

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES – JANUARY 25, 2021 AT 7:00 P.M.
VIA WEB CONFERENCING - <https://www.youtube.com/watch?v=DxtKBSeqnyM>

Members Present:

Mayor: Andrew Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Staff Present:

Chief Administrative Officer:	Michael Givens
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Director of Finance:	Adam McNabb
Economic Development Officer:	Dale Small
Human Resources Manager:	Chanda Riggi
Director of Fire Services:	Chris Harrow
Director of Operations:	Matthew Aston
Community Recreation Coordinator:	Mandy Jones
Chief Building Official:	Darren Jones
Manager of Recreation Services:	Tom Bowden
Senior Planner:	Michelle Innocente

CALLING TO ORDER - Mayor Lennox

Mayor Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

OWNERS/APPLICANT

John Welton Custom Homebuilding Ltd.

LOCATION OF THE SUBJECT LAND

The lands subject to the proposed Draft Plan of Subdivision (File No. 23T 20203) and the proposed zoning amendment are legally described as Part of Park Lots 10, 11 and 12, South of Princess Street Geographic Town of Mount Forest and Part of Park Lots I, K and L, MacDonald's Survey and Part of Division 1 of Lot 2, Concession WOSR Arthur, Geographic Town of Mount Forest, Township of Wellington North. The subject property has a total area of 9.793 ha (24.20 ac).

PURPOSE AND EFFECT OF THE APPLICATION

The proposed Zoning By-law amendment will rezone the lands from Future Development (FD) Zone to Site Specific Residential (R2-xx) Zone to permit detached and semi-detached dwellings; to Site Specific Residential (R3-xx) Zone to permit street townhouse dwellings; to Residential (R3) Zone to permit cluster townhouses; to Open Space (OS) Zone for a walkway; and to Natural Environment (NE) Zone for the land containing the watercourse. The amendment is required in order to facilitate the proposed Draft Plan of Subdivision (23T-20203).

The applications for Draft Plan of Subdivision and Zone Amendment will result in the creation of a mixed density residential development. Specifically, the overall proposal will create 58 single detached units, 30 semi-detached units, 36 street townhouse units and a 15-unit cluster townhouse development block. An open space area and walkway are also proposed as part of the overall plan. The details of the proposed Draft Plan of Subdivision (23T-20203) is as follows:

Land Use	Lots/Blocks	Units	Area (ha)
Detached Residential	Lots 1-44 & 111-124	58	3.653
Semi-detached Residential	Lots 45-60 & 97-110	30	1.028
Street Townhouse Residential	Lots 61-96	36	1.117
Cluster Townhouse Block	Block 125	15	0.897
Open Space	Block 126		0.805
Walkway	Block 127		0.010
Municipal Street (A to E)			2.286
TOTAL AREA		139	9.793 ha

NOTICE

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on January 4, 2021.

PRESENTATIONS

- Michelle Innocente, Senior Planner, County of Wellington
 - Planning Report dated January 20, 2021

Location

The land subject to the proposed draft plan of subdivision is situated in the Urban Centre of Mount Forest (Wellington North). The property is located along the west side of Cork Street. The size of the subject property is 9.793 hectares (24.2 acres).

Proposal

The application for a Draft Plan of Subdivision will result in the creation of a mixed density residential development on lands that are currently vacant. Specifically, the overall proposal will create 58 single detached residential lots, 30 semi-detached residential lots, 36 street townhouse and a block for additional townhouse units in the future. Also included in the proposal is a 0.805 hectare open space block as well as a 0.010 hectare walkway. The proposed Zoning By-law amendment will rezone the lands from Future Development to Residential to facilitate the proposed subdivision. The details of the proposed Draft Plan of Subdivision (23T-20203) are as follows:

Table 1: Land Use Schedule

Land Use	Lots/Blocks	Lots	Area (Ha.)
Single Family Detached	Lots 1-44 and 111-124	58	3.653
Semi-Detached Dwellings	Lots 45-60 and 97-110	30	1.028
Street Townhouses	Lots 61-96	36	1.117
Future Townhouse Cluster	Block 125	17	0.894
Open Space	Block 126		0.805
Walkway	Block 127		0.010
Roads (Streets A to E)			2.286
TOTAL LOTS/AREA		141	9.793

Provincial Policy Statement (PPS)

The subject property is located within the settlement area of Mount Forest. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

Section 1.4.1 seeks to provide a range and mix of housing types and densities to meet the needs of current and future residents of the area.

A Place to Grow

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas, including urban growth centres, major transit station areas, brownfield sites and greyfields.

Under section 2.2.7 of the Growth Plan, new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities.

Wellington County Official Plan Policy Framework

The lands subject to the amendment are designated RESIDENTIAL in the Urban Centre of Mount Forest. The property is located outside of the defined “built boundary” and therefore is considered a Greenfield area.

Intensification

The policies of Section 3 of the Official Plan outline the general strategies for guiding growth within the County. Section 3.3 sets out objectives for growth and encourages growth in urban areas. It further seeks to encourage more efficient use of land through increased densities in designated Greenfield areas of urban centres.

Section 3.3.1 identifies targets and states “the designated greenfield area of the County will be planned to achieve an overall minimum density of not less than 40 residents and jobs per hectare”. This application is located within a greenfield area of Mount Forest and will contribute to and support this target.

Section 3.5 of the Plan allocates growth to the local municipalities. Wellington North is anticipated to grow from 12,490 persons in 2016 up to 17,085 persons in 2036. An additional 1695 households are predicted.

Section 4.4.3 of the Official Plan encourages intensification in urban centres and further states in subsection a) that the plan supports increased densities in newly developing greenfield areas with a broad mix of housing types.

