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Revised Planning Justification Report (November 2024) Official Plan Amendment (OPA) Application 181 County Road No. 4, Township of Douro-Dummer

Introduction

This “Revised” Planning Justification Report has been prepared in support of an Official Plan Amendment (OPA) Application filed with the Township of Duro-Dummer (County of Peterborough) regarding the rural property known municipally as 181 County Road (Douro Ward), Township of Douro-Dummer. The original PJR was filed in late October 2024.

The Property



The Property

(Source: County of Peterborough GIS Website, October 2024)

The Official Plan Amendment (OPA) Application

The property is located east of the intersection of County Road No. 4 and Division Road having frontage on both County Road No. 4 and Division Road. Surrounding land uses are summarized as follows:

Direction	Land Uses

North	County Road No. 4, Rural Residential, Rural
South	Rural
East	Rural
West	Township Fire Hall, Rural Residential, Division Road

The property contains a detached single-unit dwelling, a barn, drive shed and small accessory buildings.

The OPA Application – An Overview

The OPA Application is required to delete a site-specific Policy Area – 6.2.10.4 (c) (i), and to amend the current Official Plan -Lower Tier Designation from “Highway Commercial” to “Rural”, as applied to the northern part of the property, which would permit a major commercial/retail development. My research revealed that this “Special Policy Area” was applied to the property to permit a contemplated major retail – commercial use. However, this land use would essentially not be permitted given current Provincial and local planning polices and regulations.

The property owner is prepared to delete this policy exception, in order to facilitate the contemplated severance of land within the northwest part of the property, serving to allow for the creation of two (2) lots intended for rural residential purposes.

The Proposed Severance Plan (Source: KMD Planning, June 2024)



The 2 (two) proposed severed lots cannot be realized unless and until the OPA is approved. Additionally, the Consent (Severance) Approval process might necessitate a

Zoning By-law Amendment (ZBLA) Application approval. Finally, the two (2) severed lots will require a vehicular easement from the retained lot, which would be addressed concurrent with the Consent (Severance) Applications process.

Pre-Consultation

The OPA Application was subject of Pre-Consultation (see Attachment 'H' for the Pre-Consultation Meeting Summary). The Pre-Consultation identified the need for specific reports to be prepared in support of the OPA Application, as follows:

- MDS Analysis;
- Environmental Impact Study (Natural Heritage Evaluation);
- Scoped Aggregate Assessment; and
- Planning Justification Report.

A) MDS Analysis

A MDS Analysis was carried-out by One Community Planning. The analysis confirmed that the location of the two (2), proposed lots are outside of the applicable MDS Arch (see Attachment 'I' for details).

B) Natural Heritage Evaluation (NHE)

The NHE was carried-out by Sumac Environmental Services. The NHE concluded that the OPA, which in itself does not result in development, is appropriate and would not impactful upon site and/or area natural features. The proposed area of the two (2) severed lots were also considered and same do not represent an environmental/ecological risk. Any recommended mitigation measures can be enshrined as part of the eventual Consent (Severance) approval process.

C) Scoped Aggregate Assessment

It is my Professional Planning Opinion and on-going experience with such matters, that this Assessment is not warranted. The Pre-Consultation meeting flagged a Tertiary Aggregate area to the south and west of the property; a significant distance from the location of the proposed severed lots. Additionally, there are several established single-unit dwelling properties within the immediate area of the

Tertiary Assessment Area, which by the very existence, render any aggregate opportunity as not feasible.

D) Planning Justification Report (PJR)

This PJR is in response to the identified Pre-Consultation requirement.

Preliminary Severance Review (PSR)

The proposed severed lots were also subject of a Preliminary Severance Review dated December 2, 2022. This Review eventually gave rise to the requirement for a formal OPA Application Pre-Consultation (see Attachment 'G' for details).

Analysis

2024 Provincial Planning Statement (2024 PPS)

The 2024 PPS sets forth a series of policies that address a range of land use, planning, development and related topics on a provincial wide basis.

