

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Elizabeth Lanouette **Agent:** William
Lanouette and Breanne
Seabrooke

Date: June 19, 2018

Lot: 30 **Concession:** 15 **Municipality:** Smith Ward
Township of Selwyn

Description: 2302 Fifteenth Line

Phone: [REDACTED] (O) **Email:** [REDACTED]
Cell Phone: [REDACTED]
or [REDACTED] (A)

Communication Sent To: **Owner:** **Agent:**

	Severed	Retained
County O.P. Description	Rural Area	Rural Area
Municipal O.P. Designation	Rural	Rural and Provincially Significant Wetland
Municipal O.P. Effective Date	October 2008	October 2008
Municipal Zoning	(RU)	(RU) & (EP)
Municipal Zoning By-Law Number in effect	2009-021	2009-021
Area/Lot Dimensions	±0.4 hectares with ±0 m of frontage	± hectares with ± m of frontage on
Existing Use/Buildings	Rural/Vacant	Rural/Single detached dwelling and workshop for Treeworks

Intent: To sever a residential lot. Roll No.(s) 1516 020 006 12300.

Farm Related Severance?: No

County Official Plan Policy Review: The subject property is described as Rural Area. Section 2.6.3.5 of the Plan suggests that residential severances for land holdings located in the Rural Area should be discouraged in favour of development in Settlement Areas in an effort to promote orderly growth and development. However, severances in the Rural Area may be considered provided Health Unit, road frontage and access and Minimum Distance Separation requirements can be met (Ss. 2.6.3.5(A), (C) & (G)) and provided the applicable policies of Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with (S. 2.6.3.5(H)).

The proposed lot does not have direct frontage on and access from a public owned and maintained road, contrary to Section 2.6.3.5(C).

Municipal Official Plan Policy Review: The subject property is designated Rural and Provincially Significant Wetland in the local component of the County Official Plan (i.e. Township Official Plan). Low density residential development is permitted in the Rural designation. In the Rural designation, one consent to create a new lot may be granted on a lot as it existed as of January 1, 1978, for the following purposes:

- i. A residential lot with the retained parcel being a minimum 20 hectares, the subject parcel having been owned by the applicant for a period of at least 10 years; and the severed parcel complying with the requirements of the implementing Zoning By-law (S.6.2.2.3 (b)).
- ii. For infilling as defined.

County of Peterborough Land Division Records indicate the subject property has not received any previous severance since January 1, 1978. The land owner appears to have owned the subject property for a minimum of 10 years and the retained land meet the 20 hectare minimum lot area. As a result, the property appears to be eligible for a single consent. However, the proposed severed lot does not front upon an improved public street or road, contrary to Sections 6.2.2.5(f) and 7.12.1 and therefore, the proposal does not appear to conform to the Township Official Plan.

All new lots must meet road frontage and access, Health Unit, and Minimum Distance Separation requirements (S.7.12.1, S.7.12.12 & S.6.2.2.3 (D)).

Municipal Zoning By-Law Review: The severed parcel is zoned Rural (RU) in the Township Zoning By-Law. A single detached dwelling and agricultural uses are permitted in the (RU) zone (Ss.4.8.1.1 (a) & 4.8.1.2 (c)), provided that the minimum lot area is 20 ha and the minimum lot frontage is 200 m (Ss.4.8.3 (i) & (ii) and 4.8.4 (i) & (ii)). The severed parcel does not appear to meet these requirements, and would require a rezoning or minor variance by the Township.

The retained parcel is zoned Rural (RU) and Environmental Protection (EP) in the Township Zoning By-Law. A single detached dwelling and agricultural uses are permitted in the (RU) zone (Ss.4.8.1.1 (a) & (b) and 4.8.1.2 (c)), provided that the minimum lot area is 20 ha and the minimum lot frontage is 200 m (Ss.4.8.3 (i) & (ii) and 4.8.4 (i) & (ii)). A home industry is also permitted in the (RU) Zone subject to Section 3.16 of the Township Zoning By-law. The retained parcel appears to meet the minimum lot area and frontage requirements of the (RU) Zone. However, the provisions surrounding the home industry (Treeworks) should be discussed with the Township.

Residential uses are prohibited save and except a dwelling and accessory uses as they existed at the date of the passing of this Zoning By-Law in the (EP) zone (Ss.4.25.1.1 & 4.25.1.3).