Section 4.4 of the Plan outlines Housing policies. The main applicable policy, Section 4.4.4, deals with Greenfield Housing, and requires a gross density of 16 residential units per gross hectare. The development as proposed has 15.7 units per gross hectare.

Section 4.4.5, Affordable Housing, requires a minimum of 25% of new housing units in the County to be affordable. This is to be accomplished mainly through accessory apartments, semi-detached, duplex, townhouse and apartment units. This proposal will exceed this target as 59% of the housing unit types fall into this category.

Residential Designation

The policies of Section 8.3.2 of the Official Plan sets out a number of objectives for residential development including, b) “to provide a variety of dwelling types to satisfy a broad range of residential requirements, and e) to ensure that an adequate level of municipal services will be available to all residential areas”.

The policies of Section 8.3.11 of the Official Plan encourage development of “vacant or under-utilized properties for residential uses which are compatible with surrounding uses in terms of dwelling type, building form, site coverage and setbacks”.

Wellington North Community Growth Plan

The following relevant Growth Management Goals have been identified:

- To direct and focus development to the urban areas of Arthur and Mount Forest as the primary centres and complete communities with a mix of land uses, housing, jobs and services.
- To plan and promote orderly, compact development within the urban areas, based on phasing to align with planning for infrastructure, transportation, facilities and services.

- Intensification Goals – To encourage intensification generally to achieve the desired urban structure.

Wellington North Zoning By-law 66-01

The subject lands are currently zoned Future Development (FD). An application to amend the Zoning By-law to implement the proposed Draft Plan of Subdivision has been submitted to the Township. The amendment would permit the development of 58 single detached lots, 30 semi-detached lots, 36 street townhouses and a 17-unit cluster townhouse development. The proposed zoning is as follows:

Lot/Block	Proposed Land Use	Proposed Zone
Lots 1-44 and 111-124	Single detached dwellings	R2-site specific
Lots 45-60 and 97-110	Semi-detached dwellings	R2-site specific
Lots 61-96	Street Townhouses	R3-site specific
Block 125	Cluster Townhouses	R3-site specific
Block 126	Open Space	NE
Block 127	Walkway	OS

The following exceptions to the Residential (R2) Zone are being requested for the lands to be occupied by detached dwellings and semi-detached dwellings:

R2 Zoning Provisions	Required	Proposed
FRONT YARD, Minimum: Dwelling Garage	6 m (19.7 ft)	4.5 m (14.8 ft) 5.5 m (16.4 ft)
EXTERIOR SIDE YARD, Minimum	6 m (19.7 ft)	4.5 m (14.8 ft)*
REAR YARD, Minimum	7.6 m (24.9 ft)	6 m (19.7 ft)
LOT COVERAGE, Maximum	40%	45%
<i>* provided the yard encroachment allowed under Section 6.37b does not result in any portion of the building to be situated closer than 3.0 metres from the exterior side lots line</i>		

The following exceptions to the Residential (R3) Zone are being requested for the lands to be occupied by street townhouse dwellings:

R3 Zoning Provisions – Street Townhouse	Required	Proposed
LOT AREA, Minimum	232.0 m ² (2,497.3 ft ²)	165 m ² (1776 ft ²)
FRONT YARD, Minimum • Dwelling • Garage	6 m (19.7 ft)	4.5 m (14.8 ft) 5.5 m (19.7 ft)
EXTERIOR SIDE YARD, Minimum	6 m (19.7 ft)	4.5 m (14.8 ft)*
REAR YARD, Minimum	7.6 m (24.9 ft)	6 m (19.7 ft)
<i>* provided the yard encroachment allowed under Section 6.37b does not result in any portion of the building to be situated closer than 3.0 metres from the exterior side lots line</i>		

The following exception to the Residential (R3) Zone is being requested for the lands to be occupied by the cluster townhouse dwellings:

- Relief from the minimum lot area per dwelling unit requirement as needed to allow for 17 units.

The pedestrian walkway is proposed to be rezoned to Open Space (OS). The lands containing the watercourse are proposed to be rezoned to Natural Environment (NE).

Technical Study Review

The following technical reports have been prepared in support of the application:

- Environmental Impact Study (Dec 2017), AWS Environmental Consulting Inc.
- Environmental Impact Study Addendum (Aug 2019), AWS Environmental Consulting Inc.
- Stage1-2 Archaeological Assessment (July 2020), Detritus Consulting Ltd.
- Ministry of the Environment, Conservation and Parks D-4 Study (Mar 2017), Wilson Associates Consulting Hydrogeologists
- Functional Servicing Report (Sept 2020), Cobide Engineering Inc.
- Stormwater Management Report (Sept 2020), Cobide Engineering Inc.
- Phase I Environmental Site Assessment (Jun 2017), Chung & Vander Doelen Engineering Ltd.
- Phase II Environmental Site Assessment (Sept 2017), Chung & Vander Doelen Engineering Ltd.
- Traffic Impact Study (July 2020), Paradigm Transportation Solutions Limited

Agency Review

To date we have received the following comments from circulated agencies:

Agency	Position	Comments
Bell Canada	No objection Subject to Conditions	In comments of December 2020, Bell Canada indicated that conditions of draft approval include that the owner grant any easements that may be required for communication/telecommunication infrastructure.
County of Wellington Solid Waste Services	No objection Subject to Conditions	In comments of January 13, 2021 the County of Wellington Solid Waste Services Department requested the following condition: THAT the Owner commit to following through on the methane mitigation recommendations to the satisfaction of the County, or that the Owner submit an updated Guideline D-4 Study prepared by a qualified professional to the satisfaction of the County of Wellington Solid Waste Services Division which demonstrates why these measures are not warranted.
Upper Grand District School Board (UGDSB)	No objection Subject to Conditions	In comments of January 8, 2021 the UGDSB indicated that development charges are applicable, and that adequate sidewalks, lighting and snow removal is provided.

