

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: John Joseph
Gerald Coughlin (Estate)

Agent: John Coughlin

Date: April 24, 2020

Lot: 8

Concession: 8

Municipality: Douro Ward
Township of Douro-Dummer

Description: 635 Douro Eighth Line

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Office Phone:

Communication Sent To: **Owner:** ☐

Agent: ☒

	Severed	Retained
County O.P. Description	Rural Area	Rural Area
Municipal O.P. Designation (effective April 2014)	Rural	Rural
Municipal Zoning (By-Law No. 10-1996)	(RU)	(RU) & (EC)
Area/Lot Dimensions	Both lots ± 0.2 hectares with ± 45 m of frontage on Douro Eighth Line	± 40 hectares with ± 518 m of frontage on Douro Eighth Line
Existing Use/Buildings	Vacant	Dwelling and barn

Intent: To sever more than one residential lot. Roll No.(s) 1522-010-004-03100.

County Official Plan Policy Review: The subject property is described as Rural Area in the County of Peterborough Official Plan. Section 2.6.3.5 of the Plan suggests that residential severances for land holdings located in the Rural Area should be discouraged in favour of development in Settlement Areas in an effort to promote orderly growth and development. However, severances in the Rural Area may be considered provided Health Unit, road frontage and access and Minimum Distance Separation requirements can be met (Ss.2.6.3.5 (A), (C) & (G)) and provided the applicable policies of Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with (S.2.6.3.5 (H)).

Municipal Official Plan Policy Review: The subject property is designated Rural in the Township Official Plan. In the Rural designation, a maximum of two severances are permitted from a property as it existed 25 years prior to the date of application (S. 6.1.1 & 6.2.2.5(d)). Peterborough County Land Division records indicate that the subject property has not received any severances, and therefore the property is eligible for a severance.

In addition to the above requirement, for a residential lot in the Rural designation, the landowner must have owned the property for a minimum of 5 years, and the size of the new lot created specifically for a residential use shall not exceed 1 hectare in area (S. 6.2.2.5(d)(i)&(ii)). According to property assessment information, the land owner

appears to have owned the property for a minimum of 5 years and the size of the new lots do not exceed 1 hectare. Although the new lots do not exceed 1 hectare in area, both lots are undersized for a residential lot on private services.

Section 7.12.4 of the Official Plan states, “all residential consents shall conform to the appropriate regulations for residential uses established in the implementing Zoning By-law.” The minimum lot size for a single detached dwelling is 0.4 hectares (1 ac.). Staff suggest enlarging the proposed lots to meet the minimum requirements.

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, 7.12.12, & 7.2.3).

Municipal Zoning By-Law Review: The severed parcel is zoned Rural (RU) in the Municipal Zoning By-law. A single detached dwelling is permitted in the (RU) Zone (S. 9.1.5) provided it has a minimum lot area of 0.4 hectares and lot frontage of 45 metres (S. 9.2.2(a)&(b)). The proposed severed lots do not appear to meet the minimum lot area requirements. It is recommended that the proposed lots be enlarged to meet the minimum lot area requirements.

The retained parcel is zoned Rural (RU) and Environmental Conservation (EC) in the Municipal Zoning By-law. A farm including a single detached dwelling is permitted in the (RU) Zone (S. 9.1.1) provided it has a minimum lot area of 20 hectares and lot frontage of 135 metres (S. 9.2.1(a)&(b)). The proposed retained lot appears to meet the minimum lot area and frontage requirements.

The applicant should note that alteration or building for residential use is not permitted in the (EC) Zone (S. 19.1).

Provincial Policy Review: The Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe (Growth Plan) 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: potential habitat of endangered and threatened species and streams.

Section 4.2.4.1 of the Growth Plan states that development and site alteration, including lot creation, within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres. Since the severed lots are located within 120 metres of the above key hydrologic features (i.e., streams), a natural heritage evaluation and/or hydrologic evaluation is required. 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 and ecological functions of the feature. Please consult Otonabee Conservation regarding specific study requirements.

The subject property is traversed by an area identified for habitat of endangered species and threatened species. Policy 2.1.7 of the Provincial Policy Statement prohibits development and site alteration, including lot creation, within habitat of endangered species and threatened species, except in accordance with provincial and federal

requirements. Species at Risk data available to the County has identified a possible species at risk on or adjacent to the proposed severed lots, therefore, a Species at Risk (SAR) assessment is required to support the severance application.