Additional Notes: MNRF Special Features Mapping indicates the subject parcel has environmental sensitivity of provincial significance.

* The subject property is located within the new Provincial Natural Heritage System as seen on the attached sketch. The Natural Heritage System mapping was released by the Ministry of Natural Resources and Forestry (MNR) and is implemented through the Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017.

The following key natural heritage features / key hydrologic features have been identified on or adjacent to the subject property: Provincially Significant wetland, non-evaluated wetlands, and potentially significant woodlands.

Section 4.2.4.1 of the 2017 Growth Plan for the Greater Golden Horseshoe (GPGGH) states that development, including lot creation and site alteration, within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature will require a natural heritage evaluation / hydrologic evaluation that identifies a vegetation protection zone (VPZ). The VPZ shall be no less than 30 metres from wetlands and significant woodlands. Development, including the creation of new lots, is not permitted within this 30 metre setback. Since it appears that the severed parcel cannot achieve the minimum 30 metre setback from the potentially significant woodland, the proposal does not appear to conform with the Provincial Growth Plan. Please note that the woodland is treated as significant unless proven otherwise.

*Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.9 of the 2014 Provincial Policy Statement has not been calculated since the proposal does not conform to the County and Local Official Plans. MDS 1 calculations are required for the livestock facility (poultry) at 2350 15th Line if the applicant proceeds with the proposal.

*The lands appear to be regulated by Regulation 167/06, the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation of the Otonabee Conservation Authority. Therefore, the proposal should be discussed with Alex Bradburn at (705) 745-5791 x227 to determine what, if any permits may be necessary.

*The applicant and any prospective owners are advised that endangered threatened species exist in the area and may exist on the site. It is the responsibility of the landowner to identify endangered and threatened species and their habitat within the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with their local Ministry of Natural Resources district office if they have questions about the *Endangered Species Act*. Any sightings of a threatened or endangered species during development and construction on the property must be reported to the local MNR Species at Risk Biologist.

Other Agencies:

Canadian National Railway

- Is the proposal within 300 m of a railway corridor?
- Is the proposal within 1000 m of a rail yard?
- If yes to either, then require 2 copies of noise and vibration studies.
- No new residential development permitted within 300 metres of a rail yard.

Ontario Ministry of Transportation

- Is the proposal adjacent to or within 400m of a provincial highway?
- Is the proposal a major traffic generator or will it cause people to congregate in large numbers and within 800m of a provincial highway?
- Is the proposal within a study area of a specific highway planning study as carried out occasionally through EA Planning process?

Ontario Ministry of Culture as per policy 2.6 of the Provincial Policy Statement:

- Will the proposal lead to impacts greater than that of 2 severed parcels?
- Will the consent impact undisturbed land (i.e. woodlots, pastures, agricultural fields, green space, etc.)? and
- Is there a known archaeological site on the subject lands or within 300 metres of the subject lands? or
- Is the application within 300 metres of a major water source (e.g. accessible lakeshore, river, large creek or confluence of two or more watercourses)? or
- Does the proposal contain or is it immediately adjacent to a federal, provincial, or municipal historic landmark, monument, site or designated property?

Note: Applications which are consolidations of land holdings, creating a residential lot around an existing building, changing the size or ownership of agricultural holdings or modifying to allow conformity are exempt from the above noted criteria.

Agencies Contacted by Planning Department (marked with an X):

- This Preliminary Severance Review has been circulated to the local Municipality of Selwyn**
- County Roads** ;
- Ontario Ministry of Natural Resources** ;
- Other**

Agencies to be Contacted by Owner/Agent (marked with an X):

- Health Unit** , **Conservation Authority** , **Township** ,
Source Water Risk Management Officer , **Trent-Severn Waterway** ,
- Other**

Proposal does not appear to conform to the Growth Plan for the Greater Golden Horseshoe (2017) and/or Provincial Policy Statement policies.

The severance proposal does not appear to conform to the Growth Plan for the Greater Golden Horseshoe (2017). Development, including the creation of new lots, is not permitted within 30 metres of wetlands and significant woodlands. Since it appears that the severed parcel cannot achieve the minimum 30 metre setback from the woodland if

found to be significant, the proposal does not appear to conform to the Provincial Growth Plan.

Proposal does not appear to conform to County Official Plan policies.

