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SENT ELECTRONICALLY

June 6, 2022

Lorelie Spencer
Manager of Planning and Development
402813 Grey Road 4
RR2 Durham, ON
N0G 1R0

Dear Mrs. Spencer,

RE: Application for Minor Variance A07.2022
522560 Welbeck Road
Roll No. 420528000108300
Part Lot 15, Concession 3 WGR
Geographic Township of Bentinck
Municipality of West Grey (Welbeck Sawmill, Ken Kieswetter)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed development on the above-noted property 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 Municipality of West Grey representing natural hazards, natural heritage, and water resources; and the proposal 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.

It is SVCA staff's understanding the proposal is to demolish the existing dwelling and reconstruct within the existing footprint, and installation of a new septic.

SVCA staff has undertaken a site-specific desktop review of the property, as well as an onsite inspection. Staff have referenced applicable mapping and SVCA and County/Municipal policy documents as part of our review of the proposal. The following comments are offered.

Site Characteristics

Based on the site inspection completed September 16, 2021 and review of available mapping and aerial imagery, SVCA staff confirmed the subject property is located on the south side of Welbeck Road. The property backs onto the Welbeck Mill Pond and the Styx River extends through the property east of the existing dwelling. The property features a poured concrete retaining wall along the shoreline of the Mill Pond. The portion of the property encompassing the existing dwelling features a slight incline from the Mill Pond, and then slopes gently



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

toward the dwelling. A gravel parking area and laneway is present. The Styx River extends directly adjacent to the existing dwelling where the bank of the river slopes approximately 2-3 metres up to the dwelling. Manicured lawn surrounds the south side of the existing dwelling and along the retaining wall. The portion of the property northwest of the existing laneway is primarily cedar forest.

ZONING AND OFFICIAL PLAN

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the proposal 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 Grey County 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 portions of the property are within the flood and erosion hazard of the Styx River and its tributary features and the Millpond floodplain. It is SVCA staff's understanding that the entirety of the building area is zoned Natural Environment (NE) in the Municipality of West Grey Zoning By-Law 37-2006 and designated Hazard lands in the Grey County Official Plan (OP). In general, it is SVCA's interpretation that no new buildings or structures are permitted within the NE Zone as per the West Grey Zoning By-Law 37-2006 Section 31. SVCA staff are of the opinion that while the Grey County OP Hazard designations closely reflect the SVCA Hazard mapping; the Municipality of West Grey Natural Environment zoning does not match as closely. SVCA staff recommend that zoning be updated, to match the Hazard Designation as indicated in the Grey County OP.

The following is a summary of Provincial, County, and Municipal natural hazard policies that apply based on the current proposal.

Provincial Policy Statement – Section 3.1

Section 3.1 of the 2020 Provincial Policy Statement (2020 PPS) 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(d) of the 2020 PPS further states that, in general, 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 development and the natural hazard.

Grey County Official Plan Policies

It is SVCA staff's interpretation that organic or unstable soils, poorly drained areas, and floodplains are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. Further, these policies state that no buildings or structures will be permitted within the Hazard lands and that development and site alteration will only be considered if vehicles and people have a way of safely entering and exiting at all times.

Municipality of West Grey Official Plan

“D9.4.9 Nothing in this Official Plan shall prohibit the continuation of any use within an Environmental Protection designated area which was legally established on the date of adoption of this Official Plan. Replacement of existing or damaged buildings or structures may be permitted if the hazard risk does not increase from the original condition, and the feasibility of relocating the buildings or structures outside of the hazard area has been assessed. In no instance shall the ground floor area or height or volume of the previous structure be exceeded. In reconstructing the use, the owner is encouraged to incorporate flood proofing measures, where applicable.”

It is SVCA staff’s opinion that any new development (residence and septic system) must be located outside the aforementioned hazard lands to be in conformance with the above noted PPS/County OP policies. Based on the submitted site plan indicating the location of the proposed new dwelling, the dwelling would be generally within the footprint of the existing structure. However, it is SVCA staff’s interpretation that the existing structure is entirely within the hazard area. As such, to support reconstruction of the existing dwelling on this property, a site plan would be required indicating that the ground floor area or height or volume of the previous structure will not be exceeded, and livable square footage maintained or decreased. This appears to have been provided. Furthermore, SVCA staff recommend flood proofing measures be applied to the new dwelling. Additionally, it would need to be confirmed that there was no viable location on site outside of the natural hazards.

As such, subject to the development measures, SVCA staff are of the opinion that the proposed redevelopment could be consistent with Section 3.1 of the PPS and Section 7.2 of the Grey County OP if the above site consideration measures and design specifications were addressed.

