



Seguin Township

Report to Council

Prepared for: Township Council **Department:** Development and Protective Services

Agenda Date: October 1st, 2018 **Report No:** DPS-PL-2018-127

Application No: B-2018-0026-C
Owner(s): David & Linda Van Duzen
Agent: R.C. Hawkins, L.U. Maughan Co. LTD
Subject Lands: Concession 8, Part Lots 22-25
Civic Address 23 Tally Ho-Swords Road
Roll No.: 4903-040-006-04105 (Merged)
 4903-040-006-04301 (Merged)
 4903-040-006-04106 (Merged)

1.0 Recommendation

a) **THAT** Consent Application B-2018-0026-C for a new lot be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions:

1. That this approval applies described as follows:

| File | Type | Area (ha)+/- | Frontage (m)+/- |
|---------------|---------|--------------|-----------------|
| B-2018-0026-C | New Lot | 45.5 | 219 |

2. The owner shall have delivered to the Planning Official the following:

(i) A plan of survey prepared by an Ontario Land Surveyor (submitted in duplicate – 2 copies and an electronic version in Adobe Acrobat pdf format) indicating the parcel(s) (The severed parcels) to be conveyed including all rights-of-way to each parcel. All dimensions are to be provided in metric units.

(ii) Three copies in registrable form of the document conveying the severed parcel and right-of-way so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of \$150.00 per deed with respect to this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Township with respect to this application shall be paid for by the owner.

6. A payment in lieu of a parkland dedication for each severed parcel shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Township of Seguin in cash or certified cheque.

2.0 **Background & Property Description**

THE PURPOSE and EFFECT of the proposed Consent application is to create a new rural lot. The proposed severed lot would have 219 metres of frontage on Highway 518, and a lot area of 45.4 hectares. The retained lands would have 425 metres of frontage on Tally Ho-Swords Road, and 447 metres of frontage on Highway 518, and would contain the existing single detached dwelling on the subject lands.

