

Report to Council

Re: Planning-2025-32

From: Christina Coulter

Date: January 21, 2025

RE: File R-15-24 (Vervoort & 2405582 Ontario Inc.)

Recommendation:

That Report Planning-2025-32, dated January 21, 2025, regarding File R-15-24 (Vervoort & 2405582 Ontario Inc.) be received; and

That Council receive all comments related to File R-15-24; and

That the By-law to enact the amendment be passed at the appropriate time in the meeting.

Overview:

Owners, Adam Vervoort and 2405582 Ontario Inc., have applied to amend a portion of the existing zoning on their property known municipally as 277 Sixth Line Road-S-Dummer, being Roll No. 1522-020-001-10400. The subject property is currently zoned the Rural Zone (RU) and the Environmental Conservation Zone (EC) as shown on Schedule A2 to By-law No. 10-1996, as amended.

The rezoning is required as a condition of Consent Application (File B-53-24), that was conditionally approved by Peterborough County on October 28, 2024. A copy of the County's Decision is attached to this Report.

Peterborough County File B-53-24 severed the existing house, barn and two sheds from the subject lands. A copy of the building location plan prepared by IBW Surveyors dated October 26, 2024 is attached to this Report. The building location plan identifies the existing structures and the severed parcel, being Parts 6, 7 and 8 on the Plan.

The survey was deposited at the Land Registry Office as Plan 45R-17754 on November 13, 2024 and a copy is attached to this Report.

The effect of the Amendment is to rezone the severed parcel (Parts 6, 7 and 8, Plan 45R-17754) from the Rural Zone (RU) to the Special District 261 Zone (S.D. 261) to permit the use of the land for a hobby farm with a minimum lot area of 2.6 hectares and a minimum lot frontage of 44 metres

All other applicable zones and provisions of By-law No. 10-1996, as amended will continue to apply.

A copy of the draft By-law is attached to this Report.

Notice of the public meeting was provided on December 17, 2024, by ordinary mail and/or e-mail to all prescribed persons and public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was circulated by ordinary mail to every owner of land within 120 metres of the subject property on December 17, 2024. Notice of the public meeting was posted on the subject property and on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

Conformity to Provincial Planning Statement (PPS, 2024):

Effective October 20, 2024, the Growth Plan and the Provincial Policy Statement were consolidated into one document called the Provincial Planning Statement (PPS, 2024).

The PPS, 2024 is considered a policy statement for the purpose of Section 3 of the Planning Act. All municipal decisions, as well as comments, submissions or advice affecting planning matters, are required to be consistent with the PPS, 2024 pursuant to subsections 3(5) and 3(6) of the Planning Act.

The severed lands are proposed to be used for a hobby farm and are located within the rural area and more particularly described as "rural lands" for the purposes of the PPS, 2024. Sections 2.6.1 (c) and (d) permit residential development, including lot creation and agricultural uses on rural lands.

All new lands uses, including the creation of lots, must comply with the minimum distance separation (MDS) formulae (S. 2.6.1.5). As previously mentioned, the severed parcel contains the existing house, barn and two sheds and is proposed to be used as a hobby farm. MDS Guideline #8 states that an MDS I setback is not required for a severed or retained lot for an agricultural use when that lot already has an existing dwelling on it. Therefore, the application complies with the MDS formulae.

In correspondence dated December 18, 2024, the Otonabee Region Conservation Authority indicated that the proposed severed lot is located outside of the mapped unevaluated wetlands and watercourses. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with Chapter 5 of the Provincial Planning Statement (PPS), referencing Natural Hazards.

A copy of the ORCA comments are attached to this Report and further comments are outlined below.

The rezoning application has demonstrated consistency with the applicable provisions of the PPS, 2024.

Conformity to Official Plan:

The subject property is designated Rural as illustrated on Schedule 'A4-2' to the Official Plan (OP).

The Rural designation permits low density residential development and agricultural uses (S. 6.2.2.2). A maximum of one single detached dwelling is permitted on a lot (S. 6.2.2.3 (b)).

New development may only be established in accordance with the Minimum Distance Separation requirements of the PPS to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations (S. 6.2.2.3 (d)). There are no new buildings or structures proposed for the retained parcel at this time, however, any new livestock operations will be required to comply with the Minimum Distance Separation requirements of the PPS (S. 6.2.2.3 (d)).

Section 6.2.2.5 (d) of the Official Plan limits the size of a new lot created by severance specifically and exclusively for a residential use to a maximum of 1 hectare. However, the Plan states that the area may exceed 1 hectare if there are other rural uses in addition to the residential use (i.e. hobby farms). The maximum lot area in such instances will be stipulated in the Zoning By-law.

The severed parcel has a lot area of 2.6 hectares and a lot frontage of 44 metres and exceeds the maximum lot area permitted by the Official Plan for an exclusively residential use, but is proposed to be used for a hobby farm.