Natural Heritage:

In the opinion of SVCA staff, the subject property features the Welbeck Provincially Significant Wetland, Significant Woodlands, potentially Significant Wildlife Habitat and Fish Habitat. The following is a summary of Provincial, County and Municipal natural heritage policies that affect the subject property.

Provincially Significant Wetlands

A portion of the Welbeck Mill Pond Provincially Significant Wetland (PSW) is located on this property, and adjacent properties.

Provincial Policy Statement – Section 2.1

Section 2.1.4 of the Provincial Policy Statement (PPS) states that development and site alteration shall not be permitted in significant wetlands. Section 2.1.8 of the PPS states that development and site alteration shall not be permitted on adjacent lands to the significant wetlands unless it has been evaluated and demonstrated that there will be no negative impacts.

Grey County Official Plan Policy

It is the SVCA’s interpretation that Section 7.3.1 of the Grey County OP states that no development or site alteration is permitted within Provincially Significant Wetlands and that development or site alteration within adjacent lands to provincially significant wetlands would require an environmental impact study to demonstrate that there will be no negative impact.

Based on SVCA staff's understanding of the preliminary site plan and description of the proposed works, no development is proposed within the PSW.

As such, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.4 of the PPS and Section 7.3.1 of the Grey County Official Plan.

Significant Woodlands

Significant Woodlands are identified as those which are greater than or equal to 40 hectares in size outside of settlement areas and can also be significant if there is overlap with Significant Valleylands, as per section 7.4 of the Grey County Official Plan. Based on Grey County mapping, significant woodland extends throughout portions of the subject property.

Provincial Policy Statement – Section 2.1

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.

Grey County Official Plan Policies

It is SVCA staff's interpretation Section 7.4(1) of the Grey County OP states that no development or site alteration may be permitted on or within lands adjacent to significant woodlands unless it has been demonstrated through an environmental impact study (EIS) that there will be no negative impact on the feature.

Based on SVCA staff's understanding of the preliminary site plan and description of the proposed works, the proposed reconstructed dwelling is to be restricted to the previously disturbed footprint of the existing dwelling and the surrounding manicured lawn. The proposed new septic is to be located northwest of the existing dwelling. This portion of the property is entirely mapped as significant woodland in the Grey County Official Plan mapping. The SVCA recommends the proposed location of the septic be revised to minimize the encroachment into the forest covered area and to fall primarily within the previously disturbed portion of the property to minimize the negative impacts to the natural heritage feature. Further, our office recommends that tree removal be restricted to only what is necessary to accommodate the proposed septic and that any tree removal avoid the active woodland bird nesting/rearing season from May 1st to August 15th, in accordance with the Federal Migratory Birds Act. With the aforementioned measures we do not anticipate any significant negative impacts to this natural heritage feature. However, should the proposed development be revised to result in greater removal of significant woodland than is required to accommodate the proposed septic, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development could be consistent with Section 2.1.5 (b) of the PPS and Section 7.4(1) of the Grey County Official Plan.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Grey County Official Plan, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or within the vicinity of the

subject property. Based on Natural Heritage Information Centre (NHIC) historical records, Snapping Turtle and a Mixed Wader Nesting Colony was identified within the vicinity of the subject property. Snapping turtle are considered to be Species of Special Concern by the Province, as such, their habitat is considered Significant Wildlife Habitat. Snapping turtle are typically found in shallow waters and during the nesting season females travel overland in search of a suitable nesting site, usually gravelly or sandy areas along streams. The wetlands on and within the vicinity of the subject property may feature this significant wildlife habitat. Mixed Wader Nesting Colonies are considered a wildlife concentration area and is identified as Significant Wildlife Habitat by the Natural Heritage Reference Manual. The wetlands on and within the vicinity of the subject property may feature this significant wildlife habitat.

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.

Grey County Official Plan Policies

It is SVCA staff's interpretation, Section 7.10 of the Grey County OP states that development and site alteration is not permitted within significant wildlife habitat and their adjacent lands unless it has been demonstrated through an EIS that there will be no negative impact on the feature.

Based on SVCA staff's understanding of the preliminary site plan and description of the works, the proposed reconstructed dwelling is to be restricted to the previously disturbed footprint of the existing dwelling and the surrounding manicured lawn. The proposed new septic is to be located northwest of the existing dwelling. This portion of the property is cedar forest, it is generally even in topography. Portions of the forest covered area may feature potential significant wildlife habitat. The SVCA recommends the proposed location of the septic be revised to minimize the encroachment into the forest covered area and to fall primarily within the previously disturbed portion of the property to minimize the negative impacts to the natural heritage feature.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.5 (d) of the PPS and Section 7.10 of the Grey County Official Plan.

