

Mayor and Council  
The Municipality of West Grey  
402813 Grey County Road 4  
RR2 Durham, ON N0G 1R0

February 9<sup>th</sup>, 2021.

Subject: *Request for Council's Consideration*  
Proposed Consent & Access Via Concession 2 Road Allowance  
Lot 21, Concession 1 EGR  
Geographic Township of Glenelg  
Municipality of West Grey  
(313807 Highway 6)

Dear Mayor Robinson and Members of Council,

Cuesta Planning Consultants Inc. (CPC) has been retained by Ms. Maria Mychalchuk to assist her in obtaining approval for a consent for residential purposes at the above noted property. For your information, I have attached two (2) proposed lot layouts.

Under the Rural designation consent policies within ReColour Grey, the parcel is eligible for one (1) additional consent, subject to meeting other development policy requirements.

The primary development requirement which needs to be resolved prior to moving further into the Planning Act approval process is confirming adequate access to the new parcel.

As part of pre-submission consultation, our office reached out to staff of the Ministry of Transportation (MTO) in the summer of 2020 to see whether a new access would be permitted at 313807 Highway 6. It was confirmed that MTO would not be supportive of a new access at this location or a mutual access at this location.

However, October 29, 2020 comments from MTO staff did indicate that if a consent is approved, a reserve across the highway frontage must be deeded to MTO as a condition of consent and access to the new lot would need to be provided via Concession 2. I have attached these comments for Council and staff's information.

Access from Concession 2 will require a small portion of the unopened road allowance to be upgraded to a standard satisfactory to the municipality. Approximately 30-40 metres would be required east of the portion of Concession 2 that is already opened for existing development.

The first step would be to obtain permission in principle to upgrade and use a portion of this road from West Grey Council for access to the new lot.

The second step would be for the applicant to formally apply for a consent and as a condition of consent to enter into a Limited Servicing Agreement with the municipality. The Limited Servicing

Agreement would outline to what standard the road will be built as well as determine what, if any, services the municipality would provide along this stretch of Concession 2.

For your information, pre-submission consultation also took place with the Saugeen Valley Conservation Authority (SVCA) with comments provided October 5<sup>th</sup>, 2020 (attached). Staff of the SVCA confirmed that the severance proposal was acceptable based on its review of relevant policies and mapping. An Environmental Impact Study was not recommended, provided the proposed use on the new parcel remained for detached residential purposes.

We understand that this request is a bit unusual as noted by West Grey planning staff. However, in consideration of the fact that a portion of the road is already being accessed by existing lots and the portion of unopened road allowance to be upgraded and used is quite minor, we are hopeful Council may positively consider our request.

Should Council consider our proposal favourably, we would request a resolution supporting the use of a portion of Concession 2 for access purposes in principle, subject to all other requirements under the Planning Act process being met by a future consent application at this location.

