

SENT ELECTRONICALLY (becky.hillyer@grey.ca)

September 12, 2023

Grey County
Planning and Development
595 9th Avenue East
Owen Sound, ON N4K 3E3

ATTENTION: Becky Hillyer, Intermediate Planner

Dear Becky Hillyer;

RE: Application for Proposed Subdivision: 42-2023-04 (Khanani)
Application for Official Plan Amendment: OPA 13
Application for Zoning By-law Amendment: ZA21.2023
Roll Number 420526000108200
Lots 4,5,9,10,11 and 12; and Lots 61 to 68; and Lot 105 to 112;
Part of Park Street, George Street, Hunter Street, Jackson Street,
and John Street, Registered Plan 508,
Geographic Town of Durham
Municipality of West Grey, Grey County

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 have 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 SVCA's 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.

The purpose of the applications is to facilitate the development of a residential subdivision that would consist of 132 new residential units, including 67 townhouse units and 65 single residential units. A small public park is also proposed, as well as open space buffer areas to maintain distance from on-site environmental features, including the woodlands to the north

and west, and the watercourse and hazard lands to the east. Access to the property is from Grey Road 4 and the proposed layout would facilitate a potential future road connection to the west, should future expansion of the settlement area be required. Currently, the subject property is vacant.

The Official Plan Amendment would re-designate the lands from 'Future Development' and 'Environmental Protection' to 'Residential and 'Environmental Protection.' The Zoning By-Law Amendment would re-zone the lands to permit the proposed residential, open space, and public park uses, while adjusting the natural environment zones.

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

- 1) Memo to Agencies (Khanani) and associated applications, circulated to SVCA August 3, 2023.
- 2) Planning Justification Report, Georgian Planning Solutions, dated July 2023,
- 3) Preliminary Functional Servicing Report, Tatham Engineering, dated April 28, 2023,
- 4) Floodplain Hazard Study, Tatham Engineering, dated April 26, 2023;
- 5) Preliminary Stormwater Management Report, Tatham Engineering, dated April 26, 2023,
- 6) Environmental Impact Study, Azimuth Environmental, May 2023,
- 7) Test Pit Investigation, GEI Consultants, November 5, 2021,
- 8) Concept Plan, Georgian Planning Solutions, revised June 26, 2023; and,
- 9) Draft Plan of Subdivision, Van Harten Surveying Inc, June 28, 2023.

SVCA was not requested by the applicant to undertake a pre-submission consultation for the proposed draft plan.

SVCA has retained the services of BM Ross Engineering to review the Floodplain Study and Stormwater Management (SWM) Report. We are currently waiting for comment from BM Ross. As such, all comments below regarding the Floodplain Hazard Study and SWM study are preliminary.

Recommendation

SVCA staff do not find the applications acceptable at this time. It is SVCA staff's opinion that the draft plan should be amended to locate all development and access to the development outside of existing hazard lands. Alternatively, more technical information is required to support the current draft plan of proposed subdivision. We elaborate in the following report.

Site Characteristics

The subject property is vacant land that features woodlands, wetlands, culturally disturbed filled lands, and open meadows. The property fronts Grey Road 4 to the south and surrounding

land uses include agriculture to the north; natural areas to the east and west; and neighbourhood residential and institutional (hospital) uses to the southeast. There is also a tributary to the Saugeen River that flows from north to south along the east property boundary then west parallel to Grey Road 4, where it outlets to a culvert under the highway on the southwest corner of the property

Delegated Responsibility and Advisory Comments

Natural Hazards

SVCA hazard mapping indicates approximately half of the southeast portion of the property is affected by natural hazards. It is SVCA staff's opinion the natural hazard mapping of the County Official Plan, West Grey Official Plan, and the West Grey Zoning By-law closely depicts hazard mapping originally plotted by the SVCA.

