

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Name: Randy Moloney

Agent:

Date: July 15, 2019

Lot: 11

Concession: 7

Municipality: Douro Ward

Township of Douro-Dummer

Description: Centre Line Road/Douro 7th Line

Phone: 705-748-9399

Email:

lmoloney@nexicom.net

Office Phone: 705-760-0163

Communication Sent To:

Owner: ☒

Agent: ☐

	Severed	Retained
County O.P. Description	Rural Area	Rural Area
Municipal O.P. Designation	Rural	Rural
Municipal O.P. Effective Date	April 2014	April 2014
Municipal Zoning	(RU)	(RU)
Municipal Zoning By-Law Number in effect	10-1996	10-1996
Area/Lot Dimensions	Lot A: ± 1 hectares with ± 45 m of frontage on Centre Road Lot B: ± 0.4 hectares with ± 60 m of frontage on Douro 7th Line Lot C: ± 0.4 hectares with ± 60 m of frontage on Douro 7th Line or Centre Road	± 36.5 hectares with approx. ± 420 metres of frontage on Douro 7th Line or ± 500 metres on Centre Road
Existing Use/Buildings	Agricultural/Vacant	Agricultural/Vacant

Intent: To sever more than one residential lot.. Roll No.(s) 1522-010-003-12601.

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 Local Component of the County Official Plan. Low density residential development shall be permitted (S.6.2.2.2) including one single detached dwelling per lot in the Rural designation (S.6.2.2.3(b)).

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 (Ss.6.1.1 & 6.2.2.5(d)). Peterborough County Land Division records indicate that the subject property has not received any severances for a new lot in the last 25 years, therefore the lands appear to be eligible for consent. 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)). Based on the property's assessment information and sales history, the property owner appears to have owned the property for the minimum 5 years and proposed Lots B & C do not exceed 1 hectare. Since Lot A is proposed to be just over 1 hectare in area to meet MDS I requirements (see below), the applicant is advised to discuss the proposal with the Township to determine if the slightly oversized lot is acceptable.

As applicable, consents must meet road frontage & access, Zoning By-law, Health Unit and Minimum Distance Separation (MDS) requirements (Ss. 7.2.3, 7.12.4, 7.12.1, 7.12.12). Proposed Lot A does not appear to meet MDS I setback requirements for a residential lot, however, since the parcel is proposed to be just over 1 hectare, so long as there is a 0.5 hectare building envelope outside the MDS arc, the lot creation may be permitted (2017 MDS I, guideline #41).

The applicant should be aware that a small portion of the subject property (north-west corner) is located within 500 metres of a former waste management site as shown on Schedule A4-1 of the Local Component of the County Official Plan (see attached maps). Section 6.2.18.3 of the Plan does not allow the construction of buildings or structures within the 500 metre assessment area unless a hydrogeology study is completed which demonstrates that the former landfill will have no impact to the new use (S.6.2.18.3(c)&(e)). While proposed Lot B is close, all severed parcels appear to be located outside the 500 metre assessment area, therefore a hydrogeological study does not appear to be necessary.

Municipal Zoning By-Law Review: The severed parcels are zoned Rural (RU) in the Township's Zoning By-Law. A residential use is permitted in the (RU) zone (S.9.1.5), provided the parcel has a minimum lot area of 0.4 hectares and a minimum lot frontage of 45 metres (S.9.2.4). The severed parcels appear to meet the minimum lot area and frontage requirements of the (RU) Zone.

The retained parcel is zoned Rural (RU) in the Township's Zoning By-Law. A farm use is permitted in the (RU) zone (S.9.1.1), provided the parcel has a minimum lot area of 20 hectares and a minimum lot frontage of 135 metres (S.9.2.1). The retained parcel appears to meet the minimum lot area and frontage requirements of the (RU) Zone.

Provincial Policy Review: The Provincial Policy Statement, 2014 (PPS) and Growth Plan for the Greater Golden Horseshoe, 2019 (GPGGH) apply to this proposal. The subject property is located within a Candidate Agricultural Area, as identified in the new Agricultural System for the Greater Golden Horseshoe (Growth Plan, 2019). Outside of the Greenbelt Area, provincial mapping of the agricultural land base does not apply until it has been implemented in the County Official Plan. Until such time, Candidate Agricultural Areas will be subject to the rural policies of the Provincial Policy Statement. Section 1.1.5.2 of the Provincial Policy Statement allows for limited residential development on rural lands.

