



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 ([Jspencer@westgrey.com](mailto:Jspencer@westgrey.com))

March 29, 2021

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

ATTENTION: Lorelie Spencer, Manager of Planning and Development

Dear Ms. Lorelie;

RE:                   Application for Minor Variance: A03.2021  
                        Roll No. 420522000305409  
                        Part of Lot 25, Concession 9, RP 16R6202, Pt 2  
                        Geographic Township of Glenelg  
                        Municipality of West Grey [Johnson]

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 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.

The purpose of the application is to vary provisions of the municipality's comprehensive zoning by-law to permit the location of an accessory structure in the front yard of the subject property.

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

- 1) Notice of Minor Variance and associated application for A03.2021 dated March 1, 2021

### **Recommendation**

SVCA staff find the proposed minor variance acceptable and offer the following comments.



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 subject property is primarily wooded with wetlands with a section of Traverston Creek crossing the northwest portion of the property. There is an approximately 0.7 ha cleared area in the southeast corner of the lot that features an existing residence.

### **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 and natural heritage as set out in the PPS 2020, County Official Plan and/or local official plan. Comments below only include features/technical requirements affecting the property.

#### **Natural Hazards:**

Portions of the property are designated Hazard Lands as shown on Schedule A of the County of Grey Official Plan (OP); and zoned Natural Environment (NE and NE2) as indicated in the Municipality of West Grey's Zoning By-law (ZB). The Hazard Lands and NE mapping is generally similar to the hazard lands mapping originally plotted by SVCA staff. The hazard lands on the property feature flooding hazards and unstable soils associated with the watercourse and wetlands on the property.

The following is a summary of provincial and county natural hazard policies that affect the property.

#### **Provincial Policy Statement (PPS, 2020) – 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.).

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

It is SVCA staff's interpretation that 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 existing residence and proposed shed are located outside the hazard lands as mapped by both the County/Municipality and the SVCA. As such, it is SVCA staff's opinion, the proposed is in accordance with the above referenced natural hazard policies.

## **Natural Heritage:**

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property include provincially significant wetlands, significant woodlands, fish habitat, potentially significant wildlife habitat, adjacent lands to a life science ANSI, and potentially habitat of endangered species and threatened.

The following is a summary of provincial and county natural heritage policies affecting the property.

### Provincially Significant Wetland (PSW)

Portions of the Traverston Creek PSW are located on and adjacent to the subject property. The wetland on the property is located northwest of the existing residence.

#### Provincial Policy Statement (PPS, 2020)– Section 2.1

Section 2.1.5 a) of the PPS states that development and site alteration shall not be permitted in significant wetlands unless it has been demonstrated that there will be no negative impacts on the wetlands or their ecological functions; and further that; section 2.1.8 states, development and site alteration shall not be permitted on adjacent lands to a significant wetland 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 wetlands or on its ecological functions.

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

It is SVCA staff's interpretation, section 7.3.1 of the Grey County OP states that no development or site alteration is permitted within the Provincially Significant Wetland land use type (shown on Schedule A), except where such activity is associated with forestry and uses connected with the conservation of water, soil, wildlife, and other natural resources but does not include buildings and will not negatively impact the integrity of the Wetland; and further that; no development or site alteration may occur within the adjacent lands of the Provincially Significant Wetland land use types unless it has been demonstrated through an environmental impact study, as per Section 7.11 of the Plan, that there will be no negative impacts on the natural features or their ecological functions.

The proposed shed is located within adjacent lands to the PSW. However, it is SVCA staff's opinion, the proposed should not have an impact on the ecology or hydrology of the wetland. As such, staff do not recommend an EIS should be required to address the impacts of the above PSW policies.

### Significant Woodlands

The subject property features significant woodlands. The proposed shed is located in a cleared area of the property on adjacent lands to the woodlands.

#### Provincial Policy Statement (PPS, 2020)– Section 2.1

Section 2.1.8 of the PPS states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

Section 7.4 of the County OP, in the opinion of SVCA staff, does not permit development on adjacent lands to significant woodlands (120 metres) unless it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions.