With respect to the OPA Application, the following policies of the 2024 PPS are considered to have direct relevancy:

Policy	Detail, Planning Opinion
2.3	Settlement Areas and Settle Area Boundary Expansions
2.3.1	<p>General Policies for Settlement Area</p> <p>1. <i>Settlement areas</i> shall be the focus of growth and development. Within <i>settlement areas</i>, growth should be focused in, where applicable, <i>strategic growth areas</i>, including <i>major transit station areas</i>.</p> <p>Opinion: The property is located adjacent to a designated rural settlement area, but does not form part of same.</p>
2.5	<p>Rural Areas in Municipalities</p> <p>1. Healthy, integrated and viable rural areas should be supported by:</p> <p>a) building upon rural character, and leveraging rural amenities and assets;</p> <p>d) using rural infrastructure and public service facilities efficiently;</p>

	<p>g) conserving biodiversity and considering the ecological benefits provided by nature;</p> <p>Opinion: The OPA Application serves to delete a dated site-specific policy, which if left unattended could conceivably allow for a major retail/commercial use. The OPA Application, if approved eliminates this land use opportunity, and would in turn facilitate the creation of two (2) lots intended for single-unit dwelling use. This land use is considerate of its rural context and would not impact upon natural features.</p>
	<p>2. In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.</p> <p>Opinion: The proposed development can be sustained by rural service levels. The development area is located immediately of a designated rural settlement area south and east.</p>
2.6	<p>Rural Lands in Municipalities</p> <p>4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.</p> <p>Opinion: The MDS Analysis carried-out in support of the OPA Application confirmed that the two (2) proposed lots conform to the policies of the applicable MDS regulations.</p> <p>5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.</p> <p>Opinion: The MDS Analysis carried-out in support of the OPA Application confirmed that the two (2) proposed lots conform to the policies of the applicable MDS regulations.</p>
3.6	<p>Sewage, Water and Stormwater</p> <p>4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.</p>

	<p>Opinion: The two (2) proposed residential lots (single-unit dwelling use) will rely upon private/individual water and waste-water facilities. The details of the Consent (Severance) Application approval process.</p>
<p>4.1</p>	<p>Natural Heritage</p> <p>Natural features and areas shall be protected for the long term.</p> <p>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.</p> <p>Opinion: The Sumac NHE Report confirmed that the OPA Application, which will serve to facilitate the creation of two (2) lots intended for residential purposes will not impact upon on-site and/or area natural heritage features.</p>
	<p>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.</p> <p>Opinion: The Sumac NHE Report confirmed that the OPA Application, which will serve to facilitate the creation of two (2) lots intended for residential purposes will not impact upon on-site and/or area natural heritage features.</p>

In summary, it is my professional planning opinion that the OPA Application, serving to facilitate the creation of two (2) lots intended for single-unit dwelling use, demonstrates conformity with the policy directives of the 2024 Provincial Planning Statement.

County of Peterborough Official Plan (COP) – Pre-July 2022 Version

The property is designated by the County Official Plan as ‘Highway Commercial with Site-Specific Policy’ and ‘Rural’.

As previously noted, the property is also subject of a site-specific policy exception.

<p>6.2.10 Highway Commercial</p>

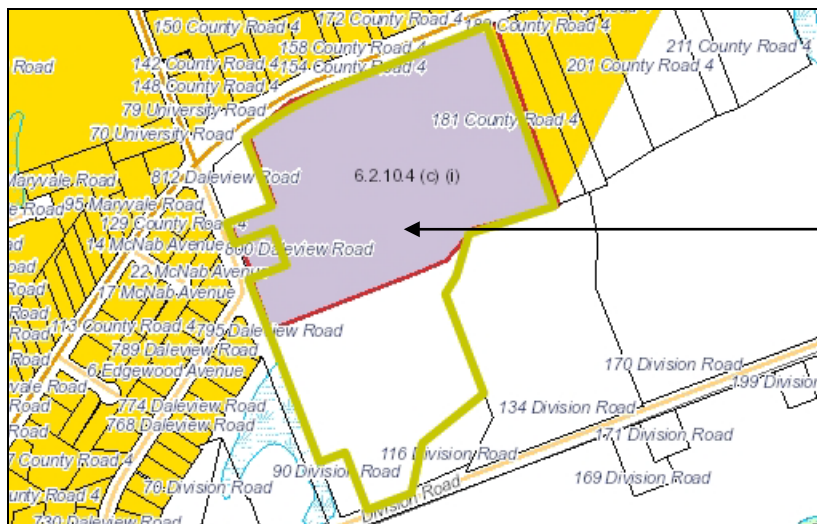
6.2.10.4 Site-Specific Special Policy Area

