



File Number: B-2020-123

A change is proposed in your neighbourhood: The purpose of this application is to create a new residential lot on municipal services in the primary urban community of Paisley. The application will also establish a 3.042 metre wide easement from Nelson Street to the adjacent land to the east for servicing of future development.



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 applications at <https://brucecounty.on.ca/living/land-use>. 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).

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.

1. Please contact us if you have any questions, concerns or objections about the application. Comments received after May 19, 2021 may not be included in the Planning report but will be considered and included in the official record on file.

The Planner on the file is: Eric Steele

Stay in the loop

If you wish to be notified of the decision of the County of Bruce Land Division Committee on the proposed consent, you must make a written request to the County of Bruce at the mailing address noted at the top of this Notice or by emailing bcplwi@brucecounty.on.ca.

Know your rights

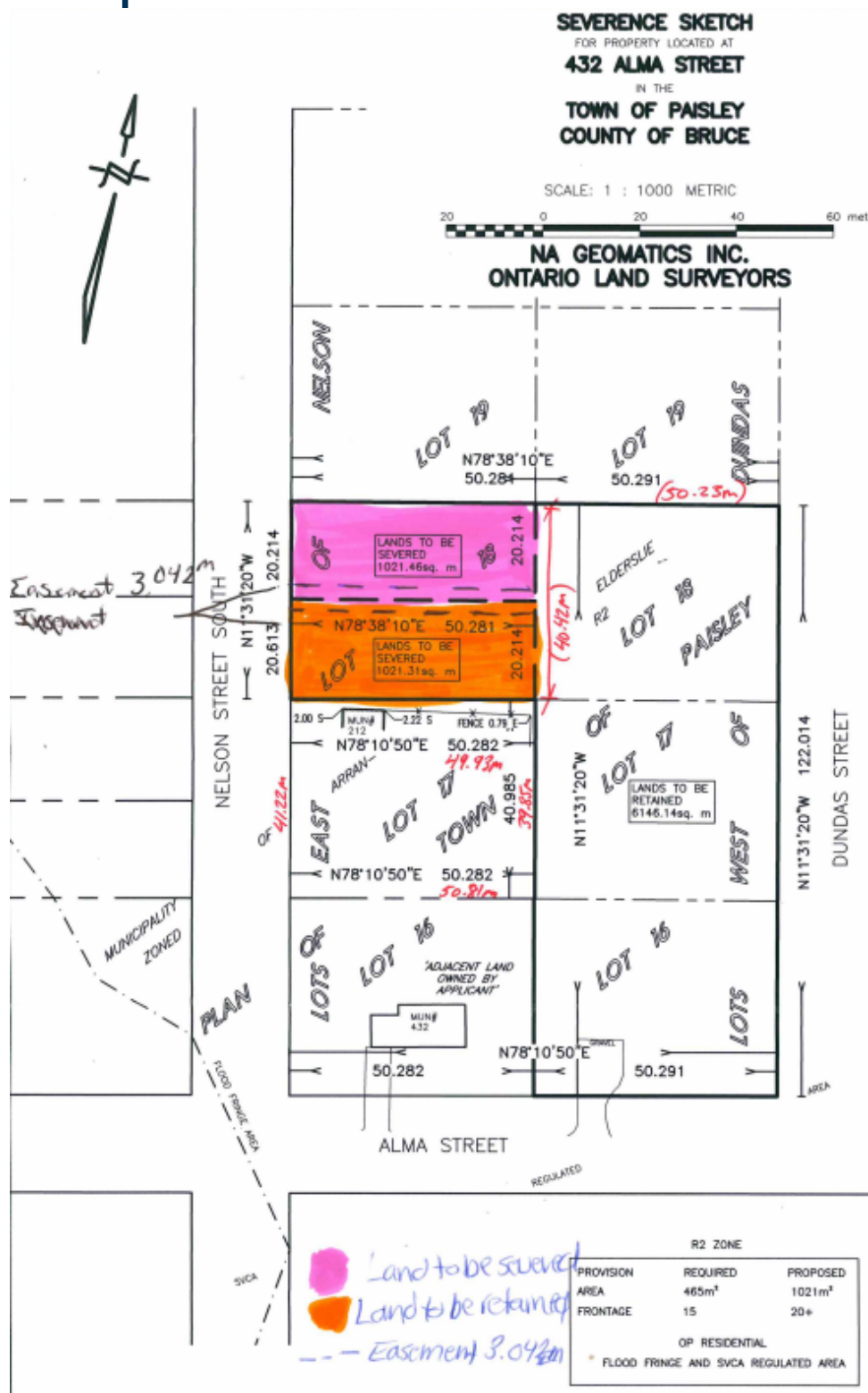
Section 53(19) of the [Planning Act](#) outlines rights of appeal for Consent applications.

If a person or public body that files an appeal of a decision of the County of Bruce in respect of the proposed consent does not make written submissions to the County of Bruce before it gives, or refuses to give, a provisional Consent, the Local Planning Appeal Tribunal may dismiss the appeal.

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

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.

