



311 George St. N. Suite 200
Peterborough, ON K9J 3H3
T 705.876.8340 | F 705.742.8343
www.ecovueconsulting.com

Planning Justification Report

In support of an Application for Consent
668 Fourth Line Road South, Douro-Dummer
Lot 9 Concession 3 Dummer Ward, Township of Douro-Dummer, County of
Peterborough

Prepared for: Ken and Loraine Moore

EcoVue Reference No.: 19-1894

Date: November 20, 2019



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1.0 BACKGROUND

This Planning Justification Report has been prepared on behalf of Ken and Loraine Moore, in support of an application for Consent on a property located in the Township of Douro-Dummer. The subject lands are located in Lot 9, Concession 3, Dummer Ward, Township of Douro-Dummer, in the County of Peterborough. The subject property is a farm parcel that is approximately 84.9 hectares (209.79 acres) with frontage on Fourth Line Road South. An Environmental Impact Assessment was prepared by Niblett Environmental Associates Inc.

1.1 Proposal

The application for Consent will sever an existing farm parcel to create one additional lot. The lot to be severed will be approximately 45 hectares with 626 metres of frontage on the 3rd Line; the parcel to be retained will be approximately 40 hectares in size with 630 metres of frontage on the 4th Line. The parcel to be severed is intended for the construction of a rural residential dwelling. A small portion of the proposed lot line (approx. 50 metres) transects an area identified as a Provincially Significant Wetland (PSW). Alternative orientations for the proposed lot lines were explored in an effort to avoid placing a lot line within the PSW. However, it was decided that the proposed lot lines were most appropriate to meet the intent of the land use policy affecting the subject lands (**Figure 1 – Consent Sketch**). Further to the proposed Consent, it is also suggested that the area zoned the Environmental Conservation (P) Zone be refined to reflect the wetland delineation completed as part of the Environmental Impact Assessment in support of this application.

1.2 Site Description

The subject lands are primarily used for cattle farming and the cultivation of hay. The lands contain a mix of forest, Provincially Significant Wetland, agricultural fields and fenced areas for livestock. There are currently two residential dwellings located on the property as well as a large barn and accessory outbuildings. The majority of the wetland areas of the property are Provincially significant and were delineated as part of an Environmental Impact Assessment (EIA) conducted in support of the application



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for Consent. The proposed lot lines would create two regular shaped lots of roughly equal area (40 hectares), with the capacity for continued agricultural use.

1.3 Preliminary Severance Review

In preparation for this application, EcoVue completed a Preliminary Severance Review with the County of Peterborough. The County provided comments on June 18, 2019 stating that the proposal does not conform with provincial or municipal land use policy. Specifically, the County states that they are unable to support the application due to the transection of a key hydrologic feature by a proposed lot line. The Preliminary Severance Review is included as **Appendix A**.

2.0 POLICY CONSIDERATIONS

Land use policies and regulations affecting the subject lands at the Provincial level include the *Planning Act* and the associated 2014 Provincial Policy Statement (PPS), as well as the *Places to Grow Act*, 2005 and the associated A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). At the municipal level, policies from the County of Peterborough Official Plan (including policies specific to the Township of Douro-Dummer) and the Township of Douro-Dummer Comprehensive Zoning By-law are applicable. In this section, the application is reviewed in the context of the policies and provisions contained within these documents.

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides a policy framework for land use planning within the Province of Ontario. It is the responsibility of the local planning authority, in this case the County of Peterborough and the Township of Douro-Dummer, to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests including policies related to settlement areas in urban and rural communities, the wise use and management of resources and public health and safety.

2.1.1 Rural Areas and Lands in Municipalities

The subject property is not located within a settlement area and is therefore subject to Section 1.1.4 (Rural Areas in Municipalities) of the PPS. It is stated in this Section that “[r]ural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage



features and areas and other resource areas". The subject property is considered part of the *rural* lands as identified in Section 1.1.4.4 and growth and development may be directed to these areas in accordance with Section 1.1.5 of the PPS.

Section 1.1.5.2 of the PPS states that permitted uses on rural lands in municipalities include "*limited residential development*" and "*the management or use of resources*". Severing the subject property into two parcels of approximately 40 hectares creates limited opportunity for residential development while maintaining parcel sizes that are adequate for resource management such as agriculture. Additionally, Section 1.1.5.4 of the PPS states that "*[d]evelopment that is compatible with the rural landscape and can be sustained by rural service levels should be promoted*". The proposed severance will result in two lots which are the configuration and size of a typical farm lot and are consistent with rural land uses in the area.

Section 1.1.5.8 of the PPS states that "*[a]gricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted in accordance with provincial standards*". As stated above, the proposed severance and lot configurations are conducive to continued agricultural use on both parcels. Alternative lot configurations resulted in parcels with irregular shapes or smaller lots that were not viable for agriculture (e.g., 18 hectares).

Given the above, it is our opinion that the proposed severance is consistent with the Rural Area and Lands policies of the PPS.

2.1.2 Natural Heritage

The subject lands are located in Ecoregion 6E. An Environmental Impact Assessment (EIA) was completed on the subject lands which identified Significant Woodlands, an unevaluated wetland, and delineated the Provincially Significant Wetland (PSW) on the property.

2.1.2.1 Significant Wetlands

Section 2.1.4 states that "*[d]evelopment and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E, and 7E...*". The definition of "*development*" in the PPS is as follows: "*means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act...*". It is our opinion that "creation of a new lot" should only apply in instances where such development could potentially impact natural heritage features. The intent



of the definition does not extend to the placement of lot lines, which have no discernible impact on the physical environment. Although the proposed lot line would partially transect a small portion of the PSW, the lot line does not constitute a development impact and will cause no negative impact to the natural features on the site. This is confirmed by the EIA conducted by Niblett Environmental Associates.

The ecological functions of the PSW on the subject lands were evaluated in the EIA to include water storage, water quality and wildlife cover. Due to the fact that the lot is approximately 45 hectares, there is a sufficient building envelope outside of the 30-metre buffer required by the EIA to protect these ecological functions. As stated in the EIA, a building envelope outside of the 30-metre buffer will have no negative impact on the ecological function of the PSW as long as the recommended mitigation measures are employed. These include the 30-metre buffer of natural self-sustaining vegetation and silt-fencing during construction to protect the integrity of the buffer zone.

2.1.2.2 Significant Woodlands

Section 2.1.5 also states that “[d]evelopment and site alteration shall not be permitted in: ...b) significant woodlands in Ecoregions 6E and 7E...unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”. Significant Woodlands were identified on the property and are shown on **Figure 1 – Consent Sketch**. The ecological functions of the Significant Woodlands were identified to include wildlife habitat as well as woodland interior habitat and linkages. The EIA requires that these Significant Woodlands be protected by a 30-metre buffer. No development is proposed within the areas identified as Significant Woodland or the 30-metre buffer area.

