



AGENDA

Municipal Administration Office
1925 Bruce County Road 10
Chesley, Ontario

1. Call to Order
2. Adoption of Agenda
3. Declaration of Pecuniary Interest
4. New Business

i. New Applications

- a) Minor Variance Application A-2020-014 – Ronald and Barbara Maas
Part Lot 5, Concession 9, Part 1, RP 3R-6341, geographic Township of Arran
89 Sideroad 5N
Association File: Consent B-2020-050

Public Hearing

Planning Report

Recommendation and Decision

- b) Minor Variance Application A-2020-021 – Eduard and Jennifer Sluys
Lot 14, Concession A, geographic Township of Arran
4768 Bruce Road 3
Association File: Consent B-2020-042

Public Hearing

Planning Report

Recommendation and Decision

5. Adjournment

Municipality of Arran-Elderslie Planning Report

To: Committee of Adjustment

From: Jack Van Dorp, Senior Planner

Date: July 13, 2020

Applications: Minor Variance

Files: A-2020-014

Recommendation

Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2020-014 as attached.

Summary

The application proposes to sever a vacant 1 ha lot and retain a 1 ha lot containing an existing dwelling and drive shed.

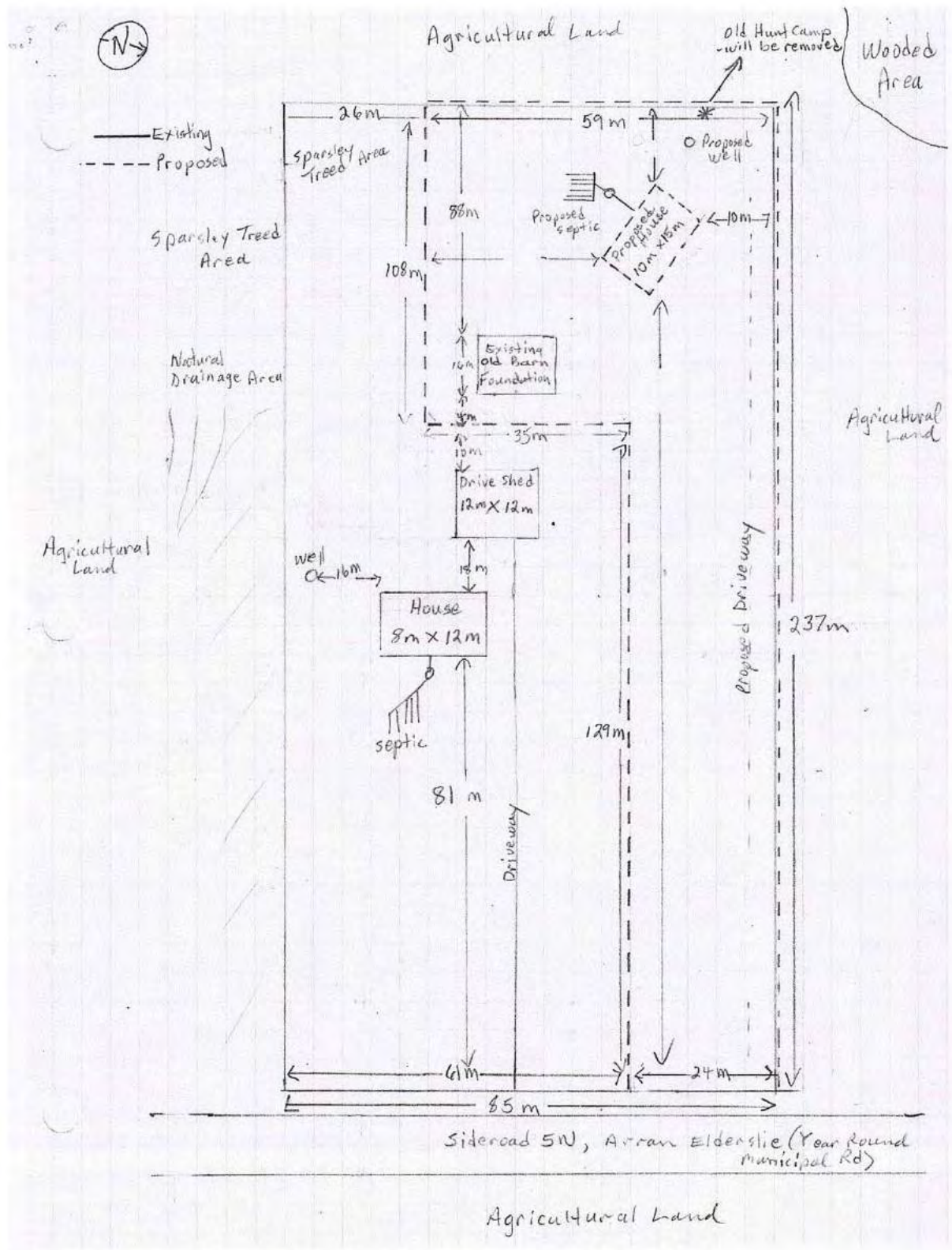
A minor variance is required to permit the severed lot to have a frontage reduced from 40 metres to 24 metres.

Planning Staff assessed this application with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions. The application satisfies the four tests of a minor variance, constitutes good land use planning, and is desirable for the appropriate development of the land.

Planning staff recommend approval of the proposed minor variance.

Map or Site Plan

S



Four tests of a minor variance

Does the variance maintain the intent and purpose of the Official Plan?

The intent of the Official Plan is to provide opportunities for limited non-farm residential uses in the rural designation. In the Rural designation up to 2 non-farm lots may be severed from an original township lot, without requiring that residential uses be prohibited on the retained parcel. The plan aims to limit the size of these lots to limit impacts to other permitted uses, with justification required for lots greater than 0.61 hectares.

The original "Township" lot has been to yield the subject lot and by a road alignment to avoid hazard lands in the southeast corner, which is not counted against the lot density policy. The proposed lot represents the split of an existing 2 hectare lot. The variance accommodates the 2nd permitted severance without loss of agricultural land.

