

SENT ELECTRONICALLY ONLY: hmalynyk@southgate.ca

February 17, 2022

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

ATTENTION: Holly Malynyk, Administrative and Legislative Assistant

Dear Ms. Malynyk,

RE: Proposed Zoning By-law Amendment C34-21 (Moses and Anna Bauman)
225594 Southgate Road 22
Lot 15 Concession 14
Roll No.: 420709000301100
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 and Effect

The purpose of the proposed zoning bylaw amendment application is to allow for an Agricultural related use being a small scale Industrial Use shop. The owners wish to add the shop to the list of permitted uses for the Agricultural A1 zone. The shop including office and power room is proposed to be up to 750m² with outside storage of approximately 500m². The effect of the proposed zoning by-law amendment would be to change the zone on a portion of the subject lands to permit the Industrial Use shop within the agricultural exception zone (A1-XXX). Any Environmental Protection Zone Boundary may be adjusted based on Conservation Authority comments.

Recommendation

The proposed zoning by-law amendment application is acceptable to SVCA staff.

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:

In the opinion of SVCA staff, the southern half of the property is designated Hazard Lands in the Grey County Official Plan (OP) and the Township of Southgate OP. This same area is also zoned Environmental Protection (EP) in the Township of Southgate Zoning By-law No. 19-2002, as amended. SVCA staff is of the opinion that the Hazard Lands designation and the EP zone generally coincides with the Hazardous Lands mapping as plotted by SVCA staff for the property. In general, no new buildings or structures are permitted within the Hazard Lands designation or the EP zone. Based on the plans submitted with the application, it is the opinion of SVCA staff that the location of the proposed development, including the area to be rezoned, will not be located in, or adjacent to the EP zone, therefore the development proposal is acceptable to SVCA staff.

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. It is the opinion of SVCA staff that development as proposed is consistent with Section 3.1.1 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. As mentioned above, it is the opinion of SVCA staff that the area to be rezoned will not be located within the EP zone, therefore development is acceptable to the SVCA. It is the opinion of SVCA staff that development as proposed is consistent with the natural hazard policies of the Southgate OP and the Grey County OP.

Natural Heritage:

Based on SVCA desktop review, it is the opinion of SVCA staff that the significant natural heritage features affecting the property include significant woodlands, fish habitat and its adjacent lands, wetlands, 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, fish habitat and its adjacent lands, significant wetlands, and 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

Significant woodlands are identified as per Appendix B Constraint Mapping of the Grey County OP and are shown to include the woodlands on the property. 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.

Based on the plans submitted with the application, it is the opinion of SVCA staff that development will not be located within the woodlands but would be located within the adjacent lands to the woodlands. Specifically, significant woodlands have been mapped for the wooded area directly south of the proposed house location, and significant woodlands have been mapped for the wooded area directly east of the proposed barn/shed. Therefore, SVCA staff recommend that tree clearing to the south of the proposed house and east of the proposed barn/shed does not occur on the property. Provided this recommendation is followed, it is the opinion of SVCA staff that the preparation of an EIS to address impacts to the woodlands, is not recommended at this time, as impacts to the woodlands would be negligible.

Fish Habitat

An unnamed tributary of the Main Saugeen River appears to flow through lands directly east of the property. The watercourse is considered fish habitat by SVCA staff. Section 7.9 of the Grey County OP states 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. Based on the plans submitted with the application, development is not proposed within the adjacent lands to the watercourse. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to fish habitat or its adjacent lands is not warranted at this time.

Other Identified Wetlands

Other Identified Wetlands are shown on the Appendix B Constraint Mapping, of the Grey County OP. Unevaluated wetlands have been identified on the property, however are not shown on Appendix B of the Grey County OP as Other identified Wetlands, however SVCA staff recommends that as part of the next update to the OP schedules it be included. 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. Based on the plans submitted with the application, development is not proposed within the adjacent lands to the wetlands. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to wetlands is not warranted at this time.

Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. 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 to ensure the endangered species and threatened species policy referred to in the PPS and the local OPS have been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

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 southern half of the property and a small area along the eastern property boundary are within the Approximate Screening Area associated with 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, and 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" 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 Screening 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. For the property the SVCA Approximate Screening Area includes the larger of: any unevaluated wetlands located on the property as well as a 30 metre offset distance outwards from the unevaluated wetland edge; and the watercourse located on lands to the east of the property, and its related flood hazard, and 15 metres outwards from the floodplain of the watercourse.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, proposed within the SVCA Approximate Screening Area on the property may require permission (SVCA Permit) prior to those works commencing.

Based on the plans submitted with the application, all development of: area to be re-zoned, shop, house, sewage disposal systems, barn/shed will all be located beyond/outside of the SVCA Approximate Screening Area, therefore permission (SVCA permit) will not be required for development as proposed for the property.

Summary

SVCA staff has reviewed the 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, with the exception of Section 2.1.7 habitat of endangered species and threatened species, which the applicant/owner must address.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species, must be addressed by the applicant/owner.

Please inform this office of any decision made by the Township of Southgate with regard to the 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: Solomon Martin, agent (via email: kingwoodplating@live.ca)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)