

Good morning Beverly and Ashlyn,

The County of Peterborough Planning Department has completed a Preliminary Severance Review for the lands located at 668 Fourth Line Road in the Township of Douro-Dummer. The review, attached, has found that the proposal to create a new farm parcel does not appear to conform to the County Official Plan or the Growth Plan and Provincial Policy Statement.

The severance proposal severs a key hydrologic feature (i.e. provincially significant wetland) located on the subject lands including its related minimum vegetation protection zones contrary to the Growth Plan (2019), Provincial Policy Statement (2014) and County Official Plan.

Item 12 of the severance proposal form states that you plan on having the boundary of the Provincially Significant Wetland re-evaluated to ensure the development will have no impact on the wetland. If the boundary of the PSW is re-evaluated and the boundary differs from what is currently mapped, the re-evaluated boundary is to be reviewed and confirmed by the Ministry of Natural Resources and Forestry (MNRF).

The County does not recommend further work be undertaken on this proposal given concerns with policy conformity. Ms. Saunders asked in a subsequent email what would be required in support of a complete application for a Consent application. In support of a complete application, an Environmental Impact Study/natural heritage evaluation must be completed. This study will be reviewed by ORCA through our memorandum of understanding. It is recommended that you discuss your proposal with ORCA and the requirements for the EIS.

Please read through the attached review carefully and feel free to contact me if you have any questions. I have copied the Township and Conservation Authority to this email, so they are aware of my comments.

Sincerely,

Caitlin Robinson, B.E.S., MCIP, RPP
Planner
Peterborough County
T: 705-743-0380 ext. 2403

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Kenneth and
Loriane 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).

Municipal Official Plan Policy Review: The subject property is designated Rural and Provincially Significant Wetland in the local component of the County Official Plan (i.e. Township Official Plan).

The predominant use of land within the Rural designation may include all agricultural uses outlined in Section 6.2.1 of this Plan (S.6.2.2.2). The policies of Section 6.2.1.4 shall apply for farm-related consents in the Rural designation (S.6.2.2.4). New parcels of land for agricultural purposes may be created provided that both the retained and severed parcels are of a size suitable for the agricultural purpose proposed and both should generally be 40 hectares (S.6.2.1.4 (f)(i)). Notwithstanding Section 6.2.1.4(f), in the Township of Douro-Dummer a new farm parcel may be granted provided that both the severed and retained parcels are a minimum size of 20 hectares each. In Douro-Dummer the creation of such lots [new farm parcels] will count towards the total number of lots that can be created from a land holding (S.6.2.2.4).

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). Peterborough County Land Division records indicate that the subject property has not received any severances in the last 25 years and therefore appears eligible for a severance.

The severed and retained parcels also include the Provincially Significant Wetland designation. Section 6.2.16.2 of the Plan states that "development and site alteration shall not be permitted within Provincially Significant Wetlands. For the purposes of this designation, development shall be defined to include the creation of a new lot". Since the effect of the proposal creates a new lot within a portion of this designation, it does not conform to the Local Component of the County Official Plan.

Municipal Zoning By-Law Review: The severed parcel is zoned Rural (RU) and Environmental Conservation Provincially Significant Wetland (EC(P)). In cases where a lot is divided into more than one zone, the provisions of each of the applicable zones, save and except lot area and frontage, shall apply to each portion of such lot (Ss.3.27(a)). When calculating lot area and lot frontage, any portion of a property in an (EC) zone may be included in the result (S.3.27(b)). 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 severed parcel appears to meet the lot area and frontage requirements of the (RU) zone for an agricultural use.

The retained parcel is zoned Rural (RU) and Environmental Conservation Provincially Significant Wetland (EC(P)). Where a parcel contains more than one zone, the provisions of each of the zones apply to each portion, except lot area and lot frontage (S.3.27(a)). When calculating lot area and lot frontage, any portion of a property in an (EC) zone may be included in the result (S.3.27(b)). 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

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.

* Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.9 of the 2014 Provincial Policy Statement has been calculated for the livestock facilities (i.e. barns) on the subject property and the adjacent property to the south (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/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* (ESA). Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

Agencies Contacted by Planning Department (marked with an X):

- ☒ **This Preliminary Severance Review has been circulated to the local Municipality of Douro-Dummer**
- ☐ **County Roads ;**
- ☐ **Ontario Ministry of Environment, Conservation and Parks ;**
- ☐ **First Nations ;**
- ☐ **Other** Choose an item.

