

Planning Justification Report

**1090 Fourth Line Road South,
Part of Lot 14, Concession 3, Dummer
Township of Douro-Dummer
County of Peterborough**

Consent for Severance Application

D.M. Wills Project Number 23-85104



D.M. Wills Associates Limited

Partners in Engineering,
Planning & Environmental Services

Peterborough

September 10th, 2023

**Prepared for:
Peter and Wendy Smith**



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1.0 Introduction and Objectives

D.M. Wills Associates Limited (Wills) has been retained by Peter and Wendy Smith to prepare this Planning Justification Report (Report) in support of the creation of one (1) new residential lot via Consent to Sever (Consent) application and the subsequent Zoning By-Law Amendment (ZBA), anticipated as a condition of approval related to the proposed severance application to the County of Peterborough. The Consent application applies to the land known municipally as 1090 Fourth Line Road South, Dummer (Subject Property) and legally described as Part of Lot 14, Concession 3, in the Township of Douro-Dummer (Township) in the County of Peterborough (County).

1.1 Purpose of Planning Justification Report

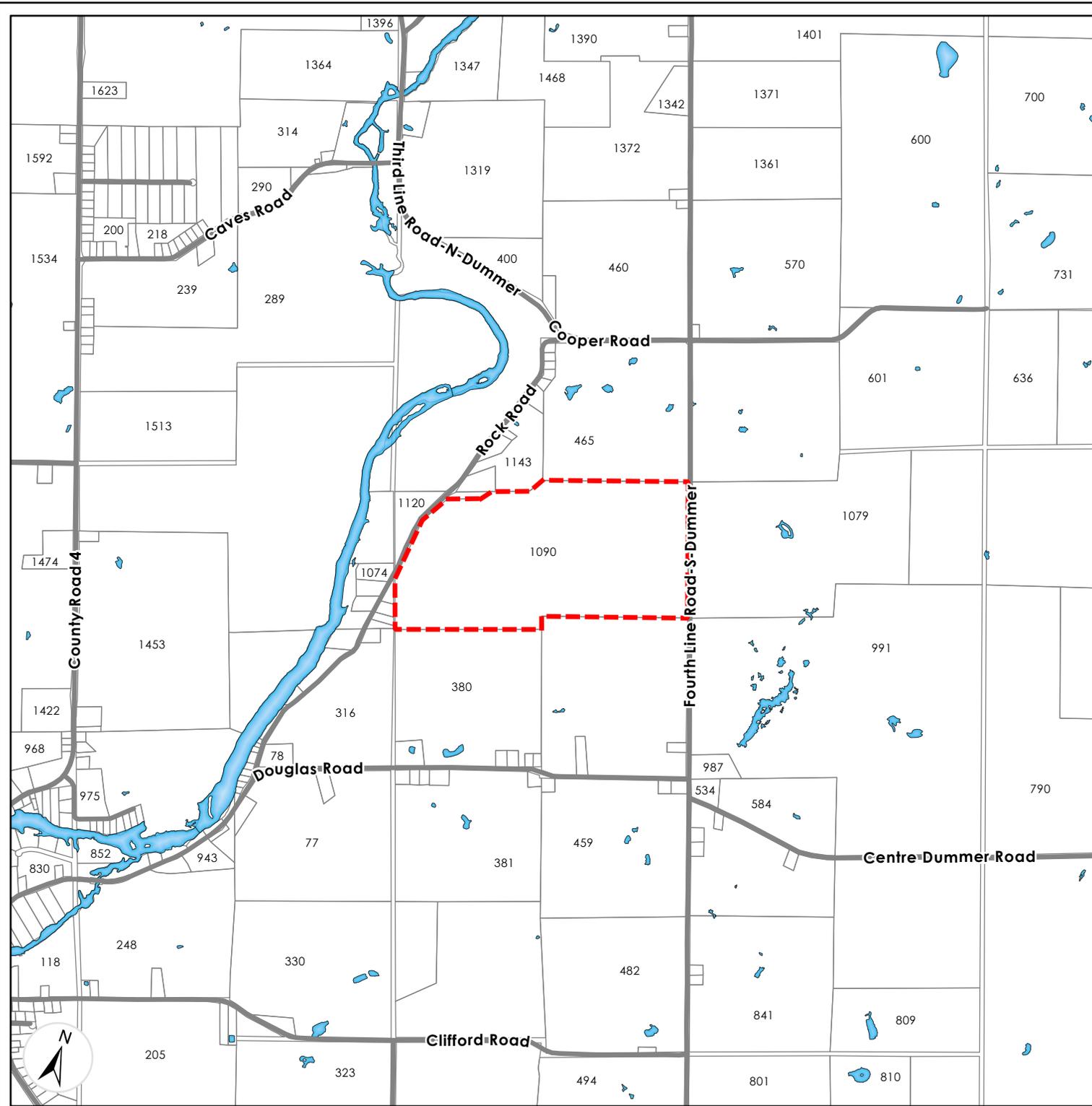
The purpose of this report is to outline the nature of the proposed Consent for Severance and ZBA and evaluate the applications in the context of provincial and municipal policies including the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), County of Peterborough Official Plan (2022) (COP), and Township of Douro-Dummer Comprehensive Zoning By-Law 2000-21 (DDZBL).

2.0 Property Description

2.1 Property Location & Surrounding Land Uses

The Subject Property is located at 1090 Fourth Line Road South, located between Fourth Line Road South (Dummer) and Rock Road, and south of Cooper Road. The Subject Property is located approximately 18kms east of the Village of Lakefield and approximately 17kms north of settlement area of Norwood. **Refer to Figure 1 – Key Map.**

The Subject Property is located northeast of the settlement area of Warsaw in the Township of Douro-Dummer and east of the Indian River. The surrounding land uses consist of a mix of agricultural, rural residential and natural heritage features. Lands west of the Subject Property consists of seven (7) rural residential Properties with the remainder of the land undeveloped due to the natural heritage features, including a provincially significant Wetland, unevaluated wetland, and a section of the Indian River, known as Quarry Lake. Unevaluated wetlands are also located to the south and scattered to the east, among the unevaluated wetlands is a provincially significant wetlands located southeast of the Subject Property. Land located to the east and north of the Subject Property consists of pockets of land in agricultural production in various crop rotations. The undeveloped lands surrounding the Subject Property consist of natural heritage features including unevaluated wetlands and woodlands. Refer to **Figure 2 – Surrounding Land Uses.**



KEY MAP

1090 Fourth Line Road South
 Lot 14, Concession 3
 Township of Douro-Dummer
 County of Peterborough

Figure 1

Legend

 Subject Property



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:25,000

Data Sources
 County of Peterborough

Created In:	ArcGIS Pro
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Map Date:	7/31/23
Project Number:	85104



