

Land Severance (Consent) Guide

Figure 1: Severance Process



What is land severance?

A severance (or consent) is a land division process followed to create one or more new lots from an existing property; it is the authorized separation of a piece of land to form two new properties. Severance is required if you want to separately convey any one part of your land to a different ownership – this includes making an adjustment to an existing lot line, or allowing legal access over your property by means of a right-of-way or easement.

Why do I need approval to sever my land?

Approval for severance is a provincial legislative requirement, regulated by the *Planning Act*. The indiscriminate division of land without anyone's approval could have a long-term, negative impact on our community. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or, it might result in damage to the natural environment, because lots are too small to accommodate adequate sewage disposal systems for example.

County and Township approval is required to ensure that land division is considered within an established community planning framework. It must be ensured that new lots and new land uses do not conflict with the overall future planning goals and policies of the community. Through the severance process, consideration is given to the effects of the division of land on the site, on the neighbours and on the community as a whole.

How do I begin the severance process?

The first thing you can do is fill out a Severance Proposal Form, and send it to the County of Peterborough Planning Department. With this information, the Planning Department will complete a Preliminary Severance Review. The Review, which is free of charge, will examine the County and Local Official Plans, the Local Zoning By-Law and all other resources available, including the Provincial Policy Statements, to see if what you are proposing conforms to the policies contained in those documents.

The review will indicate whether or not your proposal conforms to the above documents. It will also suggest agencies you should contact, for example your local Township Office, Conservation Authority, Roads Department, Health Unit or the Trent-Severn Waterway. By contacting these agencies before you begin the formal severance process you can find out if they will have any problems with the proposal and if there is anything that can be done to remedy these problems.

With a positive review, and preliminary approval from relevant agencies, you may choose to fill out the Severance (Consent) Application Form and send six copies and a cheque for \$1150.00 to the address below. Please note that for each new lot created, a separate application and application fee is required. All cheques should be made payable to: County of Peterborough.

Attention: Ann Hamilton, Land Division Committee Secretary-Treasurer
County Courthouse
470 Water Street
Peterborough, ON K9H 3M3

If you require this information in an accessible format, please contact Ann Hamilton at ahamilton@ptbocounty.ca 705-743-0380 extension 2406

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Both the Severance Proposal Form and the Severance (Consent) Application Form can be picked up at the County or Township offices, or you can find them online at www.ptbocounty.ca

What if my proposal does not conform to the Official Plans?

It depends on why your proposal does not conform to the above documents. If you have proposed to create a lot on a known Lake that has reached its development capacity, according to the Ministry of Environment and the Ministry of Natural Resources, then very little can be done. This proposal would be contradictory to the intent of the Local/County Official Plans and Provincial Policy and may damage the natural environment.

If however you were proposing to create three lots, when the Local Official Plan indicated that only two were permitted, you might reduce the number of lots proposed.

Should I contact the commenting agencies?

The Planning Department recommends discussing your proposal with the agencies indicated in the Preliminary Severance Review (can include, but is not limited to: the Conservation Authorities, Peterborough Public Health, Township etc.). This can help avoid any potential problems after you submit a formal application and let you know any other concerns the agency might have. Please note, however, that these agencies may have their own application process and/or fees.

How long does the severance process take?

The **preliminary review stage** timeline fluctuates depending on the number of proposals the Planning Department has received at any given time.

The length of time the **formal severance process** may take can vary. If it is a straight-forward application, no agency/individual/group has submitted an objection and the application conforms to the relevant policies in the respective Official Plans, the expected time is about three to six months. This time is required to give notice of application through local newspapers and by mail, and to receive comments from all pertinent agencies. With provisional approval, the applicant then has up to one year from the date of decision to fulfill all of the conditions of severance (e.g. a re-zoning/minor variance, cash in lieu of parkland fee, survey, deed, etc.) before the consent is final and binding.

An application can take significantly longer if objections are raised, issues with the Official Plan require further attention, or if additional studies are required (such as an Environmental Impact Study). If there are objections to an application from any commenting agency or neighbouring landowner, the application will automatically go for decision in front of the Land Division Committee. The Committee meets once every two months and gives both the applicant and the objector an opportunity to present their case. The committee consists of five County Councilors, appointed by County Council.

What is the process for a Formal Severance Application?

(please see attached Figure 1)

The applicant will be required to fill out the **Severance (Consent) Application Form** and pay the application processing fee of \$1150 (please note that this application fee is **non-refundable**, regardless as to whether or not your application gets approved). Once the

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application has been completed to the satisfaction of the Land Division Committee Secretary-Treasurer, it will be assigned a file number. The Secretary-Treasurer will then advertise the application in a newspaper and circulate the application, or notice of application, to all relevant commenting agencies (Township, Peterborough Public Health, Conservation Authority etc.). Neighbouring landowners will only be provided a notice if their property lies within 60 metres of the proposed severed lot. If at any time the applicant has questions as to when a site visit will be made by an agency, when the application will be heard by local Council etc., it is the responsibility of the applicant to contact each individual agency. Contact information for all agencies can be found on page 7.

