



Regular Council Meeting

To:	Mayor and Council
Date:	January 18, 2021
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2021-01
Subject:	Molloy Severance Application B-83-20

Recommendations:

1. That the Township of Cavan Monaghan support severance application B-83-20 because it conforms to the Township of Cavan Monaghan 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-83-20:
 - i. The payment of \$1,200.00 cash-in-lieu of parkland to the Township;
 - ii. The completion of a rezoning or minor variance for the retained parcel to the satisfaction of the Township; and
 - iii. An Agreement is to be entered into between the Owner and the Municipality and registered on title at the applicants' expense to recognize the general mitigation measures outlined in Section 7.2 of the Natural Heritage Evaluation (NHE), prepared by Beacon Environmental, dated November 2020.

Overview:

1972867 Ontario Inc. (James D. (Jamie) Molloy) applied to the Peterborough County Land Division Department for approval to create a new industrial lot (Application B-83-20) from lands at 987 Syer Line in part of Lot 13, Concession 7 of the Cavan Ward. A key map showing the location of the subject property is provided as Attachment No. 1 to this Report.

The proposed severed parcel is located in the north-east corner of the property and is proposed to be approximately 12,140.6 square metres (3 acres) in size with approximately 67 metres (219.82 feet) of frontage on Syer Line. A new industrial building, serviced with private well and septic systems, is proposed for the severed parcel.

The retained parcel is a through lot with approximately 224.7 metres (737.21 feet) of frontage on Syer Line and approximately 286.76 metres (940.82 feet) of frontage on Larmer Line. The property will be approximately 392,342.73 square metres (96.95 acres) in size and is currently developed with an office, garage, shop and storage buildings and serviced with private well and septic systems. No new buildings or structures are proposed at this time.

The location and lot configuration of the severed and retained lots are shown on the maps provided as Attachment No. 2 and Attachment No. 3 to this Report.

A Preliminary Severance Review (PSR) was completed by the Peterborough County Planning Department on February 24, 2020. The review found that the severed parcel is located within 120 metres of a significant woodland located on the north side of Syer Line as identified on Schedule 'B' of the Township Official Plan (OP).

The OP requires that any application for development or site alteration must be accompanied by a natural heritage evaluation if the development or site alteration is proposed within the minimum area of influence that relates to a Key Natural Heritage Feature or Hydrologically Sensitive Feature (S. 6.7.1(g)). According to Table 1, item 7 (page 118) of the OP, the minimum area of influence for significant woodlands applies to all land within 120 metres of any part of the woodland feature.

A Natural Heritage Evaluation, prepared by Beacon Environmental Limited, dated November 2020 was submitted in support of the severance application. The Beacon Report findings are discussed later in 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, Rural Employment and Natural Linkage Area in the Township of Cavan Monaghan Official Plan. The parcel to be severed is located entirely within the Rural Employment designation.

The Rural Employment designation is intended to provide opportunities for those uses which, by their nature, may involve outdoor operations and generally provide goods and services to the rural community and businesses, are space intensive uses requiring limited water or sanitary services, or are transportation related uses in the vicinity of Highway 115 and the Peterborough Airport. This designation also recognizes existing employment uses outside of Millbrook, as shown on Schedule A of the Official Plan.

The Rural Employment designation permits a variety of industrial and commercial uses as well as accessory residential uses as outlined in Section 5.4.2. Permitted commercial uses are limited to uses that generate less than 10,000 litres of domestic sewage effluent per day (S. 5.4.2).

The division of land by consent in the Rural Employment designation may be permitted provided that development does not preclude the future development of adjoining lands in accordance with the lot creation policies in Section 3.14 of the Plan (S. 5.4.3(d)).

The number of additional lots that may be created from a land holding is generally not more than two new lots in addition to the retained parcel (S. 3.14.1(ii)). A land holding is defined as a conveyable parcel of land held in distinct ownership from abutting parcels as of January 1, 2012. Peterborough County has confirmed that a search of Peterborough County Land Divisions records indicates that the subject property has not been granted any consents for new lots since January 1, 2012 and is therefore eligible for consent.

