

SENT ELECTRONICALLY ONLY (*building@westgrey.com*)

August 8, 2023

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

Attention: Karl Schipprack, Director of Infrastructure and Development

Dear Mr. Schipprack,

RE: ZA27.2023 (Khan)  
132 Garafraxa Street North  
Part Lot 23 Part Lot 14 Plan 500 WGR  
Roll No. 420526000301000  
Geographic Town of Durham  
Municipality of West Grey

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 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) with the Municipality of West Grey 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

The purpose of the zoning bylaw amendment is to change the zone symbol on the subject lands from C1 (General Commercial) and FL (Floodway) To C1-XX (General Commercial with Exception) and FL (Floodway). The effect of which will permit the reduced parking for the 6-unit apartment building where 6 parking spots would be required to zero.

## Recommendation

SVCA staff find the application to be acceptable. We elaborate in the following paragraphs.

## **Delegated Responsibility and Advisory Comments**

### **Natural Hazards**

The natural hazard feature affecting the property is the floodplain of the main Saugeen River. The entirety of the property is located within the floodplain hazard of the Main Saugeen River. Engineered floodplain mapping exists for the community of Durham where conditional development is allowed within the floodplain. The property is correctly zoned and designated to recognize the natural hazard feature of the floodplain.

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 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. Section 3.1.6 states in part that where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to conditions. It is the opinion of SVCA staff that the application complies with section 3.1. of the PPS, 2020.

### **Grey County Official Plan and West Grey Official Plan Policies**

Section D9.4 of the Municipality of West Grey OP and Section 7.2.3 of the Grey County OP states in part that buildings and structures are generally not permitted in the Hazard Lands land use type. However, replacement of existing or damaged buildings or structures may be permitted if the hazard risk does not increase from the original condition, and the feasibility of relocating the buildings or structures outside of the hazard area has been assessed. It is the opinion of SVCA staff that the application is consistent with the natural hazard policies of the Municipality of West Grey OP and the Grey County 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 [rmo@greysauble.on.ca](mailto:rmo@greysauble.on.ca).

### **Statutory Comments**

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

The entire property is within the SVCA 'Approximate Regulated 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.

To determine the SVCA ‘Approximate Screening Area’ on the property, please refer to SVCAs online mapping tool at Maps and GIS - Saugeen Valley Conservation Authority ([saugeenconservation.ca](http://saugeenconservation.ca)). For the property, the SVCA Approximate Regulated Area includes the floodplain of the main Saugeen River.

On November 11, 2021, SVCA staff issued SVCA permit 21-310 for development as proposed as part of the current application. A copy of the SVCA permit 21-310 is attached for reference.

## Summary

SVCA staff have 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 to be 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 the 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.oberle@svca.on.ca](mailto:m.oberle@svca.on.ca).

Sincerely,

Michael Oberle  
Environmental Planning Technician  
Saugeen Valley Conservation Authority  
MO/

Enclosure: SVCA permit 21-310

CC: Kevin Eccles, Authority Director, SVCA (via email)  
Tom Hutchinson, Authority Director, SVCA (via email)  
Britney Becker, Plans Examiner and Building Inspector, Municipality of West Grey (via email)  
Brad Brown, agent, via email [REDACTED]  
2079777 Ontario Inc. (Mohammad Khan), owner via email: [REDACTED]