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SENT ELECTRONICALLY ONLY (ehewgill@southgate.ca)

February 11, 2020

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

ATTENTION: Elisha Hewgill, Administrative and Legislative Assistant

Dear Ms. Hewgill,

RE: Proposed Zoning By-law Amendment C25-19
146045 Southgate Road 14
South Part Lot 23 Concession 11
Roll No.: 420709000208400
Geographic Township of Proton
Township of Southgate

(William and Mary Martin)

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, 2014) 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, natural heritage. Furthermore, the application has 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.

The purpose of the proposed zoning by-law amendment is to consider a change which will allow for a small-scale Industrial shop use to be added to a portion of the property.

As part of the due diligence for the purchase of the property by the Martin's, the lawyer for the Martin's requested to the SVCA, a legal inquiry of the property, which SVCA staff provided dated October 11, 2019. Furthermore, the SVCA was contacted on October 21, 2019 by John S.M. Martin regarding mapping of the property, which SVCA staff provided to John S.M. Martin at that time.

Recommendation

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



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

Site Characteristics

The property is rural with an existing farmstead and outbuildings. Woodlands exist on lands to the north, and within the eastern and southern parts of the property. An unnamed tributary of Hanna Drainage Works flows through the property. The property is bordered on the west by Southgate Sideroad 15, and on the south by Southgate Road 14.

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, 2014). 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, natural heritage as set out in the PPS 2014, 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 floodplain, and potentially unevaluated wetlands. SVCA Hazardous Lands mapping, depicts the majority of the property to be low in elevation associated with the floodplain of the watercourse and the potential wetlands. 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 EP Zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, cover the majority of the property. It is the opinion of SVCA staff that the Hazard Land designations and the EP zone generally coincide with the Hazardous Lands as originally plotted by SVCA staff for the property.

It is the opinion of SVCA staff that development as proposed, including the area to be rezoned, does not encroach into the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2014 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 Section 3.1.1 of the PPS 2014 has been addressed based on the plans submitted with the application.

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 proposed development will not be located within the Hazard Lands designation. 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.

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, and potentially habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2014 states in part that development shall not be permitted in significant woodlands, 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

Significant Woodlands

Significant woodlands are identified as per Appendix B Constraint Mapping of the Grey County OP and are shown on the eastern and southern portions of the property, as well as the lands adjacent to 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, it is the opinion of SVCA staff the preparation of an EIS to address impacts to significant woodlands may be waived in accordance with section 7.11.3 of the Grey County OP. Based on the plans submitted with the application, proposed development is additional to the existing farmstead and is not proposed within the significant woodlands, but rather on lands adjacent to the significant woodlands. It is the opinion of SVCA staff that proposed development should not have an impact on the woodlands. Therefore, in the opinion of SVCA staff, significant woodlands policies have been satisfactorily addressed according to the Grey County OP.

Fish Habitat and its Adjacent Lands

An unnamed tributary of Hanna Drainage Works MD, which is a tributary of the South Saugeen River, flows through the property. The watercourse is considered fish habitat by SVCA staff. Section 7.9 of the Grey County OP 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 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.

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 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 majority of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the Approximate Screening Area requires 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.

To determine the SVCA Approximate Screening Area/SVCA Approximate Regulated 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

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, and/or interference with a watercourse, proposed within the SVCA Approximate Regulated Area/Approximate Screening Area on the property may require permission (SVCA Permit) prior to those works commencing. Based on the plans submitted with the application, much of the proposed development will be located within the SVCA Approximate Screening Area, therefore the landowner and/or their agent should contact the SVCA to continue to have the proposal reviewed from a Regulatory perspective to determine if a permit from the SVCA is 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*.

Township of Southgate
C25-19 William and Mary Martin
February 11, 2020
Page 5 of 5

Given the above comments, it is the opinion of the 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 must address.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has been demonstrated, with the with the exception of habitat of endangered species and threatened species, which the applicant must address.

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: Israel Bowman, agent (via email)
William and Mary Martin, owners (via email)
Barbara Dobreen, Authority Member, SVCA (via email)