When the Secretary-Treasurer has received correspondence from all required agencies, the application shall then be reviewed by Planning Department staff.

If no concerns have been raised (i.e.: the application meets the criteria as a “straight-forward” application), the Secretary-Treasurer shall forward the file to the Director/Manager of Planning for consideration. If the Director/Manager of Planning confirms that the application is straight-forward, the Director/Manager shall provide conditional approval of the consent application.

If the consent application is not straight-forward, thereby rendering it a “disputed” application, it shall be scheduled for a meeting of the Land Division Committee. Notice indicating that it will be heard by the Land Division Committee on a specified date will be sent to the applicant, the municipality, agencies and those members of the public that expressed concern with the application.

What rights of appeal do I have?

If you do not agree with the decision of the Land Division Committee or the Director/Manager of Planning, you may appeal the decision. Appeals can be made to the Ontario Land Tribunal (OLT) by the applicant or by any person who has asked, in writing, to be notified of decision.

The appeal must be filed within 20 days of the date of mailing of decision with the Secretary-Treasurer of the Land Division Committee. Written reasons supporting your objection and payment of the OLT fee (\$400) for an appeal must be included; a fee of \$25 will apply to each additional consent appeal filed by the same appellant against connected consent applications.

An appeal to the OLT is a serious matter requiring considerable time, effort and, in some cases, expense on the part of everyone involved. A hearing can be as brief as a couple of hours if it involves few witnesses and only one or two planning issues. But in more complex situations involving a number of adversaries, the hearing could stretch out over several days, sometimes even weeks.

Note: The Ontario Land Tribunal is an administrative tribunal appointed by the Province. Its responsibilities include the settling of contentious planning matters which people were unable to resolve at the municipal level.

What are the “conditions of severance”?

A severance approval may have certain conditions attached to it including requirements for road widening, parkland dedication, or a rezoning (or minor variance) to allow a new land use or to recognize reductions in deficiencies in lot area or frontage to name a few. In addition, the property owner may be required to enter into an agreement with the Township to provide future services or facilities.

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The conditions of severance must be satisfied within one year of the decision. It is the responsibility of the applicant to satisfy these conditions. An instruction sheet titled "How to Complete Conditions of Severance" and sample agreements can be obtained from the Land Division office or from the County of Peterborough website (www.ptbocounty.ca). If all conditions are not satisfied, the application will lapse and is deemed to be refused.

When the applicant has satisfied or fulfilled all the conditions, the Land Division Secretary-Treasurer will issue a certificate or certify a deed for the new lot. It is then the applicant's responsibility to have the deed registered at the Land Registry Office; the registration must take place within 2 years of issuance or the consent lapses.

What fees could I be required to pay?

There are a number of fees that could be required throughout the severance process. Such fees include:

- County Severance Application (\$1150) and Deed Stamping (\$450); other County fees that may be required include:
 - Processing of Amended Application (\$250)
 - Processing of Adjourned Application (\$250)
 - "Change in Condition" Application (\$175)
- Otonabee Region Conservation Authority or Crowe Valley Conservation Authority fees and/or permits
- Peterborough Public Health (formerly Health Unit) fee
- Any applicable studies & peer reviews (e.g. Environmental Impact Analysis (EIA), Noise & Vibration Study)
- Surveying fees
- Cost of agent or solicitor
- Costs of meeting the conditions of consent (may include one or more of the following):
 - Cash in lieu of parkland
 - Entrance permit(s)
 - Application fee for rezoning or minor variance
 - Septic system approval
 - Removal or construction of buildings
 - Fencing, tree planting etc.
 - Reference plan of survey and plan registration
 - Deed(s) for new lot, boundary adjustment, easement, or right-of-way; registration of deed(s)

What are the Provincial Policy Statements (PPS)?

The Provincial Policy Statements provide direction on matters of provincial interest related to land use planning and development and promote the provincial 'policy-led' planning system. As such, the PPS takes precedence over both the County and the Township Official Plans. To find out more information about the Statement, please visit www.mah.gov.on.ca.

What is the Growth Plan for the Greater Golden Horseshoe (Growth Plan)?

Like the PPS, the Growth Plan is a document which provides direction on matters of provincial interest related to transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection. However, unlike the PPS which applies to the entire Province of Ontario, the Growth Plan is only applicable to the area known as the

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Greater Golden Horseshoe, stretching from the Region of Niagara and Haldimand County on Lake Erie in the Southwest to the City of Toronto and North to the County of Simcoe on Georgian Bay and to the County of Northumberland and the County of Peterborough to the East. As a Provincial Policy document the Growth Plan takes precedence over Township & County Official Plans.