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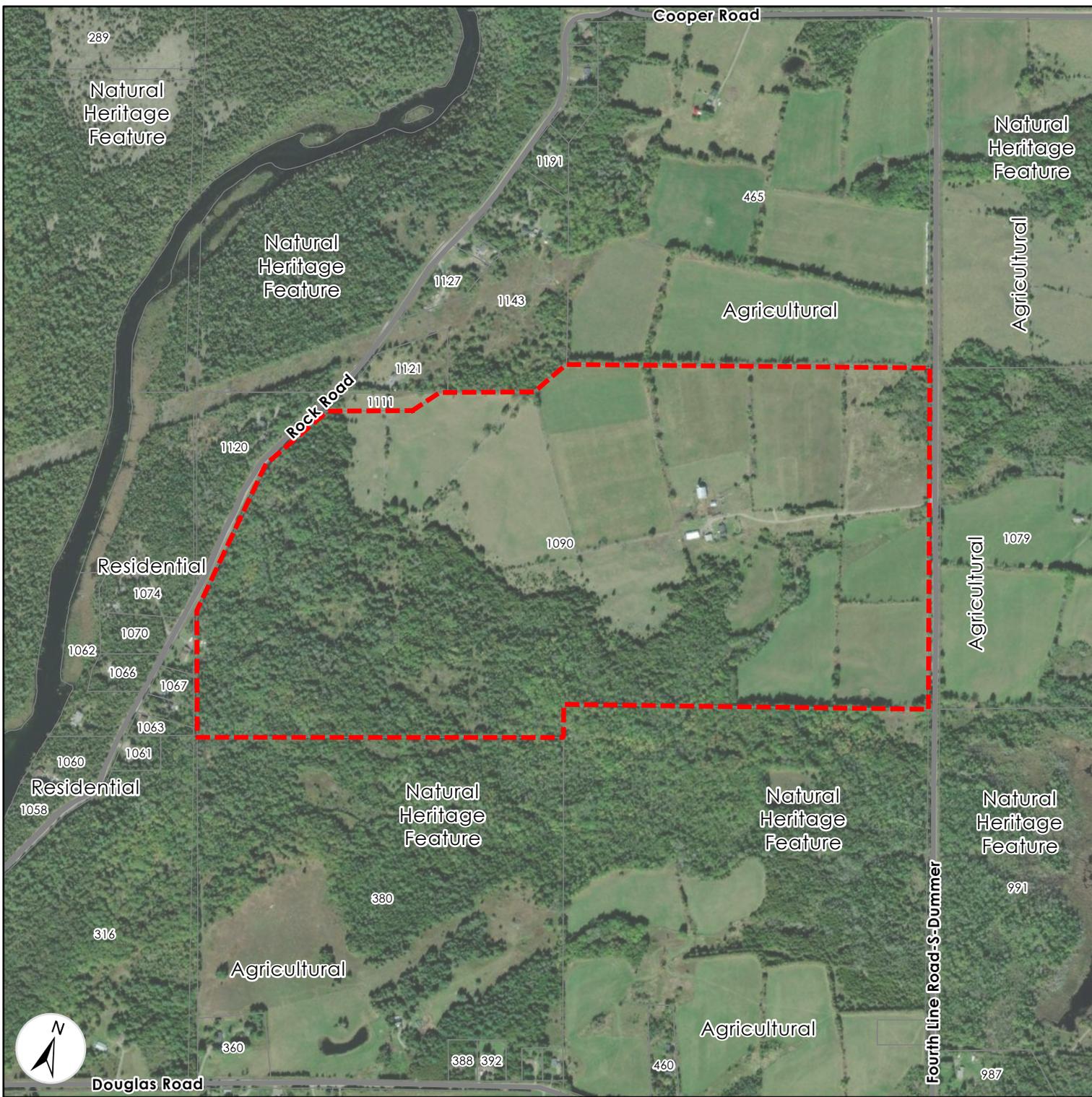
2.2 Existing & Proposed Development

The Subject Property is irregularly shaped and comprises approximately 76.24 hectares (188.3 acres) of land and approximately 628.0 metres (2,060.4 feet) of frontage on Fourth Line Road South.

The Subject Property currently contains a residence, a barn, two (2) sheds/garages, a Quonset hut and some additional outdoor storage and will make up the proposed retained parcel. The remainder of the Subject Property is cultivated fields, undeveloped woodlands, and an unevaluated wetland.

The proposed development includes the creation of one (1) severed lot with frontage on Rock Road and one (1) retained lot on the Subject Property maintaining the existing frontage on Fourth Line Road S (Dummer).

The proposed severed parcel has an area 0.48 hectares (1.19 acres) with a proposed frontage of 45.0 metres (147.6 ft). The retained lands would maintain an area of 75.8 hectares (187.3 acres), with a frontage of 628 metres (2060 ft) on Fourth Line Road South.



SURROUNDING LAND USES

1090 Fourth Line Road South
 Lot 14, Concession 3
 Township of Douro-Dummer
 County of Peterborough

Figure 2

Legend

 Subject Property



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:10,000

Data Sources
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3.0 Project Background

3.1 Consent Application (January 2022 – B-15-22)

A Consent for Severance application was submitted to the County of Peterborough Land Division department in January 2022 and approved on July 2022. The application consisted of the creation of one (1) severed lot with frontage on Rock Road and one (1) retained lot on the Subject Property maintaining the existing frontage on Fourth Line Road S (Dummer).

The Severed Lot has an area of 0.27 hectares (0.67 acres) with a frontage of 60.0 metres along Rock Road. The Subject Property is currently vacant however it is intended to be developed for residential purposes and serviced by a private individual well and sewage systems.