SVCA staff review of the technical documents noted-above reveals the property is affected by the one-zone floodplain of the tributary to the Saugeen River, unstable organic soils and floodprone lands associated with the wetlands. Soil test pit information submitted with the application indicates organic peat soil underlies the fill area and SVCA staff expect similar soil structure within the wetland boundaries. Furthermore, in accordance with technical guidelines for implementing Provincial natural hazard studies, the entirety of the one-zone floodplain is treated as a floodway.

The above natural hazard features are largely represented by SVCA's hazard mapping, and the hazard land mapping schedules of the County and Municipality of West Grey. However, SVCA staff recommend minor amendments to the northern boundary of the hazard mapping once we are satisfied with the Floodplain Study and staff have an opportunity to ground truth the wetland limits. Approximately, half of the southern portion of the development is proposed to be located within these existing natural hazards.

Below is a summary of provincial, county, and municipal natural hazard policies affecting the property.

Provincial Policy Statement (PPS, 2020)– Section 3.1

Section 3.1.1 of the PPS 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.). Furthermore, Section 3.1.2 states, in general, 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.

unless it has been demonstrated the site has safe access appropriate for the nature of the development and the natural hazard; and that, development and site alteration shall not be permitted in a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Grey County Official Plan (OP) Policies

It is SVCA staff's interpretation 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. Additionally, 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; and that, development and site alteration is not permitted within the floodway portion of the floodplain. The floodway is the entire floodplain, unless the Two-Zone Concept is in use.

Municipality of West Grey Official Plan (OP) Policies

Section D9 of West Grey's Official Plan (OP), as interpreted by SVCA staff, does not support buildings or structures within natural hazard lands unless a structure is required for watercourse protection works or bank stabilization projects, or where such are for public utilities, or accessory structures to a permitted passive outdoor recreational use. Furthermore, for all watercourses other than the Saugeen River in Durham, and Meux Creek and some of Neustadt Creek in Neustadt; floodplains shall be managed according to the "one zone policy". Under the one-zone policy no new buildings or structures are permitted anywhere in the flood plain except in accordance with the Environmental Protection designation.

Based on SVCA staff's understanding of the above natural hazard policies and review of SVCA's policies for commenting on Planning Act applications, it is staff's opinion the application for proposed plan of subdivision does not conform to the above policies for the following reasons;

1. The draft plan/site plan shows new lots, fill, and access through hazardous lands and hazardous sites. It is SVCA staff's opinion there is feasible room outside the hazards for development and dry/safe access (as demonstrated by the existing lot fabric.)
2. The Flood Study shows proposed development in the floodplain would increase floodplain limits on adjacent lands.
3. A comprehensive Geotechnical Assessment was not undertaken to confirm the suitability of existing soils in the hazard lands for development.
4. Development and site alteration is proposed in environmentally sensitive lands (i.e. wetlands) without addressing, to SVCA's satisfaction, the environmental impacts or hydrologic impacts of removing 30% of the wetlands on site.

In order for SVCA staff to find proposed development on the property acceptable, the following is recommended:

1. The draft plan/site plan demonstrates no development, access, or site alteration is proposed through the hazard lands.

2. SVCA, County, and Municipal hazard land limits be amended as identified via Environmental Impact Study (EIS) and Flood Study, and that these areas are designated/zoned appropriately. SVCA staff will provide amended hazard limits upon request.

Alternatively, should the applicant wish to pursue development as proposed (i.e., not amend the draft plan/site plan recommended above), SVCA staff recommend the following to support the application:

1. A detailed geotechnical assessment be undertaken to assess the suitability of soils within the hazard lands / hazardous sites for development; and if it is feasible to safely mitigate the hazards appropriately.
2. The Flood Study be amended to demonstrate no increase in floodplain limits and elevations on adjacent lands.
3. The site has safe access as defined by the SVCA in accordance with provincial guidelines.
4. For development proposed within wetlands: (1) a hydrologic and hydrogeologic assessment must be undertaken to demonstrate net no loss of the hydrologic benefit of the wetland [for both water quantity and water quality], and that (2) the EIS be amended to SVCA's satisfaction, that there will be no ecological impact from removing 30% of wetlands on site.
5. That the SVCA can issue a permit for development within and adjacent to the wetlands, and the one-zone floodplain.
6. The site plan shows appropriate setbacks from adjacent hazard lands. For example, 6 metres adjacent to the floodplain should be identified outside proposed lot/block boundaries.
7. The proposed access through the floodplain/wetland will not increase erosion upstream or downstream of the proposed culvert under all storm events up to and including the Hurricane Hazel Flood Event, and environmental impact will not result.
8. The proposed development, hazard mitigation, and access will not create any long-term management concerns related to risks to life and property.
9. Development is not proposed within the hydraulic floodway of the floodplain.
10. The County/Municipality is satisfied the proposed development and site alteration satisfies all county/municipal hazard land policies; and,
11. The Hazard lands are designated and zoned appropriately to recognize the hazards.

Stormwater Management:

As noted above, the SVCA has retained the services of BM Ross Engineering to review the proposed Stormwater Management (SWM) plan and Flood Hazard Analysis. We are currently waiting for their comments. Until that time, all SVCA staff comments regarding these studies are preliminary and additional concerns relating to the development may be conveyed by SVCA staff.

Drinking Water Source Protection

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 the Risk Management Official (RMO) at rmo@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 Conservation Authorities Act (CAA), 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 Regulated Area' associated with Ontario Regulation 169/06. SVCA regulated lands on the property include the floodplain plus 15 metres adjacent, local wetlands plus 30 metres adjacent, and hazardous land associated with unstable soils (organic soils) plus 15 metres adjacent. As such, development and/or site alteration within this area requires 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.

To determine the SVCA Approximate Regulated Area on the property, please refer to the attached SVCA map.

SVCA Permission for Development or Alteration

In general, SVCA's policies made under O. Reg. 169/06 do not support development within the one-zone floodplain, wetlands plus 30 metres, or unstable soils. Should the applicant choose not to amend the site plan to demonstrate no development in the floodplain, hazard lands, and wetlands plus 30 metres, SVCA will require the applicant to apply to SVCA for development, watercourse alteration, and interference with wetlands. SVCA staff will review this information in concert with our review of the Planning Act (PA) applications as technical requirements and conditions for development are similar [but not exact] for development proposals under both the PA and CAA.

To support an SVCA application for permit, all the information and studies required to support the Planning Act application are also required for SVCA permit approval. However, because the application currently proposed does not meet SVCA's policies, SVCA staff must defer the decision to a hearing with SVCA's Board of Directors. It is staff's preference draft plan approval be in place prior to applying for SVCA permission.

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. Additionally, we have screened the proposed to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

At this time, SVCA staff do not find the applications acceptable for reasons noted in the above report. It is SVCA staff's opinion that the draft plan should be amended to locate all development and access to the development outside of existing hazard lands. Alternatively, more technical information is required to support the current draft plan of proposed subdivision.

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 not been demonstrated.
- 2) Consistency with local planning policies for natural hazards has not been demonstrated.

In accordance with SVCA's approved 2023 fee schedule, should the applicant proceed with the development, fees will be charged for SVCA technical clearance of the flood study, geotechnical study, hydrologic and hydrogeologic study, and Environmental Impact Study [regarding wetlands only] including, SVCA peer review fees incurred for the Flood Study and SWM Report,

SVCA also charges a permit application fee to be submitted upon application to the SVCA. Please have the applicant contact us for a summary of fee amounts.

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

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

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 Map

cc: Kevin Eccles, SVCA Member (via email)
Tom Hutchinson, SVCA Member (via email)
Karl Schipprack, Mun. of West Grey (via email)
Krystin Rennie, Georgian Planning Solutions (via email)