



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (cowboyez42@gmail.com and ridgepr101@gmail.com)

May 31, 2021

Ezra Miller c/o Peter Ridgeway
395547 Concession 2
RR#1
Williamsford, ON
N0H 2V0

Dear Mr. Miller:

RE: Pre-Submission Consultation
394711 Concession 2
Roll No. 420522000408500
Lot 16 and 17 Concession 3 EGR
Geographic Township of Glenelg
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 the feasibility of the revised proposal to sever 30 acres off the north east portion of the property fronting Baseline Road to be added the adjacent property, 414644 Baseline Rd. It is SVCA staffs understanding that, at this time, no development is currently proposed on the proposed severance to be added to 414644 Baseline Rd.

As per your request, SVCA staff conducted a follow up review of the revised proposal. 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 conditions detailed in the report below.

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

The subject property is approximately 171 acres and consists of agricultural lands, woodlands and wetlands. McKechnie Creek, a tributary of the Rocky Saugeen River, runs through the proposed severed portion and a tributary of McKechnie Creek run through the proposed retained portion of the property. McKechnie Creek Provincially Significant Wetland is present throughout the property. Portions of the property are considered Significant Woodlands. There is an existing accessory building on the agricultural portion. SVCA further notes that existing development is present on 414644 Baseline Road, the property to receive the proposed 30-acre severance.

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 the watercourses, as well as the surrounding wetland features. It is SVCA staff's understanding that a portion of the property is zoned Natural Environment (NE) and Natural Environment 2 (NE2) in the Municipality of West Grey Zoning By-Law 37-2006, and designated Hazard lands and Wetlands in the Grey County Official Plan (OP). The existing building on the subject property appears to be outside the Hazardous areas. SVCA staff are of the opinion that the Grey County OP Hazard and Wetland designations and NE and NE2 Zones as indicated on the West Grey Zoning By-Law 37-2006 closely reflects SVCA Hazard mapping. The proposed 30-acre severance is composed largely of mapped hazard area.

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 PPS states that development shall generally be directed to areas outside of Hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and directed to areas outside of hazardous sites.

Grey County Official Plan Policies

It is the SVCA's interpretation that organic, or unstable soils and poorly drained areas are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. It is SVCA staff's interpretation, Section 7.2 dictates that new development should be directed away from Hazard Lands.

Based on SVCA staff's understanding, no development is proposed on the 30-acre parcel to be added to 414644 Baseline Road at this time. Therefore, no development is proposed within the hazard area, as such, SVCA staff are of the opinion that the proposed 30-acre severance to be merged with 414644 Baseline Road is generally consistent with Section 3.1 of the PPS (2020) and Section 7.2 of the Grey County Official Plan.

However, SVCA staff note that should development be proposed on the portion of property associated with the subject severance, no development would be permitted in the hazard area and further review may be necessary to confirm safe access can be achieved to the development per Section 3.12 of the PPS (2020).

Natural Heritage:

In the opinion of SVCA staff, the subject property features Provincially Significant Wetlands, Significant Woodlands, Fish Habitat, potentially Significant Wildlife Habitat, and Other Identified Wetlands. SVCA staff note that the aforementioned Natural Environment (NE) Zoning and Hazard designation recognizes and encompasses a portion of the Significant Woodlands.

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

Provincially Significant Wetlands

A portion of the McKechnie Creek Wetland Complex Provincially Significant Wetland (PSW) is located on this property, and adjacent properties.

Provincial Policy Statement – Section 2.1

Section 2.1.4 of the Provincial Policy Statement (PPS) dictates that development and site alteration shall not be permitted in significant wetlands. Section 2.1.8 of the PPS states that development and site alteration shall not be permitted on adjacent lands to the significant wetlands unless it has been evaluated and demonstrated that there will be no negative impacts.

Grey County Official Plan Policy

It is the SVCA's interpretation that Section 7.3.1 of the Grey County OP states that no development or site alteration is permitted within Provincially Significant Wetlands and that development or site alteration within adjacent lands to provincially significant wetlands would require an environmental impact study to demonstrate that there will be no negative impact.

The proposed area to be severed is within the PSW and within the adjacent lands to the PSW, therefore an Environmental Impact Assessment (EIS) is warranted to address the potential negative impacts of severance to this feature. However, as no development is proposed at this time on the severed parcel, SVCA staff are of the opinion that the potential negative impacts to this natural heritage feature would be minimal, and the requirement of an EIS can be waived. However, should future development be proposed on the subject severance, an EIS would be required to address the aforementioned policies under the PPS and the Grey County OP. As such, staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS.

