

SENT ELECTRONICALLY ONLY: emilne@southgate.ca

May 14, 2024

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

ATTENTION: [Elisha Milne, Legislative and Planning Coordinator](#)

Dear Ms. Milne,

RE: Application for Consent B4-24 and Zoning By-Law Amendment C10-24 (Bearinger)
411361 Southgate Sideroad 41
Roll No.: 420706000511700
North Part Lot 1, Concession 7, Gore A
Geographic Township of Egremont
Township of Southgate

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposals as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the Township of Southgate representing natural hazards. The applications have also 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. Finally, we have screened the applications to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the consent application is to sever the subject lands to create a lot for the existing Fairbanks Creek School. The proposed severed lot containing the existing school would have about 90 meters frontage on Southgate Road 8, 93 meters of depth and about .84 hectares lot area. The retained lot is irregular in shape and contains a farm residence and outbuildings with 345 meters frontage on Southgate Road 8, 1050 meters depth and 62 hectares lot area.

The purpose of the proposed zoning by-law amendment application is to rezone the proposed newly created lot containing the existing Fairbanks Creek School to a special Community Facility zone to permit future expansion.

Background

On June 19, 2014, SVCA provided comments for the subject property regarding proposed zoning by-law amendment 75-2014 for a proposal to rezone two acres of the subject property from A1 to Community Facility (CF) zone to facilitate the establishment of a Mennonite school. The proposed zoning by-law amendment was not acceptable to SVCA at the time as the area to be rezoned encroached into the Environmental Protection (EP) zone. The proposed area to be rezoned was then updated so that it located entirely outside of the EP zone. The zoning by-law amendment was passed, and the two acres was rezoned from A1 to Agricultural Exception A1-355.

Recommendation

The proposed application for consent and zoning by-law amendment application are generally acceptable to SVCA staff provided the natural hazard features are appropriately shown as EP zone based on the attached SVCA hazard land mapping.

Natural Hazards

The natural hazard features of concern on the property include wetlands/swamps, Fairbanks Creek and its tributaries, any floodplain associated with the wetlands/swamps and the watercourses, and the valley slope. SVCA Hazardous Land mapping shows areas of the property to be low in elevation associated with the floodplain of the Saugeen River and wetlands/swamp land.

It is SVCA staff's opinion that the Hazard Lands designation as shown in Schedule A of the Grey County Official Plan (OP), and Schedule A of the Southgate OP generally coincides with the SVCA Hazardous Land mapping for the property.

We note that the EP zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, does not coincide with the SVCA Hazardous Land mapping for the property. SVCA staff would recommend as part of these applications that the Township of Southgate update the EP zone on the property to better reflect site conditions.

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. Based on the plan submitted with the proposal, the proposal would be consistent with Section 3.1.1 of the PPS, 2020.

Township of Southgate Official Plan and Grey County Official Plan

Section 5.5.2 of the Southgate OP and Section 7.2.3 of the Grey County OP state in part that buildings and structures are generally not permitted in the Hazard Lands land use type. Based on the plan submitted with the proposal, the proposal would be consistent with the Southgate OP and Grey County OP.

Drinking Water Source Protection

The property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the property are within the Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). 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.

For this property, the SVCA Approximate Screening Area includes wetlands/swamps, Fairbanks Creek and its tributaries, any floodplain associated with the wetlands/swamps and the watercourses, and the valley slope, and an offset distance from these features.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation 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.

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 SVCA Approximate Screening Area, associated with our Regulation on the property, the SVCA should be contacted, as permission may be required.

Based on the plan submitted with the applications, portions of both the parcel to be severed and the parcel to be retained are within the SVCA Approximate Screening Area associated with Ontario Regulation 41/24. As such, development and/or site alterations within the SVCA Approximate Screening Area may require permission from SVCA prior to work commencing.

Summary

SVCA staff has reviewed this proposal 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 Grey County OP and Township of Southgate policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Township of Southgate with regard to the proposal. Should you have any questions, please contact the undersigned.

