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SENT ELECTRONICALLY ONLY ([lspencer@westgrey.com](mailto:lspencer@westgrey.com))

June 2, 2021

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

ATTENTION: Lorelie Spencer, Manager, Planning and Development

Dear Ms. Spencer,

RE: Application for Consent to Sever B07.2021  
211805 Baseline  
Roll No. 420501000607050  
Lot 45 and 46, Concession 3 WGR  
Geographic Township of Normanby  
Municipality of West Grey

(Wynia)

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, natural heritage, and water resources; 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 2.12 ha. (5.24 acre) rural parcel and retain a 16.9 ha. (41.9 acre) parcel.

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

- 1) Request for Agency Comments
- 2) "Commissioned application form\_Redacted – AA", B05/2021, including proposed site plan

### **Recommendation**

SVCA staff generally find the application acceptable and elaborate in the following paragraphs.

### **Site Characteristics**

Based on the SVCA's review of available mapping, the subject property is located on the east side of Baseline Road. It features primarily agricultural land throughout the north half of the property and forest covered wetland



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

through the south. The property features low-lying, wet land and wet prone areas throughout the majority of the south half of the property and through a portion of the north half. The forest cover is primarily coniferous.

#### **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 Municipality of West Grey in that we provide expert advice and technical clearance on *Planning Act* 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 the subject property is affected by flooding hazards and unstable organic soils (hazardous sites) associated with the wetlands and watercourse features on the property. Please see attached map indicating the hazard lands limits as delineated by SVCA staff.

It is SVCA staff's opinion that the designated Hazard lands in the Grey County Official Plan generally matches SVCA's hazard mapping. However, based on a desktop review of the hazard features on the subject property using 2015 aerial imagery, SVCA staff determined the extent of the Natural Environment (NE) zone boundaries of the Municipality of West Grey Zoning By-Law 37-2006 do not match the Grey County Official Plan Hazard boundaries. SVCA staff will recommend to the Municipality that the NE zone of the subject property be revised to reflect the hazard on the enclosed map/Grey County Official Plan mapping through the next site-specific zoning by-law amendment, or housekeeping amendment. In general, it is SVCA's interpretation that no new buildings or structures are permitted within the NE Zone as per the West Grey Zoning By-Law 37-2006 Section 31. It appears all existing buildings and structures are outside the NE Zone.

The following are a summary of Provincial and County natural hazard policies that apply based on your current proposal.

#### **Provincial Policy Statement (PPS, 2020)– Section 3.1**

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous sites adjacent to rivers which may exhibit flood and erosion hazards; and that development and site alterations shall not be permitted within areas that would be inaccessible during times of flooding or erosion hazards.

#### **Grey County Official Plan Policies**

It is SVCA staff's interpretation that 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 and that development and site alteration will only be considered if vehicles and people have a way of safely entering and exiting at all times

It is SVCA staff's opinion that new development (residence, accessory structures, septic system) must be located outside the aforementioned hazard lands delineated on the attached map to be in conformance with the above-noted PPS and County Official Plan policies. Based on the submitted site plan, the proposed severed and retained parcels feature hazard lands and previously disturbed agricultural lands. As such, sufficient potential developable area outside the hazard features is present on the proposed severed and retained parcel to accommodate a potential residential dwelling, septic, and accessory structure. As such, SVCA staff are of the opinion the subject application is generally consistent with Section 3.1 of the PPS and Section 7.2 of the Grey County Official Plan.

### **Natural Heritage:**

In the opinion of SVCA staff, the subject property features Significant Woodlands, potential Significant Wildlife Habitat, Fish Habitat, and potential Habitat of Endangered Species or Threatened Species.

The following are a summary of Provincial and County natural heritage policies that apply based on your current proposal.

#### 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.

#### 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.

#### Grey County Official Plan Policies

It is the interpretation of SVCA staff that Section 7.4(1) of the Grey County Official Plan 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.