Comments from the Conservation Authority, Wellington North Power, Hydro One, Enbridge Gas, Wellington Source Water Protection, and the Township's consulting engineer had not been received at the time of the writing of these comments. We understand the plans are currently under review. Issues may arise in these reviews that need to be addressed.

No comments have been received from members of the public to date.

Preliminary Planning Comments

Density/Development Concept

The proposed residential development is anticipated and encouraged by Provincial and County planning policy. The subject property is located outside of the built boundary of Mount Forest and is considered a greenfield area. This large, vacant parcel of land abuts existing residential lands and is located immediately south of the Township's major recreational complex which includes the area, ball diamonds, soccer fields and a skateboard park. Section 4.4 of the Official Plan outlines housing policies. The main applicable policy, Section

4.4.4, deals with Greenfield Housing, and requires a gross density of 6.5 residential units per acre. The development as proposed meets this density requirement.

Parkland Dedication

A park block has not been proposed as part of the residential development. The Township will have to advise of their preference regarding parkland and whether or not land for a park will be included in the draft plan of subdivision or if cash-in-lieu of parkland dedication will be provided.

Storm Water Management

We have not been provided with comments from the Township Consulting Engineer on the Functional Servicing Report. We understand the plans are currently under review.

Availability of Municipal Services

In terms of servicing, the proposed development is to be provided with municipal sewage and water supply services. Sufficient capacity is available to date, however this will form a condition of draft approval.

Environmental Impact Study

An Environmental Impact Study (EIS) was submitted with the draft plan of subdivision with recommendations for setbacks to protect natural features. These lands are captured in Open Space Block 126.

Traffic Impact Study

A Traffic Impact Study was submitted with the draft plan of subdivision to determine if any improvements were required to the existing roads outside of the proposed development. The study did not recommend any improvements. The study is currently under review.

Proximity to Closed Landfill

A D-4 Study was submitted with the draft plan of subdivision. The study was conducted to determine potential impacts of the adjacent, closed landfill (Martin Street Closed Landfill) on the proposed development. Solid Waste Services have reviewed the study and have provided a condition of draft plan approval in relation to the Martin Street Closed Landfill property.

Wellington North Zoning By-law

The subject land is currently zoned Future Development (FD), as a result, the applicant is proposing to amend the Zoning By-law to implement the proposed Draft Plan of Subdivision for 58 single detached residential lots, 30 semi-detached residential lots, 36 street townhouse and a block for additional townhouse units in the future, a 0.805 hectare open space block as well as a 0.010 hectare walkway.

Conclusion

Following the Public Meeting, staff will finalize the technical review of the draft plan of subdivision and application to amend the Zoning By-law. Staff will then report back to Council for local consideration of the draft plan of subdivision (including draft conditions). Following the approval of the draft approval of the subdivision by the County, an amending zoning by-law will be provided for Council consideration.

CORRESPONDENCE FOR COUNCIL'S REVIEW

- Adam Laranjeiro, Planning Technician, Upper Grand District School Board
 - Letter dated January 8, 2021 (No Objection)
- Jessica McFarlane
 - Email dated January 21, 2021 (inquiry regarding sidewalk on Martin Street)
- Brandi Walter, Environmental Planning Coordinator, Saugeen Conservation
 - Correspondence dated January 22, 2021 (Recommendations for conditions)
- Brandi Walter, Environmental Planning Coordinator, Saugeen Conservation
 - Correspondence dated September 25, 2019 to Cobide Engineering Inc., cc to Township of Wellington North (proposed development acceptable, subject to

REQUEST FOR NOTICE OF DECISION

If you wish to be notified of the decision of the **Corporation of the County of Wellington** in respect of the proposed Draft Plan of Subdivision (23T-20203), you must make a written request to the Director, Planning and Development Department, County of Wellington, 74 Woolwich Street, Guelph, Ontario N1H 3T9.

The by-law for the Zoning Amendment will be considered at a future Council meeting. If you wish to be notified of the decision in respect of the proposed **Township of Wellington North Zoning By-law Amendment (ZBA 11-20)**, you must submit a written request to the Development Clerk, Township of Wellington North, 7490 Sideroad 7 W, PO Box 125, Kenilworth, Ontario N0G 2E0 or tpringle@wellington-north.com.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

John Welton, Developer, Ron Davidson, Planning Consultant and Travis Burnside, Consulting Engineer, were present to answer questions regarding the application.

Travis Burnside, Consulting Engineer, commented that they will address the concerns outlined in the SVCA correspondence and bring forward at a later meeting.

Ron Davidson, Planning Consultant, explained that the proposal has been in the works for quite a while. There are a series of reports filed in support of the proposal. The proposal conforms with the Official Plan and is consistent with the Growth Plan. It will provide a series of housing and will represent something good for the municipality.

Travis Burnside, Consulting Engineer, stated that the proposed subdivision is on full municipal services. They have been in discussions with staff and BM Ross regarding capacity. There will not be an impact on existing municipal storm sewers.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe inquired if sidewalks on Cork Street and Martin Street will be considered. Matthew Aston, Director of Operations, stated that sidewalks on Cork Street would be considered; however, Martin Street is outside of the project.

Councillor Yake asked if the storm water going directly into the Saugeen River is an issue with the SVCA. Mr. Burnside explained that the SVCA concern is with existing storm outlet from Cork Street, Melissa Street and Princess Street. The storm water passes through the development site. There are some concerns with where the zoning limits are with respect to the creek. There will be a small pond to collect the overland flow and put it into a storm sewer. The SVCA allows storm water discharge into the river when it is this close in proximity and have direct access. You can discharge the water without having a pond for quantity control. They will still be providing quality control.