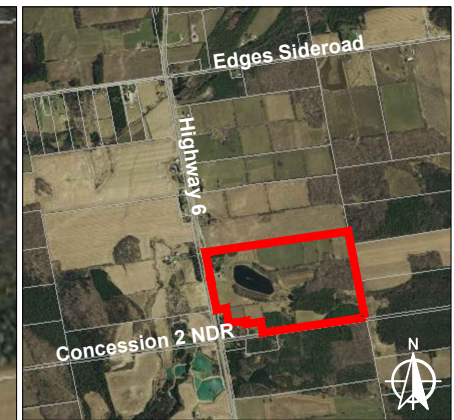
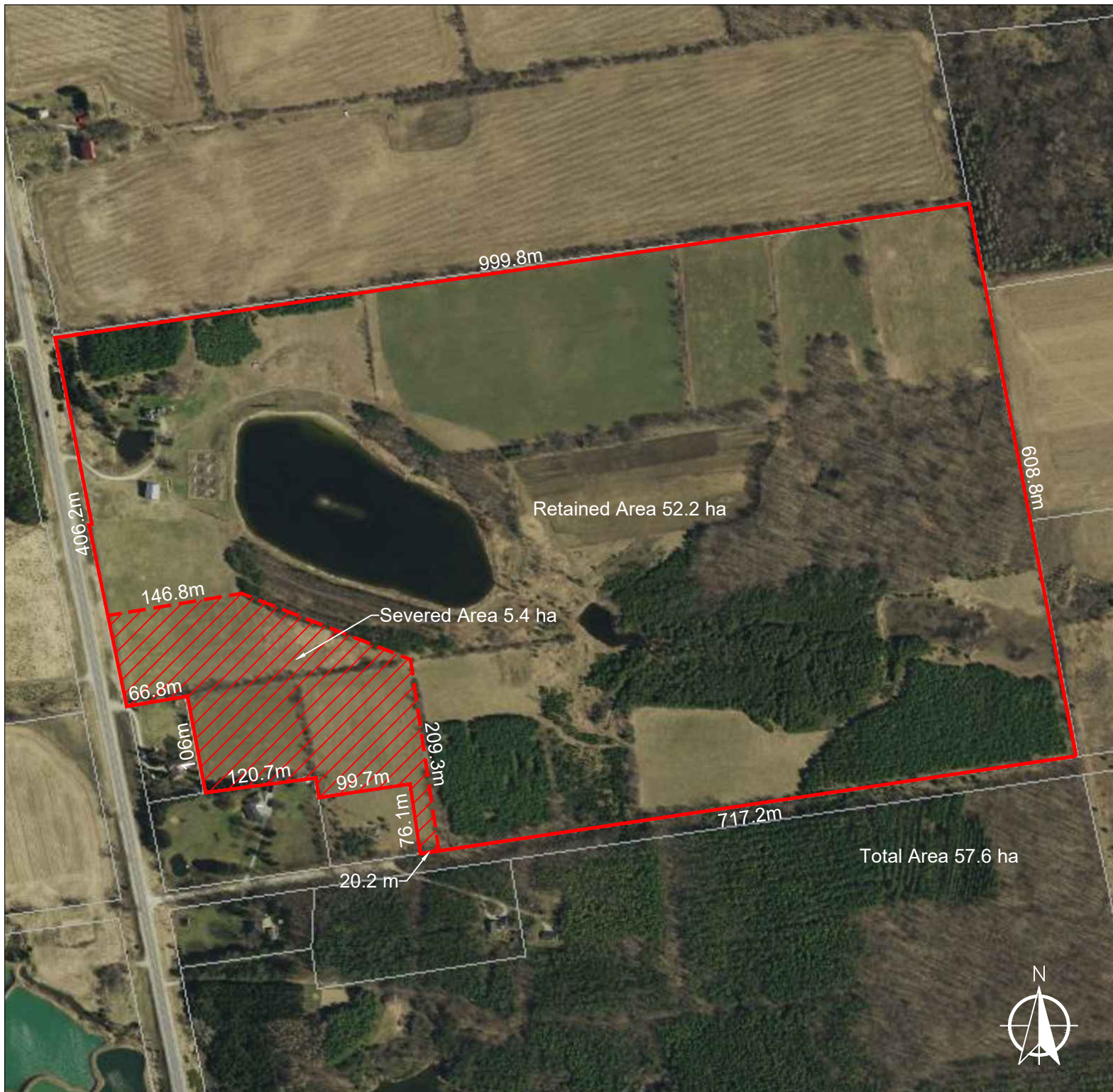
Thank you,



Genevieve Scott

Cuesta Planning Consultants Inc.

cc: Maria Mychalchuk



### Site Plan

313807 HIGHWAY 6  
Municipality of West Grey  
County of Grey

Legal Description:  
CON 1 EGR DIV 1 TO 2 LOT 21;  
& PT DIV 3 LOT 21

### Legend

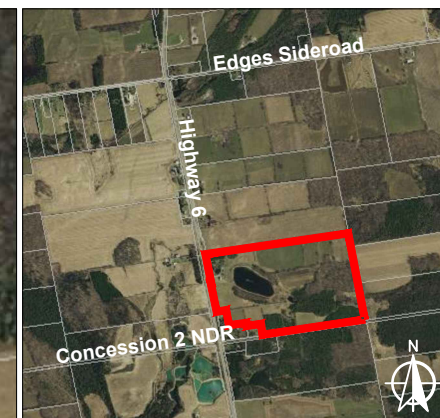
- Subject Land
- Lot Line to be Created
- ▨ Severed Lands

