

SENT ELECTRONICALLY ONLY: MWalkerBolton@brucecounty.on.ca and bcplwa@brucecounty.on.ca

October 10, 2023

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario N0G 2V0

ATTENTION: Monica Walker Bolton, Planner

Dear Ms. Walker Bolton,

RE: B-2023-061 and B-2023-086 (Schweitzer)
668 Lake Range Drive; and 378 Concession 6W
Part Lot 31 Part Lot 32 Con A, Part 2 Plan 3R835; and Part Marine Allowance Con A, Part 1 Plan 3R2687
Roll Nos.: 410716000819400; and 410716000800100
Geographic Township of Huron
Township of Huron-Kinloss

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, 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 amendment to the application is to create a +/- 122 sq. m. lot addition from the abutting 14 hectare parcel in favour of 12A Touts Grove Hill. If approved, it will allow for the creation of a +/- 122 sq. m. access that is being severed from the subject lands in favour of 12A and 13A Touts Grove Hill. The amendment to the application is a continuance of a previously circulated application for consent for severance. The purpose of the original application is to allow the separation of a 0.8 hectare parcel containing an existing cottage dwelling from the abutting property. The subject lands were previously two properties, which have merged. The proposed severance will be larger than the original cottage property, including additional lands to the east.

Background

As part of the pre-submission consultation process for a planning application for severance as part of file B-2023-012, the agent (Cuesta Planning Consultants) for the applicant (Collins) contacted the SVCA on November 1, 2022 at the request of the County planning staff. SVCA provided comments, dated November 1, 2022, with copy sent to Bruce County planning staff, and SVCA provided comments dated May 5, 2023, to the related file for the property: B-2023-012.

Recommendation

The applications are generally 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, 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 majority of the 12A Touts Grove Hill, 13A Touts Grove Hill, and 378 Concession 6W property are within natural hazard features as identified by the SVCA. For the properties the natural hazard features are the Lake Huron Shoreline and its related flooding and erosion hazard, which includes the dynamic beach hazard. It is the opinion of SVCA staff that the natural hazard features are identified correctly within the Environmental Protection (EP) designation of the Huron-Kinloss Official Plan, and within the EP and R1(db) zones of the Huron-Kinloss Zoning By-law. The (db) identifies the dynamic beach hazard. SVCA staff note that the entirety of the existing dwelling at 13A Touts Grove Hill, the majority of the dwelling at 12A Touts Grove Hill, and the entirety of dwelling at 378 Concession 6W are located within the dynamic beach hazard.

SVCA staff note that with the addition of lands to the east of the 378 Concession 6W property that are to be added to the property, as part of the B-2023-012 application, there is potential for future development on the property to be located beyond/outside of the natural hazard features. It is the understanding of SVCA staff that no new buildings or structures are proposed on the 378 Concession 6W property at this time.

SVCA staff note that as part of the B-2023-061 and B-2023-086 applications, the 12A Touts Grove Hill, and 13A Touts Grove Hill lands will still be within the dynamic beach hazard.

A portion of the 668 Lake Range Drive property is within the natural hazard feature as identified by the SVCA. For this property the natural hazard feature is the bluff/slope. It is the opinion of SVCA staff that the natural hazard feature is identified correctly within the Environmental Protection (EP) designation of the Huron-Kinloss Official Plan, and within the EP zone of the Huron-Kinloss Zoning By-law.

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 natural hazards features. It is the opinion of SVCA staff that the applications are generally consistent with Section 3.1. of the PPS, 2020.

Huron-Kinloss OP Policies

Section 2.7 of the Huron-Kinloss OP generally directs development to be located outside of hazardous areas. It is the opinion of SVCA staff that the applications are generally consistent with the natural hazard policies of the Huron-Kinloss OP.

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.

The entirety of the all three of: 378 Concession 6W, 12A Touts Grove Hill, and 13A Touts Grove Hill, and a large part of the 668 Lake Range Drive property are within the SVCA Approximate Screening Area/SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area/SVCA Approximate Regulated Area may require permission from SVCA, prior to carrying out the work. For the properties, the SVCA Approximate Screening Area/SVCA Approximate Regulated Area includes the natural hazard features identified above, as well as an offset distance outwards from the natural hazard features.

"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 where the SVCA Approximate Screening Area/SVCA Approximate Regulated Area is located associated with our Regulation on the properties, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, is proposed within the SVCA Approximate Screening Area/SVCA Approximate Regulated Area on the properties, the SVCA should be contacted, as permission may be 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 application is generally 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;
and
- 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 Township of Huron-Kinloss and/or the County of Bruce with regards 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/

cc: Jennifer White, Clerk, Township of Huron-Kinloss (via email)
Larry Allison, SVCA member representing the Township of Huron-Kinloss (via email)