

# Preliminary Severance Review



Prepared by the Peterborough County  
Planning Department

**Name:** Peter &  
Wendy Smith

**Agent:** Katherine Howes (D.M.  
Wills)

**Date:** December 14,  
2020

**Lot:** 14

**Concession:** 3

**Municipality:** Dummer Ward  
Township of Douro-Dummer

**Description:** 1090 Fourth Line Road (South) Dummer

**Phone:**  
705.933.2269(O)

**Email:**  
waybackfarm@nexicom.net(O)  
khowes@dmwills.com(A)

**Office Phone:**  
705.742.2297 x 252 (A)

**Communication Sent To:**

**Owner:**

**Agent:**

	Severed	Retained
<b>County O.P. Description</b>	Rural Area	Rural Area
<b>Municipal O.P. Designation</b> (effective April 2014)	Rural	Rural
<b>Municipal Zoning</b> (By-Law No.2000-21)	(D2) & (RU)	(D2) & (RU)
<b>Area/Lot Dimensions</b>	±0.58 hectares with ±60 m of frontage on Rock Road	±81.06 hectares with ±442 m of frontage on Rock Road
<b>Existing Use/Buildings</b>	Vacant	Agricultural/Single detached dwelling, barn & accessory structures

**Intent:** To sever a residential lot. Roll No.(s) 1522-020-003-32401.

**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)).

The proposed severed lot is located within 500 metres of a former waste management area as shown on Schedule 'A4-2' of the Township's Official Plan (see map attached). To ensure that new development will not be negatively impacted by the disposed waste prior to the approval of new development, local municipalities shall identify a 500 metre radius around all operating and closed landfill sites in their local Official Plans. This 500

metre radius will serve as an assessment area to require testings and studies, which deal with such issues as methane gas, leachate, hydrogeology and structural stability by qualified professionals unless exempted by the Ministry of the Environment (S. 4.7.3.3). The need for a land use compatibility study should be confirmed with the Ministry of Environment, Conservation and Parks (MECP). Until the land use compatibility is confirmed, the proposal does not appear to conform to the County Official Plan. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

**Municipal Official Plan Policy Review:** The subject property is designated 'Rural' in the Local Component of the County Official Plan (i.e. Township Official Plan). Agricultural uses as well as low density residential development in the form of one single detached dwelling per lot are permitted in the 'Rural' designation (S. 6.2.2.2 & 6.2.2.3(b)).

In the 'Rural' designation, a maximum of two severances are permitted in the Township of Douro-Dummer 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 and 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 provided to the County by MPAC, the property owner appears to have owned the property for the required minimum of 5 years.

The subject property is located within the influence area (i.e. 500 metres) of a closed waste disposal site. Section 6.2.18.3 (e) of the Official Plan states, "within 500 metres of waste management footprints, only land uses compatible with the potential impacts or their engineered controls shall be permitted and may have to be determined by Official Plan amendment as a result of studies under Section 6.2.18.3 c). Ministry of Environment (MOE) recommends that the 500 metre assessment area be used as a study area to determine the impact of the landfill on land use proposals in accordance with MOE Guideline D-4: Land Use on or Near Landfills and Dumps." As such, studies to investigate, among other things, gas leachate and hydrogeology may be required to be completed to the satisfaction of the Township and the Ministry of Environment, Conservation and Parks (MECP) in order to demonstrate that the development can safely take place. Until the land use compatibility is confirmed, the proposal does not appear to conform to the Township's Official Plan. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

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).

**Municipal Zoning By-Law Review:** The severed parcel is zoned Rural (RU) Zone and is marginally within the Development (D2) Zone in the Township's Zoning By-Law. Where a lot which existed at the date of passing of this By-law is divided into more than one zone the provisions of each of the applicable zones, save and except lot area and lot frontage, shall apply to each portion of such lot (S. 3.27). 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)). An existing permanent dwelling is permitted in the (D2) Zone (S.20.2.1). The minimum lot area and frontage requirements of the (D2) Zone are described as 'as existing' (S. 20.3.1(a)&(b)). The severed parcel appears to meet the minimum lot area and frontage requirements of the (RU) Zone.

The retained parcel is zoned Rural (RU) Zone and Development (D2) Zone in the Township's Zoning By-Law. Where a lot which existed at the date of passing of this By-law is divided into more than one zone the provisions of each of the applicable zones, save and except lot area and lot frontage, shall apply to each portion of such lot (S. 3.27). A farm including a single detached dwelling 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)). Existing uses are permitted in the (D2) Zone (S. 20.2). The minimum lot area and frontage requirements of the (D2) Zone are described as 'as existing' (S. 20.3.1(a)&(b)). The retained parcel appears to meet the minimum lot area and frontage requirements of the (RU) Zone.

