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SENT ELECTRONICALLY (ewreif@gmail.com; alan@catcc.ca)

January 12, 2021

Erik Reif and Alan Reif

Dear Mr. Reif:

RE: Pre-Submission Consultation
521743 Concession 12
Roll No. 420528000709400
Lot 17, 18 and 19 Concession 13
Geographic Township of Bentinck
Municipality of West Grey

As requested, Saugeen Valley Conservation Authority (SVCA) staff has reviewed your inquiry regarding the potential for severing 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 and natural heritage; 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 would like to investigate whether there is a suitable building envelope available on each of the three original lots, so the lots may be severed into 3 parcels.

As per your request, SVCA staff conducted a site inspection on December 14, 2020. Staff have referenced applicable mapping, historical aerial photography, past documentation, elevation data and SVCA and County/Municipal policy documents as part of our review of the proposal. SVCA staff find the proposed severance acceptable. We elaborate in the following paragraphs.

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

This parcel is approximately 300 acres and mainly consists of woodlands and wetlands. A tributary of Deer Creek flows through lot 17, with its floodplain and wetlands surrounding and throughout the rest of the



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

property. There is an existing dwelling on lot 18, and the remnants of a building on lot 17, while lot 19 does not contain any structures.

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. 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, 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:

SVCA hazard mapping indicates that the property is subject to the flood and erosion hazard of a tributary of Deer Creek, as well as wetlands throughout the property. 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 existing buildings and structures all appear to be outside the Hazardous areas. SVCA staff are of the opinion that the Grey County OP Hazard designation and Natural Environment Zone as indicated on the West Grey Zoning By-Law 37-2006 closely reflects SVCA Hazard mapping. Lots 17 and 18 will have portions of Hazard lands present, but SVCA staff are of the opinion there is sufficient space outside the hazard area for development.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement (PPS, 2020) Natural Hazard Policies– Section 3.1

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers which may exhibit flood and erosion hazards, and hazard sites; and that

development and site alteration shall not be permitted within areas that would be inaccessible during times of flooding or erosion hazards.

Grey County Official Plan Policies

Organic or unstable soils, poorly drained areas, and floodplains are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. Further, these policies state that no buildings or structures will be permitted within the Hazard lands.

Natural Heritage:

In the opinion of SVCA staff, the subject property Significant Woodlands, Fish Habitat, potentially Significant Wildlife Habitat and Habitat of Threatened and Endangered Species, and Other Identified Wetlands. The aforementioned Natural Environment Zoning and Hazard designation recognizes and encompasses a small portion of the Significant Woodlands.

The following is a summary of Provincial, County and Municipal natural heritage policies that affect the subject property.

Significant Woodlands

Significant Woodlands are identified as those which are greater than or equal to 40 hectares in size outside of settlement areas and can also be significant if there is overlap with Significant Valleylands, as per section 7.4 of the Grey County OP. Almost the entire property is considered Significant Woodlands.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (b) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within significant woodlands nor shall it be permitted on adjacent lands (Section 2.1.8) to significant woodlands unless it has been evaluated and demonstrated that there will be no negative impacts. The proposed severed portions contain significant woodlands.

Grey County Official Plan Policies

It is SVCA staff's interpretation Section 7.4(1) of the Grey County OP states that no development or site alteration may be permitted on or within lands adjacent to significant woodlands unless it has been demonstrated through an environmental impact study that there will be no negative impact on the feature. The proposed severed portions contain significant woodlands.

Building Envelope

There is an existing laneway and dwelling located on Lot 18. During the site inspection SVCA staff identified potential building envelopes on Lot 17 and Lot 19, that did not contain woodlands, and were not delineated as significant woodlands in the Grey County Official Plan Appendix B. Adjacent to these building envelopes and identified in Appendix B of the Grey County OP, were plantation woodlands. These woodlands were planted sometime between 1990 and 2006. In accordance with Section 7.4 (6) of the Grey County OP an EIS may not be required for new development or site alteration when these plantation woodlands have not yet

transformed into more naturalized woodlots. SVCA staff are of the opinion that provided the development is contained to the building envelopes identified, an EIS will not be recommended.

Fish Habitat

A tributary of Deer Creek flows through the property. This watercourse is considered fish habitat by SVCA staff. Our review of Fish Habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the MNRF or the DFO.

Provincial Policy Statement – Section 2.1

Section 2.1.6 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within fish habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to fish habitat unless it has been evaluated and demonstrated that there will be no negative impacts.

Grey County Official Plan Policies

It is SVCA staff's interpretation Section 7.9 of the Grey County OP states that development and site alteration are not permitted in Fish Habitat, and not permitted within 30 metres of the banks of a stream, river or lake, unless an environmental impact study is prepared and says the impact will be negligible.

Building Envelope

Provided the recommended building envelopes are adhered to, SVCA staff are of the opinion that development will not be within the adjacent lands to fish habitat and an Environmental Impact Study will not be required.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Grey County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (d) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted in significant wildlife habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to significant wildlife habitat unless it has been evaluated and demonstrated that there will be no negative impacts.

Grey County Official Plan Policies

Section 7.10 of the Grey County OP states that development and site alteration is not permitted within significant wildlife habitat and their adjacent lands unless it has been demonstrated through an EIS that there will be no negative impact on the feature.

Building Envelope

Provided the recommended building envelopes are adhered to, SVCA staff are of the opinion that development will not significantly impact the wildlife habitat and an Environmental Impact Study will not be required.

Other Identified Wetlands

Mapping done by Grey County indicates wetland features on the property that are not considered Provincially or Locally Significant but are still regarded as a Natural Heritage feature. The Provincial Policy Statement does not make reference to Other Identified Wetlands.