Figure 1 – Key Map

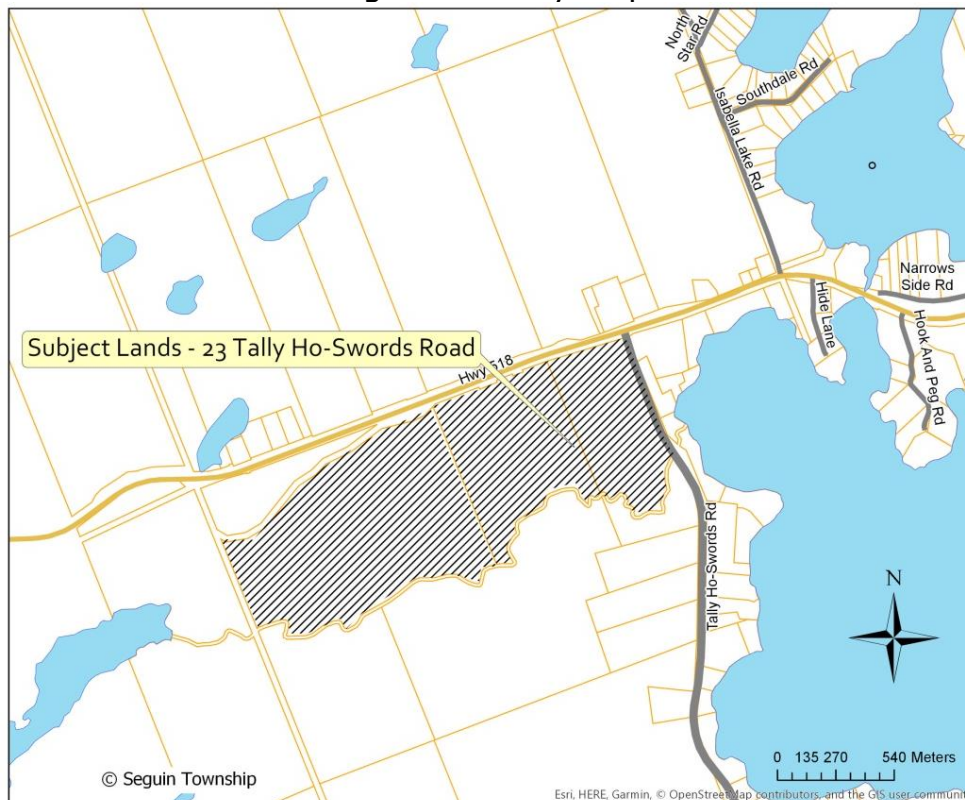
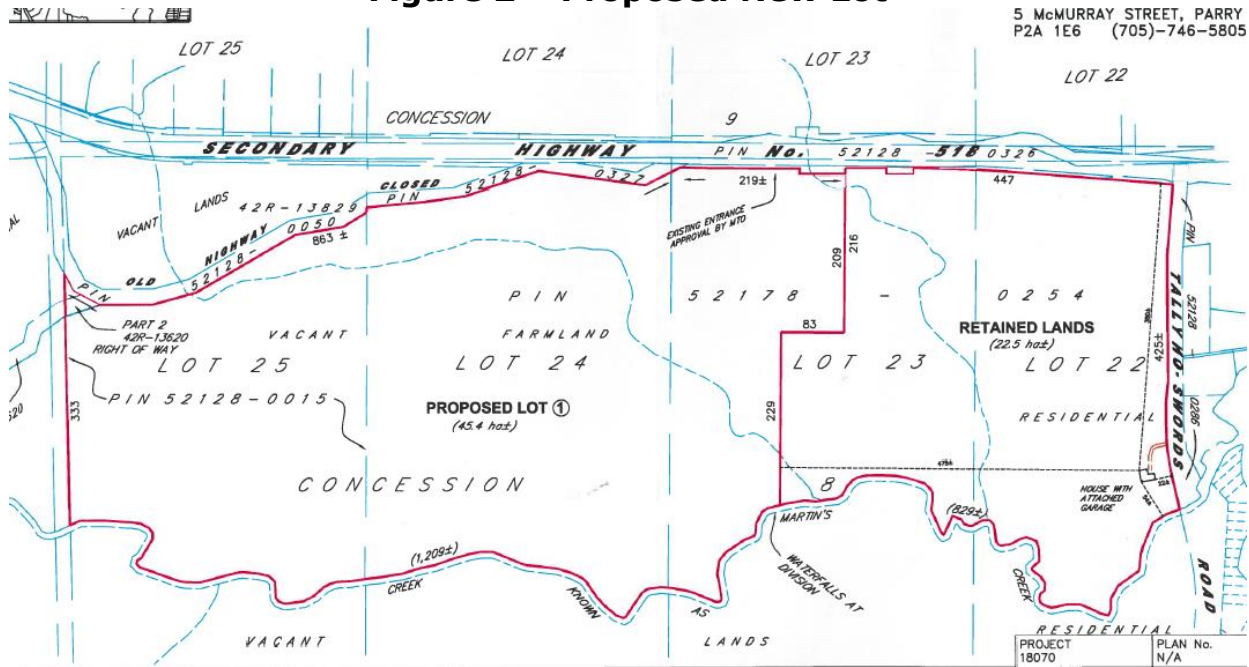


Figure 2 – Proposed New Lot



Official Plan Designation: Rural and Resource Area

Zoning: Rural (RU) Zone

Access: Highway 518 (Provincial) and Tally Ho-Swords Road (Municipal)

Lot Area: 68 hectares

Frontage: 219 metres (Highway 518), 425 metres (Tally Ho-Swords)

Existing Development: Single detached dwelling

3.0 Comments

CAO: No objection.

Clerk: No objection.

Building: No objection.

Fire/By-law: No objection.

Public Works: No objection.

Treasury: No objection.

Ontario Ministry of Transportation: No objection to new lot creation. Correspondence attached in Schedule A.

4.0 Land Use Planning Policy & Analysis

4.1 Provincial Policy Statement (PPS) 2014

Pursuant to Section 3 of the Planning Act, all planning decisions must be "consistent with" the policies of the PPS. Section 1.1.4 of the PPS states that in rural areas located in municipalities permitted uses and activities

shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. The proposed Consent application to create one new rural lot is consistent with the PPS.

4.2 Seguin Official Plan

The subject lands are designated Rural & Resource Area by the Official Plan. Permitted uses include "low density residential uses; small scale industrial and commercial uses, agriculture, and forestry".

