

SENT ELECTRONICALLY ONLY: hmalynyk@southgate.ca

January 17, 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: C22-22 and B7-22, B8-22, B9-22, B10-22, B11-22, and B12-22 (O'Donnell)
150 Feairs Drive
Roll No.: 420709000106900
Geographic Township of Proton
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 applications have 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 and Effect

The purpose of the proposed zoning bylaw amendment application is to rezone the proposed lots (Severed parcels 1 to 6) from Restricted Agriculture (A2) to Residential Type 5 Zone (R5). The Retained parcels A and B will also require site specific zoning to recognize the undersize agricultural lots. The purpose of the consent applications are to sever 3 lots from each parcel of land to create a total of 6 residential lots within Cedarville. The lots will be approximately 3400m² to 4900m² in area with frontage on Feairs Drive. The two retained parcels

will have frontage on Feairs Drive and Grey Road 14 and be 11.77 ha and 22.36ha respectively. The reduced size of the retained farm parcels will need to be recognized in a zoning bylaw amendment.

Recommendation

The proposed zoning by-law amendment application and application for consents are acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications 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 applications 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 watercourses and their floodplain. The watercourses are the South Saugeen River which flows along the northern and western portion of the property; and Cedarville Municipal Drain (MD) #10 which flows through the central portion of the property. Large areas of the property are designated Hazard Lands in the Grey County Official Plan (OP) and the Township of Southgate OP, and generally these same areas are also zoned Environmental Protection (EP) in the Township of Southgate Zoning By-law No. 19-2002, as amended.

It is the opinion of SVCA staff that, as part of the zoning by-law amendment application, that the EP zone could be revised slightly on the property to better reflect site conditions. Therefore, please find attached SVCA mapping dated January 17, 2023 with the SVCA recommended EP zone shown on the attached mapping as Hazard Land/EP zone. Regardless of a revision to the EP zone, it is the opinion of SVCA staff that development as proposed is still acceptable to the SVCA.

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. Furthermore Section 7.4 (h) states in part that new lots created through consent may include Hazard Lands and Wetlands, provided that on both the severed and retained parcels there is sufficient land outside of the Hazard Lands and Wetlands to accommodate the proposed development, including any required setbacks. It is the opinion of SVCA staff that sufficient land is available outside of the Hazard Lands/EP zone for development on all proposed severed and retained parcels, therefore development is acceptable to the SVCA. It is the opinion of SVCA staff that development as proposed 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: fish habitat and its adjacent lands, significant valleylands, 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 fish habitat and its adjacent lands, significant valleylands, 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

Fish Habitat

The South Saugeen River flows through the property, and Cedarville MD #10 flows through the property. These watercourses are 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, some development, specifically on proposed parcels 1, 4, and 5 will be within the adjacent lands to the MD. However, it is the opinion of SVCA staff that impacts to the watercourse because of the proposed development would be negligible. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to fish habitat or its adjacent lands is not recommended at this time.

Significant Valleylands

Significant Valleylands are shown on the Appendix B Constraint Mapping, of the Grey County OP, and have been identified on the property associated with the South Saugeen River. Although the parcels A and B to be retained are within the adjacent lands to significant valleylands and in accordance with section 7.7.1) of the Grey County OP, no development or site alteration may occur within significant valleylands or their adjacent lands unless it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or their ecological functions. However, SVCA does not anticipate any negative impacts to the valleylands because of the proposed development. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to valleylands or its adjacent lands is not recommended at this time.

Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. The SVCA's role is to identify habitat through a screening process in consideration of the PPS, 2020 and local policies, however, it is the responsibility of the owner/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 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.

Large areas of the property 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 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 may require permission (SVCA Permit) prior to those works commencing.

Based on the Consent Sketch dated August 29, 2022, prepared by Van Harten Surveying Inc., proposed parcel 1, 2, 3, 5, and 6 will not be located within the SVCA Approximate Screening Area, and so development on these parcels will not require any SVCA review/permit.

However, parcel A, parcel B, and proposed parcel 4 will have SVCA Approximate Screening Area, and so review of development proposed on parcel A, parcel B and/or proposed parcel 4 will be required should any development be located within the SVCA Approximate Screening Area.

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, with the exception of Section 2.1.7 habitat of endangered species and threatened species, which the applicant/owner 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, must be addressed by the applicant/owner.

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

cc: Baker Planning Group c/o Caroline Baker, agent (via email: Caroline@bakerpg.com)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)



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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UTM Zone 17N, NAD 83

1:5000

Legend

-  Hazard Land/recommended EP zone
-  Watercourse
-  Parcel Fabric

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B7-22 to B12-22 (O'Donnell)
150 Feairs Drive
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