



Regular Council Meeting

To:	Mayor and Council
Date:	September 8, 2020
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2020-30
Subject:	Sandford and Simmons Severance Application B-42-20

Recommendations:

1. That the Township of Cavan Monaghan support severance application B-42-20 because it conforms to the Township's Official Plan;
2. That the completed Municipal Appraisal Form be forwarded to the Peterborough County Land Division Department; and
3. That the following conditions of approval be applied to Application B-42-20:
 - i. The lot area be increased to a minimum of 2100 square metres (0.52 acres);
 - ii. The payment of \$1,200.00 cash-in-lieu of parkland to the Township; and
 - iii. The rezoning of the severed and retained parcels to the satisfaction of the Township.

Overview:

Sean Sandford and Jamie-Lynn Simmons applied to the Peterborough County Land Division Department for approval to create a new residential lot (Application B-42-20) from the property located at 162 County Road 28 in part of Lot 23, Concession 1 of the Cavan Ward. The location and lot configuration of the severed and retained lots is shown on the map provided as Attachment No. 1 to this Report.

The proposed severed parcel is approximately 1150.88 square metres (0.28 acres) in size with approximately 32 metres (105 feet) of frontage on Kalman Drive. The severed parcel is currently vacant pasture land. The proposed use is residential on private well and septic systems.

The retained parcel is approximately 15.71 hectares (38.82 acres) in size with approximately 363 metres (1191 feet) of frontage on County Road 28. The retained parcel is currently developed with a house and barn on private well and septic systems. No change in use is proposed.

A Preliminary Severance Review (PSR) was completed by the Peterborough County Planning Department on October 22, 2019. 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 Hamlet and Agricultural in the Township's Official Plan. The severed lot is located within the Hamlet designation for Bailieboro as shown on Schedule F - Map 7 to the Township Official Plan.

Single detached dwellings are permitted in the Hamlet designation (S. 4.9.2(a)).

Within the Hamlet designation, residential development shall generally take place by plan of subdivision. However, infilling or minor expansions within the Hamlet boundary through the creation of lots by severance may be permitted subject to the approval of sewage and water services (S. 4.9.3 (b)). While the proposal does not meet the definition of infilling found in Appendix 1 of the Official Plan, the severance may be considered a minor expansion of the existing residential development in Bailieboro as shown on Attachment No. 3 to this Report.

All new lots created by consent are required to meet the Minimum Distance Separation Formulae (MDS) as outlined in Section 3.27 of the Official Plan (S. 3.14.1 (a)(xiv)). Section 3.27 (a)(i) of the Cavan Monaghan Official Plan confirms that MDS I does not apply to lands designated Hamlet.

Any new lots created by consent are required to meet the provisions of Section 3 of the Official Plan. Sections 3.1(c) & (d) and 3.14.1(a)(iv) & (v) require that development front onto a road that is maintained year-round by a public authority and that no lots should be created which would create a traffic hazard because of excess traffic generation or limited sight lines on curves or grades. Kalman Drive is a municipally owned and year-round maintained road. Through correspondence dated August 17, 2020, Cavan Monaghan Township Public Works Staff indicated that an entrance permit for the proposed lot is available.

Section 3.14.1(a)(ii) provides that the number of additional lots created from a land holding is generally not more than two new lots, in addition to the retained parcel. A land holding is defined in Appendix 1 as “a conveyable parcel of land held in distinct ownership from the abutting parcels as of January 1, 2012.” Peterborough County has confirmed that a search of the County Land Division records indicates that the subject lands have not been severed since January 1, 2012 and are therefore eligible for the creation of two new lots.

Section 3.14.1(a)(ix) of the OP requires that the size of the residential lot shall not exceed 0.8 hectares (2 acres) unless certain site conditions require a larger lot size. The severed parcel is proposed to be 1,150.85 square metres (0.28 acres) in size and therefore conforms to this Section of the OP.

