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SENT ELECTRONICALLY (ls Spencer@westgrey.com)

April 23, 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: B04.2021
Roll No. 420526000203500
Part Lot 28, Plan 502; Part 1; RP 17R2728
Geographic Town of Durham
Municipality of West Grey - [Elvidge]

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 to create a new residential parcel by severing the subject lands and retaining the original residential parcel.

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

- 1) Notice of Application for Consent for file B04.2021, associated application and lot plan, dated March 2, 2021.

RECOMMENDATION

At this time, SVCA staff do not find the application acceptable. Staff has not had an opportunity for pre-submission consultation to review the potential for natural hazards affecting the property; and we require a site visit to determine if an Environmental Impact Study (EIS) should be required for future development regarding significant woodlands. As such, we recommend the application be deferred until we have been afforded an opportunity for site visit. Please see below for more information.



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 located within the urban settlement of Durham and is surrounded by residential development along the north, east, and west property limits. South of the property is a vegetated valleyland associated with the Saugeen River.

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 plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

Located south of the subject property is valleyland associated with the Saugeen River. SVCA staff have not had an opportunity to review slope conditions behind the property; however, our desktop review of resource mapping indicates the property may be subject to an erosion hazard associated with this feature.

The following is a summary of Provincial, County, and local natural hazard policies that may affect the proposed:

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 opinion, 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.

Municipality of West Grey Official Plan (OP) Policies

Section D9, Environmental Protection Policies of the West Grey OP, in SVCA staff's opinion, do not support buildings or structures within lands that have physical characteristics, which could cause property damage or loss of life if developed upon. The physical characteristics may include flood susceptibility, erosion susceptibility, instability, and certain other conditions or combinations.

Proposed Application/Development

Current Municipality of West Grey Official Plan and Zoning By-law 'Environmental Protection' mapping do not show the above-noted valleylands to be hazard lands. However, SVCA staff are of the opinion future proposed development on the property should not occur until the erosion hazard potential associated with the valleyland has been assessed. SVCA staff recommends we be afforded an opportunity to undertake a site visit to assess potential erosion hazard conditions, prior to this application being approved. Until such time, it is SVCA staff's opinion, the proposed is not in conformance with the aforementioned natural hazard policies.

Natural Heritage:

Appendix B of the County of Grey OP indicates the subject property features significant woodlands.

The following is a summary of provincial, county/municipal natural heritage policies affecting the property.

Provincial Policy Statement (PPS, 2020)– Section 2.1

Section 2.1.5 b) of the PPS states that 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 natural features or their ecological functions; and further that, section 2.1.8 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 Policies (OP)

Section 7.4 of the Grey County OP states that no development or site alteration may occur within Significant Woodlands or their adjacent lands (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.

Municipality of West Grey Official Plan (OP) Policies

It is SVCA staff's opinion Section E1.2.6 of the West Grey OP states, in general that, no development or site alteration shall occur within Significant Woodlands or their adjacent lands 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. The "adjacent lands" are defined as lands within 120 metres of the Significant Woodland.

Proposed Application/Development

Based on SVCA staffs review of resource mapping, a portion of significant woodlands is located on the west portion of the subject property. The proposed new lot is located within this feature. As such, tree/vegetation removal will be required to construct a residence. Staff have not had an opportunity to visit the property to determine if an EIS should be required for the proposed. As such, we can not advise at this time if the application is in conformance with the above significant woodland policies.

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 Regulated Area' associated with Ontario Regulation 169/06. Within this regulated area is the above noted Saugeen River valleylands. 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 site alteration on the subject property, SVCA should be contacted as a SVCA permit may be required prior to undertaking the work.

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*.

At this time, SVCA staff do not find the application acceptable for the following reasons;

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has not been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has not been demonstrated.
- 3) Consistency with local planning policies for natural hazards and natural heritage has not been demonstrated.

As such, SVCA staff recommend deferral of this application until such time we have had an opportunity to undertake a site visit to assess the potential for erosion hazards affecting the property; and until we have assessed as to whether an EIS should be required to address significant woodland policies.

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)