

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

September 7, 2022

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

ATTENTION: Lorelie Spencer, Manager, Planning and Development

Dear Ms. Spencer,

RE: Minor Variance Application A16.2022
313090 Highway 6
CON 1 WGR; PT DIV 2 PT DIV 3; LOT 2; RP 17R2309; PT 2
Roll No. 420501000501202
Geographic Township of Normanby
Municipality of West Grey

(Gandier)

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, 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.

To vary the provisions of section 9.2.4(c) to permit a reduced interior side yard setback of 0.7 meters whereas 18.3 meters is required. The effect of which will permit the construction of an accessory structure for the purposes of housing livestock.

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

- 1) Notice of Public Meeting dated August 9, 2022.
- 2) Application form and site plan dated August 9, 2022.

Recommendation

SVCA staff find the application acceptable and elaborate in the following paragraphs.

Background

SVCA has resolved a violation on the property for the proposed accessory building.

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 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 the subject property is affected by flooding hazards and unstable organic soils (hazardous sites) associated with the wetlands and watercourse features on the property. Please see attached map indicating the hazard lands limits as delineated by SVCA staff.

It is SVCA staff's opinion that the designated Hazard lands in the Grey County Official Plan generally matches SVCA's hazard mapping. However, based on a desktop review of the hazard features on the subject property, SVCA staff determined the extent of the Natural Environment (NE) zone boundaries of the Municipality of West Grey Zoning By-Law 37-2006 do not match the Grey County Official Plan Hazard boundaries. SVCA staff recommend to the Municipality that the NE zone of the subject property be revised to reflect the hazard on the enclosed map/Grey County Official Plan mapping through this application. 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.

The following are a summary of Provincial and County natural hazard policies that apply based on your current proposal.

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.).

Grey County Official Plan Policies

It is SVCA staff's interpretation that section 7.2 of the County OP, in general, does not permit development and site alteration in hazard lands, except for uses connected with conservation of water, soil, wildlife and other natural resources and only where site conditions are suitable and where the hazard impacts have been reviewed.

It is SVCA staff's opinion that new development (residence, accessory structures, septic system) must be located outside the aforementioned hazard lands delineated on the attached map to be in conformance with the above-noted PPS and County Official Plan policies. As per the site plan submitted, the proposed development will be located outside the hazard features.

As such, SVCA staff are of the opinion the subject application is generally consistent with Section 3.1 of the PPS and Section 7.2 of the Grey County Official Plan.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Other Wetlands, potential Significant Wildlife Habitat, Fish Habitat, and potential Habitat of Endangered Species or Threatened Species.

The following are a summary of Provincial and County natural heritage policies that apply based on your current proposal.

Other Wetlands

SVCA mapping shows the subject property may feature Other Wetlands, which are wetlands not yet evaluated by the Ministry of Natural Resources and Forestry (MNRF). These wetlands should be maintained for their local ecological significance and for their flood management capacity.

Provincial Policy Statement – Section 2.1

It is SVCA staff's interpretation that the PPS does not have policies specific to other wetlands; however, it is staff's interpretation that the PPS (2020) generally recognizes other wetlands as natural heritage features.

Grey County Official Plan Policies

It is the interpretation of SVCA staff that Section 7.3.2 1) for 'Other Wetlands' do not permit development or site alterations within 'Other Wetlands' or their adjacent lands, unless it has been demonstrated that there will be no negative impacts on the wetland or on its ecological functions; and further that, the County encourages development be setback from wetlands by at least 30 metres. In some cases, this 30 metres distance can be reduced based on site-specific circumstances, or through the completion of an EIS.

As per the site plan submitted, the proposed development will be located on previously disturbed lands outside the Other Wetlands and their adjacent lands. Therefore, it is staff's opinion that the impact to this natural heritage feature would be negligible, and the requirement for an EIS can be waived.

SVCA staff are of the opinion that the proposal is generally consistent with the PPS and Section 7.3.2 1) of the Grey County Official Plan.

Fish Habitat

Watercourses extend through the central and western portions of the subject property. This watercourse is 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.

Grey County Official Plan Policies

It is the interpretation of SVCA staff that Section 7.9 of the Grey County OP 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.

As per the site plan submitted, the proposed development will be located on previously disturbed lands outside the Fish Habitat and its adjacent lands. Therefore, it is staff's opinion that the impact to this natural heritage feature would be negligible, and the requirement for an EIS can be waived.

SVCA staff are of the opinion that the proposal is generally consistent with the PPS and Section 7.9 of the Grey County Official Plan.

Habitat of Endangered Species and Threatened Species:

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and/or within the vicinity of the subject property.

Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – Section 2.1

Section 2.1.7 of the PPS states that Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

County of Grey Official Plan Policies

It is the interpretation of SVCA staff that Section 7.10 2) of the County OP states that no development or site alteration will be permitted within the habitat of threatened / endangered species except in accordance with provincial and federal requirements. No development or site alteration will be permitted within the adjacent lands to these areas unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in Section 9.18 of the OP and through provincial and federal requirements.

SVCA's 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.

Significant Wildlife Habitat:

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.

Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – Section 2.1

Section 2.1.7 of the PPS states that Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

County of Grey Official Plan Policies

It is the interpretation of SVCA staff that Section 7.10 of the County OP states that development and site alteration is not permitted within Significant Wildlife Habitat (including Deer Wintering Yards), and their adjacent lands, unless it has been demonstrated through an acceptable environmental impact study, completed in accordance with Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

As per the site plan submitted, the proposed development will be located on previously disturbed lands outside the Significant Wildlife Habitat and its adjacent lands. Therefore, it is staff's opinion that the impact to this natural heritage feature would be negligible, and the requirement for an EIS can be waived.

SVCA staff are of the opinion that the proposal is generally consistent with the PPS and Section 7.10 of the Grey County Official Plan.

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

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.

Portions of the subject property are within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. The approximate screening area is associated with the flooding and erosion hazards, and unstable soils associated with the watercourse and wetland features, plus 30 metres. 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 Screening Area’ on the property, please refer to the attached SVCA map.

SVCA Permission for Development or Alteration

The structure has already been permitted and will not need further permission from this office.

Summary

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*.

The proposed minor variance is considered acceptable by SVCA staff.

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, Threatened and Endangered Species, 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 policy 7.10 of the Grey County OP, Threatened and Endangered Species, which must be addressed by the MECP.

Please inform this office of any decision made by the Municipality of West Grey 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 at m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation
MC/

cc: Tom Hutchinson, Authority Member (via email)
Christine Robinson, Authority Member (via email)
Karl Shipprack, CBO, Municipality of West Grey (via email)