

# Preliminary Severance Review

Prepared by the Peterborough County  
Planning Department



**Name:** Fred Clifford

**Agent:** Clark Consulting  
Services

**Date:** November 15, 2019

**Lot:** 11

**Concession:** 1

**Municipality:** Dummer Ward  
Township of Douro-Dummer

**Description:**

**Phone:**

**Email:** bob@clarkcs.com

**Office Phone:** (905) 885-  
8023

**Communication Sent To:** **Owner:** ☐

**Agent:** ☒

	Severed	Retained
<b>County O.P. Description</b>	Settlement Area	Settlement Area
<b>Municipal O.P. Designation</b> (effective April 2014)	Hamlet	Hamlet
<b>Municipal Zoning</b> (By-Law No. 10-1996)	S.D. 230	S.D. 230
<b>Area/Lot Dimensions</b>	±1.49 hectares with ±20 m of frontage on County Road 38	±4.08 hectares with ±73 m of frontage on Clifford Road
<b>Existing Use/Buildings</b>	Residential/Vacant	Residential/Vacant

**Intent:** To sever a residential lot. Roll No.(s) 1522-020-003-03000.

**County Official Plan Policy Review:** The subject property is described as Settlement Area in the County of Peterborough Official Plan. Section 2.6.3.2 of the Plan suggests that severances may be permitted in Settlement Areas provided Health Unit and road frontage and access requirements can be met (Ss.2.6.3.2 (A) & (C)). Section 4.2.3 of the Plan states that "...growth should be directed to those settlement areas that currently have servicing systems or can reasonably expect to obtain them in the future...where the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems."

## **Municipal Official Plan Policy Review:**

The subject lands are designated Hamlet in the Local Component of the County Official Plan. Permanent residential dwellings are permitted within the Hamlet designation.

In the Hamlet designation for Douro-Dummer, a maximum of five lots may be created by consent from a land holding as it existed 25 years prior to the date of application (S.7.12.14 & 7.12.16). The applicant previously applied for five consent applications from the subject property (Files B-102-16 to B-106-16). The files were conditionally approved subject to the demonstration of water supply. Three of the five lots (File B-104-16, B-105-16 and B-106-16) demonstrated adequate water supply and received final approval. These lots were deposited with Land Registry on September 1, 2017. Files B-102-16 and B-103-16 were appealed by the applicant to the Local Planning

Appeal Tribunal and have since been formally withdrawn by the applicant. The lands remain eligible for two more consents.

Section 7.12.11 states, in part, that consents shall not be granted which do not comply with the policies of the applicable road authority. The proposal was circulated to the County Infrastructure Services Department for comments. Their comments will be provided when received.

Section 7.2.7 states the Township and/or approval authority may request additional information that it considers it may need when considering development proposals or Planning Act applications. A hydrogeologic study was required in order to support the creation of five residential lots. A recommendation of the study indicated that *“prior to issuance of a building permit, each well should be constructed and tested under the supervision of a qualified hydrogeologist to confirm suitability as a private water supply and to ensure no impacts to neighbouring wells. The results of the work should be documented in a report”*. Due to neighbour concerns regarding wells going dry in the neighbourhood, the Township requested that the recommendation be revised to demonstrate that the lots can be adequately serviced before the lots are created. As a result, a well was constructed and tested on each proposed lot before final approval was granted. As previously discussed, the three lots located at the south end of the subject property demonstrated adequate water supply. The two lots located off a proposed extension to Banks Avenue could not demonstrate adequate water supply. The latest proposal locates a new lot behind the previously severed lots where water was shown to be available.

Section 7.12.3 indicates that the proposed consent shall not jeopardize any future plans for a comprehensive development of the surrounding area. It is staff's opinion that the proposed lot configuration will jeopardize a comprehensive form of development on the balance of the lands. It is staff's opinion that the lands should remain in a larger continuous block to allow for more development options in the future if/when servicing makes sense.

Furthermore, Section 7.12.15 states, in part, that lots shall be a suitable size and shape for the proposed use. The proposed lot will create a large irregular shaped lot. Typically, the lot size for a residential use in the hamlet area and the rural area on private services is 0.4 hectares (1 ac.). This land use pattern will also eliminate access from County Road 38 and would appear to result in jeopardizing a comprehensive form of development on the retained parcel. The proposed lot does not present a desirable land use pattern.

As applicable, consents must meet road frontage & access, Zoning By-law, Health Unit and Minimum Distance Separation (MDS) requirements (S. 7.12.1, 7.12.4, and 7.12.12).