3.2 Preliminary Severance Review (September 2020)

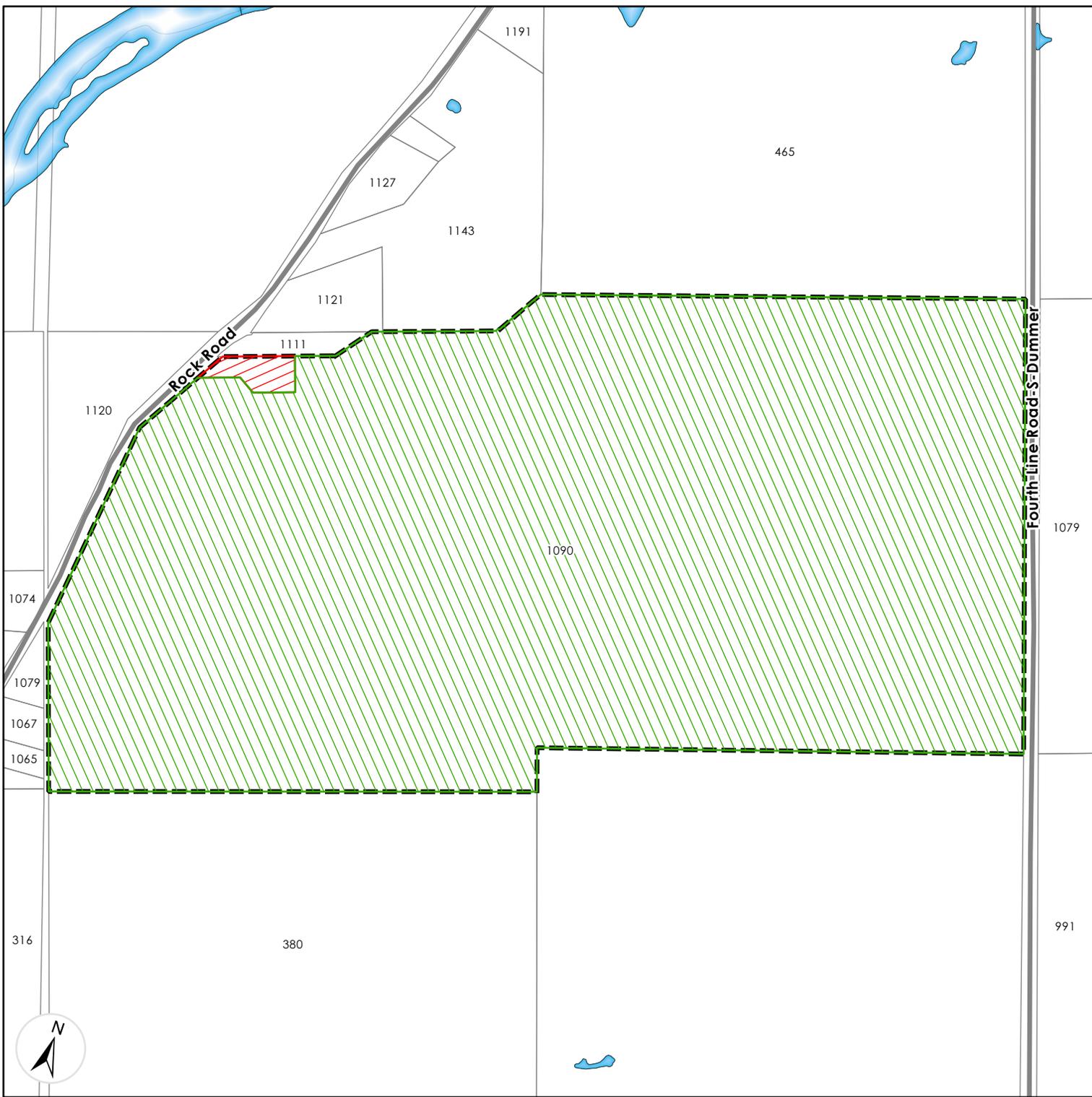
Following the completion of Consent Application B-15-22, the owners inquired with the County with regard to a second severance from the retained lands. A Preliminary Severance Review application was submitted to the County of Peterborough in January 2023. The intent of this application is to review the severance potential for an additional residential lot via Consent to Sever from the Subject Lands municipally known as 1090 Fourth Line Douro Dummer (Dummer), in the County of Peterborough.

Following submission of the application, a review of the application was conducted. The Subject Property is described as Rural Area in the County of Peterborough Official Plan. According to the PSR Review a Land Use Compatibility Study should be confirmed with the Ministry of Environment, Conservation and Parks (MECP). Until the land use compatibility is confirmed, the proposal does not appear to conform to the County Official Plan.

The Subject Property is designated 'Rural' in the Local Component of the County Official Plan (Township Official Plan). Along with the County Official Plan, the Subject Property does not conform to the Municipal Official Plan and a Land Use Compatibility Study should be confirmed with the Ministry of Environment, Conservation and Parks (MECP).

The majority of the proposed severed parcel is zoned Rural (RU) Zone with a portion within the Development (D2) Zone in the Township's Zoning By-Law. Where a lot which existed at the date of passing of this By-law is divided into more than one zone the provisions of each of the applicable zones, save and except lot area and lot frontage, shall apply to each portion of such lot (S. 3.27). The Development (D2) Zone only permits existing uses; therefore a Zoning By-law Amendment will be required for these lands as a condition of approval. The retained parcel is zoned Rural (RU) Zone in the Township's Zoning By-Law. The retained parcel does meet the minimum lot area and frontage requirements of the (RU) Zone.

The new lot is located within 120 metres of an unevaluated wetland located on the opposite side of Rock Road, a natural heritage/hydrologic evaluation (NHE) is therefore required, as per requirements from Otonabee Region Conservation Authority (ORCA) in order to conform with the Provincial Policy Statement and Growth Plan.



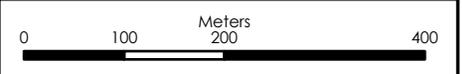
Proposed Consent Sketch

1090 Fourth Line Road South
 Lot 14, Concession 3
 Township of Douro-Dummer
 County of Peterborough

Figure 3

Legend

-  Subject Property
-  Severed Lot
-  Retained Lot



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:7,500

Data Sources
 County of Peterborough

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4.0 Support Technical Studies

4.1 Species at Risk Evaluation

A preliminary analysis to identify potential Species at Risk (SAR) on the Subject Property was conducted in the spring and summer of 2021 by D.M. Wills Associates Limited. The analysis included a desktop review of information available from LIO, Birds Ontario, eBird, iNaturalist, NHIC, Global Biodiversity Information Facility and information made available from the Government of Canada. As well, communications with the owner of the Subject Property informed existing uses and development on the property. Based on a review of available information, it was concluded that the area of the proposed severed lot contained dense ground cover vegetation, representative of a pasture for grazing cattle. No Eastern Meadowlark or Bobolink were observed at the time of the Breeding Bird Surveys, indicating that they do not utilize the agricultural fields for breeding and nesting purposes. No other SAR were observed at the proposed severed lot at the time of the field investigations and Breeding Bird Surveys.

In order to ensure no bird species are impacted during future construction, it is required that any vegetation removal must take place outside of the breeding bird-timing window of April 15 to July 31. If work cannot be done outside of the timing window, a professional biologist should complete a nest sweep of the property prior to any vegetation removal. Refer to for SAR correspondence included with the application.

4.2 Land Use Compatibility Study

A preliminary analysis of the Subject Property and surrounding area identified a Former Waste Management Area within 500m of the area subject to the proposed severance. The Land Use Compatibility Study was completed to satisfy the policies in Section 6.2.18.3 (e) of the Township of Douro-Dummer Official Plan. The Land Use Compatibility Study was conducted on the basis of the Township of Douro-Dummer Policy No. D-1, Development of Lands in Proximity to Closed Landfill Sites and the Ministry of the Environment, Conservation and Parks (MECP) Guideline D-4, Land Use on or Near Landfills and Dumps.

Wills completed a Land Use Compatibility Study in January 2022 for an adjacent severance (Historical Severed Parcel) on the Subject Property. The Historical Severed Parcel directly abuts the Proposed Severed Parcel to the north. Wills concluded that the Study satisfies the relevant policies in Section 6.2.18.3 (e) of the Township of Douro-Dummer Official Plan and indicated that no impacts are anticipated on the proposed severed parcel as a result of the historic down-gradient WDS.

