

SENT ELECTRONICALLY ONLY: [hmalynyk@southgate.ca](mailto:hmalynyk@southgate.ca)

September 21, 2022

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

ATTENTION: Holly Malynyk, Legislative and Administrative Assistant

Dear Ms. Malynyk,

RE: Proposed Zoning by-law Amendment C10-22 (Jesse B and Elizabeth Martin)  
260069 Southgate Road 26  
Roll No.: 420709000805200  
Part Lot 199-200 Concession 3 SWTSR  
Geographic Township of Proton  
Township of Southgate

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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 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 750m<sup>2</sup> with outside storage of approximately 500m<sup>2</sup>.

### **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 watercourses, floodplain, and wetlands. In the opinion of SVCA staff, large portions of the property are designated Hazard Lands and Wetlands in the Grey County Official Plan (OP) and the Township of Southgate OP. These same areas are also zoned Environmental Protection (EP) and Wetland Protection (W), respectively in the Township of Southgate Zoning By-law No. 19-2002, as amended. In general, no new buildings or structures are permitted within the Hazard Lands or Wetland designation or the EP or W zone. It is the opinion of SVCA staff that development as proposed, including the area to be rezoned will not be located within the Hazard Lands or Wetlands designation or the EP or W zone

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 plan submitted with the application, existing buildings and structures and proposed buildings and structures will be located outside/beyond the hazardous lands. Therefore, it is the opinion of SVCA staff that development is 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. Based on the plan submitted with the application, existing buildings and structures and proposed buildings and structures will be located outside/beyond the Hazard Land/EP zone. Therefore, it is the opinion of SVCA staff that development will be consistent with the Southgate OP and Grey County OP.

**Natural Heritage:**

It is the opinion of SVCA staff that the natural heritage features affecting the property include significant woodlands, fish habitat and its adjacent lands, significant wetlands, significant wildlife habitat, 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 significant woodlands, fish habitat, significant wetlands, significant wildlife habitat, 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 in the southern portion of the property and on lands adjacent to the north of 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. However, based on the plans submitted as part of the application, development as proposed will not be located within the significant woodlands or their adjacent lands. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to significant woodlands is not warranted at this time.

#### Fish Habitat

Proton Station Drainage Works Municipal Drain (MD) and unnamed tributaries of Proton Station Drainage Works MD flow through the property and on lands adjacent to the property. These watercourses are 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. However, based on the plan submitted with the application, no existing or new buildings or structures are proposed within the lands adjacent to fish habitat. Therefore, the preparation of an EIS to address impacts to fish habitat or their adjacent lands is not warranted for this proposal at this time.

#### Wetlands

Provincially Significant Wetlands (PSW) are identified in the Grey County OP Schedule A Land Use Designations as wetlands, while the Southgate OP Schedule A Land Use Designation identifies PSWs as wetlands, and the Township of Southgate Zoning By-law identifies PSWs in the Wetland Protection (W) zone. Part of Proton Station PSW is located in the southern portion of the property. In the opinion of SVCA staff, development as proposed as part of this application will not be within the PSW or their adjacent lands, therefore the preparation of an EIS is not warranted to address potential impacts to the PSW at this time.

#### Threatened and Endangered 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 policies 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.**

Large areas of the property, associated with the low laying areas, watercourse and its floodplain, 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 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 the PSW wetlands, plus an offset distance of 120 metres outwards from the wetland edge and/or the potential flooding hazard, plus an offset distance of 15 metres outwards from the potential floodplain. 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, including agricultural tile drainage, and interference with a watercourse and/or wetlands, proposed within the SVCA Approximate Screening Area on the property may require permission (SVCA Permit) prior to those works commencing.

However, based on the plans submitted as part of the application, development as proposed as part of this application will not be within the SVCA Approximate Screening Area. An SVCA Permit is not required for development as proposed as part of the application.

#### 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, with the exception of endangered species and threatened species policy which the applicant must address with the MECP.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policy which the applicant must address with the MECP.


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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,

A black rectangular redaction box covering the signature of Michael Oberle.

Michael Oberle  
Environmental Planning Coordinator  
Saugeen Conservation  
MO/

cc: Jesse HB Martin, owner (via email:   
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)