

SENT ELECTRONICALLY ([lspencer@westgrey.com](mailto:lspencer@westgrey.com))

August 30, 2022

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

ATTENTION: Lorelie Spencer, Manager of Planning and Development

Dear Ms. / Mrs. Spencer;

RE: Application for Consent to Sever: B13.2022  
324166 The Glen Road  
Roll Number 420522000207200  
Part Lots 26 – 30, Concession 1 SDR  
Geographic Township of Glenelg  
Municipality of West Grey

[MacArthur]

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.

The purpose of the application is to sever approximately 36.5 hectares of vacant rural land and retain approximately 27.0 hectares of land with a single detached dwelling unit and accessory structures. The effect of which will create a new vacant rural farm parcel within the original crown survey of lots 29 to 30, Concession 1 SDR.

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

- 1) Notice of Public Meeting for application B13.2022, dated August 23, 2022 and associated application.

## **Recommendation**

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

## **Site Characteristics**

The subject property is approximately 64 ha in size where a portion of the property appears to be used for agriculture purposes and approximately half the property features woodland. There are watercourses on the property and small unevaluated wetlands adjacent to the watercourse. There is a residence and accessory structures on the portion of property proposed to be retained.

## **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 the subject property features flooding hazards and hazardous lands (organic soils) associated with the watercourse and wetlands on both the proposed retained and severed parcels. It is SVCA staff's opinion that the hazard mapping of both the County of Grey Official Plan and West Grey Zoning By-law matches hazard mapping originally plotted by SVCA. Existing structures on the property are located outside the hazard lands.

Below is a summary of natural hazard policies affecting 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.).

### **County of Grey Official Plan(OP) Policies**

It is SVCA staff's opinion, 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.

The existing residence and accessory structures on the proposed retained parcel are located outside hazard lands as shown in 2020 aerial photography. The proposed severed lands appear to have sufficient room outside hazard lands should development be proposed. As such, it is SVCA staff's opinion, the application is in conformance with the above noted natural hazard policies.

## **Natural Heritage:**

In the opinion of SVCA staff, the subject property features significant woodlands, fish habitat, potentially significant wildlife habitat, potentially habitat of endangered and threatened species; and other wetlands.

Below is a summary of natural heritage policies affecting the subject property.

### Fish Habitat

It is SVCA staff's opinion, the watercourses on the proposed retained and severed parcels feature fish habitat. SVCA's 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 Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) or the Department of Fisheries and Oceans (DFO).

#### Provincial Policy Statement – Section 2.1

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8 states development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions.

#### County of Grey Official Plan(OP) Policies

It is SVCA staff interpretation, Section 7.9 of the Grey County OP states, in general, that no development will be permitted within 30 metres of the banks of a stream, river or lake unless an EIS concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced.

### Significant Woodlands

Approximately half the subject property features significant woodlands that are located on both the proposed retained and severed parcels.

#### Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural feature or its ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural feature or its ecological functions.

#### County of Grey Official Plan(OP) Policies

Section 7.4 of the Grey County OP states, as interpreted by SVCA staff, that no development or site alteration may occur within Significant Woodlands or their adjacent lands (120 metres) unless it has

been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions.

#### Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on or adjacent to the property.

##### Provincial Policy Statement – Section 2.1

Section 2.1.5 d) of the PPS states that development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.

##### County of Grey Official Plan(OP) Policies

It is SVCA staff's interpretation, 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.

#### Habitat of Endangered and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered and threatened species may be located on or adjacent to the subject property. SVCA's role is to identify endangered/threatened species habitat via screening process in consideration of the PPS and local policies but we must direct applicants to Ministry of Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) at SAROntario@ontario.ca for information on how to address this policy.

##### Provincial Policy Statement – 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(OP) Policies

It is SVCA staff's interpretation, Section 7.10 2) of the Grey 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; and that, no development or site alteration will be permitted within the adjacent lands (120 metres) 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.

#### Other Wetlands

SVCA's wetland mapping indicates unevaluated wetlands are located on the subject property adjacent to the watercourses on both the proposed retained and severed parcels. These wetlands have not yet been evaluated by the Province. However, it is SVCA staff's opinion these wetlands play a key role in local ecological diversity and function. It is SVCA staff's interpretation, Section 2.1.2 of the PPS, 2020 encourages the protection of these unevaluated wetlands, particularly if they are connected to other natural features and areas and other surface water features. Section 2.1.2 states, the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

#### County of Grey Official Plan(OP) Policies

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.

#### Environmental Impact Study

There is no development proposed as part of this application, as such, SVCA staff does not recommend an EIS be undertaken to support this application. Should future residential development be proposed on either parcel, it is SVCA staff's opinion, there is sufficient room on the cleared, culturally disturbed portions of the lot to site development that should not impact the above noted natural heritage features; with the exception of habitat of endangered/threatened species, which the applicant must address directly with the MECP.

The exception to the above comment would be proposed large-scale development where an EIS would be recommended as part of a future ZBA/OPA.

#### **Drinking Water Source Protection / Water resources:**

SVCA staff has screened this application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.

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, Risk Management Official (RMO) at c.seider@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. As such, development and/or site alteration within this area 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**

Should future development or alteration to a watercourse or wetland be proposed within SVCA's "Approximate Screening Area" on either the retained or severed parcels, the SVCA must be contacted as permit may be required.

### **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*.

Municipality of West Grey  
SEV B13.2022  
August 30, 2022

SVCA staff find the application acceptable, and 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; except for endangered / threatened species policies, which the applicant must address directly with the MECP.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; except for endangered / threatened species policies, which the applicant must address directly with the MECP.

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.

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

Sincerely,

A handwritten signature in cursive script, reading "Brandi Walter", enclosed in a light grey rectangular box.

Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW/

cc: Tom Hutchinson, SVCA Member (via email)  
Christine Robinson, SVCA Member (via email)