

## Agency Comments

**Saugeen Valley Conservation Authority:** (Full comments provided below)

**County Transportation and Engineering:** Prefers entrance to Lot 33 to be off Golf Links Road.

**Bluewater District School Board:**

BWDSB requests the following conditions be included as part of draft plan approval:

1. "That the owner(s) agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding school", or in an alternate school within or outside of the community."
2. "That the owner(s) shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at discretion of the Student Transportation Service Consortium of Grey-Bruce."
3. "That the owners(s) agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce."

## Public Comments

**Mary Beth Dennis:**

To whom this may concern,

As the neighbour directly next to the lot in question #33 of Part Lot 17 Concession A Golf Links Road, Kincardine, Ontario in your jurisdiction, I want to let you know that I, and many others, are **STRONGLY OPPOSED** to the request made to reduce the side yard requirement and the Minimum lot frontage to lot 33 in this plan. (see attached)

The rest of the land in this proposed building development was raped of all trees and other vegetation with no regard to the environment there, and the small lot of trees left should be protected at all costs from the greed of this owner and developer. We tried to fight for the trees on the main lot, but lost as the various groups like our Municipality and Saugeen Conservation failed to protect any of what was there. They did not believe that the owner was planning to clear cut the land, but that's what happened. Nothing was left.

This small lot ( # 33) has been cut and groomed for over 30 years, by those living next door, as the owners would have left it overgrown with no respect for the look of the neighbourhood.

This small piece is all that is left and we believe it should be protected and left alone. You can protect it by simply refusing the request to allow the change in variances.

We do not want the trees cut down. We do not want or agree to something being built closer to us than the by-laws stipulate. Please enforce the by-laws that are presently in place and save this piece of land.

As of now, the group of over 300 members called "Kincardinites Concerned for the Trees" has been notified of this proposal.

We will be watching and speaking up at the meetings that will be scheduled.

We have made our Municipality aware of our disappointments about past mistakes, and will continue to voice our concerns for the cutting of corners that negatively affect our natural environment.

We are in the process of lobbying for actual by-laws to be put in place for tree protection on private properties, as supported by the Ontario Government. Until this is done, we need your help to reinforce what is already in place.

You can make a small but thoughtful positive impact by simply refusing to allow the changes asked for in this proposal.

Sincerely, Mary Beth Dennis

**Jim Moore and Sandy Robinson:**

We are writing to register our objection to the requested variance on the above noted file.

The applicant has a proposed subdivision of thirty three lots. Thirty-two of these lots are contained within the proposed subdivision and appear to meet the minimum lot size requirements. The subject of the variance, Lot # 33, is located on a spur of land on the north west end of the site and would effectively be a property separate from the subdivision. The variance requested for both the frontage and the side yard are not, in our view, minor and should not be granted. Granting these variances will negatively impact the property immediately adjacent to the south.

Additionally, the site for this subdivision has resulted in the loss of significant green space in the neighbourhood. Presently the land designated on

the Applicant's site plan as lot 33 has mature trees and provides a buffer to the noise from Queen St. We are not in favour of this variance being granted.

Could we please be advised of the decision on this request. Thank you.

Please help us to support environmentally sound development that will respect our trees and natural ecosystems.

Sincerely,

Mary Beth Dennis

[124littledogs](#)



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
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SENT ELECTRONICALLY ([bcplpe@brucecounty.on.ca](mailto:bcplpe@brucecounty.on.ca))

July 29, 2021

County of Bruce  
Planning & Development Department  
1243 MacKenzie Road  
Port Elgin, ON, N0H 2C6

ATTENTION: Robyn McIntyre, Planning

Dear Ms. McIntyre:

RE: Application for Plan of Subdivision: S-2021-010  
Application for Minor Variance: A-2021-046  
Roll No. 410821000402802  
Part Lot 17, Concession A  
Geographic Town of Kincardine  
Municipality of Kincardine [Lindston Group c/o Davidson]

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) with the County of Bruce representing natural hazards, natural heritage, and water resources; and your proposal has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the applications are to facilitate the construction of a residential subdivision comprising 10 detached dwellings, four semi-detached dwellings and 19 townhouses. The Minor Variance seeks to reduce the 'minimum lot frontage' requirement of one of the proposed lots (Lot 33) from 18.0 metres to 15.8 metres; and, to reduce the 'minimum exterior side yard' requirement of the same lot from 6.0 metres to 4.0 metres for the habitable portion of the house and to 5.5 metres for the attached garage.

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

1. Request for Agency Comments, dated June 28, 2021,
2. Draft Plan of Subdivision, RJ Burnside, dated April 8, 2021,
3. Planning Justification Report, Ron Davidson Land Use Planning Consultant Inc., dated April 22, 2021,
4. Environmental Impact Study, Natural Resource Solutions Inc., dated May 2018; and,
5. Functional Servicing and Stormwater Management Report.



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

SVCA staff have provided comments on the associated OPA, ZBA and Severance applications associated with the subject property and proposed development. Attached is a copy of SVCA staff's most recent comments, dated October 18, 2018.

### **Recommendation**

SVCA staff recommends the decision for these applications be deferred until a floodplain analysis is undertaken that demonstrates existing and proposed development will not be impacted by the Hurricane Hazel Floodplain Event (HHFE) floodplain, and until an addendum to the EIS shows no impact to the identified natural heritage features and surface water resources based on the current draft plan and stormwater management plan.

