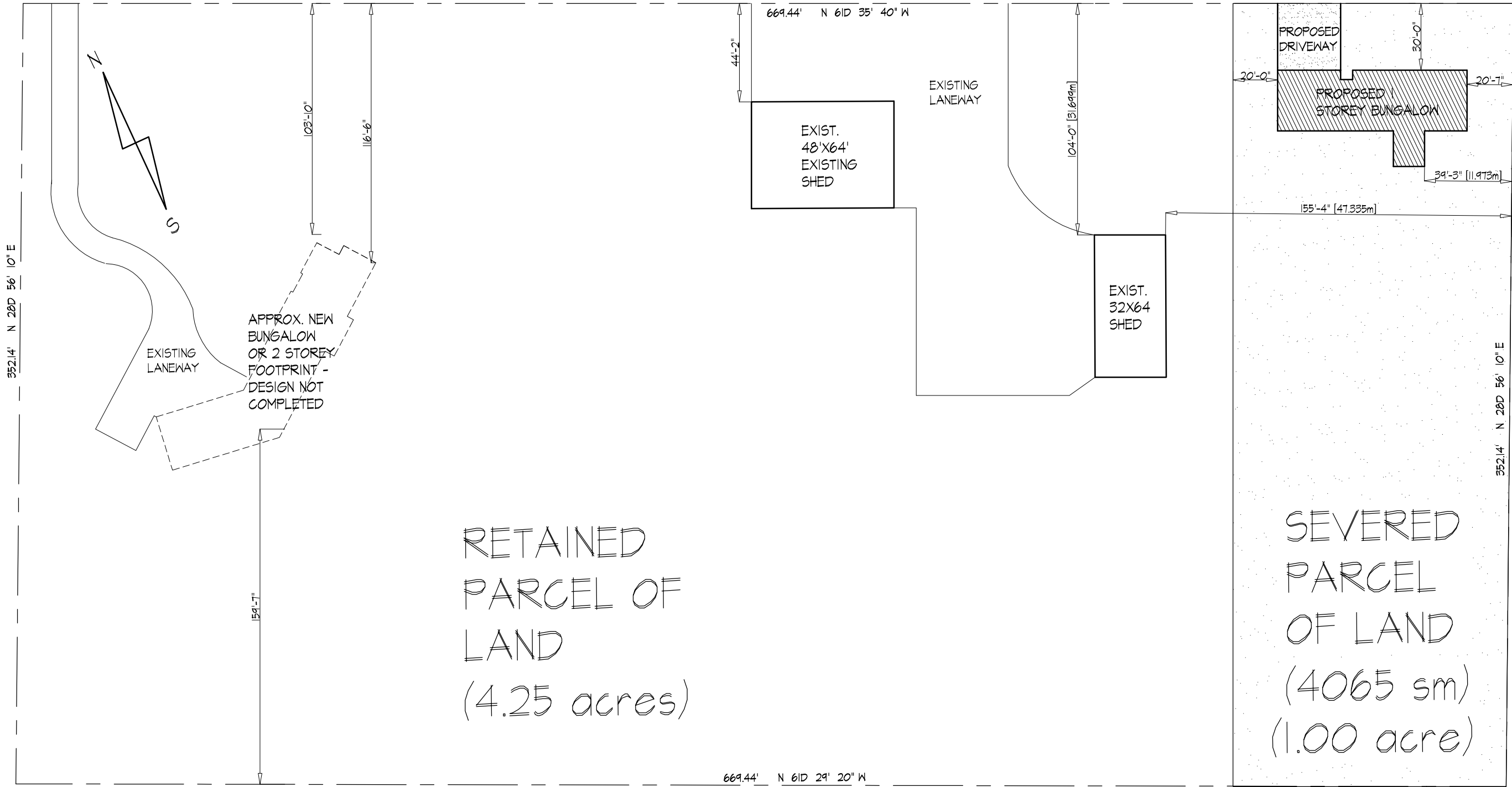
March 29, 2019



EXISTING SITE PLAN

SHEET TITLE: <b>EXISTING SITE PLAN</b>		SHEET NO. <b>1</b>	
CLIENT & LOCATION: <b>ALICIA WOODS 27 WHISPERING WOODS</b>		DATE: <b>NOV 2018</b>	SCALE: <b>NTS</b>
BUILDER: <b>DAN MORLEY CONSTRUCTION</b>			
7.			
6.			
5.			
4.			
3.			
2.			
1.			
REVISIONS		DATE	

27 WHISPERING WOODS



PROPOSED

SHEET TITLE: <b>PROPOSED SITE PLAN</b>		SHEET NO. <b>2</b>	
CLIENT & LOCATION: <b>ALICIA WOODS 27 WHISPERING WOODS</b>		DATE: <b>NOV 2018</b>	SCALE: <b>NTS</b>
BUILDER: <b>DAN MORLEY CONSTRUCTION</b>		REVISIONS	
7.			DATE
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7.	
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REVISIONS	DATE

CLIENT & LOCATION:  
**ALICIA WOODS  
27 WHISPERING WOODS**

BUILDER:  
**DAN MORLEY CONSTRUCTION**

SHEET TITLE:  
**EXISTING HOME**

DATE:  
**NOV 2018**

SCALE:  
**NTS**

SHEET NO.  
**3**