The subject property has been identified by the Province as being part of the agricultural land base; and more specifically being a prime agricultural area in the new Agricultural System for the Greater Golden Horseshoe. As described in the Implementation Procedures for the Agricultural System by the Province (released April 3, 2020), provincial mapping of the agricultural land base does not apply outside of the Greenbelt Area until it has been implemented in the County Official Plan. Until such time, the current designation applies.

Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.9 of the Provincial Policy Statement has been calculated for the livestock facilities (i.e. barns) on the subject property and at 607 and 630 Douro Eighth Line (see calculations and map attached). The proposal appears to meet MDS I setback requirements.

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 at (705) 745-5791 ext.213/ 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) ;**
- ☒ **Conservation Authority ;**
- ☐ **First Nations ;**
- ☐ **Other** Choose an item.

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

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

Proposal does not appear to conform to the Growth Plan for the Greater Golden Horseshoe and/or Provincial Policy Statement policies.

The proposed severed lots are located within 120 metres of a key hydrologic feature (i.e. streams). In accordance with Section 4.2.4.1 of the Growth Plan, a natural heritage evaluation/hydrologic evaluation is required. Furthermore, species at risk have been identified adjacent to the proposed severed parcels. A Species at Risk Assessment is required to demonstrate consistency with Section 2.1.7 of the Provincial Policy Statement.

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

Section 2.6.3.1 of the Plan states that “under no circumstances shall severances be recommended for approval where proposed severances are contrary to this Plan and/or the respective local Official Plan.”

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

Both severed lots are undersized. The minimum lot area for a residential lot is 0.4 hectares (1 ac.). Staff recommend enlarging the severed lots to meet the minimum lot size requirements for a residential lot on private services in order to conform with Section 7.12.4 of the Township Official Plan.

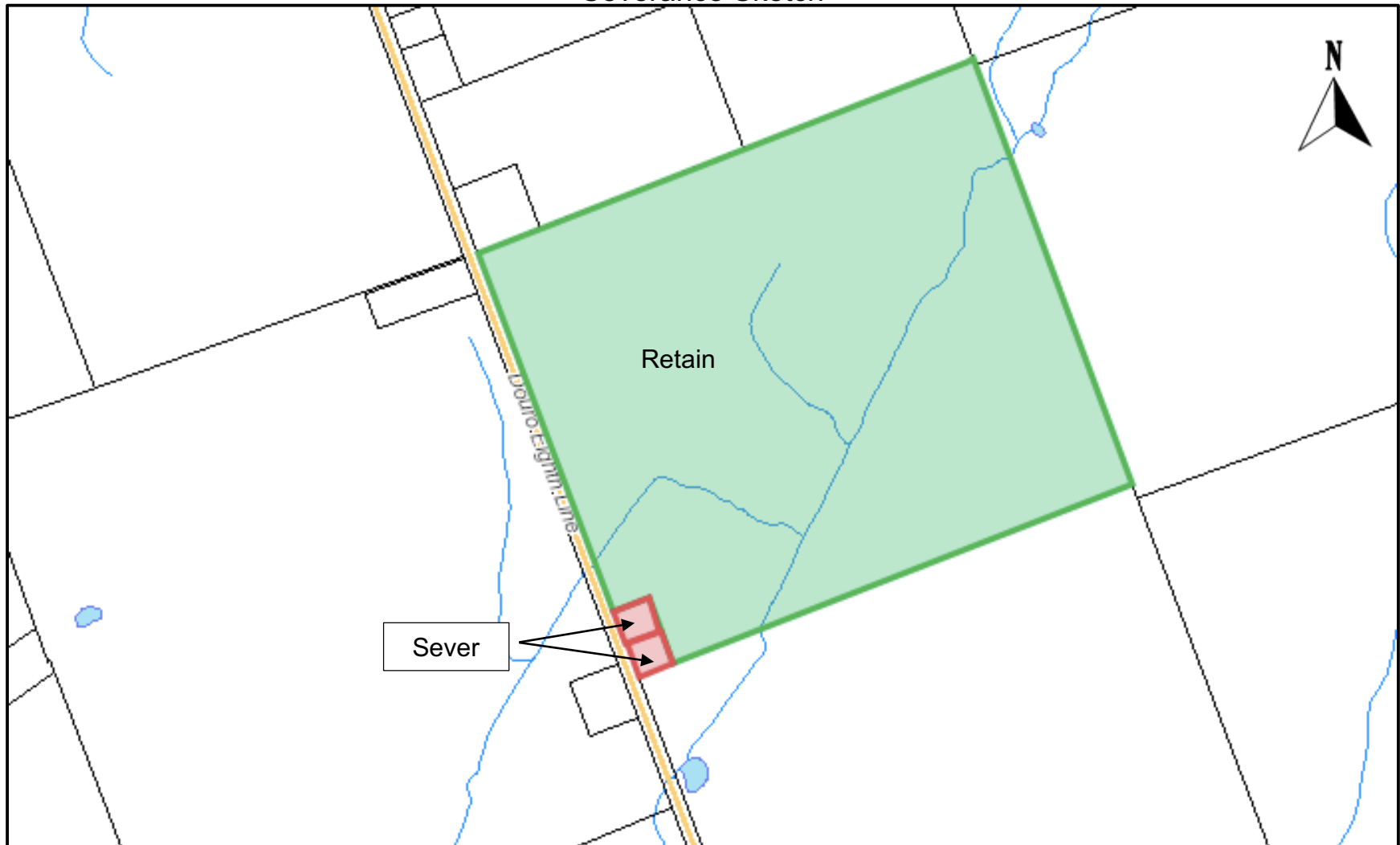
- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of 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 #1522-010-004-03100
Lot 8, Concession 8, Douro Ward
(Estate of Gerald Coughlin)
Severance Sketch

