



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: lspencer@westgrey.com

July 8, 2020

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

ATTENTION: Lorelie Spencer, Planner

Dear Ms. Spencer,

RE: Application for Minor Variance A01/20 (JAKO Developments Inc.)
Unassigned civic address, Louise Creek Crescent
Roll No.: 420528000701464
Lot 22, Plan 1097
Geographic Township of Bentinck
Municipality of West Grey

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. Furthermore, the application has 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 reduce the interior yard setback to permit for the construction of a dwelling, and to permit the construction of an accessory structure in the front yard.

Recommendation

The application for minor variance is acceptable to SVCA staff.

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



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Municipality of West Grey in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage 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:

The natural hazard features affecting the property is wetlands and its floodplain. SVCA Hazardous Lands mapping depicts wetlands and floodplain of the wetlands in the southernmost portion of the property. It is SVCA staff's opinion that Provincially Significant Wetlands (PSW) are located immediately adjacent to the south of the property. The Hazard Lands designations as shown in Schedule A of the County of Grey OP, generally coincides with the SVCA Hazardous Lands mapping. However, the Municipality of West Grey Zoning By-law 37-2006, as amended, appears to not include the Hazard Lands designation in the NE zone. Therefore, SVCA staff recommend that at the next update to the By-law, the NE zone be revised to coincide with the Hazard Lands designation. However, SVCA staff is not requiring, as a condition of approval, an update to the Municipality of West Grey Zoning By-law Schedule for the property at this time.

It is the opinion of SVCA staff that development as shown on the site plan as submitted as part of the application, will not be located within the SVCA recommended NE zone.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. It is the opinion of SVCA staff that Section 3.1.1 of the PPS, 2020 has been addressed, provided that all future development is located beyond/outside of the recommended NE zone.

Grey County Official Plan

Section 7.2.3 of the Grey County OP states in part that buildings and structures are generally not permitted in the Hazard Lands land use type. Development as shown on the site plan as submitted as part of the application, will not be located within the Hazard Lands designation, therefore, it is the opinion of SVCA staff that the application is consistent with the Grey County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property include significant woodlands, significant wetlands, fish habitat and its adjacent lands, and significant wildlife habitat.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, significant wetlands, significant wildlife habitat, and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

Grey County Official Plan Policies

Significant Woodlands

Significant woodlands are identified as per Appendix B Constraint Mapping of the Grey County OP and are shown on the entirety of the property, and on lands adjacent to the property. Section 7.4.1 of the Grey County OP states in part that no development or site alteration may occur within significant woodlands or its adjacent lands unless it has been demonstrated by an Environmental Impact Study (EIS) that there will be no impact on the feature or its ecological functions. However, it is the opinion of SVCA staff the preparation of an EIS to address impacts to significant woodlands may be waived in accordance with section 7.11.3c) of the Grey County OP, as Draft approval of Subdivision 42T-84004, to which the property is a part of, had historically established developable areas for lots within the subdivision. Therefore, in the opinion of SVCA staff, significant woodlands policies have been satisfactorily addressed according to the Grey County OP.

Wetlands

A part of Louise, Boyd, McDonald Lakes Provincially Significant Wetlands (PSW) has been identified on lands adjacent to the property as per Schedule A Land Use Designations, of the Grey County OP. Section 7.3.1 of the Grey OP states in part that no development or site alteration may occur within PSW or their adjacent lands unless it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or their ecological functions.

It is the opinion of SVCA staff the preparation of an EIS to address impacts to the wetlands may be waived in accordance with section 7.11.3c) of the Grey County OP, as Draft approval of Subdivision 42T-84004, to which the property is a part of, had historically established developable areas for lots within the subdivision; and furthermore, provided that future development follows what is proposed in the site plan for the property, as submitted with the application, it would be acceptable to SVCA staff. Therefore, in the opinion of SVCA staff, PSW policies have been satisfactorily addressed according to the Grey County OP.

Significant Wildlife Habitat

While there is no County-wide mapping of significant wildlife habitat, 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. Section 7.10 of the Grey County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat and adjacent lands unless it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or their ecological functions. However, it is the opinion of SVCA staff the preparation of an EIS to address impacts to significant wildlife habitat may be waived in accordance with section 7.11.3c) of the Grey County OP, as impacts to significant wildlife habitat are likely to be negligible based on the application. Therefore, in the opinion of SVCA staff, significant wildlife habitat policies have been satisfactory addressed according to the Grey County OP.

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. The SVCA regulated features are the PSW and its floodplain plus a 120 metre offset distance outwards from the wetlands. As such, development and/or site alteration within the Approximate Screening 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/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

However, development or alteration including construction, reconstruction, conversion, grading, filling or excavation, and interference with a watercourse, proposed within the SVCA Approximate Regulated Area/Approximate Screening Area on the property will not require permission (SVCA Permit) provided development and site alteration occurs in accordance with the approved Lemko Subdivision Siting, Drainage and Stormwater Management Plan, prepared by Gamsby and Mannerow Limited, Revised December 1992.

The site plan submitted as part of the application appears to be in accordance with the approved Lemko Subdivision Siting, Drainage and Stormwater Management Plan, prepared by Gamsby and Mannerow Limited, Revised December 1992.

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*.

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.

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- 3) Consistency with Grey County OP policies for natural hazards and natural heritage has been demonstrated.

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.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: JAKO Developments Inc., owner (via email)
Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)