The application maintains the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The purpose of lot frontage is to ensure adequate separation between lots, some common streetscape considerations, and lot dimensions that support functional lots. These purposes are not particularly relevant to the countryside where lot density is low and where other factors like avoiding loss of agricultural land lead to "flag" shaped lots. These lots are typically arranged based on the layout of existing, functional development. With the variance the lots have adequate space for access and general function.

The variance maintains the intent and purpose of the zoning bylaw.

Is the application desirable for the appropriate development of the land, building or structure?

The requested variance maintains adequate space for a driveway, drainage, and snow storage, and separation between driveways on the severed and retained parcel.

Grey Sauble Conservation Authority (GSCA) noted the property is adjacent to a watercourse that serves as fish habitat and, although beyond the regulated area, recommend that development on the severed lot incorporate appropriate erosion and sediment control measures to ensure no deleterious materials enter the watercourse. This has been included as a condition of the minor variance approval.

The variance represents an appropriate form of development for the use of the land.

Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses.

The variance is minor.

Appendices

- County Official Plan and Municipal Zoning maps
- Public Notice
- Grey Sauble Conservation Authority Comments

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Arran Elderslie
File Number	Maas
Related File(s)	B-2020-050
Date of Hearing	July 13 2020
Owner / Applicant / Agent	Ronald and Barbara Maas
Legal Description	Con 9 Pt Lot 5 RP 3R 6341 Part 1
Municipal Address	89 Sideroad 5 N Arran Elderslie
Purpose of Application	Variance to permit reduced frontage for a new lot
Variances Granted	Minimum Frontage reduced from 40 metres to 24 metres
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 36-09 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law;
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.
3. That future development include appropriate sediment and erosion control measures to ensure no deleterious materials enter into the adjacent watercourse.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.



County of Bruce
Planning & Development Department
268 Berford St, Box 129 Wiarton ON N0H 2T0
brucecounty.on.ca
1-226-909-5515



June 19, 2020

File Number(s): A-2020-014

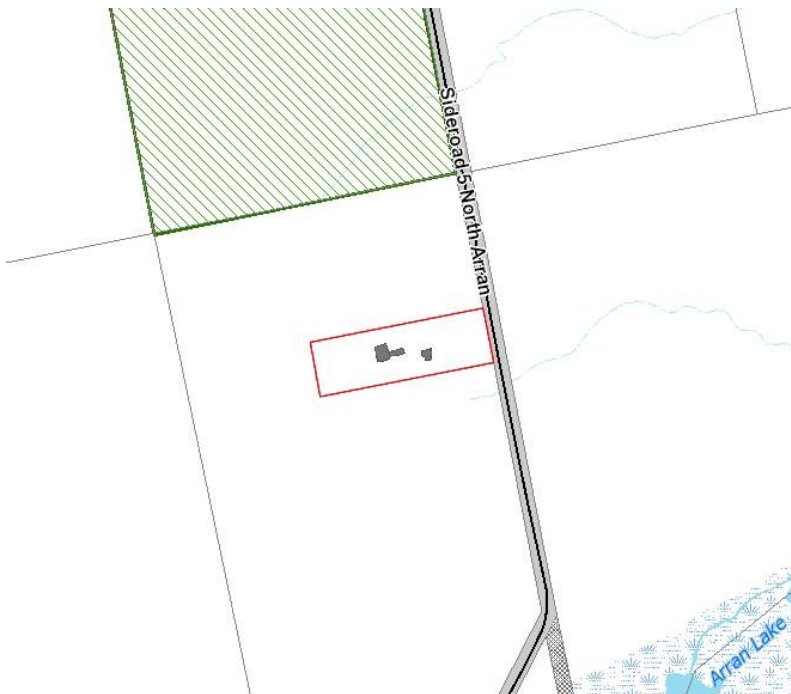
Public Hearing Notice

You're invited:
Teleconference Public Meeting
Minor Variance A-2020-014
July 13, 2020, 9:00 AM

A change is proposed in your neighbourhood:

To sever a vacant 1.0 hectare lot and retain 1.0 hectare residential lot containing a house and drive shed. (Consent file B-2020-050)

The minor variance is requested to permit the frontage of the severed lot to be reduced from 40 metres to 24 metres.



89 Sideroad 5 N
Conc 9 Pt Lot 5 RP3R 6341;Part 1
(Arran)
Municipality: Arran-Elderslie
Roll Number: 410349000117220

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwi@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is Jakob Van Dorp.

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

Before the meeting: You can submit comments by email bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

Comments received by email at this address before the end of the public input portion of the meeting for this application will be read into the record.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Municipality of Arran Elderslie has closed the Municipal Office to the public. There is a limited amount of space for persons to attend the meeting (2 or 3 seats with social distancing). As such, the public meeting will be held in electronic format via teleconference.

For information on how to participate in the public meeting, please visit the municipal website at www.arran-elderslie.com under "Municipal Services" then "Zoning and Planning"

Please contact Christine Fraser McDonald at the Municipality deputyclerk@arran-elderslie.ca or 519-363-3039 ext 101, if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning

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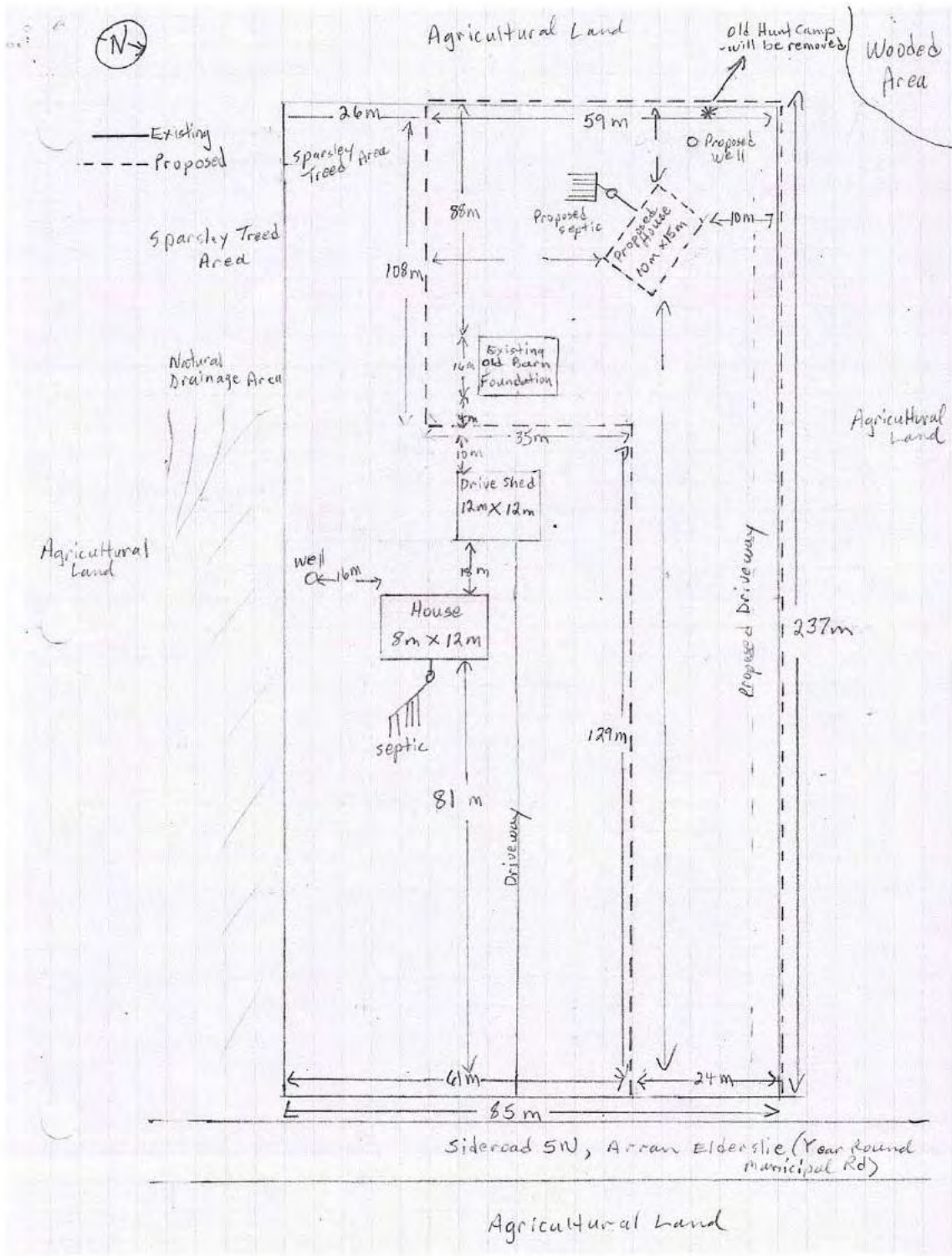
Appeal Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>

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Site plan

B-2020-050. A-2020-014 / Maas



COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.



237897 Inglis Falls Road, R.R.#4, Owen Sound, ON N4K 5N6
Telephone: 519.376.3076 Fax: 519.371.0437
www.greysauble.on.ca

July 3, 2020
GSCA File: P20162

County of Bruce
Planning and Economic Development Department
Box 129, 268 Berford Street
Warton, ON
N0H 2T0

Attn: Jack Van Drop
Senior Planner
JVanDorp@brucecounty.on.ca

Dear Mr. Van Dorp,

**Re: Application for Consent; B-2020-050
Minor Variance Application; A-2020-014
Part Lot 5, Concession 9; Civic Address: 89 Sideroad 5 North
Roll Number: 410349000117220
Municipality of Arran-Elderslie, formerly Arran Township
Applicants: Barbara and Allan Maas**

Staff has reviewed this 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, 2014) and as a regulatory authority under Ontario Regulation 151/06. Grey Sauble Conservation Authority (GSCA) has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing their interests regarding natural heritage and water identified in Sections 2.1 and 2.2, respectively, of the Provincial Policy Statement. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, GSCA has provided advisory comments related to policy applicability and to assist with implementation of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan under the Clean Water Act.

GSCA staff have reviewed the two above-noted applications:

1. Application for Consent; *B-2020-050*; to sever a vacant 1-hectare lot and retain 1-hectare residential lot containing a house and drive shed;
2. Minor Variance Application; *A-2020-014*; to permit the frontage of the severed lot to be reduced from 40 metres to 24 metres.

1 of 4



Watershed Municipalities
Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains

Site Characteristics

Existing mapping indicates that the subject property is:

- Not currently regulated under Ontario Regulation 151/06
- Currently designated Rural in the Official Plan and General Agriculture (A1) in the Zoning By-law;
- Located within an area that is not subject to the policies contained in the Source Protection Plan;
- Site Visit: no site inspection was completed for the subject application, the review is limited to a desktop review.

Delegated Responsibility and Statutory Comments

- 1. GSCA 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.**

The subject property does not contain any natural hazards as identified in Section 3.1 of the Provincial Policy Statement. As such, it is the opinion of the GSCA that the application is consistent with Section 3.1 policies of the PPS.

- 2. GSCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 151/06. This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. GSCA also regulates the alteration to or interference in any way with a watercourse or wetland.**

The subject site is not regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses administered by the GSCA.

Advisory Comments

- 3. GSCA has reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide comment on natural heritage features under Section 2.1 of the Provincial Policy Statement and on water under Section 2.2 of the Provincial Policy Statement through a MOA.**

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

GSCA Comment: The natural heritage features identified on the subject lands include adjacent lands to fish habitat.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

GSCA Comment: Our records do not indicate any direct observations of fish immediately within the watercourse feature on the south adjacent property; however, fish have been observed downstream, given the watercourse is a tributary to Arran Lake, it contributes to downstream fish habitat through cycling of nutrients and thermal temperature. Based on the submitted site plan no site alteration is proposed, however, future development of the proposed severance will result through the subject application. The appropriate sediment and erosion control measures must be applied to ensure no deleterious materials enter into the adjacent watercourse.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policy 2.1.6 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 natural features or on their ecological functions.

GSCA Comment: The Bruce County Official Plan and Natural Heritage Reference Manual include a 120-metre allowance for adjacent lands from fish habitat. The subject property is partially within the adjacent lands setback. Though no site alteration is proposed through this application, future development of the proposed severance will result through the subject application. The GSCA is of the opinion that through implementation of appropriate sediment and erosion control measures, no further negative impact to this natural heritage feature is anticipated.