An existing farm laneway exists within the Significant Woodland on the west side of the property and provides access from the 3rd Line. The EIA recommends that this existing access be used for a driveway for the proposed severed parcel. As a result, no tree clearing within Significant Woodlands will be required on the severed parcel to accommodate a driveway, building envelope, well or septic system. All construction will occur outside of the dripline and buffer area. Thus, the ecological function of the Significant Woodlands will not be impacted by the proposed development.

2.1.2.3 Adjacent Lands

As stated above, the residential dwelling is proposed on lands adjacent to the PSW and Significant Woodland. The entirety of the building envelope will be located outside of the required 30-metre buffer,



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and within the ecological community identified as "Dry-Moist Old Field Meadow", which is described as lands which were previously agricultural and have since gone fallow. Section 2.1.8 states that:

"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".

Policy 2.1.8 makes it clear that the overall intent of the policy in Section 2.1 of the PPS is to prevent negative impact to natural features and their functions. If the proposed lot lines were configured in such a way as to avoid transecting the wetland, the construction of a residential dwelling would be permitted on lands adjacent to the PSW, as long as Section 2.1.8 was adhered to. In the proposed configuration, the building envelope will meet the requirements of Policy 2.1.8 by employing the recommendations set out in the EIA. Therefore, there is no difference in terms of impact to the natural features, whether the proposed lot line transects the features, or not. The proposed lot lines maintain regular lot configurations which support agricultural land use, and the proposed buffers and mitigation measures protect the ecological function of the natural features.

2.1.2.4 Species at Risk

The EIA identified barn swallows on the property which are a Species at Risk (SAR). Additionally, the EIA identified potential habitat for two other SAR: Eastern wood-pewee and wood thrush. Section 2.1.7 of the PPS states that: "[d]evelopment and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". The EIA states that there will be no impact to these species or their habitat since the barn swallow nesting habitat is in the farm buildings located on the retained parcel, and the potential habitat for wood-pewee and wood thrush is located in deciduous woodlands and bottomlands. The building envelope for the proposed dwelling is in the open area and does not impact these habitat types. Thus, the proposal is consistent with Section 2.1.7 of the PPS.



2.1.2.5 Summary

Overall, The EIA states that *"there will be no negative impacts on the natural heritage or hydrologic features and no negative impacts on the functions of these features from the severance and building envelope, provided all of the recommendations in the EIA are implemented"*. The following mitigation measures are required:

- A 30-metre buffer to the building envelope from all wetlands, remaining in natural self-sustaining vegetation;
- A 30-metre buffer to the building envelope be implemented from the dripline of the significant woodlands, the buffer should remain in natural self-sustaining vegetation;
- No stockpiling or storage of materials permitted within the buffers;
- The construction envelope be clearly defined and delineated and a line be staked and clearly marked in the field prior to any activities on the site;
- Prior to any site preparation activities (grading, placement of fill) erosion and sediment control measures should be installed around the construction envelope to ensure sediment laden runoff does not interfere with adjacent wetlands or natural features;
- Obtain relevant permits from Township and ORCA;
- Time cutting of trees and naturally vegetated areas outside of the April 15th-August 15th timing window for breeding birds (as per Environment Canada regulations);

2.1.3 *Natural and Human-Made Hazards*

Section 3.1 of the PPS addresses development that occurs within natural and human-made hazards. There are no known human-made hazards associated with the subject lands. Furthermore, the proposed building envelopes associated with this application are not subject to any natural hazards, as the available building envelopes on the lot to be severed are located at least 400 metres from the nearby watercourse, and are also located at least 10 metres in elevation above the nearby watercourse and associated wetland areas. As such, the consent application is consistent with Section 3.1 of the PPS.



2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The County of Peterborough is located within the Greater Golden Horseshoe and therefore, is subject to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan is administered under the *Places to Grow Act, 2005* and is designed to inform “*decision-making regarding growth management and environmental protection in the GGH [Greater Golden Horseshoe]*”.

2.2.1 Policies for Where and How to Grow

In general, it is the intention of the Growth Plan to direct the vast majority of growth to settlement areas, in particular the ones with municipal services. However, according to Section 2.2.9.3 of the Growth Plan:

“Subject to the policies in Section 4, development outside settlement areas may be permitted on rural lands for:...a) the management and use of resources [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”.

The subject applications will enable development that is compatible with the rural landscape and surrounding uses. The proposed residential dwelling on the severed parcel will be serviced by private individual well and septic. The proposed severance will allow the lands to continue to be used for the management and use of resources including agricultural purposes. As such, it is our opinion that the proposed severance is in conformity with the Rural Area policies of the Growth Plan.

2.2.2 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

The policies in Section 4.2.3 of the Growth Plan address development within key hydrologic features, key hydrologic areas, and key natural heritage features. Development is prohibited in natural heritage features that are a part of the Natural Heritage System for the Growth Plan or in key hydrologic features: *“[o]utside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features...”*. Because the Natural Heritage System has not been implemented by the upper-tier municipality, policies



pertaining to key natural heritage features outside of settlement areas do not apply to this proposal. However, policies pertaining to key hydrologic features do apply.

A Provincially Significant Wetland (PSW) and a small unevaluated wetland are located on the subject property. Wetlands qualify as key hydrologic features by definition. The Growth Plan defines "development" in the same way as the PPS, and thus, includes *"the creation of a lot"*. To understand the overall intent of the policy, it is important to examine the entirety of Section 4.2.3, which allows for:

"expansions to existing building and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone..."

Given the above policy, it is our opinion, that the main intent is to prohibit construction or other potential negative impacts to key hydrologic features. As stated previously, the County has indicated that they support the creation of an additional lot, and would be supportive, presumably, of the construction of a dwelling unit on the lands adjacent to the PSW. The proposed lot line transecting the wetland in the northeast corner of the lot does not increase the impact that a future structure will have on the wetland. The EIA assessed the function of the wetlands, delineated their boundaries and recommends a 30-metre buffer of natural and self-sustaining vegetation to protect their ecological and hydrologic function.

Additionally, the proposed lot to be severed is approximately 45 hectares and there are many prospective building areas that do not encroach on the wetlands or buffer areas. The purpose of transecting the wetland with the lot line is to conform with the intent of the policies contained in the PPS, Growth Plan and Official Plan related to rural development, the protection of ecological and hydrological features, and to support the continuation of agricultural land use on both the severed and retained parcels.

3.0 MUNICIPAL PLANNING DOCUMENTS

In addition to demonstrating consistency with provincial planning policies, it is necessary that the proposal conform to the policies and provisions of upper- and lower-tier municipal planning documents. As such, the policies of the County of Peterborough Official Plan (CPOP), associated local policies applicable to the Township of Douro-Dummer and the Township of Douro-Dummer Zoning By-law 2000-21 are applicable.



3.1 County of Peterborough Official Plan (CPOP)

The upper-tier sections of the County of Peterborough Official Plan (CPOP) do not contain land use designations. Instead, Section 4 of the CPOP identifies "Watershed Boundaries" and "Settlement Areas". The subject property is not located in a Settlement Area. For the purposes of the upper-tier policies, the subject property is considered "Rural".

Section 2.6.3.1 contains General Policies for the division of land in the County of Peterborough.