The severance proposal does not appear to conform to the County Official Plan. Proposed lots must have direct frontage on and access from publicly owned and maintained roads unless otherwise permitted in local Official Plans in accordance with Section 2.6.3.5(C).

Proposal does not appear to conform to Township Official Plan policies.

The severance proposal does not appear to conform to the Local Component of the County Official Plan as the proposed severed lot does not meet frontage and access requirements of the Township Official Plan (S.6.2.2.5(f) & S.7.12.1).

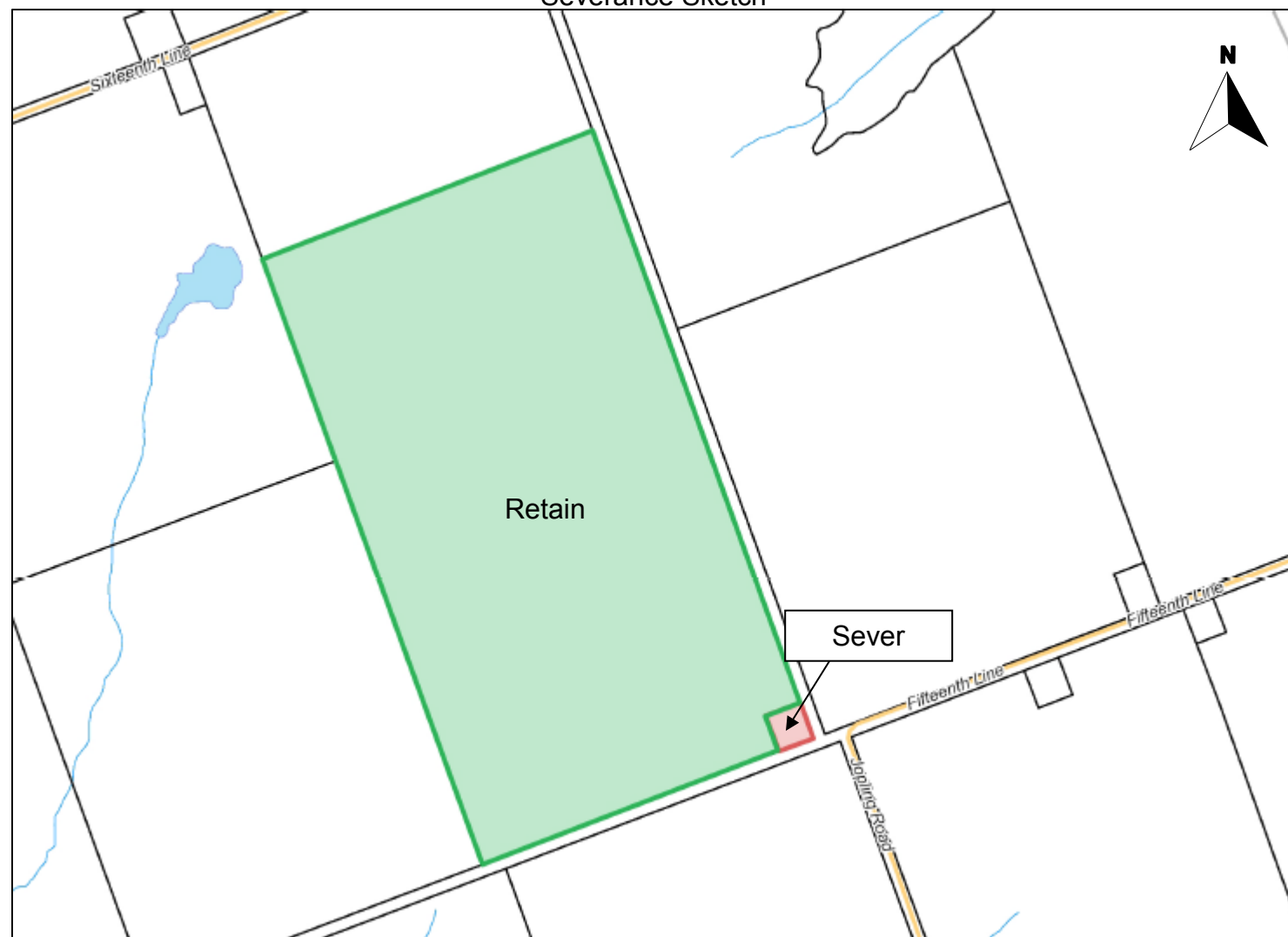
- Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the zoning by-law.****