**Cuesta** PLANNING CONSULTANTS  
Urban and Rural Planning and Resource Management

978 First Avenue West (519) 372-9790  
Owen Sound, Ontario Fax: (519) 372-9953  
N4K 4K5 1-800-653-7692  
e-mail: [cuesta@cuestaplanning.com](mailto:cuesta@cuestaplanning.com)

Drawn by:	Date Printed:
M. Wei	July 29, 2020
File No.:	Project Name:
Option 5	Maria Mychalchuk





### Site Plan

313807 HIGHWAY 6  
Municipality of West Grey  
County of Grey

Legal Description:  
CON 1 EGR DIV 1 TO 2 LOT 21;  
& PT DIV 3 LOT 21

### Legend

- Subject Land
- - - Lot Line to be Created
- ▨ Severed Lands



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Owen Sound, Ontario  
N4K 4K5  
e-mail: [cuesta@cuestaplanning.com](mailto:cuesta@cuestaplanning.com)

(519) 372-9790  
Fax: (519) 372-9953  
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Drawn by:	Date Printed:
M. Wei	July 29, 2020
File No.:	Project Name:
Option 6	Maria Mychalchuk

Cuesta Cuesta Planning <cuesta@cuestaplanning.com>

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## Fwd: MTO Inquiry

1 message

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**MYCHALCHUK** <maria\_mychalchuk@rogers.com>  
To: Cuesta Cuesta Planning <cuesta@cuestaplanning.com>

Fri, Oct 30, 2020 at 1:48 PM

Hi Genevieve,

Please see Jessica e-mail below.

Can we start the process please  
Thank you

Best Regards,

Maria Mychalchuk  
(416) 561-5778

Begin forwarded message:

**From:** "Pegelo, Jessica (MTO)" <[Jessica.Pegelo@ontario.ca](mailto:Jessica.Pegelo@ontario.ca)>  
**Date:** October 29, 2020 at 4:30:25 PM EDT  
**To:** MARIA MYCHALCHUK <[maria\\_mychalchuk@rogers.com](mailto:maria_mychalchuk@rogers.com)>  
**Cc:** "Leyten, Martin (MTO)" <[Martin.Leyten@ontario.ca](mailto:Martin.Leyten@ontario.ca)>  
**Subject:** RE: MTO Inquiry

Good afternoon Maria,

MTO has reviewed the attached proposal.

The municipality should be contacted to determine if access is possible off of the municipal road.

A consent application will need to be submitted to the municipality. MTO will provide comments in regard to that application. MTO comments will include the following: MTO requires a reserve across the frontage that must be deeded to MTO and access must be off the municipal road.

If you have any questions, please let me know.

Regards,

## Jessica Pegelo

Ministry of Transportation - Corridor Management Officer

Highway Corridor Management Section

659 Exeter Rd. London, ON N6E 1L3

Telephone: 519-372-4045 Fax: 519-376-6842

E-mail: [jessica.pegelo@ontario.ca](mailto:jessica.pegelo@ontario.ca)

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### 2 attachments

**image001.png**  
5K

**attachment 1.pdf**  
480K



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 ([maria\\_mychalchuk@rogers.com](mailto:maria_mychalchuk@rogers.com))

October 5, 2020

Maria Mychalchuk  
3164 Clipperton Drive  
Mississauga, ON  
L5M 0C2

Dear Ms. Mychalchuk:

RE: Pre-Submission Consultation  
Roll No. 420522000101600  
Lot 21, Con 1 EGR  
Geographic Township of Glenelg  
Municipality of West Grey

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As requested, Saugeen Valley Conservation Authority (SVCA) staff has reviewed proposed development on the above-noted property 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 your proposal 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.

It is SVCA staff's understanding you propose sever the subject property for future development as per the attached site plans which show two options for severing the lot. We also understand via email with Genevieve Scott that access to the severed parcel may be via unopened road allowance.

