

Amendment No. 72
to the
Official Plan of the
County of Peterborough

Official Plan Amendment No. 72

Part “A” - The Preamble does not constitute part of this Amendment.

Part “B” - The Amendment consisting of the following text and schedules constitutes Amendment No. 72 to the Official Plan for the County of Peterborough.

Also attached is **Part “C” - The Appendices** which does not form part of this amendment. The appendices contain the background planning and technical considerations associated with this Amendment.

Part A - The Preamble

Purpose

The purpose of the Official Plan Amendment is to change the “Extractive Industrial” land use designation on the subject property to “Rural” in order to facilitate the creation of two new residential lots by severance. The amendment applies to lands located on Part of Lot 10, Concession 3 (Douro Ward), and known municipally as 1110 County Road 4 in the Township of Douro-Dummer.

Basis

The County of Peterborough received an application to amend the Local Component of the County Official Plan from Kevin Duguay on behalf of Sylvia and David Robinson who own the 22.5 hectare (55.5 acre) parcel of land developed with a single detached dwelling. Amendment to the Township Zoning By-law is not required as the lands are zoned to permit residential uses.

Two (2) 0.4 hectare (1 acre) lots are proposed to be located within the southeast part of the property.

Existing and Surrounding Uses

The subject property is surrounded generally by farmed properties containing detached dwellings and barns. Directly east of Douro 2nd Line and southeast of County Road 4 are four smaller detached dwelling lots.

Provincial Policy Statement (PPS)

The proposed OPA is consistent with the relevant policies within the PPS. As the lands have been identified as a mineral aggregate resource area, Policies 2.5.1 and 2.5.2.5 address the need to protect these resources where identified, and to ensure that development “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 applicant’s Aggregate Assessment (WSP, May 2022) supports removal of the ‘Extractive Industrial’ designation on the basis of aggregate resource and well mapping; physical constraints related to the location of the lands within a drumlinized glacial till area; and the presence of nearby wetlands and residential development. The site therefore has low aggregate resource potential; low aggregate resource quality, and offers a limited area available for licensing. The County’s peer reviewer is in agreement with the conclusions of the study.

The proposal is consistent with Section 1.1.4 Rural Areas in Municipalities and 1.1.5 Rural Lands in Municipalities, which direct development to rural areas,

including lot creation, that is locally appropriate, compatible with the rural character, and supported by rural services and infrastructure. S.1.4.3 states that planning authorities should provide for an appropriate range and mix of housing options and densities to meet with current and projected housing requirements.

The proposed OPA facilitates the development of two new residential lots (by way of consent) in an established rural area containing limited residential uses. The lots would be privately serviced and meet the minimum lot size requirements of the (RU) zone; and would comply with the MDS I formula. The proposed detached dwelling units will assist in meeting Township housing and density targets.

Growth Plan

Sections 4.2.3 and 4.2.4.1(c) of the Growth Plan endeavour to ensure that that development and site alteration, including lot creation, is not permitted in key hydrologic features and that development within 120 metres of a key hydrologic feature will require further evaluation. The applicant's Environmental Impact Study, supported by the local Conservation Authority, concluded that no natural features are present on the subject lands and no negative impacts are expected to natural features outside the property as a result of future proposed development.

Section 2.2.9 Rural Areas states that other rural land uses (non-resource based) outside of settlement areas may be permitted on rural lands if they are compatible with the rural landscape and surrounding local land uses, will be sustained by rural service levels, and will not adversely affect the protection of agriculture and aggregate uses.

The proposal for residential uses reflects the general form and nature of existing development in the surrounding area, which are typically larger agricultural parcels interspersed with low density, detached dwellings. Further, the lands are considered unsuitable for aggregate uses. In general, the proposed amendment conforms to applicable policies of the Growth Plan.

County of Peterborough Official Plan

The subject lands are described as Rural Area in the County Official Plan. Section 2.6.3.5 of the Plan suggests that residential severances in rural areas outside of settlement areas may be considered, subject to meeting Health Unit, road frontage/access and minimum distance separation requirements.