Reviewed By: Caitlin Robinson

Important

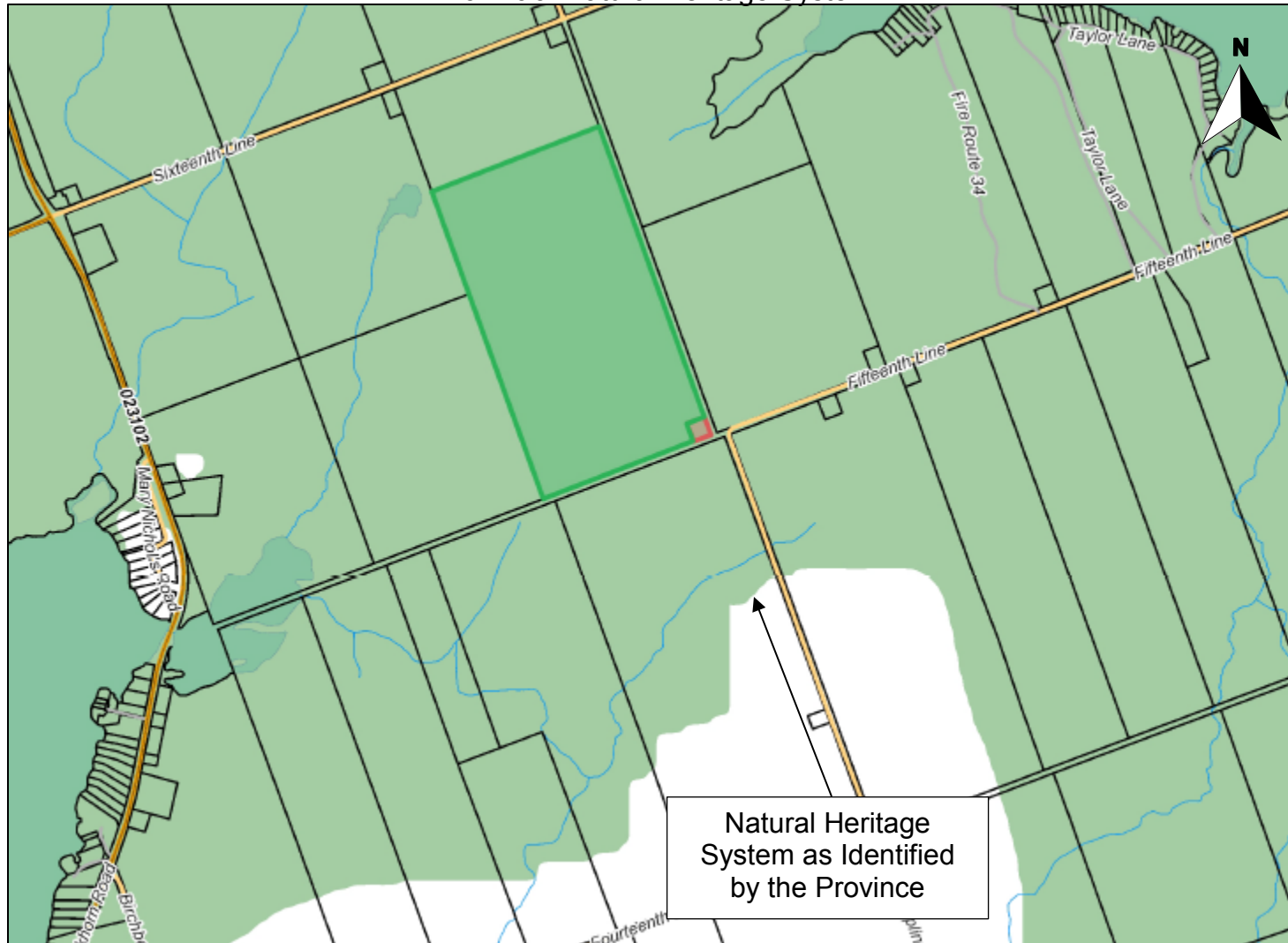
Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore the above-noted comments should not be construed as preliminary approval or denial of a proposal but recognized as a position of the County Planning Department based on the availability of current information.

Roll #1506 020 006 12300
Pt Lot 30, Con. 15, Smith Ward
Severance Sketch



Scale (metric)
1:10,000

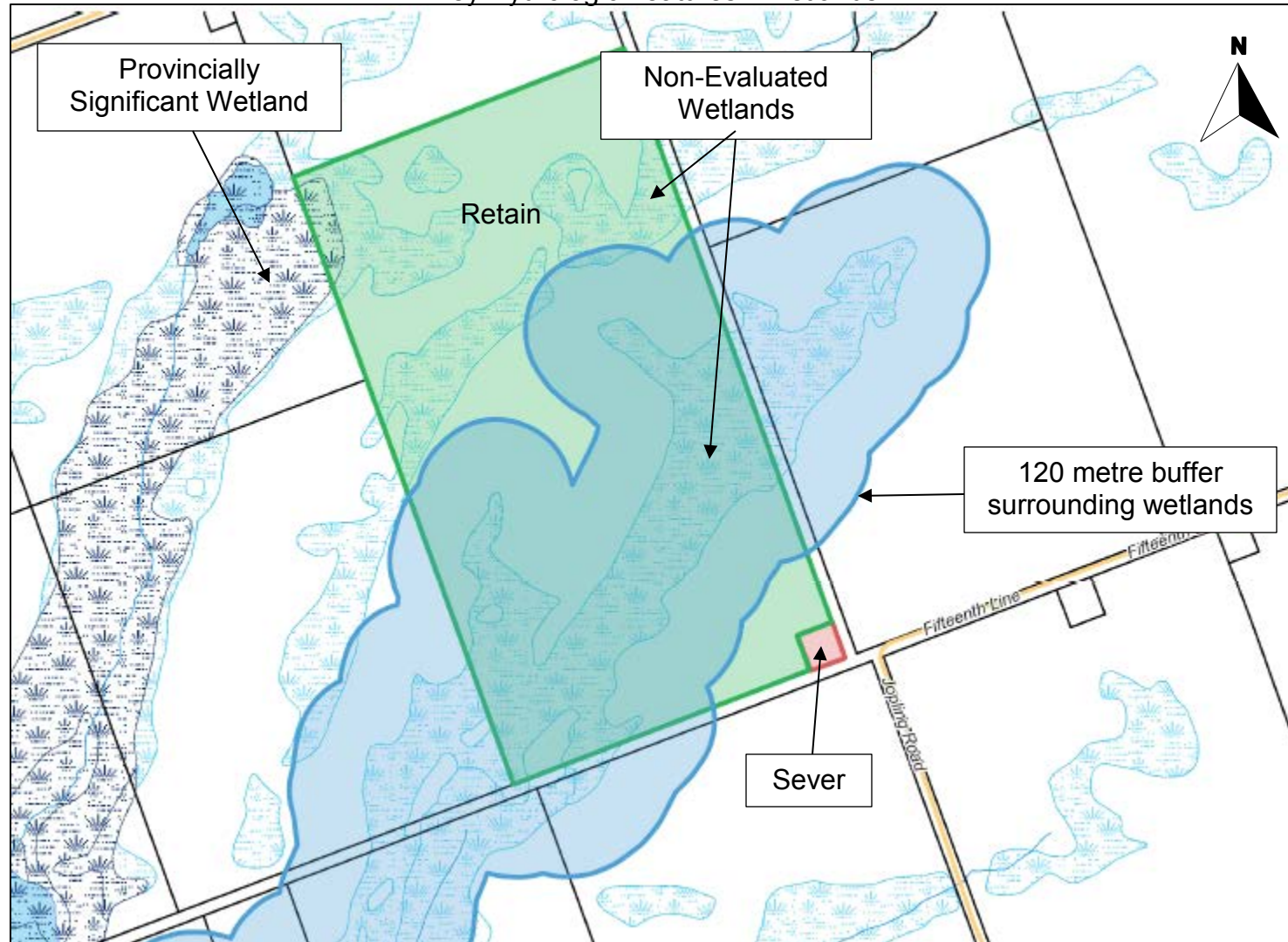
Roll #1506 020 006 12300
 Pt Lot 30, Con. 15, Smith Ward
 Provincial Natural Heritage System



NOTE: In early February 2018, the Ontario Ministry of Natural Resources and Forestry (MNRF) released the Natural Heritage System Mapping as shown above. This mapping is implemented through the Growth Plan for the Greater Golden Horseshoe and through the Provincial Policy Statement. These Provincial documents take precedence over the County and Township Official Plans.

Scale (metric)
 1:20,000

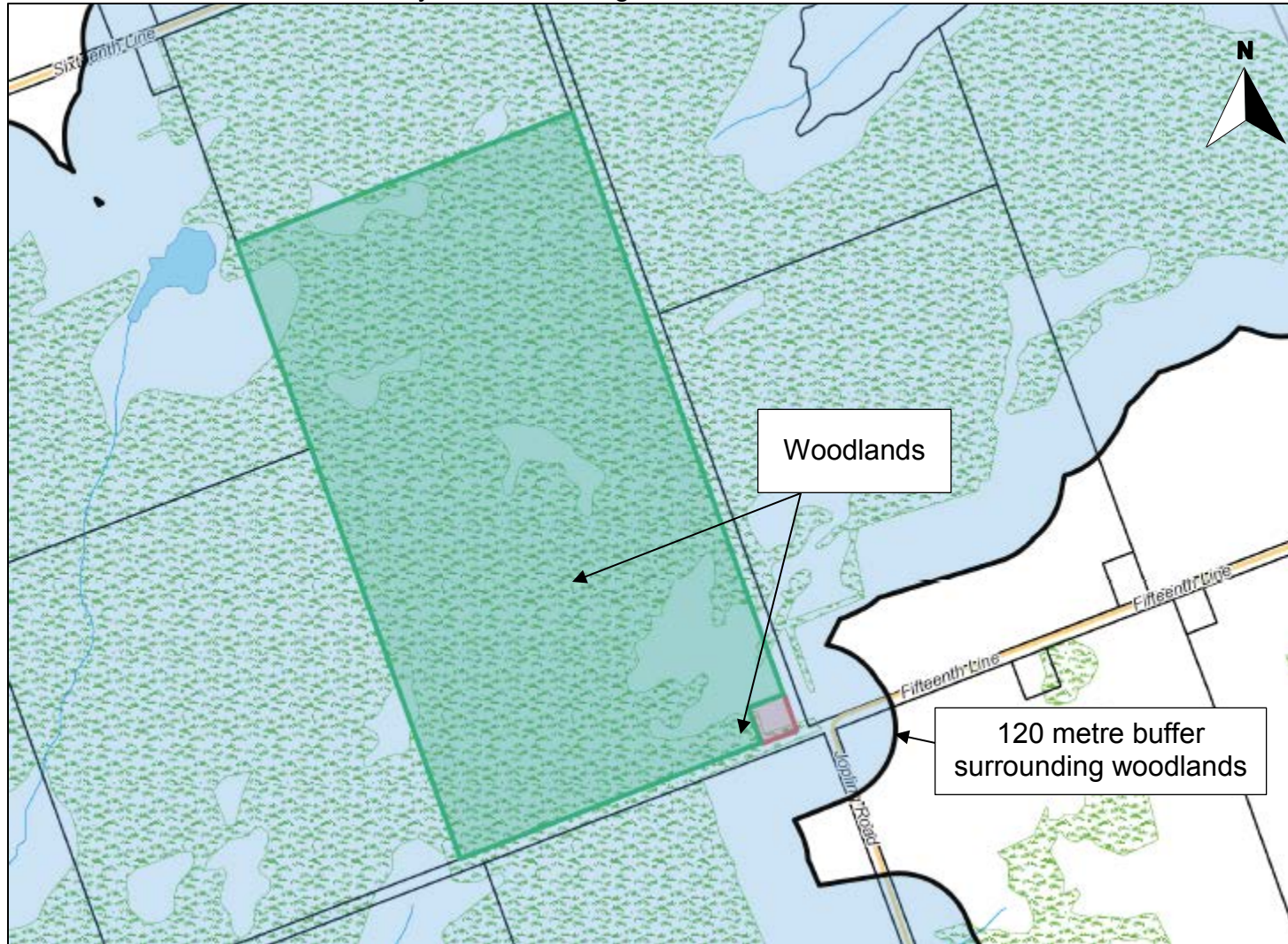
Roll #1506 020 006 12300
Pt Lot 30, Con. 15, Smith Ward
Key Hydrologic Features - Wetlands



NOTE: New development, including lot creation, is not permitted within the wetland boundaries; any development proposed within the 120 metre buffer surrounding the wetland will require a natural heritage evaluation / hydrologic evaluation.

Scale (metric)
1:10,000

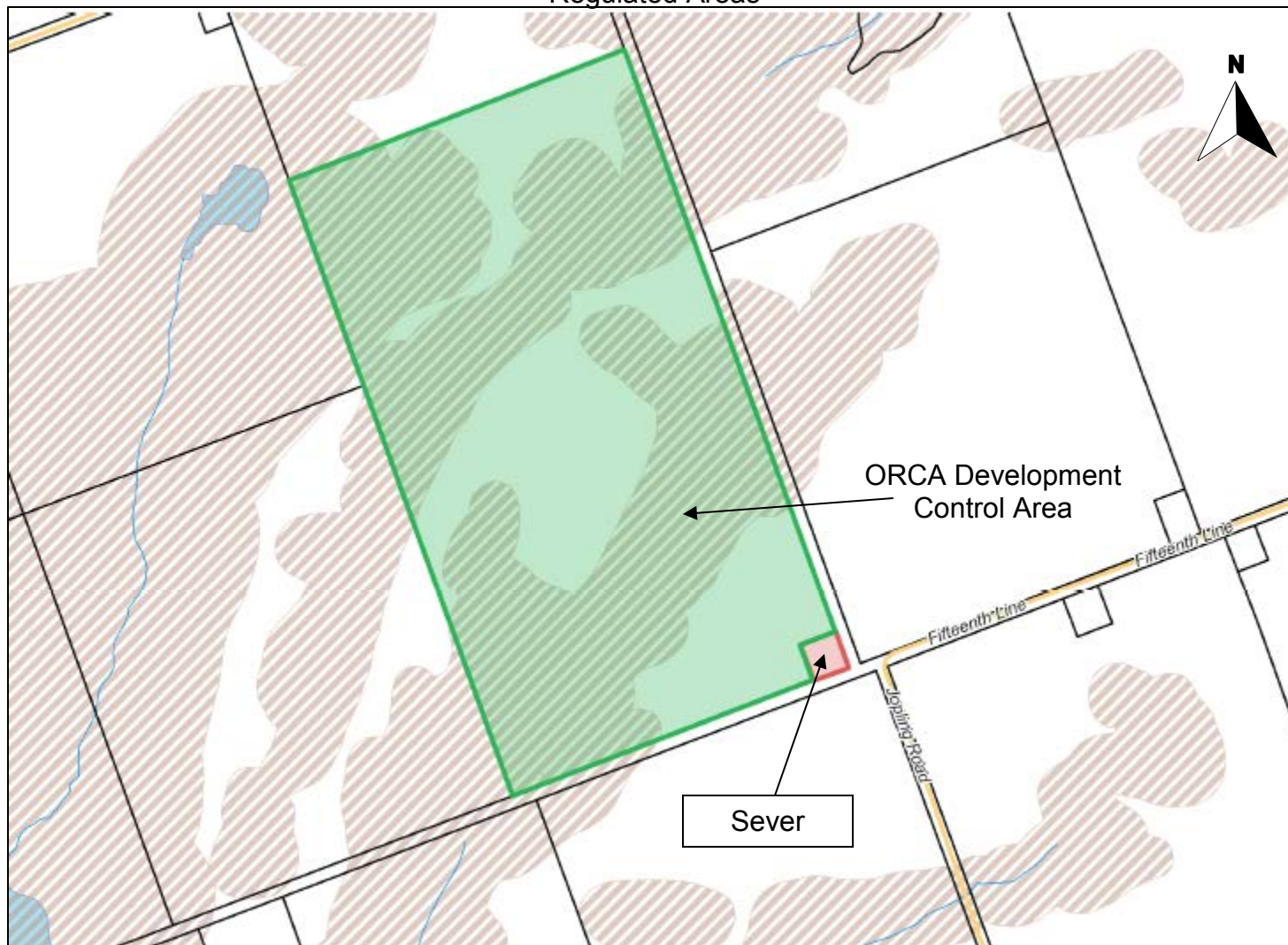
Roll #1506 020 006 12300
Pt Lot 30, Con. 15, Smith Ward
Key Natural Heritage Feature – Woodlands



NOTE: New development, including lot creation, is not permitted within significant woodland boundaries; any development proposed within the 120 metre buffer surrounding the woodland will require a natural heritage evaluation. The woodland is treated as significant unless proven otherwise.

Scale (metric)
1:10,000

Roll #1506 020 006 12300
Pt Lot 30, Con. 15, Smith Ward
Regulated Areas



Scale (metric)
1:10,000