

SENT ELECTRONICALLY ONLY ([cbo@westgrey.com](mailto:cbo@westgrey.com))

August 8, 2023

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

Attention: Karl Schipprack, Director of Planning and Development/CBO, Municipality of West Grey

Dear Karl Schipprack:

RE: Applications for Official Plan Amendments and Zoning By-Law Amendments: OPA14.2023, OPA15.2023, ZA01.2023, and ZA02.2023

Vacant Lot, Park Street West

Park Pt Lot 5, Plan 505

Roll No. 420526000415400

Town of Durham

Municipality of West Grey

(DJ Land Development Inc.)

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 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). Staff has also provided comments as per our Memorandum of Agreement (MOA) representing natural hazards. The application has also been reviewed through our role as a public body under the Planning Act as per our Conservation Authority (CA) Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

## Purpose

### OPA 15, 2023 and ZA01.2023

The purpose of the official plan amendment would change the land use designation from Future Development to Residential. The purpose of the zoning bylaw amendment is to change the zone symbol on the subject lands from FD (Future Development) to R3-XX (Residential with Exception). The effect of which will permit the construction of a 5-unit townhouse and reduce the front yard setback to 6m and reduce the rear yard setback to 5.2m.

### **OPA 14, 2023 and ZA02.2023**

The purpose of the official plan amendment would change the land use designation from Future Development to Residential. The purpose of the zoning bylaw amendment is to change the zone symbol on the subject lands from FD (future development) to FD (future development) and R3 (residential). The effect of which will permit the construction of a 5-unit townhouse and a 4-unit townhouse.

Staff have received and reviewed the following documents submitted with the applications:

- 1) Application, notice of public meeting, and site/grading plan for Zoning By-Law Amendments
- 2) Application, notice of public meeting, and site/grading plan for Official Plan Amendments
- 3) Planning Justification Report submitted by DJ Land Development Inc.

SVCA staff has issued pre-submission consultation comments for the proposed dated September 15, 2022, and April 4, 2023. A notice of unauthorized works under Ontario Regulation 169/06 was also sent, dated April 13, 2023.

### **Recommendation**

SVCA staff consider the applications generally acceptable provided the recommendations below are submitted.

### **Site Description**

Access can be provided via Park Street West. The lot has recently been altered for future development. The lot is currently uneven in topography. The adjacent lots contain residential and commercial land uses, with a landfill to the west. The Saugeen River is located approximately 200 meters to the north, at its closest.

### **Delegated Responsibility and Advisory Comments**

#### **Natural Hazards**

SVCA hazard mapping indicates that portions of the property are subject to flooding hazards associated with the Saugeen River. It is SVCA staff's interpretation that a portion of the property is within the Flood Fringe of the Saugeen River and zoned Future Development (FD) within the Municipality of West Grey Zoning By-Law and Official Plan. In general, it is SVCA staff's interpretation that no new buildings or structures are permitted within the Floodway/One-Zone Floodplain Hazard as per the Municipality of West Grey OP and the Grey County OP.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

#### **Provincial Policy Statement – Section 3.1**

It is SVCA Staffs' interpretation that 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**

It is SVCA Staffs' interpretation that Section 7.2 of the County OP, in general, does not permit development and site alteration in hazard lands, except for uses connected with conservation of water, soil, wildlife and other natural resources and only where site conditions are suitable and where the hazard impacts have been reviewed. 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.

### **Municipality of West Grey Official Plan Policies**

It is SVCA Staffs' interpretation that D9.4.2 The "two zone policy" shall be used for managing flood plain lands along the Saugeen River in Durham, and Meux Creek and some of Neustadt Creek in Neustadt:

- a) The "floodway zone" is the central portion of the floodplain closest to the watercourse and is intended to carry and discharge water flows associated with the 1:100 year flood event. Lands within the floodway have the highest risk of flood-related damages. These lands are designated Environmental Protection on Schedules 'A' and 'B' to this Official Plan. No structural development shall be permitted within such areas.
- b) The "flood fringe zone" is the portion of the flood plain adjacent to the floodway where the risk of flood-related damages is lesser than the risk associated with the floodway. In Durham and Neustadt, the flood fringe includes all lands situated between the outer limits of the Hurricane Hazel Flood Event Standard" and the outer limits of the 1:100 flood plain. Lands within the flood fringe are not necessarily designated Environmental Protection and, as such, development on these lands may be permitted provided that suitable flood damage reduction measures are undertaken to protect against Hurricane Hazel Flood Event Standard (HHFES) flooding. Lands within the flood fringe are shown on Schedules 'A' and 'B' as having a "Flood Fringe" overlay and the appropriate underlying land use designation. Notwithstanding the above policy, certain land uses shall not be permitted in the flood fringe due to the greater risk to life or property damage or the nature of the land use being inappropriate for a flood plain location. These lands uses may include: institutional uses such as hospitals, schools, and nursing homes; essential emergency services, such as fire, police and ambulance stations; and, uses involving hazardous substances.
- c) All new development, including any change to a building or structure that would alter the use or potential use, increase the size, or increase the number of dwelling units, or site alteration within the floodway, flood fringe, or Regulated Area requires permission from the Saugeen Valley Conservation Authority under Ontario Regulation 169/06.