Site plan



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.



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)

May 19, 2021

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

ATTENTION: Eric Steele, Planner

Dear Mr. Steele,

RE: Proposed Consent to Sever B-2020-123
440 ALMA ST
Roll No.: 410338000106801
Town Plot Paisley Lot 16, 17 and 18 W of Dundas Lot 18 E of Nelson St
Geographic Township of Elderslie
Municipality of Arran-Elderslie (Lorentz)

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.

Purpose

The purpose of the application is to create a new residential lot on municipal services in the primary urban community of Paisley. The application will also establish a 3.042 metre wide easement from Nelson Street to the adjacent land to the east for servicing of future development.

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

- 1) Request for Agency Comments and attached site plan

Background

As part of the pre-consultation process for the application, SVCA staff conducted a site review/inspection, and provided comments to the owner, dated March 19, 2019, titled "Development Feasibility and Proposed Severance – Pre-submission Consultation". However, since that time, it has come to the attention of SVCA staff that safe access to the subject property has not been addressed.



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

Recommendation

SVCA staff do not find the application acceptable, at this time. We recommend decision for this application be deferred until SVCA is satisfied safe access to the development is addressed in accordance with Provincial and SVCA policies. Please see below for more information.

Site Characteristics

The subject property is located on the east side of Nelson street in the Town of Paisley. The property is generally even in topography. During the site inspection completed May 13, 2021 the SVCA did not observe any obvious indication of poor drainage on site. Deciduous trees extend along the north property line and low-lying shrub vegetation is scatter through the north portion of the property.

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:

Based on the SVCA's current hazard mapping, the subject property is entirely within the regulatory floodplain of the Saugeen River. It is the SVCA's interpretation that the hazard mapping for the Municipality of Arran-Elderslie Official Plan and Zoning By-law generally match the SVCA hazard mapping. The Municipality of Arran-Elderslie Official Plan and Zoning By-law classify the subject property as Flood Fringe & Fill Regulated Area and Residential: Low Density Multiple (R2) respectively. The submitted site plan indicates the proposed severed parcels are located entirely within the regulatory floodplain, within the flood fringe, but outside of the floodway of the Saugeen River.

The following is a summary of Provincial, County, and local natural hazard policies affecting the proposed development:

Provincial Policy Statement (PPS, 2020) – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

Section 3.1.2 c) of the PPS states, in general, that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

County of Bruce Official Plan (OP) Policies

It is SVCA's interpretation that in general, Sections 5.8.5.1 and 5.8.8.2 of the County Official Plan, do not support new development or site alteration within lands affected by natural hazards or hazardous lands and sites.

Municipality of Arran-Elderslie Official Plan (OP) Policies

It is SVCA's interpretation that Section 3.6.5.1 and 3.6.5.2 of the Municipality of Arran-Elderslie Official Plan that within the Geographic Town of Paisley, the Hurricane Hazel Flood Event Standard (Regional Storm) floodplain is managed according to the "Two Zone Floodway – Flood Fringe Policy". According to this policy, conditional development may be permitted within the Flood Fringe of the Main Saugeen River. The Flood Fringe is the floodplain area between the 100 Year Flood Line and the Regional Storm Flood Line (Regulatory Flood Line).

3.6.5.2 Paisley Flood Fringe Regulated Area

"The Flood Fringe Regulated Area shown on Schedule "B" Paisley Land Use Plan, applies to all lands within the Regional Storm Floodplain between the limit of the Natural Environment & Hazard designation and the Regional Storm Floodline for the Teeswater and Saugeen rivers and Willow Creek.

Development in the flood fringe may be permitted by this Plan but does not imply that the flood risk is completely absent. Development could still experience flood damage and disruption from major flood events despite flood control dykes and flood proofing measures, with resulting consequences for landowners.

In the Flood Fringe Regulated Area the following policies apply:

- a) Within the Regulated Area, lands may be used according to their underlying land use designation including development such as expansion, conversion or reconstruction of existing uses and structures, or new development, provided that sufficient flood proofing measures and/or flood damage reduction measures, are incorporated into the building or structure to the satisfaction and approval of Saugeen Conservation.*
- b) Notwithstanding the policies of subsection a) above, some types of new development or expansions of existing uses may not be permitted within the Regulated Area due to the increased risk to life and/or property damage or risk of pollution. Such land uses which may not be permitted can include: industrial uses which manufacture, store, treat, dispose, or utilize hazardous substances; sewage treatment plants; institutional uses; and emergency services. If after careful consideration the use is to be allowed in the Regulated Area, then a higher level of flood protection and/or additional flood proofing precautions may be required.*
- c) Lands designated within the Regulated Area will be zoned according to their underlying land use designation, except that every zone shall include a reference to the flood fringe constraint with the appropriate zone symbol.*
- d) New development, or redevelopment, within the Regulated Area may be subject to the Site Plan Control requirements of Section 7.11.*
- e) New development and construction must receive the permission of Saugeen Conservation in accordance with its regulations."*

