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December 7, 2023

Bill White, MCIP RPP
Consulting Senior Planner
Township of Southgate
185667 Grey County Rd. 9
Dundalk, Ontario
NOC 1B0

Dear Mr. White:

RE: Planning Justification Letter (Consent and Minor Variance)
260289 Southgate Road 26, Township of Southgate
Legal Address: CON 2 SWTSR PT LOT 198 TO PT; LOT 200; SOUTHGATE
Roll No.: 420709000804300
Our File: TUB.75123.215 (TUBEGATE INC.)

1.0 INTRODUCTION

We have been retained by Tubegate Inc., owner of 260289 Southgate Road 26, in the Township of Southgate to act as planners for a Consent and Minor Variance application on the aforementioned lands. The applications propose to sever the subject lands, creating a one (1) hectare parcel of land on the southeast corner of the property with a 98 meter frontage on to Southgate Road 26. The retained parcel will have an irregular shape with a lot area of 39 hectares and a lot frontage of 342 meters on to Southgate Road 26. The proposed Minor Variance will implement this proposed consent as well as B7-2023. This Planning Justification Letter is being submitted as part of a complete application.

We would note that the subject lands are the resultant lot of Consent B7/2023. We are of the opinion that this proposed consent will need to either: be provisionally approved following Consent B7/2023 being perfected or be conditional upon Consent B7/2023 being perfected, whichever is most expeditious.

2.0 LOCATION

The subject lands are municipally known as 260289 Southgate Road 26, Township of Southgate and legally described as CON 2 SWTSR PT LOT 198 TO PT; LOT 200. The lands are located on the north side of Southgate Road 26, east of Proton Station. The lands are located east of Southgate Road 73 and west of Highway 10.

3.0 SITE DESCRIPTION & SURROUNDING USES

The subject lands are a rural parcel of land with a lot area of 40 hectares and a lot frontage of 440 metres (558 metres with lot addition) onto Southgate Road 26 (Figure 1- Subject Lands). Access to the site is from Southgate Road



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26. The lands are described as rural, containing woodlands, grasslands and farm lands (Figure 2 – Aerial). The lands contain a single detached residential dwelling, and two accessory structures in the north east corner of the property. The existing structures are located within the proposed severed parcel, while the retained property is vacant. The lands are serviced by privately owned well and septic.

The lands are designated Rural and Hazard in the County of Grey Official Plan and the Township of Southgate Official Plan. The lands are zoned Agricultural (A1) and Hazard (H) in the Township of Southgate Zoning By-law 19-2002. The lands are partially regulated by the Saugeen Valley Conservation Authority (SVCA) and partially regulated by the Grey Sauble Conservation Authority (GSCA). The surrounding lands can be described as rural and woodlands to the north and east, rural residential to the south and rural, agricultural and OFDU to the west.

4.0 DESCRIPTION OF PROPOSAL

The applicant proposes to sever the subject lands creating a one (1) hectare severed parcel and a thirty-nine (39) hectare retained parcel. The subject lands are the resultant lot of Consent B7/2023. (Figure 3 – Consent Sketch). The overall subject lands are irregular in shape and include two frontages on Southgate Road 26 due to a separate existing lot along the same road frontage. The proposed severed parcel is also irregular in shape to accommodate the existing buildings on the subject lands and uses of the lands associated with the residence. The retained lands will have a lot frontage of 558 metres onto Southgate Road 26. The severed parcel will have a lot frontage of 98 metres onto Southgate Road 26 and will contain the existing residence and two accessory structures (Figure 3 – Consent Sketch). The subject lands are serviced by private well and septic. A Minor Variance application is required to implement the consent and recognize a reduced lot frontage. The proposed Variance also incorporates a required variance for B7/2023.

The applications are described as follows:

1. Consent:

Severed Lot will have a lot area of 1 hectare and a lot frontage of 98 metres onto Southgate Road 26.

Retained Lot will have a lot area of 39 hectares and a lot frontage of 558 metres onto Southgate Road 26.

2. Minor Variance:

To implement the consent, a Minor Variance is required and requested as follows:

1. To vary S.6.2 (a) from a required lot area of 40 hectares where 1 hectare is provided for the severed lot.
2. To vary S6.2 (b) from a required lot frontage of 200 meters where 98 meters is provided for the severed lot.



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3. To vary S6.2 (a) from a required lot area of 40 hectares where 39 hectares is provided for the retained lot.
4. To vary S6.2 (a) from a required lot area of 40 hectares where 33 hectares (retained for B7/2023) is provided.

