

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

May 23, 2023

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

Attention: Lorelie Spencer, Manager of Planning and Development, Municipality of West Grey

Dear Lorelie Spencer:

RE: Application for Minor Variance: A04.2023
403129 Grey Road 4
LOTS 58 & 59, CON 2 EGR; R-PLAN 17R.1672; PT 1
Roll No. 420522000106600
Geographic Township of Glenelg
Municipality of West Grey

(Eckhardt)

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 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. The application has also been screened to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

To vary the provisions of section 6.29(d) of the Municipality which will effectively grant permission for an increase to the minimum floor area of a dwelling, including a covered porch area. Staff have received and reviewed the following documents submitted with this application:

- 1) Application for Minor Variance dated May 1, 2023.
- 2) Notice of Hearing dated May 9, 2023.
- 3) SVCA Permit #22-319.

Recommendation

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

Delegated Responsibility and Advisory Comments

Natural Hazards

SVCA hazard mapping indicates that the property is subject to flooding and erosion hazards of the Saugeen River. It is SVCA staff's interpretation that a portion of the property is zoned Floodway, and the rest of the property is within the Flood Fringe (Two-Zone) zoned (Estate Residential (ES) with minimal area outside of a floodplain designation where the lot fronts Grey Road 4. In general, it is SVCA staff's interpretation that no new buildings or structures are permitted within the Floodplain/Hazard designations as per the Grey County OP. New buildings and structures may be permitted within the Flood Fringe area with appropriate floodproofing and development conditions. Please note, ice jamming (frazil ice flooding) could impact the property in the future.

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.). Section 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards.

Grey County Official Plan Policies

Section 7.2 of the County OP, in general, does not permit development and site alteration in hazard lands, except for uses connected with conservation of water, soil, wildlife and other natural resources and only where site conditions are suitable and where the hazard impacts have been reviewed. Section 7.2 of the County OP, states development and site alteration will only be considered if vehicles and people have a way of safely entering and exiting at all times.

Further, Section 7.2.5 a) states that the Two-Zone Concept shall continue to be used for the Saugeen River floodplain on Lot 56 to 59 inclusive, Concession 2 E.G.R., (Glenelg Township) Municipality of West Grey, with the floodway being the 100 Year floodplain and the flood fringe being the outer portions of the Regional Storm floodplain. Appropriate development may be permitted in the flood fringe provided suitable flood damage reduction measures are undertaken to protect against Regional Storm flooding. Development and site alteration within the floodway, flood fringe or Regulated Area requires the approval of the conservation authority, in addition to any other applicable approvals.

SVCA has granted permission for the development associated with this application under permit number 22-319. It is SVCA Staff's understanding that the dwellings and structures are appropriately floodproofed to the Hurricane Hazel Flooding Event Standard flooding elevation of 354.36 (G.S.C.), a cut and fill balance has been completed, and safe access has been confirmed to the satisfaction of SVCA. It is SVCA staff's opinion that flood damage reduction measures are being undertaken to protect the development against Regional Storm flooding.

As such, SVCA staff are of the opinion that the application is consistent with the natural hazard policies of the PPS (2020) and the Grey County Official Plan.

Drinking Water Source Protection

The subject property appears to SVCA staff to be located within an area that is subject to the local Drinking Water Source Protection Plan (multiple vulnerabilities of Wellhead Protection Areas). To confirm, please contact Carl Seider at c.seider@greysauble.on.ca.

SVCA Regulation 169/06

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.

SVCA Permission for Development or Alteration

The entire lot is within the SVCA Regulated Area. The development associated with this application has received permission from SVCA under permit number 22-319.

Please note, this letter is not permission for development not approved under SVCA permit number 22-319. If future works on the lot are proposed, please contact this office.

Summary

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

SVCA staff find the application acceptable.