Section B.12.2 NEW LOTS BY CONSENT - B.12.2.1 General Criteria lists requirements for new lot creation in all land use designations, such as frontage and area requirements, conformity to applicable Official Plan policies and the Planning Act, and servicing requirements. Prior to issuing provisional consent for a new lot for any purpose, Council or its delegate shall be satisfied that the lot to be retained and the lot (or lots) to be severed:

a) conform to the specific land division policies contained in the land use designation sections of this Plan;

In the Rural and Resource Area Designation, the following severance policies apply to the subject lands of this application:

B.12.2.5 Rural and Resource Area - New Lots for Residential Purposes

In accordance with the Growth Management Goals and Objectives of this Plan to focus growth to settlement areas and maintain the rural character of the Township, only a limited number of new lots for residential purposes can be created in the Township. Limited residential development the *Rural and Resource Area* will occur by consent. In this regard, lot creation by consent in the *Rural and Resource Area* will be limited to:

- a) A maximum of three severed lots and one retained lot on a parcel having an area of 40 hectares or greater, as existed on April 24, 2007.

- d) A maximum of 15 new lots may be created in the *Rural and Resource Area* Designation per calendar year.

In considering the creation of a new lot in the *Rural and Resource Area*, Council shall be satisfied that the proposed lot(s):

- i) should have a minimum lot area of 1.2 hectares;
- ii) should have a minimum lot frontage of 90 metres;
- iii) is located at least 300 metres from the limits of the shoreline of a high sensitivity, over-threshold lake, in accordance with Section B.3.1.1.1 a) and b) of the Official Plan or an at capacity Lake Trout Lake in accordance with Section B.3.2.1 b) of the Official Plan
- iv) Limited back lot development as defined in the policies of Section B.12.2.4 c) of the Official Plan shall be permitted subject to the new lot(s) having minimum lot area of 4 hectares, and a minimum frontage of 120 metres on a year-round maintained public road;
- v) Preserves natural vegetation in the front yard in order to maintain the rural character of the area.”

Section B.12.2.5 permits lot creation within the Rural and Resource Area designation of the Official Plan. The subject lands contain sufficient area and frontage to permit the creation of 3 new lots, where at this time only 1 new lot is proposed. The proposed severed and retained lands would conform with the minimum frontage and area requirements of 120 metres and 4 hectares, and otherwise satisfies the rural severance requirements of Section B.12.2.5.

The proposed severance application therefore conforms with the land division policies of the Seguin Official Plan.

The Ontario Ministry of Transportation (MTO) has provided comments with respect to several existing entrances onto the subject lands. There are no concerns with respect to access to the existing single detached dwelling from Tally Ho-Swords Road on the proposed retained lot. With respect to the severed land, the MTO has no objection to creation of the new lot fronting onto Highway 518, where any required MTO Land Use and/or Entrance Permits will be reviewed at the time of future development of the lot.

5.0 Conclusion

It is the Planning Department's position that the application to permit creation of a new rural lot is consistent with the Provincial Policy Statement. The application will maintain the intent of land division policies of the Seguin Official Plan, provisions of the Zoning By-law, and represents good planning.

Respectfully submitted



Adam Kozlowski, MCIP, RPP
Senior Planner

Reviewed



Stephen Stone, MSc, BES, MCIP, RPP
Director of Planning and Development



Chris Madej, MA, MCIP, RPP
Chief Administrative Officer

Attachments:

Schedule A – Correspondence from Ontario Ministry of Transportation

AK/SS/CM

Ministry of Transportation

Provincial Highways Management
 Northeastern Region
 Corridor Management Section
 447 McKeown Avenue
 North Bay, ON P1B 9S9
 Tel: (705) 494-5226
 Fax: (705) 497-6926

Ministère des Transports

Gestion des routes provinciales
 Région du Nord-Est
 Section de gestion des
 couloirs routiers
 447, avenue McKeown
 North Bay, ON P1B 9S9
 Tél : (705) 494-5226
 Téléc : (705) 497-6926

**Ontario****COPY**

March 26, 2018

David Van Duzen
 23 Tally-Ho Swords Road
 Seguin ON
 P2A 0B2

Sent via email and regular mail
 Email dlvanduzen@gmail.com

**RE: Proposed severance - Part of Lots 22, 23, 24 and 25, Concession 8,
 geographic township of Christie, now Seguin Township
 Highway 518**

The Ministry of Transportation (MTO) has been requested to provide comments on a proposed application for consent to sever one new residential lot from the subject lands. The severed new lot would have frontage on Highway 518 and the retained lot would have frontage on both Highway 518 and Tally Ho Swords Road as shown on the attached sketch.