5.0 PLANNING ANALYSIS

A review of planning documents was undertaken to determine compliance of the Applications to the Planning Act and the provincial and municipal planning documents. A review of the applications in light of the planning documents made the following conclusions:

1. **The Applications Have Regard for Matters of Provincial Interest (Section 2 of the Planning Act, 1990).** The proposed consent is consistent with Rural lot creation policies. The hazard lands associated with the subject lands will not be impacted as the existing structures will remain on the severed land and outside of the hazard lands and there is a sufficient area for development outside of the hazard lands on the retained parcel.
2. **The Applications are in the Public Interest.** The proposal will facilitate a severance on the subject lands. The proposed severance will not impact the Hazard Lands or natural heritage features.
3. **The Applications are Consistent with the Provincial Policy Statement 2020.** The proposal is consistent with the policies that apply to the rural lands, natural heritage system, and the protection of public health and safety.
4. **The Applications Conform to the County of Grey Official Plan, and the Township of Southgate Official Plan.** The proposed application conforms to the policies that guide land use and development on rural lands, protect the natural heritage system, and guide land division by consent.
5. **The Proposed Applications generally comply with the Zoning By-law.** The proposed application generally meets the intent of the Zoning By-law, a minor variance is applied for to recognize a reduced lot frontage on the severed parcel and a reduced lot area on both the severed and retained parcels as well as the retained parcel related to consent B7/2023.

A detailed review of the applicable planning documents is provided in the following sections.

5.1 PLANNING ACT

The Planning Act must be considered when reviewing development applications.

- **Section 2 – Matters of Provincial Interest**

Planning applications must have regard for “Provincial Interest” under Section 2 which includes:

- Protection of ecological systems, including natural areas and functions,



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- Protection of agricultural resources,
- Conservation of features of significant scientific interest,
- Protection of health and safety and,
- Appropriate location of development.

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The applications will facilitate the creation of a severed and retained rural lot. The subject lands are comprised of rural lands and hazard lands. The proposed severance is located within the Rural designation and does not contain any Hazard lands. The existing single detached residential dwelling and two accessory structures will be located on the severed parcel. The retained parcel is any irregular shape, not containing any structures at this time. There is a suitable building envelope in close proximity to Southgate Road 26 that would be outside of the hazard lands.

- **Section 3 – Consistency and Conformity to Provincial Policy**

Planning decisions must be consistent with the provincial policy statement. The Provincial Policy Statement (PPS) 2020 applies to the Applications and is addressed in the following section.

- **Section 53 – Consents**

The approval of land division through consent is permitted if a plan of subdivision is not necessary for the proper and orderly development of a property. A plan of subdivision is not necessary for the creation of one lot.

Conclusion: The proposed applications meet the requirements of the Planning Act

5.2 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest in regard to land use planning and development within Ontario. Growth and development are focused in settlement areas; however, the PPS recognizes the importance of supporting the viability of rural areas and that the wise management of land use change may involve directing, sustaining, and promoting development. The wise use of resources is a way to ensure that the biodiversity and protection of ecological processes are recognized as a key provincial interest.

- **Section 1.1.4 – Rural Areas in Municipalities**

In the context of the PPS, the subject lands are considered within the Rural Areas policies. The rural area policies in the PPS recognize that viable rural areas are supported by building upon rural character, promoting regeneration and diversification of the economic base, conserving biodiversity and using rural infrastructure efficiently (policy 1.1.4.1).

The proposed consent that will facilitate the creation of a severed and retained rural lot is consistent with the guiding policies outlined in this section. The proposed severed lot would be consistent with the surrounding rural character and would not negatively impact natural heritage features.



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- **Section 1.1.5 – Rural Lands in Municipalities**

Permitted uses on rural lands include a residence and accessory buildings and policies support appropriate lot creation. These policies include ensuring that development is compatible with the rural landscape and rural services, development is appropriate to the infrastructure available and the creation of new lots shall comply with the minimum distance separation formulae. The lot configuration contains an irregularity to accommodate the recent lot addition to the south-west, and maintains frontage and access onto Southgate Road 26. There is a suitable building envelope on the retained lands outside of the hazard lands and in close proximity to Southgate Road 26. MDS was completed for one barn (260360 Southgate Road 26) which is located 644 metres away, MDS is met. Calculation as follows:

- 260360 Southgate Road 26 - Barn
 - Distance Required: 81m
 - Distance Provided: 644m
- 260360 Southgate Road 26 – Manure Storage
 - Distance Required: 81m
 - Distance Provided: 642m

Minimum Distance Separation I is met.

- **Section 2.0 – Wise Use and Management of Resources**

Section 2.1 requires that natural features and areas be protected for the long term. It is not anticipated that the proposed severance will impact the hazard lands. The severed lands are outside of the Hazard Lands and natural heritage features. There are no negative impacts anticipated.

- **Section 3.0 – Protecting Public Health and Safety**

This section of the PPS directs development away from areas of natural or human-made hazards. There are no natural or human-made hazards.

Conclusion: Consistency with the Provincial Policy Statement has been demonstrated.

5.3 COUNTY OF GREY OFFICIAL PLAN

The subject lands are designated Rural and Hazard in the County of Grey Official Plan.

Section 5.4.3 (1) of the Official Plan states that:

“All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum density shall not be exceeded as outlined in Table 9 below.”