"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 Trent Source Protection Plan, the 2014 Provincial Policy Statement, and the Planning Act".

3.1.1 Rural Area Policies – Land Division

According to Section 2.6.3.5, severances in Rural Areas are considered based on the following criteria:

- 1. The availability of septic or other servicing (evaluated by Health Unit or Ministry);*

The proposed parcel to be severed is approximately 45 hectares. A typical farm parcel in Peterborough County is approximately 40 hectares. The parcel is intended to have one residential dwelling-house, and can be supported by private servicing.

- 2. The availability of solid waste disposal;*

Curbside pickup is available on the subject property for solid waste disposal.

- 3. The availability of frontage and access on a publicly owned and maintained road;*

The proposed lot to be severed has municipal road access and approximately 626 metres of frontage on the 3rd Line. The lot to be retained also has access to a municipal road and approximately 630 metres of frontage on the 4th line.

- 4. The impact of the proposed severance on traffic or road safety;*

The proposed severance will not generate any traffic impacts.



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5. The size of the severed and retained lots;

The proposed lot to be severed is approximately 45 hectares and the proposed lot to be retained is approximately 40 hectares.

6. Compliance with Minimum Distance Separation;

The proposal complies with MDS 1 policies (according to the calculations conducted by the Peterborough County Planning Department). The entirety of the proposed parcel to be severed exists outside of the MDS 1 Arcs.

7. Compliance with Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 as well as any policies in the lower-tier official plan regarding scattered or strip development.

Section 2.6.3.1 stipulates the conditions which trigger an application for plan of subdivision as opposed to a consent to sever. These policies confirm that a consent application is appropriate in this instance. Additionally, this section provides conditions for permitting severances for building purposes. Of relevance to this application are the policies addressing the division of land within significant wetlands or the habitat of endangered or threatened species:

"Severances for building purposes will not be permitted where: 1) the division of land is located in significant wetland or significant portions of the habitat of endangered or threatened species, and an appropriate building site cannot be provided based on comments from the Ministry of Natural Resources and/or Conservation Authority; [and] 2) in accordance with the policies of Section 4.1.3.1, an Environmental Impact Assessment will be also required for lands that are adjacent to natural heritage features 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 their ecological functions".

These policies echo those discussed above from the PPS and Growth Plan, which limit development in significant wetlands, woodlands and key hydrologic features. The policy cited above from the CPOP also reinforces the overall intent of the PPS and Growth Plan policies, which is to prevent development impacts to wetlands. This is emphasized in the policy above as it states that a severance will not be permitted when the division of land is located within a significant wetland **AND** an appropriate building site cannot be provided. In this case, there are many appropriate building sites on the proposed lot to be



severed. This position is supported by an EIA, which delineated the wetlands, identified Species at Risk and their habitat, delineated a 30-metre buffer, and has made recommendations for the location of a building envelope where there will be no negative impacts to natural features or their functions. There are no impacts associated with a small portion of the lot line transecting the significant wetland. Therefore, the proposed severance is found to conform to the intent and guiding principles of Section 2.6.3.1 of the CPOP.

The general policies also address flooding and erosion hazards. Through initial discussions with ORCA, no natural hazards were identified and it is assumed that there is safe access to the site as there is a distance of at least 400 metres and an elevation difference of approximately 10 metres between the watercourse and any of the proposed building sites.

The general policies address severances for sensitive land uses near pits and quarries, transportation objectives and vulnerable areas. The subject property is not adjacent to any pits or quarries, does not affect any transportation objectives, and has not been identified as a vulnerable area.

Further policies related to severances in Rural areas include:

Section 2.6.3.5 – Rural Areas Policies for the Division of Land: Relevant policies discussed above in Section 3.1.1 of this report.

Section 4.1.3 - Natural Environment General Policies: An EIA was completed which meets the policy of section 4.1.3.1.

Section 4.3 – Rural and Cultural Landscape: The overall goal of the Rural and Cultural Landscape policies is *“to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry”*. The rural character of the area will not be impacted by the proposed severance, as only one rural residential dwelling is proposed as a result. One objective of the rural and cultural landscape policies is to ensure that the agricultural industry remains viable. Granting the severance as proposed will support the agricultural industry as each of the lots will be at least 40 hectares.

3.1.2 Summary

Overall, the proposal conforms with the General Policies regarding the Division of Land, including those policies for Rural Areas (Section 2.6.3.5). In our opinion, the proposed severance will provide suitable



building sites that pose no negative impact to natural features including the wetlands on the subject property. This position is supported by the attached EIA by Niblett Environmental Associates (**Appendix B**).

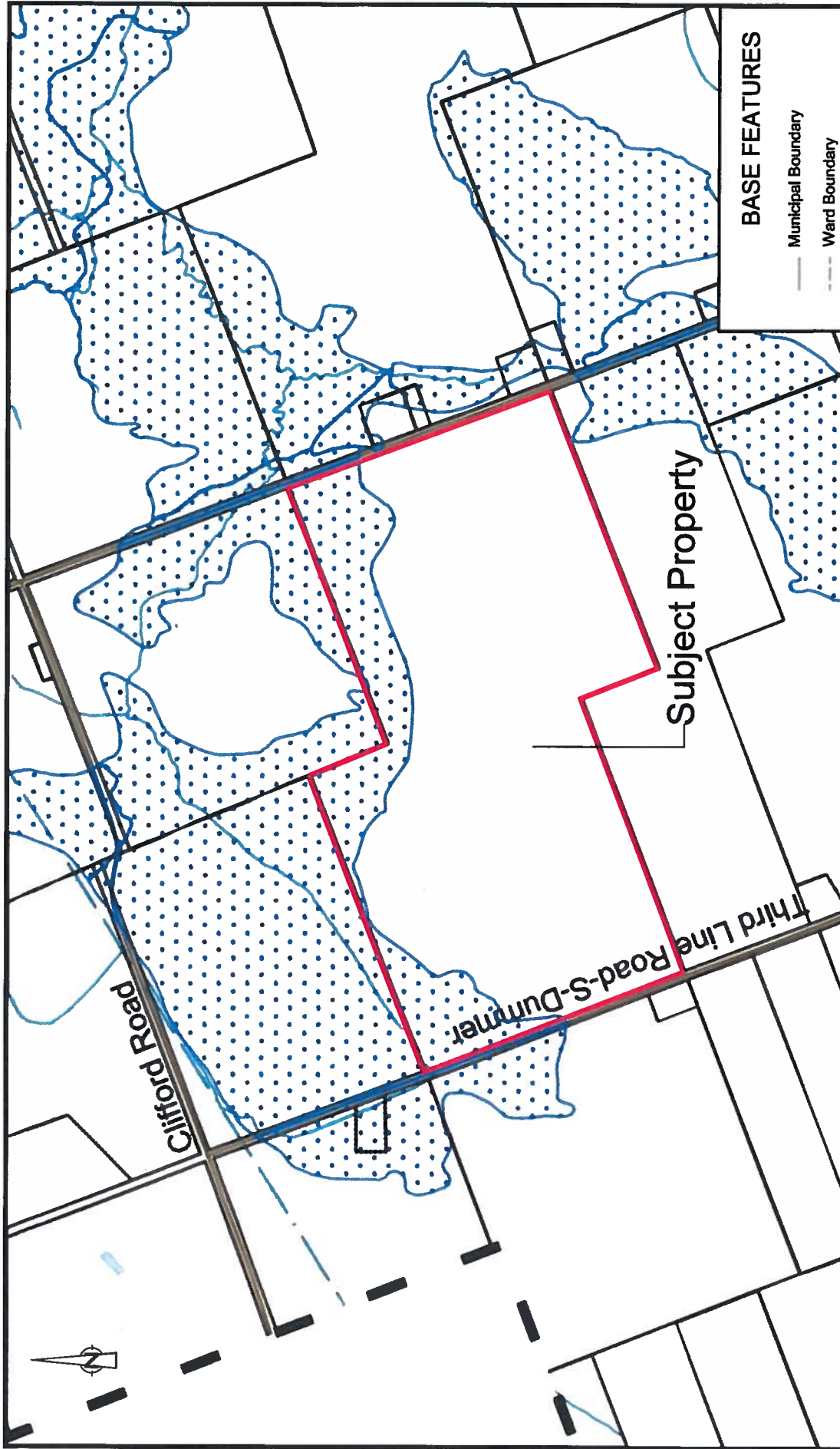
3.2 Local Official Plan Policies (Township of Douro-Dummer)

