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SENT ELECTRONICALLY (*lspencer@westgrey.com*)

January 8, 2021

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

ATTENTION: Lorelie Spencer, Planner

Dear Ms. Spencer,

RE: Application for Proposed Minor Variance A07.2020
933 Caroline Street
PLAN 153 PT LOTS 12 AND 13
Roll No. 420501000820404
Geographic Township of Normanby
Municipality of West Grey

(Davis c/o Domm)

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; and the application has been reviewed through SVCA's 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 proposed minor variance is to permit a maximum accessory structure of 1200 square feet. The effect will permit the construction of an accessory structure.

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

- 1) Request for Agency Comments and attached Site Plan

SVCA staff conducted a site inspection to the subject property on October 29, 2020 in conjunction with the application for a regulatory permit for the proposed detached accessory building. SVCA staff issued permit 20-336 on November 26, 2020.

Recommendation

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



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

Site Characteristics

The residential property borders the South Saugeen River. There is an existing dwelling and small detached accessory building. There is a small foot path between the property line and the valley slope of the river. The slope to the river is extremely steep, and vegetated. The forest in this area is considered significant woodlands.

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 areas of the property are affected by the flood and erosion hazard of the South Saugeen River. It is SVCA staff's opinion that portions of the property are 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. 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 proposed detached accessory building will not be within the hazard area. It appears the existing dwelling is within the NE Zone, but SVCA staff are of the opinion that the NE Zone as indicated on the West Grey Zoning By-Law 37-2006 does not closely reflect SVCA Hazard mapping. The NE Zone on this property should be adjusted to match the Grey County OP Hazard designation, as it closely reflects SVCA Hazard mapping.

Provincial Policy Statement – Section 3.1

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers which may exhibit flood and erosion hazards, and that development and site alteration shall not be permitted within areas that would be inaccessible during times of flooding or erosion hazards. The application generally appears to be consistent with Section 3.1 of the PPS.

Grey County Official Plan Policies

Organic or unstable soils, poorly drained areas, and floodplains are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. Further, these policies state that no buildings or structures will be permitted within the Hazard lands. The application generally appears to be consistent with Section 7.2 of the Grey County OP.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Woodlands and Fish Habitat. The hazard designation encompasses a portion of the significant woodlands, though not all of it.

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.

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. While the proposed minor variance is within adjacent lands to significant woodlands, SVCA staff are of the opinion that the impact to the woodlands will be negligible, as there is existing and similar development. The application is generally consistent with Section 2.1 on the PPS.

Grey County Official Plan Policies

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. While the proposed minor variance is within adjacent lands to significant woodlands, SVCA staff are of the opinion that the impact to the woodlands will be negligible, as there is existing and similar development. The application is generally consistent with the Grey County OP.

Fish Habitat

The South Saugeen River is adjacent to this 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. The proposed minor variance is within the adjacent lands to fish habitat, however there is existing development of similar size and impact, SVCA staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with Section 2.1 on the PPS.

Grey County Official Plan Policies

Section 7.9 of the Grey County OP states that development and site alteration may be permitted on and within lands adjacent to natural heritage features if it has been demonstrated through an environmental impact study that there will be no negative impact on the feature. The proposed minor variance is within the adjacent lands to fish habitat, however there is existing development of similar size and impact, SVCA

staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with 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.

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 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

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area on property, the SVCA should be contacted, as permission may be required.

SVCA staff issued permit 20-336 on November 26, 2020, for the proposed detached accessory building. SVCA staff evaluated the slope and determined the location of the proposed building is not within the slope hazard, and therefore issued the permit.

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.
- 3) Consistency with local planning 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 Megan Stansfield at m.stansfield@svca.on.ca.

Sincerely,



Megan Stansfield
Environmental Planning Technician
Saugeen Conservation
MS/

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