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SENT ELECTRONICALLY (spencer@westgrey.com)

December 2, 2021

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

ATTENTION: Lorelie Spencer, Manager of Planning and Development

Dear Ms. Lorelie;

RE: Application for Consent: B32.2021
Roll No. 420526000417600
Plan 500 E/S; Pt. 6 & 7
Geographic Town of Durham
Municipality of West Grey

- [McNabb]

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 3.1 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 and natural heritage and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to sever one (1) 0.04 ha. (0.10 acre) parcel and retain one (1) 0.15 ha. (0.40 acre) parcel. The effect of which will sever the existing single detached dwelling unit from the balance of the lands, which contain a dry storage unit. The application does not indicate new development is proposed as part of this application.

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

- 1) Notice of Application for Consent for file B32.2021, dated October 26, 2021
- 2) Application for file B32.2021, dated October 29, 2021.

RECOMMENDATION

In general, SVCA staff find the proposed acceptable, subject to the recommendations in this report.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

SITE CHARACTERISTICS

The subject property is located within the urban settlement of Durham and is surrounded by residential development to the north, west, and south; where the east property line is bounded by the Saugeen River. The property contains a residence and a dry storage unit as indicated in the application and is a culturally disturbed parcel with little to no natural vegetation.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the Municipality of West Grey in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards and natural heritage as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The entirety of the subject property, adjacent properties and roadways are affected by the Hurricane Hazel Flood Event Standard (HHFES) floodplain. Based on our review of engineered floodplain mapping, the existing structures on the property appear to be located outside the 100-year floodplain, which has been allocated as the floodway in the Town of Durham; however, the structures are within the flood fringe section of the floodplain. Additionally, portions of Bruce St. S and Sadler St. W would be submerged during a HHFE, thereby limiting safe ingress and egress (safe access) to the property.

Safe access is defined by the Ministry of Natural Resources and Forestry (MNRF) and is premised on flood depth and velocity. In accordance with MNRF technical guidelines, SVCA defines 'safe access' where during the Regulatory Flood (HHFES), the flow velocity does not exceed 1.0 m/s, the product of depth and velocity does not exceed 0.4 m²/s, the depth of flooding along access routes to residential units does not exceed 0.8 metres or 2.0 metres along access routes to commercial or industrial buildings or structures, and the depth of flooding adjacent to residential units does not exceed 1.2 metres or 2.0 metre adjacent to commercial or industrial buildings or structures.

The floodplain in the Town of Durham is managed as a Two Zone floodplain, where development, conditional on floodproofing, may be permitted in the flood fringe portion of the floodplain. The flood fringe is the portion of floodplain between the floodway and outer floodplain limit. It is SVCA staff's interpretation, that the floodway is designated 'Environmental Protection', and the flood fringe is identified as a 'Flood Fringe Overlay' on Schedule A of the Municipality of West Grey's current Official Plan; and zoned 'Floodway (FL)' and 'Flood Fringe Overlay' on the hardcopy, Schedule 55H of the Municipality's Zoning By-law. However, SVCA staff notes, the 'flood fringe', is not shown on the County's GIS zoning map as an overlay, which we recommend be rectified. Similarly, the Grey County's Official Plan, Schedule A, designates the floodway as Hazard lands within the Town of Durham but does not identify the flood fringe. The floodplain hazard mapping for West Grey is in general conformance with the SVCA's floodplain mapping for the property. We recommend that the Grey County OP identify the extent of the flooding hazard in the Town of Durham at the next available opportunity.

The following is a summary of Provincial, County, and local natural hazard policies that may affect the proposed:

Provincial Policy Statement (PPS 2020)- 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 c) of the PPS 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 that the site has safe access appropriate for the nature of the development and the natural hazard. Whereas section 3.1.6 of the PPS states that, where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

Further to policy 3.1.6, and except as prohibited in policies 3.1.2 development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
- c) new hazards are not created, and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

County of Grey Official Plan (OP) Policies

It is SVCA staff's opinion, 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; and further that, 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 (OP) Policies

Section D9.4.2 , "two zone policy' of the Municipality's OP, as interpreted by SVCA staff, does not permit structural development within the floodway; however, development may be permitted in the flood fringe provided suitable flood damage reduction measures are undertaken to protect against the HHFES. The Municipality of West Grey does not appear to contain policies for safe ingress and egress in accordance with the County OP and PPS, 2020 natural hazard policies.

Based on SVCA staff's review of the application, no new development is proposed on either the severed or retained parcels, at this time. However, it is staff's opinion there would be an opportunity through future

Planning Act applications for new habitable development on the retained parcel if the severance was approved. This setup could increase the risk to life and property because safe access to the property has not been demonstrated. As such, given the above, it is staff's opinion the application is not in conformance with the above-noted County and PPS policies for safe access.

However, SVCA staff would find it acceptable if a condition of approval for the proposed severance included the following:

- That a holding symbol be placed on the retained parcel to restrict new habitable development, until it can be demonstrated to the satisfaction of the Municipality and the SVCA that safe access to the property can be achieved; specifically, where vehicles and people have a way of safely entering and exiting the area during times of flooding.

Natural Heritage:

It is the opinion of SVCA staff the natural heritage feature that could be affected by development on the property is fish habitat, which is associated with the adjacent Saugeen River. SVCA's review of Fish Habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Natural Resources and Forestry (MNRF) or the Department of Fisheries and Oceans (DFO).

The following is a summary of provincial, county, and local fish habitat policies affecting the application.

Provincial Policy Statement (PPS, 2020)

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8 states development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions.

County of Grey Official Plan (OP) Policies

It is the opinion of SVCA staff, section 7.9 of the Grey County OP states, in general, that no development will be permitted within 30 metres of the banks of a stream, river or lake unless an EIS concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced.

Municipality of West Grey Official Plan (OP) Policies

Section E1.2.2 c) of the Municipality's OP, as interpreted by SVCA staff, states that no development or site alteration may occur within or adjacent to fish habitat, unless it has been demonstrated through and Environmental Impact Study (EIS) in accordance with Section E1.2.9 of the OP that there will be no negative impacts on fish habitat.

It is SVCA staff's opinion, the application will not have an impact on fish habitat; there is no new development proposed as part of this application. As such, staff do not recommend an EIS be undertaken to address fish habitat.

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 entirety of the subject property is within the SVCA 'Approximate Regulated Area' associated with Ontario Regulation 169/06. SVCA regulates the Saugeen River plus 15 metres from stable top of bank, and the regulatory floodplain, both of which affect the property. As such, development and/or site alteration on the property requires 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 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 SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

Should future development be proposed on either the retained or severed parcels, SVCA staff must be contacted as permission under O. Regulation 169/06 may be required. Development proposed on the property will be subject to SVCA's flood mitigation and safe access policies.

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*.

The subject property is affected by the HHFES floodplain and safe access to the property has not been demonstrated. As such, SVCA staff could only find the application acceptable if the following condition of approval was implemented:

- That a holding symbol be placed on the retained parcel to restrict new habitable development until it can be demonstrated to the satisfaction of the Municipality and the SVCA that safe access to the property can be achieved; specifically, where vehicles and people have a way of safely entering and exiting the area during times of flooding.

Given the above comments, and provided the above condition of approval is implemented, it is SVCA staff's opinion that;

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS will be demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated.
- 3) Consistency with local planning policies for natural hazards will be demonstrated.
- 4) Consistency with local planning policies for natural heritage has demonstrated.

Thank you for the opportunity to comment. 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.

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Karl Schipprack, CBO, Mun. of West Grey (via email)
Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)