c) Township of Douro-Dummer:

i) Regarding the commercial designation located in part of Lot 1, Concession 10, Douro Ward the total gross leasable floor area of all commercial development shall be limited to 4,500 square metres, and single uses shall be limited to 1,500 square metres of gross leasable floor area.

(Source: County of Peterborough Website, October 2024)

Official Plan Map Detail



The Property

(Source: County of Peterborough Website, October 2024)

The OPA Application, if approved, will delete the site-specific policy exception applied to the property and to amend the Lower Tier land use designation from “Highway Commercial” to “Rural”.

There is no development to occur from this deletion of the site-specific policy, other than the contemplated severance of land within the northwest part of the property. The balance of the property would maintain its current development condition/land use (includes an agricultural component).

Relative to the OPA Application (deletion of the Site-Specific Policy); the following policies of the County Official Plan are considered to have direct relevancy:

Section	Title – Comments
2.3	<p data-bbox="407 275 675 306">Local Official Plans</p> <p data-bbox="407 344 1409 457">It is the intent, and a requirement of the Planning Act that local official plans shall conform to this Plan and be one of the primary means of implementing the policies herein.</p> <p data-bbox="407 491 1403 638">In the event of a conflict between the provisions of a local official plan and the provisions of this Plan, the provisions of this Plan shall prevail to the extent of that conflict except where the local plan is more restrictive.</p>
2.4	<p data-bbox="407 686 708 718">Local Zoning By-laws</p> <p data-bbox="407 753 1398 940">When this Plan or any part thereof takes effect, every local zoning by-law shall be amended by the local municipalities to conform with this Plan pursuant to the Planning Act. The Amendments to the zoning by-laws should occur after the local Official Plan has been amended to conform to this Plan.</p>
2.6.3	<p data-bbox="407 974 638 1005">Division of Land</p>
2.6.3.1	<p data-bbox="407 1041 634 1073">General Policies</p> <p data-bbox="407 1106 1382 1367">The acceptability of severances in Peterborough County shall be determined by applying the relevant policies contained in this Plan, policies contained in local Official Plans, the 2005 Provincial Policy Statement, and the provisions of the Planning Act. Under no circumstances shall severances be recommended for approval where proposed severances are contrary to this Plan and/or the respective local Official Plan.</p>
2.6.3.5	<p data-bbox="407 1402 574 1434">Rural Areas</p> <p data-bbox="407 1478 1422 1665">Residential severances for land holdings located in the Rural Area should be discouraged in favour of development in Settlement Areas as identified on Map 'A' in an effort to promote orderly growth and development. However, severances in the rural area may be considered subject to the following:</p> <p data-bbox="407 1709 1398 1780">A) If the proposed lot(s) has been identified by the Health Unit and/or the Ministry of the Environment as a proposal where;</p> <p data-bbox="453 1824 1419 1856">i) municipal or communal services for water and/or sewer cannot be</p>

provided because of capacity problems or physical constraints; or

ii) in the absence of municipal or communal water and sewage services, it is determined by the Health Unit and/or the Ministry of the Environment that the area for sewage disposal on the proposed lots does not or cannot be made 2-16 Official Plan County of Peterborough to meet the requirements of current Health Unit or Ministry of the Environment policy;

an application for severance shall not be granted.

B) If it is determined by the local municipality, or the Ministry of the Environment that solid waste disposal cannot be provided, severances shall not be permitted.

C) Lots shall have direct frontage on and access from publicly owned and maintained roads, unless otherwise permitted in local Official Plans.

D) Applications which would create a traffic hazard because of limited sight lines on curves or grades shall not be granted.

E) A severance from a farm operation may be granted if such is permitted in the local plan.

F) Applications for severance may be granted when each of the severed and retained parcels is equivalent to a natural township lot (about 40 hectares).