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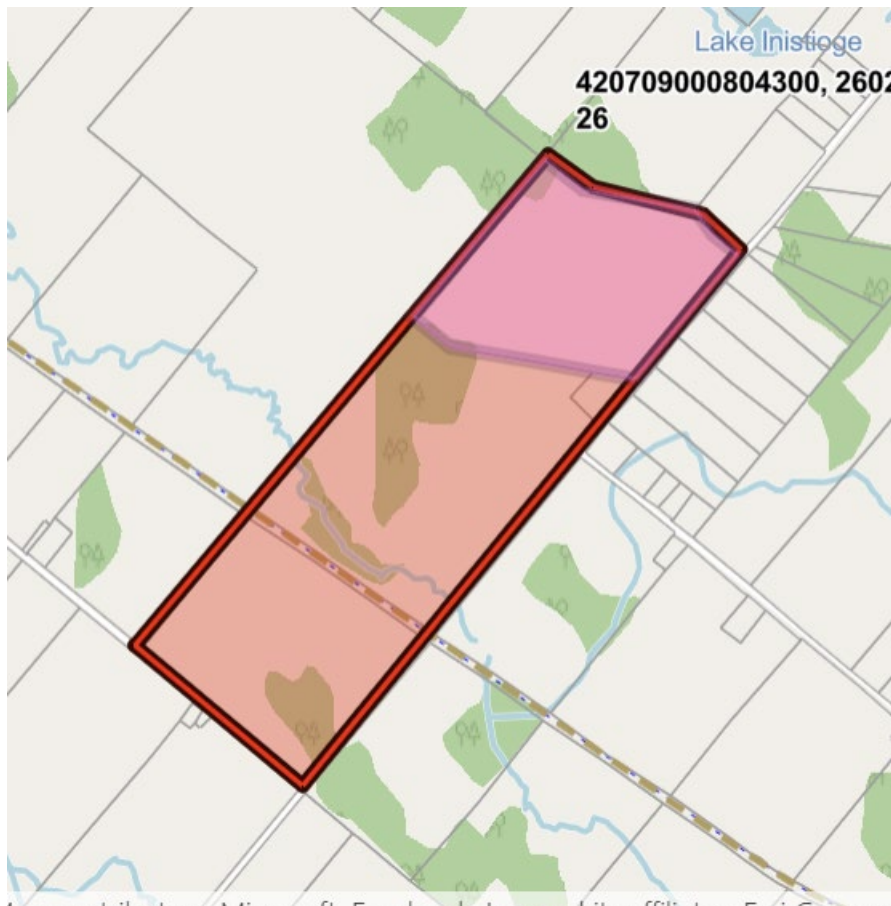
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Table 9: Permitted Rural Severance based on Original Township Lot Size

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

The subject lands at 260289 Southgate Road 26 are located within Lot 198, Lot 199, and Lot 200. The subject lands are the merged lot resulting from Consent B7.2023. The subject lands total lot area is 40 hectares, and the proposal is for one severed parcel.



Density:

The lot fabric in this area are long string 40 hectare original lots. Each of these original lots are slightly diagonal and include a natural break due to the former railway. The following are two possibilities to achieve the density requirements of the Official Plan as noted above:



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Scenario 1:

The subject lot is 40 hectares in size (considering Provisional Consent B7/2023), and the proposal is for one lot. *Policy is met.*

Scenario 2:

The subject lot as well as the adjacent lots include Lot 198, 199 and 200. As such, it could be considered that the entirety of the lot areas be taken into consideration. We would also note that the former railway that traverses the Lots has created a natural severance. This would provide for a density calculation of four existing lots over 108.3 hectares. (15% of 120 = 102 ha) *Policy met.*

In our opinion to look only at Lot 200 as the original lot fabric is inconsistent with the lot fabric of the overall Lots 198 through to Lot 200 (Noting Lot 198 and 199 have no frontage on an open and maintained road without the utilization of Lot 200.). If only reviewing Lot 200, there would be four (part) lots within the 35 hectare lot. Through a straight policy interpretation, the density would be met.

In our opinion, use of Scenario 1 and Scenario 2 maintains the policies of the Official Plan and takes into consideration the string type lot fabric, with a diagonal edge (Highway 10 diagonal) and the transecting of the railway of Lots 198-200.

Section 7.2 guides land use policies on Hazard Lands. In general, the Official Plan directs new development away from Hazard Lands. A portion of the subject lands are designated Hazard; however, these lands are not impacted by the proposed consent. The proposed severance does not contain any Hazard lands. There is also a sufficient amount of rural land within the retained land to allow development, which is also located in close proximity to Southgate Road 26. There is also a building envelope on the southwest corner of the lands – on the recently acquired lot addition. There are no negative impacts to natural heritage features anticipated.

