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SENT ELECTRONICALLY (kristine@loftplanning.com)

May 14, 2021

Jason Tremble, JT Excavating c/o Kristine Loft
PO Box 665
615 Aspen St.
Durham, ON
N0G 1R0

Dear Ms. Kristine Loft,

RE: Pre-Submission Consultation
Roll No. 420528000211900
Part Lot 27, Part Lot 28 and Lot 29, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

As requested, Saugeen Valley Conservation Authority (SVCA) staff has reviewed your proposed development on 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, natural heritage, and water resources; 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 propose to sever lot 29, to retain part lot 27 and lot 28 and further to identify a potential development envelope on the retained lot.

As per your request, SVCA staff has undertaken a site-specific desktop review of the property. Staff have referenced applicable mapping and SVCA and County/Municipal policy documents as part of our review of the proposal. In general, SVCA staff finds the proposed acceptable, subject to submission of a supporting engineered floodplain assessment that demonstrates safe access criteria can be achieved for the proposed retained lot.

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.



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

Based on the SVCA staff's review of mapping, it appears that the subject property features wetland and flood prone area encompassing the Saugeen River as well as upland forested areas and agricultural fields. The Saugeen River extends along the south west property line of Lot 28, and further south adjacent to the south property line of Lot 27. Mixed woodland encompasses the Saugeen River throughout the south portion of the property, whereas upland deciduous forest cover extends through the north end of Part Lot 27, and through portions of Part Lot 28 and Lot 29. The property is undulating in nature, but generally slopes toward the Saugeen River. The remainder of the property features agricultural lands, where an existing barn and dwelling is located on Lot 29.

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 Application) 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 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 County of Bruce 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 portions of the property are within the flood and erosion hazard of the Saugeen River and its tributary features, floodplain associated with the Saugeen River, and wetland/wet prone area. It is SVCA staff's understanding that portions of the property are 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). 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. SVCA staff are of the opinion that while the Grey County OP Hazard designations closely reflect the SVCA Hazard mapping; the Municipality of West Grey Natural

Environment zoning does not match as closely. SVCA staff recommend that zoning be updated, to match the Hazard Designation as indicated in the Grey County OP.

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

Provincial Policy Statement – 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 any 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/County OP policies. Based on the submitted site plan indicating the location of the proposed severance, portions of the proposed new lot feature hazard lands. With regards to the submitted site plan indicating the preliminary proposed building envelope; though the location of the development site does not feature hazard, no indication of a proposed safe access route was given. The floodplain of the Saugeen River extends between Concession 4 NDR and the proposed development site. An existing access lane off of Concession 4 NDR is present, however, this laneway appears to have been used as access to the agricultural fields and it has not been demonstrated this access is safe for proposed residential use.

If new residential use of the property is proposed, the laneway must meet safe access criteria in accordance with Provincial technical guidelines and as per SVCA's Environmental Planning and Regulations Policies Manual (May 16, 2017, amended October 16, 2018) as described under Section 4.7.2, Safe Access/Egress and Safe Access for New Development, pages 85-86. SVCA staff will recommend to the Municipality that an engineered floodplain analysis confirming safe access should be required to support your *Planning Act* application for consent to sever.

As such, SVCA staff are of the opinion that the proposed severance and development of the retained lot are not currently consistent with Section 3.1 of the PPS and Section 7.2 of the Grey County OP. An engineered floodplain analysis confirming safe access criteria can be met would be required to ensure consistency with the aforementioned policies.

Natural Heritage:

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

Species. 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 Official Plan. Based on Grey County mapping, significant woodland extends through the south portion of Lot 29 and in the north portion of Part Lot 27.

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 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 (EIS) that there will be no negative impact on the feature.

Based on the information provided, it is SVCA staff's understanding that the proposed severance will feature both mapped significant woodland and previously disturbed agricultural lands. Based on the submitted site plan including the proposed building envelope, no development is proposed within the mapped significant woodland feature or its adjacent lands. Further, our staff note that should future development be restricted to the previously disturbed portions of the subject property, it is SVCA staff's opinion that the potential negative impacts of the proposed development to this natural heritage feature would be minimized. Additionally, the proposed severed parcel features sufficient previously disturbed land to accommodate any future developments outside of the natural heritage feature, or its adjacent lands. However, SVCA staff note that should the proposed building envelope be revised to an area within the significant woodland feature or the associated 120 metre adjacent lands, 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, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.5 (b) of the PPS and Section 7.4(1) of the Grey County Official Plan.

Significant Valleylands

Significant Valleylands are identified as the 200-metre-wide corridor relevant watercourses as per Section 7.7 of the Grey County OP. Based on the Grey County Official Plan, the north portion of the subject property is currently mapped as significant valleylands.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (c) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within significant valley lands nor shall it be permitted on adjacent lands (Section 2.1.8) to significant valleylands 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 7.7(1) of the Grey County OP states that no development or site alteration may be permitted on or within lands adjacent to significant valleylands unless it has been demonstrated through an environmental impact study (EIS) that there will be no negative impact on the feature.

Based on the submitted site plan, it is SVCA staff's understanding that the majority of the proposed building envelope is to be restricted to the previously disturbed portion of the subject property, however, the laneway would extend through the significant valley land feature. SVCA staff are of the opinion that an EIS will not likely be required to address development within the mapped significant valleyland feature, subject to any necessary upgrades to the existing laneway being restricted to the previously disturbed area. However, staff notes that should the proposed development be revised to a configuration that would result in further development within the significant valleylands feature, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Grey County Official Plan, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or within the vicinity of the subject property. Based on Natural Heritage Information Centre (NHIC) historical records Hart's Tongue Fern has been identified on and within the vicinity of the subject property. Hart's Tongue Fern is considered to be a Species of Special Concern by the Province, as such, its habitat is considered Significant Wildlife Habitat. Hart's Tongue Fern typically grows on calcareous rocks in deep shade on slopes in deciduous forest. The subject property may feature significant wildlife habitat.

