

SENT ELECTRONICALLY (*lspencer@westgrey.com*)

August 11, 2022

Municipality of West Grey
402813 Grey Road 4
RR#2
Durham, ON N0G 1R0

ATTENTION: Lorelie Spencer, Manager of Planning and Development

Dear Ms. Spencer,

RE: Application for Zoning By-law Amendment: ZA14.2022
Vacant Lot, Unassigned municipal address
Roll No.: 420526000202002
SURVEY EDGES; PART BLOCK C
Geographic Township of Glenelg
Municipality of West Grey

(Anderson)

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 Municipality of West Grey representing natural hazards and natural heritage 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 change the zone symbols on the subject lands from R1B (residential) to R1B-464 (residential with exception). The effect of which will permit development on the subject lands without open and maintained road frontage subject to a non-service agreement and other conditions.

SVCA staff conducted a site inspection to the property on August 10, 2022. SVCA staff have received and reviewed the following documents submitted with this application:

- 1) Notice of Public Meeting, dated July 18, 2022.
- 2) Application for Zoning By-law Amendment and attached sketch, dated June 22, 2022.

Recommendation

SVCA staff currently do not find the application acceptable. We recommend a decision for this application be deferred until an Environmental Impact Assessment (EIS) is completed for the proposal OR a holding provision be put on the lands to require an EIS be conducted before development can occur to address applicable natural heritage policies.

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 Municipality of West Grey 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 erosion hazard of the valley slope associated with the Saugeen River. It is SVCA staff's understanding that the property is zoned Residential (R1B) in the Municipality of West Grey Zoning By-Law 37-2006 and designated Primary Settlement Area in the Grey County Official Plan (OP) and designated Residential in the Municipality of West Grey OP.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement – 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 erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the 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.

Based on the site plan submitted with the application, no new development is proposed within a hazard area. However, the entirety of the property is within the SVCA Regulated Area. The Regulated Area is associated with

the valley slope of the Saugeen River. Based on SVCA staff's site inspection to the property, and related slope profile, the slope on the property is considered to not be over steepened, therefore is considered stable.

As such, SVCA staff are of the opinion that the proposal is consistent with Section 3.1 of the PPS, and Section 7.2 of the Grey County OP.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Woodlands. The following is a summary of Provincial, County and Municipal natural heritage policies that affect the subject property.

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Significant Woodlands

Significant Woodlands are identified as those woodlands 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. Generally, portions of the subject property not currently used for agricultural purposes, are considered Significant Woodlands.

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 that Section 7.4(1) of the Grey County OP states 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.

West Grey Official Plan Policies

It is SVCA staff's interpretation that Section E1.2.6c) of the West Grey OP states that no development or site alteration shall occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study, in accordance with Section E1.2.9, that there will be no negative impacts on the natural features or their ecological functions. The "adjacent lands" are defined as lands within 120 metres of the Significant Woodland.

Based on the information provided, it is SVCA staff's understanding that the entirety of the parcel will be developed for residential purposes. It is SVCA staff's interpretation that the proposed development will be fully within the mapped significant woodland. As such, SVCA staff currently do not find the application acceptable. We recommend a decision for this application be deferred until an Environmental Impact Assessment (EIS) is

completed for the proposal OR a holding provision be put on the lands to require an EIS be conducted before development can occur to address applicable natural heritage policies.

Staff are of the opinion that the proposed development is not consistent with the PPS (2020) and Section 7.4(1) of the Grey County Official Plan. SVCA recommends an EIS be conducted to address the potential impacts to the significant woodlands feature.

Drinking Water Source Protection / Water resources:

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 or Karen Gillian at rmo@greysauble.on.ca (RMO).

SVCA as an Adjacent Landowner

Durham Conservation Area is located directly adjacent to the south of the subject property, where SVCA is the landowner. SVCA recommends the following conditions be considered along with the proposal:

- The boundary between Durham Conservation Area and the lot in question be marked by signage, fencing, and/or other identifying feature(s) that are acceptable to the SVCA.
- Local drainage on abutting properties must not be impeded or altered unacceptably. If a change to drainage is proposed, and may affect adjacent landowners, the adjacent landowners must be consulted, and accept the proposed drainage alterations.

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 property is within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. For this property, the SVCA Regulated Area is identifying the valley slope of the Saugeen River. 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.

SVCA Permission for Development or Alteration

Permission from the SVCA is required prior to development on the property. Please contact the SVCA before development commences on the property. This letter is not permission for development.

Summary

SVCA staff has reviewed the application in accordance with our Memorandum of Agreement (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*.

SVCA staff currently do not find the application acceptable. We recommend a decision for this application be deferred until an Environmental Impact Assessment (EIS) is completed for the proposal OR a holding provision be put on the lands to require an EIS be conducted before development can occur to address applicable natural heritage policies.

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 not been demonstrated.
- 3) Consistency with local planning policies for natural hazards has been demonstrated;
- 4) Consistency with local planning policies for natural heritage has not been demonstrated.

Please inform this office of any decision made by Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. SVCA staff has provided comments for the proposal based on review of available mapping, site inspection, and information that is currently available. There is no guarantee these comments will remain unchanged indefinitely.

Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation
MC/

cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)
Karl Shipprack, CBO, Municipality of west Gret (via email)