

SENT ELECTRONICALLY (notice@westgrey.com & planning@westgrey.com)  
September 15, 2025

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

ATTENTION: David Smith, RPP, MCIP

Dear David Smith,

RE: Proposed Municipality of West Grey Official Plan

The above-noted draft Official Plan has been reviewed by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines.

### **Recommendation**

Section 5.2 of the Provincial Planning Statement (PPS, 2024) states that, "Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance." As such, in accordance with s. 5.2 of the PPS and O. Regulation 686/21, SVCA staff is pleased to collaborate with the Municipality on the proposed new official plan (OP). It is SVCA's priority to;

1. Help ensure the Municipality's natural hazard policies manage development and safe access in accordance with the natural hazard policies of the PPS, 2024;
2. Ensure the Municipality's official plan contains comprehensive policies to manage the risk of natural hazards to structures that are exempt from existing and future SVCA permits.
3. Confirm proposed policies prohibit additional residential units from being established in natural hazard lands;
4. Upon request, provide natural hazard policy language; and,
5. Provide the Municipality with updated natural hazard mapping.

To assist with the above priorities, we have reviewed the draft OP, and we have attached a comment table (Schedule A) for your consideration. Should the recommendations be included in the second

revision of the draft OP, it is SVCA staff's opinion, the updates would be consistent with the natural hazard policies of the PPS, 2024. SVCA staff would be pleased to discuss these recommendations with the Municipality, should it be their opinion that the current draft OP contain existing provisions that address our concerns.

The past couple of years has seen many changes to both the CA Act and the *Planning Act (PA)*, including a new Provincial Planning Statement (PPS, 2024) made under the PA. The following comments provide a summary of these changes and provide an explanation for the above recommendations.

### **Conservation Authority Act Changes**

#### **O. Regulation 41/24, Prohibited Activities, Exemptions and Permits**

Among several changes to the CA Act, effective April 1, 2024, a new Conservation Authority (CA) regulation, O. Regulation 41/24 was created under the Act. This new regulation replaces all thirty-six individual CA regulations with one regulation. Section 5 of O. Regulation 41/24 includes exceptions where a CA Act permit is not required. Of specific interest to municipal natural hazard planning are the following exceptions where a CA permit is not required:

1. The construction, reconstruction, erection, or placement of,
  - (i) a seasonal or floating dock that,
    - a) is 10 square metres or less,
    - b) does not require permanent support structures, and
    - c) can be removed in the event of flooding,
  - (ii) Non-habitable accessory buildings or structures that,
    - a) are incidental or subordinate to the principal building or structure,
    - b) are 15 square metres or less, and
    - c) are not within a wetland or watercourse.
  - (iii) An unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering.
2. The reconstruction of a non-habitable garage with no basement if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

Without CA regulatory oversight (i.e. application for permit), concern for public safety and for property damage arises if municipal plan policies do not address the risk of constructing, reconstructing, or placing the above structures in natural hazard areas (i.e. flooding and erosion hazards.)

### **Subsection 28 (4.1), *Planning Act* Exceptions**

Another recent amendment to the CA Act includes a provision (ss. 28 (4.1)) where a CA permit will not be required for development authorized under the *Planning Act*. However, **a new regulation must be enacted by the Province outlining specific conditions and restrictions for this exception to apply. A new regulation has not been proposed to date.**

Prior to ss. 28 (4.1) being enacted through new Regulation, SVCA and our municipal planning partners should collaborate to ensure proposed development is effectively managed through municipal natural hazard policies and the development review process under the *Planning Act*. It is through this process that SVCA will have the opportunity to comment as to whether an application or proposed policy is consistent with the natural hazard policies of the Province and to provide technical input where required. See below for information regarding SVCA's responsibilities relating to the *Planning Act*.