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

- ☒ **Health Unit**
- ☒ **Conservation Authority**
- ☒ **Township**
- ☐ **Source Water Risk Management Officer**
- ☐ **Trent-Severn Waterway**
- ☒ **First Nations**
- ☐ **Other**

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.

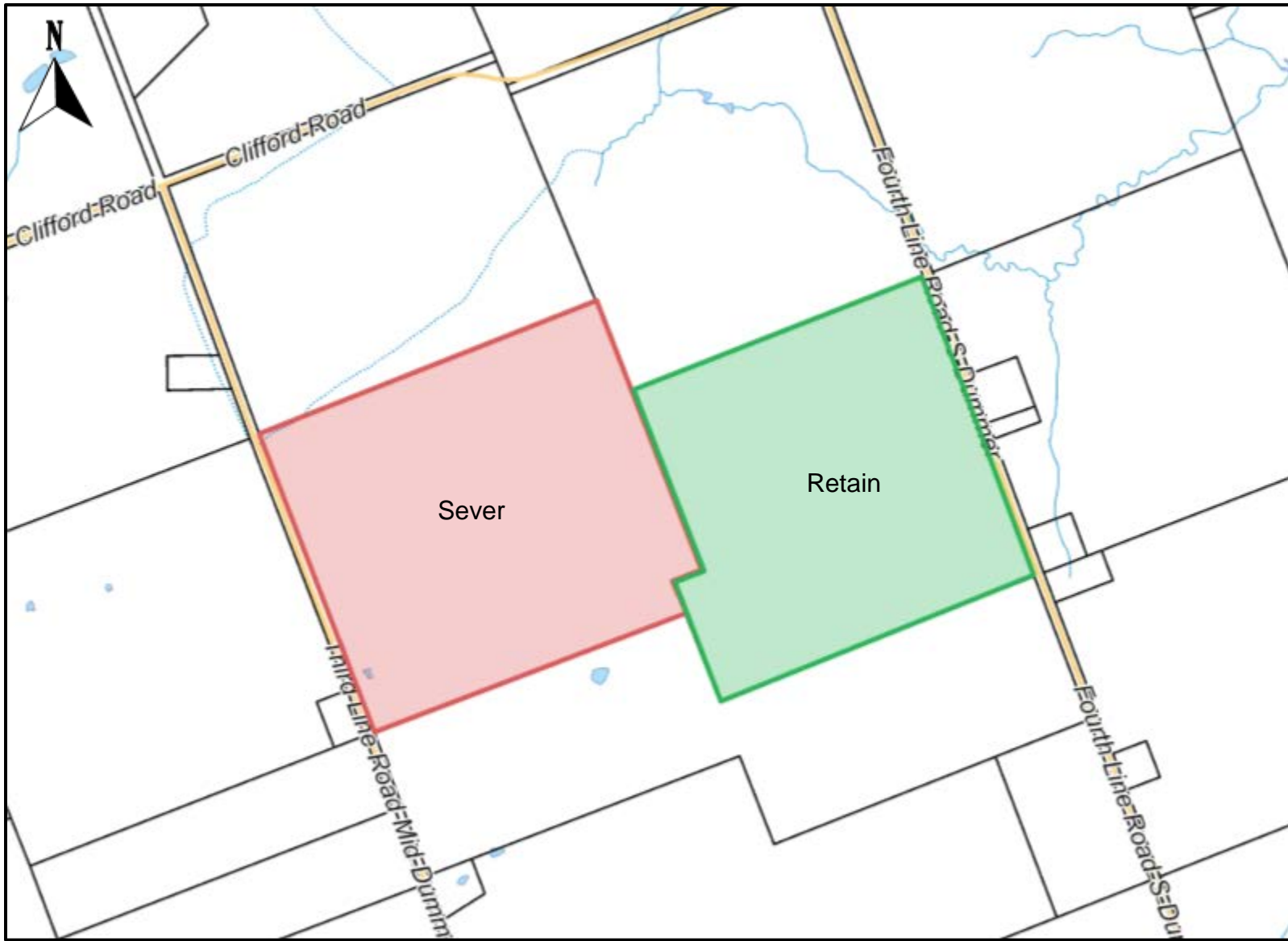
- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of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