Schedule "A4-1" to the Township of Douro-Dummer Official Plan (DDOP) designates the subject lands as Rural and Provincially Significant Wetland (**Figure 2 – Land Use & Transportation Douro Ward**).

Section 6.1.1 states that (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*". According to the preliminary severance review, the County determined that the subject property is eligible for a severance application.

3.2.1 Rural Policies

Section 6.2.2.3 outlines policies governing land use in areas designated Rural in the Township of Douro-Dummer. Non-rural related uses are discouraged and should be located within designated growth centres and hamlets. The policies permit one single-detached dwelling per lot, and new development must comply with the Minimum Distance Separation formulae. Section 6.2.2.4 speaks to Farm Related Consents. In the Township of Douro-Dummer, new farm parcels may be created "*provided that both the severed and retained parcels are a minimum size of 20 hectares each*". The proposed lots to be severed and retained will accommodate rural land uses and are both at least 40 hectares. The proposed parcel to be severed is intended for the development of one rural residential single-detached dwelling and related agricultural use. The proposed configuration represents the most logical approach to creating an additional lot where both the severed and retained parcels are greater than 20 hectares and support continued agricultural viability and the protection of natural features.



- | | | | |
|---------------------------|---------------------------------------|----------------------------------|--------------------------|
| Residential | Commercial | First Nations | Extractive Industrial |
| Seasonal Residential | Extractive Industrial Licenced | Provincially Significant Wetland | Highway Commercial |
| Hamlet | Industrial | Locally Significant Wetland | Recreation Commercial |
| Rural | Waste Management Area - (Active Site) | Lakeshore Residential | Environmental Constraint |
| Recreational - Open Space | Waste Management Area - (Former Site) | | |

BASE FEATURES

- | | | | | | | | |
|---------------------|-----------------------|--------------------|-------------|---------------|--------------|------------|-------|
| Municipal Boundary | Ward Boundary | Provincial Highway | County Road | Township Road | Private Road | Cart Track | Trail |
| Federal Boat Launch | Municipal Boat Launch | | | | | | |

Figure 2- Official Plan of The Township of Douro-Dummer
Schedule "A4-2" - Land Use and Transportation

Moore Severance

668 Fourth Line Road-S-Dummer
Part of Lot 9, Concession 3
Township Douro - Dummer,
County of Peterborough

PROJECT NO: 19-1894

DATE: October 24, 2019

HORIZ. SCALE: 1:12,500



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3.2.2 Provincially Significant Wetland Policies

Section 6.2.16.2 outlines the land uses permitted within the Provincially Significant Wetland designation. The policies do not permit development or site alteration within the designation, which includes *"the creation of a new lot, a change in land use, or the construction, erection and placing of a building or structure, requiring approval under the Planning Act"*. Section 2.6.3.1 of the CPOP provides further detail regarding policies related to the division of land within PSWs. These policies state that the division of land within a PSW is not permitted when an appropriate building site is unavailable. It also states that when development is proposed within 120 metres of a significant wetland, an EIA is required to assess the ecological function of the features and to determine any negative impacts and/or mitigation measures.

The proposed severance complies with the more detailed policies governing the division of land within PSWs, as numerous suitable building sites are available and the EIA has recommended necessary buffer and mitigation measures to protect the PSW, Unevaluated Wetland and Significant Woodland from negative impacts. The policies in Section 6.2.16.2 state that if an EIA demonstrates that there are no adverse impacts, a development may proceed on adjacent lands in accordance with the abutting land use designation (Rural in this case). The policy further requires a Zoning By-law amendment to implement any mitigation measures outlined in the EIA. The mitigation measures recommended in the EIA are not all appropriate for a ZBA, and it is our opinion that a mitigation agreement (to be registered on title) including these measures would be more appropriate. Additionally, the delineation of natural features that occurred as part of the EIA could be incorporated into a refinement of the mapping of the EC(P) Zone on the subject lands. According to Section 19.4 of the Zoning By-law ("Interpretation of EC and EC(P) Zone Boundaries"), this should not require any further amendments, *"provided that the affected lands are to be utilized in accordance with the permitted uses and regulation of the abutting residential, rural or agricultural zone"*.

3.2.3 Criteria for Assessing Consent Applications

Section 7.12 of the CPOP outlines criteria for assessing consent applications in the lower-tier municipalities included in the CPOP such as the Township of Douro-Dummer. The following summarizes the relevant policies from this section and associated commentary:



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- *The proposed lot must front upon an improved public street or road*

The proposed lot to be severed has access to the 3rd Line which is an improved public road with year-round maintenance. It is a minor/internal road which is considered most appropriate by the County.

- *The proposed consent shall not jeopardize future plans for comprehensive residential development*

The subject property is in a rural area outside of any settlement area and is not subject to comprehensive residential planning.

- *Proposed consent shall not create landlocked parcels or impede access to interior portions*

Both the proposed severed and retained lots have access to publicly maintained and improved roads.

- *The impact of the proposed severance on the Municipality's financial status shall be considered (upgrading of roads, municipal servicing, development charges, etc.)*

There are no foreseeable impacts of the proposed severance on the financial status of the Municipality.

- *Compatibility with adjacent land use and traffic*

The proposed land use is rural residential/agricultural in nature, which is compatible with surrounding rural land use and will not generate any significant change in traffic patterns or volumes.

- *The availability of suitable servicing such as fire protection, school facilities and busing, police protection, etc.*

It is assumed that servicing similar to that which is available to 668 4th Line would be available to the severed parcel and is suitable for the additional of one rural residential dwelling.