Section 9.12 provides policies that must be addressed when the division of land is considered. The approval authority must have regard to the policies of the County of Grey Official Plan, the Planning Act, and the following circumstances:

- *Land division is permitted by the relevant land use policies.*
- *Promotes orderly and contiguous development.*
- *Compatibility with existing and future land uses on adjacent lands.*
- *Servicing requirements are met.*
- *Access to a public road.*
- *Suitable soil and drainage conditions.*
- *Size of parcel is appropriate for the use.*
- *Compliance with the MDS formulae.*

The proposed consent meets the requirements under Section 9.12. The Consent application conforms to the Rural land use type polices, with a retained lot area over 20 ha and frontage on an opened and maintained road. Access



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will be provided from Southgate Road 26. The existing entrance will be utilized for the residence, and no issue with proposed access as part of B7/2023 review was identified. The proposed consent is compatible with the other rural land uses and with the surrounding rural landscape, is appropriate for rural use and meets MDS.

Conclusion: Conformity to the County of Grey Official Plan has been demonstrated.

5.4 TOWNSHIP OF SOUTHGATE OFFICIAL PLAN

The subject lands are designated Rural and Hazard in the Township of Southgate Official Plan (Figure 4 – Township of Southgate Official Plan). The Rural designation policies are applicable.

Section 5.4.2.4 contain consent policies within the Rural land use type and includes the following:

- *Lot Creation is based on original Township lot fabric.*
- *A maximum of one lot may be severed from an original 40 ha Township lot provided no lands have ever been removed from the original lot. In situations where the original Township lot comprised 80 hectares, a second severance may be considered.*
- *Any lot created shall be 0.8 hectares.*
- *New farm lots should be approximately 20 hectares.*
- *Lots created for non-farm uses permitted should be generally no greater than 4 hectares.*
- *The severance of a new lot must comply with MDS I.*
- *The creation of a non-farm lot having an area of less than 20 ha shall not be permitted in Aggregate Resource Area.*
- *Non-farm lots not permitted within 500 metres of Dundalk.*
- *Section 5.5 (Natural Environment) and 7.2 (Land Division) must be met.*

It is our opinion that the policies of Section 5.4.2.4 are met.

Density:

The policy provides for a maximum of one lot per original 40 ha lot, and similar policies related to 80 ha original lot fabric. The following remains our opinion on lot density calculations for this property – in light of the overall original lot fabric consisting of Lots 198, 199 and 200.

Scenario 1:

The subject lot is 40 hectares in size (considering Provisional Consent B7/2023), and the proposal is for one lot. *Policy is met.*

Scenario 2:

The subject lot as well as the adjacent lots include Lot 198, 199 and 200. As such, it could be considered that the entirety of the lot areas be taken into consideration. We would also note that the former railway that traverses the Lots has created a natural severance. This would provide for a density calculation of four existing lots over 108.3 hectares. *Policy met.*



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In our opinion to look only at Lot 200 as the original lot fabric is inconsistent with the lot fabric of the over Lots 198 through to Lot 200 (Noting Lot 198 and 199 have no frontage on an open and maintained road without the utilization of Lot 200.). If only reviewing Lot 200, there would be four (part) lots within the 35 hectare lot. Through a straight policy interpretation, the density would be met.

Section 5.5 (Natural Environment and Open Space)

The lands are partially Hazard Lands. The severed lands are outside of the Hazard Lands and are built upon. The retained lands do contact building envelopes outside of the Hazard Lands and have direct frontage and access to Southgate Road 26 without the need to cross Hazard Lands.

Section 7.2 (Land Division)

The following are the criteria within S7.2:

- The consent process is the appropriate form of land division.
- The proposed application conforms to the Official Plan.
- A minor variance is required and meets the four tests as noted below.
- The proposed severed and retained both have frontage on an open and maintained municipal road with safe access.
- The sites size, configuration and soils are expected to permit a building envelope.
- The division of land represents orderly and efficient use of the land.

Conclusion: Conformity to the Township of Southgate Official Plan has been demonstrated.

5.5 TOWNSHIP OF SOUTHGATE ZONING BY-LAW

The subject lands are zoned Agricultural (A1) and Hazard Lands (H) in the Township of Southgate Zoning By-law. (Figure 5 – Township of Southgate Zoning By-law).

The following is a zoning compliance chart:

Agricultural (A1)	Required	Severed	Retained	Retained (B7/2023)
Minimum Lot Frontage	200 m	98 m	558 m	506 m
Minimum Lot Area	40 ha	1 ha	39 ha	33 ha

A Minor Variance request is made to vary the following Sections:

1. To vary S.6.2 (a) from a required lot area of 40 hectares where 1 hectare is provided for the severed lot.
2. To vary S6.2 (b) from a required lot frontage of 200 meters where 98 meters is provided for the severed lot.



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3. To vary S6.2 (a) from a required lot area of 40 hectares where 39 hectares is provided for the retained lot.
4. To vary S6.2 (a) from a required lot area of 40 hectares where 33 hectares (retained for B7/2023) is provided.

The proposed minor deficiencies will implement the proposed consent as well as consent B7/2023. All other provisions of the Zoning By-law 2004-50 have been met. The four tests of a minor variance are addressed in the following section.