### **Site Characteristics**

The subject property is located within the Town of Kincardine and is bounded by Golf Links Road to the north, golf course lands to the south and west, and existing residential development to the east.

Prior to spring of this year, the property featured a woodlot, which was cleared by the applicant early 2021. There is an intermittent watercourse (Watercourse 1) that currently traverses the property along the east property boundary then flows west along Golf Links Road to Lake Huron. The property also experiences a high groundwater table and is headwaters via spring to a tributary (Watercourse 2) that flows south to a watercourse on the adjacent golf course.

### **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 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 and/or local official plans. Comments below only include features/technical requirements affecting the property.**

#### **Natural Hazards:**

The Property features a watercourse that would be subject to flooding during a Hurricane Hazel Flood Event (HHFE). However, SVCA staff does not have floodplain mapping for this watercourse. In the attached SVCA October 2018 correspondence, staff recommended to the County that a floodplain analysis be undertaken to identify the Hurricane Hazel Flood Event (HHFE) floodplain limits associated with the relocated watercourse under post-development conditions. Identifying the HHFE floodplain will inform the planning process to ensure new development and existing adjacent lands / development would not be impacted by the flooding hazards as a result of the proposed. To date, SVCA staff has not received this information and it does not appear the floodplain analysis was submitted to support the current application.

The following is a summary of the Provincial, County, and local natural hazard policies affecting this development.

### Provincial Policy Statement (PPS, 2020) – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.); and furthermore, that section 3.1.2 c) of the PPS states, in general, that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

### County of Bruce Official Plan (OP) Policies

It is the interpretation of SVCA staff, in general, Sections 5.8.5.1 and 5.8.8.2 of the County OP do not support new development within lands affected by natural hazards in addition to Section 3.1 of the Provincial Policy Statement concerning development and site alterations in hazardous lands and sites.

### Municipality of Kincardine Official Plan (OP) Policies

It is SVCA staff's opinion, section C2.1.2 of the Kincardine OP does not support development within areas of natural hazards where there is an unacceptable risk to public health, safety or of property risk.

It is SVCA staff's opinion, consistency with the above-noted natural hazard policies has not been achieved with the current application because the recommended floodplain analysis was not submitted. As such, SVCA staff cannot advise the County/Municipality, at this time, that the proposed development/lot plan will not be impacted by flooding hazards. Revisions to the proposed draft plan may be required to accommodate the HHFE floodplain.

Additionally, once the post-watercourse alteration floodplain has been established, SVCA staff recommends the appropriate Natural Environment (NE) designation and Environmental Protection (EP) zone be implemented for the property. SVCA staff will recommend this as a condition of draft plan approval.

### **Natural Heritage:**

Based on SVCA staffs review of resource mapping and the above-noted Environmental Impact Study (EIS) the natural heritage features affecting the property are fish habitat and habitat of endangered and threatened species. SVCA staff reviewed Natural Resource Solutions Inc. (NRSI) EIS, dated May 2018 and found the report to be acceptable at that time.

Below is a summary of Provincial, County, and local natural heritage policies affecting the development.

### Fish Habitat

SVCA staff's review of fish habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Natural Resources and Forestry (MNRF) or the Department of Fisheries Oceans (DFO).

As per the EIS, there are two watercourses on the property that provide indirect fish habit by providing coldwater base flow to downstream fish habitat, being Lake Huron. Watercourse 1 is proposed to be

relocated, and a portion of Watercourse 2 (on the property) will be permanently removed as a result of the development.

#### Provincial Policy Statement (PPS, 2020) – Section 2.1

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8 states development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions.

#### County of Bruce Official Plan (OP) Policies

It is SVCA staff's interpretation, s. 4.3.2.1 of the County OP does not permit development within 30 metres to the banks of a cold water stream or 15 metres of a warm water stream; and that landowners are encouraged to forest the area within any stream to maintain and improve fish habitat ecological functions of the stream and to increase natural connections. Furthermore, s. 4.3.3 of the OP requires that an EIS shall be required for development and site alteration proposed within 120 metres of fish habitat

#### Municipality of Kincardine Official Plan (OP) Policies

Section C2.3.5 of the Kincardine OP, in SVCA's staff's opinion, states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and as per section C2.3.9, in considering new development proposals, the Municipality shall require the submission of an analysis that the development will have on fish habitat, with such analysis including remedial measures to be undertaken to protect and improve the habitat.

In accordance with the above policies, an assessment of the potential impacts of the development on the indirect fish habitat for both watercourses was undertaken by NRSI/EIS. It was determined there should be no impact to fish habitat provided several mitigation measures outlined in the EIS are implemented; including (but not limited to), vegetation plantings around the stormwater management plan and riparian restoration plantings along the realigned watercourse; and maintaining baseflow to Watercourse 2 to compensate water loss to this feature. Additionally, there are recommendations in the EIS for sufficient erosion and sediment control measures to be implemented to mitigate sediment from entering fish habitat as a result of clearing and development the land.

