



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

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

June 16, 2021

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

ATTENTION: Elisha Milne, Administrative & Legislative Coordinator

Dear Ms. Milne,

RE: Proposed Minor Variance A5-21 (Don and Elinor Gingerich)  
264099 Southgate Road 26  
Part Lot 13 Concession 22, Part 1 Plan 16R377  
Roll No.: 420706000212501  
Geographic Township of Egremont  
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 Variance is to permit an accessory structure to be located 7m into the front yard. The proposal requires relief from Section 5.1(b)&(e), of the by-law which requires an accessory structure to be located in a rear or side yard.

### **Background**

The owner/applicant contacted the SVCA in 2017 regarding development proposed for the property. SVCA staff (Michael Oberle) provided the owner/applicant with information at that time, and as recent as March, 2018.

### **Recommendation**

The proposed minor variance 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

### **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:**

SVCA Hazardous Lands mapping depicts the eastern portion of the property to be low in elevation associated with potential unevaluated wetlands and/or low areas that may experience poor drainage. It is SVCA staff's opinion that the Hazard Lands designation as shown in Schedule A of the Grey County OP, generally coincides with the Hazardous Lands as plotted by SVCA staff for the property. However, the Environmental Protection (EP) Zone in the Township of Southgate Zoning By-law 19-2002, as amended, could be updated at the next available opportunity to better coincides with the Hazardous Lands as plotted by SVCA staff for the property.

Based on the plans submitted with the application, it is the opinion of SVCA staff that the location of the proposed development will all not be located in the EP zone or in the recommended update to the EP zone (Hazard Lands in the Grey County OP).

#### **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 development as proposed 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. As mentioned above, it is the opinion of SVCA staff that the area proposed for 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:**

Based on SVCA desktop review, it is the opinion of SVCA staff that the significant natural heritage features affecting the property include significant woodlands, and fish habitat and its adjacent lands.

#### **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 and its adjacent lands, 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 to include the woodlands on lands adjacent to the north and to the south 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 EIS that there will be no impact on the feature or its ecological functions. Based on the plans submitted with the application, it is the opinion of SVCA staff that development will not be within significant woodlands, therefore the preparation of an EIS is not recommended to address impacts to significant woodlands or their adjacent lands at this time.

Fish Habitat and its Adjacent Lands

Although not located on the property, an unnamed tributary of the Beatty Saugeen River flows through lands adjacent to the south of the property. The unnamed tributary is considered fish habitat by SVCA staff. Section 7.9 of the Grey County OP state 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 the feature 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. Based on the plans submitted with the application, development, specifically site alteration will encroach into the adjacent lands to fish habitat, however, as the property is far removed from the tributary and the property is separated from the tributary by Southgate Road 26, it is the opinion of SVCA staff that the preparation of an EIS is not recommended to address impacts to fish habitat or their adjacent lands at this time.

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 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.

For the property the SVCA Approximate Screening Area includes the larger of: any unevaluated wetlands that may be located on the property as well as a 30 metre offset distance outwards from the unevaluated wetland edge. Please note that SVCA staff have not conducted a site inspection to the property to confirm if the low areas in the eastern portion of the property are considered wetlands, or just low areas that may experience poor drainage.

#### 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 may require permission (SVCA Permit) prior to those works commencing.

Based on the plans submitted with the application, the proposed driveway work will encroach into the SVCA Approximate Screening Area. However, it is the opinion of SVCA staff that the development and site alteration will be located more than 30 metres from any potential unevaluated wetland, and so development as proposed as part of the application will not be subject to SVCA’s regulation, and therefore permission/permit from the SVCA is not required.

#### 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 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 Technician  
Saugeen Conservation  
MO/

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