SVCA staff have not conducted a site visit to the property. Our review is based on a desktop analysis of applicable mapping, and County, Municipal, and SVCA policies.

**The following report is organized into two general sections, where much of the report focuses on Provincial, County/Municipal, and SVCA Policy applicable to your proposed development or property. At the end of the report you will find a summary that clarifies how these policies will impact your development specifically.**

### **SITE CHARACTERISTICS**

Based on SVCA staff's review of aerial photography, the subject property features agricultural fields, woodlands, a watercourse, three on-line ponds, and what appears to be an abandoned aquaculture facility with one accessory shed.



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



## **PLANNING ACT APPLICATION PRE-SUBMISSION CONSULTATION**

The following pre-submission consultation comments are offered by SVCA staff in advance of any submission of a formal *Planning Act* Application (i.e. Zoning By-law amendment, Consent to Sever) to the County of Grey/Municipality of West Grey. Please note, SVCA staff provide advice and recommendations to the County/Municipality regarding natural hazard and natural heritage matters; however, the SVCA is not the Approval Authority for *Planning Act* Applications. We recommend you contact the Municipality and/or County for information pertaining to the *Planning Act* process.

### **ZONING AND OFFICIAL PLAN**

Administration and final interpretation of the Zoning By-law and Official Plan are the responsibility of the Municipality and/or County. We recommend you contact the Municipality of West Grey and/or the County of Grey to confirm the zoning status and/or designation of the property, and for all other items relating to the Zoning By-law and Official Plan.

### **DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS**

**SVCA staff has reviewed the proposed 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 proposed through our responsibilities as a service provider to the County of 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, 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:**

The subject property features floodprone lands associated with the ponds, watercourse, and stream valley. There is also an unevaluated wetland on the property located within the stream valley that may contain organic soils unsuitable for development. The attached SVCA map shows SVCA's hazard lands mapping and the approximate wetland boundary limit. These hazardous lands are included in SVCA's hazard land mapping limits; with the exception of a small portion of the unevaluated wetland boundary. These hazard lands are mapped as "Hazard Lands" on Schedule 'A' of the Grey County Official Plan (OP) and zoned as 'Natural Environment (NE)' in the Municipality of West Grey's comprehensive Zoning By-law. The hazard lands mapping of the County and the Municipality of West Grey appear to match the hazard land mapping originally plotted by SVCA staff.

It is SVCA staff's interpretation that, in general, the hazard lands policies of Grey County and the Municipality of West Grey do not support new development within hazard lands. However, there appears to be sufficient room for development on both the proposed retained and severed parcels outside the hazard lands.

Regarding the unevaluated wetland on the property, SVCA staff would welcome an opportunity to review the wetland boundary as a mapping exercise. However, this is not a requirement for the purpose of the proposed severance.



### **Natural Heritage:**

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property are significant woodlands, fish habitat, potentially habitat of threatened species and endangered species, and other wetlands

#### **Significant Woodlands**

As shown on Appendix B of the County of Grey OP, the subject property features approximately 48 acres of significant woodlands which are contiguous with a larger adjacent woodland.

#### **Provincial Policy Statement (PPS, 2020) Natural Heritage Policies – Section 2.1**

Section 2.1.5 of the PPS, states 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 woodland or its ecological functions; and as per s. 2.1.8, development and site alteration shall not be permitted on adjacent lands to significant woodlands 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 natural feature or its ecological functions.

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

It is SVCA staff's interpretation that s. 7.4 1) of the County OP does not support development or site alteration within adjacent lands to significant woodlands unless it has been demonstrated through an Environmental Impact Study (EIS), as per Section 7.11 of the Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of the Plan, which is 120 metres for significant woodlands.

SVCA staff have not been provided a site plan for development on either the retained or proposed severed parcels. However, should one residence be proposed on either the retained or severed parcels, SVCA staff would not recommend an EIS be undertaken, provided development is setback at least 30 metres from the woodland edge, with the exception of the proposed driveway for the severed parcel from the unopened road allowance. If a zoning amendment is required for development other than for one residence with 120 metres to the woodlands, SVCA staff will recommend an EIS be undertaken to address the impacts to the significant woodlands.