- *All consent applications (where applicable) should be reviewed by Peterborough City-County Health Unit to determine suitability for septic systems and wells*

The preliminary severance review did not request a review by Peterborough City-County Health Unit in advance of submission. It is assumed that private servicing is feasible on the subject property.



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- *A sketch plan of the proposed development shall be submitted in support of the application for consent*

No buildings are proposed at this time. The applicant is proposing an additional lot with the potential for the future construction of a rural residential dwelling. The sketch identifies a potential building envelope which would pose no adverse impacts to the significant natural features on the property.

- *Lots shall be a suitable size and shape for the proposed use. For consents in the Rural Component, a hydrogeologic study may be required to confirm adequacy of potable water supply and suitability for sewage disposal.*

According to CPOP policies, the size and shape of the proposed lots are suitable for rural and agricultural land use. A hydrogeological study was not requested as part of the Preliminary Severance Review by the County.

3.2.4 Summary

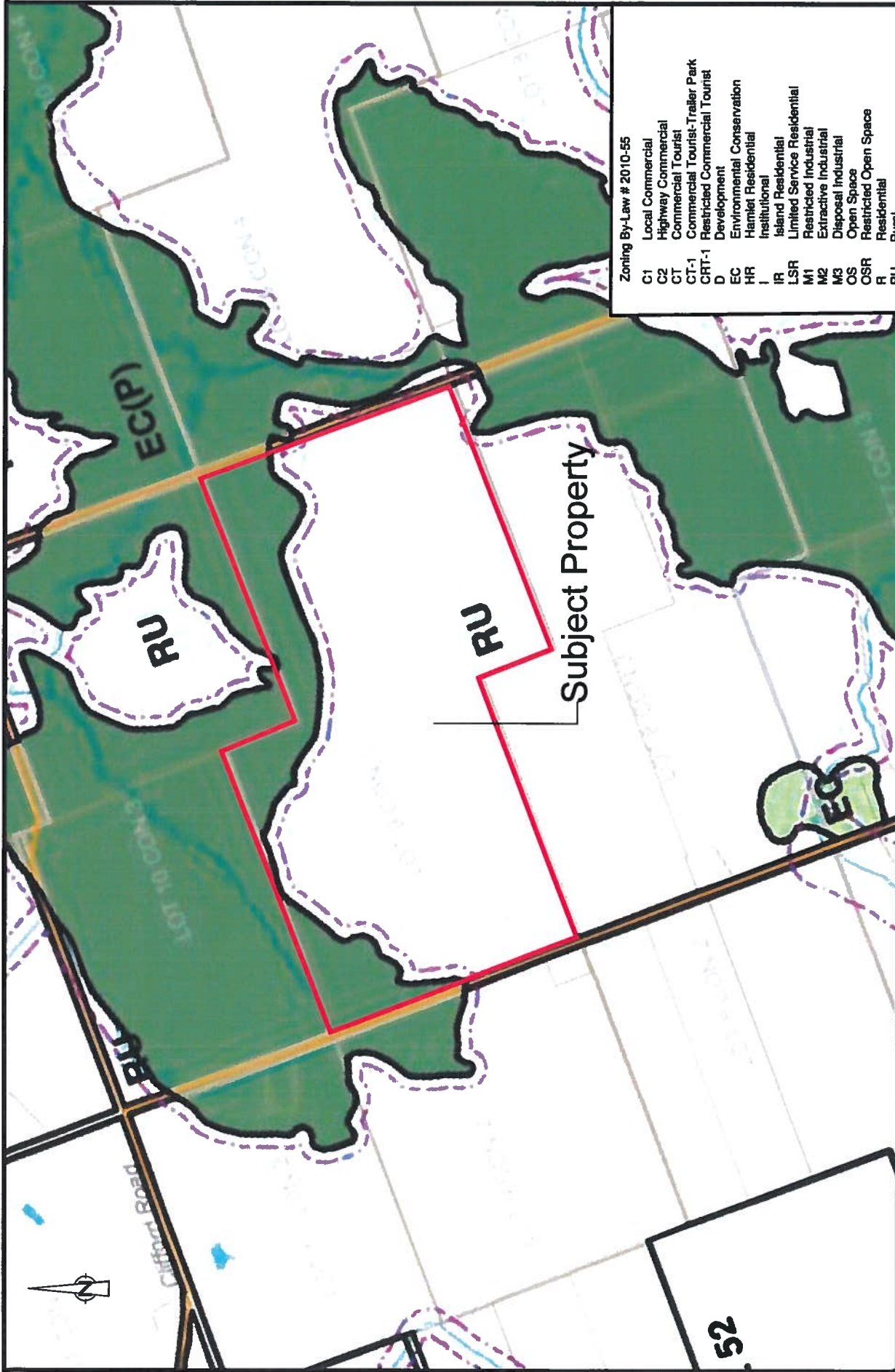
Overall, the proposed severance conforms to the relevant land use policies for the Township of Douro-Dummer.

3.3 Township of Douro-Dummer Comprehensive Zoning By-Law No. 2000-21

The subject lands are currently zoned Rural (RU) Zone and Environmental Conservation (EC) [P] Zone (**Figure 3 – Douro-Dummer Zoning By-law**). The Environmental Conservation (P) Zone is specific to areas of Provincially Significant Wetland.

3.3.1 Rural Zone

The current land use in the area zoned RU zone on the proposed lot to be retained is “*an agricultural use or farm*”, which is permitted under the current zoning. An “*agricultural use*” includes a farm dwelling and accessory buildings. Additionally, the intended use for the proposed lot to be severed is “*an agricultural use or farm*” or “*permanent single-detached dwelling on one lot*”, both of which are permitted in the RU Zone. Thus, a Zoning By-law amendment for land use in the areas currently zoned RU is not required. **Table 1** outlines the required and proposed provisions in the RU zone for both the severed and retained lots.



Zoning By-Law # 2010-55

- C1 Local Commercial
- C2 Highway Commercial
- CT Commercial Tourist
- CT-1 Commercial Tourist-Trailer Park
- CRT-1 Restricted Commercial Tourist
- D Development
- EC Environmental Conservation
- HR Hamlet Residential
- I Institutional
- IR Island Residential
- LSR Limited Service Residential
- M1 Restricted Industrial
- M2 Extractive Industrial
- M3 Disposal Industrial
- OS Open Space
- OSR Restricted Open Space
- R Residential
- RU Rural
- SD Special District
- SR Shoreline Residential
- Source Water Protection
- ORCA Floodplain
- ORCA Development Control Line
- Environmental Conservation EC
- Environmental Conservation EC-1
- Provincial Significant Wetland EC-(P)
- Native Reserve NR

Figure 3- Zoning By-Law of The Township of Douro-Dummer
Schedule "A2" - Dummer Ward

Moore Severance

668 Fourth Line Road-S-Dummer
Part of Lot 9, Concession 3
Township Douro - Dummer,
County of Peterborough

PROJECT NO: 19-1894

DATE: October 24, 2019

HORIZ. SCALE: 1: 12,500



www.ecovueconsulting.com



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3.3.2 Environmental Conservation (P) Zone

The areas zoned EC (P) permit only *"a conservation and reforestation, other similar uses as provides for the preservation of the natural environment; [and] structures required for flood, erosion and siltation control works"*. No development (other than a partial lot line) is proposed in the area zoned EC(P).