6.0 MINOR VARIANCE

Under Section 45 of the Planning Act, RSO, 1990, the Committee of Adjustment is given the power to approve minor variances to the provisions of the Zoning By-law where it is demonstrated that the proposed variances represent good planning and are desirable for the appropriate development of the land and meet the general intent of the Official Plan and Zoning By-law.

The four tests were considered to determine the appropriateness of the proposed variances based on the impact on adjacent uses and a review of the Municipality of Grey Highlands Official Plan and Zoning By-law. The analysis of the Four Tests is summarized as follows:

6.1 FOUR TESTS

1. Are the variances in keeping with the general intent and purpose of the Township of Southgate Official Plan?

The minor variance maintains the general intent and purpose of the Township of Southgate Official Plan. The subject lands are designated Rural and Hazard in the Township of Southgate Official Plan. The proposal is to create one non-farm lot and to retain a farm parcel. The proposed severance meets the consent policies in the pertinent Official Plans, including rural lot density policies. The severed lot meets MDS I and will front onto an open and maintained public road. The proposed severance meets general consent policies as outlined above. The proposed severance is compatible with the surrounding rural landscape, will be privately serviced, and is appropriate for development in rural areas.

2. Are the variances in keeping with the general intent and purpose of the Township of Southgate Zoning By-law?

The minor variance maintains the general intent and purpose of the Township of Southgate Zoning By-law. The subject lands are zoned Agricultural (A1) and Hazard Lands (H). There are four variance requests related to lot frontage and lot area for the severed, retained and retained (B7/2023). The proposed lots maintain the Official Plan policies, and the variance requests still are in keeping with the Zoning By-law.



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3. Is the Application minor in nature?

The proposed variance is minor in nature. Both the severed and retained parcels maintain the typical lot frontages and lot areas regardless of the variance requests. The location of the existing farm cluster on the lands requires an irregularity in the lot configuration and a reduction in the lot frontage on the severed lands of 98 m and a reduction in lot area to 1 ha and 39 ha respectively within the retained parcels (subject application and B7/2023).

4. Is the Application desirable for the appropriate development or use of the land, building, or structure?

The proposed minor variance is desirable for the appropriate development of the subject lands. The variance would implement two consents on rural lands, while taking into consideration existing structures and hazard lands. These constraints have resulted in an irregular lot configuration, the severance remains appropriate and supports continued rural development.

The proposed variance is desirable for the appropriate development of the land.

7.0 CONCLUSION

This planning letter has been prepared in support of applications for a Consent application and Minor Variance application. The Applications are in keeping with the Planning Act RSO 1990, are consistent with the Provincial Policy Statement, 2020, and conforms to the County of Grey Official Plan and the Township of Southgate Official Plan. The Applications generally comply with the intent of the Township of Southgate Zoning By-law, as submitted.

The proposed minor variance meets the four tests of a variance.

It is our opinion that the applications represent good land use planning.

Respectfully Submitted,

LOFT PLANNING INC.

Kristine A. Loft, MCIP RPP
Principal

- Figure 1 – Subject Lands
- Figure 2 – Location
- Figure 3 – Consent Sketch
- Figure 4 – Township of Southgate Official Plan
- Figure 5 – Township of Southgate Zoning By-law