Councillor McCabe inquired about the phase in timeline. Mr. Welton stated that they would like to move as quickly as possible. They hope to move earth this year and will likely service the whole site.

Mayor Lennox commented that the proposed subdivision meets the target density that the County is looking for. Michelle Innocente, Senior Planner, confirmed that the proposal meets the 16 units per hectare. Mayor Lennox expressed concern that reduced front yard setbacks would impact snow storage and would like the proposal to demonstrate proper snow storage area. Mr. Davidson and Mr. Burnside explained that the proposed house setback is reduced, not the garage and that people are wanting homes with larger square footage on smaller lots.

Councillor Yake asked for clarification regarding parkland dedication for the proposed subdivision. Mike Givens, CAO, explained that an agreement waiving the parkland requirement for the subdivision lands was entered into with the Town of Mount Forest in 1998, prior to amalgamation, and remained in place with the change of ownership. Councillor Yake

suggested that parkland in a project this size should be encouraged. Mr. Davidson stated that it was well known at the time of purchase that there would not be an additional requirement for parkland.

ADJOURNMENT

RESOLUTION: 001-2021

Moved: Councillor Burke

Seconded: Councillor McCabe

THAT the Public Meeting of January 25, 2021 be adjourned at 7:47 pm.

CARRIED

CLERK

MAYOR



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 (michellei@wellington.ca)

January 22, 2021

County of Wellington
Planning and Development Department
74 Woolwich Street
Guelph, ON N1H 3T9

ATTENTION: Michelle Innocente, Senior Planner

And;

Township of Wellington North
PO Box 125
7490 sideroad 7 W.
Kenilworth, ON N0G 2E0

ATTENTION: Karren Wallace, Clerk

Dear Ms. Innocente & Ms. Wallace;

RE: Application for Plan of Subdivision – 23T-20203
Application for Zoning By-law Amendment: ZBA 11-20
Roll No. 234900000400175
Part Park Lots 10, 11, 12 S/S Princess Survey; McDonald Park Lots L & K WOSR; Part Lot 2
Division 1 & 2; RP 61R-7789 Parts 2, 3, 9, 10 Part 5
Geographic Town Mount Forest
Township of Wellington North [Welton c/o Davidson]

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications 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 County of Wellington 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 these applications is to facilitate a 124 Unit residential development. The proposed Zoning By-law Amendment (ZBA) will rezone the lands from Future Development (FD) Zone to Site Specific Residential (R2-xx) Zone to permit detached and semi-detached dwellings; to Site Specific Residential (R3-xx) Zone to permit street townhouse dwellings; to Residential (R3) Zone to permit cluster townhouses; to Open Space (OS)



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

Zone for a walkway; and to natural Environment (NE) Zone for the land containing the watercourse. The amendment is required in order to facilitate the proposed Draft Plan of Subdivision.

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

- 1) Planning Report, Ron Davidson land Use Planning consultant Inc., September 2020,
- 2) Functional Servicing Report, Cobide Engineering Inc., September 2020,
- 3) Stormwater Management Report, Cobide Engineering Inc. September 2020,
- 4) Environmental Impact Study, AWS Environmental Consulting Inc., December 2017; and,
- 5) Environmental Impact Study – Addendum, AWS Environmental Consulting Inc., August 12, 2019.

SVCA staff was provided an opportunity to meet on-site with applicant's engineer, Travis Burnside (Cobide Engineering) on September 25, 2019 to review the proposed development. Based on our review of site conditions for both the subject property, adjacent lands, and proposed stormwater outlet location, we provided Mr. Burnside with the attached pre-submission consultation information regarding SVCA's areas of interest for the development and in accordance with our MOA with the County of Wellington. This letter was copied to the County, both the Township of Wellington North's CBO and Engineer, and to the applicant John Welton. However, SVCA staff was not provided an opportunity to consult with AWS regarding the Terms of Reference for the Environmental Impact Study as it appears the study was undertaken prior to consultation with the SVCA. Additionally, based on the findings of the EIS, SVCA has made comments regarding water resources not included in the pre-submission letter.

RECOMMENDATION

In principal, SVCA staff finds the proposed development acceptable. However, we recommend the decision for zoning by-law amendment be deferred; and we also recommend several conditions of approval for the draft plan of subdivision to ensure the natural heritage, natural hazard, and water resource policies of the PPS and the County OP have been addressed.

SITE CHARACTERISTICS

The subject lands are currently vacant and are located southwest of Town of Mount Forest. The Property fronts Cork Street to the east and Martin Street to the south. The South Saugeen River Valley is located within 50 metres to the southeast of the property opposite Martin Street. There are woodlands west of the property and within the river valley, and there are two woodlots on the subject lands along the east property line that are fragmented with open field. There is a watercourse that flows within and adjacent to southeast woodlot. The woodlands to the west of the property feature wetlands and a watercourse, both of which are within 50 metres to 80 metres of the west property line. The subject property features urban development to the north and east.

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 County of Wellington 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

In the opinion of SVCA staff, the subject property does not appear to be directly affected by natural hazards as defined in the Provincial Policy Statement (PPS, 2020). Furthermore, in the opinion of SVCA staff, the property does not appear to be designated 'Core Greenlands' in the County of Wellington Official Plan (OP) nor is it zoned 'Natural Environment (NE)' in the Township of Wellington North's Zoning By-law. Both the above designation and zoning are used to identify natural hazard features (in addition to natural heritage features) on affected properties and are in accordance with SVCA's hazard land mapping for the property.

Notwithstanding the above, SVCA staff note a watercourse traverses the south-east corner of the property, which will experience increased water levels during storm events. SVCA staff recommended in pre-consultation that the Hurricane Hazel Flood Event (HHFE) floodplain be modelled for this watercourse. The purpose of this exercise would be to ensure proposed new development is not impacted by the HHFE floodplain for this watercourse. However, SVCA staff note this recommendation was not implemented to date.

