

SENT ELECTRONICALLY: brusso@brucecounty.on.ca and bcplwa@brucecounty.on.ca

February 20, 2025

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

ATTENTION: Benito Russo, Planner

Dear Benito Russo,

RE: Proposed Consent to Sever: B-2024-082 and B-2024-083
348 Concession 16
Roll No. 410431000318100
Lot 9 Concession 17
Geographic Township of Greenock
Municipality of Brockton

The above-noted applications have been received by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies (https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual_Interim.pdf) made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the applications for conformity with the natural hazard policies of the County of Bruce Official Plan (OP).

The purpose of the applications are: to sever a +/-1.86-hectare (ha) surplus farm dwelling from a +/-42-ha agricultural parcel. Through the Zoning By-law provisions (Section 5.2), if approved, the severed lands will be recognized as a non-farm lot, the agricultural lands will be prohibited from establishing a new residential dwelling, and a holding provision will also be applied in areas of high archaeological potential. The related file (B-2024-083) is a proposed easement to ensure legal access for the surplus residence through the retained agricultural lands in the event of flooding.

Recommendation

The applications are generally acceptable to SVCA staff, provided that the easement is registered on title to the properties.

Background

As part of the pre-submission consultation process, the agent for the owner contacted the SVCA on June 26, 2024. SVCA provided pre-submission consultation comments dated August 9, 2024. SVCA requested that safe access to the parcel to be severed be demonstrated through the completion of floodplain report that would demonstrate safe access, or that an easement be registered on title across the lands to be retained, so that in the event of flooding of Snake Creek, that safe access would be available to the parcel to be severed.

Documents Reviewed by Staff

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

- 1) Request for Agency Comments, dated January 30, 2025;
- 2) Application with received date of September 18, 2024;
- 3) Planning Brief by Cobide Engineering Inc.; and
- 4) Severance Sketch, revision 2 dated September 16, 2024, by Cobide Engineering Inc.

Site Characteristics

SVCA mapping shows that the property features land within SVCA's Screening Area. Based on SVCA mapping, the natural hazard features affecting the property include the watercourse, known as Snake Creek and its floodplain, which flows through the southern portion of the property.

It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the property, which is appropriate to represent the natural hazard features.

Provincial Planning Statement (PPS, 2024)

In accordance with s. 7 of O. Regulation 686/21, SVCA shall act on behalf of the Province or as a public body under the *Planning Act* (PA) to ensure municipal decisions made under the PA are consistent with the natural hazards policies of the PPS, Chapter 5.

Chapter 5.1 of the PPS, 2024 states in part that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to ...and not create new or aggravate existing hazards. Furthermore, Chapter 5.2 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites.

SVCA mapping indicates that the existing buildings and structures on the property are not affected by the natural hazard features. Furthermore, the applications propose an easement in favour of the parcel to be severed across the parcel to be retained. As such, safe access would be available to the severed parcel, should the existing laneway through the Snake Creek floodplain be unavailable because of flooding.

Therefore, provided the easement is registered on title, it is the opinion of the SVCA that the proposal would be consistent with Chapter 5.1 and 5.2 of the PPS, 2024.

Bruce County Official Plan Policies

The following comments are made in accordance with the MOA with the County of Bruce.

Section 5.8 of the Bruce County OP states in part that development should not be located within the Hazard Lands designation. Provided the easement is registered on title, it is the opinion of SVCA staff that the application is consistent with section 5.8 of the Bruce County OP.

Conservation Authorities Act and O. Regulation 41/24

Within SVCA's regulated areas and in accordance with the CA Act and O. Regulation 41/24, a permit from the SVCA is required to change or interfere with watercourses or wetlands and for development activities in or adjacent to hazardous lands, wetlands, river or stream valleys, Great Lakes and inland lake shorelines. When reviewing an application, SVCA staff must assess the proposal for impacts to the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and ensure the activity will not create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property. Provided staff are satisfied the proposal is consistent with SVCA's policies, designed to mitigate these risks, a permit can be issued.

Areas of the property are within the SVCA Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24).

For the property, the SVCA Approximate Screening Area includes the natural hazard features located on the property and an offset distance from those features. As mentioned above, the natural hazard features affecting the property include Snake Creek, and its related flood and erosion hazards, as well as an offset distance outwards from the floodplain of the watercourse.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping, available via SVCA's website

<https://camaps.maps.arcgis.com/apps/webappviewer/index.html?id=f0ec744c8d6d4e499895aaaab3d83761>. Should you require assistance, please contact our office directly.

SVCA Permit

In accordance with SVCA's policies made under the CA Act and O. Regulation 41/24, no new buildings or structures are proposed within the SVCA Approximate Screening Area on the property and so a permit from the SVCA is not required.

Drinking Water Source Protection

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.

Summary

SVCA staff have reviewed the proposal for consistency with SVCA's policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines.

Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the application for conformity with the natural hazard policies of the County of Bruce OP.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with the Natural Hazard policies of the PPS, Chapter 5 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the County of Bruce regarding the applications. We respectfully request to receive a copy of the decisions and notice of any appeals filed.

Should you have any questions, or require this information in an accessible format, please contact the undersigned.

Sincerely,

Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Gregory McLean, SVCA member representing the Municipality of South Bruce (via email)