Reviewed By: Caitlin Robinson

Important

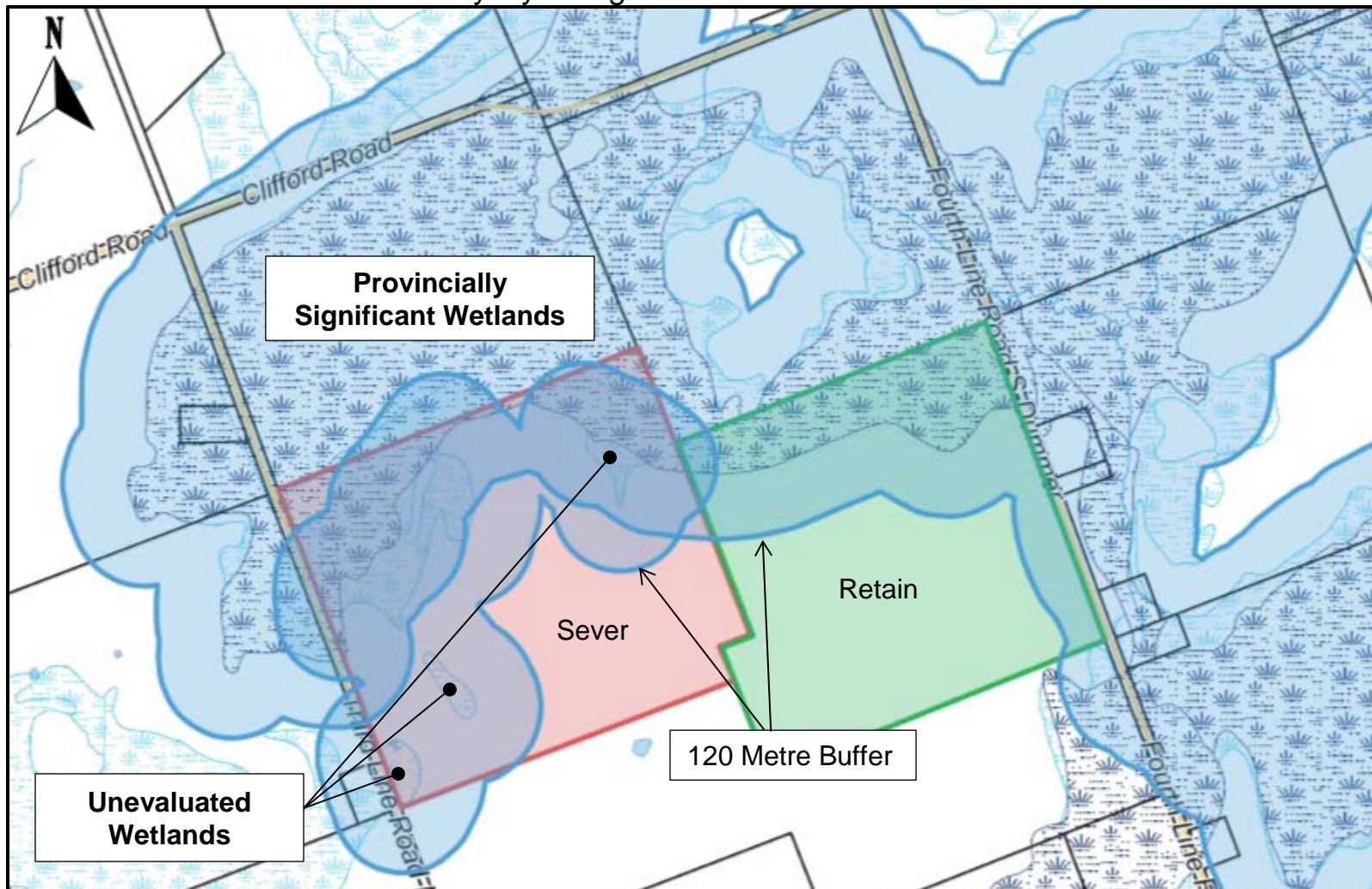
Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore, the above-noted comments should 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)
Severance Sketch



Scale (metric)
1:12,000

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).

