

SENT ELECTRONICALLY ONLY: cstreadwick@southgate.ca and becky.hillyer@grey.ca

July 26, 2022

Township of Southgate and County of Grey

ATTENTION: Clinton Stredwick, Municipal Planner; and Becky Hillyer, Planner

Dear Mr. Stredwick, and Ms. Hillyer,

RE: C11-22 and Southgate OPA 1-22 and Grey County OPA 42-07-090 (Hogs Back Pit)
046365 Southgate Road 04
Part Lot 31 Concession3
Roll No.: 420709000702900
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 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 applicant is proposing to establish a licensed aggregate extraction operation (gravel pit) on the subject property. The Hog's Back Pit would be a Class 'A' pit with a proposed annual tonnage of 100,000 tonnes. The applicant proposes to license 13.38 hectares of which 5.77 hectares is slated for extraction.

Background

As part of the pre-submission consultation process, SVCA staff was contacted by the property owner on May 13, 2019 prior to purchasing the property. SVCA staff conducted a site inspection at the property on October 8, 2019 and met with the owner (Randy Bye of H. Bye Construction) and ecologist (Linda Sober of SAAR Environmental) that day.

SVCA note that, based on SVCA watershed mapping, that the northern portion of the property is located within the SVCA watershed, while the southern portion of the property is located within the Grand River Conservation Authority (GRCA) watershed, and in 2019 SVCA staff had communicated with GRCA staff prior to the SVCA site inspection to the property.

Recommendation

SVCA staff have received and reviewed the following documents submitted with the applications:

1. Planning Justification Report prepared by Cuesta Planning Consultants;
2. Natural Environment Technical Report, dated February 23, 2022, prepared by SAAR Environmental Limited;
3. Drawings 1 of 3 Existing Features; Drawing 2 of 3 Operational Plan; and Drawing 3 of 3 Rehabilitation Plan; all prepared, signed, and dated February 2022 by GSS Engineering.

SVCA staff note that a Hydrogeological Assessment Report, prepared by GSS Engineering Consultants Ltd., project number 19-047, dated December 2021 was also submitted with the application, and SVCA is recommending that this report be peer reviewed to the satisfaction of SVCA staff by a qualified hydrogeologist. The cost associated with a peer review would be at the applicant's expense.

The applications are generally acceptable to SVCA staff, provided, upon peer-review, the Hydrogeological Assessment Report is determined to be acceptable to the SVCA.

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 affecting the property are wetlands. The Hazard Lands and Wetlands designation as shown in Schedule A of the Grey County OP, and Schedule A of the Southgate OP, and the Environmental Protection (EP) and Wetland (W) Zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, generally coincides with the SVCA Hazardous Lands mapping for the SVCA's watershed portion of the property. It is the opinion of SVCA staff that the Natural Hazard designation and EP zone could be refined, where necessary based on mapping provided in the Natural Environment Technical Report.

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 plans submitted with the applications, it is the opinion of SVCA staff that development would generally be consistent with Section 3.1.1 of the PPS, 2020.

Township of Southgate Official Plan and Grey County Official Plan

Section 6.2.1.ii of the Southgate OP and Section 7.2.2 of the Grey County OP does permit natural resources as a use in the Hazard Lands land use. Provided no buildings or structures are proposed in the Hazard Lands, it is the opinion of SVCA staff that development will be consistent with the natural hazard policies of the Southgate OP and Grey County OP.

Natural Heritage:

Based on SVCA's in-office review, the following significant natural heritage features were identified as affecting the property: significant woodlands, significant wetlands, earth science area of natural and scientific interest (ANSI), fish habitat, significant wildlife habitat, and habitat of endangered species and threatened species.

A Natural Environment Technical Report, dated February 23, 2022, was prepared by SAAR Environmental Limited. Provided the mitigation measures (EIS section 11), are followed, it is the opinion of SVCA staff that the applications appear to generally be consistent with Section 2.1 of the Provincial Policy Statement, and the natural heritage policies of the Grey County County OP, and the Township of Southgate OP.

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.

A large portion 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 SVCA Approximate Screening Area, within the SVCA watershed, may require 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.

For this property the SVCA Approximate Screening Area represents the larger of the wetlands, plus an offset distance of 120 metres outwards from the wetland edge and/or the potential floodplain, plus an offset distance of 15 metres outwards from any potential floodplain. 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>.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, and interference with a watercourse and/or wetlands, proposed within the SVCA Approximate Screening Area on the property may require permission (SVCA Permit) prior to those works commencing.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the local Drinking Water Source Protection Plan official.

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 and/or County of Grey 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/

cc: H. Bye Construction Limited, owner (via email: admin@hbyeconstruction.com)
Cuesta Planning Consultants Inc., agent for owner, (via email)
Chris Lorenz, Resource Planner, Grand River Conservation Authority (via email)
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)