It is Wills' opinion that the findings presented in the 2022 Study and as discussed in the Opinion Letter - Land Use Compatibility Study prepared by Wills, dated July 19th, 2023 and submitted with this Severance Application, support the Client's current Severance Application,

4.3 Environmental Impact Opinion Letter

The Otonabee Region Conservation Authority (ORCA) requested an Opinion Letter for the proposed severance due to the presence of natural heritage features within 120 m of the Subject Property. D.M. Wills Associates Limited (Wills) was retained by the Client to undertake an Opinion Letter to address any potential environmental impacts associated with a proposed lot severance (Project) at 1090 4th Line Road South, Lot 14, and Concession 3, in the Township of Douro-Dummer (Subject Property).

The purpose of the Opinion Letter is to identify environmental constraints, develop appropriate setbacks, consult with regulatory agencies and identify the activities required to address project compliance with Provincial and Federal statutes and policies including but not limited to: the Planning Act (R.S.O. 1995), the Conservation Authorities Act (R.S.O. 1990), the Endangered Species Act (R.O. 2007), the Provincial Policy Statement (2020), and A Place to Grow: Growth plan for the Greater Golden Horseshoe (2020) (Growth Plan). Wills' biologists undertook two (2) field investigations to collect information on existing conditions.

Given the results of the background review and on-site investigations, long-term adverse impacts to natural heritage features, associated habitat, and local wildlife populations are not anticipated to be resultant from the Project and any potential future development. Appropriate implementation of the above will ensure that the proposed severance does not conflict with the natural heritage policies set out by the Province of Ontario (Provincial Policy Statement, 2020) or the Growth Plan (2020).

Refer to the full Environmental Impact Opinion Letter included with the application.

4.4 Minimum Distance Separation

Minimum Distance Separation calculations were completed for the Subject Property and proposed development. The MDS investigation employed a 750-metre investigation distance to identify nearby livestock operations, consistent with Guidelines #33 and #35 of the MDS Document, produced by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). In total, one (1) farm was identified with potential livestock facilities within the required investigation distance. The proposed development is located outside of the required MDS setbacks. Refer to Appendix A for MDS Calculation.

5.0 Policy Framework

The following provincial and municipal land use policy documents contain policies that relate to the proposed ZBA and future development of the Subject Lands. The policy documents include:

1. Provincial Policy Statement (2020)
2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
3. County of Peterborough Official Plan (2020)
4. Township of Douro-Dummer Comprehensive Zoning By-law 2000-21

5.1 Provincial

5.1.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. In general, the PPS seeks to promote appropriate development while protecting valuable resources and public health and safety.

Given the Subject Property's use and features identified onsite by the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) Natural Heritage Area Mapping, Sections 1.1.1, 1.1.4, 1.1.5, 1.2.6, 2.1 of the PPS apply.

Section 1 of the PPS outlines policies associated with future development and land use patterns and states:

1.1.1 Healthy, liveable, and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.*

h) promoting development and land use patterns that conserve biodiversity.

The Subject Property is located within a Rural Area. Section 1.1.4 and 1.1.5 provide policies applicable land located in the Rural Area which are subject to the following.

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated, and viable rural areas should be supported by:

- a) building upon rural character and leveraging rural amenities and assets.*
- c) accommodating an appropriate range and mix of housing in rural settlement areas.*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands.*
- e) using rural infrastructure and public service facilities efficiently.*

1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.4.3 When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

1.1.4.4 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- c) residential development, including lot creation, that is locally appropriate.*
- e) home occupations and home industries.*
- g) other rural land uses.*

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and

economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

2.1 Natural Heritage

2.1.1 *Natural features and areas shall be protected for the long term.*

2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

2.1.4 *Development and site alteration shall not be permitted in:*

a) *significant wetlands in Ecoregions 5E, 6E and 7E1*

2.1.5 *Development and site alteration shall not be permitted in:*

a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1.*

b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River) one; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

5.1.2 Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan provides additional policy for lands within one of the fastest growing regions in North America. The Growth Plan policies are intended to support growth and development while ensuring that it occurs in an orderly and well-planned fashion. The Growth Plan builds upon and is reflective of the policies of the PPS, providing more detailed policy direction for growth and development within the Greater Golden Horseshoe.

Section 1.2.3 Relationship with the Provincial Policy Statement (PPS)

The PPS provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the GGH, except where this Plan or another provincial plan provides otherwise.

Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. This Plan is to be read in conjunction with the PPS. The policies of this Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Where the policies of this Plan address the same, similar, related, or overlapping matters as policies in the PPS, applying the more specific policies of this Plan satisfies the requirements of the more general policies in the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in this Plan, those PPS policies must be independently satisfied.

As provided for in the Places to Grow Act, 2005, this Plan prevails where there is a conflict between this Plan and the PPS. The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.

The Growth Plan defines Rural Lands as “lands which are located outside settlement areas, and which are outside prime agricultural areas.” Accordingly, the Subject Property would be subject to the policies applicable to Rural Areas within the Growth Plan. The Subject Property is identified within the provincial Natural Heritage System (NHS) due to the presence of wetlands and woodlands.

2.2.9 Rural Areas

3. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*
 - a) *the management or use of resources.*
 - b) *resource-based recreational uses; and*
 - c) *other rural land uses that are not appropriate in settlement areas provided they:*
 - i. *are compatible with the rural landscape and surrounding local land uses.*
 - ii. *will be sustained by rural service levels; and,*
 - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

Section 4.2 Policies for Protecting What is Valuable

4.2.2 Natural Heritage System

3. *Within the Natural Heritage System for the Growth Plan:*
 - a) *new development or site alteration will demonstrate that:*
 - i. *there are no negative impacts on key natural heritage features or key hydrologic features or their functions.*
 - ii. *connectivity along the system and between key natural heritage features and key hydrologic features located within 240 meters of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape.*
 - iii. *the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible.*
 - iv. *except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area.*
 - v. *with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and*
 - vi. *at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8.*
4. *Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017.*
5. *Upper- and single-tier municipalities may refine provincial mapping of the Natural Heritage System for the Growth Plan at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the Natural Heritage System for the Growth Plan has been implemented in official plans, further refinements may only occur through a municipal comprehensive review.*

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

1. Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:
 - a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change.
 - b) is established to achieve and be maintained as natural self-sustaining vegetation; and
 - c) for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.
2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after development to protect the hydrologic functions and ecological functions of the feature.
3. Development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in policy 4.2.3.1 or shoreline development as permitted in accordance with policy 4.2.4.5.

5.2 Municipal

5.2.1 County of Peterborough Official Plan (Consolidated to December 2022)

The Subject Lands are described as Rural and Cultural Landscape under the County of Peterborough Official Plan (COP). The County of Peterborough Official Plan (COP) sets the land use and planning framework for local official plans and decision making. The COP outlines a long-term vision for Peterborough's physical form and community character.

