

TECHNICAL REPORT

File #: 15OP-21013

Applicant: Michelle & David White

Municipality: Township of Dour-Dummer

Recommendation Summary: Approval of Official Plan Amendment

A complete application for the approval of an Official Plan Amendment (OPA) submitted together with the required supporting documentation was deemed complete by the County of Peterborough on November 16, 2021 and assigned file number 15OP-21013. This file represents Official Plan Amendment No. 66 to the County Official Plan.

The application applies to a property described legally as Lot 3, Concession 9; 45R8200, Part 1, Geographic Township of Douro, in the Township of Douro-Dummer and known municipally as 162 Douro Eighth Line. The property has an area of approximately 13.35 hectares (33 acres) and approximately 270 metres (885 feet) of frontage on Douro Eighth Line.

Proposal

The purpose of the Official Plan Amendment is to remove the Extractive Industrial designation from the subject lands, changing it to a Rural designation to allow for the creation of two residential lots by consent (severance).

The following materials were submitted in support of the application:

- Planning Justification Report, KMD Community Planning & Consulting, dated October 8, 2021
- Aggregate Resource Assessment, Cambium Inc., dated October 13, 2020
- Draft Survey, JBF Surveyors, not dated

The supporting studies have been peer reviewed by the County's consulting peer reviewer(s) or the prescribed agencies where necessary. All studies have been determined to be satisfactory and responses received from the agencies have indicated there is no concern with the Official Plan Amendment.

Agency Comments

Curve Lake First Nation

No archaeological assessment appears to be required.

Conseil Scolaire Viamonde

No comments.

Enbridge

No objections

Kawartha Pine Ridge District School Board

No concerns or issues.

Otonabee Conservation (ORCA)

No concerns with the proposed amendment.

Planning Analysis

Kevin M. Duguay, in his Planning Justification Report, dated October 8, 2021, provided a detailed planning analysis. County staff have completed a coordinated review of the application, based on the applicable policies of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, County Official Plan, and Township Comprehensive Zoning By-law as summarized below.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authority, in this case the County of Peterborough, the Township of Douro-Dummer, and Otonabee Conservation (in the case of natural hazards) 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 rural areas, the wise use and management of resources, and public health and safety.

Section 2.5.2.5 states: “In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed.”

The Extractive Industrial designation on the property identifies the potential for aggregate resource on the lands. The applicant retained Cambium Inc. to undertake an Aggregate Resource Assessment to review the current aggregate mapping and the potential feasibility of developing the site as an aggregate operation. Based on the inconsistent quality of the overburden deposits for aggregate materials, the small area of possible aggregate extraction and the presence of the on-site and adjacent wetland areas, the development of the Site as an aggregate extraction operation was deemed not to be feasible. Stantec Ltd. conducted a peer review of the assessment on behalf of the County and agreed with the report findings that an aggregate extraction would not be feasible. Therefore, the subject proposal appears to comply with Section 2.5 of the PPS.

Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan was released May 2, 2019; and took effect on May 16, 2019. The legislation is centred on the initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Section 2.2.9.3 states that development outside of settlement areas may be permitted on rural lands for “resource-based recreational uses and other rural land uses that are not appropriate for settlement areas” that are compatible with the rural landscape and surrounding local land uses, will be sustained by rural services levels, and will not adversely affect the protection of agriculture and aggregate uses.

Section 4.2.3 of the Growth Plan addresses Key Hydrologic Features and Natural Heritage Features and states “outside 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”.

Section 4.2.4 relates to lands adjacent to Key Hydrologic and Natural Heritage Features and states “outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which: for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature”.

The subject property contains key hydrologic and natural heritage features, including Provincially Significant Wetlands that make up part of the Meade Creek Complex, unevaluated wetlands, rivers/creeks and potential habitat of species at risk. The lands that the amendment applies will be limited to the area of the proposed severance applications for two residential lots located along Eighth Line of Douro and were deemed to be located more than 120 metres from the above noted features. The County and Otonabee Conservation agreed that a Natural Heritage Evaluation would not be required.

Therefore, the amendment does not appear to conflict with the Growth Plan.

County of Peterborough Official Plan

The subject lands would be described as Rural Area in the County Official Plan. The Amendment will allow for the creation of two residential lots by consent

(severance) for rural residential purposes. The proposal would appear to be compatible with the surrounding land uses.