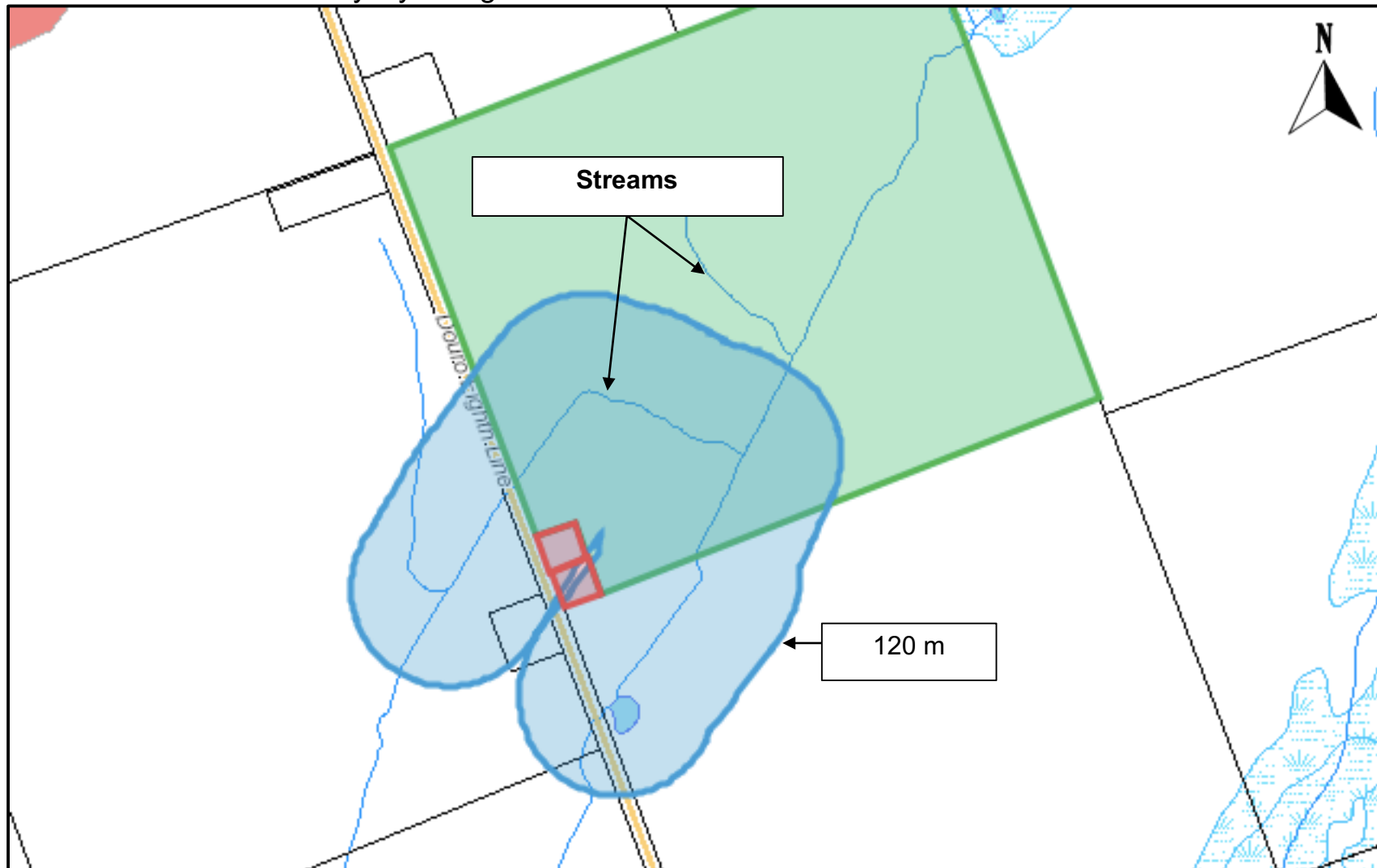


Scale (metric)
1:10,000

Roll #1522-010-004-03100

Lot 8, Concession 8, Douro Ward
(Estate of Gerald Coughlin)

Key Hydrologic Features – i.e. streams with 120 m buffer



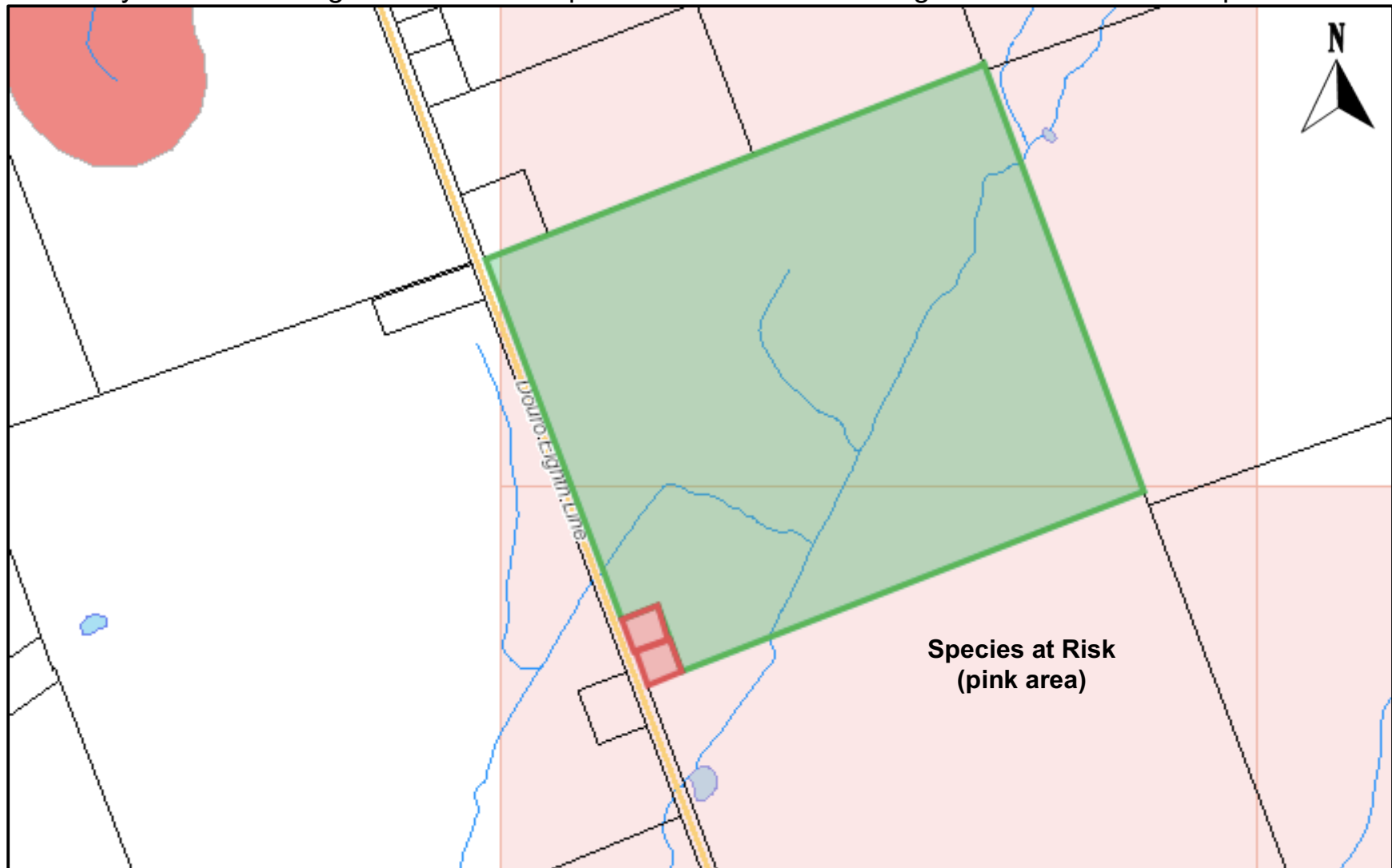
Note: Development and site alteration is not permitted within key hydrologic features; any development proposed within the 120 metre buffer surround key hydrologic features requires a natural heritage evaluation/hydrologic evaluation.