Section 4.3 of the COP states that the intent of the Rural and Cultural Landscape policy is to "preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry." Section 4.3.3.1, provides general policy applicable to Rural lands and allows for "New land uses, including the creation of lots, and new or expanding land use facilities, shall comply with the minimum distance separation formulae and the Source Water Protection policies of Section 5.7 where applicable."

Further, section 4.3.3.1 states that "Rural areas will generally be the focus of resource activity, resource based recreational activity and other rural land uses. The County, recognizing the need for growth on a limited basis, will permit non-agricultural related uses in the rural community outside prime agricultural areas and other agricultural areas designated in local plans in accordance with Section 4.3.3.2 which reflect the cultural

and rural character of the area, promote a variety of living and employment opportunities for the rural community and do not negatively impact on the natural environment that cannot be located in settlement areas."

Section 2.6.3 Division of Land provides general policies for the creation of new lots and states the following.

2.6.3 – Division of Land

2.6.3.5 Rural Areas

The following policies apply to severance applications for land holdings not located in any of the following areas:

- a) Lands located within the boundaries of any Settlement Area identified on Map 'A'.*
- b) Prime Agricultural Lands; or*
- c) Shoreland Areas as described in Section 4.4. of this Plan.*

Section 4.3 of the COP states that the intent of the Rural and Cultural Landscape policy is to "preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry." Section 4.3.3.1, provides general policy applicable to Rural lands and allows for "New land uses, including the creation of lots, and new or expanding land use facilities, shall comply with the minimum distance separation formulae and the Source Water Protection policies of Section 5.7 where applicable."

Further, section 4.3.3.1 states that "Rural areas will generally be the focus of resource activity, resource based recreational activity and other rural land uses. The County, recognizing the need for growth on a limited basis, will permit non-agricultural related uses in the rural community outside prime agricultural areas and other agricultural areas designated in local plans in accordance with Section 4.3.3.2 which reflect the cultural and rural character of the area, promote a variety of living and employment opportunities for the rural community and do not negatively impact on the natural environment that cannot be located in settlement areas."

Section 6 and 7 of the County of Peterborough's Official Plan provides Local Plan Policies for the Township of Douro-Dummer's Official Plan. As illustrated on Schedule 'A4-2' - Land Use and Transportation Plan Dummer Ward in the Township of Douro-Dummer Official Plan, the Subject Property is designated Rural. The eastern portion of the Subject Property is also identified as being within a Waste Management 500m Buffer Overlay for a former Waste Management Area. Schedule 'B' - Roads Plan in the Township of Douro-Dummer Official Plan identifies Fourth Line Road South (Dummer) and Rock Road as Township Roads.

6.2 Local Planning Policies – Rural Component

The Rural Component is devoted to economic activities associated with the natural resources in the participating Townships. The Rural Component policies are intended to protect the character of these areas while making provision for economic activities and employment opportunities which depend on the natural resources. The Rural Component comprises the following areas:

6.2.1.6 – Consents for Other Purposes

- a) Consideration may be given to applications for consent that are submitted for technical reasons as per Section 7.12.21.

6.2.2 Rural

6.2.2.1 –General Principles

The Rural designation applies to areas where Class 4, 5, 6 and 7 and Organic soils under the Canada Land Inventory Soil Capability for Agriculture predominate and areas where previous non-farm development has effectively limited the future of intensive farm activity.

6.2.2.2 - Permitted Uses

The predominant use of land within the Rural designation may include all agricultural uses outlined in Section 6.2.1 of this Plan. Other permitted uses shall include forestry, passive outdoor recreation uses and activities connected with the conservation of soil and wildlife.

Development by consent will be permitted within the Rural designation, although that development shall be limited and will be subject to the following policies. A very limited amount of small-scale commercial uses, or farm-related commercial/industrial uses will also be permitted. Commercial and industrial uses shall be subject to site plan control and shall require a site-specific amendment to the implementing Zoning By-law, as part of the approval process.

Low density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted.

6.2.2.3 - Rural Policies

- a) It shall be a policy of this Plan to discourage the development of non-rural related uses within the Rural designation and to prevent uncontrolled and scattered development. This leads to an unnecessary fragmentation of the land base. Non-rural growth-related uses shall be encouraged to locate within designated growth centres and hamlet areas as identified on the land use schedules.

- b) A maximum of one single detached dwelling shall be permitted on a lot.

c) *home occupation uses, inclusive of Bed and Breakfast overnight accommodation may be permitted in a single detached dwelling within the Rural designation provided that such establishment is operated by one or more permanent residents of the dwelling. Provisions regarding Bed and Breakfast establishments are contained in Section 7.22 and shall be further stipulated in the Zoning By-law.*

d) *Minimum Distance Separation New livestock operations shall only be established in accordance with the Minimum Distance Separation requirements of the Provincial Policy Statement. New development shall only be established in accordance with the Minimum Distance Separation requirements of the Provincial Policy Statement in order to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations.*

6.2.2.5 – Residential Consents

a) *A consent may be granted within the Rural designation provided that the consent policies in Section 7.12 and the following policies are addressed.*

d) *In Douro-Dummer, two consents to create new lots may be granted on a lot as it existed as per Section 6.1.1 provided that the following criteria are met, and all other relevant policies of this plan are complied with:*

i) *The applicant has owned the property for a minimum of 5 years; and*

ii) *The size of a new lot created by severance specifically and exclusively for residential use shall not exceed one hectare in area. The area may exceed one 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.*

e) *The lot shall be located so that it does not interfere with the efficient operation of a neighbouring farm unit. Rural residential uses shall be in conformity with the Minimum Distance Separation requirements of the Provincial Policy Statement (PPS) Township of Douro-Dummer Comprehensive Zoning By-Law 2000-21.*

f) *Rural residential uses shall only be in areas which are served by roads that are municipally assumed and maintained, schools, commercial uses, and community facilities.*

7.12 Criteria for Assessing Consent Applications

Land development, particularly residential, shall wherever possible and practical, occur by registered plan of subdivision. Where a plan of subdivision is not necessary for proper and orderly development, an application for consent to a land severance may be

considered by the consent granting authority in accordance with the Planning Act and the policies of this Plan. In assessing the suitability of an application for a consent, the consent granting authority, being the County of Peterborough, shall have regard for the following considerations:

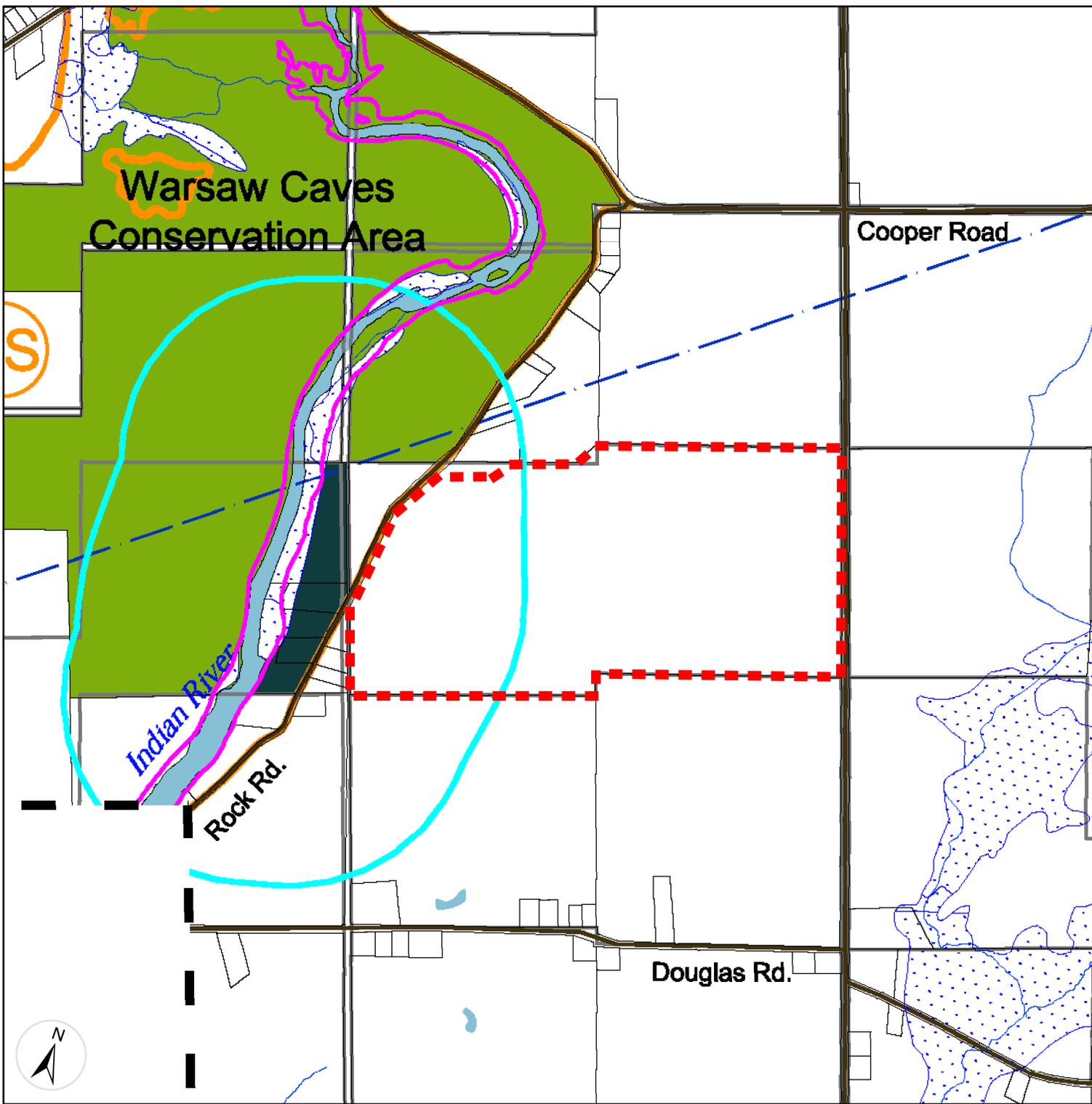
7.12.16 One application for consent shall not create more than two lots: those being the severed and the retained lots. The lot to be severed shall be an existing lot of record that existed in:

Douro-Dummer: A parcel of land will be eligible for consent if it has been recorded as a separate parcel in the Land Registry Office for a minimum of 25 years prior to the date of severance application.

DOURO-DUMMER OFFICIAL PLAN SCHEDULE A4-2 LAND USE AND TRANSPORTATION

1090 Fourth Line Road South
Lot 14, Concession 3
Township of Douro-Dummer
County of Peterborough

Figure 4



Legend

Subject Property

Schedule Legend

- Agricultural
- Rural
- Recreational Open Space
- Waste Management Area (Former Site)
- Environmental Constraint
- ANSI Earth Science



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:15,000

Data Sources
County of Peterborough, Township of Douro-Dummer

Created In:	ArcGIS Pro
Drawn By:	A.M.
Checked By:	M.S.
Map Date:	7/31/23
Project Number:	85104

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5.2.2 Township of Douro-Dummer Comprehensive Zoning By-Law 10-1996

As illustrated on Schedule A4-2 of the Township of Douro-Dummer Comprehensive Zoning By-Law (DDZB) 10-1996, consolidated in July 2023, the Subject Property is currently zoned 'Development Zone 2 (D2)' and Rural 'RU' Zone.). **Refer to Figure 6 – Schedule 'A4-2' Zoning By-Law Map.**

As proposed, the severed lot would not conform with the permitted uses for the D2-Zone, and it is anticipated that a ZBA will be required as condition of consent approval. The proposed severed parcel would meet the minimum lot area and frontage requirements of the 'Rural (RU) Zone' for a residential (permanent) use. The retained lot would continue to meet the requirements of the 'Rural (RU) Zone'.

On lands zoned Rural (RU) Zone, the minimum lot area is 0.4 hectares (1.1 acres) and the minimum required lot frontage is 45.0 m (147 ft). The RU Zone allows for one single detached dwelling unit as a permitted use. Accordingly, the proposed lot would comply with the Rural 'RU' Zone provisions. The RU Zone permits a maximum lot coverage of 15%.

Section 20

Development Zone (D)

No person shall within any Development Zone (D) use any land or erect, alter or use any building or structure except in accordance with the following provisions.

20.2 Permitted Uses – D2 Zone

- 20.2.1 an existing permanent dwelling
- 20.2.2 an existing agricultural use or farm
- 20.2.3 existing uses in addition to or other than those listed above.

Section 9

Rural Zone (RU)

No person shall within any Rural Zone (RU) use any land or erect, alter or use any building structure except in accordance with the following provisions.