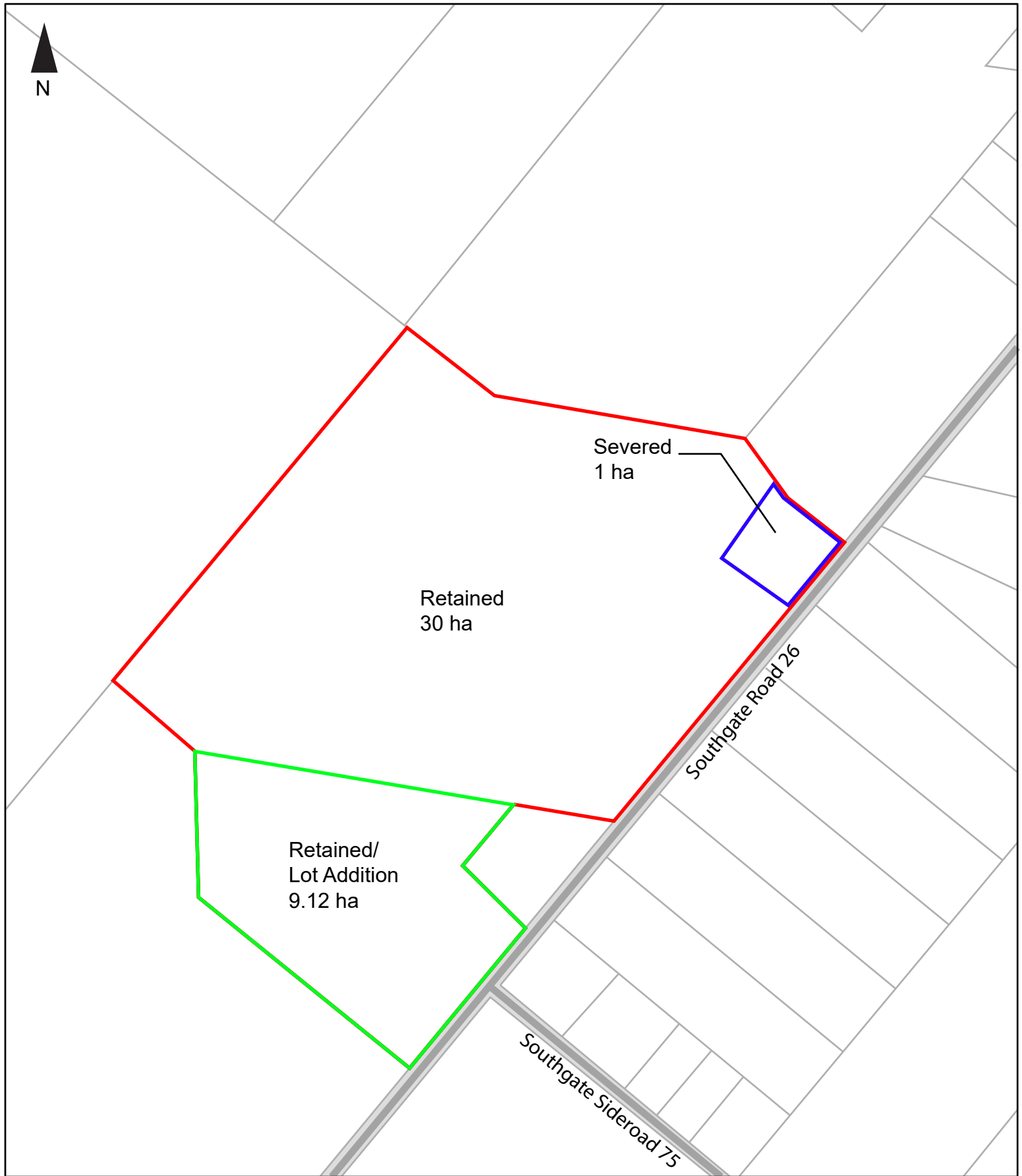


Figure 1
 Subject Lands
 260289 Southgate Road 26
 Township of Southgate

- ▭ Retained Land
- ▭ Severed Land
- ▭ B7-23 Severed Lands

100 200
 Metres





Figure 2
Aerial
260289 Southgate Road 26
Township of Southgate

 Retained Land

100 200
Metres