An Environmental Impact Assessment (EIA) was conducted to assess impacts within 120 metres of the significant wetland and to delineate significant natural features. Several mitigation measures were suggested including a 30-metre buffer of natural and self-sustaining vegetation on the wetland areas. According to Section 19.4 of the zoning by-law:

"Upon submission of a development application, the precise location of such (EC[P]) boundaries may be determined by the Township in consultation with the Ministry of Natural Resources and the local Conservation Authority. Following consultation, an adjustment to the location of any such boundary shall not require any further amendment to this by-law, provided that the affected lands are to be utilized in accordance with the permitted uses and regulations of the abutting residential, rural or agricultural zone".

Therefore, an application for a Zoning By-law Amendment for the proposed lots to be severed and retained is not required.

Table 1 - Zoning By-law for Rural (RU) Zone: Required and proposed provisions.

Regulation (Rural Zone)		Required	Proposed (Severed)	Proposed (Retained)
Regs for an Agricultural Use or Farm	Min Lot Area	20 hectares	44.89 hectares	39.91 hectares
	Min Lot Frontage	135 metres	626.92 metres	630.26 metres
	Min Front Yard	45 metres	n/a	n/a
Regs for Farm Buildings and Structures	Min Interior Side Yard	15 metres	n/a	n/a
	Min Exterior Side Yard	45 metres	n/a	n/a
	Min Rear Yard	15 metres	n/a	n/a
	Min Lot Area	0.4 ha	44.89 hectares	
Regs for a Permanent Single-Detached Dwelling	Min Lot Frontage	45 m	626.92 metres	
	Min Front Yard	15 m	No building is proposed at this time	
	Min Interior Side Yard	6 m	No building is proposed at this time	
	Min Exterior Side Yard	15 m	No building is proposed at this time	
	Min Rear Yard	15 m	No building is proposed at this time	
	Min Water Yard	30 m	n/a	n/a
	Min Floor Area	100 m ²	No building is proposed at this time	
	Min First Storey Area	60 m ²	n/a	
	Max Building Height	9 m	n/a	
	Max Lot Coverage	15%	n/a	
	Max Number of Dwellings per Lot	1	1	



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4.0 SUMMARY AND RECOMMENDATIONS


Based on the foregoing review of relevant policy considerations, and an investigation of site suitability, this report concludes that the subject application for consent to sever is consistent with the Provincial Policy Statement (2014) and conforms to the intent and purpose of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The application for consent is also found to conform to the intent of the relevant policies of the County of Peterborough Official Plan and policies specific to the Township of Douro-Dummer. The proposed land use also complies with the current zoning on the subject lands, subject to refinement of the wetland boundaries and associated buffer areas as part of the EC(P) Zone. It is in our opinion that as long as the mitigation measures recommended in the EIA are implemented, that the proposed consent to sever will meet the intent of the applicable land use policies.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S. MCIP RPP
Manager and Senior Planner



Sarah Bale, B.Sc., M.Sc., M.E.S (Planning)
Land Use Planner





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Appendix A

Preliminary Severance Review

Peterborough County Land Division

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Kenneth and
Lorlane Moore

Agent: EcoVue
Consulting Services Inc.

Date: June 18, 2019

Lot: 9

Concession: 3

Municipality: Dummer Ward
Township of Douro-Dummer

Description: 668 Fourth Line Road-S-Dummer

Phone:

Email:
bsaunders@ecovuecons
ulting.com (Agent)

Office Phone: (705) 876-
8340 (Agent)

Communication Sent To:

Owner: ☐

Agent: ☒

	Severed	Retained
County O.P. Description	Rural Area	Rural Area
Municipal O.P. Designation	Rural and Provincially Significant Wetland	Rural and Provincially Significant Wetland
Municipal O.P. Effective Date	Local Component: April 2014	Local Component: April 2014
Municipal Zoning	(RU) & (EC(P))	(RU) & (EC(P))
Municipal Zoning By-Law Number in effect	10-1996	10-1996
Area/Lot Dimensions	±45 hectares with ±626.92 m of frontage on Third Line Road-S-Dummer	±40 hectares with ±630.26 m of frontage on Fourth Line Road-S-Dummer
Existing Use/Buildings	Agricultural/Vacant	Agricultural/2 dwellings, barns and outbuildings

Intent: To sever a new farm parcel. Roll No.(s) 1522-020-001-03900.

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 agricultural severances for land holdings located in the Rural Areas may be granted when each of the severed and retained parcels is equivalent to a natural township lot (about 40 hectares). In addition, severances in the Rural Areas may be considered provided the Health Unit, road frontage and access, and the Minimum Distance Separation requirements can be met (Ss. 2.6.3.5 (A), (C) & (G)), and provided the applicable policies of Section 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with (S.2.6.3.5 (H)). The proposal appears to comply with the lot area size requirement under Section 2.6.3.5(F).

parcel appears to meet the lot area and frontage requirements of the (RU) Zone for a residential use.

New residential uses are not permitted in the (EC) Zone.

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

The following key hydrologic features have been identified on or adjacent to the subject property: The Dummer Swamp Provincially Significant Wetland (PSW), non-evaluated wetlands, and seepage areas and springs. Section 4.2.3 of the Growth Plan (2019) states that development and site alteration, is not permitted in key hydrologic features. Since development includes the creation of a new lot (PPS and Growth Plan definition) and a portion of the proposed severed lot is located in a key hydrologic feature, the severance proposal does not conform to the Growth Plan.

Section 4.2.4.1 states that development and site alteration 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. The boundaries of the features, the vegetation protection zones and the proposed severed parcel including potential building envelopes should be clearly identified in the natural heritage/hydrologic evaluation. 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 contact Otonabee Region Conservation Authority (ORCA) regarding specific study requirements. Again, since it appears that the severed parcel cannot achieve the minimum 30 metre setback from the PSW, the proposal does not appear to conform to the Growth Plan.

The following key natural heritage features have been identified on or adjacent to the subject property: potentially significant wildlife habitat (i.e. deer wintering areas) and habitat of endangered and threatened species.

Policy 2.1.5 (d) of the Provincial Policy Statement prohibits development, including lot creation, and site alteration within significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the feature or its ecological function. In accordance with the County's significant wildlife habitat screening protocol, a natural heritage evaluation will not be required.

Policy 2.1.7 of the Provincial Policy Statement prohibits development and site alteration within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. A Species at Risk (SAR) assessment is required as part of the natural heritage evaluation, referenced above. Attached to this review is the Ministry of Environment, Conservation and Parks Client's Guide to Preliminary Screening for Species at Risk to assist with ESA requirements.

Proposal does not appear to conform to the Growth Plan for the Greater Golden Horseshoe (2019) and or Provincial Policy Statement (2014) policies.