**Provincial Policy Review:** The 2020 Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe, 2019 (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: unevaluated wetlands and an Area of Natural and Scientific Interest (ANSI).

\*Sections 4.2.3.1, 4.2.4.1(c) & 4.2.4.3 of the GPGGH state that outside settlement areas, development, including lot creation, and site alteration, is not permitted in key hydrologic or key natural heritage features or their related minimum 30 metre vegetation protection zone (VPZ). Section 4.2.4.1 of the GPGGH states that outside settlement areas, development, including lot creation, and site alteration within 120 metres of a key natural heritage feature or a key hydrologic feature will require a natural heritage evaluation and/or a hydrologic evaluation that identifies a vegetation protection zone (VPZ). Since the new lot appears to be located within 120 metres of an unevaluated wetland located on the opposite side of Rock Road, a natural heritage/hydrologic evaluation (NHE) appears to be required, however, this should be confirmed with the Otonabee Region Conservation Authority (ORCA). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

\*The subject property is located within 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. Species at Risk data available to the County has identified a possible species at risk on or adjacent to the proposed severed lot, therefore, a Species at Risk (SAR) assessment in accordance with S. 4.1.3.1 of the County Official Plan is required to support the severance application. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

\*The subject property is located within 50 metres of an Area of Natural and Scientific Interest (ANSI). The County Planning Department notes that this ANSI is located on the west side of Rock Road opposite the proposed severed parcel. Policy 2.1.5 (e) of the Provincial Policy Statement (PPS) states that development and site alteration shall not be permitted in significant areas of natural and scientific interest (ANSIs) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Development and site alteration shall not be permitted on adjacent lands to provincially significant ANSIs 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 (S. 2.1.8). An Environmental Impact Study (EIS) for this feature in accordance with Section 4.1.3.1 of the County Official Plan does not appear to be since the ANSI is not located on lands that are contiguously adjacent to the proposed severed parcel (PPS – 'Adjacent Lands'), however, this should be confirmed with the Otonabee Region Conservation Authority (ORCA). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

\*Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.8 of the 2020 Provincial Policy Statement has been calculated by D.M. Wills (agent for the proponent) for the livestock facilities (i.e. barns) at 1090 Fourth Line Road (South) Dummer (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 at (705) 745-5791 ext.213 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"/> <b>Township</b>   | <input checked="" type="checkbox"/> <b>Health Unit</b> |
| <input checked="" type="checkbox"/> <b>Conservation Authority</b>   | <input type="checkbox"/> <b>Trent-Severn Waterway</b>  |
| <input type="checkbox"/> <b>Source Water Risk Management Officer</b>  | <input type="checkbox"/> <b>First Nations</b>          |
| <input checked="" type="checkbox"/> <b>Ministry of Environment, Conservation and Parks (RE: New lot with 500 m of former waste management area)</b> | <input type="checkbox"/> <b>Other</b>                  |

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

The severance proposal does not appear to conform to the Provincial Plan(s). An Environmental Impact Study (EIS) and/or Natural Heritage/Hydrolic Evaluation (NHE) may be required with regard to an Area of Natural and Scientific Interest (ANSI) and an unevaluated wetland located in proximity to the proposed severed parcel. Please contact the Otonabee Region Conservation Authority (ORCA) to confirm the requirement for these reports (PPS S. 2.1.8 and GPGGH S. 4.2.4.1). Furthermore, a Species at Risk Assessment is required in accordance with PPS S. 2.1.7. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

**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 proposed severed lot is located within 500 metres of a former waste management area. A land use compatibility study may be required to be completed to the satisfaction of the Township and the Ministry of Environment, Conservation and Parks (MECP) in order to demonstrate that the development can safely take place. Until the land use compatibility

is confirmed, the proposal does not appear to conform to the County Official Plan (S. 4.7.3.3). A Species At Risk Assessment in accordance with S. 4.1.3.1 of the County Official Plan is also required. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

**Proposal does not appear to conform to Township Official Plan policies.**

The severance proposal does not appear to conform to the Township Official Plan. The proposed severed lot is located within 500 metres of a former waste management area. A land use compatibility study may be required to be completed to the satisfaction of the Township and the Ministry of Environment, Conservation and Parks (MECP) in order to demonstrate that the development can safely take place. Until the land use compatibility is confirmed, the proposal does not appear to conform to the Township's Official Plan (S. 6.2.18.3(e)). Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

