

Preliminary Severance Review



Prepared by the Peterborough County
Planning Department

Name: Roy Lobb

Agent: David Lobb

Date: May 20, 2020

Lot: 4

Concession: 5

Municipality: Dummer Ward

Township of Douro-Dummer

Description: 276 Sixth Line Road South Dummer

Phone: 705-933-0112

Email:
david.lobb91@gmail.com

Office Phone:

Communication Sent To: **Owner:**

Agent:

	Severed	Retained
County O.P. Description	Rural Area	Rural Area
Municipal O.P. Designation (effective April 2014)	Rural	Rural & Provincially Significant Wetland
Municipal Zoning (By-Law No. 10-1996)	(RU)	(RU) & (EC(P))
Area/Lot Dimensions	± 0.8 hectares with ±90m of frontage	± 39.6 hectares with ±520m of frontage
Existing Use/Buildings	Vacant	House, Barn

Intent: To sever a residential lot. Roll No.(s) 1522-020-001-08200.

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 and Provincially Significant Wetland in the Local Component of the County Official Plan; the severed parcel is within the Rural designation only.

In the Rural designation a maximum of two severances are permitted from a property as it existed 25 years prior to the date of application (S. 6.1.1 & 6.2.2.5(d)). Peterborough County Land Division records indicate that the subject property has not received any severances in the last 25 years, therefore the lands remain 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)). Assessment information indicates that the landowner appears to meet the ownership requirements, and the severed parcel does not exceed 1 hectare.

All consents meet road frontage & access, Zoning By-law, Minimum Distance Separation and Health Unit requirements (Ss.7.12.2, 7.12.4, 7.2.3 & 7.12.12). Minimum Distance Separation (MDS) must be calculated for any livestock facility, regardless as to whether it is currently being used to house livestock. As can be seen on the attached sketch, the severed parcel is located entirely within the MDS arc from the barn on the retained parcel and therefore does not meet Minimum Distance Separation requirements.

Since the subject lands front on a Township Road, any proposed entrances must be approved by the local Municipal Public Works department.

Municipal Zoning By-Law Review: The severed parcel is zoned Rural (RU) in the Municipal Zoning By-law. A single detached dwelling is permitted in the (RU) zone (S.9.1.5), provided the parcel has a minimum lot area of 0.4 hectares and a minimum lot frontage of 45 metres (S.9.2.4(a)&(b)). The severed parcel appears to meet these minimum requirements.

The retained parcel is zoned Rural (RU) and Provincially Significant Wetland (EC(P)) in the Municipal Zoning By-law. An agricultural 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(a)&(b)). The retained parcel appears to meet these minimum requirements. The applicant should be aware that new buildings and structures are not permitted within the area zoned (EC(P)) (S.19.2).

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

The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property: wetlands, streams and potential species at risk.

Section 4.2.4.1 of the Growth Plan (2019) states that development and site alteration, including lot creation, within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres. Since the severed parcel is located within 120 metres of the above key hydrologic features, a natural heritage evaluation and/or hydrologic evaluation is required. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during and after development to protect the hydrologic and ecological functions of the feature. Although the Otonabee Region Conservation Authority can be contacted for specific study requirements, it is not recommended that further study be pursued until such time as other conformity issues with the proposal have been addressed.

A portion of the subject property is traversed by an area identified for habitat of endangered species and threatened species, as shown on the attached sketch. Policy 2.1.7 of the Provincial Policy Statement prohibits development and site alteration, including lot creation, within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. A Species at Risk (SAR) assessment is required as part of the natural heritage evaluation, referenced above.

Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.8 of the 2020 Provincial Policy Statement has been calculated for the livestock facilities (i.e. barns) at 277 Sixth Line Road, 191 Sixth Line Road and on the retained parcel (see map attached). The proposal does not appear to meet MDS I setback requirements since the severed parcel is located entirely within the MDS arc from the barn on the retained parcel. In order to address this issue, it is recommended that the severed parcel be moved to a location elsewhere on the property outside of the MDS arc, the barn be removed from the property or rezoned to prohibit the keeping of livestock.

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.

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/Don Allin at (705) 745-5791 ext.213/ext.225 to determine what, if any permits may be necessary.