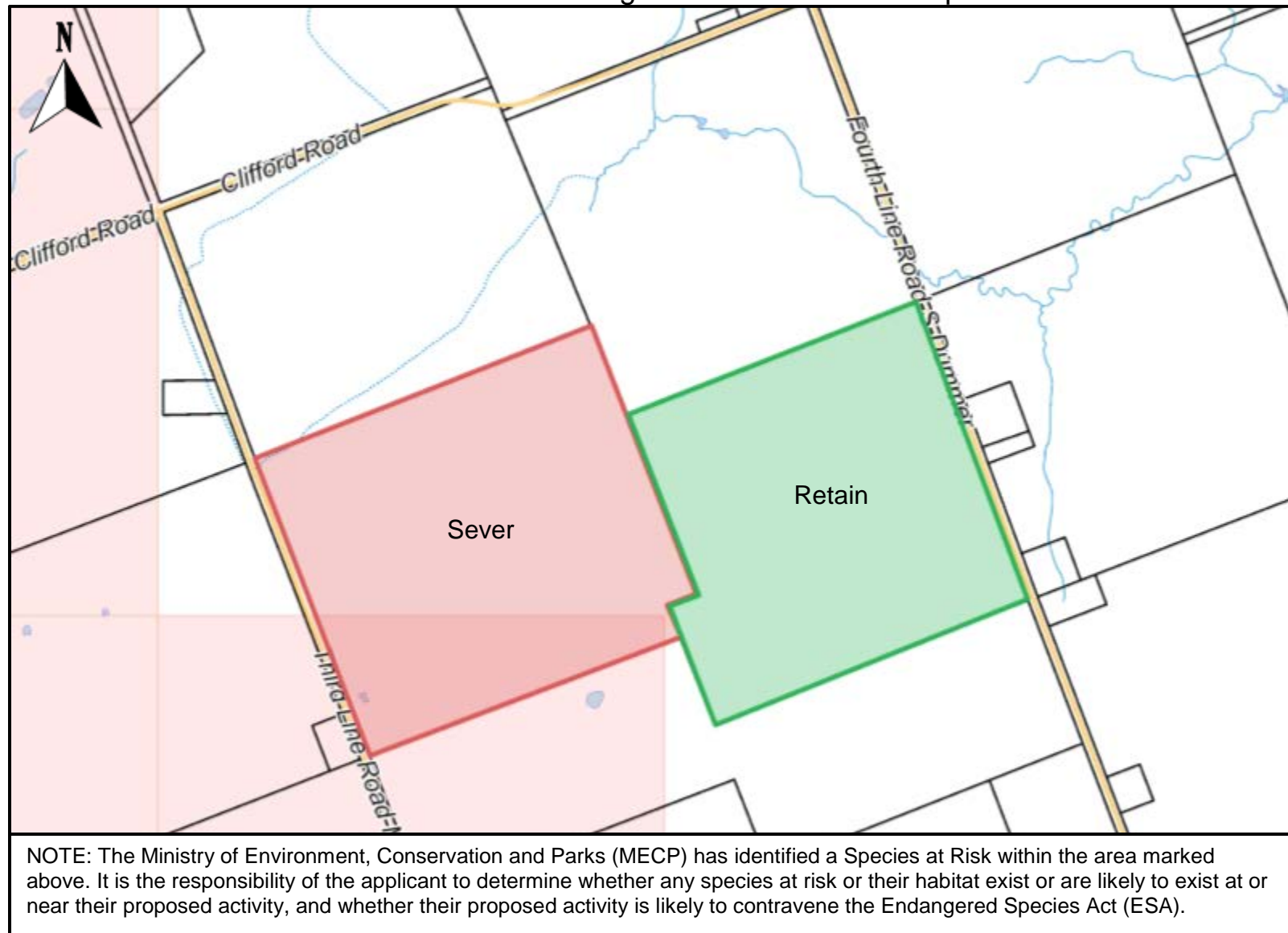
Scale (metric)
1:12,000

Roll #1522-020-001-03900

Lot 9, Concession 3, Dummer Ward

Moore (EcoVue)

Potential Habitat of Endangered and Threatened Species



Scale (metric)