Unfortunately, since the EIS was undertaken in 2018, the SWM plan (see Map 3 of the EIS) and draft plan have changed for which some of the mitigation was predicated on. Therefore, the recommended mitigation measures in the EIS may no longer be applicable, specifically with regards to methodology for maintaining base flow to watercourse no. 2. Additionally, the lot had been cleared in early 2021 and it is the opinion of SVCA staff the recommendations for tree/vegetation retention and erosion and sediment control (ESC) were not implemented, until SVCA regulatory staff addressed the ESC issue, temporarily. Please see below for SVCA staff's recommendation regarding the EIS in relation to the current draft plan, SWM plan, and clearing of vegetation in the EIS section of this report.

### Habitat of Endangered and Threatened Species

As per the EIS, the subject property features Species at Risk (SAR) habitat for two species of bats. SVCA's role is to identify endangered/threatened species habitat in consideration of the PPS and local policies but we must direct applicants to Ministry of Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed.

#### Provincial Policy Statement (PPS, 2020)– Section 2.1

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of endangered species and threatened species.

#### County of Bruce Official Plan (OP) Policies

It is SVCA staff's opinion, section 4.3.2.7 of the County's OP does not permit development within habitat of threatened and endangered species; and that development and site alteration proposed within 50 metres adjacent will not be permitted unless an EIS demonstrates the proposed will not have an impact on the habitat or it's ecological functions.

#### Municipality of Kincardine Official Plan (OP) Policies

It is SVCA staff's interpretation that s. C2.3.3 of the Municipality's OP does not permit development and site alteration in habitat of endangered and threatened species except in accordance with provincial and federal requirements; and that development proposed within adjacent lands to this feature shall require an EIS to demonstrate the proposed will not have an impact on the habitat or it's ecological functions.

Based on SVCA staff's review of the EIS, it appears the Ministry (Ministry of Natural Resources and Forestry (MNRF) at the time) was contacted, and that the MNRF found the proposed to be acceptable, provided mitigation measures outlined in the report were implemented. These mitigation measures included tree removal constraints, where in the opinion of SVCA staff may not have been adhered to during the spring tree clearing. As such, it is SVCA staff's opinion, the ecologist should provide a review of the mitigation measures to ensure the Ministry approved mitigation measures were adhered to in order for the development to be in conformance with the above-noted PPS policies. See below "Environmental Impact Study" section for more information.

### **Water Resources (Surface Water and Drinking Water Source Protection):**

The property is subject to a high groundwater table which provides baseflow and coldwater input both Watercourses 1 and 2. Watercourse 1 is proposed to be relocated and a section of Watercourse 2 is proposed to be removed. Mitigation measures were recommended to negate the impact of the proposed, which included a SWM plan that maintained baseflow to Watercourse 2 as compensation for removing a section of that watercourse. However, as noted above, the SWM plan, which the EIS was based on has changed and an addendum to the EIS relative to these changes was not provided. As such, SVCA staff cannot advise the County at this time as to whether the proposed would not have a hydraulic impact on the receiving surface water features.



Additionally, with regard to high groundwater tables on the property, SVCA staff notes, that section 5.4.4 of the EIS states “detailed measures to avoid development conflict with the existing water table and groundwater flow will be provided as part of a future hydrogeologic assessment. To SVCA staff’s knowledge this assessment has not been completed. As such, SVCA staff recommends this be undertaken or that this assessment be provided to the County/Municipality to ensure existing and proposed development will not be impacted, and that existing groundwater conditions will not be impacted. It is staff’s opinion, this can be undertaken as a condition of approval for the draft plan.

Additionally, SVCA staff has screened this application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006. The Source Protection Plan came into effect on July 1st, 2016, and contains policies to protect sources of municipal drinking water from existing and future land use activities. The subject property appears to SVCA staff to be located within an area that is subject to the local Source Protection Plan where applicable policies may apply. A separate Notice from the local Risk Management Official may be required as specified under the Clean Water Act, 2006 to allow your project to proceed. SVCA staff have forwarded this application to Carl Seider (RMO) for their information. Please contact Carl Seider (RMO) directly for more information on the Source Protection Plan policies that may affect your application.

#### **Environmental Impact Study:**

As noted, SVCA staff found the EIS acceptable in 2018, which was reviewed to support the associated severance and concept plan for the proposed development. At the time, the EIS review and recommended mitigation measures were centered on a concept site plan and SWM plan that were different than currently proposed. The purpose of the mitigation measures are to ensure impacts to fish habitat, SAR, and hydraulic functions of the watercourse would not be experienced. However, with the change in the SWM plan, particularly SWM pond location, slight change to the proposed lot configuration, and clearing that occurred early in 2021, SVCA staff cannot advise the County/Municipality the current draft plan application won’t have an impact on the aforementioned natural heritage features and surface water resources. Therefore, it is SVCA staff’s recommendation an addendum to the 2018 EIS be undertaken based on the revised SWM plan and draft plan.

Furthermore, based on the EIS mitigation measures, it appears there will be a need for tree/vegetation plantings around both the proposed SWM plan and re-aligned watercourse and potentially a need for tree planting compensation for the clearing that occurred early this year. As such, it is SVCA staff’s recommendation that the applicant’s environmental consultant provides this plan as part of their addendum to the EIS.