* The applicant and any prospective owners are advised that endangered and/or threatened species exist in the area and may exist on the site. It is the responsibility of the landowner to identify endangered and threatened species and their habitat within the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the *Endangered Species Act, 2007 (ESA)*. Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

This Preliminary Severance Review has been circulated by the Planning Department to the following agencies (marked with an X):

- Local Municipality of Douro-Dummer**
- County Infrastructure Services (i.e. Roads) ;**
- Conservation Authority ;**
- First Nations ;**
- Other**

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

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

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

The severance proposal does not appear to conform to the Provincial Plan(s). Minimum Distance Separation requirements have not been met since the severed parcel is located entirely within the MDS arc from the barn on the retained parcel. It is recommended that the severed parcel be moved to a location elsewhere on the property outside of the MDS arc, or the barn be removed from the property or rezoned to prohibit the keeping of livestock.

The applicant should be aware that any development proposed within the 120 metre buffer surrounding key hydrologic features on the property will require a Natural Heritage Evaluation.

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

The severance proposal does not appear to conform to the County Official Plan. 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. Minimum Distance Separation requirements have not been met since the severed parcel is located entirely within the MDS arc from the barn on the retained parcel. It is recommended that the severed parcel be moved to a location elsewhere on the property outside of the MDS arc, or the barn be removed from the property or rezoned to prohibit the keeping of livestock.

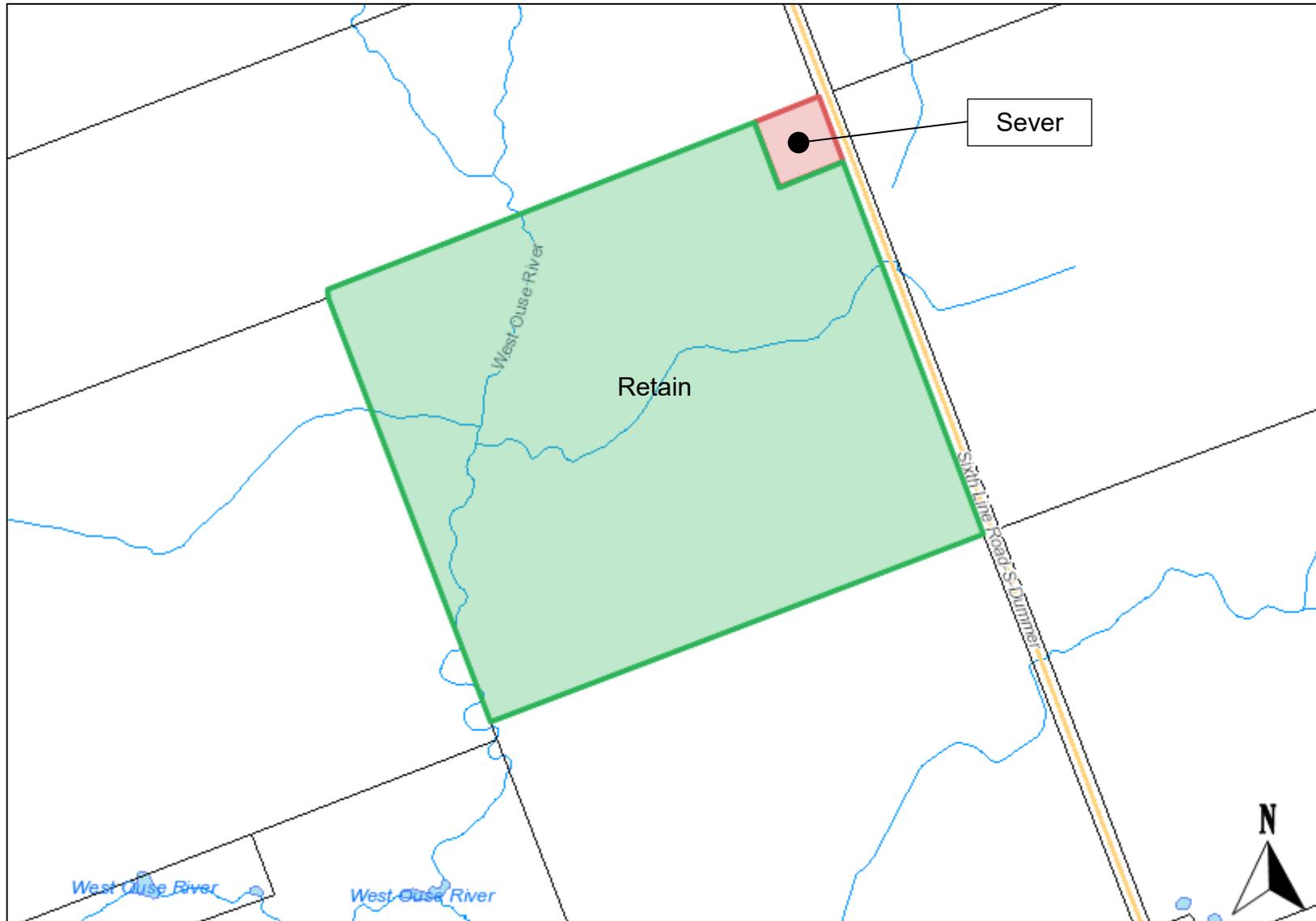
- Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the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

