

SENT ELECTRONICALLY ONLY: hmalynyk@southgate.ca

September 21, 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 C17-22 (Clark Construction Management Inc.)
152149 Southgate Sideroad 15
Lot 23 Concession 10
Roll No.: 420709000206200
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 proposed zoning bylaw amendment application is to rezone the subject lands from Aggregate Extraction (M4) to Agriculture (A1) and from Environmental Protection (EP) to Agricultural Exception (A1-X) to allow for the construction of a residence and garage/shop. The shop will be located in the front yard require some relief from the exterior side yard setback provisions. The setback will be reduced to 10m.

Background

As part of the pre-submission consultation process, SVCA staff was contacted on November 16, 2021 by Justin L'Abber of Crozier Consulting for Mike Clark (the proposed purchaser). SVCA staff conducted a site inspection at the property and met on site with engineer, Justin L'Abber, and ecologist, Neil Morris. Furthermore, SVCA had reviewed the Preliminary Environmental Review, dated December 14, 2021 by Neil Morris, Consulting Ecologist, and found it to be acceptable.

Recommendation

The application is generally 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:

The natural hazard features affecting the property are wetlands, a watercourse (Scott Drainage Works Municipal Drian, an open channel watercourse) and its floodplain. 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 coincided with the SVCA Hazardous Lands mapping for the property.

However, it is the opinion of SVCA staff that the Hazard Land designation and EP zone can be revised to better reflect site conditions, as shown on the sketch of proposed zoning, as submitted with the application.

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. Based on the plans submitted with the application, and sketch of proposed zoning, it is the opinion of SVCA staff that development would generally be 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. It is the opinion of SVCA staff that based on the plans submitted with the application, and sketch of proposed zoning, the application would be consistent with the natural hazard policies of the Southgate OP and the Grey County OP.

Natural Heritage:

Based on SVCA's in-office review, the following significant natural heritage features were identified as affecting the property: significant woodlands, earth science area of natural and scientific interest (ANSI), fish habitat, and habitat of endangered species and threatened species.

As mentioned above, a Preliminary Environmental Review, dated December 14, 2021 by Neil Morris, Consulting Ecologist, was prepared to address the natural heritage features affecting the property. SVCA found the report to be acceptable. Provided recommendations of the report are followed, it is the opinion of SVCA staff that the application appears to generally be consistent with Section 2.1 of the Provincial Policy Statement, and the natural heritage policies of the Grey County County OP, and the Township of Southgate OP.

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 areas of the property, 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, within the SVCA watershed, may require 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.

For this property the SVCA Approximate Screening Area represents the larger of all watercourse and wetlands, plus an offset distance of 30 metres outwards from the wetland edge and/or the potential floodplain, plus an offset distance of 15 metres outwards from any potential floodplain of the watercourse. 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>.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, proposed within the SVCA Approximate Screening Area on the property will require permission (SVCA Permit) prior to those works commencing. Based on the site plan submitted with the application an SVCA permit will be required and can be issued for the proposed development.

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, please contact the local Drinking Water Source Protection Plan official.

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.
- 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 and/or County of Grey 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 Coordinator
Saugeen Conservation
MO/

cc: Andrew Pascuzzo of Pascuzzo Planning Inc., agent (via email: andrew@pascuzzo-inc.ca)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)