As such, the GSCA is of the opinion the proposal is consistent with the Section 2.1 policies.

2.2 Water

GSCA Comment: In our review of the application there does not appear to be a significant potential increase in impervious surface area on the property and general drainage patterns are remaining unchanged. As such, our office is of the opinion that this application is consistent with the Section 2.2 policies of the PPS.

- 4. GSCA has reviewed the application in terms of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the *Clean Water Act, 2006*. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**

The subject property is not located within an area that is subject to the local Source Protection Plan.

Summary

Given the above comments, it is the opinion of the GSCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 151/06 does not apply to the subject site. A permit from GSCA will not be required prior to any development or site alteration taking place;
3. Consistency with Sections 2.1 and 2.2 of the PPS have been demonstrated;
4. The subject site is not located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

Recommendation

The GSCA generally has no objection to the approval of the subject application as it is not anticipated to negatively impact natural hazard areas and/or significant natural heritage features. Our office recommends that the appropriate sediment and erosion control measures must be applied to ensure no deleterious materials enter into the adjacent watercourse when future development is proposed.

Please inform this office of any decision made by County of Bruce with regard to this application. 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.

Sincerely,









Lauren McGregor
Planning Technician, Environmental Planning & Regulations

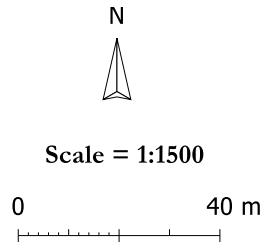
Encl: Map

c.c. Ryan Greig, GSCA Director, Municipality of Arran-Elderslie
Clerk, Municipality of Arran-Elderslie

GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)



-  Subject Property (Approx.)
-  ON Parcel (Approx.)
-  Ontario Regulation 151/06 area (Approx.)
-  Environmental Protection zone (Approx.)
-  Watercourse (Approx.)
-  Proposed Severance (Approx.)



B-2020-050 and A-2020-014 Map
 89 Sideroad 5 North
 Roll Number: 410349000117220
 Municipality of Arran-Elderslie
 Formerly Arran Township
 GSCA File: P20162
 June 30, 2020

The included mapping has been compiled from various sources and is for information purposes only. Grey Sauble Conservation is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map. Regulation lines were created by Grey Sauble Conservation (GSC) using 1 metre contours interpolated from the Provincial (10 metre) Digital Elevation Model (Version 1 & 2 & 1:50000 scale mapping).

By accepting this map you agree not to edit the map or disclaimer without the exclusive written permission of Grey Sauble Conservation. You also acknowledge that the information on this map is relevant only to the subject property and may be subject to change.

Produced by GSC with Data supplied under Licence by Members of Ontario Geospatial Data Exchange.
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This mapping contains products of the South Western Ontario Orthophotography Project (SWOOP). These images were taken in 2015 at 20cm resolution. They are the property of Grey Sauble Conservation © 2020.

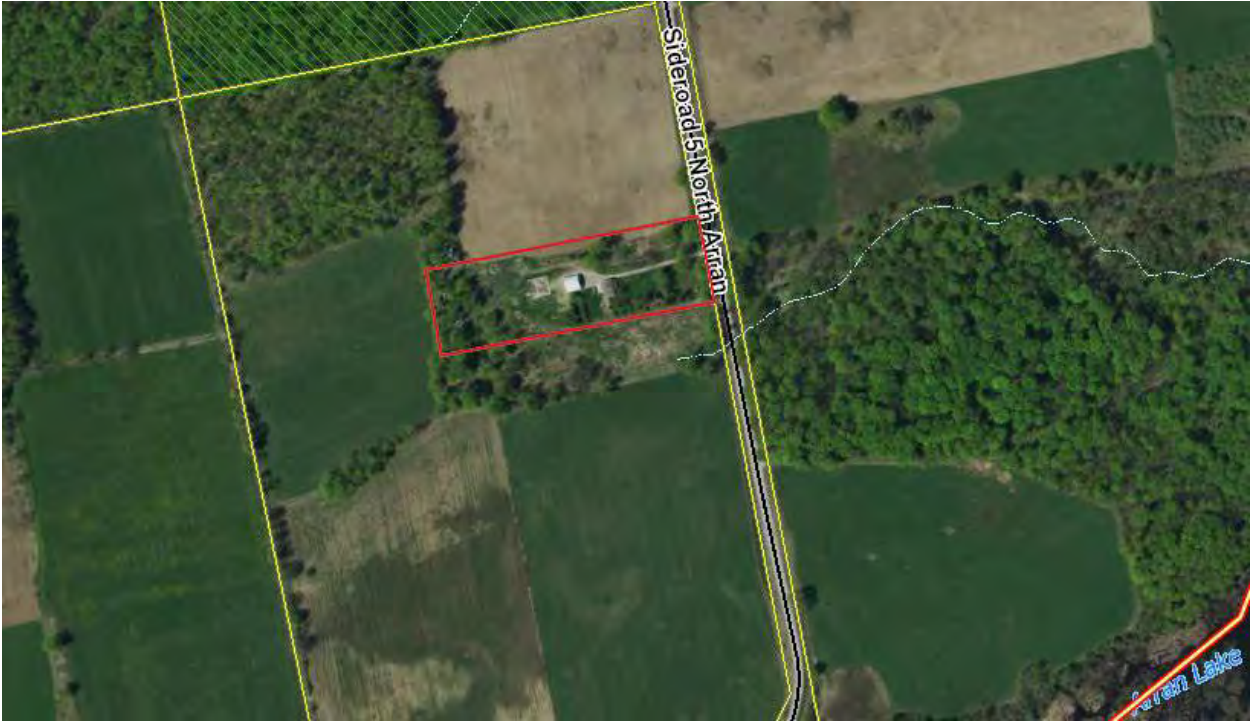
County Official Plan



Arran Elderslie Zoning By-Law:



2015 Airphoto:



Municipality of Arran-Elderslie Planning Report

To: Committee of Adjustment

From: Jack Van Dorp, Senior Planner

Date: July 13, 2020

Applications: Minor Variance

Files: A-2020-021

Recommendation

Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2020-021 as attached.