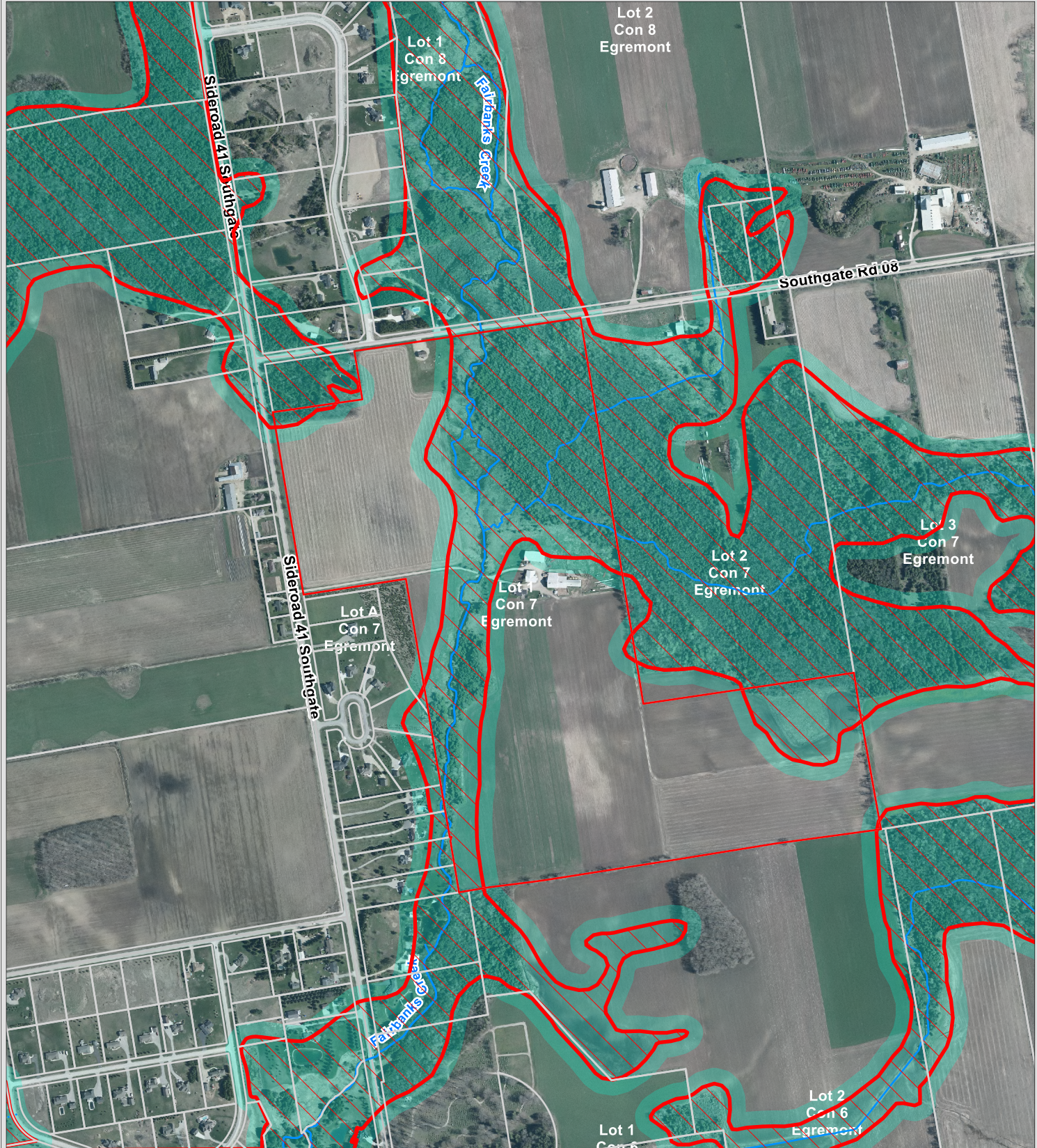
Sincerely,



Vivian Vanceeder
Environmental Planning Technician
Saugeen Conservation
VV/

Enclosure: SVCA map

cc: Barbara Dobreen, Authority Member, SVCA (via email)
Cuesta Planning, Agent (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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May 14, 2024



UTM Zone 17N, NAD 83

1:10000

Legend

-  Watercourse
-  Subject Property
-  Hazard Lands
-  SVCA Screening Area

Edwin Bearinger
 411361 Southgate Sideroad 41
 N Part Lot 1 Con 7, Gore A
 Roll No. 420706000511700
 Geographic Township of Egremont
 Township of Southgate