Fish Habitat

The Styx River and Welbeck Mill Pond extend through the subject property. These water features 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 Ministry of Natural Resources and Forestry (MNR) or the Department of Fisheries and Oceans (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.

Grey County Official Plan Policies

It is the interpretation of SVCA staff that Section 7.9 of the Grey County Official Plan states that development and site alteration may be permitted on and within lands adjacent to fish habitat if it has been demonstrated through an environmental impact study that there will be no negative impact on the feature.

Based on the information provided, it is SVCA staff's understanding that the proposed reconstructed dwelling will fall within the adjacent lands to fish habitat. The current dwelling is as close as 2.5 metres from the top of bank to the Styx River. SVCA notes that DFO should be consulted to confirm any development and timing requirements in this regard. SVCA staff also recommend the appropriate sediment and erosion control measures be applied to ensure no deleterious materials enter the fish habitat.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development could be consistent with Section 2.1.6 of the PPS and Section 7.9 of the Grey County Official Plan.

Environmental Impact Study (EIS):

While there are several natural heritage features present on the subject property, SVCA staff are of the opinion an EIS is not warranted at this time for reasons mentioned above. The proposed building envelope is largely restricted to the previously disturbed footprint of the existing dwelling and the manicured lawn. Subject to revision of the proposed septic location, SVCA staff do not anticipate any significant negative impacts to the aforementioned natural features as a result of the subject proposal. However, should development plans be revised to further encroach into the aforementioned natural heritage features or their associated adjacent lands, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan.

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 proposed development area is within the SVCA Regulated Area associated with Ontario Regulation 169/06. The regulated area is associated with the Welbeck Mill Pond Provincially Significant Wetland plus 120 metres, the floodplain of the Welbeck Mill Pond and Styx River, plus 30 metres encompassing these features. Further delineated are the associated "hazardous lands", which are lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion or unstable soils. In accordance with O. Reg. 169 /06 development and/or site alteration within these areas and their adjacent lands require 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>.

SVCA Permission for Development or Alteration

In general, SVCA’s policies do not support development within the aforementioned hazard lands/regulated areas. SVCA’s policies generally encourage development outside these areas, where feasible. However, based on the landowner’s indication of the parcel configuration development outside of the hazard lands is not possible they indicated.

The SVCA has issued a permit for the proposed development as the footprint and livable area remain less than or equal to that of the existing dwelling. The SVCA has also permitted the proposed septic replacement provided the system is not enlarged relative to previous system, while ensuring appropriate function.

As part of the SVCA permit requirements the SVCA required a detailed site plan indicating the location of the proposed dwelling and laneway, construction plans for the dwelling and septic. The dwelling is proposed to be elevated relative to existing building offering some improved flood mitigation measures. SVCA permitting policies do not exactly align with planning policies SVCA staff note on this item, as planning policies are more restrictive.

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. To confirm, please contact Carl Seider (rmo@greysauble.on.ca).

Summary

Given the above comments, it is SVCA staff’s opinion 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 demonstrated.
- 4) Consistency with local planning policies for natural heritage has been demonstrated.

SVCA staff has reviewed this application in accordance with our MOA with the Municipality of West Grey, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

Based on the submitted site plan SVCA staff are of the opinion that an EIS will not likely be required to address the potential negative impacts to the aforementioned natural heritage features or their respective adjacent lands as long as development is restricted to the previously disturbed portions of the subject property. Should development be proposed within the aforementioned natural heritage features, the requirement of a scoped EIS may be required to satisfy the policies of the PPS (2020) and the Grey County Official Plan. However, the Council for the Municipality of West Grey and/or the County of Grey are the Approval Authorities for *Planning Act* applications, and the decisions for all applications, and on the requirement for the preparation of an EIS, remains with the Municipality and/or County.

SVCA staff notes that all development must be located outside the hazardous lands, or indicate why it cannot at a minimum as it is a reconstruction, with floodproofing and safe access measures proposed, to be in conformance with the aforementioned natural hazard policies of the PPS, and Official Plans. A permit from SVCA has been issued as the SVCA's Regulatory policies have been addressed.

Thank you for the opportunity to comment. Please inform this office of any decision made by the Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Sincerely,



Erik Downing
Manager, Environmental Planning and Regulations
Saugeen Conservation

ED/

cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)
Don Scott, Cuesta Planning (via email)
Scott Taylor, Grey County (via email)
Becky Hillyer, Grey County (via email)