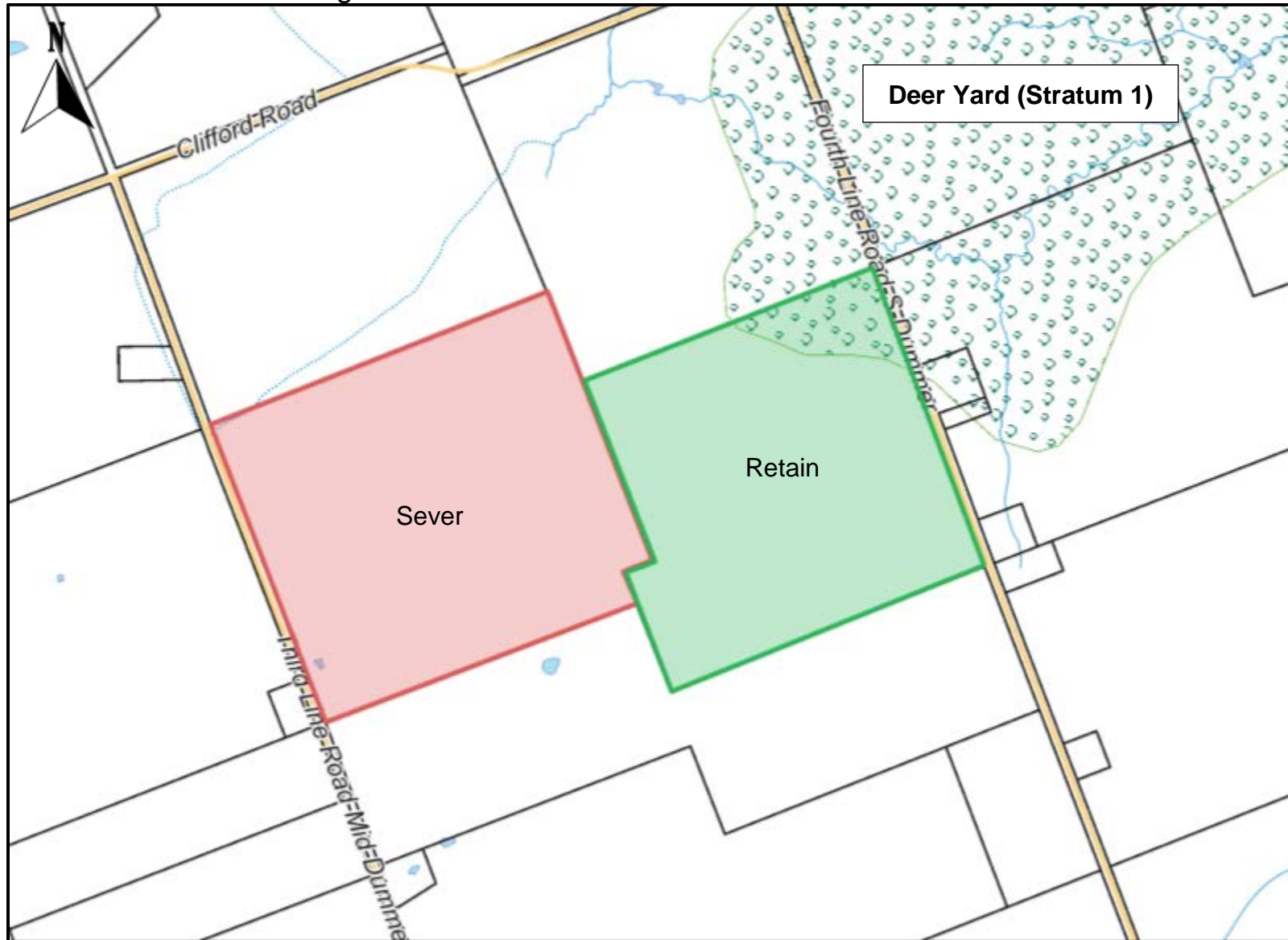
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Roll #1522-020-001-03900