#### **Stormwater Management (SWM):**

SVCA staff have reviewed the preliminary SWM plan and facilities to ensure no impact on the control of flooding, erosion, pollution, or the conservation of land in accordance with our mandate under the *Conservation Authorities Act* and as per our MOA with the County of Bruce regarding water resources. This includes a general review of lot grading and erosion control, water quantity and quality, and impacts to receiving natural heritage features. SVCA staff’s review does not include a detailed technical clearance of engineering methodology or modelling.

SVCA staff finds the preliminary SWM plan acceptable. However, based on comments noted-above, minor changes to the plan may be necessary to accommodate recommendations made in an addendum to the EIS.

SVCA staff wishes to note one issue with the SWM plan is that the pre and post 25 year and 50 year storms were not modelled. We recommend this be done for the final SWM report.

### **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.**

Portions of the subject property are within the SVCA 'Approximate Regulated Area' associated with Ontario Regulation 169/06. SVCA's regulated features on the property include the watercourses, plus 15 metres from the top of bank of the watercourse and their floodplain (yet to be determined). As such, development and/or site alteration within this area requires the 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 the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

### **SVCA Permission for Development or Alteration**

Proposed alterations to the watercourses on the property will require SVCA permission, prior to undertaking the work. Provided it can be demonstrated flooding and erosion impacts upstream and downstream of the site are not altered unacceptably, post-watercourse alteration, and that it is demonstrated the hydraulic functions of the watercourses are not impacted. Additionally, SVCA staff will require the floodplain analysis and satisfactory SWM plan and engineering drawings be submitted as part of SVCA's application for development and watercourse alteration within SVCA's regulated area.

## **Summary**

SVCA staff has reviewed this 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*.

It is SVCA staff's opinion, decision for the application for draft plan of subdivision and minor variance should be deferred until a satisfactory floodplain analysis is undertaken that demonstrates existing and proposed development will not be impacted by the HHFE floodplain, and until an addendum to the EIS shows no impact to the identified natural heritage features and surface water resources will occur based on the revised draft plan and SWM plan.

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 not been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has not been demonstrated.
- 3) Consistency with local planning policies for natural hazards and natural heritage has not been demonstrated.
- 4) SVCA staff have not provided recommendations for draft approval at this time. We feel it is premature at this point until the above recommended studies are completed.

Please inform this office of any decision made by the County with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,



Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW/

Encl: SVCA Letter, dated October 18, 2018

cc: Daniel Kingsbury, Senior Planner, County of Bruce (via email)  
Dwayne McNab, Manager of Development Services (via email)  
Maureen Couture, SVCA Member (via email)  
Ron Davidson, Agent for Applicant (via email)



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SENT ELECTRONICALLY ([dkingsbury@brucecounty.on.ca](mailto:dkingsbury@brucecounty.on.ca))

November 5, 2021

County of Bruce  
Planning & Development Department  
1243 MacKenzie Road  
Port Elgin, ON, N0H 2C6

ATTENTION: Daniel Kingsbury, Senior Planner

Dear Mr. Kingbury:

RE: Application for Plan of Subdivision: S-2021-010  
Application for Minor Variance: A-2021-046  
Roll No. 410821000402802  
Part Lot 17, Concession A  
Geographic Town of Kincardine  
Municipality of Kincardine [Lindston Group c/o Davidson]

Saugeen Valley Conservation Authority (SVCA) staff wishes to follow-up our comments from July 29, 2021 (attached) regarding the above-noted applications. In summary, as indicated in the July 2021 letter, SVCA staff recommended the decision for the applications be deferred until a floodplain analysis is undertaken that demonstrates existing and proposed development will not be impacted by the Hurricane Hazel Flood Event (HHFE) floodplain, and until an addendum to the EIS shows no impact to the identified natural heritage features and surface water resources based on the current draft plan and stormwater management plan.

It is our understanding decision for the applications was deferred and SVCA has since received and reviewed the following reports:

1. Technical Memorandum – Flood Analysis, RJ Burnside, Project No. 300052023, dated September 29, 2021; and,
2. Environmental Impact Study Addendum, Natural Resource Solutions Inc.(NRSI), dated September 28, 2021.

In general, SVCA staff find the reports acceptable, and we offer the following comments:

#### **Technical Memorandum – Flood Analysis**

1. The Flood Analysis report demonstrates the development should not increase floodplain elevations on existing adjacent properties and proposed new lots. According to the report, the Hurricane Hazel Flood Event (HHFE) will be contained within the by-pass channel and Stormwater Management (SWM) pond.



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

However, to accommodate the HHFE flows, minor alterations to the by-pass channel and existing channel are proposed and need to be demonstrated in the final SWM plan and engineered drawings.

2. A 'Landscape Plan' for the SWM pond and by-pass channel is proposed and should be designed in conformance with the recommendations of the EIS Addendum.
3. There is a pedestrian bridge proposed over re-aligned Watercourse No. 1 for access to adjacent golf course lands. SVCA staff recommend this bridge be constructed so as not to interfere with the HHFE elevations rather than be removed during seasonal high flows as indicated in the report. SVCA staff asks that the design of the pedestrian bridge be included on the final site plan. SVCA staff will also require the bridge plans be included in the SVCA application to alter a watercourse for the proposed re-alignment of Watercourse 1.