Furthermore, we note the proposed storm outlet works will be located within the Saugeen River Valley, which is designated 'Core Greenlands' and features erosion and flooding hazards. It was SVCA staff's observation during our site meeting that the proposed outlet infrastructure route will traverse an area of moderate slopes and the outlet headwall is proposed to be located outside the regional floodplain of the Saugeen River. However, the SWM report did not provide detailed drawings to confirm the above. SVCA staff provides further comment regarding proposed SWM infrastructure in the appropriate section of this report.

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 Wellington Official Plan (OP) Policies

In general, the following sections of the County of Wellington OP do not support new development within hazardous lands (flooding hazards, erosion hazards, and hazardous sites); Sections 5.4.3 (Core Greenlands, Hazardous Lands), 8.9 (Urban Centres – Hazardous Lands & Flood Plain Lands), and 10.2 (Greenlands – New Lot Creation).

Based on the above-noted hazard lands policies and lack of detail regarding the regional floodplain limits for the watercourse on site, SVCA are of the opinion the proposed development is not in conformance with the above-noted policies. As such, SVCA staff offer the following recommendations;

1. That the decision for zoning by-law amendment be deferred until the HHFE floodplain limits for the southeast watercourse have been defined; and that, all new development be located outside the HHFE floodplain; and further that, the zoning for the watercourse and its floodplain be appropriately zoned Natural Environment/Floodway (NE).
2. That a condition of draft plan approval include, "The Saugeen Valley Conservation Authority (SVCA) must be satisfied a Floodplain Study and Lot Grading and Drainage Plan shows all new development is located outside the Hurricane Hazel Flood Event floodplain."

Natural Heritage

In the opinion of SVCA staff and based on our review of the aforementioned EIS, the subject property features adjacent lands to significant woodlands and significant valleylands, and fish habitat.

Please be advised, SVCA staff find the 2017 EIS and 2019 addendum to the EIS acceptable.

Significant Woodlands

It is SVCA staff's interpretation that section 5.5.4 of the County OP defines woodlands in the rural system over 4 hectares and plantations over 10 hectares are considered to be, and are included in the Greenlands system. In the Urban System, woodlands over 1 hectare are considered to be significant by the County and are included in the Greenlands System. SVCA review of mapping indicates the proposed development lands are adjacent to significant woodlands located along the west property boundary and south within the river valley.

Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that 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 natural features or their ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

County of Wellington Official Plan (OP) Policies

In the opinion of SVCA staff, section 5.5.4 of the County OP states that significant woodlands will be protected from development or site alterations which would negatively impact the woodlands or their ecological functions. Good forestry practices will be encouraged and tree removal shall be subject to the Wellington County Forest Conservation By-law. Smaller woodlands may also have local significance and, where practical, these smaller woodlands should be protected.

Significant Valleylands

It is the opinion of SVCA staff that the river valley of the South Saugeen River is considered significant and is identified as such in the 'Greenlands System' of the County's OP. The proposed development is located on adjacent lands to the significant valleyland and the proposed stormwater outlet infrastructure is within the significant valleylands.

Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that development and site alteration shall not be permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

County of Wellington Official Plan (OP) Policies

It is SVCA staff's interpretation that section 5.5.3 of the County OP includes streams and valleylands in the Greenlands system; and that, all streams and valleylands will be protected from development or site alterations which would negatively impact on the stream or valleyland or their ecological functions.

Fish Habitat

SVCA staff 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.

It is the opinion of SVCA staff the watercourse that intersects the southeast corner of the property is considered fish habitat; and that, portions of the proposed works (i.e. storm outlet infrastructure) is located within adjacent lands to the South Saugeen River, which is also fish habitat. There is also a watercourse/fish habitat within 80 metres west of the proposed development that outlets to a wetland within the Significant Woodland. Furthermore, a seep approximately 40 metres west of the watercourse on the property has been identified, which outlets to the watercourse on the property and is considered indirect fish habitat by SVCA staff.

Provincial Policy Statement – Section 2.1

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8 states 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 impacts on the fish habitat or on their ecological functions.

County of Wellington Official Plan (OP) Policies

Section 5.4 of the County's OP, in SVCA's opinion, designates fish habitat as 'Core Greenlands'; and that section 5.4.2 does not permit development and site alteration in fish habitat except in accordance with provincial and federal requirements.

Environmental Impact Study

In accordance with section 5.6.2 of the County of Wellington's OP, in SVCA staff's opinion, where development is proposed in the Greenland system or on adjacent lands, the County or local municipality shall require the developer to: a) identify the nature of the features potentially impacted by the development; b) prepare, where required, an environmental impact assessment to ensure that the requirements of this Plan will be met, and consider enhancement of the natural area where appropriate and reasonable. c) address any other relevant requirements set out in Section 4.6.3 Environmental Impact Assessment.

As noted previously, an EIS was undertaken in 2017 with an addendum to the EIS in August 2019. SVCA staff finds the EIS and addendum acceptable, in general, regarding the above-noted natural heritage features. However, as discussed in the section below for "Water Resources", SVCA requires further information regarding the impacts to the groundwater seep identified on the property and on the watercourse located on adjacent lands to the development.

