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SENT ELECTRONICALLY ONLY: emilne@southgate.ca

November 18, 2021

Township of Southgate
185667 Grey Road 9
RR 1
Dundalk, Ontario N0C 1B0

ATTENTION: Elisha Milne, Administrative & Legislative Coordinator

Dear Ms. Milne,

RE: Consent B12-21 (Ian and Perseda Martin)
712457 Southgate Sideroad 71
Lot 216, Concession 4 SWTSR
Roll No.: 420709000508700
Geographic Township of Proton
Township of Southgate

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 Township of Southgate representing natural hazards, and natural heritage. Furthermore, the application has been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the application is to sever the large 80 hectare (ha) farm parcel into two 40ha farms. The severed and retained lots will have 400 metres (m) of frontage on Southgate Sideroad 71 and an area of approximately 40ha.

Background

As part of the pre-submission consultation process, the agent for the landowner contacted the SVCA in December 2020 regarding a proposed severance for the property. SVCA did not provide formal comments at that time, as the SVCA was not requested to do so, however SVCA staff (Michael Oberle) verbally explained that SVCA policies would not support the severance proposal with laneway through the hazard lands without:

1. Floodplain data to ensure safe access to the build location, and



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

2. A favorable Environmental Impact Study (EIS) that would support installing a laneway through the wetlands on the property.

On November 15, 2021, SVCA staff received an Environmental Impact Study (dated November 15, 2021) prepared by Birks Natural Heritage Consultants; and on November 16, 2021, SVCA staff received a Flood Assessment (dated November 8, 2021) prepared by Jones Consulting Group Ltd. Planners and Engineers.

Recommendation

The proposed consent application is generally acceptable to SVCA staff, provided: the recommendations and mitigation measures found in the Environmental Impact Study (dated November 15, 2021) prepared by Birks Natural Heritage Consultants; and the Flood Assessment (dated November 8, 2021) prepared by Jones Consulting Group Limited, Planners and Engineers, are followed.

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 Township of Southgate 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 (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

SVCA Hazardous Lands mapping shows large areas of the property to be low in elevation associated with wetlands and/or floodplain of a watercourse. It is SVCA staff's opinion that the Hazard Lands designation as shown in Schedule A of the Grey County OP, and Schedule A of the Southgate OP, and the Environmental Protection (EP) Zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, generally coincide with the Hazardous Lands as plotted by SVCA staff for the property.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Furthermore, Section 3.1.2 c) of the PPS, 2020 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. Proposed development for the parcel to be severed will directly affect and be located within the hazardous lands found on the property. However, it is the opinion of SVCA staff that Environmental Impact Study (dated November 15, 2021) prepared by Birks Natural Heritage Consultants; and the Flood Assessment (dated November 8, 2021) prepared by Jones Consulting Group Limited, addresses Section 3.1.1 and 3.1.2 of the PPS, 2020.

Township of Southgate Official Plan and Grey County Official Plan

Section 6.2 of the Southgate 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. Proposed development for the parcel to be severed will directly affect and be located within the hazardous lands found on the property. However, it

is the opinion of SVCA staff that Environmental Impact Study (dated November 15, 2021) prepared by Birks Natural Heritage Consultants; and the Flood Assessment (dated November 8, 2021) prepared by Jones Consulting Group Limited, addresses the natural hazard policies of the Southgate OP and the Grey County OP.

Natural Heritage:

SVCA staff's desktop review of the proposal indicated the following natural heritage features affecting the property including significant woodlands, wetlands, fish habitat and its adjacent lands, and habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, significant wetlands, fish habitat and its adjacent lands, habitat of endangered species and threatened species, and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

Township of Southgate Official Plan and Grey County Official Plan Policies

Significant Woodlands

Section 7.4.1 of the Grey County OP states in part that no development or site alteration may occur within significant woodlands or its adjacent lands unless it has been demonstrated by an Environmental Impact Study (EIS) that there will be no impact on the feature or its ecological functions.

Wetlands

Section 2.8.6 (6) and (7) of the Grey OP states in part that no development or site alteration may occur within other identified wetlands or their adjacent lands unless it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or their ecological functions.

Fish Habitat and its Adjacent Lands

Section 7.9 of the Grey County OP state in part that development and site alteration shall not be permitted within fish habitat and the 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 feature or on their ecological functions. Furthermore, Section 6.5.6 of the Southgate OP states in part that new development is not permitted within the adjacent lands to cold and warm water streams.

Endangered Species and Threatened Species

The SVCA's role is to identify habitat through a screening process in consideration of the PPS, 2020 and local policies, however, it is the responsibility of the applicant/owner to ensure the endangered species and threatened species policy referred to in the PPS and the local OPS have been appropriately addressed.

Environmental Impact Study

As mentioned above, a natural heritage Environmental Impact Study (EIS), dated November 15, 2021, was prepared by Birks Natural Heritage Consultants to address natural heritage policy. SVCA staff find the EIS to be generally acceptable. Furthermore, provided the recommendations and mitigation measures found in the Environmental Impact Study, dated November 15, 2021, prepared by Birks Natural Heritage Consultants are followed, it is the opinion of SVCA staff that Section 2.1 of the PPS, 2020 and the natural heritage policies of the Grey County OP, and Southgate OP have generally been addressed.

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.

Large portions of the property associated with the low areas and wetlands, are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area requires the permission (permit) 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 where the SVCA Approximate Screening Area is located associated with our Regulation 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

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, and interference with a watercourse and/or wetlands, proposed within the SVCA Approximate Screening Area on the property will require permission (SVCA Permit) prior to those works commencing.

Installation of a laneway will require a permit from the SVCA. The applicant/owner should contact SVCA staff (Michael Oberle: m.oberle@svca.on.ca) at their convenience to continue with the permit review process. A SVCA permit can be issued for the proposed work, but will be subject to permit conditions, specifically that the recommendations and mitigation measures found in the Environmental Impact Study (dated November 15, 2021) prepared by Birks Natural Heritage Consultants; and the Flood Assessment (dated November 8, 2021) prepared by Jones Consulting Group Limited, Planners and Engineers are followed, including but not limited to, work (tree clearing/site alteration/filling) being completed within certain timing windows, installation of culverts

along the length of the proposed driveway to ensure water balance of the wetland, a 30 metre setback from the wetland/woodland feature for any proposed future development/site alteration

Summary

SVCA staff has reviewed this application in accordance with our MOA with the Township of Southgate, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

Given the above comments, it is the opinion of SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Township of Southgate 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,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Ian and Perseda Martin, owners (via email: imartin6533@gmail.com)
Israel Bowman, agent (via email)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)