

Severance Review

File No: B-116-21 Amended - REVISED
Name: David and Debra Brown
Location: 400 Douro First Line
Part Lot 5, Concession 2 (Douro)
Roll No. 1522-010-002-05800

Recommendation:

That Planning-2023-18 Report, be received and that Severance Application B-116-21 Amended – REVISED be supported and if approved by Peterborough County Land Division, the following Township conditions be imposed:

- \$1250.00 cash-in-lieu of parkland be paid to the Municipality.
- A 3-metre strip of frontage from the severed parcel be deeded to the Township for road widening purposes. Cost to be incurred by the applicant.
- A test hole for the septic system be inspected, there is a fee to inspect test holes to ensure a septic system would be viable – current fees are \$150 per severed lot severed and applicant is responsible for the digging of the test holes.

Purpose of the application – Creation of two new residential lots.

Official Plan Designation:

Severed:	Rural
Retained:	Rural and Provincially Significant Wetland.

OP Conformity:

The severed parcel is designated Rural in the Local Component of the County Official Plan (the Township Official Plan).

In accordance with Section 6.2.2.2 of the Official Plan, limited development by severance is permitted within the Rural designation subject to the policies contained in Section 6.2.2.3 of the Plan.

In Douro-Dummer, a maximum of two severances to create new residential lots may be granted on a property provided there have been no previous severances in the last 25 years (Ss. 6.1.1 & 6.2.2.5(d)) and provided the following criteria are met and all other relevant policies of the Official Plan are complied with:

- i) The applicant has owned the property for a minimum of 5 years; and
- ii) The size of the new residential new lot must not exceed 1 hectare (2.47 acres) in area. The area may exceed 1 hectare if there are other rural uses in addition to, or separate from, the residential use (i.e. hobby farms,

recreational uses). The maximum lot area in such instances will be stipulated in the Zoning By-Law.

Peterborough County Land Division records indicate that the subject property has received one severance in 2015 and therefore the property is eligible for one more severance.

The applicant has confirmed that they have owned the property for a minimum of 5 years.

Sections 6.2.2.3(d), 6.2.2.5(e) and 7.2.3 of the Official Plan require that new development shall only be established in accordance with the Minimum Distance Separation (MDS) requirements of the Provincial Policy Statement (PPS) in order to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations. A MDS Report and Addendum were prepared by Clark Consulting Services (CCS) and copies are attached to this Report.

Due to the presence of key hydrological features within 120 metres of the proposed severed lot, an opinion letter offering an assessment of an unevaluated wetland was prepared by GHD, dated October 10, 2022 in support of the Amended severance application. A copy of the GHD correspondence is attached to this Report.

Based on the GHD opinion, the severed lot was reconfigured via the Revised Amended application in order to be located more than 120 m away from any key hydrologic features.

The Otonabee Region Conservation Authority (ORCA) reviewed the Revised Amended application and in comments dated May 5, 2023 indicated that the application is consistent with Section 3.1 of the PPS referencing natural hazards and has demonstrated consistency with Sections 2.1 and 2.2 of the PPS referencing natural heritage and water and conforms to Sections 4.2.3 and 4.2.4 of the Growth Plan referencing key hydrologic features, key hydrologic areas and key natural heritage features and lands adjacent to key hydrologic features and key natural heritage features.

ORCA indicated that permits from their agency are not required and that the application is not located within an area that is subject to the policies contained within the Trent Source Water Protection Plan.

A copy of ORCA's correspondence is attached to this Report.

Zoning:

Rezoning Required:

Severed:	Rural (RU)	No
Retained:	Rural (RU) & Environmental Conservation Provincially Significant Wetland (EC(P))	No

Zoning Conformity:

The severed parcel is zoned Rural (RU) as identified on Schedule 'A1' to By-law No. 10-1996, as amended. A residential use is permitted in the (RU) Zone (S. 9.1.5) and requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 45 metres (S. 9.2.4 (a) & (b)). The proposed severed parcel appears to meet these requirements.

The retained parcel is zoned Rural (RU) and Environmental Conservation Provincially Significant Wetland (EC(P)) as identified on Schedule 'A1' to By-law No. 10-1996, as amended. An agricultural use or farm is permitted in the (RU) Zone (S. 9.1.1) and requires a minimum lot area of 20 hectares and a minimum lot frontage of 135 metres (S. 9.2.1 (a) & (b)). The retained parcel appears to meet these requirements.