It is SVCA staff's opinion an Environmental Impact Study (EIS) to address the above-noted policies should not be required. The shed should not have an increased ecological impact on the adjacent woodlands than what currently exists from the residential use. The proposed shed will be located on a cleared area of the property and no tree removal within the woodlands will be required.

#### Fish Habitat

It is SVCA staff's opinion the watercourse and pond on the property features fish habitat.

#### Provincial Policy Statement (PPS, 2020) – Section 2.1

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8 states 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 impacts on the fish habitat or on their ecological functions.

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

It is SVCA staff's interpretation, section 7.9 of the Grey County OP states, in general, that no development will be permitted within 30 metres of the banks of a stream, river or lake unless an EIS concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced.

It is SVCA staff's opinion an EIS to address the above-noted fish habitat policies should not be required because the new shed is proposed greater than 50 metres from the pond and greater than 120 metres from Traverston Creek. No impact to fish habitat is expected.

#### Area of Natural and Scientific Interest (ANSI)– adjacent lands

The proposed shed is located within adjacent lands the Traverston Creek Life Science ANSI, which is shown to be located on an adjacent property.

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

Section 2.1.8 of the PPS states development and site alteration shall not be permitted on adjacent lands to an ANSI 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.

### Grey County Official Plan (OP)

It is SVCA staff's interpretation that the County of Grey OP policy s. 7.6 1) states no development or site alteration may occur on adjacent lands to and ANSI unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions.

It is SVCA staff's opinion an EIS to address the above-noted ANSI policies should not be required. The shed should not have an increased ecological impact on the adjacent ANSI than what currently exists from the residential use. The proposed is located in a cleared area of the adjacent lands and no physical disturbance to the ANSI will occur.

### Significant Wildlife Habitat

It is SVCA staff's opinion, the property may feature significant wildlife habitat associated with the woodlands on the subject property.

### Provincial Policy Statement (PPS, 2020) – Section 2.1

Section 2.1.5 d) of the PPS states that development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.

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

Section 7.10 of the County OP states, in SVCA staff's opinion, that development and site alteration is not permitted within Significant Wildlife Habitat (including Deer Wintering Yards), and their adjacent lands, unless it has been demonstrated through an acceptable environmental impact study, completed in accordance with Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

It is SVCA staff's opinion an EIS to address the above-noted policies should not be required. The shed should not have an increased ecological impact on significant wildlife habitat than what currently exists from the residential use. The proposed is located in a cleared area of the property and disturbance to the woodlands / potential significant wildlife habitat will be required.

### Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of Endangered Species and Threatened Species may be located on or adjacent to the property. SVCA's role is to identify endangered/threatened species habitat via screening process in consideration of the PPS and local policies but we must direct applicants to Ministry of Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed.

Please contact the Ministry of Environment, Conservation and Parks (MECP) at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca) for information on how to address this policy.

#### Provincial Policy Statement (PPS, 2020)

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.

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

Section 7.10 2) of the Grey 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; and that, no development or site alteration will be permitted within the adjacent lands (120 metres) 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.

#### 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. Within this screening area is a watercourse and its floodplain, and a provincially significant wetland. Watercourses plus 15 metres, floodplains plus 15 metres, and provincially significant wetlands plus 120 metres are SVCA regulated areas as per 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

SVCA staff issued permit no. 21-045 for the construction of the proposed shed on February 25, 2021.

#### 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*.

SVCA staff find the application acceptable, and 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, with the exception of threatened and endangered species policies, which the applicant must address with MECP
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of threatened and endangered species policies, which the applicant must address with MECP.

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.

Sincerely,



Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW/

cc: Karl Schipprack, CBO, Mun. of West Grey (via email)  
Christine Robinson, Authority Member, SVCA (via email)  
Tom Hutchinson, Authority Member, SVCA (via email)