

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

January 19, 2023

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

Attention: Lorelie Spencer, Manager of Planning and Development

Dear Lorelie Spencer:

RE: Application for Consent: B18.2022
No Civic Address
LOT 11, CON 8
Roll No. 4205220003000700
Geographic Township of Glenelg
Municipality of West Grey

(Hill)

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 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). Staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce (or other MOA) representing natural hazards. 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. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

In accordance with the *More Homes Built Faster Act, 2022*, which was passed last fall, amendments were made to the *Conservation Authorities Act* in support of Ontario's Housing Supply Action Plan, which came into effect January 1, 2023. Following the passing of these legislative amendments, a new Ontario Regulation 596/22 was made under the *Conservation Authorities Act* which also became effective January 1, 2023. Under this new regulation, conservation authorities are no longer able to review and provide commenting services on natural heritage for proposals under the *Planning Act*. However, given this application was received prior to January 1, 2023 and for the Township's benefit, we provide the following summary of natural heritage interests.

Purpose

The purpose of the application is to sever approximately 0.33 hectares of agricultural land and retain approximately 36.1 hectares of agricultural land. The effect of which will create a newly enlarged lot to the west approximately 3.6 hectares in size and retain an agricultural parcel approximately 36.1 hectares in size.

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

- 1) Application and site plan for Consent dated July 19, 2022.
- 2) Notice of Public Meeting dated January 9, 2022.

Recommendation

SVCA staff find the application to be acceptable. We elaborate in the following paragraphs.

Delegated Responsibility and Advisory Comments

Natural Hazards

Portions of the property are affected by flooding and unstable organic soil hazards associated with Traverston Creek and the surrounding wetlands. These same hazard areas are zoned Natural Environment (NE) in the Municipality of West Grey Zoning By-law No. 37-2006. In general, no new buildings or structures are permitted within the Hazard Lands designation or within the NE zone. In the opinion of SVCA staff, the NE zone as shown on Zoning Schedule 50 of By-law No. 37-2006, generally coincides with the hazardous lands mapping as plotted by SVCA staff.

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

It is the SVCA's interpretation that organic, or unstable soils and poorly drained areas are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. It is SVCA staff's interpretation, Section 7.2 dictates that new development should be directed away from Hazard Lands.

It is SVCA staffs understanding as per the site plan provided that there is no proposed development associated with this application, and it is essentially a minor lot addition. The proposed area to be added is entirely outside of hazard lands as depicted by SVCA and access can be provided via Concession 8.

As such, SVCA staff are of the opinion that the application would be consistent with the natural hazard policies of the PPS (2020) and the Grey County Official Plan.

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@greysable.on.ca (RMO).

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 may 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 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

Should future development and alteration as defined above be proposed within SVCA's Approximate Screening Area, please contact this office as permission under Ontario Regulation 169/06 may be required.

Please note, this letter is not permission for development within a SVCA Regulated Area.

Summary

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

SVCA staff find the application to be acceptable.

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 local planning policies for natural hazards has been demonstrated.

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 m.cook@svca.on.ca.

Sincerely,



Michael J. Cook

Environmental Planning Technician, Environment Planning and Regulations Department
Saugeen Valley Conservation Authority

MC/

Encl:

cc: Kevin Eccles, Authority Member representing West Grey, SVCA (via email)
Tom Hutchinson, Authority Member representing West Grey, SVCA (via email)
Karl Shipprack, CBO, Municipality of West Grey (via email)
Lisa Mulligan, Administrative Assistant, Municipality of West Grey (via email)