Summary

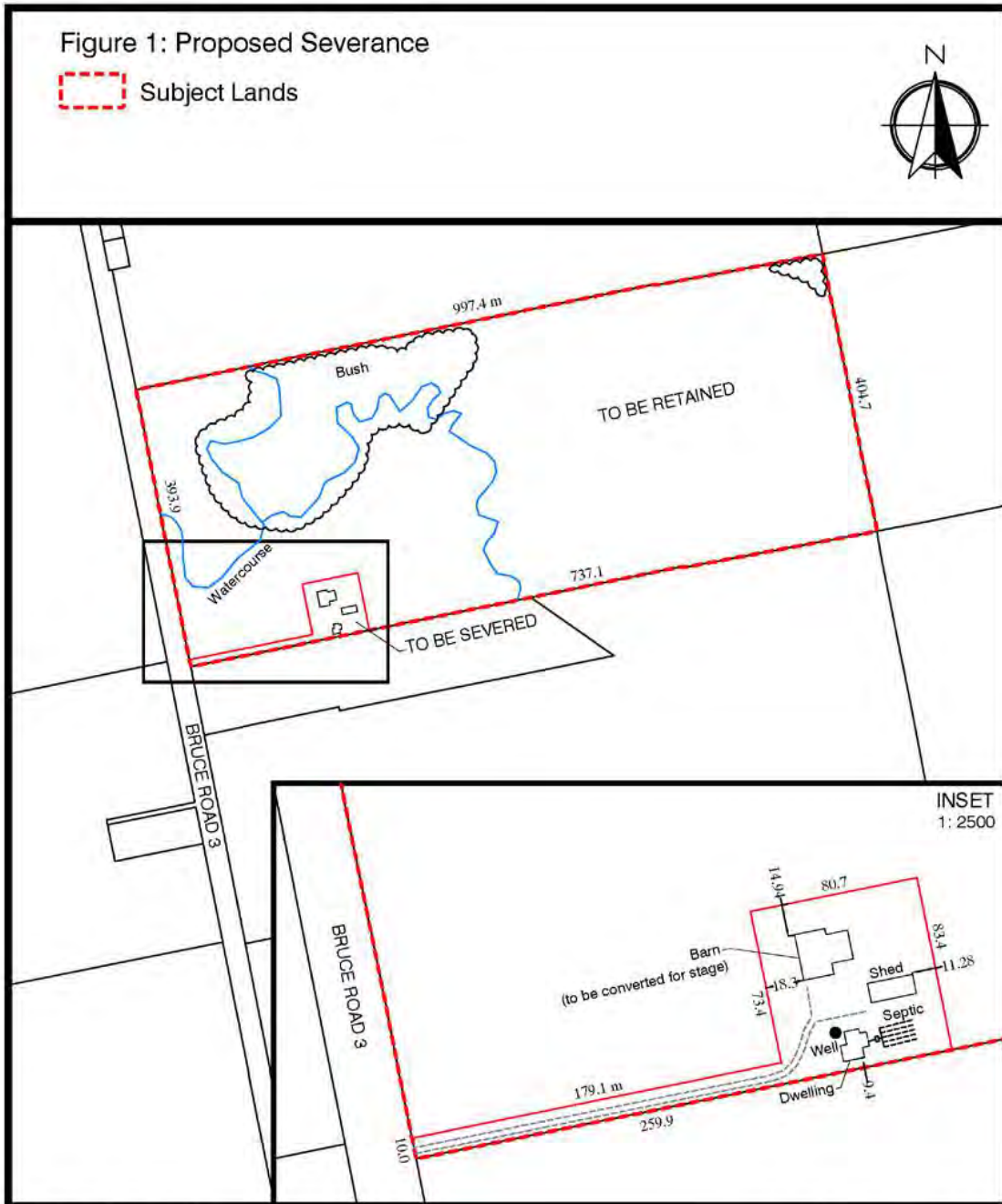
The application proposes to sever a 0.8521 ha parcel of land containing an existing farmhouse and retain 39.4 hectares of farmland.

A minor variance is required to permit the severed lot to have a frontage of 10 metres.

Planning Staff assessed this application with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions. The application satisfies the four tests of a minor variance, constitutes good land use planning, and is desirable for the appropriate development of the land.

Planning staff recommend approval of the proposed minor variance.

Site Plan



Farmhouse Severance
4768 Bruce Road 3
Municipality of Arran-Elderslie

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:7500

Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments and planning policy sections.

Supporting information submitted with the application includes:

- Submission Report prepared by Ron Davidson Land Use Planning Consultant

Four tests of a minor variance

Does the variance maintain the intent and purpose of the Official Plan?

The subject lands are designated Rural and Environmental Hazard in the Bruce County Official Plan. The intent of the Official Plan is to provide opportunities for limited non-farm residential uses in the rural designation. Up to 2 non-farm lots may be severed from an original township lot, without requiring that residential uses be prohibited on the retained parcel.

The plan aims to limit the size of these lots to limit impacts to other permitted uses, with justification required for lots greater than 0.61 hectares. The proposed lot is greater than 0.61 hectares because a long driveway is required to reach the building cluster that is set well back from the road. The variance allows the size of the severed lot to be kept to a minimum and avoids loss of agricultural function.

The application maintains the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The purpose of lot frontage is to ensure adequate separation between lots, some common streetscape considerations, and lot dimensions that support functional lots. These purposes are not particularly relevant to the countryside where lot density is low and where other factors like avoiding loss of agricultural land lead to “flag” shaped lots. These lots are typically arranged based on the layout of existing, functional development.

The variance maintains the intent and purpose of the zoning bylaw.

Is the application desirable for the appropriate development of the land, building or structure?

The requested variance maintains adequate space for a driveway, drainage, and snow storage, without loss of cultivated land with the retained parcel.

Saugeen Valley Conservation Authority (SVCA) has identified that habitat of species at risk may be present on or adjacent to the property, and it is the applicant's responsibility to ensure that policies referred to in the Provincial Policy Statement are appropriately addressed. As there is no specific site alteration arising from the application, these comments have been passed on to the applicant to be addressed should land use change in future.

The variance represents an appropriate form of development for the use of the land.

Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses.

The variance is minor.