G) Consent applications shall comply with Minimum Distance Separation formula as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

H) Consents in the Rural Area may be permitted in accordance with policies contained in local official plans provided the applicable policies of Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with.

I) Where local municipalities have specific Official Plan policies regarding scattered or strip development, the County will support local municipalities in their effort to control scattered or strip development and support development that is appropriate for the infrastructure which is planned or available and avoid the need for unjustified or uneconomical expansion of this infrastructure

	<p>Opinion: The proposed severed lots meet the applicable tests of 2.6.3.5. There is sufficient land base to support the installation of an individual well and septic systems and the proposed lot and frontage on a municipally-maintained road will be provided. The OPA Application serves to permit the proposed lots severances, of which Consent Applications will be filed with the County Land Division in due course, following the outcome of this OPA Application.</p>
<p>4.1.3.3</p>	<p>Mineral Aggregate and Non-Aggregate Mineral Resources</p> <ul style="list-style-type: none"> • Mineral aggregate and non-aggregate resources shall be recognized and managed by local Official Plans as limited and non-renewable natural resources to be protected for long-term use; • Local municipalities, in consultation with the County, the Ministry of Northern Development and Mines and the Ministry of Natural Resources shall review development proposals with respect to mineral aggregate and non-aggregate resources; • In areas of significant mineral aggregate and non-aggregate resource potential, as identified by the Ministry of Natural Resources, the Ministry of Northern Development and Mines, private landholders or the development industry in consultation with the local municipalities, uses which do not preclude future access to and extraction of these potential resources may be permitted. All other uses of the land which prohibit future access to and extraction of the resources shall be considered secondary and generally discouraged until such time as the resource is substantially depleted. Alternative land uses may be permitted where: <ul style="list-style-type: none"> – extraction would not be feasible; or – the proposed use of the land serves a greater long-term interest of the general public; – prior to any approval of a change in land use, the proponent shall consult with the County and the Ministry of Natural Resources and will be required to prepare a study indicating the nature of the land use change, detailing the deposit's potential for extraction and demonstrating the compatibility and the need for the alternative land use. <p>Opinion: It is my professional planning opinion and experience</p>

	that is not warranted in this instance. The OPA serves to delete as a dated Site-Specific Policy. Moreover, the proposed severed lots are a significant distance from the designated lands.
4.3	<p>Rural and Cultural Landscape</p> <p>The rural and cultural landscape represents all land areas outside of an identified settlement area, that are not:</p> <ul style="list-style-type: none"> • shoreland areas as described in Section 4.4; • significant natural heritage features or other natural resources listed in Section 4.1; • utilized for transportation purposes, physical services and utilities; • used for recreation and open space purposes.
4.3.1	<p>Goal</p> <p>To preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry.</p>
4.3.2	<p>Objectives</p> <ul style="list-style-type: none"> • to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape; • to reinforce the historical relationship between settlement areas and the surrounding farm community to which the settlement areas provide basic services; • to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water; 4-24 Official Plan County of Peterborough • to ensure that the agricultural industry remains viable; • to preserve prime agricultural soils and protect farms, where possible, from activities and land uses which would limit productivity or efficiency; • to encourage compatible economic diversification including greater flexibility for on-farm activities, home-based businesses and agri-tourism;

	<ul style="list-style-type: none"> • to preserve the farm community as an important social resource; • to encourage local municipalities within similar watersheds to participate, coordinate and carry out sound land use and environmental management practices. <p>Opinion: The OPA Application serves to delete a date site specific policy which contemplates a major commercial-retail use. This form of land use is not appropriate for the property and is contrary to current Provincial, County and local land use policies.</p>
4.3.3	<p>Policies</p> <p>Notwithstanding the description of the rural and cultural landscape at the beginning of Section 4.3, the policies of Section 4.3.3 apply wherever relevant throughout the County.</p>
4.3.3.1	<p>General</p> <ul style="list-style-type: none"> • Local municipalities should encourage and, where appropriate require, through the passage of tree cutting by-laws public and private land owners to maintain the forested appearance of the landscape; • In recognition of potential impacts new growth and development may have on entire watershed systems, the County encourages communication between municipalities within the same watershed area when development proposed within the rural and cultural landscape is considered to have a potential impact on the quality and function of the watershed: • this consultation process, may involve: <ul style="list-style-type: none"> ➤ the identification of areas for subwatershed management plans, carrying capacity studies of waterbodies or any such other studies and testings that would be appropriate to determine the environmental sensitivity of areas and their development potential; • funding arrangements among the municipalities in the watershed, and/or the private industry and Provincial Ministry agencies if studies and testings are deemed appropriate and required.