The entirety of the proposed severed properties are within the Flood Fringe portion of the regional floodplain. In principal, conditional development within the Flood Fringe could be permitted on the property, subject to appropriate flood mitigation measures. However, based on the depth of flooding, the property does not have safe ingress and egress to an area outside the floodplain. Current available elevation and floodplain mapping indicates that the subject property is at an elevation of approximately 219.0 metres and the Regional storm floodplain elevation is 221.11 metres, a difference in flood depth of approximately 2.11 metres. As such, the flood depth exceeds the safe access depth criteria of 0.8 metres depth as required through the *Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual (May 16, 2017)*. It is SVCA staff's opinion that at this time, the subject application is not consistent with Section 3.1.2 c) of the PPS (2020

SVCA staff could find the proposed acceptable if it is the opinion of the Municipality's emergency services department that future residents could be rescued during a regional storm event, through 2.11 metres of flooding.

Natural Heritage:

It is the opinion of SVCA staff that the property is not subject to any significant natural heritage features.

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 entirety of the subject property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration on the property 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

Development on the property will need to be in accordance with SVCA policy 4.7.2-3, which, as mentioned above includes The Hurricane Hazel Flood Event Standard (HHFES-Regulatory Flood) elevation determined for this property (221.11 metres relative to the 1983 Village of Paisley Floodplain mapping.)

New Development in the Flood Fringe – Two Zone:

New Development will be permitted in the flood fringe of a Two-Zone Policy Area, or within 50 metres of a spill area designated (in the geographic Town of Southampton only) and approved on engineered floodplain mapping, provided the following conditions are met:

- a) The building or structure is floodproofed to the elevation of the Regulatory Flood;*
- b) Grading is kept to a minimum;*
- c) Structural engineering will be required should the lowest floor elevation be below the flood elevation;*
- d) Safe access is achievable where feasible.*
- e) All habitable floor space and electrical, mechanical and heating services are above the elevation of the Regulatory Flood; and*
- f) No basement is proposed, or the basement is floodproofed to the elevation of the Regulatory Flood. This may include structural engineering to ensure hydrostatic uplift and side pressure, velocity, impact loading, and waterproof design are addressed.*

Safe Access/Egress:

The ability for the public and emergency operations personnel (police, firefighters, ambulance, etc.) to safely access the floodplain during regulatory flood events is a paramount consideration in any application for development within the riverine floodplain.

Ingress and egress should be "safe" pursuant to provincial floodproofing guidelines (MNRF, 2002a). Depths and velocities should be such that pedestrian and vehicular emergency evacuations are possible on a municipal roadway or private right of way. For re-development on existing lots as a minimum, access should achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure. Redevelopment should not be permitted if it results in greater risk to safe access. Access/egress shall remain dry at all times for institutional buildings servicing the sick, the elderly, the disabled or the young and in buildings utilized for public safety (i.e. police, fire, ambulance and other emergency measures) purposes.

Safe Access for New Development

Safe access to and from a site may only be achieved where the following depth and velocity criteria for pedestrians and automobiles are met. Tolerable access is defined by MNRF and is premised on flood depth and velocity. SVCA has adopted the following policy for residential buildings:

- a) That the depth of flooding to the site of the building does not exceed 0.8 metres under regulatory storm conditions;*
- b) That the building site is subject to less than 1.0 metres/second of flood flow velocity under regulatory storm conditions;*
- c) That safe access/egress is available to the site of the building as defined by the Authority.*

Notwithstanding the above depth and velocity criteria, where the proposed development requires access onto an existing flooded roadway or access to a roadway is subject to flooding where the depth and velocity criteria for safe access cannot be met, the development may be permitted provided the following is addressed:

- a) Access to/from the site must have flood depths and velocities less than or equal to those experienced on the existing roadway;*
- b) Safe alternate or secondary access for pedestrians and emergency vehicles that is appropriate for the nature of the development and the natural hazard is provided; or*
- c) Where the affected municipal emergency services provides confirmation that acceptable provisions for emergency ingress/egress, appropriate for the nature of the development and the flood hazard, are available for a site and/or the nature of the development is such that a significant risk to property damage and human health is not created.*

A permit from the SVCA would be required prior to development on the subject property, however, a permit from our office could not be issued until the conditions of safe access to the property are met, which must include confirmation from the Municipality's emergency services department that future residents could be rescued during a regional storm event, through 2.11 metres of flooding.

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 do not find the application acceptable, at this time, and we recommend deferral of this application until item no. 4 below is addressed

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 not been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated
- 3) Consistency with local planning policies for natural hazards has not been addressed, and natural heritage has been demonstrated
- 4) SVCA staff could only support the proposed severance should the Municipality's emergency services department advise future residents could be rescued in the event of a regional storm event, under 2.11 metres of flooding

In the event item 4 cannot be addressed, it is SVCA staff's opinion, the application is not acceptable as the proposed would not be in conformance with Section 3.1.2 c) of the PPS, 2020 (safe access policy).

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "L McGregor".

Lauren McGregor
Environmental Planning Technician
Saugeen Conservation

LM/

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