**Municipal Zoning By-Law Review:** The severed parcel is zoned Special District 230 (S.D. 230) in the Municipal Zoning By-law. All uses permitted in the Rural (RU) Zone shall apply. A residential use is permitted in the (RU) zone (S. 9.1.5). All provisions and

regulations of the (RU) zone shall apply with the exception of lot frontage. The lot frontage in the S.D. 230 zone is 20 metres. The proposed severed parcel appears to meet the requirements of the S.D. 230 zone.

The retained parcel is zoned Special District 230 (S.D. 230) in the Municipal Zoning By-law. All uses permitted in the Rural (RU) Zone shall apply. A residential use is permitted in the (RU) zone (S. 9.1.5). All provisions and regulations of the (RU) zone shall apply with the exception of lot frontage. The minimum lot frontage in the S.D. 230 zone is 20 metres. The proposed retained parcel appears to meet the requirements of the S.D. 230 zone.

Given that the S.D. 230 zone applies to roll no. 1522-020-003-03000, it is suggested that the Township be consulted to determine the implications of this zoning if the lands are severed and if a rezoning should be required.

**Provincial Policy Review:** The Provincial Policy Statement, 2014 (PPS) and Growth Plan for the Greater Golden Horseshoe, 2019 (GPGGH) apply to this proposal.

The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property: an unevaluated wetland.

Section 2.2 (c) of the PPS states that “planning authorities shall protect, improve or restore the quality and quantity of water by identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features...” As part of the previously severed lots, the wetland and its 30 metre buffer were rezoned to the Environmental Conservation (EC) Zone to preclude development. ORCA, in their review comments on the previous applications, had no objections and stated that field observations suggest that the proposed building envelope will be setback at least 30 metres from the wetland and at higher elevations. It is recommended that the applicant consult with ORCA to confirm their comments remain the same and can be applied to the subject proposal.

The subject property contains a small portion of an area identified as a primary sand and gravel aggregate resource. In the previous preliminary review completed for this property, the Ministry of Natural Resources and Forestry was circulated the proposal for comment and concluded that they have no substantial concerns with the proposal as the viability of developing the resource is questionable due to existing constraints (i.e. settlement area of Warsaw).

Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.9 of the 2014 Provincial Policy Statement has not been calculated. MDS I does not apply to proposed non-agricultural uses in approved settlement area designations (2017 MDS I, guideline #36).

**Additional Notes:**

The lands appear to be regulated by Regulation 167/06, the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation of the Otonabee Conservation Authority. Therefore, the proposal should be discussed with Matt Wilkinson/Alex Bradburn at (705) 745-5791 ext.213/ext.227 to determine what, if any permits may be necessary.

The applicant and any prospective owners are advised that endangered and/or threatened species exist in the area and may exist on the site. It is the responsibility of the landowner to identify endangered and threatened species and their habitat within the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the *Endangered Species Act, 2007 (ESA)*. Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

**This Preliminary Severance Review has been circulated by the Planning Department to the following agencies (marked with an X):**

- ☒ **Local Municipality of Douro-Dummer**
- ☒ **County Infrastructure Services (i.e. Roads) comments forthcoming ;**
- ☐ **Conservation Authority ;**
- ☐ **First Nations ;**
- ☐ **Other** Choose an item.

**Agencies to be Contacted by Owner/Agent (marked with an X):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Township</b>                             | <input type="checkbox"/> <b>Health Unit</b>           |
| <input checked="" type="checkbox"/> <b>Conservation Authority</b>               | <input type="checkbox"/> <b>Trent-Severn Waterway</b> |
| <input type="checkbox"/> <b>Source Water Risk Management Officer</b>            | <input type="checkbox"/> <b>First Nations</b>         |
| <input type="checkbox"/> <b>Ministry of Environment, Conservation and Parks</b> | <input type="checkbox"/> <b>Other</b>                 |

**Proposal does not appear to conform to County Official Plan policies.**

The severance proposal does not appear to conform to the County Official Plan. Section 2.6.3.1 of the Plan states that under no circumstances shall severances be recommended for approval where the proposed severance is contrary to this plan and/or the respective local official plan.

**Proposal does not appear to conform to Township Official Plan policies.**

The severance proposal does not appear to conform to the Township Official Plan. Section 7.12.3 indicates that the proposed consent shall not jeopardize any future plans for a comprehensive development of the surrounding area. It is staff's opinion that the proposed lot configuration will jeopardize a comprehensive form of development on the

balance of the lands. Furthermore, Section 7.12.15 states, in part, that lots shall be a suitable size and shape for the proposed use. The proposed lot will create a large irregular shaped lot.

- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. \*\*Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the zoning by-law.\*\***

**Reviewed By: Caitlin Robinson**

**Important**

***Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore, the above-noted comments should not be construed as preliminary approval or denial of a proposal but recognized as a position of the County Planning Department based on the availability of current information.***

**Roll #1522-020-003-03000**

Lot 11, Concession 1, Dummer Ward  
(Clifford)

Regulated Areas – Otonabee Region Conservation Authority

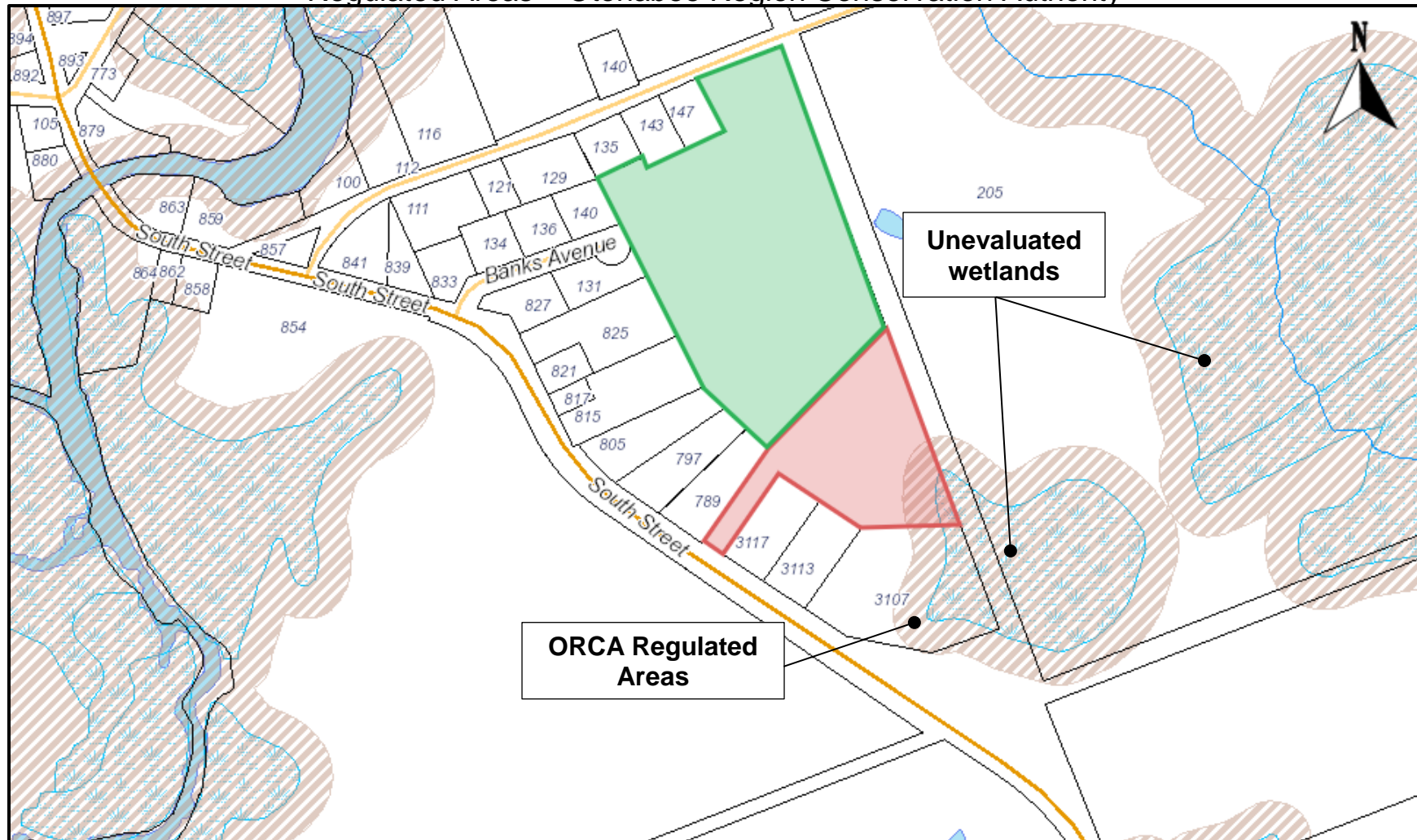


**Scale (metric)**  
1:5000

**Roll #1522-020-003-03000**

**Lot 11, Concession 1, Dummer Ward  
(Clifford)**

**Regulated Areas – Otonabee Region Conservation Authority**



NOTE: The subject lands are traversed by wetlands and streams; these features and areas are regulated by Regulation 167/06, the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation of the Otonabee Region Conservation Authority.

**Scale (metric)**  
1:5000