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 must front onto a road that is maintained year-round by a public authority and no lots should be created which would create a traffic hazard because of excess traffic generation or limited sight lines on curves or grades. The Township Public Works Department has indicated that an entrance on to Syer Line is possible and a permit will be required from their Department.

Section 3.14.1(a)(iii) requires that the lot be adequately serviced with appropriate water and wastewater systems. The lot is proposed to be serviced with private well and septic systems. A permit from Peterborough Public Health will be required for the private septic system.

Sections 3.1(g) and 3.14.1(a)(xi) of the Official Plan require that the lot must not have a negative impact on significant natural features or their ecological functions. As mentioned previously in this report, the proposed severed parcel is within the 120 metre minimum area of influence for a significant woodland.

Section 6.7.4(a) of the Official Plan states that development or site alteration may be permitted within 120 metres of a Key Natural Heritage Feature or Hydrologically Sensitive Feature, subject to the provisions of the Implementing Zoning By-law and shall be subject to Site Plan Control.

Section 6.7.4(a) section further states that when considering development proposals within this area Council will ensure that:

- i) The development will be set back from the boundaries of a Key Natural Heritage Feature as far as possible;
- ii) No other reasonable opportunities to site the development on the lot are available; and,
- iii) The development will not have an adverse impact on the ecological integrity of the Natural Heritage System

As mentioned previously, a Natural Heritage Evaluation (NHE) was completed by Beacon Environmental in November 2020. Beacon concluded that the proposed severance will not encroach into key natural heritage features (KNHF), key hydrologic features (KHF) or the associated vegetation protection zone (VPZ). The proposed severance is located more than 100 metres from KNHF and KHF (wetlands,

watercourses and woodland) on the subject property and there are no anticipated direct or indirect negative impact to the features or their functions (NHE, Sections 6 and 7).

The retained portion of the property contains a watercourse, drainage features, an unevaluated wetland and significant woodland in the central portion of the property and a woodland in the southern portion of the property.

The NHE recommends a 30 metre (100 feet) VPZ for the wetland (MAS2-1), significant woodland (FOD4) and the unnamed tributary to Cavan Creek (DF-A) as shown on Figure 3 of the NHE provided as Attachment No. 4 to this Report.

At the time of writing this Report, the Township was not in receipt of comments from Otonabee Region Conservation Authority (ORCA) regarding this Application or a review of the NHE. However, Township Staff recommend that the wetland (MAS2-1), significant woodland (FOD4) and the unnamed tributary to Cavan Creek (DF-A) and their 30 metre VPZ, as shown on Figure 3 of the Beacon NHE, be reviewed to determine if the area should be rezoned to prohibit development and that the owners be required to enter into an Agreement with the Township to implement the general mitigation measures outlined in Section 7.2 of the NHE.

Township Staff have requested a digital version of Figure 3 so that it can be compared against the Zone mapping on the GIS to determine if a rezoning of the natural heritage features is required.

The Application conforms to the Township Official Plan.

Peterborough County Official Plan:

The subject property is described as Rural Areas and Agricultural Areas in the County of Peterborough Official Plan.

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 Application conforms to the County Official Plan.

Provincial Policy Statement 2020 (PPS):

Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.8 of the PPS was calculated in the PSR for the livestock facilities (i.e. barns) at 1042 Larmer Line, 1187 County Road 10 and 1232 County Road 10. The proposal appears to meet MDS I setback requirements for these facilities.

The subject lands are located in proximity to Provincial Highway 115. Policy 1.6.8.1 of the PPS states that planning authorities shall plan for and protect corridors and rights-of-way for infrastructure including transportation systems to meet current and projected needs. The PSR completed by the County indicates that the Ministry of Transportation (MTO) had no concerns with the proposal; however, MTO advised that any future

development on the subject lands may trigger MTO review/approval/permitting as both the severed and retained parcels fall within an MTO permit control area.