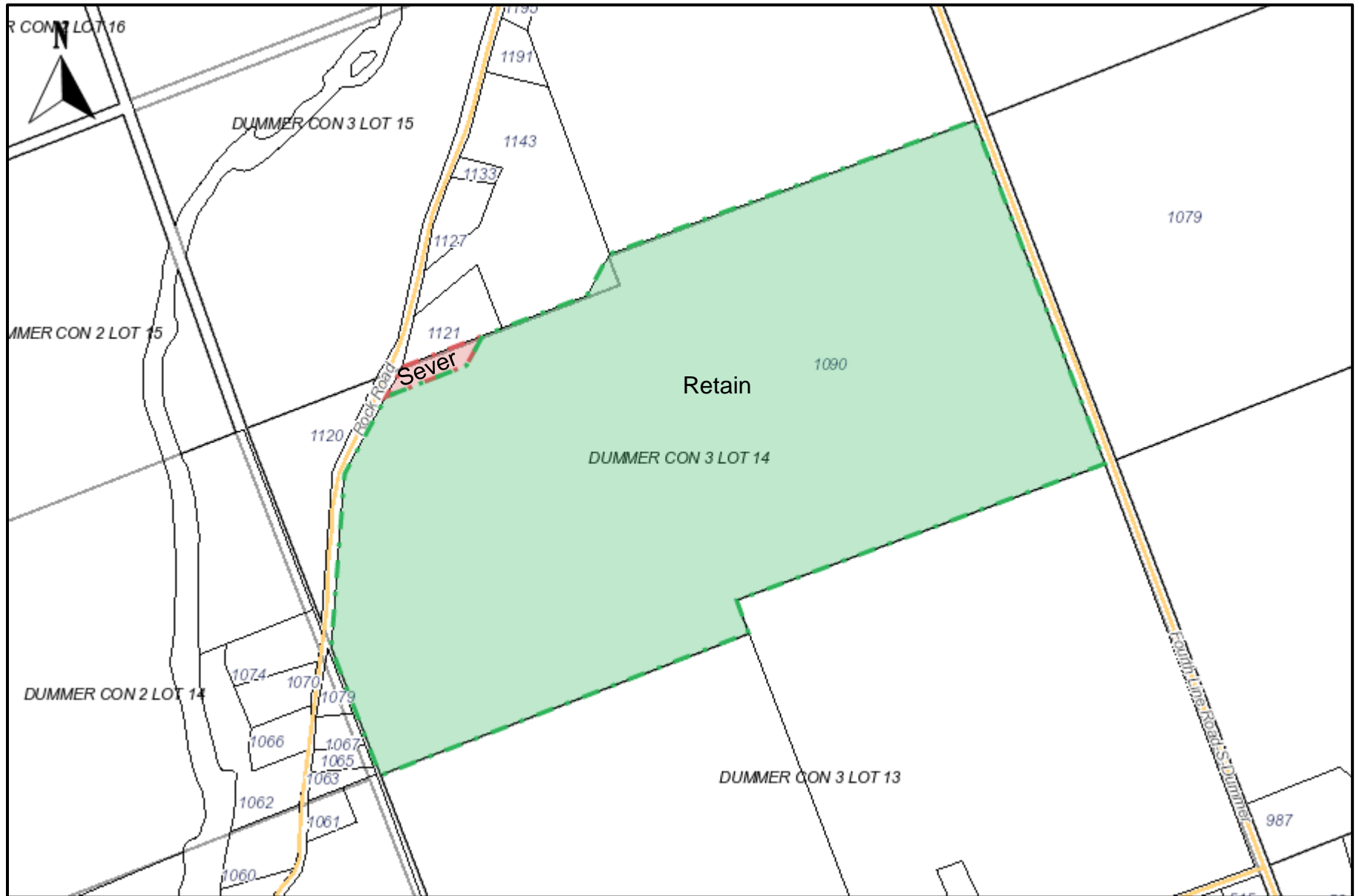
**Application requires confirmation from the Township or identified agency regarding policy conformity. \*\*Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the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