There are 4 entrances that are currently being used to access the subject lands from Highway 518. Two of these entrances are located on what would be the retained lands; the first on Part Lot 22 and the second on Part Lot 23 and both entrances are used as field entrances only. A third field entrance is located on Part of Lot 23 which would be located on the lands proposed to be severed. To the west of the third entrance there is a fourth entrance being used to access the subject lands which is actually an entrance to the old highway road bed which is owned by the MTO. This entrance had previously been gated but the gate has disappeared. There is no longer any access requirement through this entrance to Martin Lake and the dam on Lot 26 as there is now an access road over the Township's road allowance between Lots 25 and 26.

The MTO has no objection to the proposed consent application subject to the following:

1. As there is already an existing field entrance to the proposed severed lands on Lot 23 that meets minimum sight distance requirements, the MTO will require all access to the proposed severed lands be from that existing entrance. The old highway road bed and the entrance to Highway 518 owned by the MTO are not to be used to access the proposed severed lands. Any future owner must be advised that the access to the severed lands will only be taken from the existing field entrance shown as #3 on the attached sketch. While the entrance meets the minimum sight distance requirement, it does not meet the preferred minimum

sight distance requirement, therefore no other shared use or more than the proposed single residential use of the entrance will be allowed. Once the consent application has been granted, the new property owner will require a new Entrance Permit to recognize the change in ownership of the severed lands.

2. The two existing field entrances on the proposed retained lands are to remain as field entrances only. Should the use of the retained lands change in the future to a residential use, access to the retained lands must be taken from Tally Ho Swords Road and the field entrances removed.

As circumstances and policies change over time, these comments are valid for one year from the date of this letter. If an application for consent has not been filed within one year, further pre-consultation comments should be obtained from the MTO. Notice of any applications filed pursuant to the Planning Act should still be circulated to the MTO for review and comment.

An MTO building and land use permit will be required for any new buildings and structures or site alterations including grading or paving, septic systems, and wells, etc. located within 180 metres of the centre point of an intersection of Highway 518 or within 45 metres of the edge of the MTO highway property limit along Highway 518.

Further information with respect to MTO permits can be obtained by contacting Valerie McEachern, Corridor Management Officer at the Ministry's Huntsville Area Office at (705) 789-0416 or by email at Valerie.McEachern@ontario.ca.

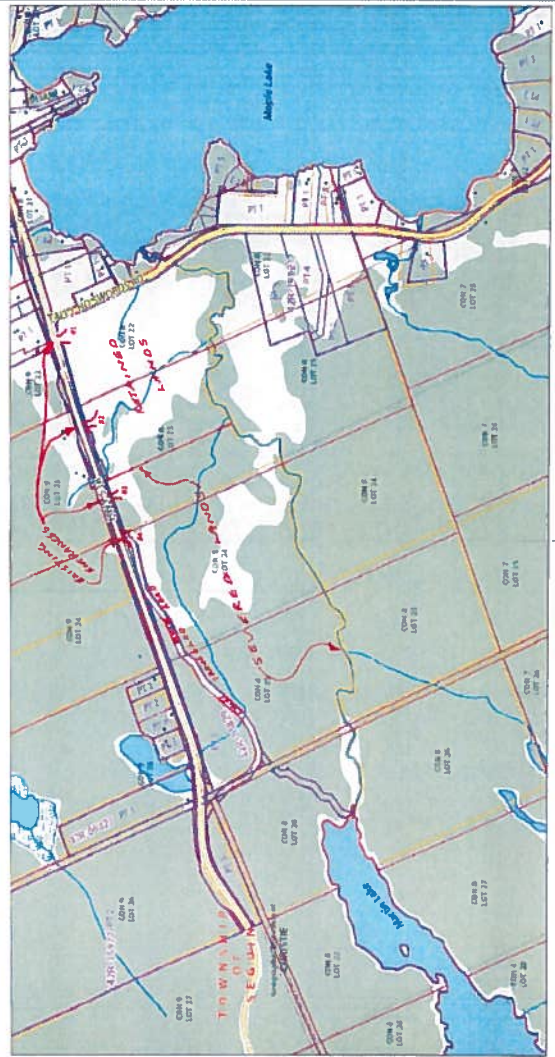
Sincerely,



Christine Tudhope
Corridor Management Planner

- c Bob Hawkins OLS – via email
- Seguin Township – via email
- Valerie McEachern, CMO – MTO Huntsville Area Office

Enter Map Description



EXPLANATORY NOTES: These maps should not be used for navigational purposes. They are for general information only. The map is based on the 1:10,000 Ontario Base Map Documents From 2006. This is not an endorsement by the Ministry of Natural Resources of the Ontario Government.

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