The following key hydrologic features have been identified on or adjacent to the subject property: permanent/intermittent streams, small lakes/springs/seepage areas, locally significant wetlands (Sawyers Creek South), and non-evaluated wetlands. Section 4.2.3.1 of the Growth Plan (2019) states that development and site alteration, including lot creation, is not permitted in key hydrologic features. Section 4.2.4.1 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. Proposed Lots A and B are located within 120 metres of unevaluated wetland and stream features, therefore a natural heritage evaluation and/or hydrologic evaluation appears to be required for these two parcels.

The applicant should be aware that new lots (i.e. lot lines) are not permitted within the 30 metre VPZ. Given the proximity of Lot A to the non-evaluated wetland on the property, the lot lines will be required to be adjusted to ensure that the severed parcel is located outside the VPZ for the wetland. The boundaries of all features, the vegetation protection zones and the proposed severed parcel 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. The applicant should contact Otonabee Region Conservation Authority (ORCA) regarding specific study requirements.

The following natural heritage features have been identified on or adjacent to the subject property: potential habitat of endangered and threatened species. The PPS states that development and site alteration shall not be permitted in the habitat of endangered and threatened species, except in accordance with provincial and federal requirements (S. 2.1.7). A Species at Risk (SAR) assessment is required as part of the natural heritage evaluation, referenced above, particularly for proposed Lot A. 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 meeting 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 neighbouring properties (see calculations and map attached). Lot A does not appear to meet the MDS I setback, however since the lot area is proposed to be over 1 hectare, a

0.5 hectare building envelope is required outside the MDS arc to permit the creation of a new lot (2017 MDS I, guideline #41). While there does appear to be 0.5 hectare building envelope located outside the MDS arc, the lot is required to be adjusted slightly due to the proximity to the non-evaluated wetland, so the final configuration will need to ensure it meets both setbacks. Otherwise, the proposal appears to meet MDS I requirements for each of the proposed residential lots.

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 Alex Bradburn at (705) 745-5791 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.

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

- ☒ **This Preliminary Severance Review has been circulated to the local Municipality of Douro-Dummer**
- ☐ **County Infrastructure Services (i.e. Roads)**
- ☐ **Conservation Authority**
- ☐ **First Nations**
- ☐ **Other**

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

- ☐ **Health Unit**
- ☒ **Conservation Authority**
- ☒ **Township**
- ☒ **Ministry of Environment, Conservation and Parks**
- ☐ **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 severance proposal does not appear to conform to the Growth Plan (2019) or the Provincial Policy Statement (2014). Proposed Lot A appears to sever key hydrologic features including their related minimum vegetation protection zones contrary to 4.2.4.1 c) and 4.2.4.3 of the Growth Plan. A natural heritage evaluation/hydrologic evaluation including a species at risk assessment appear to be required to conform to the Growth Plan and PPS. The proposal appears to meet MDS I requirements for each of the proposed residential lots, however, the applicant is advised to take MDS setback requirements into consideration when reconfiguring the proposed lot to accommodate the minimum wetland VPZ.

Proposal appears to conform to County Official Plan policies.

The severance proposal appears to conform to the County Official Plan. 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)).

Proposal appears to conform to Township Official Plan policies.

The severance proposal (Lots B & C) appears to conform to the Township Official Plan. As applicable, consents must meet road frontage & access, Zoning By-law, Health Unit and Minimum Distance Separation (MDS) requirements (Ss. 7.2.3, 7.12.4, 7.12.1, 7.12.12)). Since Lot A is proposed to be just over 1 hectare in area to meet MDS I requirements, it does not conform to the Official Plan and the applicant is advised to discuss the proposal with the Township to determine if the slightly oversized lot is acceptable.

