

SENT ELECTRONICALLY ONLY: hmalynyk@southgate.ca

April 21, 2022

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

ATTENTION: Holly Malynyk, Legislative and Administrative Assistant

Dear Ms. Malynyk,

RE: C31-21 and OPA3-21 and B14-21 (Rundle)
391517 Grey Road 109
Lot 55 Concession 3 Part 2 Plan 16R5912
Roll No.: 420706000318200
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 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.

Purpose

The purpose of the of the proposed Official Plan Amendment is to recognize the creation of an undersized agricultural lot in and agricultural designation. The purpose of the zoning bylaw amendment application is to recognize a reduced side yard setback, and a reduced lot area for both the severed and retained lots of a proposed consent. It is the understanding of SVCA staff that no new buildings or structures are proposed as part of the applications. Furthermore, it is the understanding of SVCA staff that access to the parcel that is to be severed and merged will have access to Southgate Road 41 via an existing watercourse crossing.

Recommendation

The applications 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 property is not affected by any natural hazard features. However, we note that the parcel with frontage on Southgate Road 41 does contain natural hazard features, including a watercourse and its flooding and erosion hazards and potentially wetlands/swamps. The watercourse is an unnamed tributary of Fairbanks Creek. For the parcel with frontage on Southgate Road 41, it is SVCA staff's opinion that the Hazard Lands designation as shown in Schedule A of the Grey County OP, and Schedule A of the Southgate OP, and the Environmental Protection (EP) Zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, generally coincides with the Hazardous Lands as plotted by SVCA staff for the property.

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 the applications are 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. It is the opinion of SVCA staff that the applications are 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 properties include: fish habitat and its adjacent lands, and potentially 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 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 and its Adjacent Lands

An unnamed tributary of Fairbanks Creek flows through the property with frontage on Southgate Road 41. The 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 applications, as no new buildings or structures are proposed, it is the opinion of SVCA staff that the preparation of an EIS is not warranted to address impacts to fish habitat or their adjacent lands at this time.

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 policies 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. As mentioned above, it is the understanding of SVCA staff that no new buildings or structures are proposed as part of the applications.

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 391517 Grey Road 109 property is not within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, permission from the SVCA is not required for the 391517 Grey Road 109.

However, the central portion of the property with frontage on Southgate Road 41 is within the SVCA Approximate Screening Area. 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

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contact the SVCA directly. For the property with frontage to Southgate Road 41, the SVCA Approximate Screening Area includes the larger of: any watercourses and their flooding and erosion hazard, and a 15m offset distance outwards from the floodplain edge, and/or any wetlands/swamps located on the property as well as a 30 metre offset distance outwards from the wetlands/swamps edge.

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

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 endangered species and threatened species which must be addressed by the owner/applicant.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species which must be addressed by the owner/applicant.

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 Technician
Saugeen Conservation
MO/

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