

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

January 17, 2022

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: B39.2021
314746 Highway 6
Roll No. 420528000103300
Lot 7, Concession 1
Geographic Township of Bentinck
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 one (1) 16.0 hectare (39.5 acre) parcel and retain one (1) 20.0 hectare (49.0 acre) parcel. The effect of which will create a new rural parcel and retain one rural parcel.

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

- 1) Notice of Public Meeting (B39.2021), sent by Lorelie Spencer, dated January 10, 2022;
- 2) Application for Consent and attached site plan (B39.2021), Sent by Lorelie Spencer, dated January 10, 2022;
- 3) Severance Sketch (B39.2021), sent by Lorelie Spencer, dated January 10, 2022;

Recommendation

SVCA staff finds the application acceptable, provided that a zoning by-law amendment with a holding provision be implemented on the proposed severed parcel to ensure no future development is carried out on the severed portion of the property without a supporting EIS. SVCA staff recommends this be implemented as a condition of severance for the proposed application. We elaborate in the following paragraphs.

Site Characteristics

The entrance to the lot is located 120 meters south of the intersection of Welbeck Road and Highway 6. The lot is approximately 98 acres and mainly consists of woodlands and wetlands. The Styx River flows through the western portion of property while one of its tributaries flows through the eastern portion. Almost the entire property is considered Significant Woodlands, while the eastern and central areas of the lot contain portions of the Welbeck Provincially Significant Wetland. The elevation of the lot is generally undulating, with the potential for steepened slopes associated with erratic elevation changes within the central portion of the lot. There is an existing dwelling and structures on the eastern portion of the proposed retained lot, while the proposed severed portion does not currently contain any structures.

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 flooding and erosion hazards of the Styx River and its tributary, as well as unstable soils and low-lying wet areas including the provincially significant wetland and other wetlands on the property. It is SVCA staff's opinion 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 buildings and structures on the retained lot all appear to be outside the Hazardous areas. SVCA staff are of the opinion that the Grey County OP Hazard and Wetland designation and NE and NE2 Zone as indicated on the West Grey Zoning By-Law 37-2006 closely reflects SVCA Hazard mapping.

SVCA recommends that Grey County and the Municipality of West Grey update their Hazard Lands and 'Other Wetlands' mapping to reflect the wetland/hazardous lands boundary upon completion of an Environmental Impact Study (EIS), which will define the wetland boundary/hazardous lands limit on the property. See below for more information on SVCA's recommendation for EIS.

The proposed portion to be severed will be partially within the Hazard designation, while the proposed retained portion will also contain some hazardous areas. There is currently no proposed development planned

for the proposed severed parcel. Any future development must be located outside the hazard lands. There is sufficient area on the severed parcel for development outside the hazard lands.

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 3.1.1 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.).

Grey County Official Plan Policies

It is SVCA staff's interpretation, 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 currently proposed on the severed parcel. Therefore, no development is proposed within the hazard area, as such, SVCA staff are of the opinion that the proposed consent to sever 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 as 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, Other Identified Wetlands, Significant Wildlife Habitat, and potentially the Habitat of Threatened or Endangered Species. The aforementioned Natural Environment Zoning and Hazard designation recognizes and encompasses a small 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 Welbeck Provincially Significant Wetland 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

Section 7.3.1 of the Grey County OP, as interpreted by SVCA staff, 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 severed parcel within the PSW or within adjacent lands to the PSW, 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 proposed 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.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.4 and 2.1.8 of the PPS and Section 7.3.1 of the Grey County Official Plan.

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. Virtually the entire property contains Significant Woodlands as seen on SVCA mapping and Appendix B to the Grey County OP.

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 area to be severed is within significant woodlands and within the adjacent lands to significant woodlands, 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 within the significant woodlands or within adjacent lands to significant woodlands, 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 proposed 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.

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 (b) of the Provincial Policy Statement and Section 7.4 (1) of the Grey County Official Plan.

Fish Habitat

The Styx River and its tributary flows through the property. These watercourses 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 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.

Based on the information provided, it is SVCA staff's understanding that the Stix River and its tributary will extend through portions of the proposed severed and retained lot. 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 within fish habitat or within adjacent lands to fish habitat, 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 proposed 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.

Subject to implementation of the aforementioned development measures, the SVCA is of the opinion that the proposed development would be consistent with Section 2.1.6 and 2.1.8 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 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 and within lands adjacent to natural heritage features unless it has been demonstrated that there will be no negative impact on the feature.

The proposed area to be severed is within other wetlands and within the adjacent lands to other wetlands, 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 within the other wetlands or within adjacent lands to other wetlands, 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 proposed 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.

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.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Grey County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property.

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

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.

The proposed area to be severed is within significant wildlife habitat and within the adjacent lands to significant wildlife habitat, 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 within the significant wildlife habitat or within adjacent lands to significant wildlife habitat, 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 proposed 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.

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.

Drinking Water Source Protection / Water resources:

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact rmo@greysable.on.ca.

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 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 saugeenconservation.ca. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

No development is proposed at this time on the severed parcel. Any future development proposed on the site within the SVCA Approximate Screening Area, may require a permit from the SVCA. Development should be directed outside the SVCA Screening Area and will not be permitted within the Hazard Area. Wetlands that are identified through a scoped EIS will be included in the SVCA Screening area.

Summary

SVCA staff has reviewed the 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 recommend to the Municipality/County that a zoning by-law amendment with a holding provision be implemented on the proposed 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.

Given the above comments, and subject to the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 would be demonstrated, with the exception that should future development be proposed on the portion of property associated with the subject severance, no development would be permitted in the hazard area;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 would be demonstrated, if the aforementioned recommendations are implemented
- 3) Consistency with local planning policies for natural hazards and natural heritage would be demonstrated, if the aforementioned recommendations are implemented;
- 4) SVCA recommends that Grey County and the Municipality of West Grey update their Hazard Lands and ‘Other Wetlands’ mapping to reflect the wetland/hazardous lands boundary upon completion of an Environmental Impact Study (EIS), which will define the wetland boundary/hazardous lands limit on the property. See below for more information on SVCA’s recommendation for EIS.

Please inform this office of any decision made by the planning approval authority with regards 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 black ink that reads "Michael Cook". The script is cursive and fluid.

Michael Cook
Environmental Planning Technician
Saugeen Conservation

MC\

cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)
Karl Schipprack, CBO, West Grey (via email)