

SENT ELECTRONICALLY ONLY

February 22, 2024

Devin and Christina Iversen
311 Royal Court
Calgary NW AB
T3G 5L3

Dear Devin and Christina Iversen,

Re. Planning Application Pre-submission Consultation and Proposed Development
Vacant Lot on David Winkler Parkway
Roll No.: 420502000103150
Geographic Village of Neustadt
Municipality of West Grey

Saugeen Valley Conservation Authority (SVCA) staff visited the above noted property on January 31, 2024, to review a purchase inquiry for as part of a planning application pre-submission consultation proposal for residential development. The proposal, is to rezone the property to allow, as indicated on the submitted site plan (attached for reference), a two storey six plex apartment building with an area of 207.7 square meters with an uncovered deck of 45.7 square meters. There is also a proposed garbage containment area that is to be located at the end of the driveway and in the corner of the parking lot area behind the building. The proposed development would generally be acceptable to the SVCA provided the below criteria are followed.

Site Description

The subject property is a rectangular-shaped, vacant lot located on the east side of David Winkler Parkway, approximately 106 meters north of Queen Street, in the geographic Village of Neustadt, Municipality of West Grey. The westerly portion of the lot is flat and is approximately the same elevation as the road. The easterly portion includes a valley slope that plateaus near the east property boundary, and appears to have been altered with fill.

SVCA Regulation

The entire property is subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act R.S.O, 1990, Chap. C. 27. This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

“Development” and Alteration

Subsection 28(25) of the Conservation Authorities Act defines “development” as:

- 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.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting, or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Permission for Development

The entire property is located within the SVCA Regulated Area associated with the floodplain of Meux Creek and a valley slope. A permit from SVCA will be required before any development, including site alteration, may commence.

Two Zone Floodway – Flood Fringe Policy

Within the community of Neustadt, and for the subject property, the floodplain is managed according to the “Two Zone floodway – flood fringe policy”. According to this policy, conditional development may be permitted on properties within the Hurricane Hazel Flood Event Standard floodplain. This conditional development area is referred to as the flood fringe, and a portion of the proposed development is located within the flood fringe. In general, new development within the flood fringe should be floodproofed or have flood damage reduction measures. The portion of the floodplain where development is generally not permitted in the policy is referred to as the floodway. More information regarding development within the flood fringe and floodway is available from section 4.7.2 of the *SVCA Environmental Planning and Regulations Policies Manual* (October 2018).

Proposed Residential Development

The submitted site plan includes a proposed two storey, six-plex apartment building with an area of 207.7 square meters with an uncovered deck of 45.7 square meters. There is also a proposed garbage containment area that is to be located at the end of the driveway and in the corner of the parking lot area behind the building.

For the subject property the regulatory floodplain elevation is **284.4 meters**, relative to the SVCA Village of Neustadt Floodplain Mapping datum, which is not necessarily geodetic. For reference, a local elevation benchmark of **284.63 meters** has been set on the top nut of the fire hydrant located at the southwest corner of 351 David Winkler Parkway, again relative to SVCA’s Village of Neustadt Floodplain Mapping.

The proposed development site is located within the flood fringe portion of the regulatory floodplain.

In accordance with section 4.7.2-3 of the *SVCA Environmental Planning and Regulations Policies Manual* (October 2018), the following design conditions would need to be met for SVCA staff to approve the proposed development:

- 1) the building or structure is floodproofed to the elevation of the Regulatory Flood;
- 2) grading is kept to a minimum;
- 3) flood shields, shall not be more than 3 feet high (not applicable for resident development);
- 4) structural engineering will be required should the lowest floor elevation be below the flood elevation;
- 5) Safe access is achievable where feasible (SVCA staff has confirmed that safe access is available);
- 6) all habitable floor space and electrical, mechanical and heating services are above the elevation of the Regulatory Flood; *and*
- 7) no basement is proposed, or the basement is floodproofed to the elevation of the Regulatory Flood. This may include structural engineering to ensure hydrostatic uplift and side pressure, velocity, impact loading, and waterproof design are addressed.

Therefore:

- 1) For this property the flood elevation is 284.4 meters. Therefore, the lowest exterior opening, including windows, doors, vents etc., into the dwelling or garage, shall exceed 284.4 meters;
- 2) The finished floor elevation of the dwelling shall exceed 284.4 meters unless the proposal meets sub-section 7 above;
- 3) If filling is required to meet these elevation requirements the specifications for fill materials and compaction procedures shall be prepared and/or approved by a qualified engineer and provided to SVCA for review;
- 4) The elevations shall be verified by a licensed Ontario Land Surveyor or by a qualified professional engineer after the concrete forms have been installed but before concrete is poured. Concrete shall not be poured until SVCA reviews and approves the verification results.

Natural Hazards

The natural hazard features affecting the property is the floodplain of the Neustadt Creek and Meux Creek and its related valley. As mentioned above, a portion of the property is located within the floodplain hazard. Engineered floodplain mapping exists for the community of Neustadt where conditional development is allowed within the floodplain. The property is correctly zoned and designated to recognize the natural hazard feature of the floodplain.

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 proposal can comply 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 of the Grey County OP states in part that buildings and structures are generally not permitted in the Hazard Lands land use type. However, Section D9.4b allows for conditional development within the flood fringe/two zone flood plain of Neustadt. It is the opinion of SVCA staff that the proposal can be consistent with the natural hazard policies of the Municipality of West Grey OP and the Grey County OP.

Choice to Appeal

If a SVCA permit is issued and the permit has conditions you disagree with, there is a process for you to have them reviewed. This includes a review by SVCA's Board of Directors, and an appeal to the Ontario Land Tribunal. To learn more about the Regulation, and how to appeal a decision, please visit our website at: www.saugeenconservation.ca/appeal

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, you may contact rmo@greysauble.on.ca.

Conclusion

SVCA staff has reviewed the purchase inquiry and planning application pre-submission consultation proposal for residential development. The proposed development would generally be acceptable to the SVCA provided the above criteria are followed. The proposed development is located within the SVCA Regulated Area and will require further SVCA review and approval before works may commence. SVCA staff are available to discuss as needed. Please contact the undersigned should you have any questions.

Sincerely,

Jason Dodds
Environmental Planning Technician
Saugeen Valley Conservation Authority

JD/

Encl. Site Plan

Cc: David Noble, Agent via email
David Smith, Planner, Municipality of West Grey, via email
Kevin Eccles, Authority Member, SVCA, via email
Tom Hutchinson, Authority Member, SVCA, via email
Karl Schipprack, CBO, Municipality of West Grey, via email