



Planning and Development

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March 12, 2024

Victoria Mance
Township of Southgate
185667 Grey Road 9
Dundalk ON, N0C 1B0

**RE: REVISED - Consent Application B4/21 and Zoning By-law Amendment
Application C16-22
Concession 1 Part Division 2 to 3 Lot 21
Geographic Township of Egremont
Owner: Rodger and Lynda Falladown**

Dear Ms. Mance,

This correspondence is in response to the above noted *revised* 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.

Rather than a new lot being created (as per the original proposal), County staff understand that the 'retained' lands would be added to the property to the north, therefore reducing the requirement for a new building envelope on the retained lands. Therefore, County staff understand that the subject consent application is a lot addition, rather than a severance application and the application description should be revised as such.

The purpose of the proposed zoning bylaw amendment application is to implement a proposed consent. The proposed zoning amendment would recognize a reduce lot area and frontage for the severed parcel and a new lot area for the retained parcel.

Schedule A of Recolour Grey designates as the subject property as 'Rural'. Section 5.4.3 (1) of the 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

The subject property is located on an Original Township Lot Size of 63 hectares. Currently, the Original Township Lot has four (4) lots. The creation of one more lot would be permitted. County Planning staff have no concern in this regard.

Schedule A of the County OP also designated the subject property as 'Provincially Significant Wetlands'. Section 7.3.1 of the County states,

1) No *development* or *site alteration* is permitted within the Provincially *Significant Wetlands* and *Significant Coastal Wetlands land use type* (shown on Schedule A), except where such activity is associated with forestry and uses connected with the conservation of water, soil, wildlife, and other natural resources but does not include buildings and will not negatively impact the integrity of the *Wetland*.

2) No *development* or *site alteration* may occur within the *adjacent lands* of the Provincially *Significant Wetlands* and *Significant Coastal Wetlands land use type* unless it has been demonstrated through an *environmental impact study*, as per Section 7.11 of this Plan, that there will be no *negative impacts* on the natural features or their *ecological functions*.

Development or *site alteration* within the *adjacent lands* of the Provincially *Significant Wetlands* and *Significant Coastal Wetlands land use type* will require a permit from the appropriate *conservation authority*.

Lastly, Schedule A designates the subject property as 'Hazard Lands'. Section 7.2 (3) states

In the *Hazard Lands land use type* buildings and structures are generally not permitted. Minor extensions or enlargements of existing buildings and structures may be permitted subject to the policies of Section .7 Non-habitable buildings connected with public parks, such as picnic shelters, may be permitted.

The location of the proposed building envelope on the severed lands would be located adjacent to the Provincially Significant Wetlands. An EIS was completed to support the proposed development provided that the recommended mitigation measures be implemented. However, the proposed driveway would be located within the Provincially Significant Wetlands. The above noted policies do not permit any type of development or site alteration within a Provincially Significant Wetlands. At this time, a County OPA

would be required, to adjust the PSW mapping. County staff have been recently made aware of changes to provincial direction regarding approval of PSW boundary adjustments. At this time, County staff understand that any alteration to a PSW boundary shall only be undertaken by a consultant certified through the Province's OWES certification process. That said, in order to formally amend Schedule A of the County's Official Plan, a County OPA process will also be required. County staff are unable to confirm the findings of any assessment to adjust a PSW boundary until the spring season.

Schedule B of the County OP designates a small portion of the property 'Aggregate Resource Area'. Section 5.6.2 (7) states,

In Aggregate Resource Areas shown on Schedule B, new non-agricultural uses that require a zoning by-law amendment on existing lots of record, or new non-farm sized lot creation, which would prevent or hinder new extraction operations, and may only be permitted if:

a) The extraction of the aggregate resource is not feasible due to the quality or quantity of material or the existence of incompatible development patterns. The quality and quantity of the material will be determined by having a qualified individual dig test pits within the area proposed for the non-agricultural development as well as the adjacent lands within 300 metres of the aggregate resource area; or that

The subject property currently contains less than .20 hectares of Aggregate Resource Area. The extraction of this material on the subject property would not be feasible due to the quantity of material. County Planning staff have no concerns in this regard.