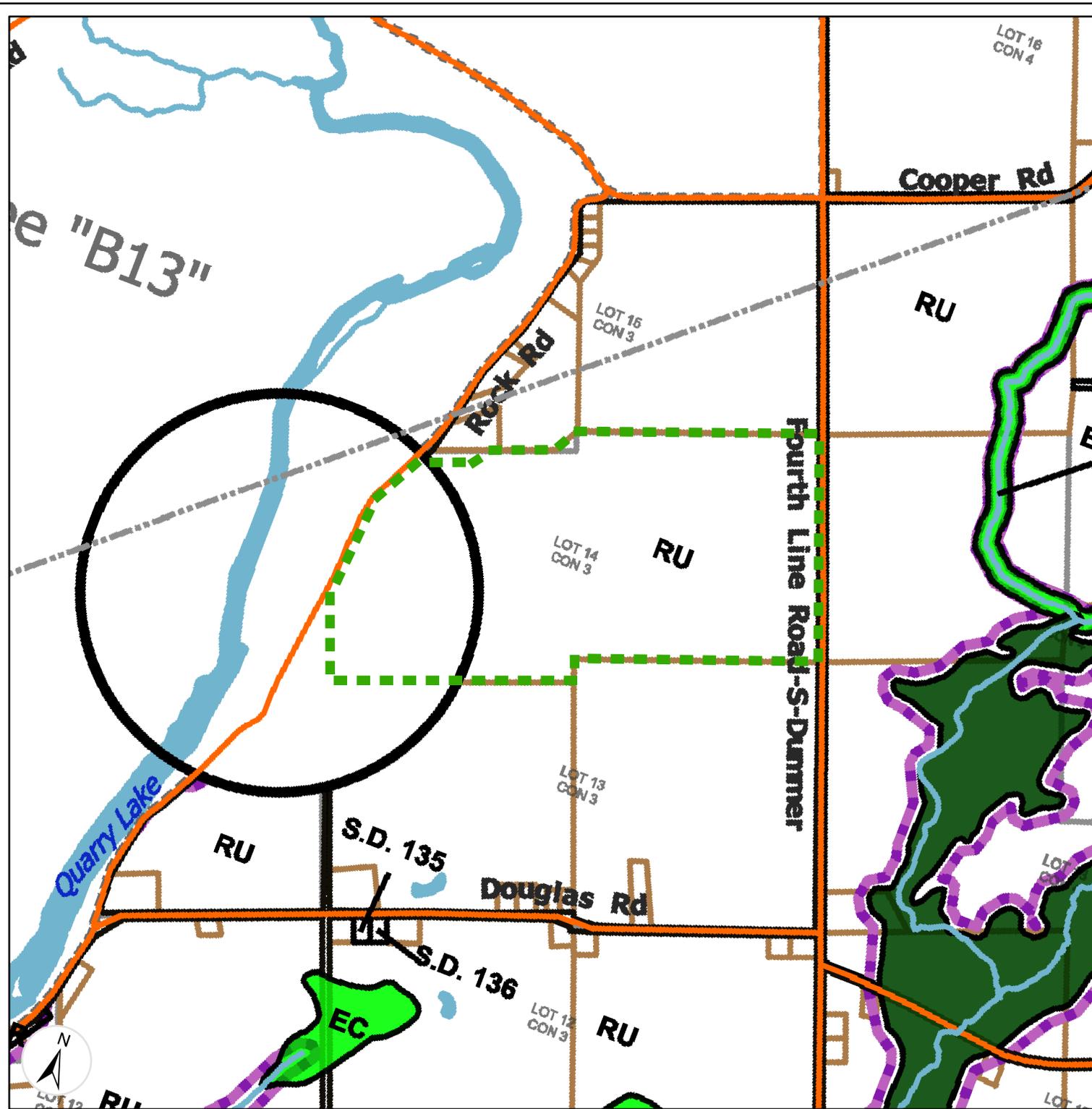
9.1 Permitted Uses

- 9.1.5 a permanent single detached dwelling on one lot

9.2.4 Regulations for Uses Permitted in Section 9.1.5

- | | |
|-------------------------------|-------|
| a) Minimum Lot Area | 0.4ha |
| b) Minimum Lot Frontage | 45m |
| c) Minimum Front Yard | 15m |
| d) Minimum Interior Side Yard | 6m |

e) <i>Minimum Exterior Side Yard</i>	15m
f) <i>Minimum Rear Yard</i>	15m
g) <i>Minimum Water Yard</i>	30m
h) <i>Minimum Floor Area</i>	100m ²
i) <i>Minimum First Storey Area</i>	60m ²
j) <i>Maximum Building Height</i>	9m
k) <i>Maximum Lot Coverage</i>	15%
l) <i>Maximum number of dwelling units</i>	1



ZONING BY-LAW 2010-55 SCHEDULE A2 TOWNSHIP OF DOURO-DUMMER

1090 Fourth Line Road South
Lot 14, Concession 3
Township of Douro-Dummer
County of Peterborough

Figure 5

Legend

Subject Property

Schedule Legend

EC Environmental Constraint
RU Rural
SD Special District



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:15,000

Data Sources
County of Peterborough, Township of Douro-Dummer

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Drawn By:	A.M.
Checked By:	M.S.
Map Date:	7/31/23
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6.0 Planning Rationale

The proposed Consent for Severance application and subsequent Zoning By-Law Amendment application conform to the provincial and municipal policies for Rural lands as outlined in Section 4.0, with the exception of the Zoning By-law Sections 20.2 "Permitted Uses – D2 Zone" and 20.3 "Regulations for Uses Permitted". Therefore, as a condition of approval, it is expected that a Zoning By-law Amendment application will be required in order to meet the requirements of the Township's Zoning By-law.

The proposed new lot is consistent with Section 1.1.5 of the PPS, as lot creation for the purpose of residential development is a permitted use on rural lands within municipalities, where it is locally appropriate and that it "*is compatible with the rural landscape and can be sustained by rural service levels*". With respect to Section 1.1.5.8 where the creation of lots shall comply with minimum distance separation (MDS), it was determined that the proposed lots meet the minimum distance separation requirements determined through the MDS calculation included in Appendix A.

The Growth Plan defines Rural Lands as "*lands which are located outside settlement areas, and which are outside prime agricultural areas.*" Section 2.2.9.1 Rural Areas states that "Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses." It also states that: "Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

- a. The management or use of resources.
- b. Resource-based recreational uses; and
- c. Will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

The relevant policies of the Growth Plan relate to the protection of key hydrologic features. The identified unevaluated wetland on the northern side of Pipeline Road is considered a key hydrologic feature as defined in Growth Plan. For development or site alteration proposed within 120 metres of any key hydrologic feature anywhere in the Growth Plan area, a hydrologic evaluation by a qualified professional to identify a vegetation protection zone (VPZ) is required. As per Growth Plan definitions, a vegetation protection zone means "a vegetated buffer area surrounding a key natural heritage or key hydrologic feature". This zone is to be established to achieve and be maintained as natural self-sustaining vegetation. A Township Road separates the key hydrologic feature and the proposed severed lot. Further, the additional key hydrologic features that exist on the southern portion of the Subject Property and on the adjacent properties are well outside the 120 metres of the proposed lots.

Section 4.2.4 of the Growth Plan mandates a hydrological assessment to guarantee sufficient separation between new construction and important heritage elements. Due to the current road's position and its impact on the nearby heritage feature, there is no

necessity for an additional hydrological assessment as the impact has already been determined. A letter, representing a qualified biologist, along with a constraints map, has been prepared to confirm that the proposed property division will not negatively affect the key feature.

The Subject Lands are described as Rural and Cultural Landscape under the County of Peterborough Official Plan (COP). The County of Peterborough Official Plan (COP) sets the land use and planning framework for local official plans and decision making. The COP outlines a long-term vision for Peterborough's physical form and community character. Section 4.3 of the COP states that the intent of the Rural and Cultural Landscape policy is to "preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry."

