

February 10, 2022

GSCA File: P22043

Township of Georgian Bluffs
177964 Grey Road 18
Owen Sound, ON
N4K 5N5

Attn: Jenn Burnett
Senior Planner
jburnett@georgianbluffs.ca

Dear Jenn Burnett

Re: Zoning By-Law Amendment Application Z-01-22
Applicant: Amanda Older & Eli Vermilyea
CON 20 PT LOT 3, Grey Road 17; Roll No. 4203 620 005 10601
Township of Georgian Bluffs, former Keppel Township

Grey Sauble Conservation Authority (GSCA) has reviewed this 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 151/06. GSCA has also provided comments as per our Memorandum of Agreement (MOA) with the Township of Georgian Bluffs representing their interests regarding natural heritage and water identified in Sections 2.1 and 2.2, respectively, of the Provincial Policy Statement. Finally, GSCA has provided advisory comments related to policy applicability and to assist with implementation of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan under the Clean Water Act.

GSCA staff have reviewed the proposed severance application requesting to reduce the setback to the 'EP'- Environmental Protection zone from 15 metre to 3 metre and to reduce the side yard setback from 10 metre to 3 metre for a property in the 'RU' – Rural zone. The effect will be to create a development envelope wherein a detached dwelling can be built.

Please note, GSCA provided pre-consultation comments dated November 16, 2020.

Documents Reviewed

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

- Lot Grading and Site Plan, prepared by WSP dated April 2021, received by GSCA January 18, 2022
- Justification Report, included in application package, received by GSCA January 18, 2022
- Bedrock Resources Area, Letter of Opinion, prepared by GM BluePlan dated November 8, 2021, received by GSCA January 18, 2022
- Soils Investigation, Field Review Report, prepared by GM BluePlan dated October 4, 2021, received by GSCA January 18, 2022.

Site Characteristics

Existing mapping indicates that the subject property is:

- Regulated under Ontario Regulation 151/06.
- Designated Agricultural and Hazard Lands in the County of Grey Official Plan;
- Zoned 'AG – Agricultural' and 'EP – Environmental Protection' in the Township of Georgian Bluffs Comprehensive Zoning By-law;
- Not located within an area that is subject to the policies contained in the Source Protection Plan;
- The property is currently vacant with the southern portion maintained in grass that transitions to a low-lying wetland feature. Grades appear relatively flat across the site with drainage generally being directed to the wetland. The wetland feature outlets to the north west and is part of the Sauble River watershed. Grey Road 17 bounds the property to the south and is notably higher in elevation in comparison to the property. Two culverts allow for drainage to pass under Grey Road 17 in a northerly direction. The easterly culvert directs drainage into a roadside ditch that flows west and then connects with drainage from the westerly culvert before being directed north and into the wetland.

Delegated Responsibility and Statutory Comments

1. GSCA 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.

3.1.1 b) Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

c) hazardous sites.

The natural hazards identified on the property include flooding and erosion hazards associated with the local wetland feature and flood prone areas. Additionally, a review of the soils mapping indicates organic soils associated with the wetland feature. Organic soils are considered potentially hazardous for development due to their unstable nature.

GSCA Comments: The hazard area associated with the wetland is included with the EP zone. The findings of the soils analysis confirmed a design bearing capacity that could be met for the proposed foundation given the presence of inorganic soils at the test hole locations. As such, we are of the opinion that development as defined under the PPS is directed away from the hazard area and the proposal is consistent with the Section 3.1 PPS policies.

- 2. GSCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 151/06. This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. GSCA also regulates the alteration to or interference in any way with a watercourse or wetland.**

The majority of the subject site is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses administered by the GSCA. The regulated areas are associated with the local wetland feature, the 30 metre area of interference from the wetland and flood prone areas. A permit will be required for development and site alteration proposed within the regulated area.

GSCA Comments: Through review of the provided grading and drainage plan created by WSP dated April 2021, it is noted that a portion of the proposed grading towards the northwest corner of the development footprint encroaches the mapped hazard area associated with the local wetland feature on the subject property. The proposed dwelling appears to maintain the 3 metre setback, however, site alteration in the form of *“site grading or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere”* is captured in the definition of “Development” as per Section 28 of the Conservation Authorities Act. With this, the policies administered under ON Regulation 151/06 are prohibitive of permitting the proposed alteration within a wetland feature.

Additionally, the Pre-Consultation comments provided by GSCA dated November 2020 recommended the location of the septic system on the east side of the conditional building envelope to the greatest extent possible. The current proposal appears to have the septic system location proposed on the west side of the proposed development. *Section 8.5.6 Development within Areas of Interference* of the GSCA policies state “septic systems are to be located a minimum of 15 metres from the wetland and 0.9 metres above the annual maximum water table”. Through review of the Soils Investigation completed by GM BluePlan dated October 2021, it appears minor groundwater infiltration was confirmed at the bottom of the excavated test holes.

