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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: Application for Consent to Sever B12.2021
394711 Concession 2 EGR
Roll No. 420522000408500
Lots 16-17, Concession 2-3 EGR
Geographic Township of Glenelg
Municipality of West Grey

(Miller)

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 sever a portion of the lands for the purposes of a lot addition with the adjacent vacant lands to the south and retain a rural parcel. The effect of which will increase the lands to the east. Both parcels will continue to be utilized for the same purpose.

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

- 1) Notice of Public Meeting
- 2) Application for Consent

Background

As part of the pre-consultation process for the application, SVCA staff conducted a desktop review with a site inspection in September of 2020, regarding a proposed consent to sever the subject 30 acres and identify a potential building envelope. SVCA staff were of the opinion that a supporting Environmental Impact Study would be required to find the proposed severance acceptable. Subsequently, the pre-submission proposal was revised to investigate the feasibility of the revised proposal to sever 30 acres off the north east portion of the property



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

fronting Baseline Road to be added the adjacent property, 414644 Baseline Rd. SVCA staff provided pre-consultation comments May 31, 2021. SVCA staff stated that the proposed severance could be found acceptable, subject to a zoning by-law amendment with a holding provision being 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.

Recommendation

SVCA staff generally find the subject application acceptable, subject to conditions detailed. Our office elaborates in the following paragraphs.

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.

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 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 development 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)

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) states 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 recommends 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. SVCA recommends this be implemented as a condition of severance for the proposed application.

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 recommends 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. SVCA recommends this be implemented as a condition of severance for the proposed application.

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 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 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 recommends 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. SVCA recommends this be implemented as a condition of severance for the proposed application.

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 recommends 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. SVCA recommends this be implemented as a condition of severance for the proposed application.

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 (EIS):

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 recommends 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. SVCA recommends this be implemented as a condition of severance for the proposed application.

Should future development be proposed on the severed parcel, 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.). SVCA staff 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.

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 application is generally 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 generally been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS could be demonstrated subject to the aforementioned recommendations; 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 has been demonstrated; and consistency with the natural heritage has been demonstrated, subject to the aforementioned recommendations; and with the exception of policy 7.10 of the Grey County OP, Threatened and Endangered Species, which must be addressed by the MECP.
- 4) SVCA staff recommends that a zoning by-law amendment with a holding provision be implemented on the 30-acre severed parcel to ensure no future development is carried out on this portion of the property without a supporting EIS. SVCA recommends this be implemented as a condition of severance for the proposed application.

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,

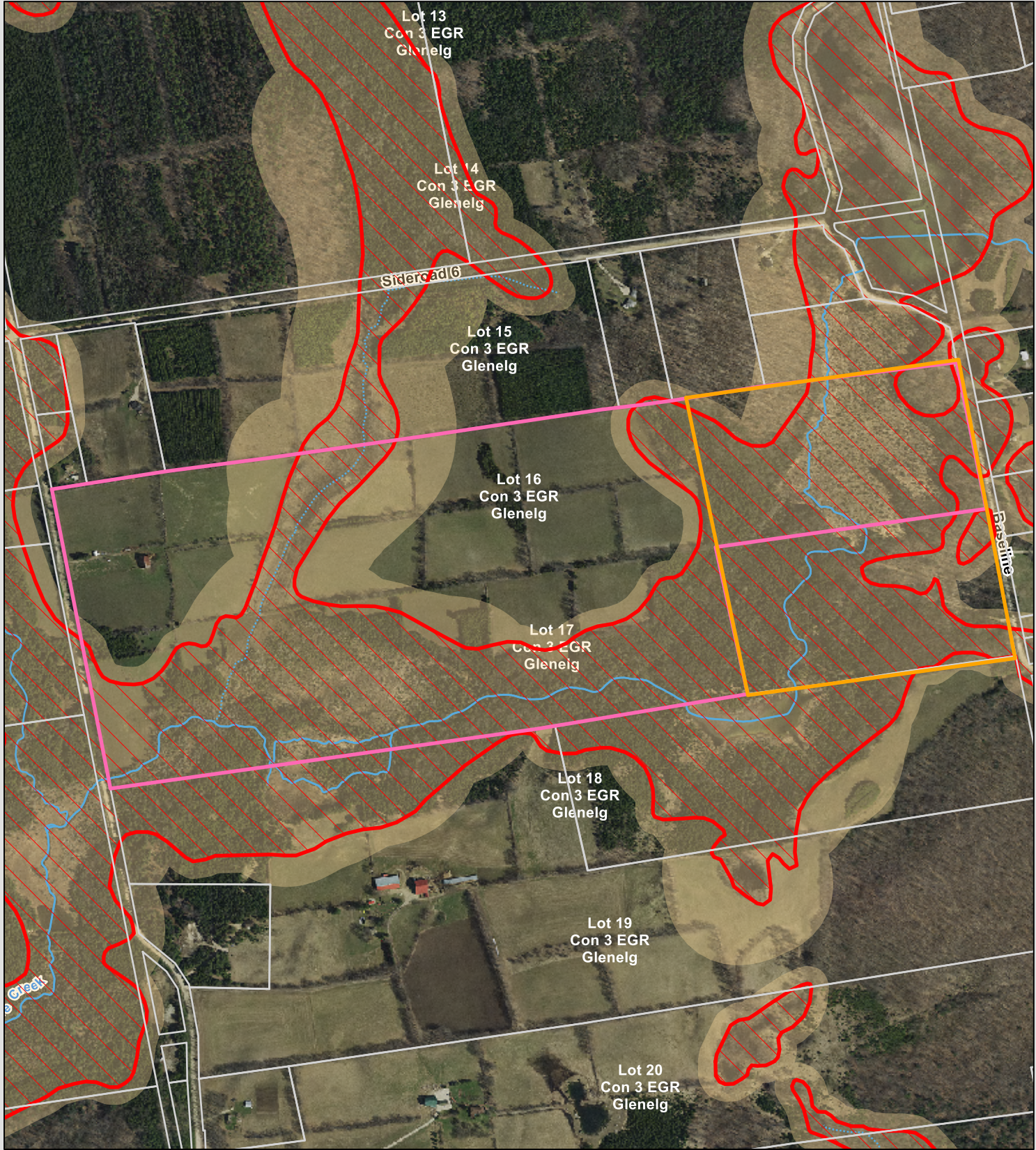


Lauren McGregor
Environmental Planning Technician
Saugeen Conservation

LM/

Encl: SVCA Hazard Map/Approximate Regulated Area map

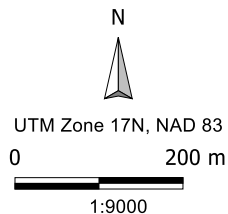
cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)



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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Legend

- Subject Property
- ON Parcels
- SVCA Approx. Screening Area
- SVCA Hazard Area
- Watercourse
- Proposed Severance

June 24, 2021
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Municipality of West Grey (Glenelg)

