



# **The Corporation of the County of Bruce**

## **Steering Committee Report**

**To: Mayor Milt McIver, Chair, Pilot Project Steering Committee**

**From: Chris Laforest, Bruce County Planning and Development Department**

**Date: January 15, 2016**

**Re: Staff report to summarize deliberations of the Natural Hazards Steering Committee, together with recommendations**

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### **Recommendation**

**That the Steering Committee receive this staff report as a draft for consideration and review, and further:**

**That subsequent to review and input from the Steering Committee and or staff, the report be forwarded to Council for adoption.**

### **Background**

In January of 2015, the Bruce County Agriculture Tourism and Planning Committee (now referred to as the Planning and Development Committee) asked staff to work towards a standard set of criteria for what should be mapped as "Environmental Hazard" and as "Wetlands" "for the purposes of the Bruce County Official Plan (both the land uses schedule and constraint schedule).

Council and staff of the Municipality of Northern Bruce Peninsula expressed an interest in this matter as the Municipality was struggling with coming up with accurate "Natural Hazards" and "Wetlands" mapping to accompany an update to its Comprehensive Zoning By-law.

As such, it was agreed by both parties that a "Pilot Project Steering Committee" be activated to tackle this issue. The goal of Phase 1 was to develop a set of agreed upon criteria for what should be mapped as hazard in the Bruce County Official Plan, the Local Official Plan for Northern Bruce Peninsula and the Comprehensive Zoning By-law for Northern Bruce Peninsula.

After dialogue, discussion and deliberation by the Steering Committee, it was agreed that the draft criteria would be present to both County and Northern Bruce Peninsula Councils for adoption.

In 2016, Phase 2 would begin when mapping updates would be initiated with Environmental Hazard mapped to the criteria. The actual "statutory" public and agency review would not begin until after the mapping approach was agreed to and the draft maps completed.

### **Process Highlights**

Northern Bruce Peninsula Council was the administrative host for the Steering Committee. Advertisements were placed in local newspapers to solicit interest from members of the public who wished to assist in the matter.

The Steering Committee is comprised of all members of Northern Bruce Peninsula Council plus five (5) members of the public, being Bryan Howard, Tom McAfee, Tyler Miller, Michael Lee and Darryl Robins. The public appointees to the Committee brought with them an excellent mix of skills and perspectives and, at all times, assisted in moving the agenda forward in a productive and congenial manner.

The Steering Committee process was facilitated with staff members being Bill Jones, CAO, Wendy Elliott, CBO, Mary Lynn Standen, Clerk, and Chris LaForest, Director of Planning and Development.

The Steering Committee held a total of three (3) meetings. Resource documents to guide the discussions were posted to a shared server site and available throughout the duration of the project. In general, these documents included completed copies of the Local and County policies and regulations in effect, Provincial Policy and guidance documents, relevant maps in draft as well as adopted forms and external research documents focused on wetlands, natural hazards, flooding and shoreline impacts.

### **Analysis and Recommendations**

It became apparent very early in the process that there is a lot of confusion (from a policy, regulatory and mapping perspective) between the concepts of "Natural Hazards" and "Natural Heritage Features".

By way of example, it is generally accepted that the placement of building and structures within wetland areas should be avoided due to high water table and unstable soils. Conceptually, this is readily understood as a "natural hazard".

At the same time, there are many policies and regulations in place that aim to protect wetland areas, as they have perceived value to the community and to the Province (or are significant) and direct that these areas should be protected for protection's sake.

Within this framework, there are outright prohibitions as well as statements that development "may be" permitted, provided that it can be shown that a proposed development will have no negative impact.

#### **Recommendation One:**

**As a means to separate or provide clarity of concepts, it is recommended that Council adopt the following general definitions as guiding principles for policy and regulatory documents:**

**"Natural Hazards" are generally defined as property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Lake Huron and Georgina Bay, this means the land, including that covered by water, between the international boundaries, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits.**

**Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits.**

**Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard or erosion hazard* limits.**

**"Natural Heritage Features and Areas" are generally defined as *features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands and significant valley lands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy and representation of the natural landscapes of an area.**

Given the above definitions, the Steering Committee then reviewed a detailed list of the land forms and features that could potentially pose a threat to life or property if built within, to further refine an actual list of what constitutes "Natural Hazards" for our area.

