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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: Consent B-15-21 (Calder) and Proposed Zoning By-law Amendment C-33-21 (Gingrich)
123330 Southgate Road 12; and 123296 Southgate Road 12
Part Lot 43 Concession 3 EGR, Con 3 PT Lot 43 Part 1 Plan 16R11535; and
North Part Lot 43 Con 3
Roll Nos.: 420706000316300 and 420706000316500
Geographic Township of Egremont
Township of Southgate

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications 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 applications have 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.

SVCA staff are commenting to both B-15-21 (Calder) and C-33-21 (Gingrich) in the same correspondence as the applications are directly related.

Purpose

The purpose of the consent application is to sever a small 0.65 acre lot and add it to the abutting corner lot that is 0.35 acres. The addition will allow for the construction of a small barn for maximum of 2 horses for transportation purposes. The severed lot will have frontage on Grey Road 109 and will require access for the proposed barn. The retained lot will have frontage on Grey Road 109 and Southgate Road 12 and still be approximately 20 acres in size. The Effect of the consent application would be to enlarge the small corner lot to 1 acre in size to allow for the small horse barn to be constructed. The retained lot will continue to be used for agriculture.



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

The purpose of the proposed zoning bylaw amendment application is to implement a consent application to add 0.65 acres of land to a small 0.35 acre lot to allow for the construction of a horse barn. The small lot being added to is currently zoned Environmental Protection (EP) and the severed lot is currently zoned Restricted Agricultural Exception (A2-40) and Environmental Protection (EP). Both the severed lot and the lot being added to will be zoned Residential Type 5 exception (R5-XXX) to recognize the reduced front yard setback of the existing house. The retained lands will continue to be zoned A2-40 however the minimum lot size will be reduced. The effect of the proposed zoning by-law amendment would be to change the zone symbol of the severed lands as well as the small lot from EP and A2-40 to (R5-XXX). The retained lands will continue to be zoned A2-40 and EP. Any Environmental Protection Zone Boundary adjustment will be based on Conservation Authority comments.

Background

On February 16, 2020, the SVCA was contacted by Mr. Aaron Martin (agent) on behalf of Ms. Esther Gingerich regarding the proposed construction of a proposed horse barn. Mr. Aaron Martin indicated that a severance of land was also being proposed to allow for a larger corner lot to construct the proposed horse barn. SVCA staff (Michael Oberle) verbally indicated to Mr. Aaron Martin that the entirety of the corner lot and surrounding lands were in the Regulatory Floodplain associated with a tributary to the Norman Reeves Creek, and that the floodplain was based on the Village of Holstein engineered floodplain mapping. Furthermore, that in order for the proposal to be supported by the SVCA, that the flood hazard would have to be addressed. SVCA staff indicated specifically that a cut-fill balance would need to be calculated that demonstrated no additional fill material being deposited in the floodplain, furthermore, that the proposed building would be required to be located above the flood elevation. SVCA staff have been in contact with Wilson-Ford Surveying and Engineering since September 10, 2021, and we have indicated to Wilson-Ford the SVCA requirements for the proposal.

Recommendation

Notwithstanding the ability to mitigate the flood hazard as indicated on the attached site plan, it is SVCA staff's interpretation the proposal is not in conformance with the natural hazard policies of the Province, Township of Southgate Official Plan (OP) and, Grey County OP. Please see below for more information.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications 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 applications 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 entirety of the corner lot, and the parcel to be severed and merged with the corner lot are within the Regulatory Floodplain associated with a tributary to the Norman Reeves Creek. While the proposal for horse barn will be located within the floodplain, SVCA staff note that the proposal for the horse barn is to be located /outside of the 100 year floodplain, but will still be located at the limits of the Regional/Regulatory (also known as the Hurricane Hazel Flood Event Standard) floodplain. For reference, please see attached SVCA mapping for the property.

In accordance with Provincial policy/guidelines, the floodplain is considered One-Zone, where the entirety of the floodplain is deemed to be floodway.

SVCA staff note that in Schedule A, land use designations of the Grey County Official Plan (OP) and in the Township of Southgate OP, both the corner lot and the parcel to be severed and merged with the corner lot are shown as Secondary Settlement Area. However, it is the opinion of SVCA staff that these lots should be designated as Hazard Lands to reflect the Saugeen Valley Conservation Authority Holstein Floodplain Mapping study prepared by BM Ross and Associates Ltd., dated May 2000. It is the recommendation of SVCA staff that this change occur at the next available opportunity.