Lot 9, Concession 3, Dummer Ward

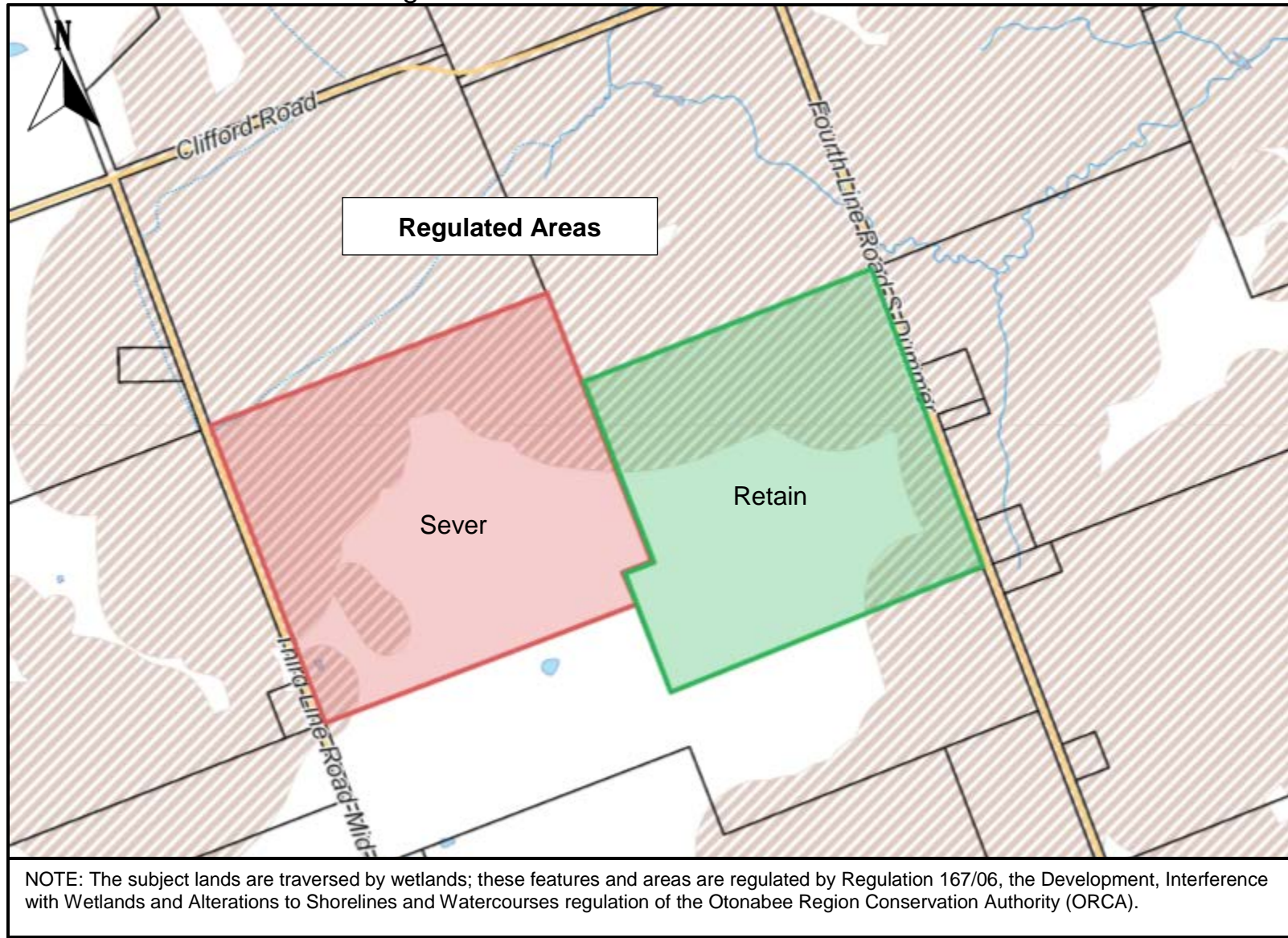
Moore (EcoVue)

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)
Regulated Areas – Otonabee Conservation