What is a Supporting Study and why might I need to have one done?

A supporting study is any report done, by a qualified professional, which may be identified by the Planning Approval Authority as being necessary in order to deem a consent application as being 'complete' and to determine Official Plan and Provincial Policy compliance. Examples of supporting studies are outlined in Section 2.6 of the County Official Plan and include such things as a Traffic Study, Archaeological Study and Environmental Impact Study (EIS). As an example, an EIS may be required to address one or more environmental concerns and/or features located on your property (e.g. provincially significant wetland, rare species, area of natural and scientific interest). Before a severance can be granted, it must be demonstrated by means of an Environmental Impact Study that the severance and subsequent construction on the property will not negatively affect the natural feature(s) identified in the area.

What is a Peer Review?

For matters under the County's jurisdiction, the County will review the supporting studies and may do so internally or through the use of peer reviewers. The applicant should be aware that both the cost of the supporting study and the peer review will be borne by the applicant. Where appropriate, the County may also consult with the Ministry of Municipal Affairs, the Ministry of Natural Resources, Trent-Severn Waterway or any other authority having jurisdiction or expertise.

What are the Minimum Distance Separation requirements?

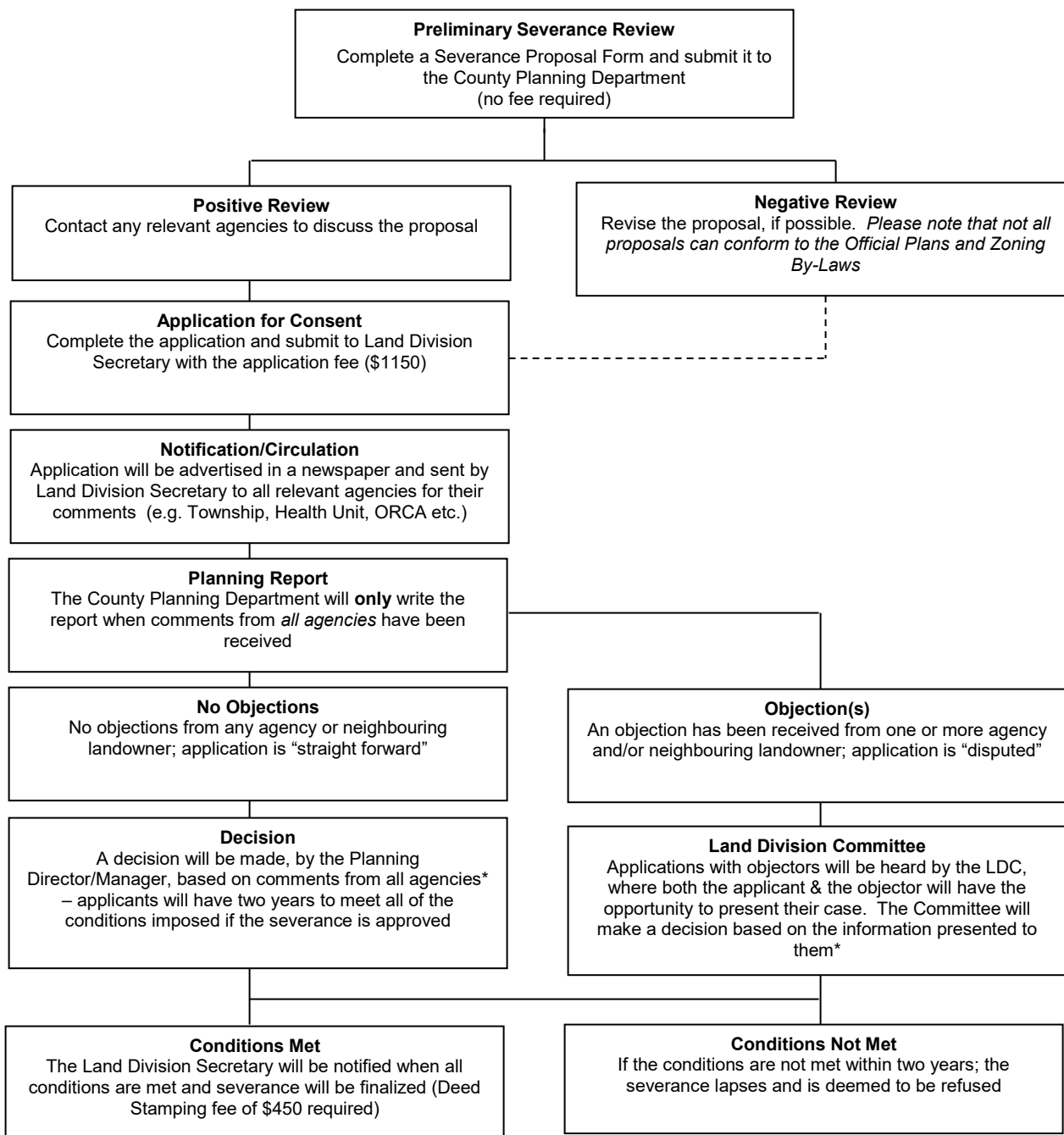
Minimum Distance Separation (MDS) is a tool used to determine a recommended distance between a livestock facility and another sensitive land use. The objective is to prevent land use conflicts and minimize nuisance complaints from odour; MDS does not account for noise and dust. When severing a new lot, MDS calculations are intended to protect existing agricultural operations. These calculations are a requirement in the County Official Plan, and most municipalities.