Furthermore, SVCA staff note that the entirety of the corner lot, and almost all of the parcel to be severed and merged with the corner lot, are zoned as Environmental Protection (EP) in the Township of Southgate Zoning By-law No. 19-2002, as amended. SVCA staff note that the current EP zone for the corner lot and for the parcel to be severed and merged with the corner lot reflects the floodplain as shown on SVCA floodplain mapping noted above. Should the approval authority approve the applications, SVCA staff recommend that the corner lot and the parcel to be severed and merged with the corner lot remain zoned EP to recognize the floodplain. SVCA staff would not have any objection to a zoning by-law amendment that proposes an 'EP-special' notation to recognize the existing dwelling.

It is SVCA staff's interpretation, that, no new buildings or structures are permitted within the Hazard Lands designations or the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1.1 b) and c) of the PPS, 2020 states, in part that development shall generally be directed to areas outside of hazardous lands adjacent to rivers/streams which are impacted by flooding hazards; and hazardous sites.

Furthermore section 3.1.2 d) of the PPS, 2020 states in part that development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

SVCA staff note that while a cut-fill balance has been shown on the site plan submitted with the applications, and the site plan appears to mitigate the flood hazard, the proposed applications/development do not conform to the above PPS policy because the entirety of the floodplain is deemed by the Province to be floodway (One-Zone).

Township of Southgate Official Plan and Grey County Official Plan

It is SVCA staff's interpretation, that Section 7.2.3 of the Grey County OP and Section 6.2.2.1 of the Southgate OP state in part that buildings and structures are generally not permitted in the Hazard Lands land use type.

Furthermore, Section 7.2 4) of the County OP states in part that development and site alteration is not permitted within the floodway portion of the floodplain. The floodway is the entire floodplain, unless the Two-Zone concept is in use.

Section 5.3.3 of the Township's OP, as interpreted by SVCA staff, also does not support new development within the existing floodplain, until such time the floodplain mapping is revised for the Village of Holstein.

SVCA staff note that while the cut-fill balance as shown on the attached site plan appears to mitigate the flood hazard, it is staff's interpretation, the proposed applications/development do not conform to the above County and Township natural hazard policies.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features and areas affecting the property include: fish habitat and its adjacent lands, and potentially 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 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

Fish Habitat

A tributary of Norman Reeves Creek flows through lands adjacent to 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 fish habitat 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. Regardless, it is the opinion of SVCA staff that the preparation of an Environmental Impact Study (EIS) to address potential impacts to the adjacent lands to fish habitat may be waived in accordance with section 7.11.3 of the Grey County OP as impacts to fish habitat are likely to be negligible based on the proposal. Therefore, in the opinion of SVCA staff, fish habitat and its adjacent lands policies have been satisfactorily addressed according to the Grey County OP and the Southgate OP.

Habitat of 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 adjacent to the property. The SVCA role is to identify habitat through a screening process in consideration of the PPS 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 applications 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 corner lot, and the entirety of the parcel to be severed and merged with the corner lot are within the SVCA Approximate Regulated 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. Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in 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 where the SVCA Approximate Regulated Area is located associated with our Regulation on the properties, 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 corner lot, and the parcel to be severed and merged with the corner lot, the SVCA Approximate Regulated Area includes natural hazards, specifically the floodplain of the watercourse, and an offset distance of 15 metres outwards from floodplain edge.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage is proposed on the corner lot, and/or on the parcel to be severed and merged with the corner lot, the SVCA should be contacted, as permission will be required.

As mentioned above, the SVCA has been in contact with Mr. Aaron Martin (on behalf of Ms. Ester Gingrich) and Wilson-Ford Surveying and Engineering regarding the SVCA Regulatory process (SVCA permit process) for the proposed barn. An SVCA permit will be required for the proposed development; and can be issued for the proposal for barn and site alteration required for the proposal. When ready to do so, the owner/applicant will be required to submit an SVCA application form and pay SVCA permit fee.

Summary

SVCA staff has reviewed the applications 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 not been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated, with the exception of habitat of endangered species and threatened species, which must be addressed by the applicant/owner;
- 3) Consistency with Grey County OP and Township of Southgate OP policies for natural hazards has not been demonstrated.
- 4) Consistency with Grey County OP and Township of Southgate OP policies for and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species, which must be addressed by the applicant/owner; and,

Please inform this office of any decision made by the Township of Southgate with regard to the applications. We respectfully request to receive a copy of the decisions and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,









Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

Enclosure: SVCA map

cc: Barbara Dobreen, SVCA Member representing the Township of Southgate (via email)

Aaron Martin for
Ester Gingrich
123296 SG Rd 12,
Egremont, Southgate
w/ contours

Legend

-  Hazard Land
-  SVCA Approximate Screening Area Limit
-  Regulatory Flood Line
-  100 Year Flood Line
-  Watercourse
-  Parcel Fabric



UTM Zone 17N, NAD 83

1:1000

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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February 19, 2021