### **Environmental Impact Study – Addendum**

4. The 2018 EIS and September 28, 2021, EIS Addendum recommend several mitigation measures to limit the impact of the development on the ecological functions of adjacent natural features and species at risk. These mitigation measures must be implemented in order for the development to conform to the natural heritage policies of the PPS, County and Municipal Official Plans. Attached is an "Environmental Impact Study and Addendum Summary of Recommendations" completed by NRSI on November 4, 2021. It is SVCA staff opinion, the conditions for draft approval include provisions to ensure the mitigation work is completed. See below for SVCA staff recommendation for conditions of draft approval.
5. On page 6 of SVCA's July 29, 2021, letter we note the following:

*With regard to high groundwater tables on the property, SVCA staff notes, that section 5.4.4 of the EIS states "detailed measures to avoid development conflict with the existing water table and groundwater flow will be provided as part of a future hydrogeologic assessment. To SVCA staff's knowledge this assessment has not been completed. As such, SVCA staff recommends this be undertaken or that this assessment be provided to the County/Municipality to ensure existing and proposed development will not be impacted, and that existing groundwater conditions will not be impacted. It is staff's opinion this can be undertaken as a condition of approval for the draft plan.*

It is noted in the EIS Addendum that base flow to Watercourse No. 2 in the upper reach of the watercourse is largely provided by groundwater input. Based on SVCA staff's review of the EIS Addendum it appears a geotechnical study was undertaken to address the shallow groundwater conditions on site and makes recommendations for foundation design to account for fluctuating water tables. However, it was not concluded in the EIS Addendum that the proposed development would not impact the overall groundwater regime to receiving watercourses. As such, SVCA staff recommends that a statement from the geotechnical engineer or hydrogeologist be provided to SVCA advising no impact to the overall groundwater regime will occur as a result of the development.

6. Dewatering of the construction site may be required during construction given groundwater elevations were found to range between 0.15 m to 4 m below the surface elevation. If required, SVCA staff recommend the dewatering plan be included in the final SWM plan and engineered drawings (i.e., Notes).

## **Summary**

SVCA staff has reviewed these 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*.

In general, SVCA staff find the applications acceptable, provided the following recommendations are included as conditions of draft plan approval:

### **Recommended Draft Plan of Subdivision Conditions:**

- i. That prior to any grading or construction on the site, and prior to Final Approval, the owner shall submit to the Saugeen Valley Conservation Authority for their review and approval, the following plans, and reports, prepared by a qualified consultant to the satisfaction of the SVCA:**
  - a. A “Final Servicing and Stormwater Management Report” and “Lot Grading Plan” in accordance with the prevailing Ministry of Environment planning and design guidelines and other related technical criteria as determined by the SVCA. The Final Report/Plans shall detail the method that will be used to control surface water flow and groundwater dewatering plans within the development lands and abutting properties during and following construction. The final plan shall include recommendations of the “Technical Memorandum – Flood Analysis” (RJ Burnside, September 29, 2021) and the “Environmental Impact Study” (EIS) (NRSI, 2018), “EIS Addendum” (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).**
  - b. An ‘Erosion and Sedimentation Control Plan’ indicating the means whereby erosion will be minimized, and sediment contained on-site and from abutting properties throughout all phases of grading and construction and shall include a maintenance plan and provision for timely revegetation of the site. The plan shall also detail the methods that will reduce any negative impacts to water quality and shall include recommendations of the “Environmental Impact Study” (EIS) (NRSI, 2018), “EIS Addendum (NRSI, September 28, 2021)”, and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).**
  - c. A “Tree Protection Plan” designed by a certified arborist to the satisfaction of the SVCA that includes the location of tree protection fencing in accordance with the recommendations of the “EIS Addendum” (NRSI, September 28, 2021, and the “EIS Summary of Recommendations” (NRSI, November 4, 2021).**
  - d. A “Landscape / Restoration Planting Plan” designed by a qualified ecologist that shall include the recommendations of the “Environmental Impact Study” (EIS) (NRSI, 2018), EIS Addendum (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).**
  - e. A letter from a qualified ecologist indicating Lot 33 at the location for the SWM pond and by-pass channel has been inspected for the presence of any federally, provincially, or regionally significant vegetation species in accordance with the EIS Addendum (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).**

- ii. **That prior to final approval of the subdivision by the County, a zoning by-law amendment will be passed by the Municipality of Kincardine with wording and mapping that is acceptable to the SVCA. The by-pass channel/watercourse floodplain should be appropriately zoned to recognize the flooding hazard.**
  
- iii. **That prior to Final Approval, the Saugeen Valley Conservation Authority review the wording in the Draft Subdivision Agreement between the Owner and the Municipality of Kincardine to ensure the Agreement addresses all the requirements of the Saugeen Valley Conservation Authority; and that, the Subdivision Agreement contain provision with wording acceptable to the SVCA, including;**
  - a) **The Owner agrees to carry out, or cause to be carried out, the works recommended in the approved plans and final reports as noted in 1 a), b), c), d), and e).**

Given the above comments, and provided the above recommendations are implemented, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS will be demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS will be demonstrated, with the exception of threatened and endangered species policies, which the applicant must address directly with the Ministry of Environment, Conservation, and Parks (MECP).
- 3) Consistency with local planning policies for natural hazards will be demonstrated.
- 4) Consistency with local planning policies for natural heritage will be demonstrated, with the exception of threatened and endangered species policies, which the applicant must address directly with the Ministry of Environment, Conservation, and Parks (MECP).

