



Planning and Development

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March 14th, 2024

Elisha Milne
Township of Southgate
185667 Grey Road 9
Dundalk, ON
N0C 1B0

**RE: Consent Application B1-24 and Zoning By-law Amendment C4-24
Concession 9, Lot 13 (112017 Grey Road 14)
Township of Southgate (geographic Township of Proton)
Roll: 420709000203200
Owner: Paul Sherk
Applicant: Eli Sherk**

Dear Ms. Milne,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to sever the subject lands into two proposed farm lots and to amend the zoning bylaw to address minimum lot area for the newly created lots, as follows:

- 1) Severed lot +-484 meters frontage on Grey Road 14, +-385 meters depth and +-18.5 hectares lot area
- 2) Retained lot +-385 meters frontage on Southgate Road 12, +-523 meters depth along Grey Road 14 and +- 20 hectares lot area.

Schedule A of the County OP designates the subject lands as 'Rural' and 'Agricultural'. Section 5.2.3(5) states,

Where a non-farm sized consent is being proposed to create a new lot on a split land use type property (e.g. a split Agricultural and Rural land use type), the consent may only be supported if;

- a) *The entirety of the Agricultural land use type lands remain intact;*

- b) *All other options for consent have been deemed unviable (i.e. the more restrictive consent policies shall be initially considered and assessed), and*
- c) *The lands outside of the Agricultural land use type meet the policies and criteria for a severance in the other land use type. In the Rural land use type, the lot would need to meet the Rural lot density and frontage provisions.*

Further, Section 5.4.3(1) of the County OP states,

All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum lot density shall not be exceeded as outlined in Table 9 below. The lot density is determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size of the original Township lot. Any proposed increase to this maximum lot density will require an amendment to this Plan, and will require justification as to the need for additional Rural lot creation.

Table 9: Permitted Rural Severances based on Original Township Lot Size

Original Township Lot Size (in hectares)	Number of Severances Permitted	Total Lots Permitted including the Severed and the Retained
20	1	2
40	3	4
60	4	5
80	5	6

In order to avoid narrow linear parcels of land, the frontage-to-depth ratio for non-farm sized lots (see Diagram 1 below) shall be a maximum of 1:3 and the lot must conform to the appropriate zoning by-law in reference to minimum lot frontage and other applicable provisions. Justification to go beyond the 1:3 frontage-to-depth ratio shall be justified in a development application, but will not require an amendment to this Plan. In considering whether to pro-rate up or down, the land area must be within 15% of the required maximum to be pro-rated up, otherwise it will be pro-rated down.

The severed lot would only be located within the Rural designation and all of the Agricultural designation would remain intact, as it would be located on the retained parcel. The severed lot would not be considered farm sized as it is just under 20 hectares and the retained lot would be considered farm sized under the Rural designation. Due to the above, County Planning staff are of the opinion that another option for consent would not be viable for the property.

The subject property is located on an approximately 40 hectare original township lot and currently contains one lot. The creation of an additional lot would meet County OP lot density policies. Further, the severed lot would have a lot area greater than 0.8

hectares. The frontage-to-depth ratio for the severed lot is less than 1:3. Therefore, County Planning staff have no concerns.

Section 5.2.2(5) of the County OP states,

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial MDS formulae. Municipal comprehensive zoning by-laws shall incorporate Provincial MDS formulae.

MDS Calculations were not submitted with the application. Provided MDS calculations are done and setbacks can be obtained; County Planning staff have no concerns.

Section 8.9.1(4) of the County OP states,

The following hierarchy of water or sanitary servicing options will be used to evaluate any development applications within the County, except where specific exclusions are made through this Plan or where more detailed policies have been developed in a local official plan or secondary plan. The feasibility of the options will be considered in the following order of priority which will be assessed through a Servicing Options Study in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-5-3 Series Guidelines, or any subsequent update to these Guidelines:

d) Individual on-site sewage services and individual on-site water services in accordance with the policies contained in Section 8.9.1.

From a general planning perspective, it should be ensured that the subject property can safely provide on-site water and sewage servicing for both the severed and retained lots.

Schedule A of the County OP indicates the subject lands contain 'Hazard Lands'. The proposed severance would be located within the Hazard Lands. County Planning staff recommend receiving comments from the Conservation Authority.

Schedule A of the County OP indicates the subject lands are within the adjacent lands of 'Provincially Significant Wetlands'. Further, Appendix B of the County OP indicates the subject lands contains and/or is adjacent to potential 'Habitat of Threatened or Endangered Species', 'Other Identified Wetlands', 'Significant Woodlands', 'Significant Wildlife Habitat', potential 'Fish Habitat', and a 'Stream'. County Planning Ecology staff have reviewed the subject application and have a comment stating,

Based on the site plan, the proposed development will be within adjacent lands to the identified natural heritage features and within a previously disturbed area. As such, it is

County staff's opinion that the potential impact to this feature would be negligible, and the requirement for an EIS can be waived.

County staff's role is to identify habitat through a screening process in consideration of the PPS and local policies; however, it is the applicant's responsibility to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed – “development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. Due to the sensitive nature of this information, staff are not permitted to disclose the potential endangered and threatened species type on the subject lands. But can offer the following mitigation measures to best address the potential endangered and threatened species habitat on the subject property:

- Site alteration required for the development should be limited to outside of the bird active nesting season (April 1 to August 31, annually).

County staff advise the applicant of the above to support compliance with external legislation (Endangered Species Act (ESA), 2007, subsections 9(1) and 10(1)(a)). County staff are not the regulating authority under the ESA. The applicant is advised to contact the Ministry of Environment, Conservation and Parks (MECP) at SAROntario@ontario.ca for further information on how to address this policy.

County ecology staff have no concerns with the application. If you have any questions or concerns regarding the above, please reach out to ecology@grey.ca.

Should the applicant seek to injure or destruct trees on lands that extend more than 15 metres from the outer edge of which a Building Permit has been issued, staff recommend consulting the County's Forestry Management By-law <http://grey.ca/forests-trails>. An exemption to the by-law includes the injuring or destruction of trees required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued.

County Transportation Services has reviewed the subject application and have a comment stating,

As a condition of approval, a daylight triangle, measuring 15.24m shall be conveyed to the County of Grey at the intersection of Grey Road 14 and Southgate Road 12. This shall be legally conveyed at the expense of the applicant. Further, an Entrance Permit must be applied for future entrances and all proposed future buildings must maintain a 75ft setback from the centreline of the County RoW.

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Provided MDS calculations are completed and setbacks can be obtained, positive comments are received from the Conservation Authority regarding the Hazard Lands, and County Transportation Services comments are addressed; County Planning staff have no concerns.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please contact me.

Yours truly,

A handwritten signature in black ink that reads "Derek McMurdie". The signature is written in a cursive, flowing style.

Derek McMurdie
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