Reviewed By: Keziah Holden

Important

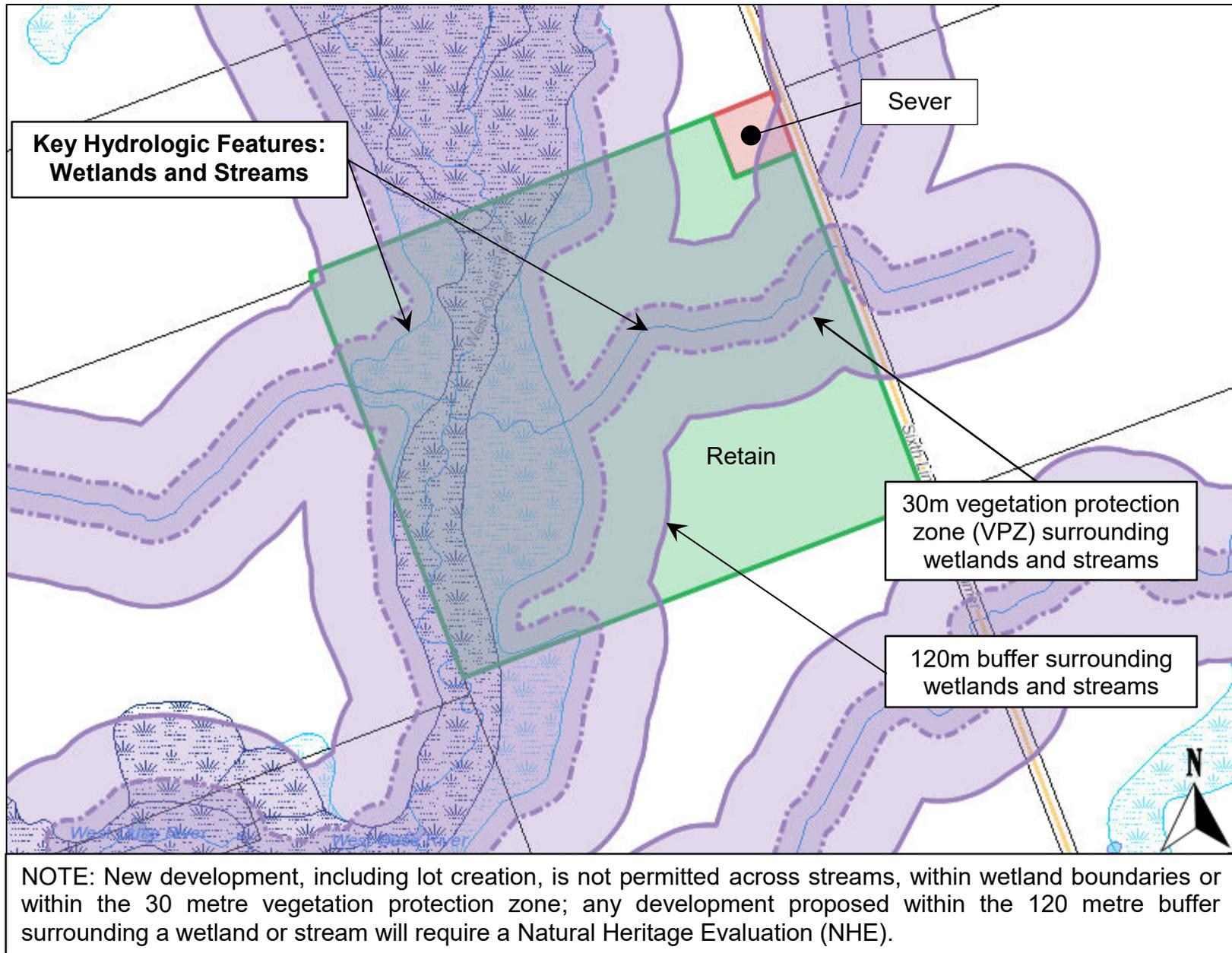
Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore, the above-noted comments should 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 # 1522-020-001-08200
Lot 4, Concession 5, Dummer Ward