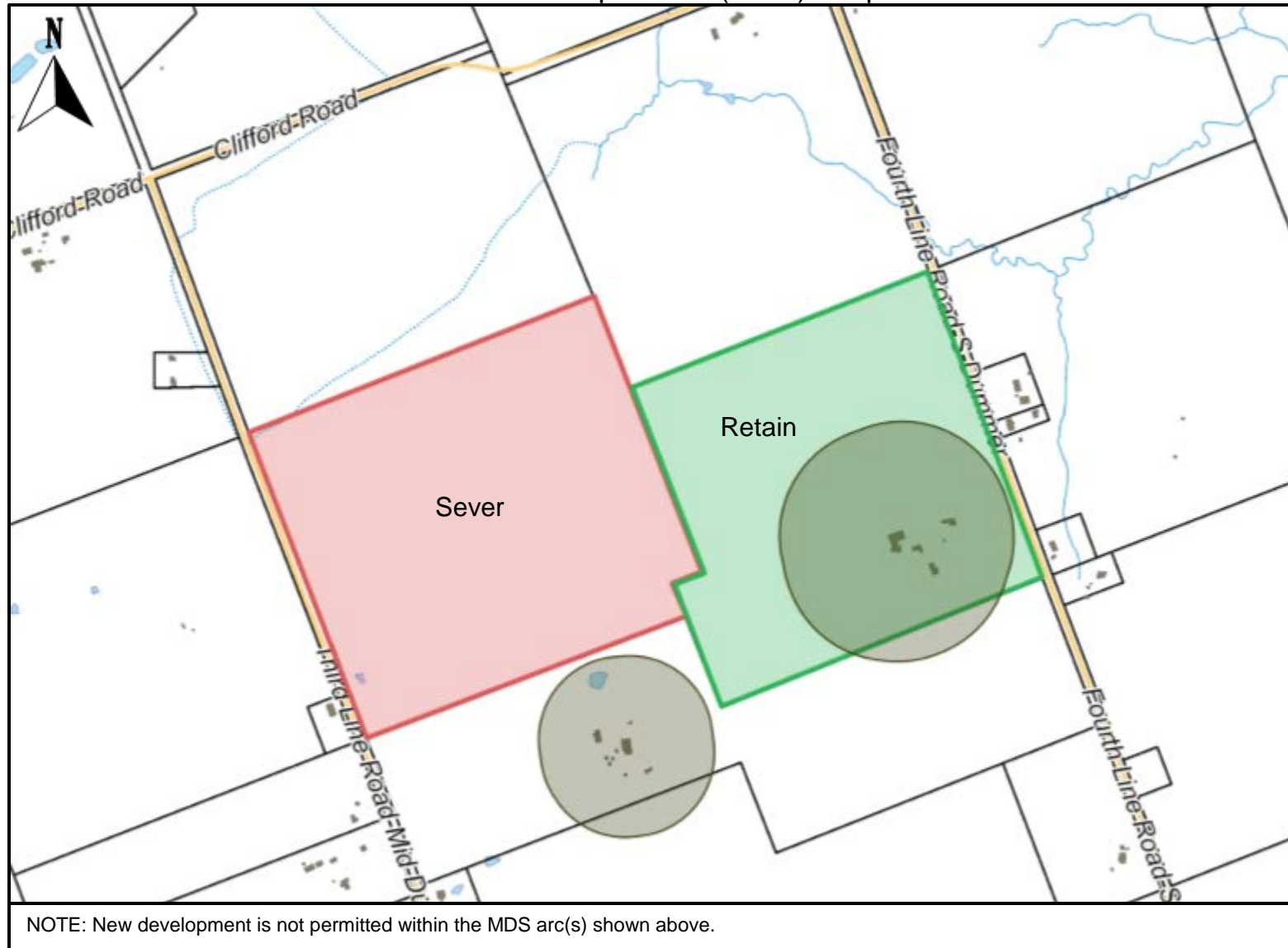
Scale (metric)
1:12,000

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

Description: 668 Fourth Line Rd S Dummer

Application Date: Friday, August 10, 2018

Municipal File Number:

Proposed Application: Other Type A land use
Type A Land Use

Applicant Contact Information

Loraine Moore

Location of Subject Lands

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 3, Lot: 9

Roll Number: 152202000103900

Calculation Name: *Farm 1*

Description:

Farm Contact Information

Loraine Moore

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 3, Lot: 9

Roll Number: 152202000103900

Total Lot Size: 200 ac

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	60	60.0	3,000 ft ²

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 60.0

Potential Design Capacity (NU): 180.0

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)
0.7	X	387.87	X	0.7	X
				1.1	
				=	
				209 m (686 ft)	TBD

Storage Base Distance 'S'	(actual distance from manure storage)
209 m (686 ft)	TBD

Calculation Name: *Farm 2*

Description:

Farm Contact Information

Clemetia Savasi
661 Third Line Road Mid-Dummer
Douro-Dummer, ON, Canada K0L 3A0

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 3, Lot: 8

Roll Number: 152202000103800

Total Lot Size: 100 ac

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Unoccupied Livestock Barn, -	2,520 ft ²	11.7	2,520 ft ²

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.