The subject lands are zoned Rural (RU) in the Township Zoning By-law. A hobby farm is a permitted use in the (RU) Zone (S. 9.1.7) and requires a minimum lot area of 10 hectares and a minimum lot frontage of 135 metres (Ss. 9.2.6.1 (a) & (b)). While the severed parcel is deficient in lot area and lot frontage, the existing buildings comply with all other regulations including Section 9.2.6.4 of the By-law – Regulations for Buildings Permitted in 9.1.7 to 9.1.18.

With the approval of the rezoning to recognize a deficient lot area of 2.6 hectares and a deficient lot frontage of 44 metres for a hobby farm, the application will comply with the Official Plan.

Comments:

As of the writing of this Report, no comments have been received from members of the public.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Kawartha Pine Ridge District School Board (KPRDSB): No concerns or issues related to their mandate.
- Otonabee Region Conservation Authority:

Existing Otonabee Conservation mapping indicates that portions of the proposed retained lot fall within mapped unevaluated wetlands and watercourses. Otonabee Conservation staff note that the proposed severed lot is located outside of these features. Therefore, it is the opinion of Otonabee Conservation staff that the application is consistent with Chapter 5 of the Provincial Policy Statement (PPS) referencing Natural Hazards.

Otonabee Conservation has reviewed this application through our mandated responsibility under Ontario Regulation 686/21. Staff recommend that the mapped unevaluated wetland and watercourses and their associated area of influence be rezoned Environmental Conservation (EC) Zone or equivalent in the Township of Douro-Dummer Zoning By-law.

The above noted recommendation is also consistent with the County's New Official Plan that has been approved by County Council, but not yet approved by the MMAH [Ministry of Municipal Affairs and Housing], that designated the above noted lands as Natural Core Area on Land Use Schedule, map DD-5.

Based on the information provided, rezoning of the lands as a condition of consent for a lot severance of an existing dwelling and a use of a hobby farm should not create new or aggravate existing hazards.

Otonabee Conservation mapping indicates that the lands are partially subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. Permits from this agency may be required prior to any site alteration or construction in those areas regulated by Otonabee Conservation.

It was determined that the subject property is not located within a vulnerable area that is subject to Trent Source Protection Plan (SPP) policies. Significant drinking water threats are not possible, and a Restricted Land Use Notice is not required.

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on December 17, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

Conclusion:

The requested zoning by-law amendment proposes to rezone portions of the subject property i.e. the severed parcel (Parts 6, 7 and 8, Plan 45R-17754) from the Rural Zone (RU) to the Special District 261 Zone (S.D. 261) to permit the use of the land for a hobby farm with a minimum lot area of 2.6 hectares and a minimum lot frontage of 44 metres. The rezoning is required as a condition of Consent Application (File B-53-24), that was conditionally approved by Peterborough County on October 28, 2024.

While the Otonabee Region Conservation Authority has recommended that the mapped unevaluated wetland and watercourses and their associated area of influence be rezoned Environmental Conservation (EC) Zone or equivalent, these features are located on the retained lands and rezoning of the retained lands was not required as a condition of the Decision of Peterborough County.

ORCA’s comments note that rezoning of the lands as a condition of consent for a lot severance of an existing dwelling and a use of a hobby farm should not create new or aggravate existing hazards. Based on these comments, Township Staff contacted ORCA to ensure their agency would have no concerns with rezoning the severed parcel only. In e-mail correspondence dated January 14, 2025, ORCA indicated that since rezoning of the retained lot is not a condition of severance, their agency would have no objections to just rezoning the severed lot. Should the retained lands require a Planning Act application in the future, ORCA confirmed that a technical study would be recommended to determine the exact boundary of the hazardous features.

As applied for, the proposed rezoning meets the intent of municipal and provincial policies.

Financial Impact:

All costs related to the application for a Zoning By-law Amendment are the responsibility of the Owner.



Service Modernization and Innovation

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



Business Attraction, Expansion, and Retention

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



Infrastructure Renewal

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

Report Approval Details

Document Title:	R-15-24 (Vervoort and 2405582 Ontario Inc.) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> - R-15-24 - Draft By-law.pdf - R-15-24 Application_Redacted.pdf - R-15-24 Site Plan - Survey - A-050354 - Dec 23 update.pdf - R-15-24 Survey - 45R17754.pdf - R-15-24 - ZBA Notice.pdf - R-15-24 Enbridge Comments (December 19, 2024).pdf - R-15-24 KPRDSB Comments (January 8, 2025).pdf - R-15-24 ORCA Comments PPLD-2341 (December 18, 2024).pdf - R-15-24 - B-53-24 Decision.pdf
Final Approval Date:	Jan 15, 2025

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

Martina Chait-Hartwig

Todd Davis