Please inform this office of any decision made by the County with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,

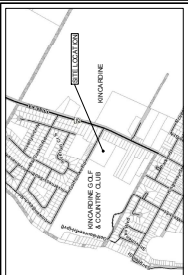


Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW/

Encl: SVCA Letter, dated July 29, 2021

cc: Dwayne McNab, Manager of Development Services (via email)  
Ron Davidson, Ron Davidson Land Use Planning Consultant Inc. (via email)  
Keith Battler, The Lindston Group (via email)  
Maureen Couture, SVCA Member (via email)  
Bill Stewart, SVCA Member (via email)



KEY PLAN  
SCALE 1:1000

**BURNSIDE**  
 1100 Burnside St., P.O. Box 10  
 Burnside, Ontario L3R 9Y1  
 Tel: (905) 709-1001

THE TOPOGRAPHIC INFORMATION HAS BEEN PROVIDED BY  
 G.M. BURNETT & ASSOCIATES. PLEASE REFER TO DRAWINGS  
 CONCERNING THE TOLERANCES AND THE DIMENSIONS FOR  
 THE VARIOUS LOTS IN THIS DEVELOPMENT.

No.	Item	Revision	Date	By	SR
1	PROPOSED DRAFT PLAN APPROVAL		08/20/21		

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LOTS TO BE SUBDIVIDED ARE  
 CORRECT TO WORK.

DATE: \_\_\_\_\_

**OWNER'S CERTIFICATE**  
 KEITH BATTILIER  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LOTS TO BE SUBDIVIDED ARE  
 CORRECT TO WORK.