A portion of the proposed severance features significant woodlands; however, the remainder of the proposed severance is disturbed, featuring agricultural lands. Further, there is sufficient space to accommodate potential future development on the retained parcel outside of the significant woodland feature and the adjacent lands to ensure that the potential negative impact to this natural heritage feature would be minimized. SVCA staff note that to date, no specific site plans have been submitted indicating any proposed location of development on the severed and retained parcels. As such, should development be proposed within the significant woodland feature or the associated 120 metre adjacent lands setback, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan. However, staff further notes that the significant woodland feature is restricted to the portion of the property mapped as hazard, as such, development would generally not be permitted within these portions of the property.

Subject to implementation of the aforementioned development measures, SVCA staff are of the opinion that the proposal is generally consistent with Section 2.1 on the PPS and Section 7.4(1) of the Grey County Official Plan.

#### Fish Habitat

An unnamed watercourse extends through the wetland feature in the south portion of the subject 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 the interpretation of SVCA staff that Section 7.9 of the Grey County OP states that development and site alteration may be permitted on and within lands adjacent to fish habitat if it has been demonstrated through an environmental impact study that there will be no negative impact on the feature.

The proposed severance would not feature fish habitat or the adjacent lands, whereas the retained parcel will feature fish habitat and the adjacent lands. However, SVCA staff is of the opinion that there is sufficient space to accommodate potential future development on the retained parcel outside of fish habitat and the adjacent lands to ensure that the potential negative impact to this natural heritage feature would be minimized. However, SVCA staff note that to date, no specific site plans have been submitted indicating any proposed location of development on the retained parcel. As such, our office notes that should development be proposed within fish habitat or the associated 120 metre adjacent lands setback, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan.

Subject to implementation of the aforementioned development measures, SVCA staff are of the opinion that the subject proposal is generally consistent with Section 2.1 on the PPS and Section 7.9 of the Grey County Official Plan.

#### Habitat of Endangered Species and Threatened Species:

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and/or within the vicinity of the subject property.

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

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, except in accordance with provincial and federal requirements.

### County of Grey Official Plan Policies

It is the interpretation of SVCA staff that Section 7.10 2) of the 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. No development or site alteration will be permitted within the adjacent lands 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. The adjacent lands are defined in Section 9.18 of the OP and through provincial and federal requirements.

SVCA's 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](mailto:SAROntario@ontario.ca)

### 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. The approximate screening area is associated with the wetland and watercourse features, plus 30 metres encompassing the wetland and watercourse features. Further delineated are the associated "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.

#### SVCA Permission for Development or Alteration

In general, SVCA’s policies do not support development within the aforementioned hazard lands/regulated areas. SVCA’s policies generally encourage development outside these areas, where feasible. However, development within the adjacent lands to the above-noted features may be acceptable, subject to conditions to control the impact of flooding, erosion, pollution, and conservation of land. If development is proposed within the ‘SVCA Screening Area’, SVCA staff must be contacted to undertake a site assessment to determine the limits of the regulated area on-site and an SVCA permit may be required for the development. However, development proposed outside the SVCA ‘Approximate Screening Area’ or unevaluated wetlands plus 30 metres will not require a permit from SVCA.

Should future development and / or interference with a watercourse or wetland be proposed within SVCA’s ‘Approximate Screening Area’, or unevaluated wetlands plus 30 metres please contact this office for further review as SVCA permission 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*.

The proposed consent to sever is considered acceptable by 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; with the exception of policy 2.1.7 of the PPS, Threatened and Endangered Species, which must be addressed by MECP.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; with the exception of policy 7.10 of the Grey County OP, Threatened and Endangered Species, which must be addressed by the MECP.

Please inform this office of any decision made by the Municipality of West Grey 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,



Lauren McGregor  
Environmental Planning Technician

Saugeen Conservation

LM/

Encl: SVCA Hazard Map/Approximate Regulated Area map

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



# Ontario Regulation 169/06

B07.2021  
211805 Baseline  
ARN: 420501000607050

## Legend

- Subject Property
- ON Parcels
- SVCA Screening Area
- SVCA Hazard Area
- Watercourse
- Unevaluated Wetland
- Proposed Severance



UTM Zone 17N, NAD 83

1:4500

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

