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SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

August 23, 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 Minor Variance A21.2021
500098 Grey Road 12
Roll No. 420522000322201
Part lot 101, part lot 102, concession 3SWTSR
Geographic Township of Glenelg
Municipality of West Grey

(Evans)

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 vary the provisions of section 6.1.2(a), 6.1.2(b) and 10.3.3 of the Municipality of West Grey Zoning By-law Number 37-2006 to permit to the construction of an accessory building in the defined front yard with a reduced front yard setback of ± 12.2 metres (whereas 18.3 metres is required). The effect of which will permit the placement of an accessory structure on the subject lands.

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

- 1) Notice of Public Meeting, dated July 28, 2021
- 2) Application for Minor Variance, date received July 22, 2021

Recommendation

SVCA staff find the subject application generally acceptable subject to the findings of the karst assessment requirements per Section 7.5 of the Grey County Official Plan. We elaborate in the following paragraphs.



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 review of available mapping and the site inspection completed August 5th, 2021, SVCA staff confirmed the subject property is on the east side of Grey Road 12. The property generally slopes from east to west and the Barrhead Creek intersects through the north property line. A dug pond is present in the north corner of the property. The property is largely tree covered, however, cleared areas extend around the existing dwelling and accessory structure and throughout the proposed area of development in the west corner of the lot.

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 associated with the Barrhead Creek and the associated low-lying 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. Though SVCA hazard mapping does not include karst topography, Grey County Official Plan mapping delineates this feature. Based on Grey County OP mapping, it is SVCA staff's interpretation that karst topography has been mapped throughout the majority of the subject property.

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 hazardous sites. The PPS defines "hazardous sites" as property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

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.

It is SVCA staff's interpretation that Section 7.5 of the County OP that development is to be generally directed outside of karst topography unless the effects and risk to public safety are minor so as to be managed or mitigated. Further, in area suspected to have karst topography, assessment for the presence of this feature and mitigation measures against the potential hazard shall be undertaken for any application under the *Planning Act*

It is SVCA staff's opinion that any new development 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. Furthermore, based on the Grey County Official Plan, karst topography is mapped throughout the majority of the property. No karst features were obvious during SVCA staff's site inspection, however, karst topography is generally defined as shallow soils over fractured bedrock and it is our understanding that the Official Plan policy is in place to protect areas where development, primarily sewage systems, could impact the local groundwater resource. As such, given the development is proposed entirely within the mapped karst feature, a site assessment must be completed per the requirements of the Grey County Official Plan, Section 7.5.

Grey County Official Plan - Section 7.5 Karst Areas

"In areas mapped as 'Karst Area' on Appendix A, it will be necessary for the proponent of any planning application to provide an assessment of the proposed area of development. Often, this can be accomplished by on-site test holes, however in some circumstances broader landscape features may indicate karst and may indicate the need for further assessment/confirmation. Depending on the site and the scale of the development, an environmental impact study, Hydrogeological or Karst Study, completed by a qualified individual may be required.

- 1) In determining if the constraint feature is present, the proponent shall dig two test holes in the location of the proposed main building (e.g. in the northwest & southeast corners), one test hole in the location of the proposed sewage system and one test hole in the proposed location of each accessory structure. The test holes shall be inspected by a qualified municipal or conservation authority official, or a qualified third party consultant, capable of determining karst features. A brief report of the findings is then be prepared and submitted to the County of Grey and local municipality.*
- 2) If the test holes reveal shallow overburden, less than one metre in depth, above fractured bedrock, or if broader landform features indicative of karst are observed on the landscape, a study by a qualified individual shall be prepared to assess impacts and mitigation measures relating to the proposed development. Considerations addressed by this study should include surface water drainage; groundwater quality; bedrock erosion; and, any anticipated hazard associated with unstable bedrock conditions potentially arising as a result of karst features. The study shall be to the satisfaction of the County of Grey, the local municipality, and the appropriate authority designated under the Ontario Building Code for sewage systems"*

Based on the submitted site plan, it is SVCA staff's interpretation that no development is currently proposed within the hazard feature associated with the watercourse and wetland, however, development is within the mapped karst feature. Subject to the results of the karst assessment, SVCA staff are of the opinion that the proposal could be consistent with the Section 3.1 of the PPS, and Section 7.2 and 7.5 of the Grey County OP and

Section 3.6.2 Hazardous Land Associated with Unstable Soil or Unstable Bedrock (Karst Bedrock) of SVCA's Environmental Planning and Regulations Policies Manual.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Woodlands, Significant Valleylands and Fish Habitat. 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 majority of the property, however, cleared areas extend around the existing dwelling and accessory structure and throughout the proposed area of development in the west corner of the lot.

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 submitted site plan and site assessment, it is SVCA staff's interpretation that the proposed development will be located outside of the mapped significant woodland, however, it will fall within the adjacent lands to this feature. The area of proposed development features current disturbance associated with placement of fill for a parking area and is adjacent to the roadside. As such, SVCA staff are of the opinion that the potential negative impacts of the proposed development to the significant woodland adjacent land are minimal. SVCA staff recommend that no further significant woodland removal occur unless necessary to accommodate the proposed development. Further, SVCA staff recommend tree removal avoid the active woodland bird nesting/rearing season from May 1st to August 15th, in accordance with the Federal Migratory Birds Act.

Subject to implementation of the aforementioned measures, SVCA staff are of the opinion that the proposed development is generally 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 OP mapping, significant valleyland extends along the north property line of the subject property.

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 valleylands 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 woodlands unless it has been demonstrated through an environmental impact study that there will be no negative impact on the feature.

Based on the submitted site plan, it is SVCA staff's interpretation that the proposed development site is not within significant valleylands and falls within the previously disturbed portion of the property.

As such, it is SVCA staff's opinion that the application is generally consistent with Section 2.1.5(c) and 2.1.8 of the PPS, Section 7.7(1) of the Grey County OP and Section 2.3.1(a) of the Grey Highlands OP.

Fish Habitat

The Barrhead Creek extends through the north property line. 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 submitted site plan and site assessment, it is SVCA staff's interpretation that the proposed development is outside the fish habitat, however, it falls within the adjacent lands. Further, it is SVCA staff's understanding that development will be restricted to the previously disturbed portion of the property in the west corner. SVCA staff recommend that the appropriate sediment and erosion control measures be applied throughout any development works to ensure no deleterious materials enter the fish habitat. Additionally, should 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 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.

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 portion of the subject property is within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. The screening area is associated with the Barrhead Creek, its floodplain, and the associated low-lying wetland, plus 30 metres encompassing these features. Furthermore, the Approximate Screening area applies to areas identified as karst topography or other hazardous lands. 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 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.

SVCA staff note that should karst topography be identified within the proposed area of development, further assessment, such as a geotechnical review, may be required to assess impacts and mitigation measures relating to the proposed development. Furthermore, by the text of Regulation 169/06, areas identified as karst topography are subject to the SVCA regulation policies. As such, should karst topography be identified within the proposed area of development, a permit from the SVCA may be required.

Summary

SVCA staff has reviewed this application in accordance with our MOA with the Municipality of West Grey and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed application is generally considered acceptable by SVCA staff subject to the findings of the karst assessment.

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 could be demonstrated subject to the results of the findings of the test holes completed by a qualified professional.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS could be demonstrated subject to the aforementioned recommendations.
- 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.

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.

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/

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