

SENT ELECTRONICALLY (cjsmith@brucecounty.on.ca)

April 6, 2022

County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0

ATTENTION: Coreena Smith, Planner

Dear Ms./Mrs. Smith,

RE: Application for County Official Plan Amendment: C-2021-008
Application for Zoning By-law Amendment: Z-2021-036
1185 Concession 8
Roll No. 41050600021990
Lot 27, Concession 8
Geographic Township of Culross
Municipality of South Bruce

[Teeswater Concrete Ltd.]

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 the application 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 is to (1) amend the County Official Plan by adding a site-specific 'Licensed Aggregate / Quarry Operation' overlay to a portion of the subject lands; and (2) amend the South Bruce Zoning By-law to rezone those lands from A1 - General Agriculture and EP - Environmental Protection to M2 - Extractive Industrial. The amendments would facilitate the establishment of a licensed sand and gravel extraction operation, subject to the issuance of a license by the Ministry of Natural Resources and Forestry under the Aggregate Resources Act.

Staff have received and reviewed the following documents submitted with these applications:

- 1) Request for Agency Comments for OPA C-2021-008 and ZBA Z-2021-036, dated March 7, 2021,
- 2) Application for OPA C-2021-008 and ZBA Z-2021-036, dated March 25, 2021,

- 3) Natural Environment Level 1 & 2 Reports and EIS, Dance Environmental, April 16, 2020;
- 4) Responses to SVCA Comments, Dance Environmental, May 5, 2021; and associated Drawing DE-433, April 7, 2021,
- 5) Hydrogeological Study, GM BluePlan, revised June 2021,
- 6) Drawings 1, 2, 2A, and 3, GM BluePlan, Project No. 218045, revised December 2, 2021; and,
- 7) Planning Report, Ron Davidson Land Use Planning Consultant Inc., March 29, 2021.

Furthermore, SVCA staff reviewed and commented on the proposed aggregate application under the *Aggregate Resources Act* in accordance with the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) public consultation process. Copies of SVCA's correspondence were circulated to the County. However, if this information is not on record with the County or Municipality of South Bruce, please contact the undersigned and we will forward the information.

Recommendation

In general, SVCA staff find the proposed applications acceptable, provided there are no changes to the County Hazard Lands designation, and the Municipality's Environmental Protection Zone on the property.

Site Characteristics

The subject property is largely agricultural field, containing an existing residence and agricultural structures. There are wooded wetlands, marshes, cedar and deciduous woodlands, and the Teeswater River, all of which are on and adjacent to the Property.

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:

SVCA hazard mapping indicates the subject property is affected by flooding and erosion hazards associated with the Teeswater River valley; and floodprone lands and organic soils associated with wetlands. These hazardous features are designated as 'Hazard Lands' on Schedule A of the Bruce County Schedule Official Plan; and as Environmental Protection/Hazard (EP) in the Municipality of South Bruce Official Plan. The hazard mapping of the County and Municipality is in general conformance with the hazard mapping originally plotted by SVCA staff.

The following is a summary of Provincial, and County natural hazard policies affecting the proposed:

Provincial Policy Statement – 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.).

County of Bruce Official Plan (OP) Policies

In general, Sections 5.8.5.1 and 5.8.8.2 of the County OP, as interpreted by SVCA staff, 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.

Based on SVCA staff's review of the above-noted reports and drawings, the proposed extraction limits are located outside hazardous lands on the property, and therefore, operations should not be impacted by flooding and erosion. There will also be no interference with the form and function of the features that comprise the hazardous lands and as such we do not expect the proposed will exacerbate existing hazards. It is SVCA staff's opinion, the applications are in conformance with the natural hazard policies of the Province and County of Bruce Official Plan, provided the Hazard Lands designation and EP zoning on the property are not changed.

Natural Heritage:

In the opinion of SVCA staff, the subject property features and is adjacent to significant wildlife habitat, fish habitat, locally significant wetlands, and potentially habitat of endangered and threatened species.

The following is a summary of Provincial and County natural heritage features affecting the Property.

Significant Wildlife Habitat

The subject property features significant wildlife habitat for species of conservation concern, special concern and rare wildlife species, amphibian breeding habitat, and amphibian movement corridors.

