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SENT ELECTRONICALLY ONLY (ehewgill@southgate.ca)

April 20, 2020

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

ATTENTION: Elisha Hewgill, Administrative and Legislative Assistant

Dear Ms. Hewgill,

RE: Proposed Zoning By-law Amendment C2-20
043873 and 043853 Southgate Road 04
Part Lot 9 Concession 6
Roll No.: 420706000511300 and 420706000511310
Geographic Township of Egremont
Township of Southgate (Frey & Mount Forest Ag Auction Co-op c/o Davidson)

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 and 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 permit a tractor repair shop, and the continued use of the existing granny flat, as well as acknowledge the existing farm auction operation.

SVCA staff were contacted by Ron Davidson for a verbal pre-consultation to ensure all concerns were met with the proposal.

Recommendation

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

Site Characteristics

The property is rural with an existing farmstead and outbuildings. Most of the property is used for agriculture. The adjacent, smaller property, contains an accessory building used for auctioning and a parking lot.



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

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Woodlands exist on the northern and western portions of the original farm lot. A tributary of the Saugeen River flows through the property. The property is bordered on the south by Southgate Road 04.

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 and 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:

SVCA hazard mapping indicates areas of the property are affected by the flood and erosion hazard, associated with the tributary of the Saugeen River; additionally, mapping indicates that wetlands may be present on the property. It is SVCA staff's opinion that portions of 043873 Southgate Road 04, are zoned Environmental Protection (EP) in the Township of Southgate Zoning By-law 19-2002 and designated hazard lands in the Southgate Local Official Plan and the Grey County Official Plan. In general, it is SVCA's interpretation that no new buildings or structures are permitted within the Hazard Designations as per Section 29.2 of the Township of Southgate Zoning By-law 19-2002. It appears all existing buildings and structures are outside the EP Zone or Hazard designation. It is the understanding of SVCA staff that there will be no changes to the Hazard designations or the EP Zone, as part of this application. SVCA staff are of the opinion that all schedules closely reflect the SVCA Hazard mapping.

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 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers which may exhibit flood and erosion hazards; and that development and site alteration shall not be permitted within the areas that would be inaccessible during times of flooding or erosion hazards. The application generally appears to be consistent with Section 3.1 of the PPS.

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. The application generally appears to be consistent with Section 6.2 of the Southgate OP and Section 7.2 of the Grey County OP.

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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, other identified wetlands, 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 western and northern 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

A tributary of the 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.

Other Identified Wetlands

Mapping provided to SVCA staff by the Ministry of Natural Resources and Forestry, and mapping done by Grey County indicates wetland features on the property that are not considered Provincially or Locally significant but are still regarded as a Natural Heritage feature. Section 7.3.2 (1) of the Grey County OP states that no development or site alteration may be permitted on or within lands adjacent to natural heritage features

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unless it has been demonstrated that there will be no negative impact on the feature. The area proposed to be rezoned is within the adjacent lands to other identified wetlands, but SVCA staff are of the opinion that the impact to the habitat will be negligible. The application is generally consistent with the Grey County 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.

A portion 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 rive, 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.

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SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage is proposed within the Approximate Screening Area on the parcel, the SVCA should be contacted, as permission may be required.

Based on the site plan provided, a permit from the SVCA will not 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:

- 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 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,



Megan Stansfield
Environmental Planning Technician
Saugeen Conservation
MS/

cc: Ron Davidson, agent (via email)
Barbara Dobreen, Authority Member, SVCA (via email)