**Reviewed By: Per Lundberg**

**Important**

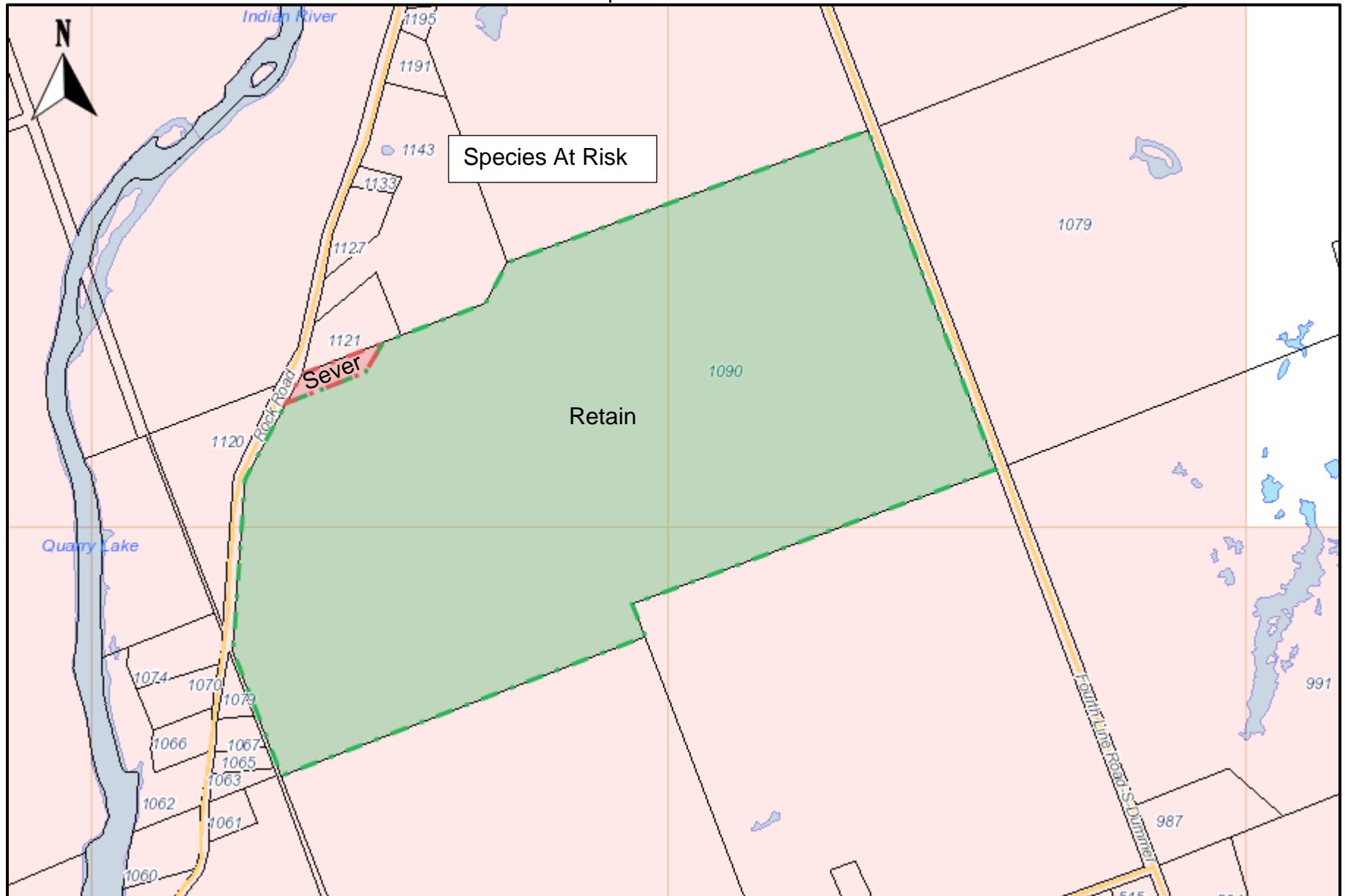
***Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore, the above-noted comments 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 # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)  
Severance Sketch



1:9600(1"=800')