Given the above and plans circulated with the application, there are some further items needed to address GSCA’s requirements for obtaining a permit.

Advisory Comments

- 3. GSCA has reviewed the application through our responsibilities as a service provider to the Township of Georgian Bluffs in that we provide comment on natural heritage features under Section 2.1 of the Provincial Policy Statement and on water under Section 2.2 of the Provincial Policy Statement through a MOA.**

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

GSCA Comment: The natural heritage features identified include significant wildlife habitat and fish habitat.

2.1.5 Development and site alteration shall not be permitted in:

d) significant wildlife habitat.

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

GSCA Comment: A review of Natural Heritage Information Centre (NHIC) records indicates snapping turtle habitat within the wetland feature. Snapping turtles are identified by the Province as a species of special concern and their habitats are considered a form of significant wildlife habitat. It is also expected that the wetland feature provides for other unconfirmed forms of significant wildlife habitat such as amphibian breeding habitat.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

GCA Comments: Our records indicate fish observations within the watercourse connected to the wetland feature. Development located outside of the EP zone is not anticipated to negatively impact fish habitat. We recommend contacting the Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry for further information regarding fish habitat.

2.1.8 Development and site alterations shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GSCA Comment: The County Official Plan and Natural Heritage Reference Manual recommend a 120m adjacent lands width from the natural heritage features for consideration of negative impacts. Given the extent of the property boundaries and wetland feature, development of the property would occur within the adjacent lands to the natural heritage features. Development has the potential to result in negative impacts to the natural heritage features.

GSCA's pre-consultation comments recommended development maintain a 3 metre setback from the EP zone boundary. In this instance, we would not request an EIS to be completed as it was anticipated to not result in negative impacts. We should note, the intent was to keep the entirety of the proposal, including any site alteration associated with the development beyond 3 metres from the EP zone. The detailed grading and drainage plan indicates site grading would extend into the 3 metre setback and into the EP zone. As such, the detailed design is not meeting the intent of GSCA's recommendations. There are also some additional details required related to the proposed septic system noted in our regulatory comments section that are applicable. Therefore, the proposal is considered inconsistent with the Section 2.1 PPS policies at this time. We recommend the decision be deferred until the above matters have been addressed.

2.2 Water

GSCA Comment: The proposed development will increase the imperviousness of the property. Through review of the provided engineered grading and drainage plan it appears that the proposed grades have demonstrated drainage will not result in any negative impacts to neighbouring properties.

4. **GSCA has reviewed the application in terms of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the *Clean Water Act, 2006*. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**

The subject property is not located within an area that is subject to the local Source Protection Plan.

Summary

Given the above comments, it is the opinion of the GSCA that:

- 1) The proposal is generally consistent with the Section 3.1 PPS policies.
- 2) Ontario Regulation 151/06 does apply to the subject site. An application for submission is required to the GSCA office prior to the commencement of development on the subject property.
- 3) The proposal has not demonstrated consistency with the Section 2.1 PPS policies at this time.
- 4) The proposal is generally consistent with the Section 2.2 PPS policies.
- 5) The subject site is not located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.


Recommendation

Based on our review of the application and information circulated with it, GSCA recommends the Township defer the decision on the zoning by-law amendment until a satisfactory site plan has been provided that addresses the above concerns.

Please inform this office of any decision made by the Township of Georgian Bluffs with regard to the subject 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,



Olivia Sroka
Intermediate Planner

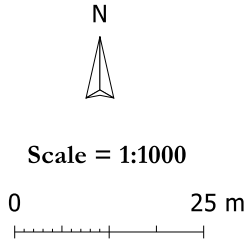
Encl. Ontario Regulation 151/06 Map

c.c. Dwight Burley, GSCA Director, Township of Georgian Bluffs
Cathy Moore Coburn, GSCA Director, Township of Georgian Bluffs
Planning & Building Departments, Township of Georgian Bluffs
Planning Department, Grey County

GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)



- ON Parcels (Approx.)
- Subject Property (Approx.)
- ON Regulation 151/06 (Approx.)
- EP Zone
- Streams
- 3m Setback



Roll No 420362000510601
Township of Georgian Bluffs (Keppel)

Thursday, February 10, 2022

The included mapping has been compiled from various sources and is for information purposes only. Grey Sauble Conservation is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map. Regulation lines were created by Grey Sauble Conservation (GSC) using 1 metre contours interpolated from the Provincial (30 metre) Digital Elevation Model Versions 1 & 2 & 1:10000 scale mapping.

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