Policy 1.3.2.1 of the PPS states that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. Furthermore, policy 1.3.2.6 states that planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

Application B-83-20 is consistent with the above noted components of the PPS.

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

Sections 4.2.3.1 and 4.2.4.3 of the Growth Plan for the Greater Golden Horseshoe, 2019 (GPGGH) state that development, including lot creation, and site alteration is not permitted in key hydrologic features and key natural heritage features or within a 30 metre Vegetation Protection Zone (VPZ) of key natural heritage and key hydrologic features.

Section 4.2.4.1 of the Growth Plan (2019) states that 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).

Based on the above, and provided the general mitigation measures outlined in Section 7.2 of the NHE submitted in support of the Application are adhered to, the Application appears to conform to the Growth Plan.

Township of Cavan Monaghan Zoning By-law:

The severed parcel is zoned Rural Employment (M2) Zone as illustrated on Map D-3 to Zoning By-law No. 2018-58, as amended. Various commercial and industrial uses are permitted in the (M2) Zone including an accessory single detached dwelling (Table 6A) provided the parcel has a minimum lot area of 0.5 hectares and a minimum lot frontage of 20 metres (Table 6B). The parcel to be severed meets the minimum lot area and frontage requirements of the (M2) Zone.

The retained parcel is zoned Rural Employment (M2), Agricultural (A) Zone and the Natural Linkage (NL) Zone as illustrated on Map D-3 to Zoning By-law No. 2018-58, as amended.

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)).

The portion of the retained lot within the (M2) zone requires a minimum lot area of 0.5 hectares and a minimum lot frontage of 20 metres (Table 6B). The portion of the retained lot within the (M2) Zone meets the minimum lot area and frontage requirements.

An agricultural use is permitted in the (A) Zone (S. Table 7A) provided the parcel has a minimum lot area of 40 ha and a minimum lot frontage of 130 m (Table 7B). The portion of the retained parcel within the (A) Zone does not meet the minimum lot area requirement and therefore a rezoning or minor variance is required.

Furthermore, the wetland (MAS2-1), significant woodland (FOD4) and the unnamed tributary to Cavan Creek (DF-A) and their 30 metre VPZ, as shown on Figure 3 of the NHE, may require a rezoning to prohibit development in accordance with Growth Plan Section 4.2.4.4(b), 4.2.3.1(f). As mentioned previously, Township Staff have requested a digital version of Figure 3 so that it can be compared against the Zone mapping on the GIS to determine if a rezoning of the natural heritage features is required.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1:	Key Map
Attachment Nos. 2 & 3:	Proposed Lot Configuration
Attachment No. 4:	Figure 3, Beacon NHE, November 2020