Provincial Policy Statement – Section 3.1

Section 2.1.5 d) of the PPS states that development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or it's ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or it's ecological functions.

County of Bruce Official Plan (OP) Policies

It is SVCA staff's interpretation that s. 4.3.2.10.2 of the County's OP does not permit development within significant wildlife habitat; and that s. 4.3.2.10.3 does not permit development within 120 metres of significant wildlife habitat unless it can be demonstrated through an EIS that the development will not have a negative impact on the habitat or it's ecological functions for which the area is identified.

Fish Habitat

The Teeswater River is located on and adjacent to the subject water and considered fish habitat by SVCA staff.

Provincial Policy Statement – Section 3.1

SVCA'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 Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) or the Department of Fisheries and Oceans (DFO).

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

Habitat of Endangered and Threatened Species

It has come to the attention of SVCA staff that habitat of Endangered Species and Threatened Species may be located on or adjacent to the property. SVCA's role is to identify endangered/threatened species habitat via screening process 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. Please contact the Ministry of Environment, Conservation and Parks (MECP) at SAROntario@ontario.ca for information on how to address this policy.

Provincial Policy Statement – Section 3.1

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, except in accordance with provincial and federal requirements.

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

Locally Significant Wetlands

The subject property features wetlands that have not yet been evaluated by the Province and are not identified on County mapping as locally significant. However, it is SVCA staff's opinion, given the size and function of these wetlands (contains significant wildlife habitat), and their proximity to an adjacent Provincially Significant Wetland, these wetlands play a key role in local ecological diversity and function within the County of Bruce, and could be considered locally significant. It is SVCA staff's interpretation that the PPS does not have policies specific to locally significant wetlands; however, it is staff's understanding that the PPS (2020) generally recognizes other wetlands as natural heritage features.

County of Bruce Official Plan (OP) Policies

It is SVCA staff's opinion that Section 4.3.2.4 of the County's OP states that County Council shall encourage the protection of locally significant wetlands; and that, development, which may have a significant impact on lands located within locally significant wetlands, may require the preparation of an Environmental Impact Study, by the proponent, to ensure that the ecological function of the lands, and the ecological function of the lands, are not negatively impacted by the proposed development. An EIS shall be prepared in accordance with the policies of Section 4.3.3 [Environmental Impact Studies].

Environmental Impact Study (EIS)

An EIS has been undertaken in support of the proposed development to address the above-noted natural heritage features and policies. As indicated, SVCA staff reviewed the EIS submitted in support of these applications and we find the EIS acceptable. It is concluded in the EIS that provided the mitigation recommendations contained in Section 6.0, 7.0, and 8.0 of the report are implemented, the proposed aggregate operation will not create negative impacts on the above-noted natural heritage features on site or within 120 metres of the proposed pit. SVCA staff have confirmed the mitigation measures are detailed on the Operations Plan, Drawing 2A and as such are required by the MDMNRF to be carried out in accordance with their Aggregate License.

Drinking Water Source Protection / Water resources:

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the local Risk Management Official (RMO) at rmo@greysable.on.ca.

SVCA resource mapping indicates the subject property overlies a Significant Groundwater Recharge Area (SGRA). SVCA staff have reviewed the hydrogeologic report to understand the impacts to surface and groundwater resources from an ecological and hydrological perspective. Based on our review of the report it is concluded the proposed pit should not impact quality and quantity of source water to the adjacent natural heritage features. Please note, we have not reviewed the impacts to municipal drinking water supplies and designated vulnerable areas.

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 Screening Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area typically requires the permission from SVCA, prior to carrying out the work. However, applications under the *Aggregate Resources Act* are exempt from obtaining permission under Ontario Regulation 169/06.

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*.

In general, SVCA staff find the applications acceptable, provided the County 'Hazard Land' designation and the Municipal 'EP' zone on the property are not amended as part of these applications. A map showing proposed changes was not included with the request for comments.

Given the above comments, and provided our above recommendation is considered, 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.
- 3) Consistency with local planning policies for natural hazards and natural heritage will be demonstrated.

Please inform this office of any decision made by County and Municipality with regard to these applications. 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 at b.walter@svca.on.ca

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Applications Technician, Cty of Bruce (via email)
Mike Niesen, SVCA Member (via email)