Provided the mitigation measures outlined in the EIS are implemented, the proposed development will be in accordance with the aforementioned natural heritage policies of both the PPS and the County of Wellington. In order to ensure implementation of the mitigation measures, SVCA staff recommends the following;

3. That a Planting Plan be developed for the lands adjacent to the watercourse/fish habitat, seep and stormwater pond, for the purpose of enhancing the natural heritage features; and that,
4. A condition of approval for the draft plan of subdivision require that SVCA staff must be satisfied with the final EIS, Site Plan, Landscaping/Planting Plan; and that, SVCA be satisfied with wording in the Subdivision agreement that provides for the implementation of EIS, Section 15, Mitigation measures, Site Plan, and Landscape/Planning Plan.
5. Being that the watercourse and seep are fish habitat, these features should be zoned NE and designated as “Core Greenlands” in accordance with the Greenlands system policies of the County’s OP. There is a proposed NE zone that encompasses the seep and a portion of the watercourse. However, the north half of the watercourse is proposed to be zoned R3-Z, which in SVCA’s opinion, does not conform to the Core Greenlands policies (also see recommendation 1 above); and,
6. That the decision for zoning amendment be deferred until the watercourse on the subject property is appropriately zone NE as indicated above.

Water Resources

SVCA’s mapping indicates the subject property is sited on a significant groundwater recharge area. SVCA staff is of the opinion, the site may be subject to a shallow groundwater table, which may be a source of water to the above-noted seep on the property and to the adjacent watercourse west of the property boundary. SVCA staff have concern the proposed development may disrupt the source flow to these features as a result of the development.

Provincial Policy Statement (PPS, 2020)- Section 2.2

Section 2.2.1 of the PPS states planning authorities shall protect, improve or restore the quality and quantity of water by maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas; and to implement necessary restrictions on development and site alteration to protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.

County of Wellington Official Plan (OP) Policies

It is SVCA staff’s interpretation that section 4.9.3 of the County’s OP states that groundwater needs to be protected to promote public health, and as an essential resource for urban and rural water supplies, agricultural production and the maintenance of the Greenland system. Specifically, it is the County’s intent that the development of public and private uses will not negatively impact groundwater recharge or discharge or impair groundwater or surface water quality. Section 4.9.4 of the OP provides for further policy direction to achieve this objective, including but not limited to ensuring the base flow needed to protect streams, fisheries and wetlands are maintained (s. 4.9.4 i).

As such, given the above policy direction of both the PPS and County OP, it is SVCA staff’s opinion that it has not been demonstrated the proposed development would not negatively impact the source flow and as a result, the ecology, to the seeps and watercourses on and adjacent to the property. Therefore, SVCA staff recommends the following;

7. That a hydrogeologist provide SVCA staff with a letter/study advising the proposed development will not impact the hydrologic / hydrogeologic source flow to these features; and that,
8. A condition of draft plan approval be that SVCA must be satisfied with a hydrogeologic report or letter advising the proposed development will not impact source flow to the seep and to both watercourses on site and on adjacent lands.

SVCA staff has reviewed these applications regarding the impacts to surface and groundwater resources from an ecological and hydrological perspective. SVCA staff have not reviewed the impacts to municipal drinking water supplies and designated vulnerable areas.

Stormwater Management (SWM)

SVCA staff has reviewed the above-noted SWM report and find the report, in principal, acceptable. However, SVCA staff has concerns regarding erosion control for the proposed outlet, lack of modelling for the HHFE floodplain as noted previously, and source water balance as noted in the “Water Resources” section of this letter. As such, SVCA staff recommends the following;

9. That a geotechnical engineer provides recommendations for mitigating the impact to the control of erosion and slope stability for the stormwater outlet infrastructure, including the path for the proposed pipe through the river valley and for outlet controls. It is SVCA staff’s opinion, without quantity control for stormwater outlet, as proposed, and given the slope angle, the velocities at the receiving end could cause severe erosion, particularly during heavy rain event. Additionally, the impact to erosion within the river valley from construction of the storm sewer must be assessed by the geotechnical engineer.
10. That a condition of draft plan approval require that SVCA must be satisfied with the final SWM report and engineering drawings; and aforementioned geotechnical report.

SVCA staff has reviewed the stormwater management plan and facilities to ensure no impact on the control of flooding, erosion, pollution or the conservation of land in accordance with our mandate under the *Conservation Authorities Act* and as per our MOA with the County of Wellington regarding water resources. This includes a general review of lot grading and erosion control, water quantity and quality, and impacts to receiving natural heritage features. SVCA staff’s review does not include a detailed technical clearance of engineering methodology or modelling.

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 and proposed development are affected by SVCA’s regulated 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.

SVCA’s 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. The areas of interest to the Authority include the watercourse on the property and the South Saugeen River, plus 15 metres, the river valley plus 15 metres from stable top of bank; and the floodplains associated with both watercourses plus 15 metres.

SVCA Permission for Development or Alteration

Prior to any construction or site alteration within the aforementioned SVCA regulated areas, permission from SVCA must be obtained via application. Submitted plans and reports (construction drawings, stormwater management report, EIS, hydrogeological review, geotechnical report) must demonstrate the proposed to will not have an impact on the control of flooding, erosion, pollution or the conservation of land.

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. However, it is SVCA staff’s recommendation that all planning approvals be in place prior to SVCA application, as staff’s review under the *Planning Act* parallels SVCA’s regulatory interest.

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 this application in accordance with our MOA with the County Wellington, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

In principal, SVCA staff find the proposed development acceptable. However, given the above- noted concerns including but not limited to floodplain delineation, source water balance to natural heritage features, and erosion control we make the following recommendations.

Zoning By-Law Amendment

Given the above, it is SVCA staff's opinion that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has not been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has not been demonstrated.
- 3) Consistency with Section 2.2, Water policies regarding hydrological and ecological impacts of the PPS has not been demonstrated.
- 4) Consistency with local planning policies for natural hazards and natural heritage has not been demonstrated.
- 5) SVCA staff recommend the decision for ZBA should be deferred until SVCA is satisfied with the above-noted floodplain study and hydrogeological assessment. Should it be demonstrated development is not affected by the floodplain hazard and that source water to the watercourses and seep will not be impacted, then it will be demonstrated the development will not be impacted by hazardous lands and there will be no impact to the ecology of the watercourses/fish habitat.

