

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

September 8, 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-2022-070 (Ciuciura)
Unassigned civic address (known as 203 Kerns Lane)
Roll No.: 410822000512004
Part Lot 1 N Durham, Part 1 Plan 3R9526
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

This application proposes to sever 633 m² parcel with a frontage of 15 m. The retained parcel will have an area of 1,153 m² with a frontage of 19.69 m on Kearns Lane. The severed parcel will be developed for single family residential. The retained parcel will be developed for single family residential.

Background

In August 2020 the owners/applicants contacted the SVCA regarding a proposal for severance of the property into two parcels for proposed residential dwellings. SVCA staff attended a pre-consultation meeting hosted by the Municipality of Kincardine on August 10, 2021. The owners/applicants were in attendance. SVCA outlined requirements required that would support the proposal. A report was prepared for the property titled: Slope Stability Analysis prepared by CMT Engineering Inc. The report was found acceptable to the SVCA.

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 feature affecting the property is the valley bluff/slope. The Natural Environment designation as shown on Schedule A-1 of the Municipality of Kincardine OP, generally shows the natural hazard feature which also coincides with SVCA hazard lands mapping for the property. SVCA staff note that the property is not zoned Environmental Protection (EP) Zone in the Municipality of Kincardine Zoning By-law 2003-25.

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 slope report completed by CMT Engineering Inc., 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 slope report completed by CMT Engineering Inc., 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 property is not affected by any natural heritage features. Therefore, it is the opinion of SVCA staff that the application complies with Section 2.1 of the PPS, 2020; and the natural heritage policies of the Municipality of Kincardine OP.

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.

Almost 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 valley bluff/slope, as well as an offset distance of 15 metres outwards from the top and bottom of the valley bluff/slope.

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 will be required. Since August 2021, the owners/applicants have been in contact with Matt Armstrong, SVCA Regulations Coordinator, regarding requirements for an SVCA permit for development proposed on the property. As noted in SVCA correspondence to the owners/applicants dated May 10, 2022, the owners/applicants should continue to be in contact with Matt Armstrong of the SVCA as details of their development become available and once they are ready to apply for an SVCA development permit. An SVCA development permit will be required before construction or site alteration may commence.

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)