PPS and Growth Plan Conformity:

Severance Application B-116-21 Amended - REVISED will not be located within a known floodplain. Therefore, ORCA concluded that the application is consistent with Section 3.1 of the PPS as it relates to natural hazards.

Based on the revised application, the severed parcel is no longer located within 120 metres of key hydrological features.

Based on the information provided in the CCS MDS Report and Addendum, the severed parcel appears to comply with Section 1.1.5.8 of the PPS which requires that new lands uses on rural lands, including the creation of lots, comply with the minimum distance separation formulae. Further discussion on minimum distance separation is outlined below in the Comments section of this Report.

Entrance Report:

The Manager of Public Works noted that a safe entrance for the severed parcel is possible. A 3-metre strip of frontage from the severed parcel is required for road widening purposes. When applying for the entrance permit, the following additional comments apply: Update existing field entrance, keep entrance to the south end of lot at the crest of hill. Complete ditching to improve sightlines.

Comments:

A Preliminary Severance Review (PSR) was completed by the Peterborough County Planning Department on August 2, 2021 and a copy is attached to this Report. Application B-116-21 was applied for as outlined in the PSR and circulated for comment on October 18, 2021.

On December 3, 2021 the Application was amended and recirculated for comment. The amended application changed the location of the proposed severed parcel moving it outside of the 120 m buffer from a non-evaluated wetland to the east and further north along Douro First Line. The proposed severed parcel is located directly west of 369 Douro First Line. The amended application was supported by a Minimum Distance Separation (MDS) Report prepared by Clark Consulting Services (CCS) and dated June 2, 2022. A copy of the Amended Application and the CCS MDS Report are attached to this Report.

On August 5, 2022, an objection to the amended application was received by Peterborough County Land Division from the owners of 369 Douro First Line. A copy of the objection is attached to this Report. The objection outlines the owners concerns with respect to the MDS calculations that were completed by CCS. Specifically, the owners of 369 Douro First Line noted that the MDS I calculations were prepared without their input regarding their livestock facility nor did it reflect their intention to re-establish a beef feeder operation.

The owners of 369 Douro First Line retained the services of EcoVue Consulting Services who prepared a Memo dated October 23, 2022 which addressed the MDS I calculation for their livestock facility. A copy of the EcoVue Memo is attached to this Report.

CCS reviewed the EcoVue Memo and prepared an Addendum to their June 2, 2022 MDS Report, dated January 10, 2023. The CCS Addendum made adjustments to the MDS calculation for the livestock facility at 369 Douro First Line. The CCS Addendum accepted the EcoVue suggestion that the existing livestock facility is capable of housing 45 beef cattle which generates an MDS I setback of 136 m. The proposed severed parcel is located 138 m away from this livestock facility. Based on these calculations, the proposed lot appears to comply with the MDS requirements in accordance with Section 1.1.5.8 of the PPS. A copy of the CCS Addendum is attached to this Report.

On May 3, 2023, the Amended Application was Revised and recirculated for comment. The revised amended application changed the configuration and dimensions of the proposed severed parcel, but not the location. The configuration was revised based on the findings of the GHD Report. A copy of the Revised Amended Application is attached to this Report.

On May 29, Peterborough County Land Division notified the Township that the owners of 369 Douro First Line still do not agree with the CCS MDS Report.

All department managers have been circulated for comment on these applications.

Report Approval Details

Document Title:	B-116-21 Amended - REVISED.docx
Attachments:	<ul style="list-style-type: none"> - 116-21 Amended Application - REVISED May 2023.pdf - CCS Brown MDS Douro First Line (June 2, 2022).pdf - CCS Addendum Brown MDS Douro First Line (January 10, 2023).pdf - GHD 400 Douro First Line severance-wetland assessment (October 10, 2022).pdf - Revised 5May2023 B-116-21; 400 Douro first line; ORCA PPLD-2206.pdf - Brown - PSR.pdf - EcoVue MDS calculations for 369 Douro 1st Line (October 23, 2023).pdf - 116-21 Application.pdf - 116-21 Amended Application.pdf - Objection B-116-21A Jordan Brown.pdf
Final Approval Date:	May 31, 2023

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

Martina Chait-Hartwig

Elana Arthurs