Based on a recent site visit, SVCA staff noted the property has been altered without review and permission from the SVCA. These works have likely altered the floodplain limits from the SVCA/Municipality of West Grey engineered floodplain mapping. As per the grading plan submitted,

all dwellings are proposed be built above the regulatory floodplain elevation of 1110.4 ft (338.45 meters). The grading plan also confirms safe access can be provided to the lot and dwellings. However, the grading plan does not delineate the boundary/elevation of the floodplain on the lot and on adjacent lands where it may also be altered. As such, the existing extent of the flood fringe/Regulatory floodplain is unknown. Prior to a decision being made on the applications, or through condition of approval, SVCA will recommend the grading plan be amended to include an appropriate and specific delineation of the Regulatory floodplain elevation on the lot and adjacent lands (338.45 meters).

As such, SVCA is of the opinion that if the above recommendations are submitted, the applications would be in conformance with the natural hazard policies of the PPS (2020), the Bruce County OP, and the Municipality of West Grey OP.

### **Drinking Water Source Protection / Water resources**

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Carl Seider or Karen Gillian at [rmo@greysable.on.ca](mailto:rmo@greysable.on.ca) (RMO).

### **Stormwater Management (SWM):**

In accordance with our MOA, SVCA does not review SWM plans that outlet to existing storm sewers. Furthermore, we recommend a level of “enhanced treatment” given stormwater will ultimately outlet to the Saugeen River.

### **Statutory Comments**

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands, and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the subject property are within the SVCA ‘Approximate Screening Area’ associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area may require the permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*

- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;*
- c) site grading; or,*
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 includes the straightening, diverting or interference in any way with a river, creek, stream, or watercourse, or the changing or interfering in any way with a wetland.

### **SVCA Permission for Development or Alteration**

The proposed development associated with this application lies partially within an SVCA Regulated Area. As such, permission from this office is a requirement before development and site alteration occurs.

Based on a recent site visit, SVCA staff noted the property has been altered without review and permission from the SVCA. These works have likely altered the floodplain limits from what the SVCA and Municipality of West Grey have currently mapped flood fringe. As per the grading plan submitted, all dwellings are proposed be built above the Regulatory floodplain elevation of 1110.4 ft (338.45 meters). The grading plan also confirms safe access can be provided to the lot and dwellings.

However, the grading plan does not appropriately delineate the boundary/elevation of the floodplain on the lot and on adjacent lands where it may also be altered. As such, the existing extent of the flood fringe/Regulatory floodplain is unknown. SVCA will require the grading plan be amended to include an appropriate and specific delineation of the Regulatory floodplain elevation on the lot and adjacent lands (338.45 meters).

As such, SVCA is of the opinion that if the below requirements are submitted we would be in favor of issuing permission after-the-fact for the works completed:

- 1) An Application to Alter a Regulated Area (attached);
- 2) Amended grading plan (as mentioned above), site plan, and structural drawings; and
- 3) Outstanding fees for a development permit(s) (this will be determined once a complete application is submitted).

Please note, this letter is not permission for development under Ontario Regulation 169/06.

### **Summary**

SVCA staff have reviewed the applications in accordance with our MOA, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

Municipality of West Grey

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SVCA staff consider the applications generally acceptable provided an amended grading plan be submitted that includes an appropriate and specific delineation of the Regulatory floodplain elevation on the lot and adjacent lands (338.45 meters).

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 can be demonstrated.
- 2) Consistency with local planning policies for natural hazards can be demonstrated.
- 3) Prior to a decision being made on the acceptability of the applications and permission under Ontario Regulation 169/06, and/or through condition of approval, SVCA will require the grading plan be amended to include an appropriate and specific delineation of the Regulatory floodplain/flood fringe elevation on the lot and adjacent lands (338.45 meters).

Please inform this office of any decision made with regard to the applications. 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](mailto:m.cook@svca.on.ca).

Sincerely,



Michael J. Cook

Environmental Planning Technician, Environment Planning and Regulations Department  
Saugeen Valley Conservation Authority  
MC/




Enclosed: SVCA Hazard Mapping

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)  
Britney Becker, Building Inspector, Municipality of West Grey (via email)  
Stephanie Lacey-Avon, Senior Planner, Grey County (via email)  
Travis Burnside, P. Eng., Cobide Engineering (via email)



# Overlaid Site Plan Tremble - Park St. (DURH)

## Legend

-  Regulatory Floodplain
-  Approximate Regulated Area
-  Parcel Fabric



UTM Zone 17N, NAD 83

1:1000

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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