The proposed severed parcel transects a portion of the Provincially Significant Wetland on the property, contrary to Section 2.1.4 (a) of the PPS and Section 4.2.3.1 of the Growth Plan. Development and site alteration is not permitted in key hydrologic features (i.e. wetlands). Since development includes the creation of a new lot (PPS and Growth Plan definition), the severance proposal does not conform to Provincial policy; new lots cannot be created within the wetland boundaries.

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

The severance proposal does not appear to conform to the County Official Plan. The severance proposal does not appear to conform to the County Official Plan at this time. 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 Township Official Plan policies.

The severance proposal does not appear to conform to the Township Official Plan. New development, including the creation of new lots, cannot be located within the boundaries of a Provincially Significant Wetland.

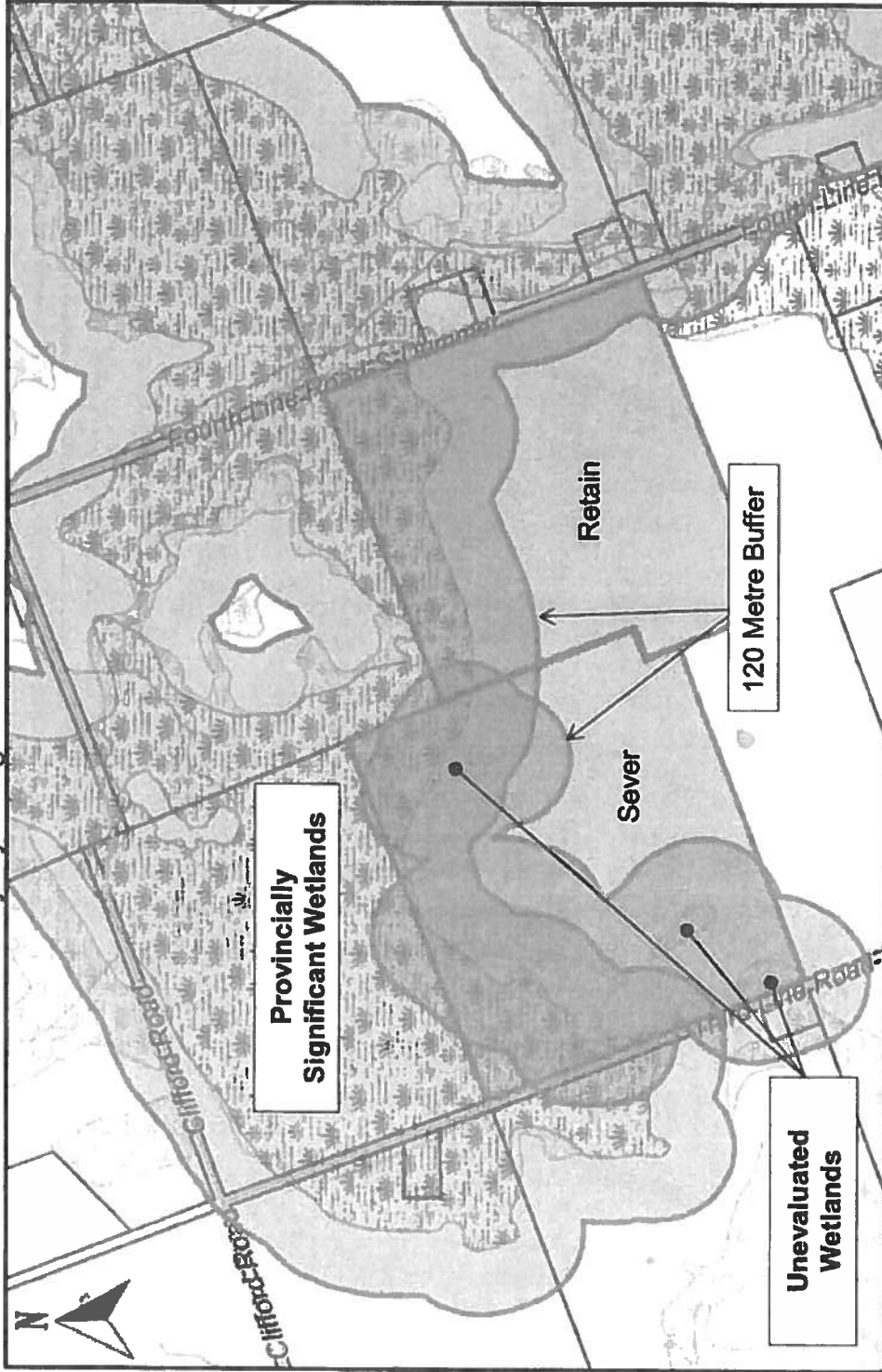
- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of 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 #1522-020-001-03900
Lot 9, Concession 3, Dummer Ward
Moore (EcoVue)
Key Hydrologic Features - Wetlands



NOTE: Development and site alteration is not permitted within key hydrologic features or wetland features; any development proposed within the 120 metre buffer surrounding key hydrologic features or wetland features will require a natural heritage evaluation/hydrologic evaluation to identify a vegetative protection zone (no less than 30 metres for key hydrologic features).

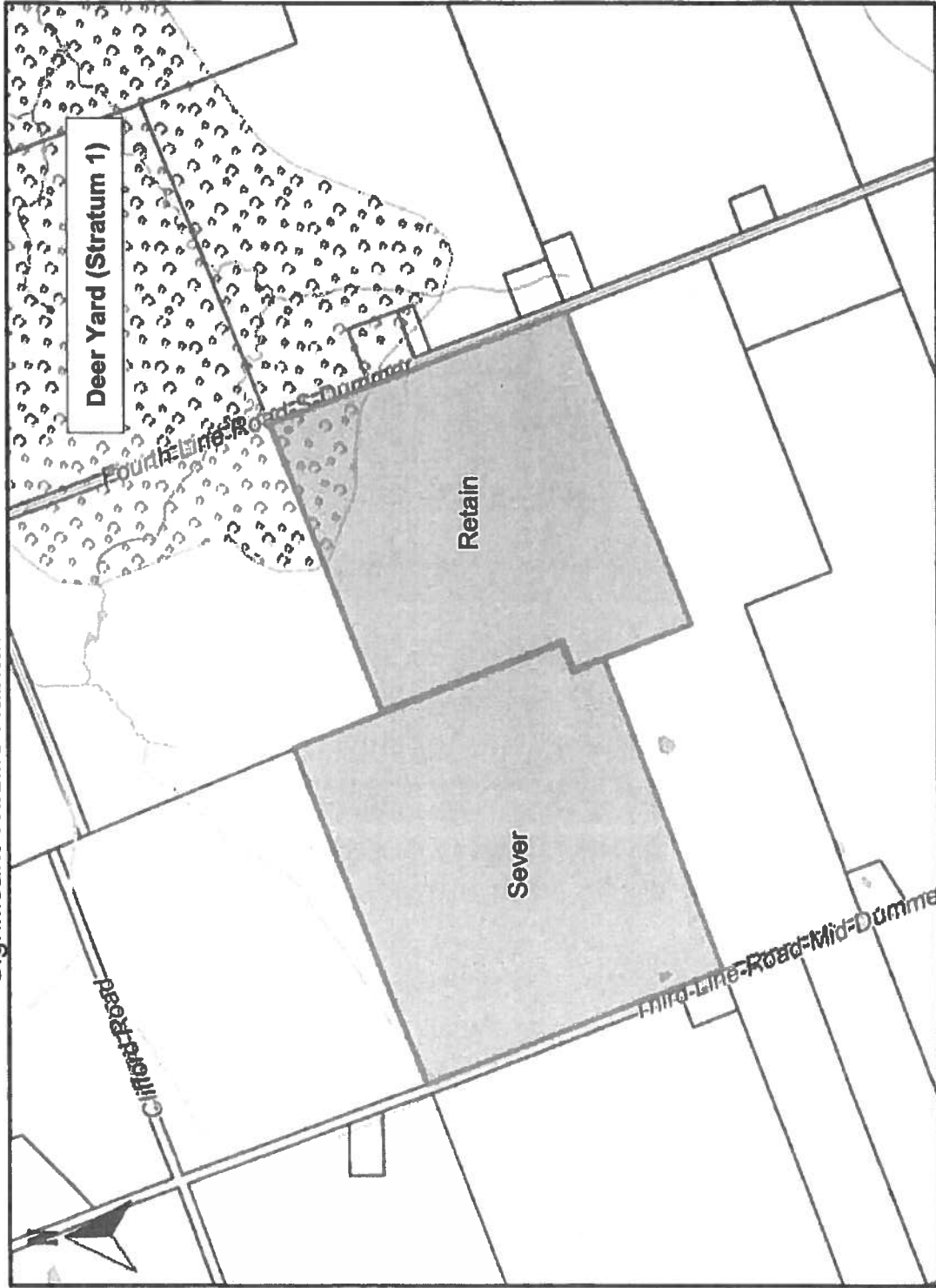
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Roll #1522-020-001-03900