Section 4.1.3.3 Mineral Aggregate and Non-Aggregate Mineral Resources aims to recognize and protect these resources for the long-term. It states that alternative lands uses may be permitted where extraction is not feasible or a proposed use better serves the public interest.

Section 4.3 aims to ensure development in the rural area is consistent with maintaining the rural and cultural landscape and recognizes the need for growth on a limited basis.

The proposed use, size and location of the lots adjacent to a larger farm parcel in this rural area reflects the character of the area. The Aggregate Assessment submitted in support of the application and subsequent peer review both concur on the low potential and quality of aggregate material on the subject lands, and its operational incompatibility with surrounding wetlands and residential uses. The frontage of both parcels on a public road, their compliance with MDS I guidelines and their unsuitability for aggregate uses, make it an appropriate site for new residential development, in conformity with County Official Plan policies for Rural Areas.

County Official Plan – Local Component

Within the Local Component of the County Official Plan, the subject lands are designated 'Extractive Industrial'. Permitted uses in this designation include sand, gravel and quarry operations.

Rural land uses, excluding residential, may be permitted provided it can be shown that aggregate extraction is not feasible, the proposed land use serves a greater public interest, or the rural use would not preclude aggregate extraction in the future (S. 6.2.13.1). Based on the applicant's Aggregate Assessment and subsequent peer review that resource extraction is not feasible in this location.

Section 7.9 sets out a number of criteria for assessing Official Plan amendment applications. These include the need for the proposed use; the nature of existing development and compatibility therewith; the location and physical suitability of the lands for the proposed use; anticipated impacts on the natural environment; the adequacy of roads/access, water and sewer servicing; and conformity with the Growth Plan.

In all respects, the current proposal meets the criteria for redesignation to 'Rural' by fulfilling a housing need, bringing a compatible form of housing to the area, on lands deemed unsuitable for mineral resource extraction and unimpacted by natural features. The lands have public road frontage; would be serviced by private well and septic service; and meet MDS I requirements. The predominant Rural designation in the area permits limited residential uses.

Township of Douro-Dummer Zoning By-law

The lands subject of the amendment are zoned Rural (RU) in the Township Zoning By-law. The (RU) zoning permits limited residential uses providing minimum lot size

requirements are met. The proposed severed and retained lots meet these provisions of the Zoning By-law.

CONCLUSION

The applicants have applied to amend the “Extractive Industrial” land use designation on the subject property to “Rural” in order to facilitate the creation of two new residential lots by consent.

The amendment is deemed to be in general conformity with the County Official Plan, the local component of the County Plan, the Provincial Policy Statement, and the Growth Plan.

Part B - The Amendment

All of this Part of the document entitled Part B - The Amendment consisting of the following text and schedule constitutes Amendment No. "72" to the Official Plan of the County of Peterborough.