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

It is SVCA staff's interpretation, 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.

Based on the information provided, it is SVCA staff's understanding that both the proposed severance and retained parcels may feature potential significant wildlife habitat and previously disturbed agricultural lands. Based on the submitted site plan including the proposed building envelope, no development is proposed within the potential significant wildlife habitat, though it may fall within the 120 metre adjacent lands setback.

However, the proposed building envelope primarily features previously disturbed agricultural lands. As such, it is SVCA staff's opinion that the potential negative impacts of the proposed development on the retained parcel to this natural heritage feature would be minimized. Further, the severed parcel features sufficient previously disturbed land to accommodate any future developments outside of the natural heritage feature, or its adjacent lands. However, SVCA staff note that should the proposed building envelope be revised to an area within the significant woodland feature or the associated 120 metre adjacent lands, 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, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.5 (d) of the PPS and Section 7.10 of the Grey County Official Plan.

Fish Habitat

A tributary of the Saugeen River extends through the subject property. This watercourse feature 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 Ministry of Natural Resources and Forestry (MNRF) or the Department of Fisheries and Oceans (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 Official Plan 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.

Based on the information provided, it is SVCA staff's understanding that both the proposed severance and retained parcels feature potential fish habitat. Based on the submitted site plan including the proposed building envelope, no development is proposed within the fish habitat, however, development within the proposed building envelope would fall within the 120 metre adjacent lands setback. Furthermore, any development works to improve the existing laneway for residential use may require works within the fish habitat feature. SVCA notes that DFO should be consulted to confirm any development and timing requirements in this regard.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development could be consistent with Section 2.1.6 of 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 – 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

Environmental Impact Study (EIS):

While there are several natural heritage features present on the subject property, SVCA staff are of the opinion an EIS is not warranted at this time for reasons mentioned above. Primarily as the proposed building envelope is largely previously disturbed lands agricultural lands, as such, SVCA staff do not anticipate any significant negative impacts to the aforementioned natural features as a result of the subject proposal. Additionally, there is sufficient space to accommodate potential future development on the severed parcel outside of the aforementioned natural heritage features and their adjacent lands to ensure that the potential negative impacts to these features would be negligible. Furthermore, the natural hazard zoning encompasses much of the natural heritage features present on the site, meaning further disruption of the features is unlikely. However, SVCA staff note that to date, no specific site plans have been submitted indicating development works for the existing laneway. SVCA staff are of the opinion that subject to further development of the existing laneway being restricted to the previously disturbed area, no significant negative impacts to the aforementioned natural features are anticipated. As such, an EIS is not warranted in this regard. However, should development plans be revised to fall within any of the aforementioned natural heritage features or their associated adjacent lands, a scoped EIS may be required to satisfy the aforementioned policies of the PPS (2020) and the Grey County Official Plan.

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 regulated area is associated with the floodplain of the Saugeen River, the Meanderbelt of the associated tributaries, and the wet floodprone areas, plus 30 metres encompassing these 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. The SVCA notes that portions of the proposed building envelope are within the SVCA Screening area, and the entirety of the laneway is within the Screening Area. As part of the SVCA permit requirements our office will require a detailed site plan indicating the location of the proposed dwelling and laneway, construction plans for the dwelling, septic and accessory structures (if they fall within the regulatory screening area) and laneway and an engineered floodplain analysis confirming safe access criteria can be met to ensure consistency with the aforementioned policies.

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*.

Based on the submitted site plan SVCA staff are of the opinion that an EIS will not likely be required to address the potential negative impacts to the aforementioned natural heritage features or their respective adjacent lands as long as development is restricted to the previously disturbed portions of the subject property. Should development be proposed within the aforementioned natural heritage features, the requirement of a scoped EIS may be required to satisfy the policies of the PPS (2020) and the Grey County Official Plan. However, 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, and on the requirement for the preparation of an EIS, remains with the Municipality and/or County.

An engineered floodplain analysis confirming safe access criteria can be met to ensure consistency with the aforementioned policies will be recommended to support your *Planning Act* application for consent to sever and will be required through the SVCA permitting process.

SVCA staff notes that all development must be located outside the hazardous lands as delineated on the attached map to be in conformance with the aforementioned natural hazard policies of the PPS, Official Plans, and the SVCA. A permit from SVCA may be required for development within the SVCA 'Approximate Screening Area' or unevaluated wetlands plus 30 metres.

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 desktop 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 your *Planning Act* application and/or development on the property that SVCA staff be afforded an opportunity to review the hazardous lands on site to confirm mapping and SVCA's regulated area.

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

Jason Tremble, JT Excavating c/o Kristine Loft
Pre-Submission Consultation
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cc: Lorelie Spencer, Manager of Planning and Development, Municipality of West Grey (via email)
Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)

Ontario Regulation 169/06

382367 Conc. 4 NDR
ARN: 420528000211900

Legend

-  Parcel Fabric
-  Hazard Area
-  Proposed Retained
-  Proposed Severed
-  Proposed Building Env.



UTM Zone 17N, NAD 83

0 200 m
1:6500

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