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December 7, 2023

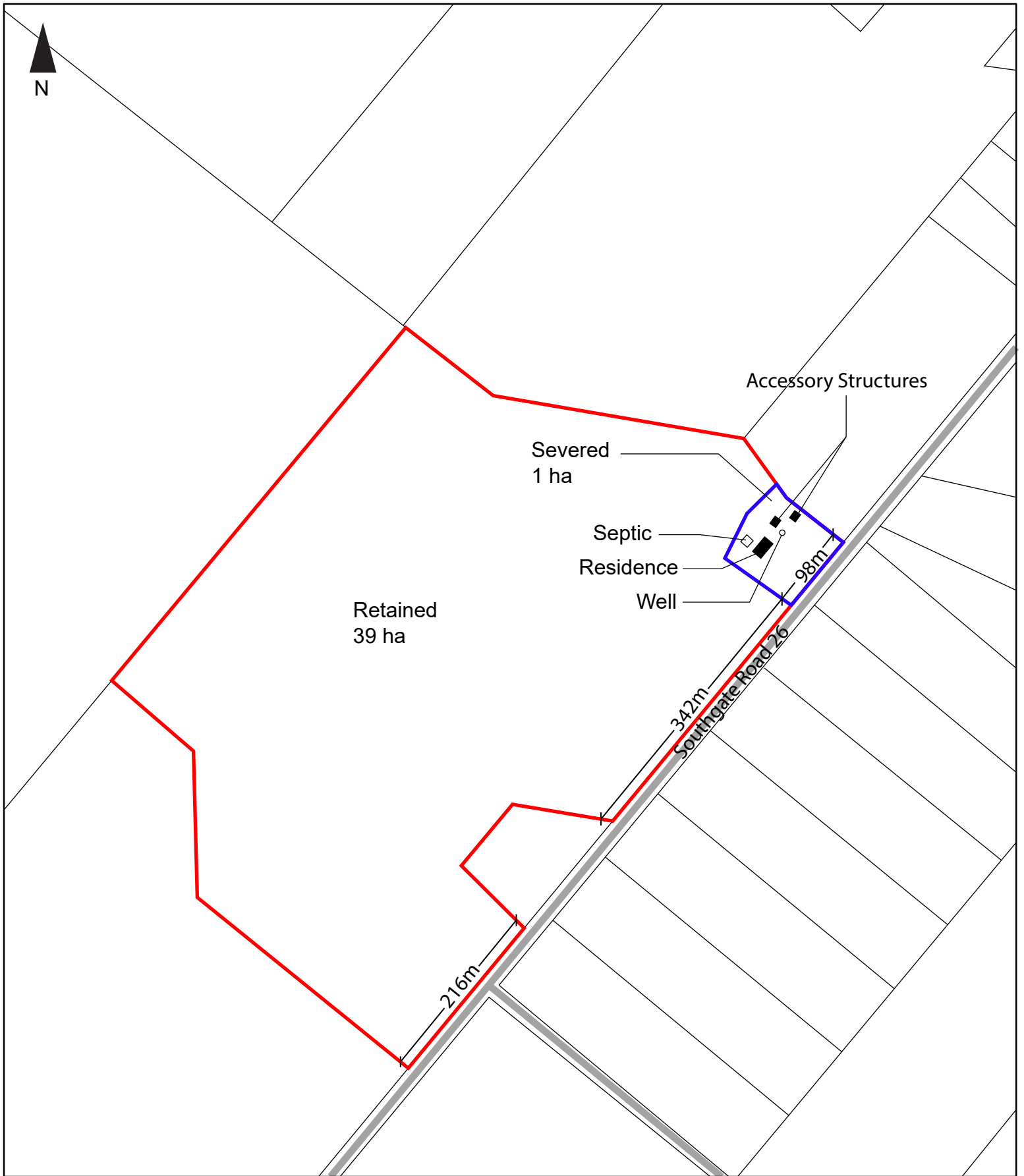


Figure 3
 Consent Sketch
 260289 Southgate Road 26
 Township of Southgate

- Retained Land
- Severed Land

100 200
 Metres



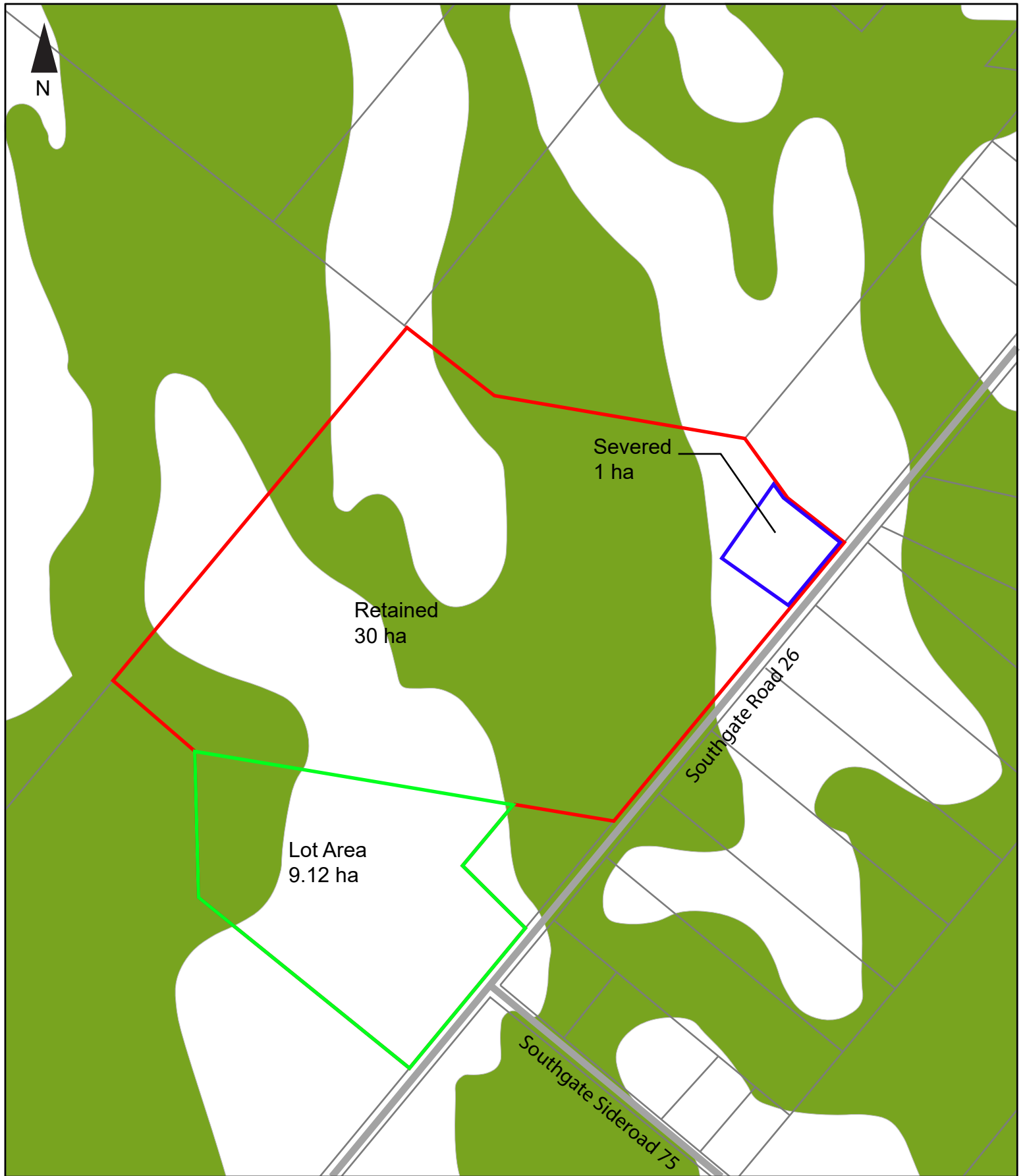


Figure 4
 Official Plan
 260289 Southgate Road 26
 Township of Southgate