Details of the Amendment

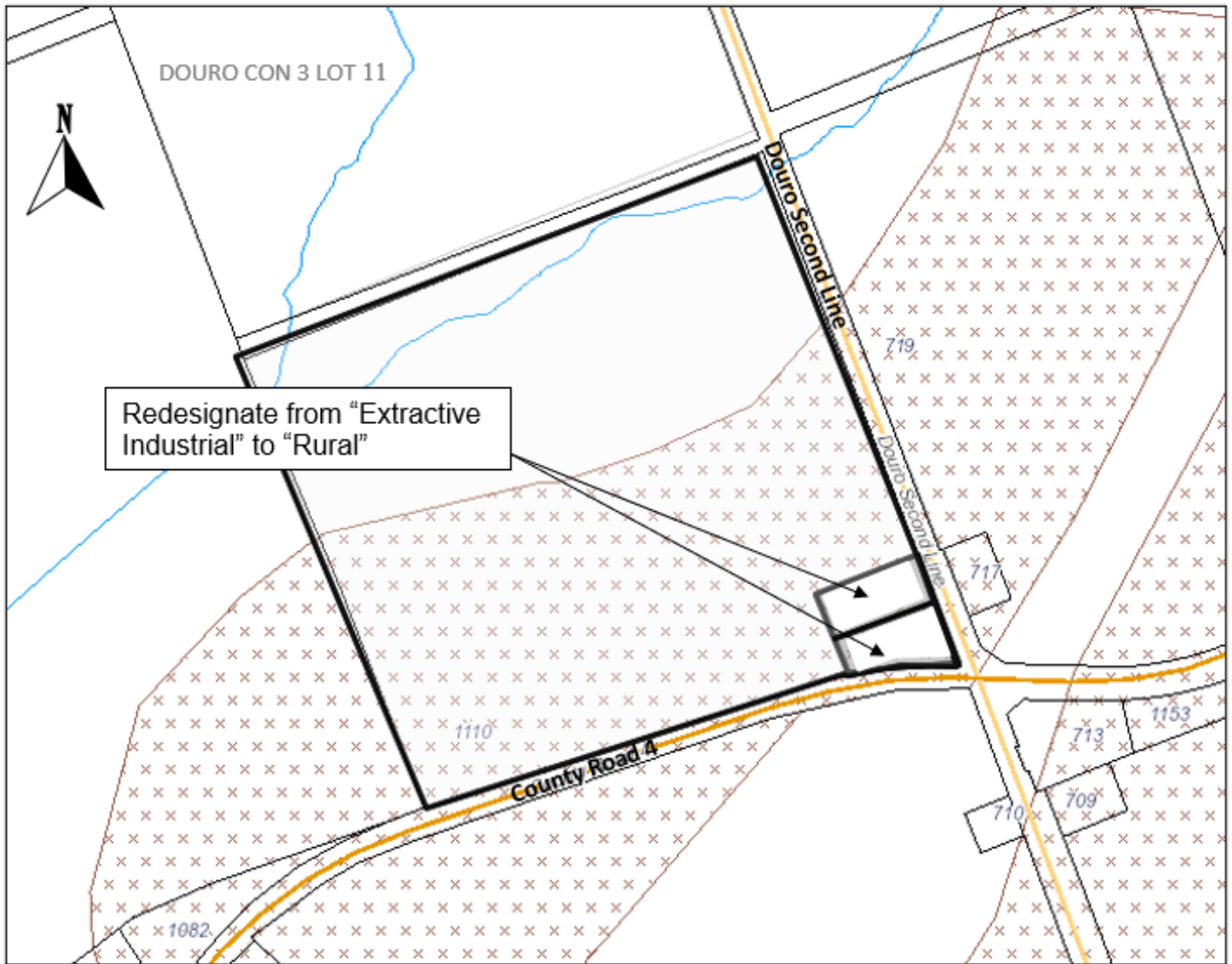
The Official Plan of the County of Peterborough is hereby amended as follows:



1. Schedule 'A4-1' Land Use and Transportation Plan, Douro Ward of the Official Plan of the Township of Douro-Dummer within the Official Plan of the County of Peterborough, is amended by redesignating a portion of the property located at Part of Lot 10, Concession 3, in the Geographic Township of Douro, in the Township of Douro-Dummer, from the "Extractive Industrial" designation to the "Rural" designation as shown on Schedule "1" attached hereto and forming part of this Amendment.

Implementation and Interpretation

The implementation and interpretation of Official Plan Amendment No. 72 shall be in accordance with the respective policies of the Official Plan of the County of Peterborough, as amended.

Schedule '1'
To
Official Plan Amendment No. 72
County of Peterborough Official Plan



-  Extractive Industrial
-  Rural

Part C - The Appendices

The following appendices do not constitute part of Official Plan Amendment No. 72, but are included as information supporting the Amendment.

- **Appendix No. 1 Agency Comments**
- **Appendix No. 2 Public Meeting Notice**

Appendix No. 1 – Agency Comments

Enbridge

No objections.

Kawartha Pine Ridge District School Board

No concerns or issues related to their mandate.

Otonabee Region Conservation Authority

No concerns with the proposed amendment. The proposal is consistent with the Provincial Policy Statement regarding natural hazards (Sec. 3.1) as well regarding natural heritage and water (Ss.2.1, 2.2), and conforms to the Growth Plan (Ss.4.2.3, 4.2.4), provided the development adheres to the general mitigation measures outlined in the EIS, and exclusionary fencing is erected prior to May 1. The property is regulated under O.Reg 167/06, therefore consultation with ORCA regulation staff is required prior to commencement of development and site alteration.