The proposed Consent application aligns with the County Official Plan. Specifically, it conforms to Section 6.2.6.3 d), which pertains to Rural Lands in Douro Dummer. This section permits the creation of a maximum of two new lots through Consent applications on lands that have been under the ownership of the current owner for a minimum of 5 years. These newly created lots are designated for "permanent single detached dwellings" according to Section 6.2 Rural.

Regarding the Waste Management Area situated within 500 meters of the Subject Property, a Land Use Compatibility Study has been conducted. This study determined that only land uses compatible with potential impacts, or their engineered controls will be allowed. Any necessary adjustments to the Official Plan may be made following studies outlined in Section 6.2.18.3.

As illustrated on Schedule A4-2 of the Township of Douro-Dummer Comprehensive Zoning By-Law, the Subject Property is currently zoned 'Development Zone 2 (D2)' and Rural 'RU' Zone). As proposed, the severed lot would not conform with the permitted uses for the D2 Zone and there it is anticipated that a ZBA will be required as condition of consent approval. The proposed severed parcel would meet the required minimum lot area of 0.4 hectares (1.1 acres) and minimum required lot frontage of 45.0 m (147 ft), for the 'Rural (RU) Zone'. The RU Zone allows for one single detached dwelling unit as a permitted use. Accordingly, the proposed lot would comply with the Rural 'RU' Zone provisions. The RU Zone permits a maximum lot coverage of 15%.

7.0 Closing

This Planning Justification Report has been prepared in support of the Consent to Sever application to permit the creation of one (1) residential lot from the Subject Property. The report provides an analysis of the applicable provincial and local policy documents in the context of proposed severance and ZBA. It is our opinion that the proposed severances and ZBA is consistent with the existing development pattern of the surrounding land uses and will not cause a negative impact on the current landscape.

Based on the background information, the features on-site and the forgoing review of the relevant policies, it is our opinion that, subject to the impending ZBA, the proposed severances are consistent with and conform to provincial and municipal policies and constitutes good planning.

Respectfully Submitted,



Marie Saunders, B.E.S., CPT.
Senior Land Use Planner
AR/MS/DK/hd

Reviewed by:

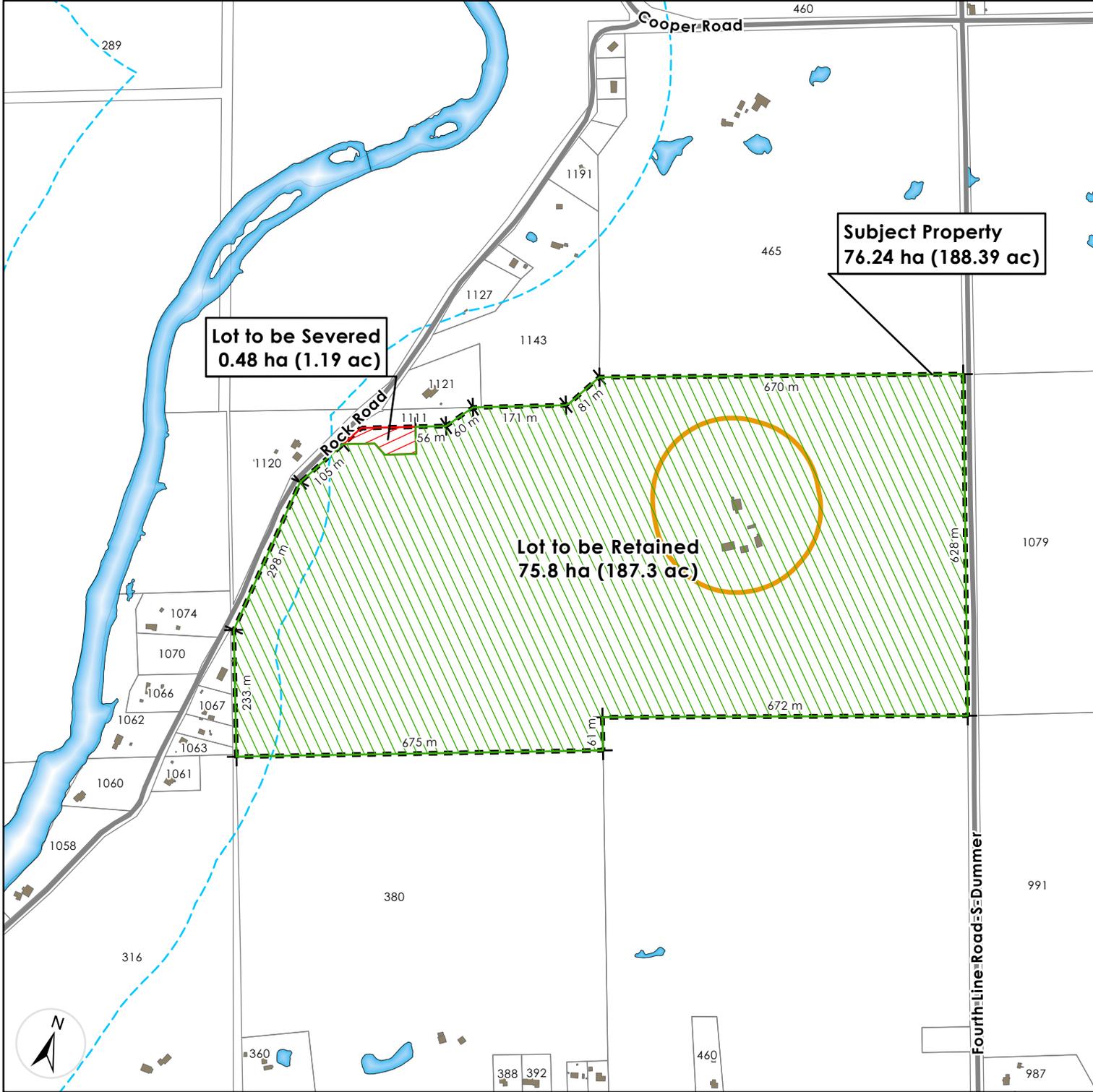


Diana Keay, MCIP, RPP
Manager, Planning Services

Appendix A

Minimum Distance Separation Calculation





MINIMUM DISTANCE SEPARATION MAP

1090 Fourth Line Road South
 Lot 14, Concession 3
 Township of Douro-Dummer
 County of Peterborough

Legend

-  Subject Property
-  Retained Lot
-  Severed Lot
-  MDS Arc (144 m)
-  Existing Structures

0 125 250 500
 Meters
 PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:10,000

Data Sources
 County of Peterborough
 NOTE: The subject property is located approximately 2.82 km northeast of the County Road 38 Bridge.

Created In:	ArcGIS Pro
Drawn By:	A.M.
Checked By:	M.S
Map Date:	8/3/23
Project Number:	85104



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