- Retained Land
- Severed Land
- B7-23 Severed Lands
- Rural Lands
- Hazard Lands

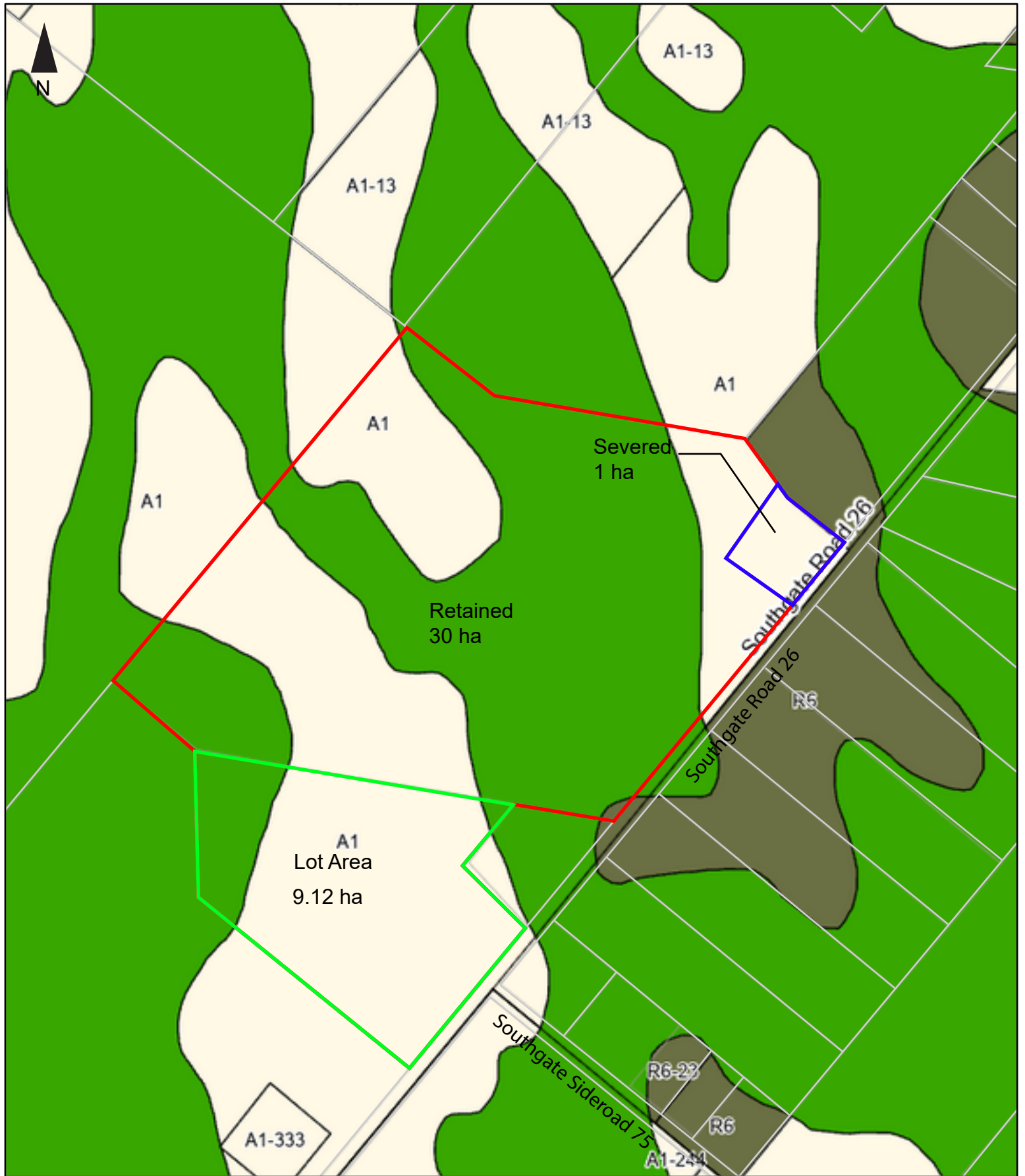


Figure 5
 Zoning
 260289 Southgate Road 26
 Township of Southgate

- Retained Land
- Severed Land
- B7-23 Severed Lands
- A1 Agricultural
- EP Environmental Protection

0 100 200 Metres