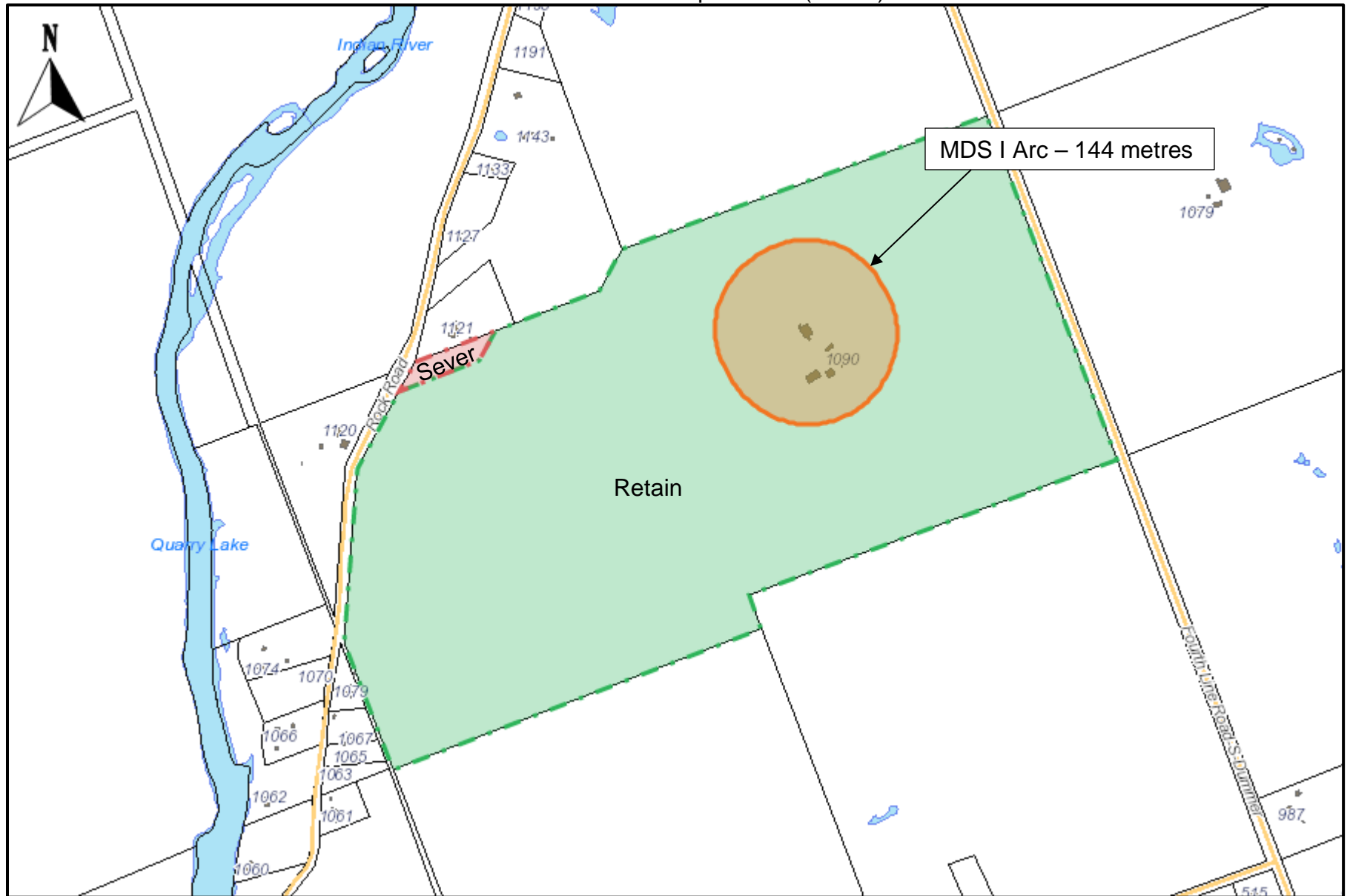
**Roll # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)  
Species At Risk



