

SENT ELECTRONICALLY ONLY: hmalynyk@southgate.ca

January 18, 2023

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

ATTENTION: Holly Malynyk, Administrative and Legislative Assistant

Dear Ms. Malynyk,

RE: C24-22 and B-13-22 (Olde Order Mennonites and Watson)
144642 Southgate Rd 14
Lot 26 Part Lot 27 Concession 13
Roll No.: 420706000407900
Geographic Township of Egremont
Township of Southgate

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications 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.

In accordance with the More Homes Built Faster Act, 2022, which was passed last fall, amendments were made to the Conservation Authorities Act in support of Ontario's Housing Supply Action Plan, which came into effect January 1, 2023. Following the passing of these legislative amendments, a new Ontario Regulation 596/22 was made under the Conservation Authorities Act which also became effective January 1, 2023. Under this new regulation, conservation authorities are no longer able to review and provide commenting services on natural heritage for proposals under the Planning Act. However, as an interim measure for the benefit of the County / Municipality, we provide a summary of natural heritage interests for applications received by this office before January 1, 2023.

Purpose

The purpose of the proposed zoning bylaw amendment application is to rezone a portion of the lands to implement a Consent (lot addition) and permit a meeting house. The purpose of the consent is to sever a 0.91hectare (ha) area lot with 84.5m of frontage and add it to the existing cemetery lot to create an enlarged lot that has 165m of frontage and 1.11ha of lot area. The retained parcel will have 678.3m of frontage and be 72.1ha in area.

Background

On July 11, 2022 the SVCA was contacted by Birks Natural Heritage Consultants, for the landowner/agent, regarding pre-consultation for Environmental Impact Study (EIS) to support planning applications for the property. SVCA generally found the proposal acceptable.

Recommendation

The proposed zoning by-law amendment application and proposed consent application are generally acceptable to SVCA staff provided the recommendations from the EIS are followed, and provided the Environmental Protection (EP) zone is revised to match SVCA mapping.

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 of concern on the property are wetlands and watercourses and their floodplain. Areas of the property are designated Hazard Lands and Provincially Significant Wetlands/Wetlands in the Grey County Official Plan (OP) and the Township of Southgate OP. Generally, the same areas are also zoned Environmental Protection (EP) and Wetlands (W) in the Township of Southgate Zoning By-law No. 19-2002, as amended. SVCA staff is of the opinion that as part of this application, the EP zone could be revised slightly (reduced) to better match site conditions and SVCA mapping. Therefore, please find attached SVCA mapping (for the northern area of the property) dated January 18, 2023, with SVCA recommend EP zone shown as Hazard Land on the SVCA mapping.

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 provided future development is beyond/outside of the recommended EP zone, then development would 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/Provincially Significant Wetlands/Wetlands land use type. As mentioned above, it is the opinion of SVCA staff that provided the area to be rezoned to allow development is beyond/outside the SVCA recommend EP zone, then development would be acceptable to the SVCA. It is the opinion of SVCA staff that development as proposed would be 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: provincially significant wetlands, significant woodlands, fish habitat and its adjacent lands, and 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 wetlands, significant woodlands, fish habitat and its adjacent lands, significant wetlands, 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

An Environmental Impact Study (EIS), dated November 2022 was prepared by Birks Natural Heritage Consultants to address the natural heritage concerns for the property. The EIS appears to address the natural heritage policies of the Southgate OP and the Grey County OP. The EIS is generally acceptable to the SVCA provided the Section 7-Recommendations and Mitigation Measures are followed.

Statutory Comments

SVCA staff has reviewed the applications 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.

Areas of the property, including the entirety of the parcel to be severed and merged for the meeting house, are within the Approximate Screening Area associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

"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: the wetlands/swamps located on the property as well as a 120 metre offset distance outwards from the wetland/swamp edge; and the watercourses located on the property, and their related flood hazard/floodplain, and 15 metres outwards from the floodplain of the watercourses.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, proposed within the SVCA Approximate Screening Area on the property will require permission (SVCA Permit) prior to those works commencing.

SVCA staff note that the plans submitted with the applications do not appear to have details to the proposed buildings and site grading. However, provided the area to be rezoned to allow the meeting house is beyond/outside the SVCA recommend EP zone, then development would be acceptable to the SVCA, and an SVCA permit could be issued. The applicants should contact the SVCA to continue with the SVCA permit process.

Summary

SVCA staff has reviewed the applications 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 applications. 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 Coordinator
Saugeen Conservation
MO/

Enclosure: SVCA map dated January 18, 2023

cc: Loft Planning, agent (via email: kristine@loftplanning.com and claire@loftplanning.com)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)

C24-22 and B-13-22
January 18, 2023

Legend

-  Hazard Land/SVCA recommended EP zone
-  Yoevil Swamp Wetland Complex PSW
-  Watercourse
-  Parcel Fabric

N



UTM Zone 17N, NAD 83

1:1300

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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