Application for Plan of Subdivision

Given the above comments regarding the proposed development, it is SVCA staff's opinion that provided our recommendations for conditions for draft plan approval are implemented:

- 6) Consistency with Section 3.1, Natural Hazard policies of the PPS will be demonstrated.
- 7) Consistency with Section 2.1, Natural Heritage policies of the PPS will be demonstrated.
- 8) Consistency with Section 2.2, Water policies regarding hydrological and ecological impacts of the PPS will be demonstrated.
- 9) Consistency with local planning policies for natural hazards and natural heritage will be demonstrated.

In accordance with the approved SVCA 2021 fee schedule SVCA will invoice the applicant for our review of this application and associated technical reports.

Please inform this office of any decision made by County and Township with regard to this application. We respectfully request to receive a copy of the decisions and notice of any appeals filed.

Should you have any questions, please contact the undersigned [*provide direct contact information*].

Sincerely,

A handwritten signature in cursive script that reads "Brandi Walter". The signature is written in black ink on a light-colored background.

Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

Encl: SVCA Pre-submission letter, September 25, 2019

cc: Travis Burnside, Cobide Engineering (via email)
Ron Davidson, Applicant's Agent (via email)
John Welton, Applicant (via email)
Frank Vanderloo, P. Eng., BM Ross (via email)
Steve McCabe, SVCA Member (via email)



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 (tburnside@cobideeng.com)

September 25, 2019

Cobide Engineering Inc.
517 10th Street
Hanover, ON N4N 1R4

Attention: Travis Burnside, P. Eng.

Dear Mr. Burnside;

RE: Proposed Subdivision – Sunvale Homes – Pre-Submission Consultation
Part Park Lot 10, S of Princess Street; Part Park Lot I MacDonald’s Survey,
Part of Division 1 of Lot 2 WOSR
Geographic Town of Mount Forest
Township of Wellington North

You have requested Saugeen Valley Conservation Authority (SVCA) staff provide pre-submission comments for a proposed subdivision at the above-noted property. The regulatory comments provided in this correspondence are in accordance with the SVCA’s mandate, the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018; and the pre-submission consultation comments regarding *Planning Act* matters, are in accordance with the Memorandum of Agreement between the Authority and the County of Wellington relating to Plan Review. Based on staff’s review of mapping, site inspection (August 8, 2019) observations, and related planning schedules and documents, we offer the following comments.

It is the understanding of SVCA staff the proposed development is a multi-lot residential subdivision. Stormwater is proposed to outlet to the south, off-site into the Saugeen River Valley adjacent to an existing storm headwall. The proposed stormwater infrastructure route is through a previously disturbed area/path through the valley as reviewed on-site during staff’s meeting with you, August 8, 2019. SVCA staff find the proposed development acceptable, subject to conditions as outlined in below.

***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. Draft Plan of Subdivision, Zoning By-law Amendment) to the County of Wellington and/or the Township of Wellington North. Please note, SVCA staff provide advice and recommendations to the Municipality / County 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.



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

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.

Natural Hazards

In the opinion of SVCA staff, the subject property does not appear to be directly affected by natural hazards as defined in the Provincial Policy Statement (PPS, 2014). Furthermore, in the opinion of SVCA staff, the property does not appear to be designated 'Core Greenlands' in the County of Wellington Official Plan (OP) nor is it zoned 'Natural Environment (NE)' in the Township of Wellington North's Zoning By-law. Both the above designation and zoning are used to identify natural hazard features (in addition to natural heritage features) on affected properties.

Notwithstanding the above, SVCA staff note a watercourse traverses the south-east corner of the property, which will experience increased water levels during storm events. As such, SVCA staff recommend that storm flows for this watercourse be modelled to ensure adjacent development is not affected by flooding.

Furthermore, we note the proposed storm outlet works will be located within the Saugeen River Valley, which is designated 'Core Greenlands' and features erosion and flooding hazards. It is SVCA staff's observation that the proposed outlet infrastructure route will traverse an area of moderate slopes and the outlet headwall will be located outside the regional floodplain of the Saugeen River. SVCA staff provide further comment on mitigating impacts to erosion and flooding within the river valley under 'SVCA Permission for Development'.

Natural Heritage

In the opinion of SVCA staff, the significant natural heritage features that could be affected by the proposed development include significant woodlands, fish habitat, valleylands, potentially significant wildlife habitat, and potential habitat of endangered species and threatened species.

Significant Woodlands – Adjacent Lands

Significant woodlands are located on adjacent lands to the subject property as shown on Schedule A6-1 as 'Greenlands' designation in the County of Wellington OP; and as further defined in Section 5.5.4 of the OP. It is SVCA staff's opinion the 'Woodlands' policies of the OP require that an Environmental Impact Study (EIS) be undertaken for development proposed within adjacent lands to significant woodlands to demonstrate the proposed will not have an impact on the feature or its ecological functions.

Fish Habitat

Located on the SE portion of the property is a small watercourse, which SVCA staff consider to be "fish habitat". Additionally, portions of the proposed works (i.e. storm outlet infrastructure) is located within adjacent lands to the Saugeen River, which is also fish habitat. It is SVCA's staff's opinion, Section 5.51 of the County's OP does not permit development and site alteration (including construction of storm outlet infrastructure) in fish habitat

unless in accordance with provincial and federal requirements. For lands adjacent to fish habitat, the County's 'Greenlands' policies, in the opinion of SVCA staff, do not support development in adjacent lands to fish habitat unless it can be demonstrated through an EIS the works will not affect fish habitat.