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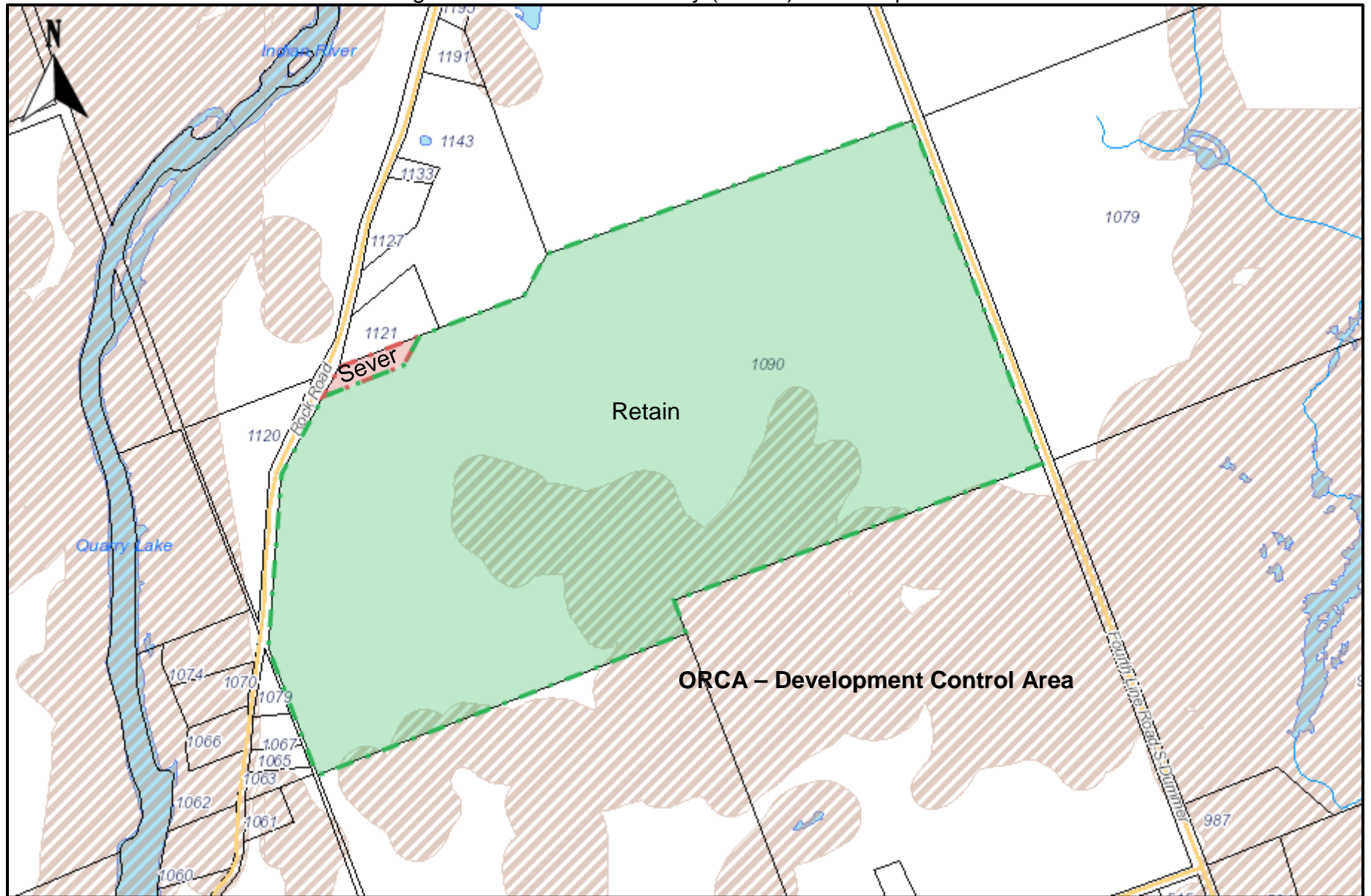
**Roll # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)  
Minimum Distance Separation I (MDS I)



1:9600(1"=800')

**Roll # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)

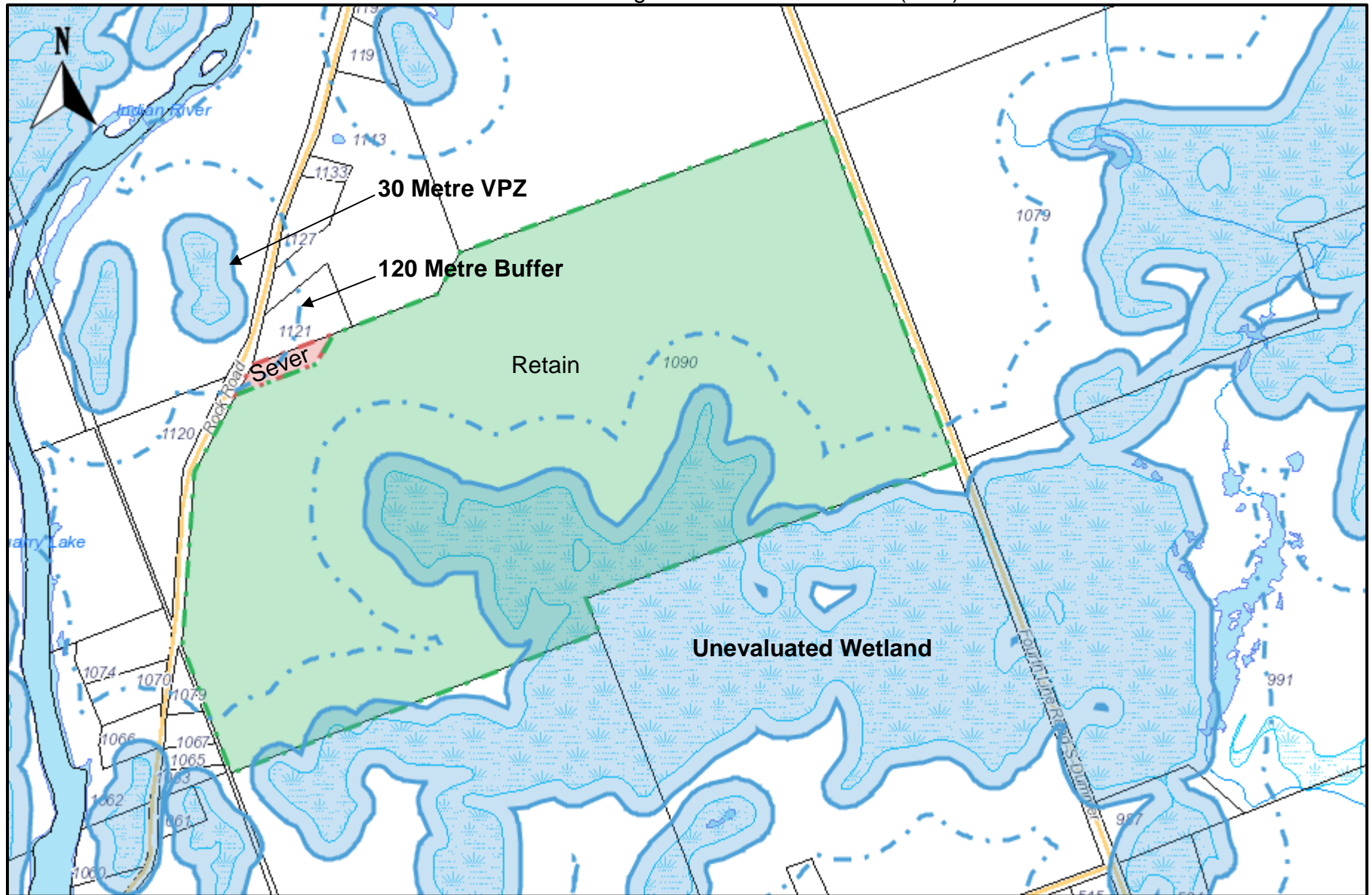
Otonabee Region Conservation Authority (ORCA) – Development Control Area



1:9600(1"=800')