Section 4.1.3.3 'Mineral Aggregate and Non-Aggregate Mineral Resources' (bullet point 5) states, in part, that, "in areas of significant mineral aggregate and non-aggregate potential...alternative land uses may be permitted where:

- extraction would not be feasible; or
- the proposed use of the land serves a greater long-term public interest; and
- prior to any approval of a change in land use, the proponent shall consult with the County and Ministry of Natural Resources and Forestry and will be required to prepare a study indicating the nature of the land use change, detailing the deposit's potential for extraction and demonstrating the compatibility and the need for the alternative land use."

As previously discussed, the Aggregate Resource Assessment submitted in support of the application concluded that the site is "not feasible for development as an extractive aggregate operation" and that the proposal would not impact the potential for future aggregate development in the area. The application does not appear to conflict with the County Official Plan.

County of Peterborough Official Plan – Local Component

The lands subject to the amendment are currently designated as "Extractive Industrial", "Rural", and "PSW" in the Local Component of the County Official Plan. As stated earlier, an Official Plan Amendment is necessary to remove the Extractive Industrial designation from the lands proposed to be severed by consent for residential use.

Section 7.9 outlines a list of criteria that should be considered when considering an amendment to the local component of the County Official Plan. These are as follows:

(1) The need for the proposed use.

The aggregate mapping on the subject lands is sourced from the Aggregate Resources Inventory Paper (ARIP) prepared by the Ontario Geological Survey, which is then incorporated into local Official Plans. Assessing the accuracy of the mapping by a qualified professional is standard practice to confirm the viability of the resource for a pit operation. Cambium Inc. was retained to assess the aggregate resource mapping on the property and determined that it would not be feasible to establish an extraction operation on site due to quality of aggregate materials, the small area of possible aggregate extraction and the presence of the on-site and adjacent wetland areas.

Given that the lands are not suitable for aggregate extraction, the creation of two rural residential lots is compatible with the surrounding area.

(2) *The extent to which the existing designated areas in the proposed categories are developed, and the nature and adequacy of such existing development.*

The proposed amendment to redesignate the lands to “Rural” is in keeping with and reflects surrounding land use designations and uses

(3) *The physical suitability of the land for such proposed use, taking into consideration potential for hazard, environmental areas etc.*

ORCA has reviewed the applications and have no objections to the amendment.

(4) *The location of the area under consideration with respect to the existing roads system, vehicular and pedestrian traffic, water supply and sewage disposal, and the protection of the natural environment.*

This application represents no changes nor additional impacts with respect to the existing road system. Changes to vehicular and pedestrian traffic, safety and access is not anticipated for the subject lands. The lands shall maintain access via Douro Eighth Line.

Further, Peterborough Public Health reviewed the applications with respect to sewage disposal and have no objections to the application.

(5) *The compatibility of the proposed use with the uses in adjoining areas.*

The surrounding uses are primarily agricultural and residential which is consistent with the proposed rural residential use.

(6) *The effect of the proposed use on the surrounding area regarding possible depreciation of adjacent properties.*

No adverse impact on adjacent property values is anticipated.

(7) *The potential effect of the proposed use on the financial position of the Township.*

The recognition of the subject lands for rural residential purposes will create no new or additional demands for municipal services.

(8) Consideration of the soil capability for agriculture and the potential impacts on surrounding agricultural uses and operations.

Does not apply

(9) Where the proposal involves taking prime agricultural land out of production, the planning justification requirements of the Provincial Policy Statement shall be addressed.

Does not apply.

(10) The Minimum Distance Separation requirements of the Provincial Policy Statement shall be met for new uses being proposed in proximity to existing livestock facilities.

The proposal appears to meet MDS 1 setback requirements.

(11) Demonstration of how the proposal conforms to the Provincial Growth Plan.

Refer to Growth Plan discussion above.

Conclusion

The OPA No. 66 serves to change the land use designation on the subject property in the area of the proposed severances from "Extractive Industrial" to "Rural" to permit the development of two rural residential lots. As stated throughout this report, an aggregate operation on the subject property is not considered to be feasible due to the quality of material, size of the lands, and presence of significant wetland areas. The surrounding area is compatible for rural residential purposes.

Planner: A. Warren Date: January 27, 2022