

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

December 9, 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: Application for Consent: B17.2022  
524392 Concession 12  
12 CON 12; LOT 19 PT LOT 20  
Roll No. 420522000312100  
Geographic Township of Glenelg  
Municipality of West Grey

(Osborne)

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.

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

- 1) Notice of Public Meeting, dated November 29, 2022.
- 2) Application for Consent and attached site plan dated November 1, 2022.

## Purpose

The purpose of the application is to sever approximately 40 hectares of rural land and retain approximately 37.8 hectares of rural land. The effect of which will sever the lands along the original crown survey.

## **Site Characteristics**

There is no driveway to access the site. The lot is composed of scattered agricultural lands, forest, and wetland area. Multiple tributaries traverse the property. There is no structural development on the lot.

## **Recommendation**

SVCA staff finds the application acceptable. We elaborate in the following paragraphs.

## **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 that the property is subject to flooding and unstable organic soil hazards of multiple unnamed tributaries of the Rockey Saugeen River and other surrounding wetlands. It is SVCA staff's opinion that a portion of the property 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). SVCA staff are of the opinion that the Grey County OP Hazard and wetlands designation match SVCA Hazard mapping closely.

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

### **Provincial Policy Statement (PPS, 2020) Natural Hazard Policies– 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**

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 proposed severed and retained parcels contain hazard lands. As per the submitted site plan, SVCA staff are of the opinion that there is sufficient area outside of the hazard lands for development and safe access can be provided by the use of Concession 12 and/or Sideroad 40. As such, staff are of the opinion that if development is restricted outside of the hazard lands and to the previously disturbed field areas as seen on the attached map, the proposed severance and development would be consistent with the natural hazard policies of the PPS (2020) and the Grey County OP.

## **Natural Heritage**

In the opinion of SVCA staff, the subject property features Significant Woodlands, Fish Habitat, Other Wetlands, Significant Wildlife Habitat and potentially the Habitat of Threatened or Endangered Species. The hazard area on the attached map encompasses some of these heritage features.

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

### **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 OP. The majority of the property contains 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 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 that there will be no negative impact on the feature.

As per the submitted site plan, structural development is not proposed. There is sufficient room outside of this heritage feature on previously disturbed lands. As such, SVCA staff is of the opinion that if future development is restricted to a previously disturbed area, the impacts to this feature would be negligible, and the requirement for an EIS can be waived. Therefore, it is staff's opinion that the proposed severance and development can be consistent with the natural heritage policies of the PPS (2020) and the Grey County OP.

## **Fish Habitat**

Multiple unnamed tributaries flow through and adjacent to the property. These watercourses 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 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 SVCA staff's interpretation Section 7.9 of the Grey County OP states that development and site alteration are not permitted in Fish Habitat, and not permitted within 30 metres of the banks of a stream, river or lake, unless an environmental impact study is prepared and says the impact will be negligible. In accordance with the County OP, new proposed development must be located at least 30 metres from the top of bank of the two watercourses/ fish habitat unless the recommended EIS demonstrates otherwise.

As per the submitted site plan, structural development is not proposed. There is sufficient room outside of this heritage feature on previously disturbed lands. As such, SVCA staff is of the opinion that if future development is restricted to a previously disturbed area, the impacts to this feature would be negligible, and the requirement for an EIS can be waived. Therefore, it is staff's opinion that the proposed severance and development can be consistent with the natural heritage policies of the PPS (2020) and the Grey County OP.

## **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. The PPS, 2020 does not have policies for Other Wetlands. However, the County of Grey has recognized the local significance of these wetlands and have included the following policies in the County Official Plan.

### **Provincial Policy Statement – Section 2.1**

The subject property features wetlands that 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.

## **Grey County Official Plan 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.

As per the submitted site plan, structural development is not proposed. There is sufficient room outside of this heritage feature on previously disturbed lands. As such, SVCA staff is of the opinion that if future development is restricted to a previously disturbed area, the impacts to this feature would be negligible, and the requirement for an EIS can be waived. Therefore, it is staff's opinion that the proposed severance and development can be consistent with the natural heritage policies of the PPS (2020) and the Grey County OP.

## **Significant Wildlife Habitat**

While mapping showing significant wildlife habitat is not included in the Grey County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property.

## **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**

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.

As per the submitted site plan, structural development is not proposed. There is sufficient room outside of this heritage feature on previously disturbed lands. As such, SVCA staff is of the opinion that if future development is restricted to a previously disturbed area, the impacts to this feature would be negligible, and the requirement for an EIS can be waived. Therefore, it is staff's opinion that the proposed severance and development can be consistent with the natural heritage policies of the PPS (2020) and the Grey County OP.

## **Habitat of Threatened and/or Endangered Species**

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

### **Provincial Policy Statement – Section 2.1**

Section 2.1.7 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within habitat of threatened or endangered species.

### **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 will not be permitted within the habitat of threatened or endangered species.

Our 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](mailto:SAROntario@ontario.ca).

## **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 [rmo@greysable.on.ca](mailto:rmo@greysable.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 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 Screening Area on the property, please refer to the attached map.

## **SVCA Permission for Development or Alteration**

If future development is located within the SVCA Screening Area as seen on the attached map, please contact this office, as permission may be required. Please note, this letter is not permission for development from the SVCA.

## **Summary**

SVCA staff has reviewed the 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.

Given the above comments, and subject to the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 could be demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 could be demonstrated, with the exception to habitat of 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 could be demonstrated, with the exception to habitat of endangered / threatened species policies, which the applicant must address directly with the MECP.

Please inform this office of any decision made by the planning approval authority with regards 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](mailto:m.cook@svca.on.ca).

Sincerely,

A handwritten signature in black ink that reads "Michael Cook". The script is cursive and fluid.

Michael Cook  
Environmental Planning Technician  
Saugeen Conservation

MC\

Encl: SVCA Mapping

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





The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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**Legend**

Intermittent Watercourse

Permanent Watercourse

Hazard Land

Approximate Screening Area

Parcel Fabric



**1:4900**

UTM Zone 17N, NAD 83

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