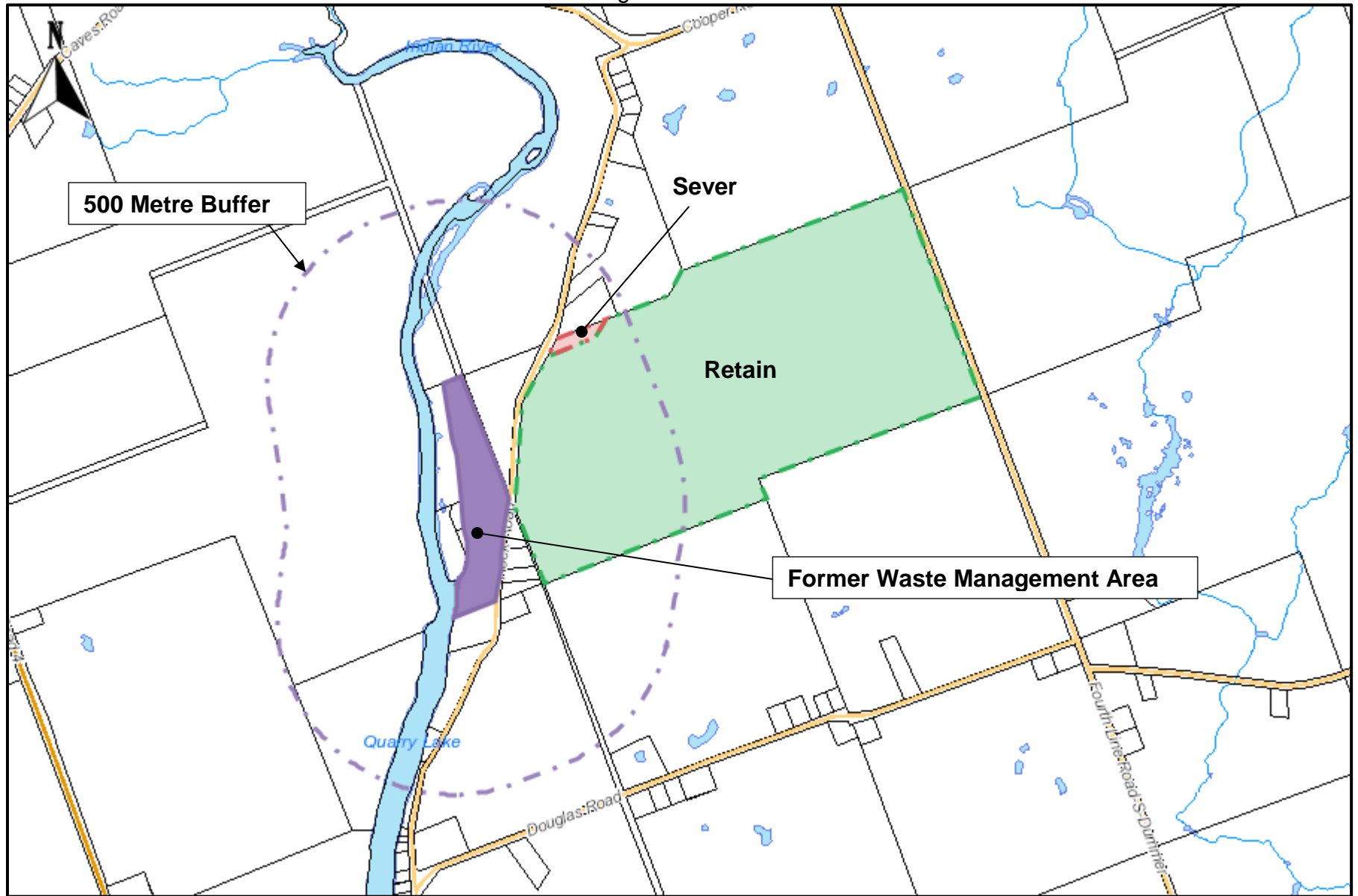
**Roll # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)

Unevaluated Wetlands with 30 Metre Vegetation Protection Zone (VPZ) & 120 Metre Buffer



1:9600(1"=800')

**Roll # 1522-020-003-32401**  
Part Lot 14, Concession 3 (Dummer)  
(Smith)  
Former Waste Management Area & 500 Metre Buffer



1:9600(1"=800')

## Minimum Distance Separation I

Worksheet 1

Prepared By: Katherine Howes, Land Use Planner, D.M. Wills Associates Ltd.

**Description:** 1090 4th Line Road South, Douro-Dummer

**Application Date:** Wednesday, September 23, 2020

**Municipal File Number:**

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

**Applicant Contact Information**

Peter Smith  
Phone #1: 705-933-2269

**Location of Subject Lands**

County of Peterborough, Township of Douro-Dummer  
DUMMER, Concession: 3, Lot: 14  
Roll Number: 152202000332401

**Calculation Name:** *Farm 1*

**Description:** 1090 Fourth Line Road South, Douro-Dummer

**Farm Contact Information**

Peter Smith

**Location of existing livestock facility or anaerobic digester**

County of Peterborough, Township of Douro-Dummer  
DUMMER, Concession: 3, Lot: 14  
Roll Number: 152202000332401  
Total Lot Size: 199 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	12	12.0	56 m <sup>2</sup>
Solid	Chickens, Layer hens (for eating eggs; after transfer from pullet barn), floor run	99	0.7	9 m <sup>2</sup>
Solid	Sheep, Ewes & rams (for meat lambs; includes unweaned offspring & replacements), Outside Access	10	1.3	14 m <sup>2</sup>
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	4	4.0	93 m <sup>2</sup>

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

**Design Capacity (NU):** 17.9

**Potential Design Capacity (NU):** 53.7

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)
<b>0.7</b>	<b>X</b>	<b>267.46</b>	<b>X</b>		<b>144 m (473 ft)</b>	<b>553 m (1814 ft)</b>
		<b>0.7</b>	<b>X</b>	<b>1.1</b>		
					Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
					<b>144 m (473 ft)</b>	<b>553 m (1814 ft)</b>



# Minimum Distance Separation I

Worksheet 1

Prepared By: Katherine Howes, Land Use Planner, D.M. Wills Associates Ltd.

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**Preparer Information**

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Signature of Preparer: \_\_\_\_\_

Katherine Howes, Land Use Planner

Date: \_\_\_\_\_

September 28<sup>th</sup> 2020

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**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.