

SENT ELECTRONICALLY ONLY: emilne@southgate.ca

September 7, 2023

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

ATTENTION: Elisha Milne, Legislative & Planning Coordinator

Dear Ms. Milne,

RE: Proposed Zoning By-law Amendment C14-23 (Moses Bauman)
225814 Southgate Road 22
Lot 21 Concession 14
Roll No.: 420709000301400
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 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. The application has also been screened to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the proposed zoning bylaw amendment application is to allow for an on farm diversified use being a Dry Industrial Use. The Dry industrial use will include, but is not limited to, Wood Working, Metal working and fabricating, as well as the manufacture of concrete and related supplies. The owners wish to add the Dry Industrial Use shop to the list of permitted uses within a new Agricultural exception zone (A1-XXX). The shop including office, lunchroom and power room footprint is proposed to be up to 750m². The Outside storage will not exceed 500m².

Recommendation

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

Background

On May 1, 2029, SVCA staff were contacted by the owner to review a development proposal for the property. SVCA staff conducted a site inspection to the property on October 2, 2019. SVCA staff provided comments dated November 11, 2019 titled: *Proposed Tree Clearing for Agriculture Crop Land; Watercourse Work (Ditch Clean-Out); and Future Development: Pre-Submission Consultation for Proposed Planning Act Application(s) – Proposed Zoning By-law Amendment*. Then on March 1, 2021, SVCA provided comments regarding an application for minor exemption (clear-cutting) for agricultural purposes. SVCA recommended that an EIS be prepared that would support the clear-cutting proposal. On November 23, 2022 the SVCA received a Natural Heritage EIS (dated November 22, 2022) from Birks Natural Heritage Consultants that supported tree clearing provided the Section 7 Recommendations and Mitigation Measures found in the report were followed.

Delegated Responsibility and Advisory Comments - Natural Hazards

The natural hazard features affecting the property are the watercourse (part of Rust Drainage Works), and its floodplain, and wetlands/swamps on the property. SVCA Hazardous Lands mapping, depicts areas of the property to be low in elevation associated with the floodplain of the watercourse, and also identifies the wetlands/swamps. 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 for the property as shown Southgate Zoning By-law 19-2002, generally coincide with the Hazardous Lands as plotted by SVCA staff for the property. Based on the plans submitted with the application, proposed development, including the area to be rezoned, will not be located within the EP 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. It is the opinion of SVCA staff that the application 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. It is the opinion of SVCA staff that the application is consistent with the natural hazard policies of the Southgate OP and the Grey County OP.

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 Jim Ellis, Drinking Water Source Protection Risk Management Official at: jellis@southgate.ca.

SVCA Regulation 169/06

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 majority of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. For the property the SVCA Approximate Screening Area includes the greater of the following: the watercourse/Rust Drainage Works and its floodplain and an area 15 metres outwards from the floodplain of the watercourse/drain and/or the wetlands/swamps plus an area 30 metres outwards from the wetland/swamp edge. As such, development and/or site alteration within the Approximate Screening Area requires 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.

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.

SVCA Permission for Development or Alteration

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

Although, based on the plans that were submitted with the application, part of the area to be rezoned, including the proposed shop with power room and the proposed weeping bed will be located within the SVCA Approximate Screening Area, an SVCA permit will not be required for any development as proposed based on the site plan, within the area to be rezoned, as the area to be rezoned will be more than 30 metres from any wetland/swamp or more than 15 metres from any floodplain of the watercourse/drain.

Should tree removal be proposed within the wetland/swamp or on lands adjacent to the wetland/swamp as noted within the EIS for the property, the SVCA should be contacted as a SVCA permit will be required.

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 the SVCA staff that the application is:

- 1) Consistent with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistent with Grey County OP and Township of Southgate policies for natural hazards 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: Barbara Dobreen, SVCA member representing the Township of Southgate (via email)
Solomon Martin, agent (via email)