Appendices

- County Official Plan and Municipal zoning maps
- Public Notice
- Saugeen Valley Conservation Authority Comments

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Arran Elderslie
File Number	A-2020-021 Sluys
Related File(s)	B-2020-042
Date of Hearing	July 13 2020
Owner / Applicant / Agent	Eduard and Jennifer Sluys c/o Ron Davidson
Legal Description	Con A Lot 14 Arran
Municipal Address	4768 Bruce Road 3 Arran Elderslie
Purpose of Application	Variance to permit reduced frontage for a new lot
Variations Granted	Minimum Frontage reduced from 40 metres to 10 metres
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 36-09 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law;
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.



County of Bruce
Planning & Development Department
268 Berford St. Box 129 Wiarton ON N0H 2T0
brucecounty.on.ca
226-909-5515



June 12, 2020

File Number: A-2020-021

Public Hearing Notice

You're invited to participate in a
Teleconference Public Hearing
to consider Minor Variance A-2020-021
July 13, 2020 at 9:00 AM

A change is proposed in your neighbourhood: To sever a 0.8521 ha parcel of land containing an existing farmhouse, and retain 39.4 hectares of farmland.

As the lands are designated "Rural" the application is not being processed as a surplus farm dwelling severance.

A minor variance is required to permit the severed lot to have a frontage of 10 metres.

The related consent file is B-2020-042.



4768 Bruce Rd 3
Concession A Lot 14 (Arran)
Municipality: Arran-Elderslie
Roll Number: 410349000101600

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Learn more

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Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

Please contact us by email bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.

The Planner on the file is Jakob Van Dorp.

How to access the public meeting

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Stay in the loop

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Know your rights

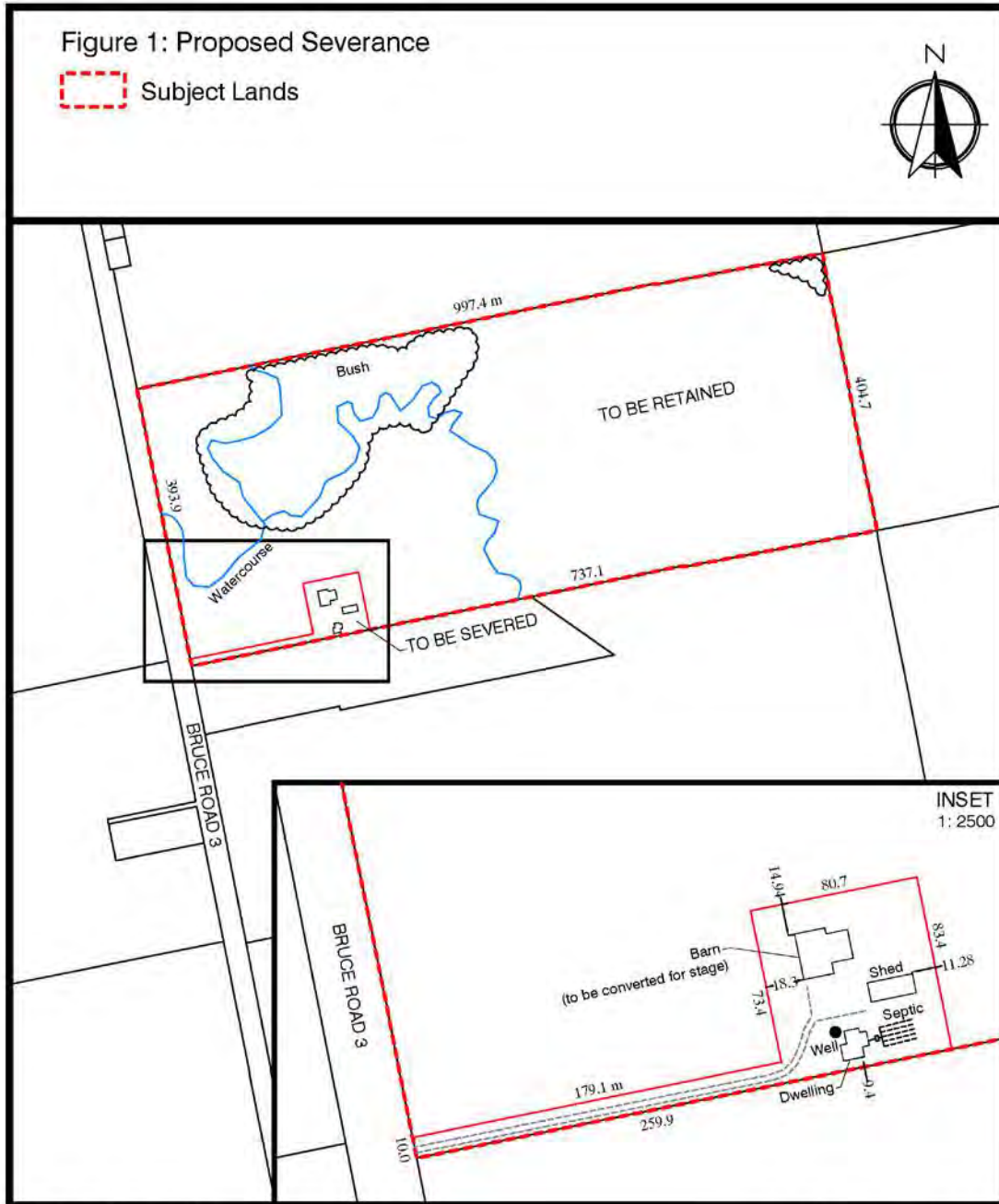
The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>.

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Site plan

A-2020-021, B-2020-042 Sluys



Farmhouse Severance
4768 Bruce Road 3
Municipality of Arran-Elderslie

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:7500

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1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY (bcplwi@brucecounty.on.ca)

June 19, 2020

County of Bruce, Planning and Development Department
268 Berford Street, Box 129
Warton, ON N0H 2T0

ATTENTION: Jack Van Dorp, Planner

Dear Mr. Van Dorp,

RE: Proposed Consent to Sever B-2020-042 and
Proposed Minor Variance A-2020-021
4768 Bruce Road 3
Roll No.: 410349000101600
Lot 14 Concession A
Geographic Township of Arran
Municipality of Arran-Elderslie (Sluys)

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) 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 application is to sever a 0.8521 hectare parcel containing an existing farmhouse; the minor variance will permit the severed lot to have a reduced frontage.