Valleylands

The proposed subdivision is located adjacent to the Saugeen River Valley; and the storm outlet for the development is proposed to traverse the river valley and outlet to an area adjacent to the Saugeen River. As such, it is SVCA staff's opinion, Sections 4.6.3 and 5.5.3 of the County OP apply, which require that all streams and valleylands will be protected from development or site alterations which would negatively impact on the stream or valleyland or their ecological functions; and that an EIS should be undertaken to demonstrate the works will not have a negative impact on the feature or its ecological function.

Significant Wildlife Habitat

In the opinion of SVCA staff, the property and/or storm outlet route may feature significant wildlife habitat. Section 5.5.1 of the County OP, in SVCA's opinion, states that "development and site alteration shall not be allowed in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions." As per section 4.6.3 of the OP, an EIS should be undertaken to demonstrate the proposed will not have an impact on significant wildlife habitat.

Habitat of Endangered or Threatened Species

In the opinion of SVCA staff, the property and/or storm outlet route may be affected by habitat of endangered or threatened species. It is our interpretation that section 5.4.2 of the OP does not permit development and site alteration within habitat of endangered or threatened species except in accordance with provincial and federal requirements; and further that, development or site alteration adjacent to significant habitat of endangered or threatened species shall require a satisfactory EIS that demonstrates there will be no negative impact on the significant habitat of endangered or threatened species or its ecological function.

Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates 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. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy.

Environmental Impact Study (EIS)

It is the opinion of SVCA staff that an EIS should be undertaken to address the above-noted natural heritage features in accordance with Section 4.6.3 of the County OP. SVCA staff would be pleased to review a draft of the EIS prior to submission with your *Planning Act* application to ensure the above-noted concerns are addressed.

SVCA Regulation

Portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (*Ontario Regulation 169/06*, as amended). This Regulation is in

accordance with Section 28 of the *Conservation Authorities Act R.S.O, 1990, Chap. C. 27*, and requires that a person obtain the written permission of the SVCA prior to any “development” within a Regulated Area or alteration to a wetland or watercourse.

“Development” and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines “development” as:

- 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 further that;

According to Section 5 of *Ontario Regulation 169/06*, as amended, alteration generally includes the straightening, diverting, or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Subject to *Ontario Regulation 169/06*, the Regulated Areas on the property and on the proposed storm outlet route are the river valley plus stable top of bank, watercourse (Saugeen River) and its floodplain, and the small watercourse on the SE corner of the property, plus an allowance adjacent to these features as prescribed in the Regulation.

SVCA Permission for Development

Prior to any construction or site alteration within the aforementioned SVCA regulated areas, permission from SVCA must be obtained via application. Submitted plans and or reports (construction drawings, stormwater management report, EIS) must demonstrate the proposed to will not have an impact on the control of flooding, erosion, pollution or the conservation of land.

During our site meeting, August 8, 2019 it was discussed the stormwater outlet route is proposed to traverse the Saugeen River Valley and outlet to an area outside the Saugeen River adjacent to an existing storm headwall. SVCA finds the proposed acceptable, in principal, provided the following:

1. Construction of storm infrastructure and total disturbed area is located within the existing cleared path within the river valley. Existing vegetation should not be disturbed to maintain slope stability and conservation of land.
2. That the outlet headwall is elevated above the Hurricane Hazel Floodplain elevation, which is 401.20 mASI (North American Datum, 1927) at this location.
3. That topographic information along the outlet route in the river valley is provided to SVCA staff so we can review the impact of the works on slope stability. SVCA understands that a geotechnical review will be undertaken for the development lands. As such, we ask that the geotechnical engineer provide a

statement to SVCA advising the proposed outlet works/constructions will not impact slope stability and to provide recommendations for mitigating impacts, if any.

Regarding proposed works within or adjacent to the watercourse on the SE corner of the property – SVCA staff cannot provide comment without review of a preliminary site plan and proposed works. However, SVCA permission is required prior to proposed interference with a watercourse or for works within 15 metres to the top of bank of the watercourse. SVCA staff may request a floodplain analysis be undertaken if structures are proposed within 15 metres to the top of bank of the watercourse.

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.

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 Minister of Natural Resources and Forestry within 30 days of receiving the reasons for the refusal.

Stormwater Management

It is the understanding of SVCA staff that stormwater from the proposed development will outlet directly into the river valley adjacent to the Saugeen River. The infrastructure route will traverse a portion of the river valley via an existing cleared path and the outlet headwall will be located adjacent to an existing storm headwall. As previously discussed, SVCA staff find the proposed acceptable provided the EIS shows no impact to the aforementioned natural heritage features and that it is demonstrated the work will not impact slope stability or the control of flooding. Also, as advised in SVCA's email to you March 12, 2019, SVCA does not require quantity control for stormwater for the current proposed outlet location. However, this outlet will likely require more intensive erosion control works to absorb the velocities that may be experienced during a major storm.

Attached is a copy of SVCA'S stormwater management guidelines for your reference. We ask that the stormwater design have consideration to these guidelines.

Conclusion

In principal, SVCA staff the proposed development acceptable, subject to the findings of an EIS and SVCA's conditions for development under *Ontario Regulation 169/06*. 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 the information that is currently available, and there is no guarantee these comments will remain unchanged indefinitely.

Thank you for the opportunity to comment at this time. Should you have any questions, please do not hesitate to contact our office.

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW\

Enclosure

cc: Linda Redmond, Manager of Planning and Environment, Wellington Cty. (via email)
Darren Jones, CBO, Twp. of Wellington North (via email)
Frank Vanderloo, P. Eng., B.M. Ross (via email)
John Welton, Sunvale Homes (via email)
Steve McCabe, Authority Member, SVCA (via email)