Respectfully Submitted by,

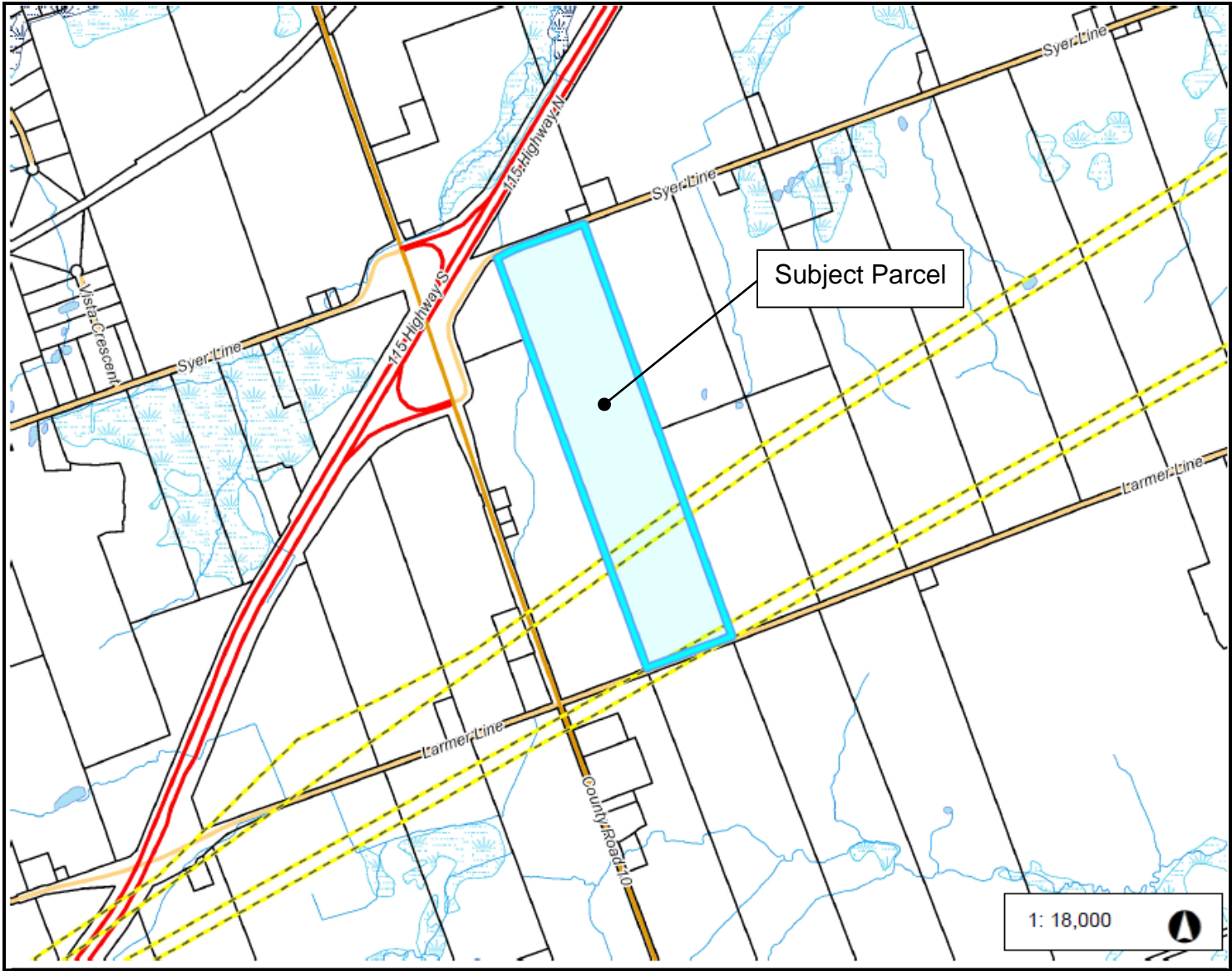
Karen Ellis,
Director of Planning

Christina Coulter,
Planner

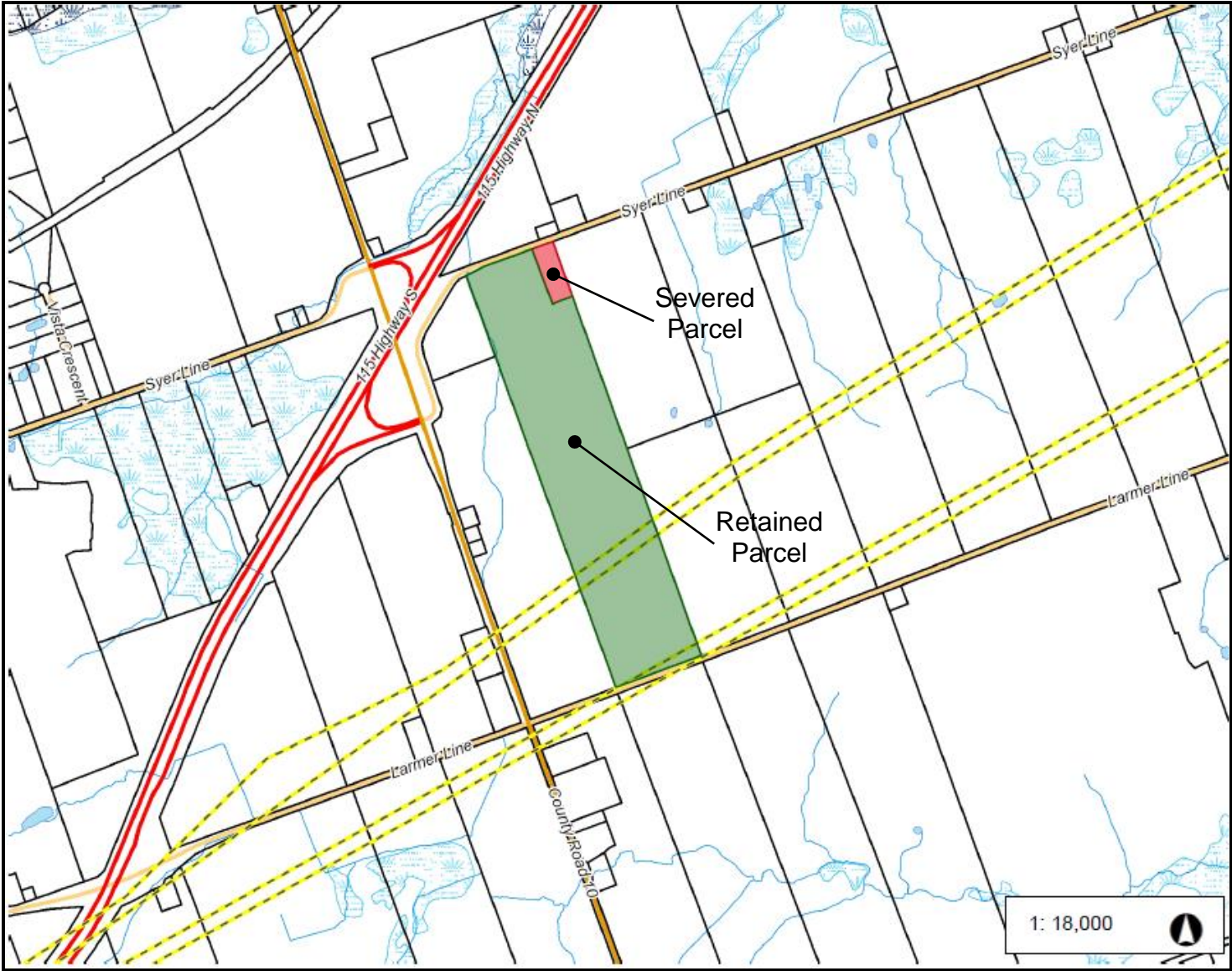
Reviewed by,

Yvette Hurley,
Chief Administrative Officer

Attachment No. 1: Key Map



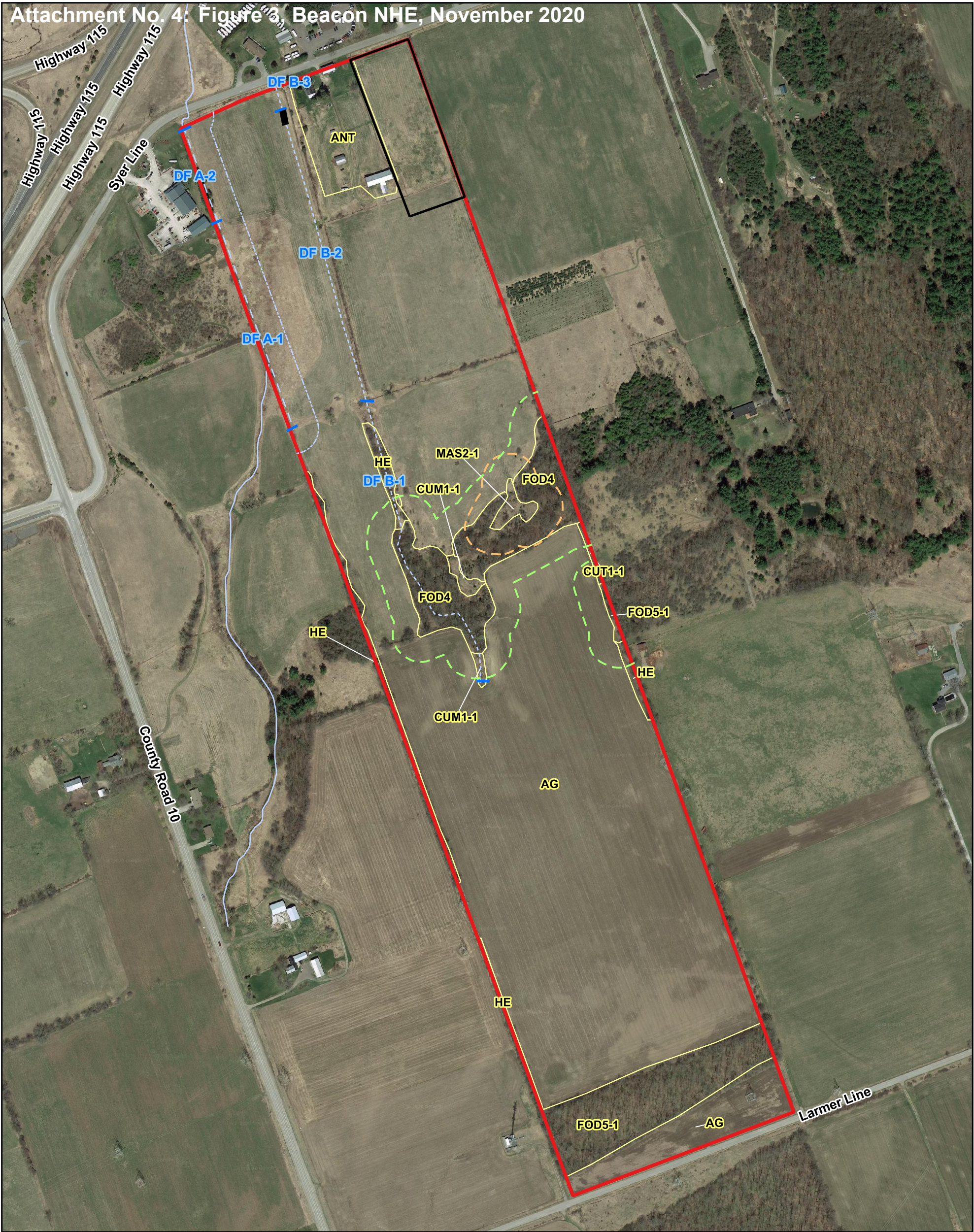
Attachment No. 2: Proposed Lot Configuration



Attachment No. 3: Proposed Lot Configuration



Attachment No. 4: Figure 3, Beacon NHE, November 2020



Legend

- Subject Property
- Proposed Severance
- ELC Communities
- Culvert
- Significant Woodland + 30 m
- Unevaluated Wetland + 30 m VPZ
- Intermittent Watercourse + 30 m
- Drainage Features**
- DF- A
- DF- B
- Watercourse (MNR 2020)
- Reach Breaks

Code	Wetland Communities
MAS2-1	Cattail Mineral Shallow Marsh
Forest Communities	
FOD4	Dry - Fresh Deciduous Forest
FOD5-1	Dry - Fresh Sugar Maple Deciduous Forest
Cultural Communities	
CUM1-1	Dry - Moist Old Field Meadow
CUT1-1	Sumac Cultural Thicket
Other Communities	
AG	Agricultural Crop
ANT	Anthropogenic
HE	Hedgerow

Proposed Severance

Figure 3

987 Syer Line Frasersville NHE



Project: 219081
Last Revised: October 2020

Client: 1972867 Ontario Inc.

Prepared by: BD
Checked by:



1:4,500

0 100 200 m

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