- 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 4-25 Official Plan County of Peterborough 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;
- Development shall be appropriate to the infrastructure which is planned or available, and shall avoid the need for unjustified and/or uneconomical expansion of this infrastructure;
- New land uses, including the creation of lots, and new or expanding land use facilities, shall comply with the minimum distance separation formulae.
- New land uses, including the creation of lots, shall comply with the Source Water Protection policies of Section 5.7 where applicable; • Throughout the rural area, home based business uses will be encouraged as permitted in the local plans;
- Research in the fields of soil science and hydrogeology has concluded that fractured bedrock aquifers can be contaminated by micro-organisms originating from untreated septic tank effluent and urban runoff. To minimize the risk of contamination to water resources, it is policy of the County that development permitted by local municipalities be directed to areas where the depth of soil is sufficient to retain and treat micro-organisms, as well as provide a stable anchoring platform for raised (imported material) tile bed systems.

Opinion: The proposed severed lots conform to the objectives and policies of the County's Rural and Cultural Landscape Areas. The development is limited in area, does not impact prime agricultural areas and can be sustained by rural service levels. The proposed location of the lots are in proximity to other established residential properties. No environmental impacts have been identified as a result of the proposed development/severance (Sumac NHE Report).

6.2.2	<p>Rural</p> <p>.1 General Principles</p> <p>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.</p> <p>.2 Permitted Uses</p> <p>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.</p> <p>Development by consent will be permitted within the Rural designation, although that development shall be limited and will be subject to the following policies.</p> <p>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.</p> <p>Low density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted.</p> <p>.3 Rural Policies</p> <p>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.</p> <p>b) A maximum of one single-detached dwelling shall be permitted on a lot.</p>
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	<p>Opinion: The Official Plan Amendment Application, if approved, would facilitate two (2) rural residential lots each to contain one (1) single unit dwelling, subject to the provisions of any forthcoming Consent (Severance) Approval.</p>
<p>6.2.13</p>	<p>EXTRACTIVE INDUSTRIAL</p> <p>6.2.13.1 - General Principles</p> <p>The participating Townships contain areas with high quality mineral aggregate reserves. It is the intent of this Plan to recognize legally existing pits and high potential aggregate resource areas and to protect them from incompatible land uses.</p> <p>6.2.13.2 - Permitted Uses</p> <p>The predominant use of land within the Extractive Industrial designation shall be sand, gravel and quarry operations.</p> <p>Aggregate extraction operations shall be developed with minimal impacts on surrounding natural and cultural resources. All expended aggregate pits and quarries shall be rehabilitated.</p> <p>c) Generally, only licensed pit and quarry operations shall be zoned for extraction in the implementing Zoning By-law. The area zoned should correspond precisely to the area licensed under the Aggregate Resources Act. Potential aggregate resource areas which are not licensed shall be zoned in a holding or Rural Zone until such time as the lands are licensed, thereby protecting the lands from incompatible development.</p> <p>h) All pit and quarry operations must be licenced by the Ministry of Natural Resources and must meet the requirements of the Aggregate Resources Act.</p> <p>i) Lands designated as Extractive Industrial may be converted to non-industrial uses only through a municipal comprehensive review where it has been demonstrated that:</p> <ul style="list-style-type: none"> i) There is a need for the conversion; ii) The Township will meet the employment forecasts allocated to it by