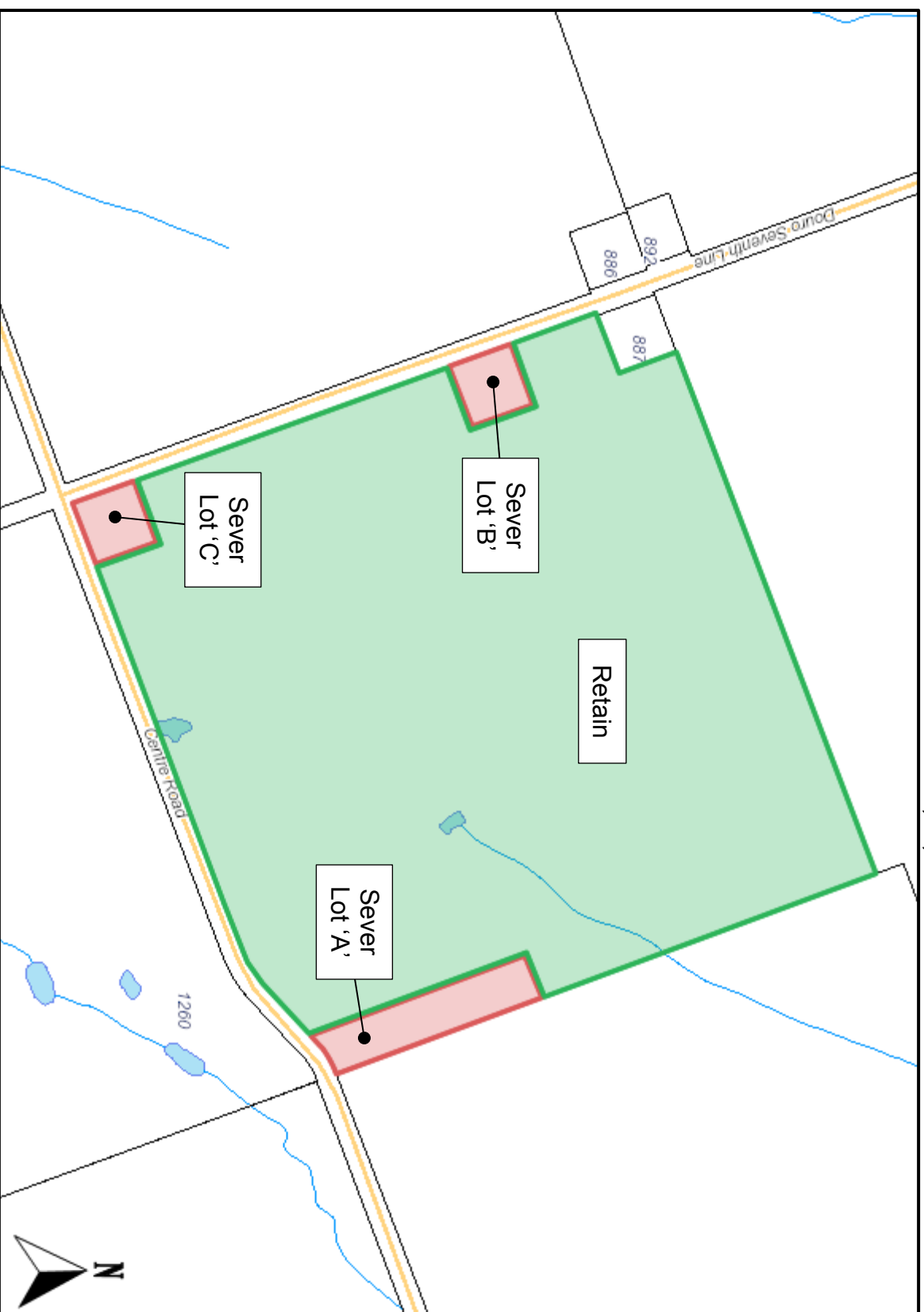
- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of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

Reviewed By: Amanda Warren

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.

