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SENT ELECTRONICALLY: lspencer@westgrey.ca

March 29, 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: Minor Variance Application A05.2021 (Wilson and Brown)
312126 Highway 6
Part Division 2, Lot 16 Concession 1
Roll No. 4205 010 0060 0600
Geographic Township of Normanby
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; 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 application is to vary the provisions of section 9.2.3(b) to permit a reduced side yard setback of $\pm 10\text{m}$ whereas 20.0m is required. The effect of which will permit the construction of a livestock building (equestrian centre facility) on the subject lands.

Recommendation

The application is generally acceptable to SVCA staff. We elaborate in the following paragraphs.

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*



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

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 that the property is subject to the flood and erosion hazard of a tributary of the Beaty Saugeen River. It is SVCA staff's opinion that a portion of the property is 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 (OP). The NE zone and Hazard Lands represent the watercourse and its floodplain. Based on the plan attached with the application the existing and proposed buildings and structures all appear to be outside the NE zone and Hazard Lands. SVCA staff are of the opinion that the Grey County OP Hazard designation and NE zone generally reflects SVCA Hazard mapping for the property.

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 the application conforms to Section 3.1.1 of the PPS, 2020.

Grey County Official Plan Policies

Section 7.2.3 of the Grey County OP states in part that buildings and structures are generally not permitted in the Hazard Lands designation. It is the opinion of SVCA staff that the proposal conforms to the natural hazard policies of 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 valleylands, and fish 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 valleylands, fish habitat and its adjacent lands, 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 to cover portions of 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, based on the plan submitted with the application, development is not proposed within significant woodlands or its adjacent lands. Therefore, the preparation of an EIS to address impacts to significant woodlands or their adjacent lands is not warranted for this proposal at this time.

Significant Valleylands

Significant valleylands are identified as per Appendix B Constraint Mapping, of the Grey County OP, and is shown on lands adjacent to the north of the property associated with the Beatty Saugeen River. Section 7.7.1) of the Grey County OP, no development or site alteration may occur within significant valleylands 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. However, based on the plan submitted with the application, the proposed development will not be located within the adjacent lands to significant valleylands. Therefore, the preparation of an EIS to address impacts to significant valleylands or their adjacent lands is not warranted for this proposal at this time.

Fish Habitat and its Adjacent Lands

As mentioned above, a tributary of the Beatty Saugeen River flows through the property. The watercourse is considered fish habitat by SVCA staff. Section 7.9 of the Grey County OP states in part that development and site alteration shall not be permitted within fish habitat and the 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 fish habitat or on their ecological functions. It is the opinion of SVCA staff that development as proposed as part of the application will not be within fish habitat or its adjacent lands, therefore the preparation of an EIS is not warranted to address impacts to fish habitat or its adjacent lands at this time. Therefore, in the opinion of SVCA staff, fish habitat and its adjacent lands policies have been satisfactorily 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 western portion of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening may require permission from SVCA.

"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.

For the property, it appears that the SVCA Approximate Screening Area includes the largest extend of the following natural hazard features: the tributary of the Beatty Saugeen River that flows through the property and the floodplain of the tributary, and 15 metre distance outwards from the floodplain.

However, based on the plan submitted with the application, the proposed riding arena is not proposed within the SVCA Approximate Screening Area, therefore review and permission for the riding arena is not required by the SVCA.

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 application is generally acceptable to 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 the application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact this office.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Bradley A. Wilson and Jessica L. Brown, owners (via email: jessicabrown017@gmail.com)
Christine Robinson, SVCA Authority Member representing the Municipality of West Grey (via email)
Tom Hutchinson, SVCA Authority Member representing the Municipality of West Grey (via email)