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SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

June 24, 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: Zoning Amendment Application Z08.2021
421763 Concession 6 NDR
Roll No. 420528000610500
Lot 18 and 19, Concession 7
Geographic Township of Bentinck
Municipality of West Grey

(Streicher)

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 is to rezone a portion of the subject property from Agricultural (A1) to Institutional (I).

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

- 1) Zoning Bylaw and Official Plan Amendment Application
- 2) Drawing Package

Recommendation

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

Site Characteristics

Based on the SVCA staff's review of mapping, it appears that the subject property features forested wetland which encompasses the Styx River and a tributary to the Styx River. This wetland feature extends along the north,



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

west and a portion of the east property line. The remainder of the property is used for agricultural purposes and features a dwelling. The proposed area to rezone is currently agricultural field.

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, 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 wetland area encompassing the Styx River and a tributary to the Styx River. 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.

Grey County Official Plan 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. Further, 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.

It is SVCA staff's opinion that any new development (residence, accessory structures, septic system) must be located outside the aforementioned hazard lands to be in conformance with the above-noted PPS/County OP policies. Based on the submitted site plan the proposed portion of the property to be rezoned is outside the hazard area.

As such, SVCA staff are of the opinion that the application is consistent with Section 3.1 of the PPS and Section 7.2 of the Grey County OP.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Woodlands, potentially Significant Wildlife Habitat, Fish Habitat, 'Other Wetland' 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 throughout the entirety of the wooded area on the property.

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 area to be rezoned will be outside of the significant woodland and will be restricted to the previously disturbed agricultural lands. Further, SVCA 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 development to this natural heritage feature would be minimized. However, SVCA staff note that should development be proposed 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 application would be consistent with Section 2.1.5 (b) of the PPS and Section 7.4(1) of 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 Snapping Turtle have been identified within the vicinity of the subject property. Snapping turtle is considered to be a Species of Special Concern by the Province, as such, their habitats are considered Significant Wildlife Habitat. Snapping turtle are

typically found in shallow waters with soft mud and leaf litter, however, they typically nest in gravelly or sandy areas along streams. 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 proposed portion of the property to be rezoned is entirely agricultural land. As such, it is unlikely to provide potential significant wildlife habitat. Further, SVCA 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 development to this natural heritage feature would be minimized. However, SVCA staff note that should development be proposed within the potential significant wildlife habitat 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

The Styx River and a tributary extend through the subject property. These watercourse features are 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 the proposed portion of the property for rezoning is outside the potential fish habitat. Further, SVCA staff note that should the 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 development to this natural heritage feature would be minimized. However, any development works within the fish habitat be proposed SVCA staff notes that DFO should be consulted to confirm any development and timing requirements.

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.

Other Identified Wetlands

Mapping provided to SVCA staff by the Ministry of Natural Resources and Forestry, and mapping done by Grey County indicates wetland features on the subject property that are not considered Provincially or Locally Significant but are still regarded as a Natural Heritage feature. The Provincial Policy Statement (2020) does not make reference to Other Identified Wetlands. The 'other wetlands' features are mapped in the northeast corner of the property.

Grey County Official Plan Policies

It is the interpretation of SVCA staff that Section 7.3.2 (1) of the Grey County Official Plan states that no development or site alteration will be permitted on and within lands adjacent to natural heritage features unless it has been demonstrated that there will be no negative impact on the feature.

Based on the information provided, it is SVCA staff's understanding that the proposed portion of the property to be rezoned is outside of the 'Other Wetlands feature and are restricted to the area currently mapped as hazard. As such, development would generally not be permitted within this area, however, our office notes that should development be proposed within this feature or the associated 30 metre adjacent lands, a scoped EIS may be required to satisfy the aforementioned policies of the Grey County Official Plan. 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 development to this natural heritage feature would be negligible.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development would be consistent with Section 7.3.2 (1) 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 area for rezoning is entirely previously disturbed agricultural lands, 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 subject property 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.

As such, an EIS is not warranted in this regard. Though, 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 screening area is associated with the wetland and watercourses, 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 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

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 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’, 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*.

SVCA staff find the application acceptable.

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 could be demonstrated; with the exception of Threatened and Endangered Species policies, which must be addressed by the MECP.
- 3) Consistency with local planning policies for natural hazards has been demonstrated; and consistency with local planning policies 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.

Our office notes that 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.

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'.

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,

A handwritten signature in blue ink, appearing to read "L McGregor".

Lauren McGregor
Environmental Planning Technician
Saugeen Conservation

LM/

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