The lot size is, however, too small to satisfy the minimum lot area requirement of the Hamlet Residential (HR) Zone. As such, Township Staff recommend that the lot area be increased to a minimum of 2100 square metres (0.52 acres) so that it is a suitable size for residential development on private services and is compatible with the existing residential development on Kalman Drive. A schematic showing the potential lot configuration and lot area is provided as Attachment No. 4.

With the increase in lot size, the lots will extend beyond the Hamlet designation boundary. In accordance with Section 9.1 of the Official Plan, the land use designation boundaries are approximate except where they meet roads, railway lines, river, pipeline routes, transmission lines, lot lines or other clearly defined physical features. In this case, there is no hard boundary for the designation; the limits of the Hamlet designation are flexible.

Peterborough County Official Plan

The subject lands are described as Settlement Area and Agricultural Area in the County Official Plan. The severed parcel is located entirely within the Settlement Area.

Section 2.6.3.2 of the Plan states that severances may be permitted in Settlement Areas provided Health Unit and road frontage and access requirements can be met (Ss. 2.6.3.2 (A) and (C)). Section 4.2.3 of the Plan states that “...growth should be directed to those settlement areas that currently have servicing systems or can reasonably expect to obtain them in the future. Where the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems.”

Bailieboro is a rural settlement area; the lot is located in an area designated for development and in an area of existing residential development. Kalman Drive can accommodate any increase in traffic associated with the proposed severance.

The Application conforms to the County Official Plan.

Provincial Policy Statement (2020) (PPS)

Policy 1.1.3.1 of the PPS indicates that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Policy 1.1.3.3 of the PPS requires that planning authorities identify appropriate locations and promote opportunities for intensification and redevelopment. The PPS defines intensification as “the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.”

The portion of the subject property where the severance is proposed is located within the hamlet of Bailieboro and the severance application proposes the creation of a new residential lot in an area identified for development. The new lot will be compatible with the existing development in the area.

The Application is consistent with the PPS.

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

Policy 2.2.1 (a) of the Growth Plan states that the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities, for example the Millbrook Urban Settlement Area. Policy 2.2.1 (b) states that growth will be limited in settlement areas, like Bailieboro, that are undelineated built-up areas and not serviced by existing or planned municipal water and wastewater systems.

The proposed severed lot represents limited growth in the Bailieboro settlement area as identified by the Township Official Plan.

The Application conforms to the Growth Plan.

Township of Cavan Monaghan Zoning By-law

The subject lands are zoned Agricultural (A) in the Township of Cavan Monaghan Zoning By-law. A single detached dwelling is permitted in the (A) Zone (Table 7A) provided the parcel has a minimum lot area of 40 hectares (99 acres) and a minimum lot frontage of 130 metres (427 feet) (Table 7B).

The proposed severed parcel does not have enough lot area or lot frontage to satisfy the minimum requirements of the (A) Zone. A rezoning will be required.

As proposed, the severed lot will not have enough lot area to satisfy the minimum lot area requirement of the Hamlet Residential (HR) Zone. Staff recommends that the lot area be increased to a minimum of 2100 square metres (0.52 acres) to be compatible with the existing residential development on Kalman Drive.

The retained parcel will have less lot area that required in the (A) Zone. As a result, a rezoning will be required.

Financial Impact:

None at this time.

Attachments:

- Attachment No. 1: Key Map and Lot Configuration
- Attachment No. 2: Preliminary Severance Review prepared by the Peterborough County Planning Department
- Attachment No. 3: Bailieboro Hamlet Designation Boundary
- Attachment No. 4: Schematic of Potential Lot Configuration and Area Schematic B-42-20 and B-43-20