### **O. Regulation 686/21, Mandatory Programs and Services**

O. Regulation 686/21 was enacted in 2021 as a result of CA Act changes at that time. Under s. 7 of O. Regulation 686/21, SVCA shall review applications or other matters under the *Planning Act*, and where we consider it advisable, provide comments, technical support or information to a planning authority; whether acting on behalf of the Ministry of Natural Resources and Forestry or in its capacity as a public body under the *Planning Act*, for the purposes of helping to ensure that the decisions under that Act are,

- a) consistent with the natural hazards policies in the policy statements issued under section 3 (now Chapter 5) of the *Planning Act* (i.e. Provincial Planning Statement), but not including those policies related to hazardous forest types for wildland fire.

### ***Planning Act*, Additional Residential Units (ARUs)**

Recent *Planning Act* changes made under Bill 185 included removing zoning barriers to building small multi-unit residential. These changes help create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.

SVCA is concerned that ARUs could be established in natural hazard areas (i.e. flooding and erosion hazards) without an opportunity to review a *Planning Act* application associated with this use. As such, it is important for the Municipality's natural hazard policies to contain policies that prohibit ARUs from being established in natural hazard areas and where safe access cannot be met. This would apply to ARUs proposed in new and existing structures.

### **Drinking Water Source Protection**

SVCA staff defer comment on proposed Drinking Water Source Protection policies to the local Risk Management Official (RMO.) Please contact the RMO (rmo@greysauble.on.ca) directly for more information on the Source Protection Plan policies that may affect your application.

### **Summary**

SVCA staff look forward to working with the Municipality to complete their review of the new OP. The above recommendations are provided to ensure the updates to the document is consistent with the

natural hazard policies of the PPS, 2024. We would welcome an opportunity to review our recommendations with the Municipality prior to the second revision of the draft OP.

Thank you for the opportunity to provide comments. Please continue to notify the SVCA on the progress of the Official Plan and Zoning By-law Review.

Should you have any questions, or require this information in an accessible format, please contact the undersigned [b.walter@svca.on.ca].

Sincerely,

*Brandi Walter*

Environmental Planning Coordinator  
Saugeen Conservation  
BW/

Encl: SVCA Comment Table – Schedule A

cc: Tom Hutchinson, SVCA Member (via email)  
Kevin Eccles, SVCA Member (via email)  
RMO, DWSP (via email)

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**SCHEDULE A****Municipality of West Grey: Proposed New Official Plan****SVCA Comment Table**

<b>Comment No.</b>	<b>Official Plan Section</b>	<b>Recommendation</b>	<b>Comments</b>	<b>Applicable PPS, 2024 Policy</b>
1	D2.5 ARUs	Add policy that prohibits ARU's in EP designated areas and where safe access through a hazard is not available.	Intensification in natural hazard lands is not supported by the PPS, Chapter 5.	5.1.1, 5.2.2, 5.2.3
2	D9.5 Prohibited Uses	Include safe access policy.	As per PPS, both development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard;	5.2.3
3	D9.5 a) EP – Prohibited Uses	Use language as per PPS policy, which includes erosion hazards and unstable soils/bedrock. I.e. "hazardous lands" and "hazardous sites."	SVCA hazard mapping includes flooding, erosion, and unstable soils, which is provided to the Municipality to incorporate into OP/CZB hazard mapping.	5.2.1, 5.2.6
4	D9.6 b) General Policies	Include Durham Creek	EP is associated with the floodway based on recent floodplain mapping updates. Proposed Schedule 'A' delineates this.	5.2.3
5	D9.6 e) General Policies	Add policy as to how and when the EP designation can be amended.	Provides clarity for user.	5.2.1
6	D9.6 f) General Policies	Should not use SVCA acronym.	Unless SVCA is defined in the document as Saugeen Valley Conservation Authority. Readers may not know what SVCA is.	n/a