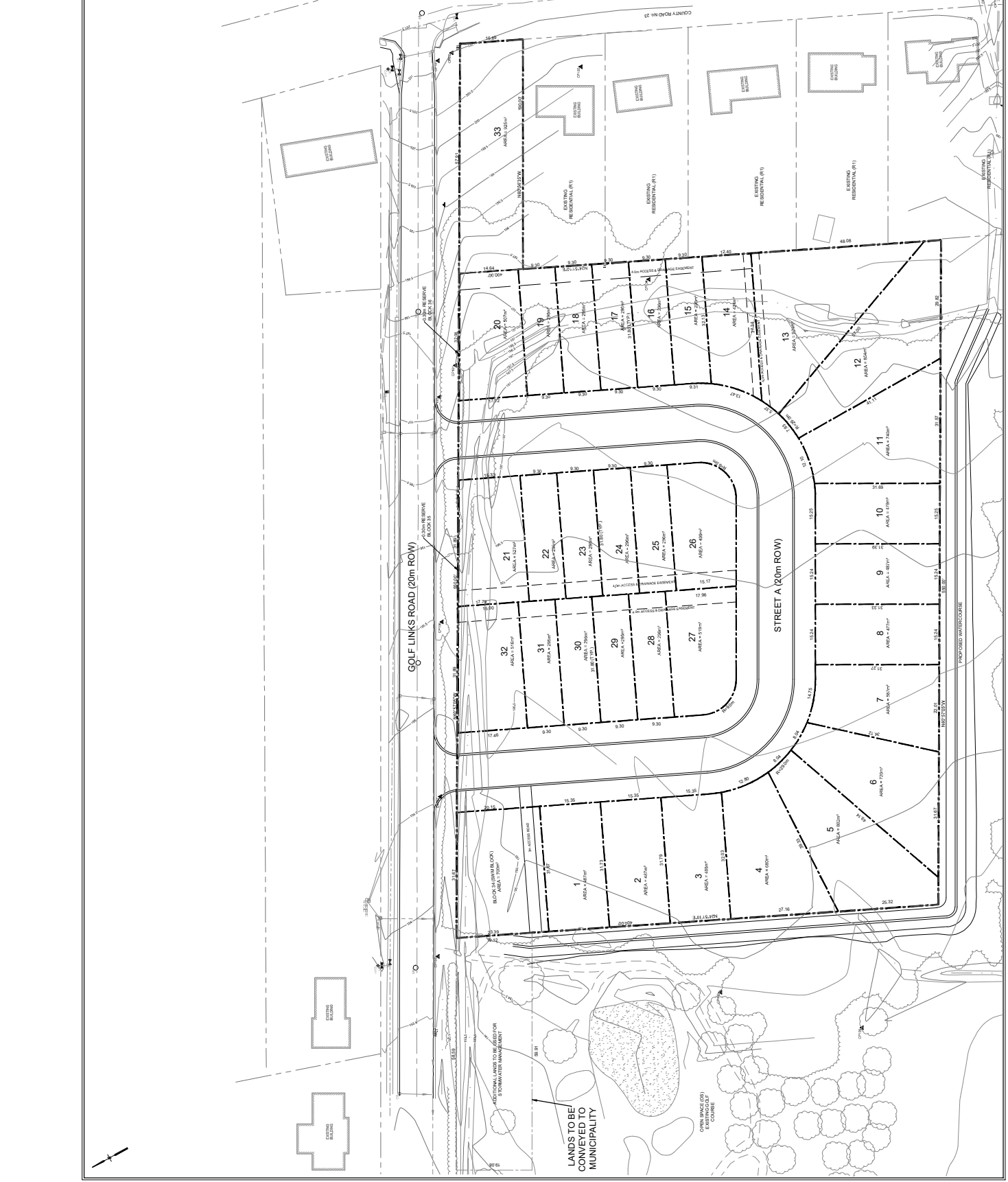
DATE: \_\_\_\_\_

**SITE DATA:**  
 REQUIREMENTS OF SECTION 11(7) OF THE ZONING BY-LAW, 1996 (S. 11.7)  
 (A) AS SHOWN ON DRAFT PLAN  
 (B) AS SHOWN ON DRAFT PLAN  
 (C) AS SHOWN ON DRAFT PLAN  
 (D) ACCORDING TO THE LAND USE SCHEME BELOW  
 (E) AS SHOWN ON DRAFT PLAN  
 (F) AS SHOWN ON DRAFT PLAN  
 (G) AS SHOWN ON DRAFT PLAN  
 (H) MUNICIPAL WATER SERVICE  
 (I) AS SHOWN ON DRAFT PLAN  
 (J) AS SHOWN ON DRAFT PLAN  
 (K) FULL MUNICIPAL SERVICES TO BE PROVIDED

**LAND USE SCHEDULE**

LAND USE SCHEDULE	AREA (SQ. FT.)	AREA (SQ. M.)
RESIDENTIAL (R1)	1,000,000	92,901
RESIDENTIAL (R2)	1,000,000	92,901
RESIDENTIAL (R3)	1,000,000	92,901
RESIDENTIAL (R4)	1,000,000	92,901
RESIDENTIAL (R5)	1,000,000	92,901
RESIDENTIAL (R6)	1,000,000	92,901
RESIDENTIAL (R7)	1,000,000	92,901
RESIDENTIAL (R8)	1,000,000	92,901
RESIDENTIAL (R9)	1,000,000	92,901
RESIDENTIAL (R10)	1,000,000	92,901
RESIDENTIAL (R11)	1,000,000	92,901
RESIDENTIAL (R12)	1,000,000	92,901
RESIDENTIAL (R13)	1,000,000	92,901
RESIDENTIAL (R14)	1,000,000	92,901
RESIDENTIAL (R15)	1,000,000	92,901
RESIDENTIAL (R16)	1,000,000	92,901
RESIDENTIAL (R17)	1,000,000	92,901
RESIDENTIAL (R18)	1,000,000	92,901
RESIDENTIAL (R19)	1,000,000	92,901
RESIDENTIAL (R20)	1,000,000	92,901
RESIDENTIAL (R21)	1,000,000	92,901
RESIDENTIAL (R22)	1,000,000	92,901
RESIDENTIAL (R23)	1,000,000	92,901
RESIDENTIAL (R24)	1,000,000	92,901
RESIDENTIAL (R25)	1,000,000	92,901
RESIDENTIAL (R26)	1,000,000	92,901
RESIDENTIAL (R27)	1,000,000	92,901
RESIDENTIAL (R28)	1,000,000	92,901
RESIDENTIAL (R29)	1,000,000	92,901
RESIDENTIAL (R30)	1,000,000	92,901
RESIDENTIAL (R31)	1,000,000	92,901
RESIDENTIAL (R32)	1,000,000	92,901
RESIDENTIAL (R33)	1,000,000	92,901
RESIDENTIAL (R34)	1,000,000	92,901
RESIDENTIAL (R35)	1,000,000	92,901
RESIDENTIAL (R36)	1,000,000	92,901
RESIDENTIAL (R37)	1,000,000	92,901
RESIDENTIAL (R38)	1,000,000	92,901
RESIDENTIAL (R39)	1,000,000	92,901
RESIDENTIAL (R40)	1,000,000	92,901
RESIDENTIAL (R41)	1,000,000	92,901
RESIDENTIAL (R42)	1,000,000	92,901
RESIDENTIAL (R43)	1,000,000	92,901
RESIDENTIAL (R44)	1,000,000	92,901
RESIDENTIAL (R45)	1,000,000	92,901
RESIDENTIAL (R46)	1,000,000	92,901
RESIDENTIAL (R47)	1,000,000	92,901
RESIDENTIAL (R48)	1,000,000	92,901
RESIDENTIAL (R49)	1,000,000	92,901
RESIDENTIAL (R50)	1,000,000	92,901
RESIDENTIAL (R51)	1,000,000	92,901
RESIDENTIAL (R52)	1,000,000	92,901
RESIDENTIAL (R53)	1,000,000	92,901
RESIDENTIAL (R54)	1,000,000	92,901
RESIDENTIAL (R55)	1,000,000	92,901
RESIDENTIAL (R56)	1,000,000	92,901
RESIDENTIAL (R57)	1,000,000	92,901
RESIDENTIAL (R58)	1,000,000	92,901
RESIDENTIAL (R59)	1,000,000	92,901
RESIDENTIAL (R60)	1,000,000	92,901
RESIDENTIAL (R61)	1,000,000	92,901
RESIDENTIAL (R62)	1,000,000	92,901
RESIDENTIAL (R63)	1,000,000	92,901
RESIDENTIAL (R64)	1,000,000	92,901
RESIDENTIAL (R65)	1,000,000	92,901
RESIDENTIAL (R66)	1,000,000	92,901
RESIDENTIAL (R67)	1,000,000	92,901
RESIDENTIAL (R68)	1,000,000	92,901
RESIDENTIAL (R69)	1,000,000	92,901
RESIDENTIAL (R70)	1,000,000	92,901
RESIDENTIAL (R71)	1,000,000	92,901
RESIDENTIAL (R72)	1,000,000	92,901
RESIDENTIAL (R73)	1,000,000	92,901
RESIDENTIAL (R74)	1,000,000	92,901
RESIDENTIAL (R75)	1,000,000	92,901
RESIDENTIAL (R76)	1,000,000	92,901
RESIDENTIAL (R77)	1,000,000	92,901
RESIDENTIAL (R78)	1,000,000	92,901
RESIDENTIAL (R79)	1,000,000	92,901
RESIDENTIAL (R80)	1,000,000	92,901
RESIDENTIAL (R81)	1,000,000	92,901
RESIDENTIAL (R82)	1,000,000	92,901
RESIDENTIAL (R83)	1,000,000	92,901
RESIDENTIAL (R84)	1,000,000	92,901
RESIDENTIAL (R85)	1,000,000	92,901
RESIDENTIAL (R86)	1,000,000	92,901
RESIDENTIAL (R87)	1,000,000	92,901
RESIDENTIAL (R88)	1,000,000	92,901
RESIDENTIAL (R89)	1,000,000	92,901
RESIDENTIAL (R90)	1,000,000	92,901
RESIDENTIAL (R91)	1,000,000	92,901
RESIDENTIAL (R92)	1,000,000	92,901
RESIDENTIAL (R93)	1,000,000	92,901
RESIDENTIAL (R94)	1,000,000	92,901
RESIDENTIAL (R95)	1,000,000	92,901
RESIDENTIAL (R96)	1,000,000	92,901
RESIDENTIAL (R97)	1,000,000	92,901
RESIDENTIAL (R98)	1,000,000	92,901
RESIDENTIAL (R99)	1,000,000	92,901
RESIDENTIAL (R100)	1,000,000	92,901
TOTAL	2,744,100	254,400

