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SENT ELECTRONICALLY (Jspencer@westgrey.com)

March 26, 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 Consent to Sever: B05.2021
Roll No. 420522000214500
Lot 51 & Pt Lt 2, Concession 3 SDR
Geographic Township of Glenelg
Municipality of West Grey

[Horan]

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 applications is to sever approximately 7.4 acres (3.0 hectares) of rural and hazard lands for the purposes of a lot addition to the adjacent lands and retain approximately 61 acres (25.0 hectares) of rural and hazard lands. The effect of which will create a merged lot of approximately 10 acres (4.0 hectares). It is SVCA staff's understanding there is no proposed new development on either the retained or severed parcels as part of this application.

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

- 1) Notice of Consent and associated application for B05.2021, dated March 1, 2021

Recommendation

SVCA staff find the proposed severance 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 approximately 68.4 hectares of cleared agricultural lands, with the exception of a small woodlot on the southeast corner of the property according to 2015 aerial photography. There is a watercourse located on the north section of the property on the lands proposed to be severed. The watercourse adjacent lands (30 metres or less) appear to be scarcely vegetated.

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) 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 and erosion hazards associated with the watercourse. Existing development on the subject property appears to be located outside the hazard lands.

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.

No new development is proposed as part of this application. However, should future development be proposed on either the retained and severed parcels, there is sufficient room outside the hazards lands for development. As such, it is SVCA staff's opinion, the application conforms to the above-noted hazard policies.

Natural Heritage:

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property include adjacent lands to significant woodlands, fish habitat, potentially habitat of endangered species and threatened species, and “other wetlands.”

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

Significant Woodlands

Woodlands adjacent to the property, north of Southline A are shown as Significant Woodlands in the Grey County OP – Appendix B.

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 because no new development or new land use is proposed as part of this application.

Fish Habitat

It is SVCA staff’s opinion the watercourse 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 policies should not be required because no new development or new land use is proposed as part of this application.

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 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.

Other Wetlands

SVCA mapping shows the subject property may feature "other wetlands", which are wetlands not yet evaluated by the Ministry of Natural Resources and Forestry (MNRF). These wetlands should be maintained for their local ecological significance and for their flood management capacity. The PPS, 2020 does not have policies for "other wetlands." However, the County of Grey has recognized the local significance of these wetlands and have included the following policies in the County Official Plan.

Grey County Official Plan (OP) Policies

Section 7.3.2 of the Grey County OP states that no development or site alterations are permitted within Other Wetlands or their adjacent lands, shown on Appendix B, or as identified by conservation authorities, unless it has been demonstrated that there will be no negative impacts on the natural features or on 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 local wetlands. Watercourses plus 15 metres, floodplains plus 15 metres, and wetlands plus 30 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

Prior to development and/or alterations within SVCA's regulated areas, SVCA must be contacted as permission under O. Regulation 169/06 may be required.

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 will be demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS will be 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 will be 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,

A handwritten signature in cursive script that reads "Brandi Walter". The signature is written in dark ink on a light-colored background.

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)