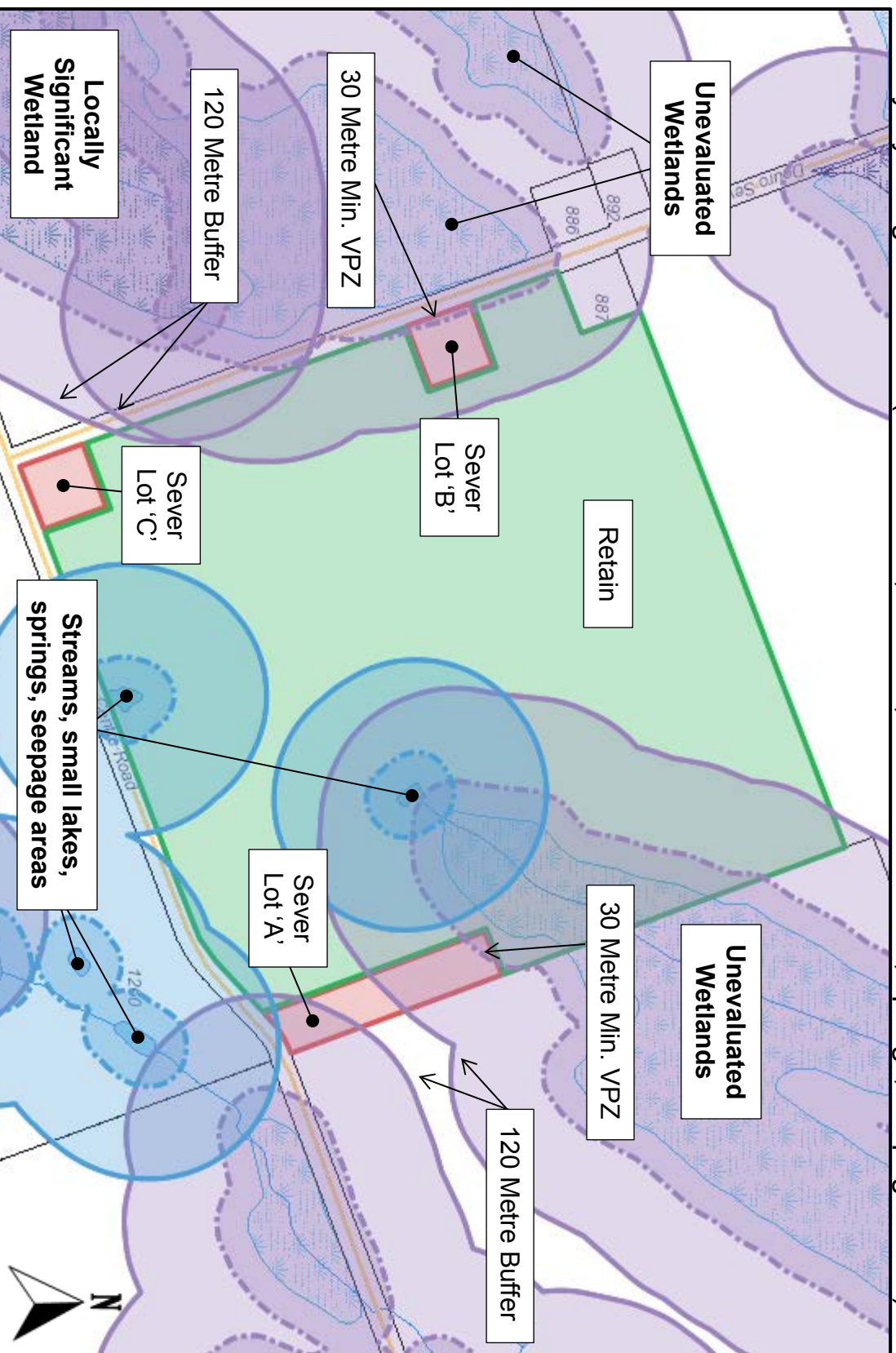
Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)
Severance Sketch – Lots A, B, C



Scale (metric)
1:6000 (1"=500')

Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)

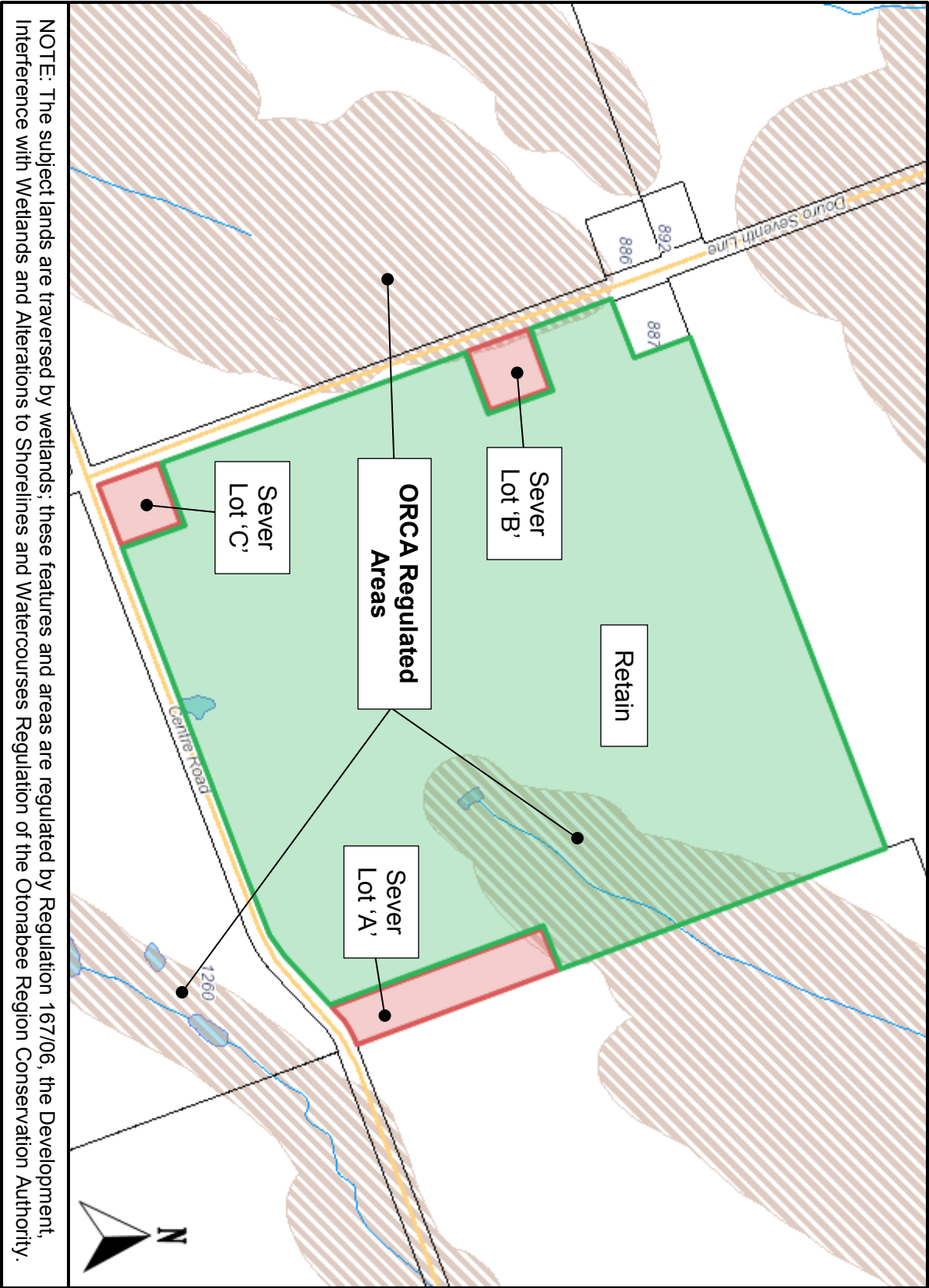
Key Hydrologic Features (i.e. wetlands, streams, small inland lakes, springs, seepage areas)