	<p>the County of Peterborough pursuant to the Growth Plan for the Greater Golden Horseshoe;</p> <p>iii) The conversion will not adversely affect the overall viability of the industrial area, and achievement of the intensification target, density targets, and other polices of the Growth Plan for the Greater Golden Horseshoe;</p> <p>iv) There is existing or planned infrastructure to accommodate the proposed conversion; the lands are not require over the long term for the industrial purposes for which they are designated; and</p> <p>v) Cross-jurisdictional issues have been considered j) In circumstances where the aggregate resource in an Extractive Industrial designation has been depleted and the license has been surrendered, an official plan amendment may be approved to redesignate the lands to Rural or Agriculture or other suitable designation without the requirement of a municipal comprehensive review.</p> <p>Opinion: No Aggregate Assessment was completed, as same was deemed to be necessary in this instance.</p>
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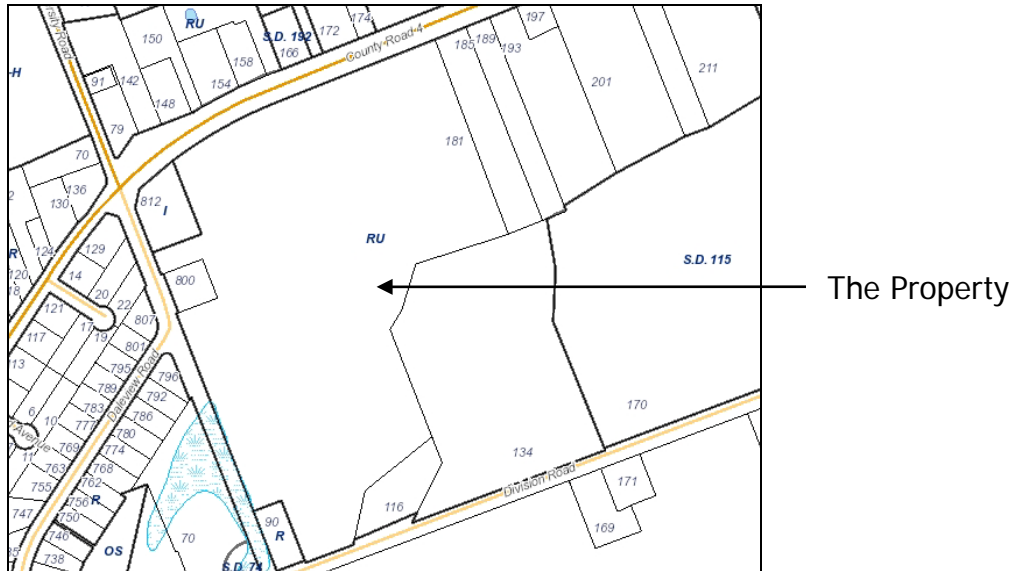
It is my professional planning opinion that the OPA Application is in keeping with the general purpose and intent of the land use policy directives of the COP.

The dated site-specific policy, frankly, no longer has relevancy, and moreover, the property could not be developed for such purposes (major commercial/retail) given the realities of Provincial, County and Local land use policies/programs

Township of Douro-Dummer Zoning By-law (TZBL)

The property is currently zoned 'RU - Rural'.

Zoning Map Detail



(Source: County of Peterborough GIS Website, October 2024)

As previously noted, it might be required to amend the current zoning for the area of the proposed severed lots.

Such condition could be achieved through the Peterborough County Land Division Committee (PCLDC) Consent approval process.

Additionally, the Township may elect to require the rezoning of those portions of the property having environmental features (as confirmed through the EIS Report).

It is my professional planning opinion that the OPA Application is in keeping with the general purpose and intent of the regulatory provisions of the TZBL.

Summary

The Official Plan Amendment Application is required to delete a dated/impractical site-specific policy applied to the northern part of the property. This requirement was identified through the formal Official Plan Amendment Re-Consultation meeting, as necessary to allow for the contemplated lot severances (2 lots).

It is my professional planning opinion that the Official Plan Amendment Application is:

- Consistent with policy directives of the 2024 PPS;
- In Keeping with the general purpose and intent of the policy provisions/directives of both the County of Peterborough and the Township of Douro-Dummer Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of Douro-Dummer Zoning By-law;
- An Opportunity to delete a dated/impractical policy (site-specific) from the County Official Plan (lower tier context, Township of Douro-Dummer); and
- Representative of Good Planning.

Respectfully submitted,



Kevin M. Duguay, MCIP, RPP