Curve Lake First Nation

No comments or concerns received.

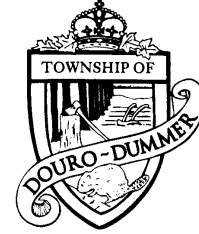
Township of Selwyn

The proposed lots are currently zoned Rural (RU) which permits residential uses having a minimum lot area and lot frontage of 0.4 hectares and 45 m. As such a zoning amendment is not required. Township Public Works has noted minimum setback and entrance requirements for the two lots, which will be addressed further at the severance application stage.

Appendix No. 2 – Public Meeting Notice



**The Corporation of the
County of Peterborough
and
The Corporation of the
Township of Douro-Dummer**



**Notice of Public Meeting for an
Official Plan Amendment**

Take notice that the Corporation of the County of Peterborough previously provided Notice of Complete Application for an Official Plan Amendment (OPA) in accordance with Section 22(6.4) of the Planning Act, R.S.O. 1990, as amended. The application has been assigned file number 15OP-22006.

And Take notice that the Council of the Township of Douro-Dummer will hold a public meeting as outlined below to consider the proposed Official Plan Amendment under Section 17 of the Planning Act, R.S.O., 1990 as amended.

Location

A key map is attached which indicates the location of the lands which are subject to the application. The lands are located in Part Lot 10, Concession 3, Douro Ward in the Township of Douro-Dummer, and known municipally as 1110 County Road 4.

Purpose and Effect of the Application

The proposed Official Plan amendment application would remove the “Extractive Industrial” designation on a portion of the property in order to facilitate the creation of two new residential lots by way of consent (severance).

In support of the application, the following documents were submitted and are currently undergoing technical review:

- Planning Justification Report, prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated May 30, 2022
- Scoped Environmental Impact Study, prepared by Beacon Environmental, dated May 2022
- Aggregate Assessment for Severances, prepared by WSP, dated May 2022.

Statutory Public Meeting Information

The Corporation of the Township of Douro-Dummer will hold a Public Meeting on **Tuesday, December 20, 2022 at 5:00 p.m.** to consider the proposed Official Plan Amendment.

The meeting will be held in the Council Chambers of the Municipal Office located at 894 South Street, Warsaw ON.

Participation in the Public Hearing

While the meeting will be held in person, given the ongoing Covid-19 concerns, any person wishing to make written and/or oral submissions either in support of or opposition to the proposal is invited to make arrangements to attend the hearing virtually. In order to make arrangements to attend the virtual hearing please contact the Acting Clerk by email at MartinaC@dourodummer.on.ca no later than 9:00 a.m. on the day of the scheduled public hearing. You will be given guidance and instructions on how to attend via Zoom. It is the responsibility of those interested in attending to have the technology in place to connect to the hearing.

The Right to Appeal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the County of Peterborough in respect of the proposed OPA, to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the County of Peterborough or Township of Douro-Dummer before the approval authorities give or refuse to give approval to the OPA, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Peterborough in respect of the proposed OPA before the approval authorities make a decision regarding the amendments, the person or public

body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Additional information: relating to the proposed amendment is available on the Township Website <https://www.dourodummer.ca/modules/news/en> and on the County Website www.ptbocounty.ca. A copy of the Township Planner's report and other relevant information will be posted on the Township's website https://www.dourodummer.ca/en/council-and-governance/agendas-and-minutes.aspx?_mid_=21136 prior to the Public Meeting.

Notification of Decision: If you wish to be notified of the decision for any or all of the applications, you must make a written request to the Township of Douro-Dummer or the County of Peterborough by mail, fax, email or drop box.

Contact:

County of Peterborough
470 Water Street
Peterborough, ON K9H 3M3
Tel: (705) 743-0380
planning@ptbocounty.ca

Township of Douro-Dummer
894 South Street, P.O. Box 92
Warsaw, ON K0L 3A0
Tel: (705) 652-8392
info@dourodummer.on.ca

Dropbox: Township Office Adjacent to the Front Door (no later than 4:00 p.m. on the day prior to the Public Meeting)

Dated this Monday, November 28, 2022.

Key Map