NOTE: Development and site alteration is not permitted within key hydrologic features (i.e. wetlands, rivers/streams); any development proposed within the 120 metre buffer surrounding key hydrologic features requires a natural heritage evaluation/hydrologic evaluation to identify a vegetative protection zone (no less than 30 metres). No development, including lot creation within the 30 metre VPZ.

Scale (metric)
1:6000 (1"=500')

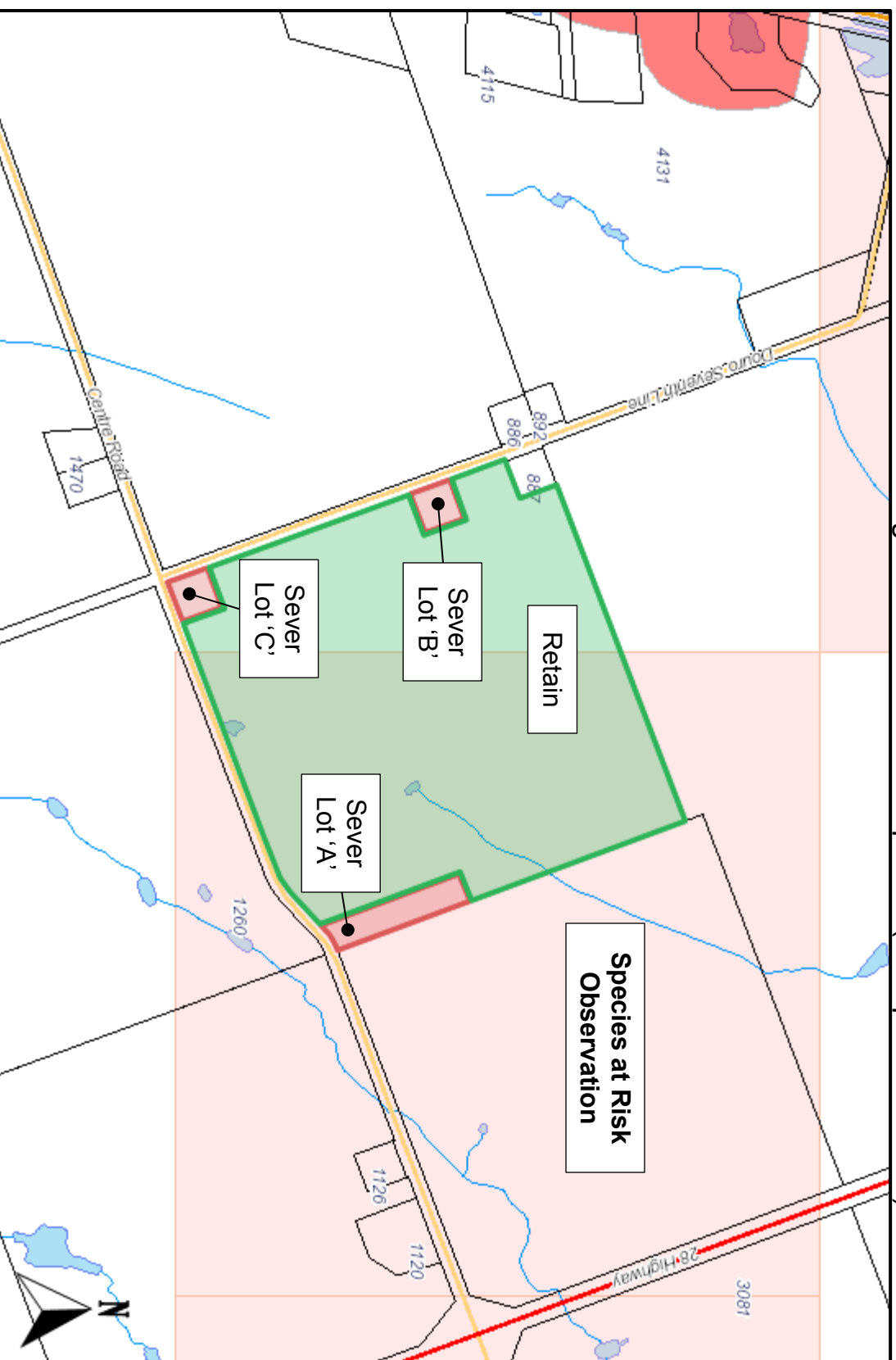
Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)
Regulated Areas – Otonabee Region Conservation Authority (ORCA)