**DRAFT PLAN OF SUBDIVISION**  
 OF PART OF  
**CONCESSION A**  
 IN THE COMMUNAL  
 TOWNSHIP OF KINCARDINE  
 COUNTY OF BRUCE  
 SCALE 1:100 (METRIC)



THE METRIC DIMENSIONS AND COORDINATES SHOWN ON THIS PLAN ARE IN METRIC UNITS AND SHALL BE CONSIDERED TO TAKE PRECEDENCE OVER ANY DIMENSIONS AND COORDINATES SHOWN ON THIS PLAN IN IMPERIAL UNITS.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

FOR: \_\_\_\_\_



**From:** [Brandi Walter](#)  
**To:** [Daniel Kingsbury](#)  
**Subject:** RE: Questions about Battler Subdivision Condition  
**Date:** Wednesday, February 2, 2022 11:59:19 AM

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**\*\* [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good question, perhaps add the following:

A letter from a qualified ecologist indicating Lot 33 at the location for the SWM pond and by-pass channel has been inspected for the presence of any federally, provincially, or regionally significant vegetation species in accordance with the EIS Addendum (NRSI, September 28, 2021), and as summarized in the "EIS Summary of Recommendations" (NRSI, November 4, 2021); and that it is confirmed none of these species are present; or that, the impacts to these species can be mitigated. Should endangered or threatened species be identified, the applicant will need clearance from the Ministry of Environment, Conservation, and Parks (MECP) directly.

Kind Regards,



**Brandi Walter**

Environmental Planning Coordinator  
1078 Bruce Rd. 12, Box 150  
Formosa ON N0G 1W0  
Cell: 519-369-4282  
E-mail: [b.walter@svca.on.ca](mailto:b.walter@svca.on.ca)  
[www.saugeenconservation.ca](http://www.saugeenconservation.ca)

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**From:** Daniel Kingsbury <DKingsbury@brucecounty.on.ca>  
**Sent:** February 2, 2022 10:25 AM  
**To:** Brandi Walter <b.walter@svca.on.ca>  
**Subject:** Questions about Battler Subdivision Condition

**\*\*[CAUTION]: This email originated from outside of the organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hi Brandi,

The Battler subdivision in Kincardine is going to County Council for a decision in Feb. I just had one clarifying question regarding this condition:

A letter from a qualified ecologist indicating Lot 33 at the location for the SWM pond and by-pass channel has been inspected for the presence of any federally, provincially, or regionally significant vegetation species in accordance with the EIS Addendum (NRSI, September 28, 2021), and as summarized in the "EIS Summary of Recommendations" (NRSI, November 4, 2021).

Question – what would happen if the letter indicated that there was a significant vegetation species? Could the condition be cleared?

Thanks

Dan

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For the most up-to-date information on our continued services as we monitor and adapt to the health conditions of COVID-19, please visit the Bruce County website:

<https://brucecounty.on.ca/covid19>

Help prevent the spread of COVID-19 by avoiding crowds and following the 3 W's: wear a face covering, watch your distance (2 metres), and wash your hands.

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**Daniel Kingsbury**

Senior Planner  
Planning and Development  
Corporation of the County of Bruce

Office: 226-909-1601

[www.brucecounty.on.ca](http://www.brucecounty.on.ca)



Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.