Lot 9, Concession 3, Dummer Ward

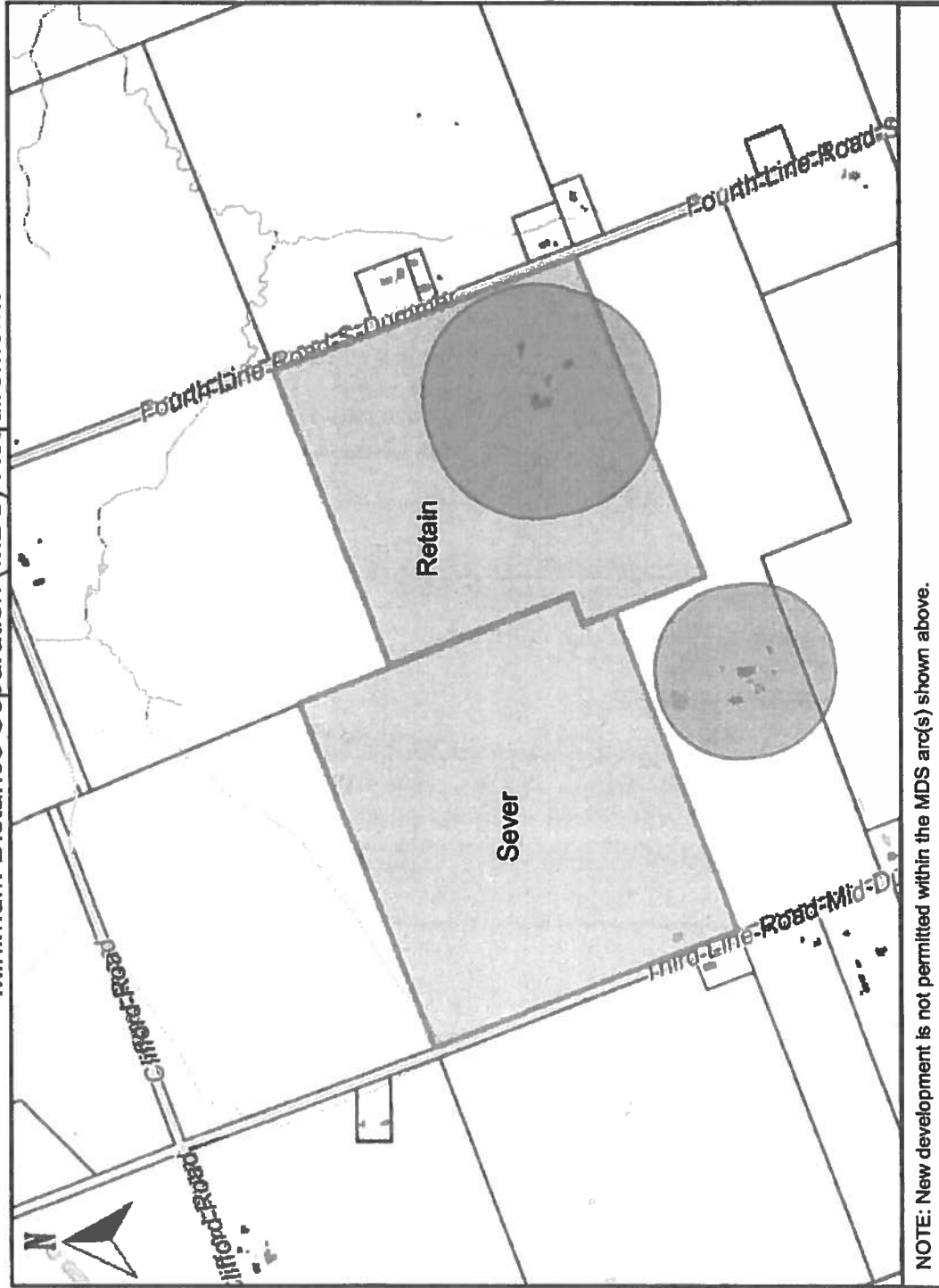
Moore (EcoVue)

Significant Wildlife Habitat – Deer Yard – Stratum 1



Scale (metric)
1:12,000

Roll #1522-020-001-03900
Lot 9, Concession 3, Dummer Ward
Moore (EcoVue)
Minimum Distance Separation (MDS) Requirements



Scale (metric)
1:1200 (1"=100')



Minimum Distance Separation I

Worksheet 1

Prepared By: Caitlin Robinson, Planner, County of Peterborough



The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: No storage required (manure is stored for less than 14 days)

Design Capacity (NU): 11.7

Potential Design Capacity (NU): 23.4

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
1.0	X	206.82	X	0.7	X
				1.1	=
					159 m (522 ft)
					TBD

Storage Base Distance 'S'
(minimum distance from manure storage)

No storage present



The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

Preparer Information

Caitlin Robinson
Planner
County of Peterborough
470 Water Street
Peterborough, ON, Canada K9H3M3
Phone #1: (705) 743-0380 ext 2403
Email: crobinson@ptbocounty.ca

Signature of Preparer: _____

Caitlin Robinson, Planner

Date: _____

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



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Appendix B

Environmental Impact Assessment

Niblett Environmental Associates Inc.



Consent Application
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Submitted under separate cover.