Scale (metric)
1:10,000

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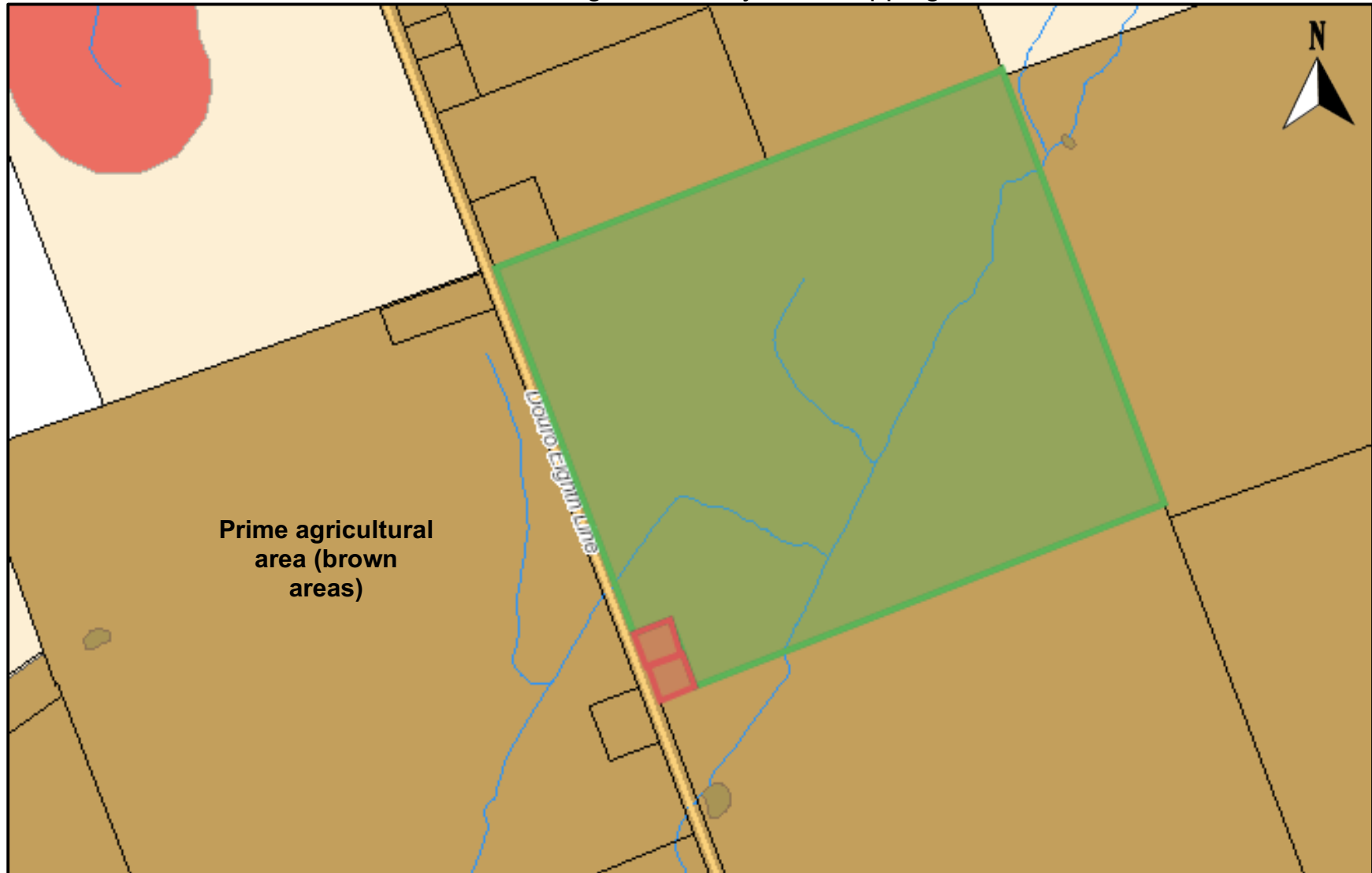
Key Natural Heritage Features – i.e. potential habitat for endangered and threatened species



Note: New development, including lot creation, is not permitted within habitat of threatened and endangered species, except in accordance with provincial and federal requirements.