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

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

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

Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael J. Cook
Environmental Planning Technician, Environment Planning and Regulations Department
Saugeen Valley Conservation Authority
MC/

cc: Kevin Eccles, Authority Member representing West Grey, SVCA (via email)
Tom Hutchinson, Authority Member representing West Grey, SVCA (via email)
Karl Schipprack, CBO, Municipality of West Grey (via email)
Lisa Mulligan, Secretary-Treasurer, Municipality of West Grey (via email)
Carl Seider, Risk Management Official, Drinking Water Source Protection (via email)

SENT ELECTRONICALLY ONLY (kayla.eckhardt8@gmail.com)

December 19, 2022

Barb Eckhardt and Kayla Eckhardt
223 Queen St. S
Durham, On
N0G1R0

Dear Barb and Kayla Eckhardt,

RE: Application to Alter a Regulated Area
403129 Grey Road 4
CON 2 EGR;PT LOTS 58,59 RP 17R 1672;PART 1
Geographic Township of Glenelg
Municipality of West Grey
SVCA Permit No. 22-319

The Saugeen Valley Conservation Authority (SVCA) has approved your application to construct a 450.11 square metre residence with attached garages and covered porches, a septic system and retaining walls, with related excavation, filling and grading, as indicated on the attached permit. Please notify SVCA staff when the works are complete so a follow up inspection can be completed.

If you cannot comply with any condition listed as part of this approval, you must not begin your project and you must notify the SVCA.

Please notify SVCA staff when the work is complete so a site inspection can be arranged.

Sewage Disposal System

The SVCA is not responsible for the approval of the sewage disposal system, only the filling and regrading required to install the system, as the bed location is within a Regulated Area.

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. 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 an 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 Ontario Land Tribunal within 30 days of receiving the reasons for the refusal.

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 and/or County to confirm the zoning status and/or designation for the property, and for all other items relating to the Zoning By-law and Official Plan.

As the provincial commenting agency for matters relating to Natural Hazards (Environmental Protection /Environmental Hazard/Hazard/etc. zones and/or designations) in association with applications made under the Planning Act, the SVCA is required to provide comments and assistance to the Municipality and/or County and its residents for zoning and Official Plan matters in this regard. The SVCA also provides recommendations pertaining to Natural Heritage in accordance with the Plan Review Agreements currently in effect with our member municipalities, and as a watershed agency associated with Planning Act applications. Therefore, if a planning application (proposed Zoning By-law amendment, application for minor variance, application for consent, site plan approval, Draft Plan of Subdivision, Draft Plan of Condominium, etc.) is required in association with your proposal, the SVCA will be involved in that process as a review agency and the SVCA's comments to that process will be forwarded to the Municipality and/or County at that time. However, SVCA comments regarding Zoning and Official Plan matters are not included within this correspondence.

Drinking Water Source Protection

SVCA staff has screened this application to determine the applicability 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 appears to SVCA staff to be located within an area that is subject to the local Source Protection Plan where applicable policies may apply. A separate Notice from the local Risk Management Official may be required as specified under the Clean Water Act, 2006 to allow your project to proceed. SVCA staff have forwarded this application to Carl Seider (RMO) c.seider@greysauble.on.ca for their information. Please contact Carl Seider (RMO) directly for more information on the Source Protection Plan policies that may affect your application.

Thank you for your cooperation. Should you have any questions, please do not hesitate to contact Trent Francis of this office.

Sincerely,



Erik Downing
Manager, Environmental Planning and Regulations
Saugeen Valley Conservation Authority

ED/tf

Encl.

cc: Tom Hutchinson, Authority Member, SVCA (via e-mail)
Kevin Eccles, Authority Member, SVCA (via e-mail)
Karl Shipprack, CBO, Municipality of West Grey (via e-mail)



1078 Bruce Rd. 12, P.O. Box 150
Formosa ON N0G 1W0

PERMIT NO.

22-319

PERMIT

Conservation Authorities Act, R.S.O., 1990, Chap. C27

SCHEDULE

1

OF

2

THIS PERMIT ISSUED ON

December 19, 2022

AND EXPIRES ON

December 20, 2023

☒

Permit for Major Works

☐

Permit for Minor Works

☐

Permit for Standard/Other Works

PERMIT TO:

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Alter a Watercourse

☒

Place Fill or do Grading in a Regulated Area

☒

Construct a Building in a Regulated Area

☒

Construct a Structure in a Regulated Area

In accordance with Regulation 169/06 and amendments thereto, permission is granted to:

Name: Barb Eckhardt and Kayla Eckhardt

Mailing Address: 223 Queens St. S

Town: Durham, ON

Postal Code: N0G 1R0

Phone No.: 519-369-2056

For the following works: To construct a 450.11 square metre residence with attached garages and covered porches, a septic system and retaining walls with related excavation, filling and grading, as indicated on the attached permit.