Where can I find more information?

This brochure is intended to provide general information only. For additional information, please visit our website at www.ptbocounty.ca. More specific information regarding severance proposals and/or Preliminary Reviews can be obtained from the Peterborough County Planning Department or your local Municipal office; inquiries regarding Formal Severance Applications should be directed to the Land Division Secretary-Treasurer.

NOTE: This guide has been produced by the Peterborough County Planning Department and is intended to provide general information to the public. It should not be construed as technical or legal advice for consents or a right for approval if the steps indicated are followed.

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***OLT**
 The decision of the Land Division Committee or Planning Director/Manager can be appealed by the applicant or anyone who requests notification of decision. The appeal and accompanying fee (\$400) must be received within 20 days of the mailing of decision by the Land Division Secretary-Treasurer

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Municipalities

<p>Asphodel-Norwood 2357 County Road #45, P.O. Box 29 Norwood, ON K0L 2V0 phone: (705) 639-5343 fax: (705) 639-1880</p>	<p>Havelock-Belmont-Methuen 1 Ottawa St. East, P.O. Box 10, Havelock, ON K0L 1Z0 phone: (705) 778-2308 fax: (705) 778-5248</p>
<p>Cavan Monaghan 988 County Road 10 Millbrook, ON L0A 1G0 phone: (705) 932-2929 fax: (705) 932-3458</p>	<p>North Kawartha 280 Burleigh Street, P.O. Box 550 Apsley, ON K0L 1A0 phone: (705) 656-4445 fax: (705) 656-4446</p>
<p>Douro-Dummer 894 South Street, P.O. Box 92 Warsaw, ON K0L 3A0 phone: (705) 652-8392 fax: (705) 652-5044</p>	<p>Otonabee-South Monaghan 20 Third Street, P.O. Box 70 Keene, ON K0L 2G0 phone: (705) 295-6852 fax: (705) 295-6405</p>
<p>Trent Lakes 760 County Road 36, P.O. Box 820 Bobcaygeon, ON K0M 1A0 phone: (705)738-3800 fax: (705) 738-3801</p>	<p>Selwyn 1310 Centre Line, P.O. Box 270 Bridgenorth, ON K0L 1H0 phone: (705) 292-9507 fax: (705)292-8964</p>

Circulating Agencies

<p>Peterborough County Planning Department 470 Water Street Peterborough, ON K9H 3M3 phone: (705)743-0380 or 1-800-710-9586</p>	<p>Peterborough Public Health 185 King Street Peterborough, ON K9J 2R8 phone: (705) 743-1000</p>
<p>Otonabee Region Conservation Authority (ORCA) 250 Milroy Drive Peterborough, ON K9H 7M9 phone: (705) 745-5791</p>	<p>Trent-Severn Waterway Box 567 Peterborough, ON K9J 6Z6 phone: (705) 742-9267</p>
<p>Peterborough County Public Works Department County Court House Peterborough, ON K9H 3M3 phone: (705) 775-2737 or 1-800-710-9586</p>	<p>Hiawatha First Nations Administration R. R. #2 Keene, ON K0L 2G0 phone: (705) 295-4421</p>
<p>Ministry of Transportation Ontario (MTO) Planning and Design Section 1355 John Counter Blvd. Kingston, ON K7L 5A3 phone: (613) 545-4744 or 1-800-267-0295</p>	<p>Curve Lake First Nations Government Services Building General Delivery Curve Lake, ON K0L 1R0 phone: (705) 657-8045</p>
<p>Crowe Valley Conservation Authority 70 Hughes Lane, P.O. Box 416 Marmora, ON K0K 2M0 phone: (613)472-3137</p>	<p>Kawartha Region Conservation Authority 277 Kenrei Park Road Lindsay, ON K9V 4R1 phone: (705)328-2286</p>