#### **Recommendation Two:**

**That the following features be included in the list of what is to be considered "Natural Hazards"**

**Flooding, erosion and dynamic beach hazards associated with the shoreline of Lake Huron and Georgian Bay;**

**Flooding, erosion and dynamic beach hazards associated with the shoreline of Inland Lakes;**

**Flooding and erosion hazards associated with rivers and streams;**

**Wetlands (lands that are seasonally or permanently covered by shallow water or water table close to surface)**

**Steep slopes**

Out of necessity, the Steering Committee also discussed what to do about situations whereby a feature met both of the definitions above (for example, some wetland areas), and where Provincial Policy dictates a prohibition or restriction (the "maybe" proposition).

It was decided that the greatest extent possible, outright prohibitions presented by Provincial Policy should be mapped as "Natural Hazard" in Official Plan maps and Zoning maps and that the "maybe" areas (such as lands adjacent to Provincially Significant Wetlands) should be dealt with through a combination of Official Plan constraint mapping, performance review criteria written into Official Plan policies and site plan control by-laws/agreement.

The Committee also discussed the implications of a new definition of "Coastal Wetlands" in the PPS, how these areas would differ if at all from what would be picked up as a wetland in the "Natural Hazards" map anyway, and how these areas should be mapped.

The Committee makes the following recommendations regarding provincially significant wetlands and Coastal Wetlands:

**Recommendation Three:**

**That the Boundary of Provincially Significant Wetlands be incorporated into "Natural Hazard" mapping on the land use schedules for County and Local Official Plans, and the Comprehensive Zoning By-law and exclude the "adjacent" lands.**

**Recommendation Four:**

**That lands adjacent to Provincially Significant Wetlands be included as a constraint layer in the County Official Plan and Local Official Plan.**

**Recommendation Five:**

**As we are not recommending that lands "adjacent" to Provincially Significant Wetlands be zoned to prohibit development outright, that the County and Local Official plans clearly authorize the uses of site plan control as a tool to regulate potential off site impacts of development in lands adjacent to Provincially Significant Wetlands**

### **Recommendation Six:**

**That the Municipality of Northern Bruce Peninsula develop and adopt site plan control standards to the extent that the requirements for site plan approvals on “adjacent lands” are known and predictable.**

### **Recommendation Seven:**

**Given the definition of “Coastal Wetland” in the PPS, there was general agreement that these areas would be picked up as “wetlands”, as per the stated criteria (under Recommendation Two). As such, they do not need to be mapped or shown as a separate feature for the purposes of the Zoning By-law.**

The Steering Committee discussed at length concepts, policies and methodologies for dealing with the impacts of storms, flooding and wave uprush along Lake Huron and Georgian Bay. Existing mapping resources were reviewed and a discussion was had regarding base map sources, scale and accuracy.

As a result of these discussions, there was not a high level of confidence that existing maps could be used to accurately show in a meaningful way the high water mark or associated 15 metre wave uprush contour.

This issue of accurate mapping is heightened in Northern Bruce Peninsula more so than in other areas of the County, as all other municipalities in the County that abut the Great Lakes have, in place, mapping and Provincial regulations approved under the Conservation Authorities Act.

The Committee was asked to review and discuss the existing approach in the Municipalities zoning by-law, that deals with great lakes hazards from a text based approach (179.1 GSC for Lake Huron, 178 GSC for Georgian Bay). Essential, the zoning by-law uses two elevations to predict the high-water level, and includes provisions for setbacks of new buildings, as well as provisions for the expansion and alterations of building already built within the setback area. Although it was agreed that we would all benefit from more accurate mapping of the shoreline areas (for numerous reasons), it was felt that the existing provisions works well and should be retained.

It was recognized and understood that wave action associated with storm can create hazardous conditions. However, it was also recognized that the hazard only exists, if building and structure are not properly set back to accommodate for wave action. For the most part, the “hazard” only exists during storm events. As such, the Committee considered a small yet potentially important nomenclature issues, and suggest that “great lakes set back”, storm event setback”, and “wave impact setback” might be more appropriate policy and regulatory labels.

**Recommendation Eight:**

**That the County Plan and Local Plans within Northern Bruce Peninsula recognize from a policy perspective that accurate shoreline/wave uprush mapping is not, in all cases, available and that the impacts associated with great lakes can be addressed through written provisions in the Comprehensive Zoning By-law.**

**Recommendation Nine:**

**That the County and Northern Bruce Peninsula consider changing policy and regulatory language associated with great lake storm events from the standard terminology of "Environmental Hazard" to "great lakes set back", "storm event setback", or "wave impact setback", that more appropriately describes the concept.**

**Respectfully Submitted,**