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SENT ELECTRONICALLY (*lspencer@westgrey.com*)

October 22, 2021

Municipality of West Grey
402813 Grey Road 4
RR#2
Durham, ON N0G 1R0

Dear Ms. Spencer:

RE: Application for Consent to Sever: B18.2021
Roll No. 420522000101600
CON 1 EGR CIV 1 TO 2 LOT 21;& PT DIV 3 LOT 21
Geographic Township of Glenelg
Municipality of West Grey

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 sever a rural lot and retain a rural lot. The effect of which will create a total of two (2) lots, including the retained parcel.

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

- 1) Notice of Public Meeting, dated October 12, 2021
- 2) Application, dated June 25, 2021
- 3) Planning Report, Cuesta Planning Consultants, revised September 2021

Recommendation

SVCA staff find the application acceptable. We elaborate in the following paragraphs.

Site Characteristics

Based on SVCA staff's review of aerial photography, the subject property features agricultural fields, woodlands, a watercourse, three on-line ponds, and what appears to be an abandoned aquaculture facility with one accessory shed.



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

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, 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:

The subject property features floodprone lands associated with the ponds, watercourse, and stream valley. There is also an unevaluated wetland on the property located within the stream valley that may contain organic soils unsuitable for development. These hazardous lands are included in SVCA's hazard land mapping limits; with the exception of a small portion of the unevaluated wetland boundary. These hazard lands are mapped as "Hazard Lands" on Schedule 'A' of the Grey County Official Plan (OP) and zoned as 'Natural Environment (NE)' in the Municipality of West Grey's comprehensive Zoning By-law. The hazard lands mapping of the County and the Municipality of West Grey appear to match the hazard land mapping originally plotted by SVCA staff.

The following is a summary of provincial, county/municipal natural hazard policies that affect the property.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

County of Grey 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.

There appears to be sufficient room for development on both the retained and severed parcels outside the hazard lands on the property. As such, the application is in conformance with the above mentioned policies.

Natural Heritage:

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property are significant woodlands, fish habitat, potentially habitat of threatened species and endangered species, and other wetlands

Significant Woodlands

As shown on Appendix B of the County of Grey OP, the subject property features approximately 48 acres of significant woodlands which are contiguous with a larger adjacent woodland.

Provincial Policy Statement (PPS, 2020) Natural Heritage Policies – Section 2.1

Section 2.1.5 of the PPS, states development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the woodland or its ecological functions; and as per s. 2.1.8, development and site alteration shall not be permitted on adjacent lands to significant woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or its ecological functions.

County of Grey Official Plan (OP) Policies

It is SVCA staff's interpretation that s. 7.4 1) of the County OP does not support development or site alteration within adjacent lands to significant woodlands unless it has been demonstrated through an Environmental Impact Study (EIS), as per Section 7.11 of the Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of the Plan, which is 120 metres for significant woodlands.

SVCA staff have not been provided a site plan for development on either the retained or proposed severed parcels. However, should one residence be proposed on either the retained or severed parcels, SVCA staff would not recommend an EIS be undertaken, provided development is setback at least 30 metres from the woodland edge, with the exception of the proposed driveway for the severed parcel from the unopened road allowance. If a zoning amendment is required for development other than for one residence with 120 metres to the woodlands, SVCA staff will recommend an EIS be undertaken to address the impacts to the significant woodlands.

Fish Habitat

It is the opinion of SVCA staff the watercourse and on-line ponds on the property are considered fish habitat.

Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – Section 2.1

Section 2.1.6 of the PPS states, in general, that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and section 2.1.8 states that development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on fish habitat.

County of Grey Official Plan (OP) Policies

It is SVCA's interpretation that s. S. 7.9 1) of the County's OP does not support development and site alteration in Fish Habitat except in accordance with relevant provincial and federal requirements; and further that, development will not be permitted within 30 metres of the banks of a stream, river, or lake unless an environmental impact study prepared in accordance with Section 7.11 of the OP concludes

setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced. Landowners are encouraged to forest the areas within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream, and to increase natural connections.

SVCA staff will not recommend an EIS be undertaken to address fish habitat as part of this application. However, if a zoning amendment is required for development other than for one residence within adjacent lands to fish habitat, SVCA staff may recommend an EIS be undertaken to address the impacts to fish habitat.

Other Wetlands:

As noted above, there is an unevaluated wetland on the subject property.

County of Grey Official Plan Policies

It is SVCA staff's interpretation that the County of Grey OP policies, s. 7.3.2 1) for 'Other Wetlands' do not permit development or site alterations within 'Other Wetlands' or their adjacent lands, unless it has been demonstrated that there will be no negative impacts on the wetland or on its ecological functions; and further that, the County encourages development be setback from wetlands by at least 30 metres. In some cases, this 30 metres distance can be reduced based on site-specific circumstances, or through the completion of an EIS.

As per the above policy, proposed new development on the property should be located at least 30 metres from the wetland boundary. SVCA staff is of the opinion, there is sufficient room outside the 30 metre setback for development on both the retained and severed parcels.

Habitat of Endangered Species and Threatened Species:

It has come to the attention of SVCA staff that habitat of endangered and threatened species could be on or adjacent to the subject property. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to below 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 sent via email to: SAROntario@ontario.ca.

Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – 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 s. 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.

Please note, SVCA's opinion that an EIS should not be required for the proposed, does not include studies that may be required under the Species at Risk Act and the MECP.

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. As such, development and/or site alteration within this area requires 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 includes the straightening, diverting or interference in any way with a river, creek, stream, or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA 'Approximate Screening Area' on the property, please refer to the attached SVCA map.

SVCA Permission for Development or Alteration

Should future development and alteration as defined above be proposed within SVCA's Approximate Screening Area, please contact this office as permission under Ontario Regulation 169/06 may be required. All development should be sited outside the hazard lands delineated on the attached map.

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*.

In general, SVCA staff find the proposed acceptable and 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 has been demonstrated; with exception to habitat of endangered/threatened species policies, which the applicant must address directly with MECP.
- 3) Consistency with local planning policies for natural hazards and natural heritage will be demonstrated; with exception to habitat of endangered/threatened species policies, which the applicant must address directly with MECP.

Please inform this office of any decision made by the Municipality 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,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

Encl: SVCA Map

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