

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

September 7, 2022

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

ATTENTION: Gillian Smith, Planner

Dear Ms. Smith,

RE: Consent to Sever Land B-2022-035 (Crane)
419 Mechanics Avenue
Roll No.: 410822000403900
South Part Lot 44 South Part Lot 45, Plan 4
Geographic Town of Kincardine
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The application proposes to divide the existing property into two equal parcels. The retained and severed lots would each be 529.76 sq m in size with a frontage of 20.12 m. The severed parcel will be developed for a new single family residence. The retained parcel will maintain the existing single family residence.

Background

On August 19, 2020 the owners/applicants contacted the SVCA regarding a proposed second storey addition, with new garage, and the pre-consultation planning process for a severance of the property and construction of second dwelling. SVCA requested that a geotechnical (slope) report be prepared that would support the proposals. A report was prepared titled: Slope Evaluation for 419 Mechanics Avenue by Peto MacCallum Ltd., dated March 12, 2021. The report was found acceptable to the SVCA. On September 7, 2021 SVCA issued permit 21-251 for: construction of an addition to an existing dwelling, including attached garage with basement and

walkout, second storey, retaining wall, and related excavation, filling, and grading, all within 15 metres from part of the floodplain and valley of a tributary of the North Penetangore River.

Recommendation

The proposed application is acceptable to SVCA staff.

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 (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the property are the watercourse, a tributary of the North Penetangore River, its floodplain and erosion limits, and valley slope of the watercourse. The Natural Environment designation as shown on Schedule A-1 of the Municipality of Kincardine OP, and the Environmental Protection (EP) Zone as shown in the Municipality of Kincardine Zoning By-law 2003-25, generally show these natural hazard features which also coincide with SVCA hazard lands mapping for the property.

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, based on the report: Slope Evaluation for 419 Mechanics Avenue by Peto MacCallum Ltd., dated March 12, 2021, found acceptable to the SVCA, that the application generally complies with section 3.1. of the PPS, 2020.

Municipality of Kincardine OP Policies

Section D7.5 of the Municipality of Kincardine OP generally directs development to be located outside of the Natural Environment designated area, except in accordance with the policies of section D7.5. It is the opinion of SVCA staff that, based on the report: Slope Evaluation for 419 Mechanics Avenue by Peto MacCallum Ltd., dated March 12, 2021, found acceptable to the SVCA, that the application generally complies with section D7.5.1) of the Municipality of Kincardine OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property include fish habitat and its adjacent lands.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat and its adjacent lands, except in accordance with the specified policies found in Section 2.1.

Municipality of Kincardine OP Policies

Fish Habitat and its Adjacent Lands

As mentioned above, a tributary of the North Penetangore River flows through the property. The watercourse is considered fish habitat by SVCA staff. Section D7.5f) generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of this proposal will be negligible, and in accordance with section D7.6 of the Municipality of Kincardine OP, SVCA staff are not recommending the preparation of an Environmental Impact Study (EIS) at this time.

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.

The entire property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires 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.

The SVCA Approximate Regulated Area includes the watercourse (tributary of the North Penetangore River), its floodplain and valley of a tributary of the North Penetangore River, as well as an offset distance from these features.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation is proposed on the property, the SVCA should be contacted, as permission may be required. As mentioned above, on September 7, 2021 SVCA issued permit 21-251 for the property for: construction of an addition to an existing dwelling, including attached garage with basement and walkout, second storey, retaining wall, and related excavation, filling, and grading, all within 15 metres from part of the floodplain and valley of a tributary of the North Penetangore River.

Development on the parcel to be severed will also require an SVCA permit prior to development. Provided development is in accordance with the report prepared titled: Slope Evaluation for 419 Mechanics Avenue by Peto MacCallum Ltd., dated March 12, 2021, then an SVCA permit can be issued for development on the parcel to be severed.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is acceptable to the SVCA.

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;
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the 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 Coordinator
Saugeen Conservation
MO/

cc: Jennifer Lawrie, Clerk, Municipality of Kincardine (via email)
Maureen Couture, SVCA member representing the Municipality of Kincardine (via email)
Bill Stewart, SVCA member representing the Municipality of Kincardine (via email)