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

- 1) Request for Agency Comments and attached site plan
- 2) Planning Report prepared by Ron Davidson

Recommendation

The proposed consent to sever and minor variance are acceptable to SVCA staff.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Site Characteristics

The site is just south of Burgoyne, on the east side to Bruce Road 3. There is an existing house, shed and barn, which will be severed from the remaining farmland. The Burgoyne Creek and one of its tributaries flows through the property, creating some wetland areas within its floodplain. There are significant woodlands adjacent to the site.

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 large portions of the retained parcel are affected by the flood and erosion hazard of Burgoyne Creek and its tributary; additionally, mapping indicates that unevaluated wetlands may be present on the property. It is SVCA's opinion that portions of the retained parcel, mainly surrounding the watercourses are zoned Environmental Protection (EP) in the Municipality of Arran-Elderslie Zoning By-Law 36-09 and designated Hazard in the County of Bruce Official Plan (OP). In general, it is SVCA staff's interpretation that no new buildings or structures are permitted within the Hazard Designations as per Section 5.8.4 of the Bruce County OP and within the EP zone as per Section 23.3 of the Municipality of Arran-Elderslie Zoning By-Law 36-09. It appears the existing dwellings, to be severed, are outside the Hazard designation and EP Zone. It is the understanding of SVCA staff that there will be no changes to the Hazard designation or the EP zone as part of this application. SVCA staff are of the opinion that both the EP zone and Hazard designation closely reflects SVCA Hazard mapping.

Provincial Policy Statement – Section 3.1

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers which may exhibit flood and erosion hazard; and that development and site alteration shall not be permitted within areas that would be inaccessible during times of flooding or erosion hazards. This application does not propose new development within the hazardous areas and the proposed severed parcel is not affected by hazardous areas. The application generally appears to be consistent with Section 3.1 of the PPS.

Bruce County Official Plan Policies

Flood and erosion susceptibility areas are considered hazard lands in Section 5.8.1 of the Bruce County Official Plan. Further, these policies state that buildings and structures are generally not permitted within these lands. This application does not propose new development within the hazardous areas and the proposed severed parcel is not affected by hazardous areas. The application generally appears to be consistent with Section 5.8 of the Bruce County OP.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Woodlands, adjacent land to Fish Habitat and potentially Significant Wildlife Habitat and the Habitat of Threatened and Endangered Species.

Significant Woodlands

Significant Woodlands are identified as woodlots of 40 hectares (100 acres) or greater.

Provincial Policy Statement

Section 2.1.5 (b) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within significant woodlands nor shall it be permitted on adjacent lands (Section 2.1.8) to significant woodlands unless it has been evaluated and demonstrated that there will be no negative impacts. The property is within the adjacent lands to significant woodlands and SVCA staff are of the opinion that the impact to the woodlands will be negligible. The application is generally consistent with Section 2.1 of the PPS.

Bruce County Official Plan Policies

Section 4.3.2.6 of the Bruce County Official Plan states that development within significant woodlands will require an Environmental Impact Study (EIS). The severance proposed is within the adjacent lands to significant woodlands and no new development is proposed, therefore SVCA staff are of the opinion that the impact to the woodlands will be negligible. The application is generally consistent with the Bruce County OP.

Fish Habitat

Burgoyne Creek and a tributary of Burgoyne Creek flow through this property and are considered fish habitat by SVCA staff. Our 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 MNRF or the DFO.

Provincial Policy Statement – Section 2.1

Section 2.1.6 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within fish habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to fish habitat unless it has been evaluated and demonstrated that there will be no negative impacts. While the severance proposed is within the adjacent lands of fish habitat, no new development is proposed and SVCA staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with Section 2.1 of the PPS.

Bruce County Official Plan Policies

Section 4.3.3.1 (v) of the Bruce County OP states that development proposed within lands adjacent to fish habitat requires an EIS that states there will be no negative impact on the feature. While the severance proposed is within the adjacent lands of fish habitat, no new development is proposed and SVCA staff are of

the opinion that the impact to the habitat will be negligible. The application is generally consistent with the Bruce County OP.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Bruce County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (d) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted in significant wildlife habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to significant wildlife habitat unless it has been evaluated and demonstrated that there will be no negative impacts. While the severance proposed is within significant wildlife habitat, no new development is proposed, and SVCA staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with Section 2.1 of the PPS.

Bruce County Official Plan Policies

Section 4.3.2.10 of the Bruce County OP states, in part, that development proposed within significant wildlife habitat requires an EIS that states there will be no negative impact on the feature. While the severance proposed is within significant wildlife habitat, no new development is proposed, and SVCA staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with the Bruce County OP.

Threatened and Endangered Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Our role is to identify habitat through a screening process in consideration of PPS and local policies, however, it is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Provincial Policy Statement – Section 2.1

Section 2.1.7 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within habitat of threatened or endangered species.

Bruce County Official Plan Policies

Section 4.3.2.7 of the Bruce County OP states that development will not be permitted on and within significant habitat of threatened and endangered species.

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.

A large portion of the retained parcel are within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires the 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.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area on the proposed retained parcel, the SVCA should be contacted, as permission may be required.

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*.

SVCA staff find this application acceptable.

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 has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated; with the exception of policy 2.1.7 of the PPS, which must be addressed by MECP.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; with the exception of Threatened and Endangered Species policies, which must be addressed by MECP.

Please inform this office of any decision made by the County of Bruce with regard to this application. 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 Megan Stansfield at m.stansfield@svca.on.ca.