Scale (metric)
1:6000 (1"=500')

Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)

Potential Habitat of Endangered or Threatened Species (i.e. Species at Risk)

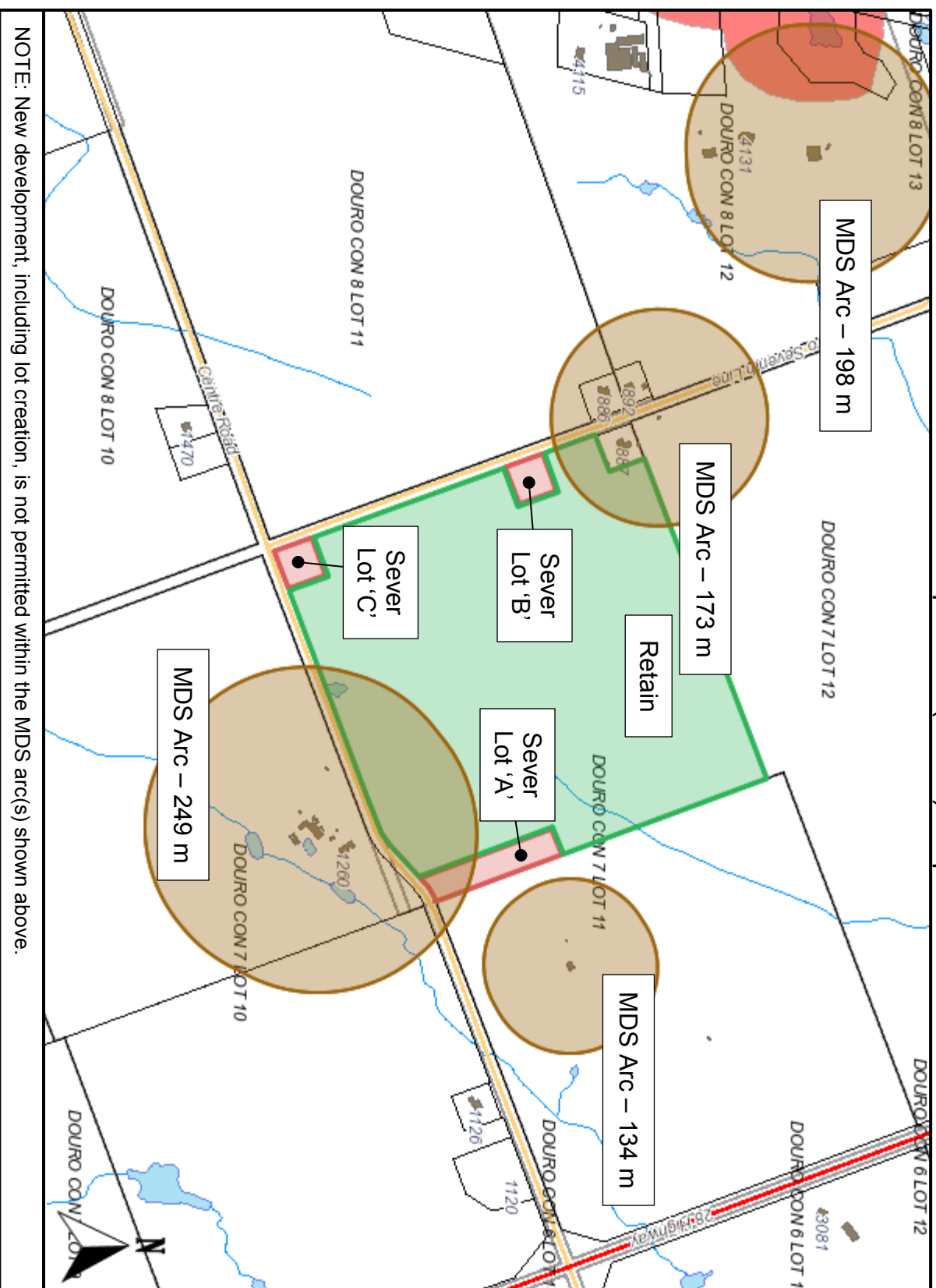


NOTE: The Ministry of Environment, Conservation and Parks (MECP) has identified a Species at Risk within the area marked above (i.e. pink squares). A Species at Risk Assessment may be required to determine whether any species or their habitat, is located on the subject lands and determine where development and site alteration may be permitted.

Scale (metric)
1:6000 (1"=500')

Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)