#### **Fish Habitat**

It is the opinion of SVCA staff the watercourse and on-line ponds on the property are considered fish habitat.

#### **Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – Section 2.1**

Section 2.1.6 of the PPS states, in general, that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and section 2.1.8 states that 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 impact on fish habitat.

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

It is SVCA's interpretation that s. S. 7.9 1) of the County's OP does not support development and site alteration in Fish Habitat except in accordance with relevant provincial and federal requirements; and further that, development will not be permitted within 30 metres of the banks of a stream, river, or lake unless an environmental impact study prepared in accordance with Section 7.11 of the OP concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced. Landowners are encouraged to forest the areas within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream, and to increase natural connections.

SVCA staff will not recommend an EIS be undertaken to address fish habitat as part of this application. However, if a zoning amendment is required for development other than for one residence within adjacent lands to fish habitat, SVCA staff may recommend an EIS be undertaken to address the impacts to fish habitat.

#### Other Wetlands:

As noted above, there is an unevaluated wetland on the subject property.

#### County of Grey Official Plan Policies

It is SVCA staff's interpretation that the County of Grey OP policies, s. 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 above policy, proposed new development on the property should be located at least 30 metres from the wetland boundary. SVCA staff is of the opinion, there is sufficient room outside the 30 metre setback for development on both the retained and severed parcels.

#### Habitat of Endangered Species and Threatened Species:

It has come to the attention of SVCA staff that habitat of endangered and threatened species could be on or adjacent to the subject property. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to below 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 sent via email to: SAROntario@ontario.ca.

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

It is the interpretation of SVCA staff that s. 7.10 2) of the 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. No development or site alteration will be permitted within the adjacent lands 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.

Please note, SVCA's opinion that an EIS should not be required for the proposed, does not include studies that may be required under the Species at Risk Act and the MECP.

### **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 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. All development should be sited outside the hazard lands delineated on the attached map.

### **SUMMARY**

SVCA staff has reviewed your proposal in accordance with our Memorandum of Agreement (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*.

Based on our review of the above-noted policies and mapping, SVCA staff find the proposed severance acceptable. There is sufficient room for new development outside the hazard lands and an EIS will not be recommended to address significant woodlands and fish habitat for the proposed severance, provided one residence is proposed on the retained and/or severed parcel. Should a zoning by-law amendment be required for development other than a single residence, SVCA staff may recommend an EIS be undertaken to assess the impacts to these natural heritage features. Finally, a SVCA permit may be required for development and site alteration proposed within SVCA's Screening Area delineated on the attached map.

Preliminary SVCA comments regarding Zoning and Official Plan matters have been included within this correspondence but should not be considered all-encompassing for formal SVCA *Planning Act* application comments and you should contact the Municipality of West Grey to confirm your zoning status and the *Planning Act* application process.

SVCA staff has provided comments for the proposed based on a desktop review of available mapping and information that is currently available. There is no guarantee these comments will remain unchanged indefinitely.

Should you have any questions, please contact the undersigned.

Sincerely,



Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

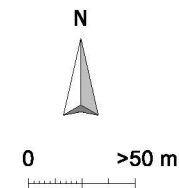
BW/

Encl: Severance Option Maps, SVCA Hazard Map/Approximate Regulated Area map

cc: Lorelie Spencer, Manager of Planning & Development, Mun. of West Grey (via email)  
Christine Robinson, Authority Member (via email)  
Tom Hutchinson, Authority Member (via email)



**Lot 21, Concession 1 EGR  
Roll No. 420522000101600  
Geo. Twp. of Glenelg  
Municipality of West Grey**



**1:5500**

**UTM Zone 17N, NAD 83**

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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This mapping contains products of the South Western Ontario Orthophotography Project 2015 (SWOOP2015). These images were taken in 2015 at 20cm resolution by Fugro GeoServices. They are the property of Saugeen Valley Conservation Authority ©2020.



**Figure 1**

**Legend**

-  Hazard Land
-  Approximate Screening Area
-  **SVCA MNRF Wetlands (All)**
-  Not evaluated per OWES