Since the initial review, County staff have received further comments from the Township to verify that Sideroad 5 is a seasonally maintained municipal road (ie: it is not maintained during the winter months, and has not been constructed to meet permanent-road requirements). Section 8.3.4 of the County's OP states:

4) New lot creation is not permitted on a private road unless the roads are established through a plan of condominium. Development on existing lots of record on private roads or seasonally maintained roads may be considered subject to satisfying the following criteria:

a) The use on the lot must be permitted by the implementing zoning by-law;

b) The lot and all buildings and structures on the lot must comply with the implementing zoning by-law;

c) The appropriate approvals are obtained for sanitary sewage treatment disposal and a potable water supply is available;

d) The property owner, at his/her expense, enters into a site plan agreement with the local municipality, or an alternative binding agreement acceptable to the local municipality, that indicates that:

i.) The owner acknowledges and agrees that the lot in question does not front on an improved public road or a road that is maintained year round;

ii.) The owner acknowledges and agrees that the local municipality does not or is not required to maintain or snowplow the said road or street;

iii.) The owner acknowledges and agrees that the local municipality will not take over or assume an unopened, unassumed or private road or street as a local municipal road unless it has been built or upgraded to the local municipal standards then in force;

iv.) The owner acknowledges and agrees that the local municipality is not liable for any injuries, losses, or damages as a consequence of the local municipality issuing a building permit; and,

v.) The site plan agreement shall be registered against the lands at the expense of the owner.

At minimum, the above noted policies would need to be achieved, in addition to any other road-upgrade requirements required by Southgate staff.

The proposed driveway access would be located approximately 24 meters from the edge of Highway 10, and the proposed structures appear to be located significantly closer to the highway. Comments from MTO stipulate that any new access shall be located a minimum of 85 meters from the end of the radius of Highway 10. The proposal does not appear to conform to comments outlined by MTO at this time. County staff would not be supportive of extending the driveway further eastward to meet MTO requirements, given the foreseeable impacts on the PSW and other key natural heritage (and hazard) features.

County Planning Ecology staff have reviewed the submitted material and have provided the following comments:

County staff have reviewed the EIS. The proposed access would be constructed through a PSW, as shown in Schedule A in the OP. At this time, a County OPA would be required, to adjust the PSW mapping. Given the change of provincial direction in regard to PSW boundary adjustments, any alterations to the boundary shall only be undertaken by a consultant certified through the Province's OWES certification process. County staff are unable to confirm the findings of any assessment to adjust a PSW

boundary until the spring season. County staff would not be supportive of extending the driveway further eastward, given the foreseeable impacts on the PSW and other key natural heritage (and hazard) features.

If further updates to the adjacent road (Southgate Road 10) the EIS should be amended to assess the potential impacts to the PSW.

The EIS indicates that the proposed development an advanced septic treatment system (Waterloo Biofilter System) and requires are area of 20mx14m. Further, the EIS indicates the septic system is proposed to be 20m from the wetland but that there is a potential for the septic system to cause impacts. The recommended mitigation is the septic system has been located as far away as possible from the wetland (20m) on the west side of the lot and the system has minimal area requirements. Further information/mitigation should be provided on installation of the septic system and system operation with respect to potential impacts to the PSW.

To avoid impacts to nesting birds and wildlife, any tree cutting should be scheduled outside of the peak nesting season (late May to early July) and preferably should occur in the fall-winter to protect wildlife. Diligent application of sediment and erosion controls (ESCs) is recommended for all future construction activities to minimize the extent of accidental or unavoidable impacts to adjacent vegetation communities and wildlife habitat:

- *Prior to the commencement of site works, silt fencing should be applied along the length of directly adjacent natural or naturalized features, and routine inspection/maintenance of the silt fencing should occur throughout construction.*
- *ESCs be maintained until vegetation is re-established post-construction.*
- *Materials storage on the property (i.e., soil stockpiles) should be located over 30m from woodlands wherever feasible.*
- *Material storage areas should be contained with ESCs to avoid potential indirect impacts to natural features onsite.*
- *During construction, the contractor is responsible for ensuring municipal roadways are cleaned of all mud from vehicular traffic etc. to and from the site at the end of each working day.*
- *Additional erosion control measures may be required as site development processes. The contractor is to provide all additional erosion control structures.*
- *All erosion control structures are to remain in place until all disturbed ground surfaces have been stabilized either by paving or restoration of vegetative ground cover.*

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

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recommend consulting the County's Forestry Management By-law -

<https://www.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.

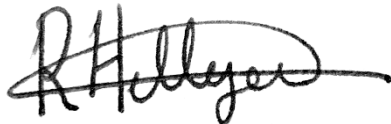
County Planning staff recommend deferral of the subject applications until such time that the applicants can:

- 1) Undertake a successful amendment to the County's Official Plan in order to permit new access across the Provincially Significant Wetlands. This will require a formal pre-consultation process with Grey County (including payment of a \$500.00 pre-consultation fee) to determine application requirements.
- 2) Demonstrate compliance with Section 8.3.4 of the County's Official Plan regarding development on an unmaintained private road; and
- 3) Demonstrate that the proposal can comply with agency comments, including MTO development setbacks and standards; and
- 4) Further information shall be provided to demonstrate that the proposed septic system shall not interfere with the PSW, per the above-noted planning ecology comments.

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, appearing to read 'R. Hillyer', with a stylized flourish at the end.

Becky Hillyer

Intermediate Planner

becky.hillyer@grey.ca