Minimum Distance Separation (MDS I) Requirements

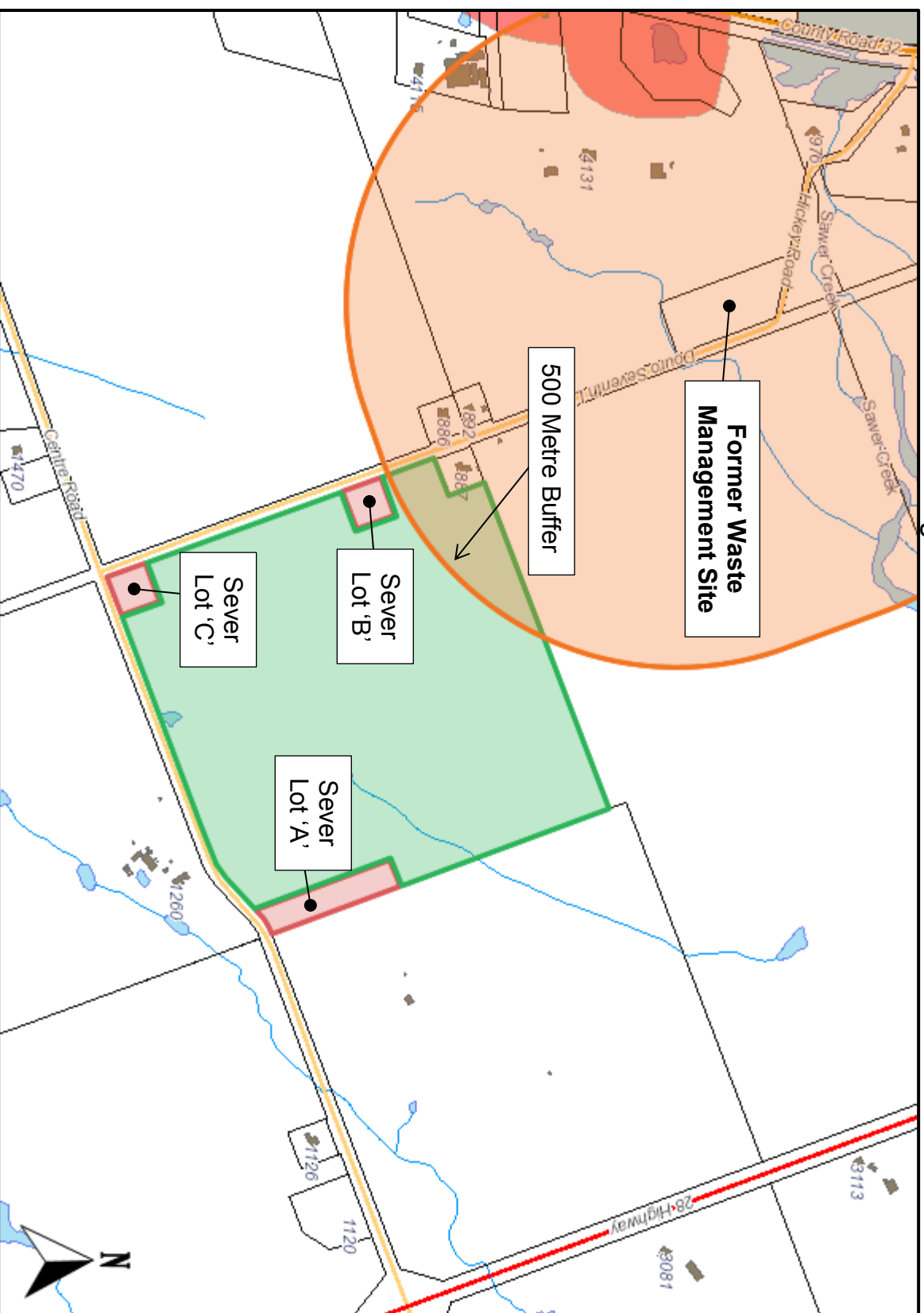


NOTE: New development, including lot creation, is not permitted within the MDS arc(s) shown above.

Scale (metric)
1:9600 (1"=800')

Roll # 1522-010-003-12601
Lot 11, Concession 7, Douro
(Moloney)

Former Waste Management Area – 500 m Area of Assessment



Scale (metric)
1:9600 (1"=800')

Minimum Distance Separation I

Worksheet 1

Prepared By: Amanda Warren, Planner, County of Peterborough

Description: PSR (Moloney) - Centre Road/Douro 7th Line

Application Date: Friday, July 12, 2019

Municipal File Number:

Proposed Application: Lot creation for a maximum of three non-agricultural use lots
Type A Land Use

Applicant Contact Information

Randall Moloney
887 Douro 7th Line
Douro-Dummer, ON, Canada K0L2H0
Phone #1: 705-748-9399
Phone #2: 705-760-0163
Email: lmoloney@nexicom.net

Location of Subject Lands

County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 7, Lot: 11
Roll Number: 152201000312601

Calculation Name: *Farm 1*

Description: 1260 Centre Road

Farm Contact Information

Michael Hickey

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 7, Lot: 10

Roll Number: 152201000312500

Total Lot Size: 38 ha

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	70	70.0	325 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	29	29.0	135 m ²



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

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

Design Capacity (NU): 99.0

Potential Design Capacity (NU): 297.0

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	462.17	X	0.7	X
				1.1	
				=	
				249 m (817 ft)	TBD
				Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
				249 m (817 ft)	TBD

Calculation Name: *Farm 2*

Description: Hwy 28 Barn - Lorraine C. Moloney

Farm Contact Information

Lorraine C. Moloney

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 7, Lot: 11

Roll Number: 152201000312600

Total Lot Size: 37 ha


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.

Minimum Distance Separation I

Worksheet 1

Prepared By: Amanda Warren, Planner, County of Peterborough

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	22	22.0	102 m ²

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

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

Design Capacity (NU): 22.0

Potential Design Capacity (NU): 44.0

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	248	X	0.7	X
				1.1	=
				134 m (439 ft)	TBD

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
134 m (439 ft)	TBD

Calculation Name: *Farm 3*

Description: 7th Line Barn - Hickey

Farm Contact Information

Vincent Hickey

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DOURO, Concession: 7, Lot: 12

Roll Number: 152201000312700

Total Lot Size: 76 ha

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	35	35.0	163 m ²

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

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

Design Capacity (NU): 35.0

Potential Design Capacity (NU): 105.0

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	321.19	X	0.7	X
				1.1	=
				173 m (568 ft)	TBD

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
173 m (568 ft)	TBD

Calculation Name: *Farm 4*

Description: 4131 County Road 32

Farm Contact Information

Gary Bolton

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DOURO, Concession: 8, Lot: 12

Roll Number: 152201000314620

Total Lot Size: 31.5 ha


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.

Minimum Distance Separation I

Worksheet 1

Prepared By: Amanda Warren, Planner, County of Peterborough

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	51	51.0	237 m ²

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

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

Design Capacity (NU): 51.0

Potential Design Capacity (NU): 153.0

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	366.42	X	0.7	X
				1.1	
				=	
				198 m (648 ft)	TBD

Storage Base Distance 'S'	(actual distance from manure storage)
198 m (648 ft)	TBD

Preparer Information

Amanda Warren
Planner
County of Peterborough
470 Water Street
Peterborough, ON, Canada K9H 3M3
Phone #1: 705-743-0380
Email: awarren@ptbocounty.ca

Signature of Preparer: _____ Date: _____
Amanda Warren, Planner

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.