Respectfully Submitted by,

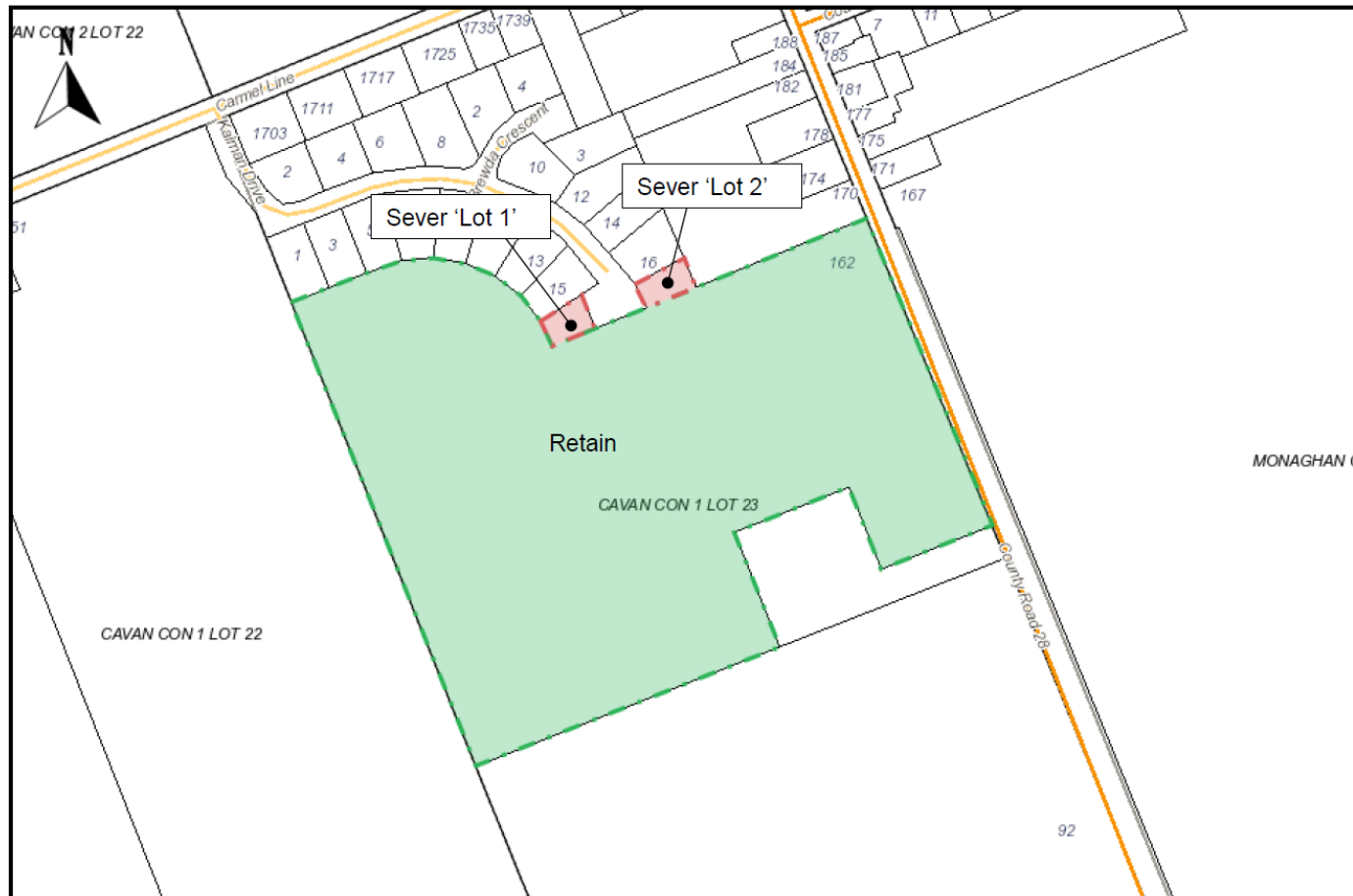
Reviewed by,

Karen Ellis,
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No.1: Key Map

Roll # 1509-010-010-03600
Part Lot 23, Concession 1 (Cavan)
(Sanford & Simmons)
Severance Sketch



Scale 1:4800 (1"=400')

Attachment No. 2: County of Peterborough Preliminary Severance Review

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Sean Sanford & Jaime-Lynn Simmons
Lot: 23

Agent:

Concession: 1

Date: October 22, 2019

Municipality: Cavan Ward
Township of Cavan Monaghan

Description: 162 County Road 28

Phone: 705.939.1969

Email: ssanford@bell.net

Office Phone:
416.879.7200

Communication Sent To: **Owner:** ☒

Agent: ☐

	Severed	Retained
County O.P. Description	Settlement Area	Agricultural Area
Municipal O.P. Designation (effective January 2015)	Hamlet	Agricultural
Municipal Zoning (By-Law No. 2018-58)	(A)	(A)
Area/Lot Dimensions	Lot 1 ±0.11 hectares with ±32 m of frontage on Kalman Drive Lot 2 ±0.12 hectares with ±23 m of frontage on Kalman Drive	±16.05 hectares with ±48 m of frontage on Kalman Drive
Existing Use/Buildings	Vacant	Agricultural/Single detached dwelling & barn

Intent: To sever more than one residential lot. Roll No.(s) 1509-010-010-03600.

Note: The submitted severance proposal has been revised from that submitted by the applicant in order to keep the severed parcels within the settlement area boundary of Bailieboro. The applicant is advised to confirm with the Township of Cavan Monaghan that the cul-de-sac fronting the two proposed new lots is indeed a publicly assumed roadway.

County Official Plan Policy Review: The subject property is described as Agricultural Areas and Settlement Areas in the County of Peterborough Official Plan. The proposed severed parcels are in a Settlement Area. Section 2.6.3.2 of the Plan suggests that severances may be permitted in Settlement Areas provided Health Unit and road frontage and access requirements can be met (Ss.2.6.3.2 (A) & (C)). Section 4.2.3 of the Plan states that "...growth should be directed to those settlement areas that currently have servicing systems or can reasonably expect to obtain them in the future. Where the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems."

Additional Notes:

*The lands appear to be located within the watershed of the Otonabee Region Conservation Authority, and may 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 x213 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.

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

- ☒ This Preliminary Severance Review has been circulated to the 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 (2019) and/or Provincial Policy Statement (2014) policies.

The severance proposal appears to conform to the applicable Provincial Plan(s).

Proposal appears to conform to County Official Plan policies.

The severance proposal appears to conform to the County Official Plan. Section 2.6.3.2 of the Plan suggests that severances may be permitted in Settlement Areas provided Health Unit and road frontage and access requirements can be met (Ss.2.6.3.2 (A) & (C)).

AN CON 2 LOT 22

Sever 'Lot 1'

Sever 'Lot 2'

Retain

CAVAN CON 1 LOT 22

CAVAN CON 1 LOT 23

County Road

MONAGHAN C

92

9



**Infrastructure Services
Engineering & Design**

Kyle Darling
Engineering Technician

Location:
310 Armour Road
Peterborough, Ontario
K9H 1Y6

Mailing Address:
470 Water Street
Peterborough, Ontario
K9H 3M3

Ph: (705) 775-2737 ext.
3203
Fax: (705) 749-2551

kdarling@ptbocounty.ca

www.ptbocounty.ca



Severance Review Form

Applicant: Sanford and Simmons

File No.:

Date: 2019-10-18

County Road: 28

Speed limit in front of subject property: 50km/hr and 60km/hr.

Conditions:

	Yes	No
Traffic Study required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Road Widening required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Length/Width/Location of Widening: N.A.		

	Yes	No
Entrance meets County spacing requirements:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Permits:	Yes	No
Single Entrance Permit required for Severed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Single Entrance Permit required for Retained	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mutual Drive Entrance Permit required	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Notes / further comments:

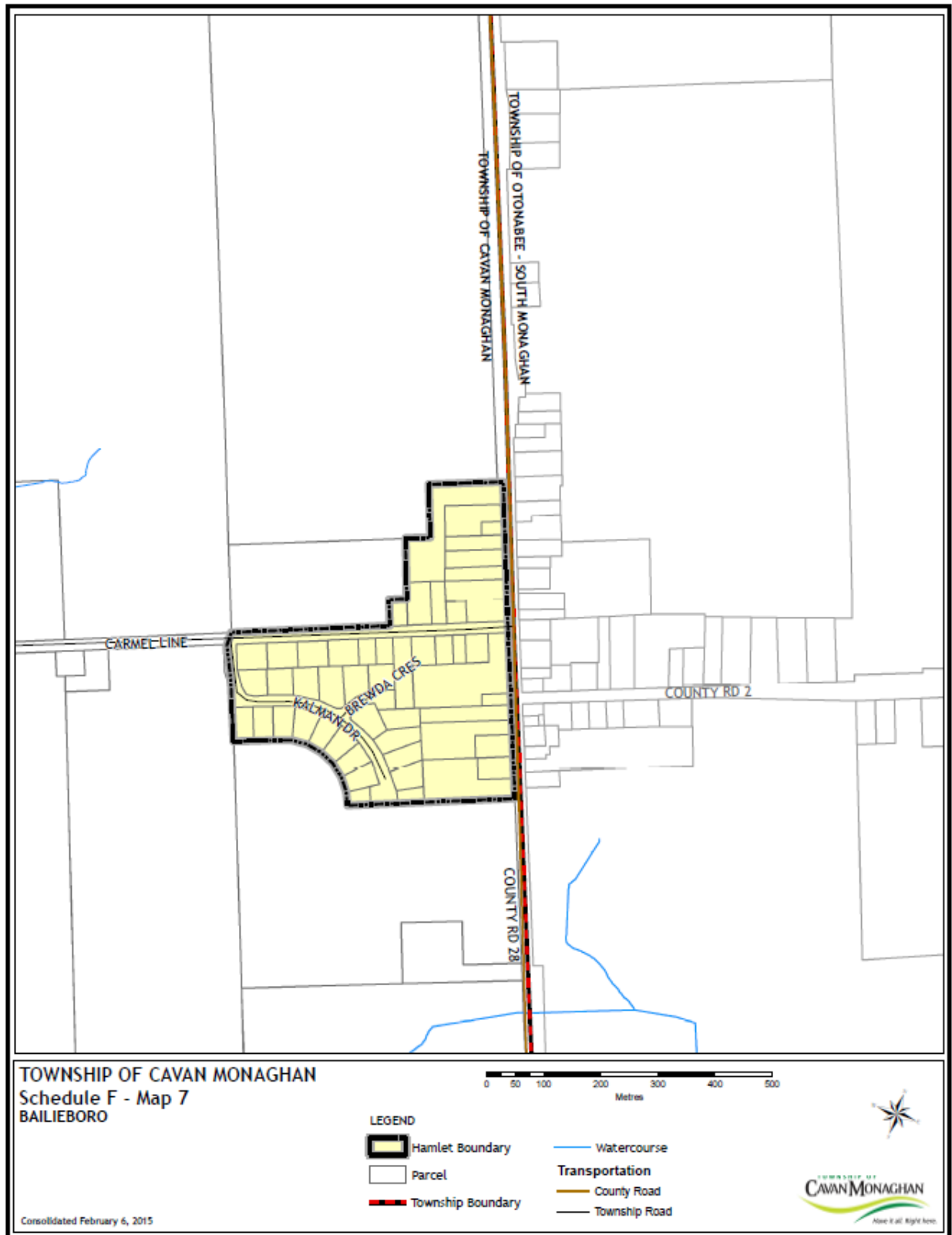
The existing entrance from County Road 28 onto the proposed retained parcel meets the requirements for an entrance under the County of Peterborough's Entrance By-Law #2012-26 (No entrance permit is required).

The proposed severed parcels do not front onto a County of Peterborough road. Therefore the County of Peterborough's Engineering and Design Division has no comment.

If you have any questions/concerns please contact Kyle Darling at 705-775-2737 Ext. 3203.

Kyle Darling
Engineering Technician
Engineering & Design Division,
Infrastructure Services

Attachment No. 3: Schedule F – Map 7 – Bailieboro



Attachment No. 4: Proposed Lot Configuration and Area Schematic B-42-20 and B-43-20