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 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.

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 parcel is entirely within the significant woodlands, as such, an EIS would be warranted to adequately assess the potential impacts of development on this feature. However, as no development is proposed at this time on the severed parcel and there is generally no proposed change to the existing land use, SVCA staff are of the opinion that the potential negative impacts to the significant woodland would be minimal, and the requirement of an EIS can be waived. However, should future development be proposed on the subject severance, an EIS would be required to address the aforementioned policies under the PPS and the Grey County OP. As such, staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS.

Fish Habitat

The McKechnie Creek flows through the proposed severed portion. 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.

The McKechnie Creek flows through the proposed severed parcel, however, the portions of the subject parcel outside the hazard area are more than 120 metres from the mapped watercourse feature. Further, no development is proposed at this time on the severed parcel, as such SVCA staff are of the opinion that the potential negative impacts to the fish habitat would be minimal, and the requirement of an EIS could be waived. However, should future development be proposed on the subject severance, an EIS may be required to address the aforementioned policy under the Grey County OP. As such, staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS.

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 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 (1) of the Grey County OP states that no development or site alteration may be permitted on nor within lands adjacent to natural heritage features unless it has been demonstrated that there will be no negative impact on the feature.

The area proposed to be severed contains 'Other Identified Wetlands', however, these features are restricted to the NE zone/mapped hazard area, no development would be permitted within the hazard area. SVCA staff note that an EIS could be warranted to adequately assess the potential impacts of development on this feature and/or its adjacent lands. However, as no development is proposed at this time on the severed parcel, SVCA staff are of the opinion that the potential negative impacts to the other identified wetlands and their adjacent lands would be minimal, and the requirement of an EIS could be waived. However, should future development be proposed on the subject severance, an EIS may be required to address the aforementioned policies under the Grey County

OP. As such, staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS.

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.

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.

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

Based on the SVCA's understanding of the subject proposal, no development is currently proposed to the 30 acres to be severed off the north east portion of the property fronting Baseline Road to be added the adjacent property, 414644 Baseline Rd. As such, no significant changes to the use of the land are anticipated. Therefore, the SVCA is of the opinion that despite the presence of the aforementioned natural heritage features on and within the vicinity of the proposed severance, an EIS is not required. However, SVCA staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS.

However, should future development be proposed on the subject severance, SVCA staff would recommend an EIS be completed to satisfy the requirements of the PPS, and the local and county level official plans. The EIS would need to address the natural heritage features previously mentioned and demonstrate there is a suitable building envelope and that there will be no negative impacts to the woodlands and wetlands or their ecological or hydrological functions from proposed development (ie. dwelling, decks, porches, driveway, sewage disposal system, site grading, etc.). The SVCA asks that the selected 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.

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 plus their adjacent lands, 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 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

Development within the SVCA Approximate Screening Area will require a permit from the SVCA prior to construction. The proposed severance is almost entirely within the Approximate Screening Area, as such, future development would likely fall within the SVCA screening area, and a permit will be required. The SVCA notes that future development on the subject severance parcel would likely require a supporting EIS and a site plan indicating that no development is proposed within the Hazard Area.

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*.

As no development is proposed on the 30-acre severed parcel through this application, SVCA staff are of the opinion that an EIS is not warranted as there will be no significant changes to the land use, however, should future development be proposed on this parcel, an EIS may be warranted to address the aforementioned natural heritage policies. As such, staff will recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the 30-acre severance parcel to ensure no future development is carried out on this portion of the property without a supporting EIS. However, the SVCA recognizes 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, remains with the Municipality and/or County.

No development is proposed at this time, as such, no permit from the SVCA is required for the subject proposal.

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,

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

Lauren McGregor
Environmental Planning Technician
Saugeen Conservation

LM/

cc: Lorelie Spencer, Manager, 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

394711 Concession 2
ARN: 420522000408500

Legend

-  Subject Property
-  Parcel Fabric
-  SVCA Screening Area
-  Hazard Area
-  Watercourse
-  Proposed Severance

N

UTM Zone 17N, NAD 83
0 200 m
1:8500

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.

Produced by SVCA and includes material ©(2021) of the Queen's Printer for Ontario. All Rights Reserved. [2021] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY.

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