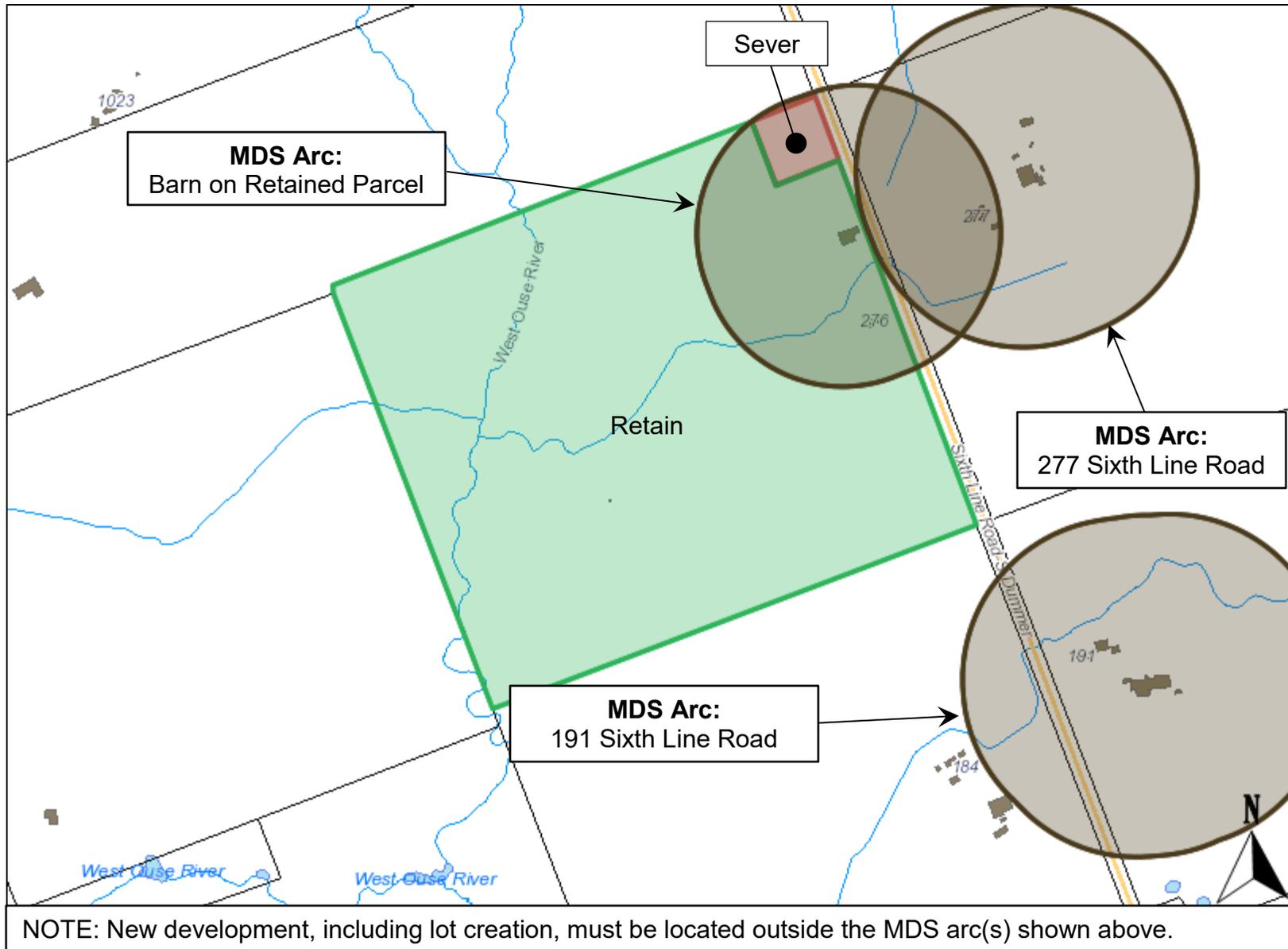


Scale (metric)
1:8,000

Roll # 1522-020-001-08200
Special Features Mapping: Key Hydrologic Features

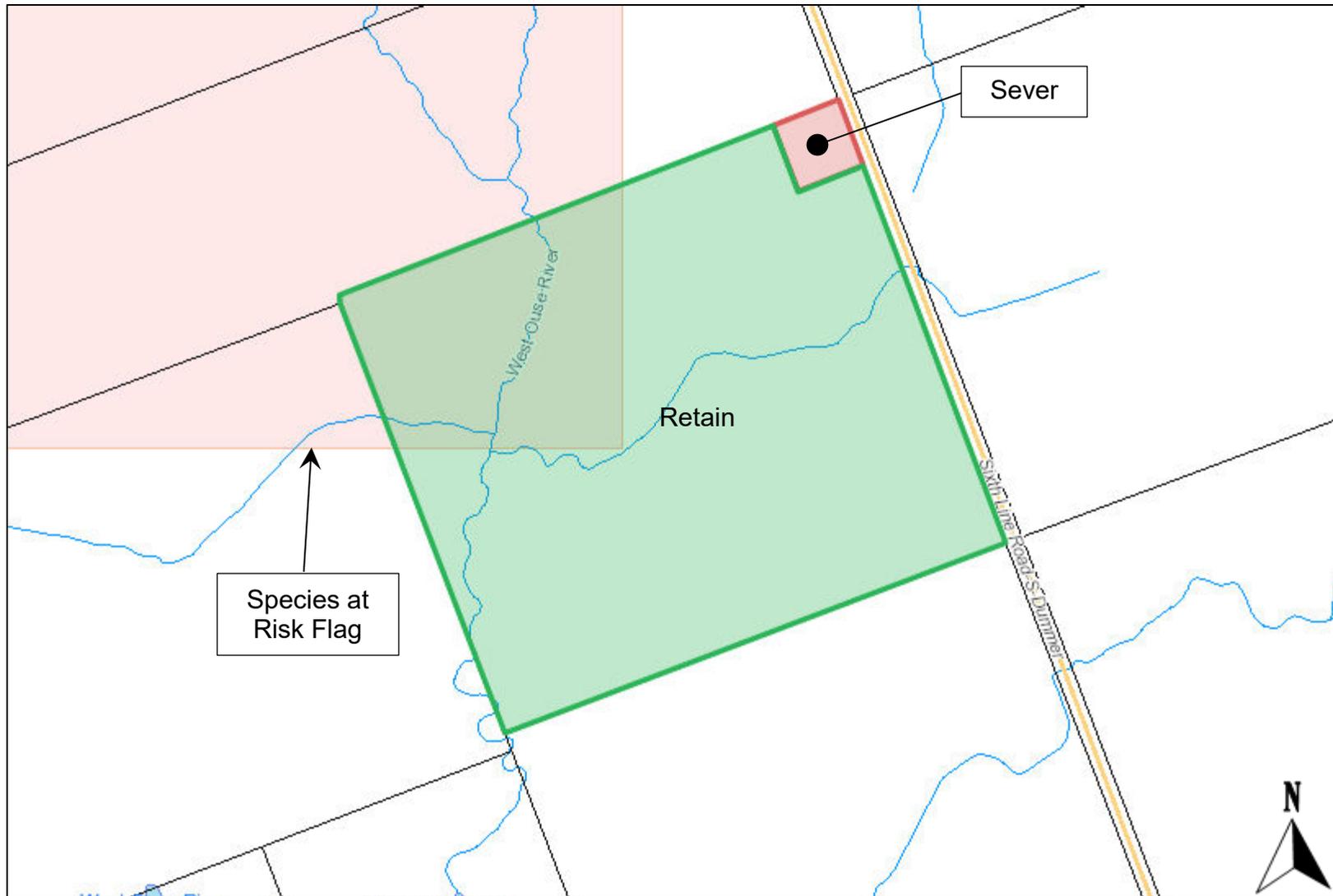


Roll # 1522-020-001-08200
Minimum Distance Separation (MDS) Requirements



Scale (metric)
1:8,000

Roll # 1522-020-001-08200
Special Features Mapping – Species at Risk



NOTE: New development, including lot creation, is not permitted within habitat of threatened and endangered species, except in accordance with provincial and federal requirements. Species at Risk Data available to the County has identified an observation or potential habitat that may require a Species at Risk (SAR) Assessment to support the severance application.

Scale (metric)
1:8,000