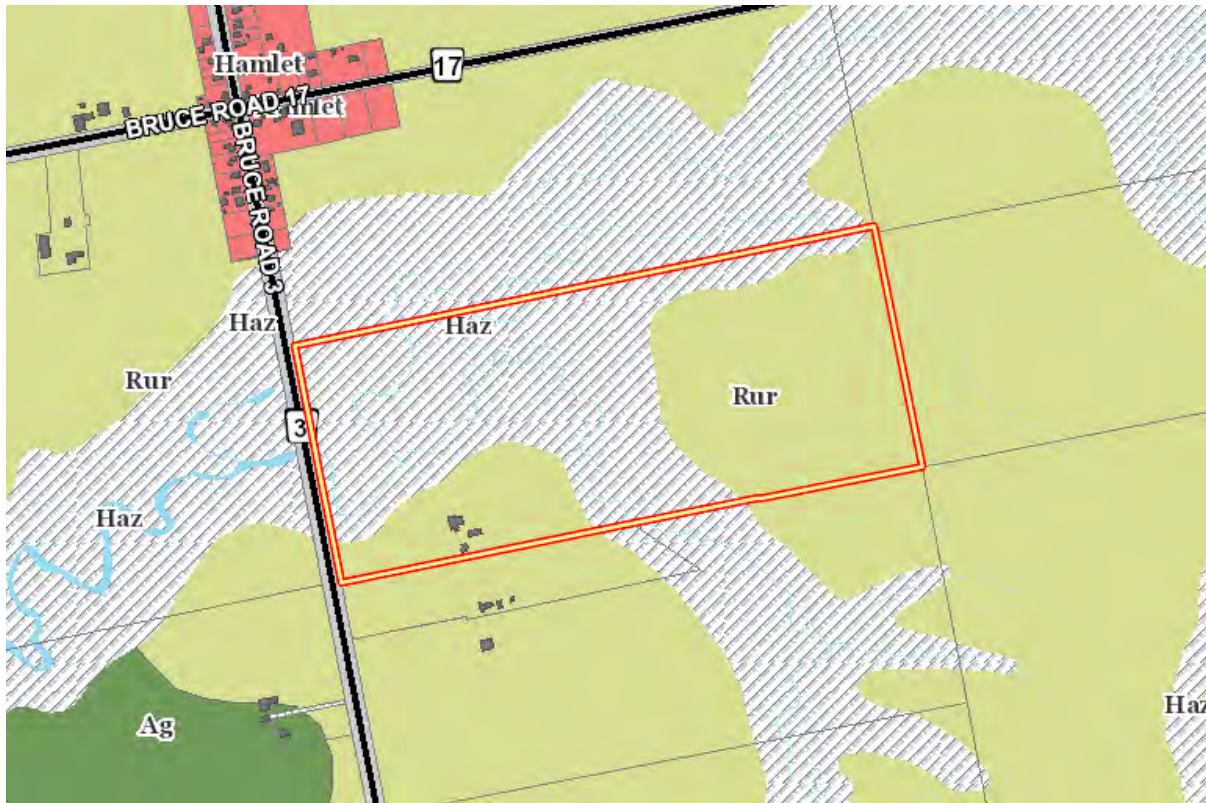
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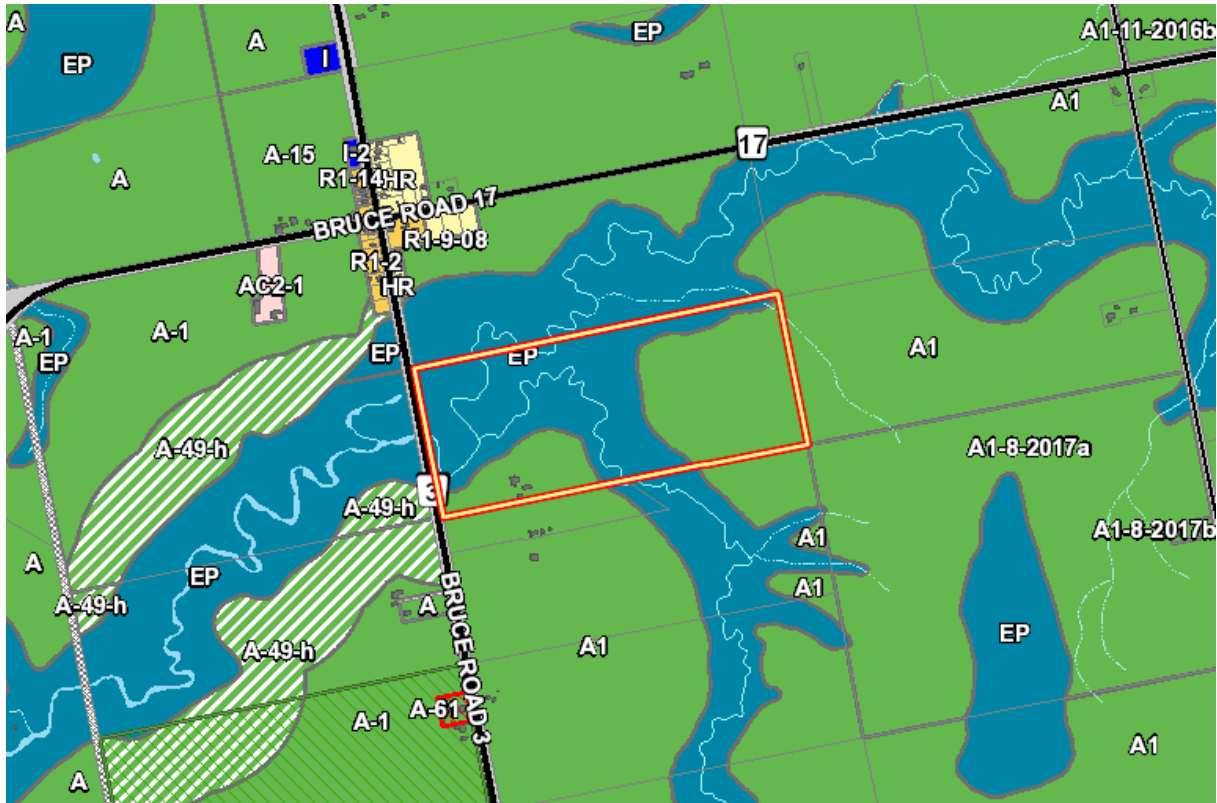
Megan Stansfield
Environmental Planning Technician
Saugeen Conservation
MS/

cc: Christine Fraser-McDonald, Deputy Clerk, Municipality of Arran-Elderslie (via email)
Mark Davis, Authority Member, SVCA (via email)

Bruce County Official Plan:



Arran Elderslie Zoning By-Law:



2015 Airphoto:

