



Regular Council Meeting

To:	Mayor and Council
Date:	September 8, 2020
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2020-29
Subject:	Jack & Lorna Scriver Severance Application B-34-20

Recommendations:

1. That the Township of Cavan Monaghan support severance application B-34-20 because it conforms to the Township's Official Plan; and
2. That the completed Municipal Appraisal Form be forwarded to the Peterborough County Land Division Department.

Overview:

On behalf of Jack and Lorna Scriver, Emily Hunt of LLF Lawyers LLP applied to the Peterborough County Land Division Department for approval of an easement (Application B-32-20) on the property located in part Lot 5, Concession 13 of the Cavan Ward (Roll No. 1509-010-050-12100). The location and configuration of the proposed easement is shown on the map provided as Attachment No. 1 to this Report.

The proposed easement has 6 metres (19.7 feet) of frontage on Shields Drive and is 732 square metres (0.18 acres) in size. The land is currently vacant. The easement is required to provide hydro line access to the purchasers of previously severed lots (Parts 1 and 2, Plan 45R-16115). Hydro service will be provided from the existing hydro line on Shields Drive.

The retained parcel is approximately 38 hectares (93.75 acres) in size with approximately 444 metres (1522 feet) of frontage on Shields Drive. The retained parcel is currently vacant. No new buildings or structures are proposed at this time or are part of this application.

A Preliminary Severance Review (PSR) was completed by the Peterborough County Planning Department on June 22, 2020. The review found that the proposal appeared to conform to the County and Township Official Plan policies. The PSR is provided as Attachment No. 2 to this Report.

Public Inquiries

There have been no inquiries regarding this application from members of the public receiving the notice circulated by the County of Peterborough Land Division Committee.

Township of Cavan Monaghan Official Plan

The subject property is currently designated Agricultural, Natural Core Area and Natural Linkage Area in the Township's Official Plan. The proposed easement is located in the Agricultural and Natural Linkage area designations of the property.

Consents in prime agricultural areas may be permitted for legal or technical reasons such as easements, corrections of deeds, quit claims, and minor boundary adjustments that do not result in the creation of new lots (S. 5.1.3 (c)).

Where development is proposed within the Natural Linkage Area, the Township may require the proponent to complete an environmental impact study (EIS). Since there is no new lot creation and the easement is for servicing purposes, Staff has not required the submission of an EIS.

A significant aggregate resource area (as identified on Schedule C of the Official Plan) is located on a portion of the property. To support the residential severance applications (B-3-15 and B-4-15), the Applicants submitted an Aggregate Resource Assessment prepared by a qualified professional. The authors of the Report confirmed that the aggregate reserve area should not include the proposed severed lots. The proposed severed lots are located approximately 200 metres (656 feet) from the closest location where extraction is anticipated.

The Application conforms to the Township Official Plan.

Peterborough County Official Plan

The subject property is described as Agricultural Area in the County of Peterborough Official Plan. Section 2.6.3.1 of the OP permits the consideration of technical severances for easements based on site specific considerations established in local official plans. The Application proposes the creation of a hydro easement that conforms to the Township Official Plan.

The Application conforms to the County Official Plan.

Provincial Policy Statement, 2020 (PPS)

In accordance with 2.3.4.2, lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons as severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The Application is not considered development, as defined in the PPS, since it will not result in the creation of a new lot. The Application is consistent with the PPS.

A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

In accordance with Sections 4.2.3.1, 4.2.4.1 (c) and 4.2.4.3 of the Growth Plan, outside settlement areas, development, including lot creation and site alteration, is not permitted in key hydrologic or key natural heritage features or their related minimum 30 metres (98 feet) vegetation protection zone. In addition, Section 4.2.4.1 states, in part, that development, including lot creation, within 120 metres (400 feet) of a key natural heritage feature or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone (VPZ). Since no new lot creation or site alteration is proposed, a natural heritage/hydrologic evaluation is not required.

The Application conforms to the Growth Plan.

Township of Cavan Monaghan Zoning By-law

The subject lands are zoned Agricultural (A), Natural Core (NC) and Natural Linkage (NL) in By-law No. 2018-58, as amended. Since easements do not create separate, legally conveyable parcels, the zoning of the retained parcel applies. The easement is located entirely within the Agricultural (A) Zone.

Agricultural uses are permitted in the Agricultural (A) Zone. The minimum lot area and lot frontage requirements are 40 hectares (99 acres) and 130 metres (426.5 feet) respectively. The subject lands do not have enough lot area to satisfy the minimum lot area requirement. However, the lands are an existing lot of record. No change in lot area results from the creation of the easement. As such, a planning approval (i.e. minor variance or zoning by-law amendment) is not recommended.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1: Key Map

Attachment No. 2: Preliminary Severance Review prepared by the Peterborough County Planning Department

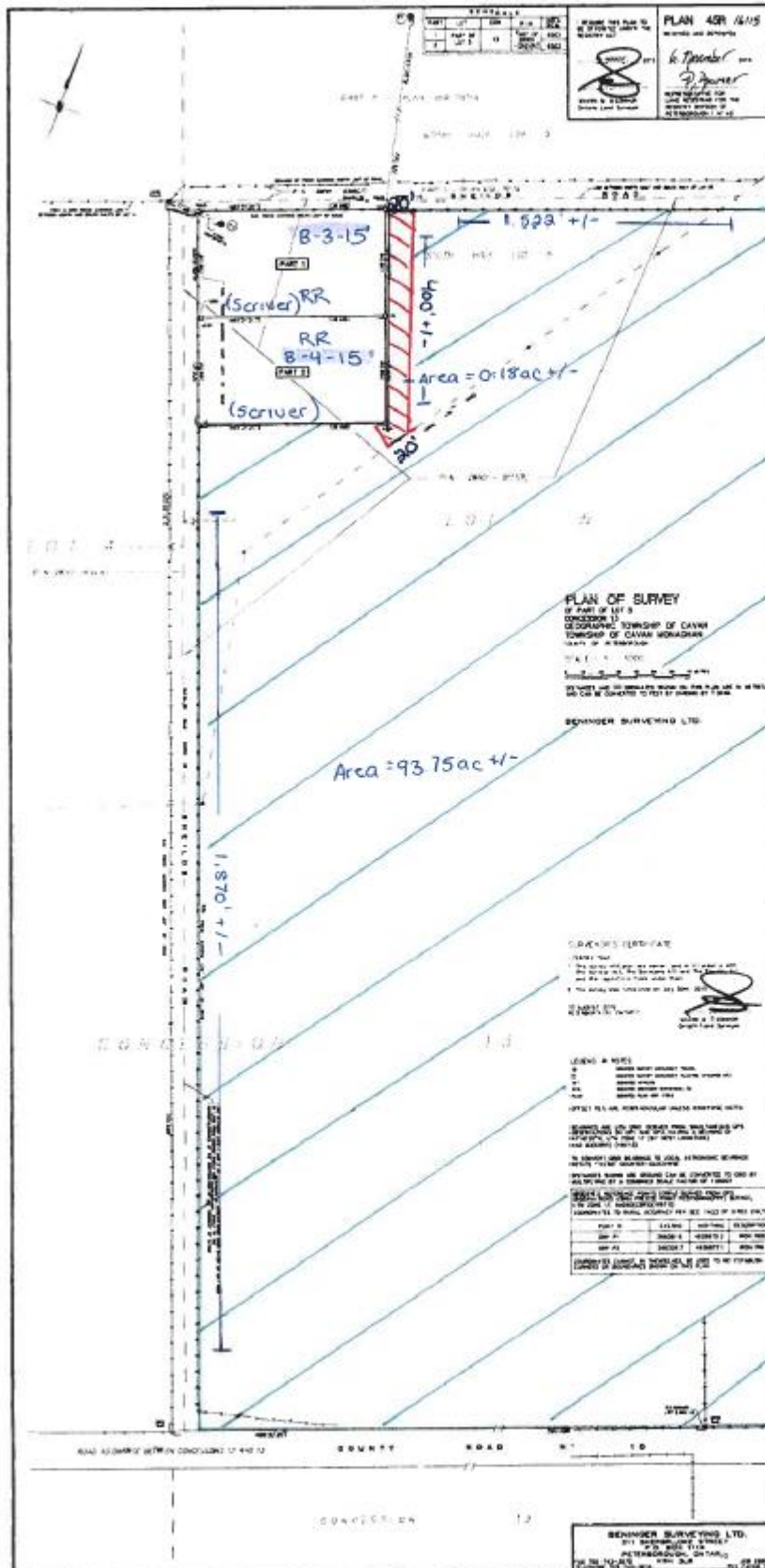
Respectfully Submitted by,

Reviewed by,

Karen Ellis,
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No.1: Key Map



Attachment No. 2: County of Peterborough Preliminary Severance Review

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Jack & Lorna
Scriver

Agent: LLF Lawyers C/o
Emily Hunt

Date: June 22, 2020

Lot: 5

Concession: 13

Municipality: Cavan Ward
Township of Cavan Monaghan

Description:

Phone:

Email: ehunt@llf.ca(A)

Office Phone:

705.742.1674(A)

Communication Sent To: Owner: ☐

Agent: ☒

	Severed	Retained
County O.P. Description	Agricultural Area	Agricultural Area
Municipal O.P. Designation (effective January 2015)	Agricultural & Natural Linkage Area	Agricultural, Natural Core Area & Natural Linkage Area
Municipal Zoning (By-Law No. 2018-58)	(A)	(A), (NC) & (NL)
Area/Lot Dimensions	N/A	±37.94 hectares with ±271 m of frontage on Shield's Drive
Existing Use/Buildings	Vacant	Vacant

Intent: Consent for an easement. Roll No.(s) 1509-010-050-12100.

County Official Plan Policy Review: The subject property is described as Agricultural Area in the County of Peterborough Official Plan. Section 2.6.3.1 of the Plan states that "applications for technical severances including easements, severances for lot additions/adjustments...and rights-of-way are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans."

Municipal Official Plan Policy Review: The subject property is designated 'Agricultural', 'Natural Core Area' and 'Natural Linkage Area' in the Township's Official Plan. The proposed easement is located in the 'Agricultural' and 'Natural Linkage Area' designations.

Consents in prime agricultural areas may be permitted for legal or technical reasons such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (S. 5.1.3(c)).

As the proposal is for an easement and no new lot creation is proposed, an Environmental Impact Study (EIS) in accordance with the 'Natural Linkage Area' designation policies in Section 6.4 of the Township's Official Plan does not appear to be required, however, this should be confirmed with the Township of Cavan Monaghan and

the Otonabee Region Conservation Authority (ORCA). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

The subject property is traversed by an area identified as a significant aggregate resource area on Schedule 'C' of the Township's Official Plan. Development of these areas for purposes other than resource extraction will only be permitted, where it can be shown that the proposed development has a greater public interest than the extraction of the resource and the development will not adversely affect the availability of the resource and long-term viability of the aggregate industry in the future (S. 3.15(a)). The County Planning Department notes that the proposed easement is immediately adjacent to two existing residential lots approved through Land Division files B-3-15 and B-4-15 for which an aggregate resource assessment was submitted and reviewed by the Ministry of Natural Resources and Forestry.

As applicable, consents must meet road frontage & access, Zoning By-law, Health Unit and Minimum Distance Separation (MDS) requirements (S. insert numbers based on OP and applicability).

Municipal Zoning By-Law Review: As easements do not create separately conveyable parcels, they are typically included in the zone of the retained parcel.

The retained parcel is zoned Agricultural (A) Zone, Natural Core (NC) Zone and Natural Linkage (NL) Zone in the Township's Zoning By-law. Where any part of a lot is divided into two or more zones and one of those zones is the Natural Core (NC) and/or Natural Linkage (NL) Zone, such part may be included in any minimum lot area or lot frontage determination (S. 1.2.5(c)). An agricultural use is permitted in the (A) zone (Table 7A) provided the parcel has a minimum lot area of 40 ha and a minimum lot frontage of 130 metres (Table 7B). Existing agricultural uses are permitted in the (NC) zone (Table 8A – Additional Regulations - (1)). Development may be permitted within the (NL) Zone, where an Environmental Impact Study (EIS) or confirmation from the Conservation Authority having jurisdiction, supporting the development has been accepted by the Township (Table 8A Additional Regulations – (3)). The retained parcel does not appear to meet the minimum lot area requirement of the (A) zone and therefore a re-zoning or minor variance appears to be required.

Provincial Policy Review: The 2020 Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe, 2019 (GPGGH) apply to this proposal. The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property: significant woodlands, streams and wetlands

*Sections 4.2.3.1, 4.2.4.1(c) & 4.2.4.3 of the GPGGH state that outside settlement areas, development, including lot creation, and site alteration, is not permitted in key hydrologic or key natural heritage features or their related minimum 30 metre vegetation

protection zone (VPZ). Section 4.2.4.1 of the GPGGH states that outside settlement areas, development, including lot creation, and site alteration within 120 metres of a key natural heritage feature or a key hydrologic feature will require a natural heritage evaluation and/or a hydrologic evaluation that identifies a vegetation protection zone (VPZ). Since no new lot creation or site alteration is proposed through the proposed consent application, a natural heritage/hydrologic evaluation for the purposes of the GPGGH does not appear to be required, however, this should be confirmed with the Otonabee Region Conservation Authority (ORCA). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

*Minimum Distance Separation Formula I (MDS I) as per policy 2.3.3.3 of the 2020 Provincial Policy Statement has not been calculated. MDS I is not applied for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot (2017 MDS I, guideline #8).

*The subject property is traversed by an area identified as a significant aggregate resource area on Schedule 'C' of the Township's Official Plan. Policy 2.5.2.5 of the 2020 Provincial Policy Statement (PPS) states that "in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed."

The County Planning Department notes that the proposed easement is immediately adjacent to two existing residential lots approved through Land Division files B-3-15 and B-4-15 for which an aggregate resource assessment was submitted and reviewed by the Ministry of Natural Resources and Forestry.

Additional Notes:

*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 Matt Wilkinson at (705) 745-5791 ext.213 to determine what, if any permits may be necessary.

*The applicant and any prospective owners are advised that endangered and/or 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 the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the

Endangered Species Act, 2007 (ESA). Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

This Preliminary Severance Review has been circulated by the Planning Department to the following agencies (marked with an X):

- ☒ Local Municipality of Cavan Monaghan
- ☐ County Infrastructure Services (i.e. Roads) ;
- ☐ Conservation Authority ;
- ☐ First Nations ;
- ☐ Other

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Township | <input checked="" type="checkbox"/> Health Unit |
| <input checked="" type="checkbox"/> Conservation Authority | <input type="checkbox"/> Trent-Severn Waterway |
| <input type="checkbox"/> Source Water Risk Management Officer | <input type="checkbox"/> First Nations |
| <input type="checkbox"/> Ministry of Environment, Conservation and Parks | <input type="checkbox"/> Other |

Proposal appears to conform to the Growth Plan for the Greater Golden Horseshoe and/or Provincial Policy Statement policies.

The severance proposal appears to conform to the Provincial Plan(s).). Since no new lot creation or site alteration is proposed through this proposed consent application, a natural heritage/hydrologic evaluation for the purposes of the GPGGH does not appear to be required, however, this should be confirmed with the Otonabee Region Conservation Authority (ORCA). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

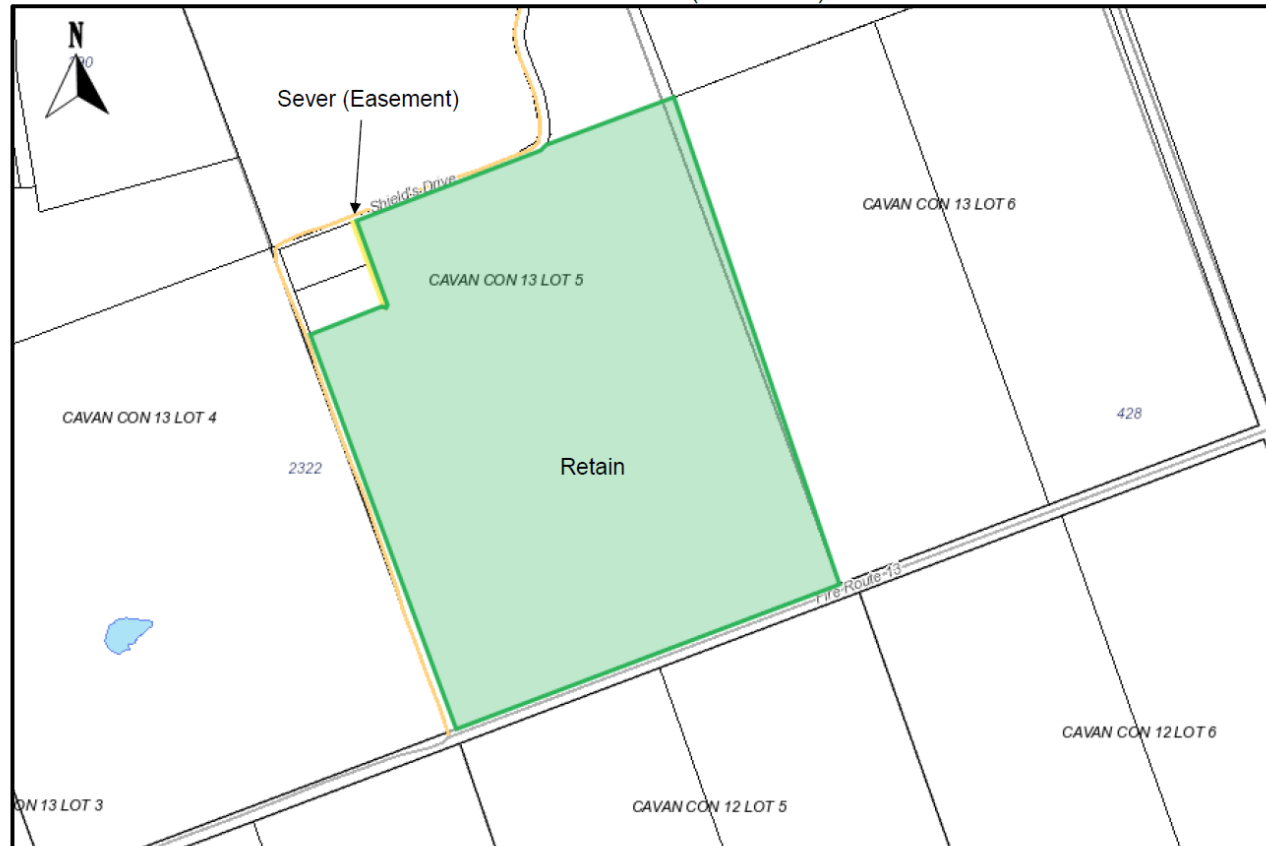
Proposal appears to conform to County Official Plan policies.

The severance proposal appears to conform to the County Official Plan. Section 2.6.3.1 of the Plan states that "applications for technical severances including easements, severances for lot additions/adjustments...and rights-of-way are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans."

Proposal appears to conform to Township Official Plan policies.

The severance proposal appears to conform to the Township Official Plan. Consents in prime agricultural areas may be permitted for legal or technical reasons such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (S. 5.1.3(c)). As the proposal is for an

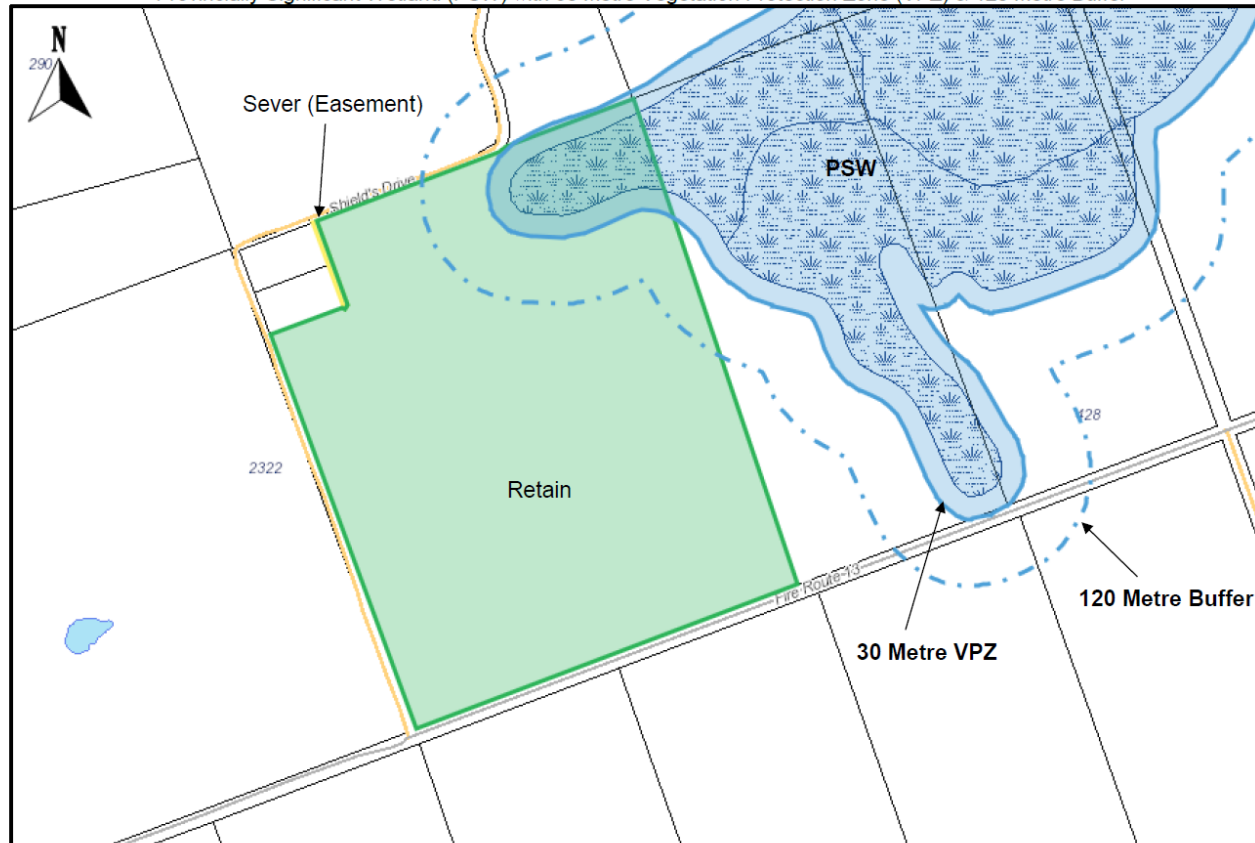
Roll # 1509-010-050-12100
Part Lot 5, Concession 13 (Cavan)
(Scriver)
Severance Sketch (Easement)



Scale 1:7200 (1"=600')

Roll # 1509-010-050-12100
Part Lot 5, Concession 13 (Cavan)
(Scriver)

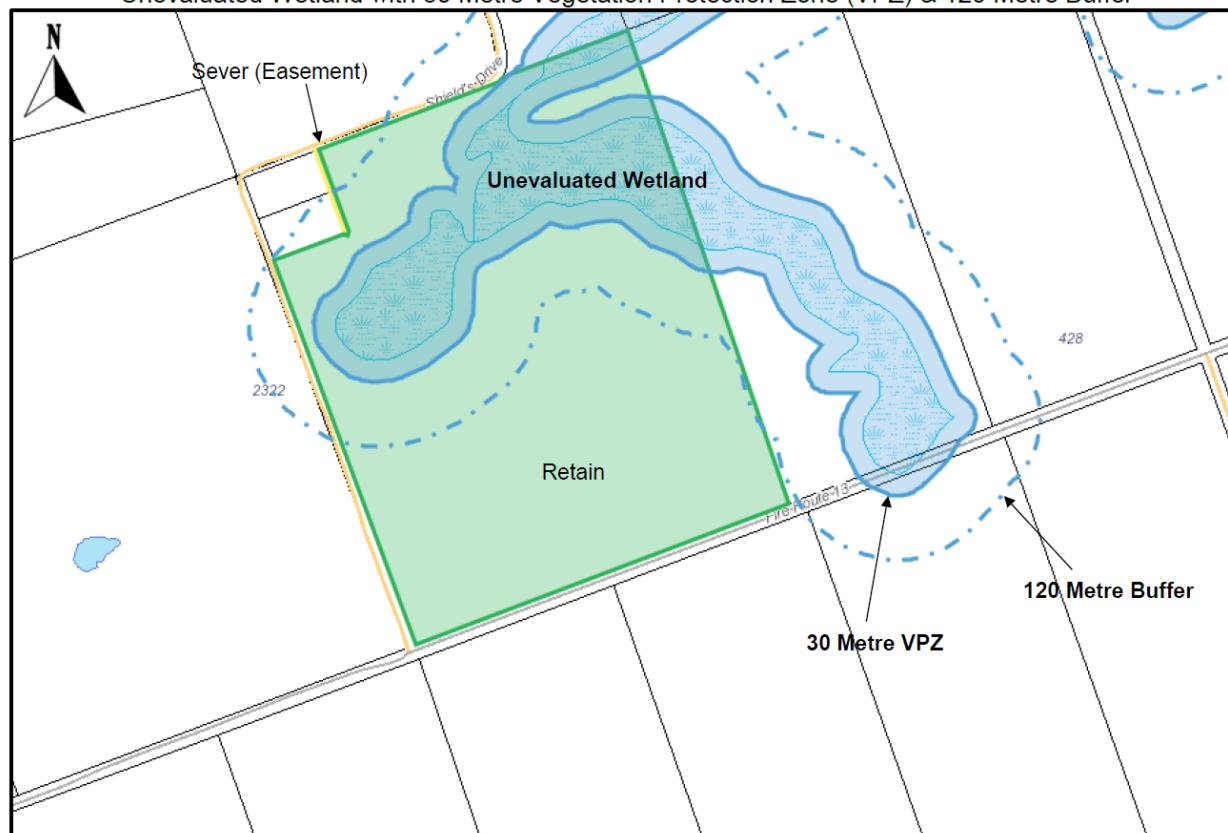
Provincially Significant Wetland (PSW) with 30 Metre Vegetation Protection Zone (VPZ) & 120 Metre Buffer



Scale 1:7200 (1"=600')

Roll # 1509-010-050-12100
Part Lot 5, Concession 13 (Cavan)
(Scriver)

Unevaluated Wetland with 30 Metre Vegetation Protection Zone (VPZ) & 120 Metre Buffer



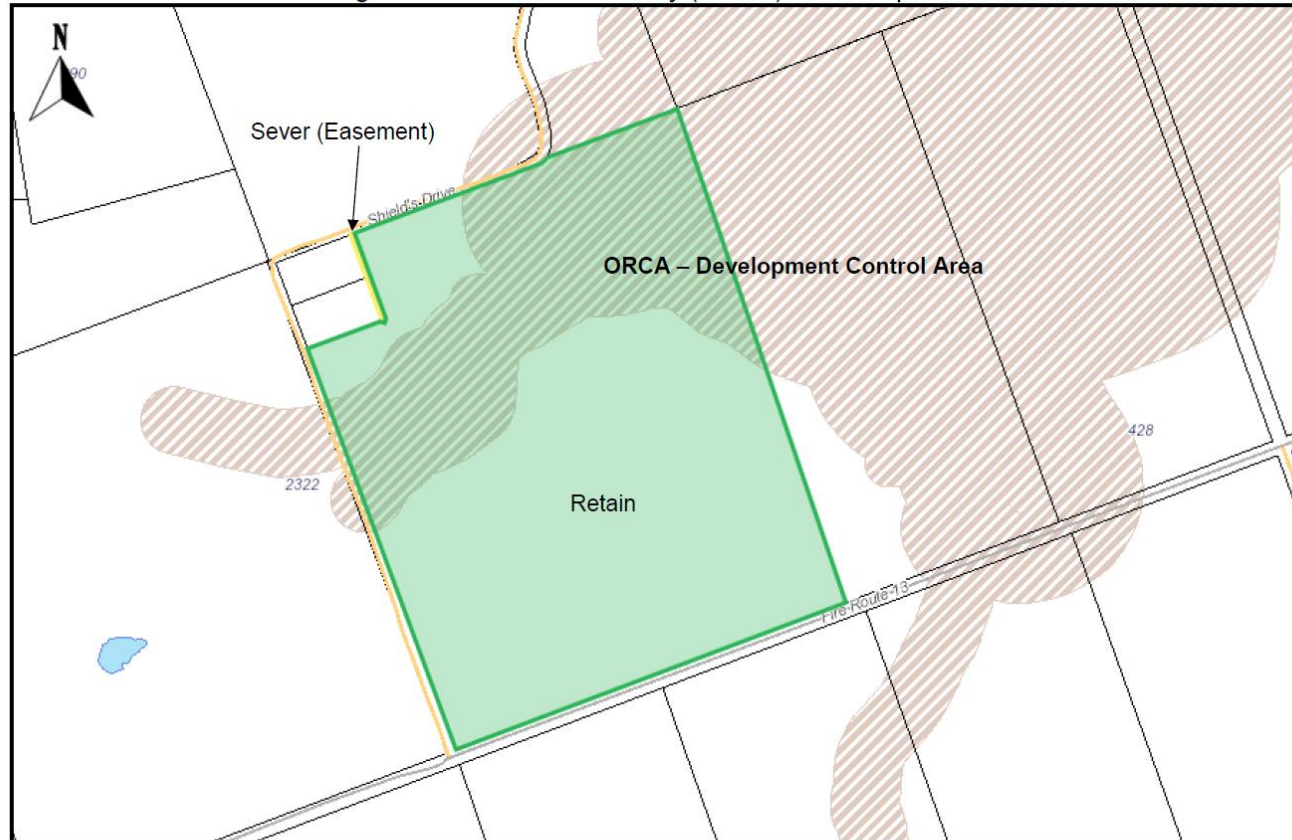
Scale 1:7200 (1"=600')

Roll # 1509-010-050-12100

Part Lot 5, Concession 13 (Cavan)

(Scriver)

Otonabee Region Conservation Authority (ORCA) – Development Control Area



Scale 1:7200 (1"=600')

Roll # 1509-010-050-12100
Part Lot 5, Concession 13 (Cavan)
(Scriver)

Significant Woodland with 30 Metre Vegetation Protection Zone (VPZ) & 120 Metre Buffer



Scale 1:7200 (1"=600')