Grey County Official Plan 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 unless it has been demonstrated that there will be no negative impacts on the feature. The proposed area to be severed may contain a small portion of Other Identified Wetlands. However, the proposed building envelopes are not within the Other Identified Wetlands.

Threatened and Endangered Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Our role is to identify habitat through a screening process in consideration of PPS and local policies, however it is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS 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 addressed to SAROntario@ontario.ca.

Provincial Policy Statement – Section 2.1

Section 2.1.7 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within habitat of threatened or endangered species.

Grey County Official Plan Policies

It is SVCA staff's interpretation Section 7.10 of the Grey County OP states that development and site alteration will not be permitted within the habitat of threatened or endangered species.

Environmental Impact Study

If the property owners or future property owners are not accepting of the proposed building envelope delineated by SVCA staff, SVCA staff would recommend an Environmental Impact Study (EIS), to satisfy the requirements of the Provincial Policy Statement, and the local and county level official plans. The EIS would need to address the natural heritage features previously mentioned and demonstrate proposed development (ie. dwelling, decks, porches, driveway, sewage disposal system, site grading, etc.) would not impact the natural features or their ecological functions. We would ask that you have your environmental consultant contact this office to review the Terms of Reference (TOR) for the EIS prior to the study being undertaken.

Otherwise, if we are not consulted on the TOR and we are not satisfied with the report, we may have it peer reviewed at the cost of the applicant. Please note, the submission of an EIS does not guarantee approval of the works. An EIS must be carried out by a qualified professional with recognized expertise in the appropriate area of concern and shall be prepared to use established procedures and recognized methodologies to the satisfaction of the SVCA. Additionally, we ask that we review the draft EIS report prior to formal *Planning Act* submission.

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.

A large portion of the property is within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. Within the screening area are wetlands and watercourses and their delineated "hazardous lands", which are lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion or unstable soils. In accordance with O. Reg. 169 /06 development and/or site alteration within these areas and their adjacent lands require 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 Screening Area' on the property, please refer to the attached SVCA map, which also delineates the building envelope.

SVCA PERMISSION FOR DEVELOPMENT OR ALTERATION

Development proposed on the site, within the SVCA Approximate Screening Area (yellow shaded area), will require a permit from the SVCA. Development will not be permitted within the Hazard Area. Development proposed within the building envelope of Lot 17 may require a permit from SVCA staff due to the proximity of the floodplain of the tributary of Deer Creek. Provided development does not encroach on the hazard area, a permit can likely be issued.

Right to Hearing

Please be advised that the owner(s) of a property may submit an Application for a development or alteration proposal to the SVCA at any time. An Application must be complete as determined by the SVCA for it to be considered. The completeness of an Application is determined by SVCA staff, or an administrative review can be requested by the applicant to the SVCA's General Manager/Secretary Treasurer. In the event that the administrative review by the SVCA's General Manager/Secretary Treasurer determines an Application is not complete, the applicant can request an administrative review by the Authority. Applications to recognize works that have already occurred are not eligible for administrative reviews.

In accordance with Section 28 (12) of the *Conservation Authorities Act*, permission required under *Ontario Regulation 169/06*, as amended, shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity for a hearing (by request) before the Authority or, in the case of the SVCA, before the Authority's Executive Committee. Should you receive a SVCA permit, approved by staff, with conditions of approval and object to one or more of the conditions, you will have the option to attend a hearing before the SVCA Executive Committee. Should you submit a complete Application for which staff is not prepared to issue a permit, you will have the option to attend a hearing scheduled before the SVCA Executive Committee.

After holding a hearing under Section 28 (12), the SVCA Executive Committee shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions

After the hearing, if the Executive Committee refuses permission, or grants permission subject to conditions, the person who requested permission shall be given written reasons for the decision. If the person is refused permission or objects to conditions imposed on the permission, the person may appeal to the Mining and Lands Tribunal within 30 days of receiving the reasons for the refusal.

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*.

SVCA staff have found that the proposed severances are acceptable, and we would not recommend further studies to be undertaken for the proposed *Planning Act* application, provided the aforementioned conditions for building envelopes are implemented. The Council for the Municipality of West Grey and/or the County of Grey are the Approval Authorities for *Planning Act* applications, and the decisions for all applications, remains with the Municipality and/or County. SVCA staff will recommend the use of a planning mechanism (zoning by-

law amendment or site plan control agreement) to ensure that the building envelopes approved are utilized, and the significant woodlands are not impacted.

Provided development is contained to the suggested building envelope, a permit from the SVCA may be required but one can likely be issued. Should plans change, the SVCA should be contacted for further information regarding permitting.

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 site inspection and review of available mapping and information that is currently available. There is no guarantee these comments will remain unchanged indefinitely. We further recommend that should you wish to proceed with a *Planning Act* application and/or development on the property that SVCA staff should be contacted to ensure all matters are addressed.

Should you have any questions, please contact the undersigned.
Sincerely,



Megan Stansfield
Environmental Planning Technician
Saugeen Conservation
MS/

cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)

**Reif
521743 Con 12
Bentinck
January 12, 2021**

Legend

- Intermittent Watercours
- Permanent Watercours
-  Building Envelope
-  Screening Area
-  Hazard Area
-  Property Boundary

Lot 20
Con 13
Bentinck

Lot 19
Con 13
Bentinck

Lot 18
Con 13
Bentinck

Lot 17
Con 13
Bentinck

Lot 16
Con 13
Bentinck



UTM Zone 17N, NAD 83

1:7500

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 ©2021.



Figure 1