At Civic Address: 403129 Grey Road 4

Roll No.: 420522000106600

Legal Description: CON 2 EGR;PT LOTS 58,59 RP 17R 1672;PART 1

Municipality: Municipality of West Grey
(Geographic Township of Glenelg)

for the period of: December 20, 2022, to December 20, 2023

SUBJECT TO THE SPECIFIC CONDITIONS STATED IN SCHEDULE 2 TO THIS PERMIT:

NOTE:

BEGIN YOUR PROJECT ONLY IF YOU, THE APPLICANT, AGREE TO ALL OF THE SPECIFIC AND GENERAL CONDITIONS STATED IN THIS PERMIT. IF YOU DISAGREE WITH ANY CONDITION, YOU MUST NOTIFY THE SVCA AND YOU MUST NOT BEGIN YOUR PROJECT.

GENERAL CONDITIONS: See reverse side of this form.

Manager, Environmental Planning and Regulations

Signature of Authority Official

Title

IMPORTANT! Read the reverse of this form

GENERAL CONDITIONS

The applicant, by acceptance and in consideration of the issuance of this permit, agrees to the following conditions:

1. The applicant shall comply with the Specific Conditions in the attached schedules.
2. This permit is valid only for the time period specified and the applicant agrees to request an extension from the Saugeen Valley Conservation Authority prior to the expiration of this period should an extension be required.
3. This permit does not preclude any other legislation, federal or provincial, or necessary approvals from the local municipality.
4. Authorized representatives of the Saugeen Valley Conservation Authority may, at any time, enter onto the lands which are described herein in order to make surveys, examinations, investigations or inspections which are required for the purpose of ensuring that the work(s) authorized by this permit are being carried out according to the terms of this permit.
5. The applicant agrees
 - (a) to indemnify and save harmless on a solicitor and client basis, the Saugeen Valley Conservation Authority and its officers, employees, or agents, from and against all damage, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the owner and/or applicant or of any of his/her agents, employees or contractors relating to any of the particulars, terms or conditions of this permit;
 - (b) that this permit shall not release the applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
 - (c) that all complaints arising from the execution of the works authorized under this permit shall be reported prior to the expiration of this permit by the applicant to the Saugeen Valley Conservation Authority. The applicant shall indicate any action which has been taken, or is planned to be taken, if any, with regard to each complaint;
 - (d) that the permit issued herein is based upon the plans or sketches submitted to the Saugeen Valley Conservation Authority and the accuracy of the matters contained in the application to the Authority.
6. This permit is not assignable.
7. The applicant acknowledges that should the works be carried out in contrary to the terms of this permit, the permit may be revoked and the applicant may be in violation of the Saugeen Valley Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06), and subject to the penalties imposed under the Conservation Authorities Act, R.S.O, 1990, Chap. C27, as amended.

**This permit is a public record which is accessible upon request.
This information in this permit is collected under the authority of the
Conservation Authorities Act, R.S.O, 1990, Chap. C27, as amended.**

SCHEDULE **2** **OF** **2**

APPLICANT: Barb Eckhardt and Kayla Eckhardt

SPECIFIC CONDITIONS:

1. Work shall be in accordance with this permit and:
 - The lot grading plan entitled "Site Plan", revised December 15, 2022, and received December 16, 2022;
 - The septic design information entitled "Eckhardt – Septic Design" received December 9, 2022;
 - The Application to Alter a Regulated Area received November 16, 2022; and
 - The revised Cut and Fill Volume Calculations received on December 16, 2022.
2. Appropriate erosion and sediment control measures shall be used and maintained to prevent the movement of sediment off site or towards the Saugeen River.
3. It is the responsibility of the Applicant (Barb Eckhardt) to ensure that all individuals involved with the work are aware of this permit and conditions.
4. It is the responsibility of the Applicant (Barb Eckhardt) to ensure that all other agency and municipal approvals are in place for all works proposed in this permit.
5. It is the responsibility of the Applicant (Barb Eckhardt) to receive permission from landowners to work on land they do not own.
6. The elevation of the lowest exterior opening and finished floor shall be above the Regulatory Flood elevation of 354.36 metres (G.S.C.).
7. The "as-built" elevations shall be confirmed by a qualified engineer or Ontario Land Surveyor and provided to SVCA after final grading is complete.
8. This permit allows for the Applicant to construct a 450.11 square metre residence with attached garages and covered porches, a septic system and retaining walls, with related excavation, filling and grading, as indicated on the attached permit. Should other work be proposed on the property in the future, the SVCA should be contacted as permission may be required.