<b>Comment No.</b>	<b>Official Plan Section</b>	<b>Recommendation</b>	<b>Comments</b>	<b>Applicable PPS, 2024 Policy</b>
7	D9.8 Public Utilities and Open Spaces	Should specify “non-structural” public utilities. Policy could allow for existing non-conforming structures.	In accordance with the PPS, development, including the construction of building/structures “shall not be permitted” in floodways and lands susceptible to erosion hazards.	5.2.3
8	E2 Hazardous Lands and Sites	Amend the following sentence to include unstable soils. “These include unstable bedrock such as karst topography”	Unstable soils are generally associated with organic soils typically found within wetlands. SVCA hazard mapping provided to the Municipality includes wetlands.	5.2.1, 5.2.2
9	E2.2 Floodplains	Define the “Regulatory Flood Event Standard” in Definition section as the Hurricane Hazel Flood Event Standard.	Engineered floodplains within Durham and Neustadt are modelled to the Hurricane Hazel Flood Event Standard.	5.2.1
10	E2.3.1 Floodway	Amend second paragraph to specify “non-structural” agricultural purposes. Policy could allow for existing non-conforming structures.	The PPS does not permit development and site alteration in the Floodway, which would include the construction of agricultural related buildings and structures.	5.2.3
11	E2.3.1 Floodway	For the third paragraph specify “non-structural’ public utilities. Policy could allow for existing non-conforming structures.	In accordance with the PPS, development, including the construction of building and structures “shall not be permitted” in floodways.	5.2.3
12	E2.3.2 Floodfringe	The second paragraph should state: “Development and site alteration...”	The PPS states that both “development and site alteration” shall be permitted within the flood fringe.	5.2.7
13	E2.3.2 a) Flood Fringe	Amend paragraph to “a permit is issued by the SVCA pursuant to the <i>Conservation Authorities Act.</i> ”	2024 amendments to the <i>Conservation Authorities Act</i> requires a permit be issued by a CA for development activities (s. 28.1.) CA’s no longer have individual regulations where the requirement to obtain a CA permit was previously embedded. There is only one regulation now, O.Reg. 41/24, that applies to all 36 CA’s. This regulation contains	5.2.1

Comment No.	Official Plan Section	Recommendation	Comments	Applicable PPS, 2024 Policy
			policies for administering CA permit applications, policies, mapping, and defines regulated areas.	
14	E2.5 Regulated Area	Section title should be: “Regulated Area ( <i>Conservation Authorities Act</i> )”	See comments above.	5.2.1
15	E2.5 Regulated Area	First paragraph should be amended to: “The Regulated Area includes the EP designated lands and lands adjacent to these features, which feature river or stream valleys, floodplains, watercourses, hazardous sites, and wetlands. The <i>Conservation Authorities Act</i> empowers Conservation Authorities to regulate development and activities in these areas.”	The recommended amendment includes all the SVCA regulated areas. As currently proposed, a reader could be misled.	n/a
16	E2.5 Regulated Area	Amend paragraph three to exclude reference to O.Reg. 150/06.	See comment no. 12.	n/a
17	E3 b) EIS Policies	Add policy to require that SVCA will be consulted on terms of reference for EIS’s where wetlands are affected.	In accordance with CA mandate, CAs must regulate development activity and/or interference with wetlands. We are also mandated to provide programs and services relating to the hazard mitigation characteristic of wetlands .	5.2.1
18	N3 Legal Non-Conforming Uses	Add policy to prohibit ARU’s and where safe access through a hazard is not available.	PPS does not support development in hazardous lands and sites and where safe access cannot be achieved. Intensification in hazard lands is not consistent with Chapter 5 of PPS	5.1.1, 5.2.2, 5.2.3

<b>Comment No.</b>	<b>Official Plan Section</b>	<b>Recommendation</b>	<b>Comments</b>	<b>Applicable PPS, 2024 Policy</b>
19	N2, N3.1, N3.1.1, N3.1.2, N3.1.3, N5, N6, N6.2	Add policy that council decisions shall consider the natural hazard policies of sections D and E.		5.2
20	Schedule B Neustadt	Regulated Area missing from map. Recommend including “Regulated Area”	For consistency and as per OP policies, “Regulated Area” should be added to Schedule B.	