Scale (metric)
1:10,000

Roll #1522-010-004-03100
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Provincial Agricultural System Mapping



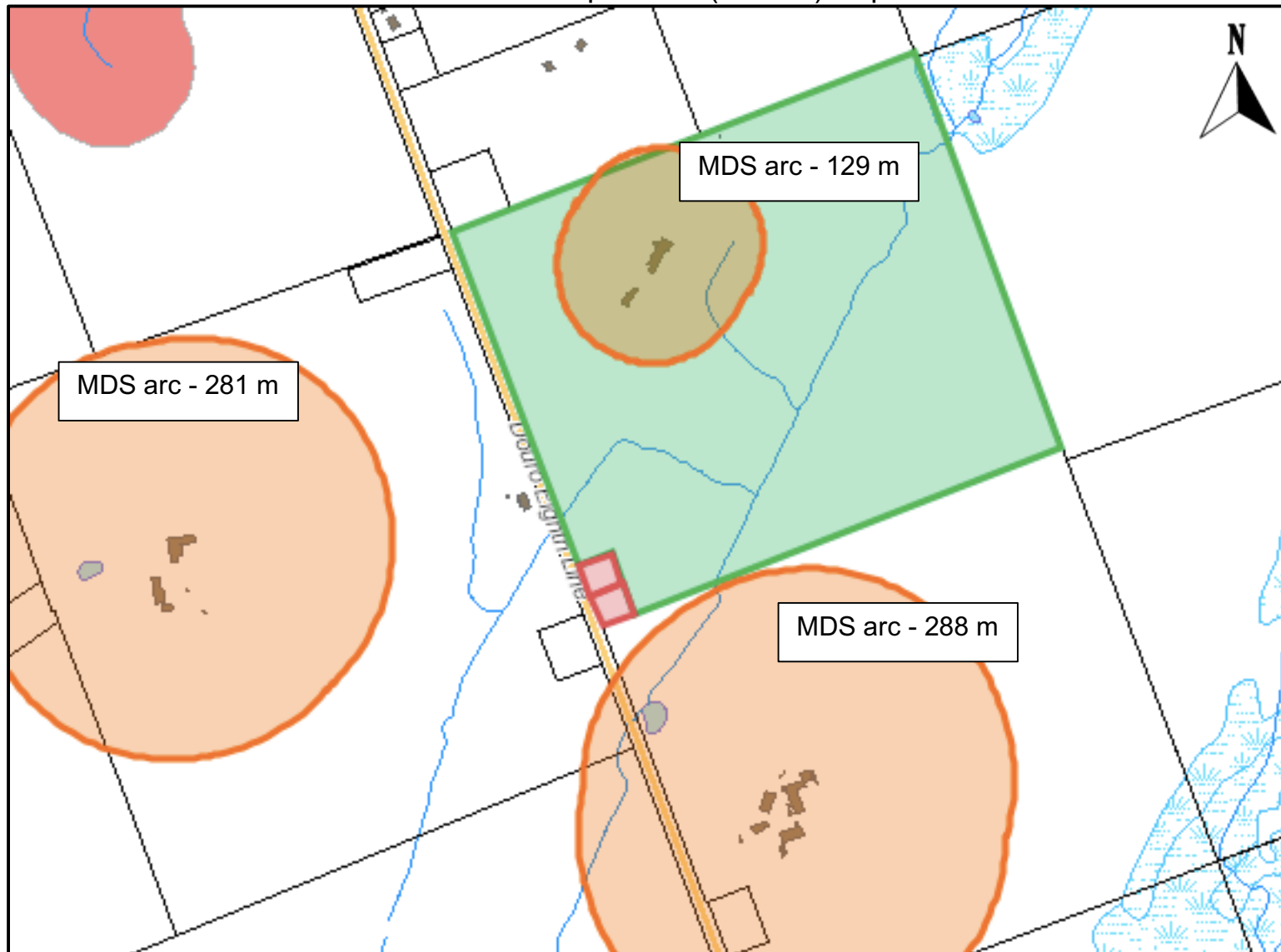
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Roll #1522-010-004-03100

Lot 8, Concession 8, Douro Ward

(Estate of Gerald Coughlin)

Minimum Distance Separation (MDS 1) requirements



Note: New development, including lot creation, must be located outside the MDS arc(s) shown above.

Scale (metric)

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