

Severance Review

File No: B-90-21 & B-91-21 - Hauth
Name: Randy Hauth
Agent: Elaine Webster
Location: 426 Carveth's Marina Road
Lots 28 and 29, Con 3, Dummer Ward
New Lots to Front on Birchview Road

Purpose of the applications – Creation of two new residential lots

Official Plan Designation:

Severed 1 & 2:	Rural
Retained:	Rural, Recreation Commercial and Environmental Constraint

OP Conformity:

Residential uses are permitted uses in the Rural Designation, provided that fragmentation of farm lands and conflict with adjacent farm operations are not created.

A maximum of two consents to create new lots may be permitted from a property within the Rural designation, as it existed 25 years prior to the date of application.

Previous Severances:

None within the last 25 years.

Zoning:

Rezoning Required:

Severed Lots 1 & 2:	Rural (RU)	Yes – ORCA Recommendation due to Slope
Retained:	Rural (RU) and Commercial Tourist (CT)	No

Zoning Conformity:

The severed lots will meet the area and frontage requirements for residential use in the Rural Zone (Section 9.2.4). The retained lot will meet the area and frontage requirements for residential use in the Rural Zone (Section 9.2.4).

PPS Conformity:

The severance applications appear to be in conformity with the PPS. The proposed lots are located within 120 metres of key natural heritage and hydrologic features including unevaluated wetlands and potential habitat of endangered and threatened species. A Natural Heritage Evaluation was required.

The County of Peterborough Official Plan Section 4.1.3.1 states that development and site alteration such as filling, grading and excavating may be permitted within or adjacent to the natural heritage features (i.e. significant woodlands, wetlands, etc.), provided that it has been demonstrated by an impact assessment that there will be no negative impacts on the natural features or ecological functions for which the area is identified. A Natural Heritage Evaluation was submitted with the application and reviewed by ORCA – see their comments attached dated October 8, 2021 and December 13, 2021.

Entrance Report:

Due to winter storm events, an entrance report was not available at the time of writing this report.

CBO Report:

The CBO report had not been received at the time of writing this report.

Comments:

A copy of the County's Preliminary Review is attached. Discussions with County and Township Planning staff, Otonabee Conservation and Cambium have resolved most issues with the application as summarized.

ORCA made a number of recommendations in order to comply with provincial policy (Provincial Policy Statement and Growth Plan for Greater Golden Horseshoe) and address any impacts on key hydrologic features and natural heritage features. Rezoning is recommended to place a holding symbol on the severed parcels to limit development near the slope.

ORCA also recommended that the development of the lots proceed through Site Plan Control to address the grading and fill issues that are present due to the slope and escarpment. The Natural Heritage Evaluation also makes a number of recommendations and mitigation measures for both lots to address woodlands and potential habitat of endangered and threatened species including limits on vegetation removal, site leveling, and erosion control measures that may be made enforceable through Site Plan Control. Township By-law No. 2002-71 sets out what properties are subject to Site Plan Control, and includes "any project where site plan control is imposed as a condition of an application to the County Land Division Committee," therefore a condition has been recommended for both lots in order to implement the recommendations and mitigation measures.

Given the one-year timeline to meet conditions of a consent approval, requesting a rezoning to include a holding provision may be the most appropriate way to implement Site Plan Control for these proposed lots. A holding zone means that the development of the subject lands cannot commence until the final site plan and agreement is approved by Council, registered on title and holding provision removed by by-law. Holding provisions are typically used when development is anticipated in accordance with the provisions of the bylaw but where details of the development have not been determined, or are otherwise constrained and require further study. Rather than risk lapsing of the pending consent approval if the property owners cannot complete the site

plan approval process within 1 year, the holding provision will offer them more flexibility in the design stage.

All department managers have been circulated for comment on this application.

Recommendation:

That it be recommended to Council that Severance Applications B-90-21 & B-91-21 for Randy Hauth be approved, and if approved by the Peterborough County Land Division Committee that the following conditions be imposed for both lots:

- \$1250.00 cash-in-lieu of parkland be paid to the municipality
- That the severed lot be rezoned with a Holding (H) provision subject to approval of site plan and agreement to the satisfaction of the municipality in accordance with Township of Douro-Dummer Site Plan Control By-law 2002-71
- That a safe entrance be approved by the Manager of Public Works
- A Mitigation Measures Agreement is to be entered into between the Owner and the Municipality and registered on title at the owner's expense, which would recognize the recommendations included in in Summary of Recommendation of the Natural Heritage Evaluation prepared by Cambium Inc. dated June 23, 2021

Report Approval Details

Document Title:	Township Staff Report - Files B-90-21 and B-91-21.docx
Attachments:	<ul style="list-style-type: none"> - 90 91 -21 orca EMAIL - December 13, 2021 - Site Plan.pdf - B-90-21 Hauth 426 Carveths Marina Road (Lot 1) ; ORCA File PPLD-2204-13DEC2021.pdf - B-91-21 Hauth 426 Carveths Marina Road (Lot 2) ; ORCA File PPLD-2205-13DEC2021.pdf - B-90-21, Hauth, 426 Carveths Marina Road (Lot 1) ; ORCA File PPLD-2204.pdf - B-91-21, Hauth, 426 Carveths Marina Road (Lot 2), ; ORCA File PPLD-2205.pdf - 90-21 Application.pdf - 91-21 Application.pdf - scanned - Cambium Natural Heritage Evaluation June 2021.pdf - Hauth - PSR.pdf - Location Map - B-90-21 and B-91-21.pdf
Final Approval Date:	Feb 18, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Elana Arthurs was completed by workflow administrator Martina Chait-Hartwig

Elana Arthurs