

Preliminary Severance Review



Prepared by the Peterborough County
Planning Department

Name: Valerie McGriskin & David Minshall **Agent:**

Date: May 8, 2020

Lot: 12 **Concession:** 1

Municipality: Douro Ward
Township of Douro-Dummer

Description: 921 Douro First Line

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Email:
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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
Municipal Zoning (By-Law No. 10-1996)	(RU)	(RU) & (EC)
Area/Lot Dimensions	2 lots, eac ± 0.4 hectares with ± 45m of frontage	± 34.8 hectares with ± 147m of frontage
Existing Use/Buildings	Vacant	House, Barn, Outbuilding

Intent: To sever more than one residential lot. Roll No.(s) 1522-010-002-03001.

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. 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 previous severances, therefore the property remains 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)). The landowners appear to meet the minimum length of ownership requirements, and the severed parcels are both less than 1 hectare in area.

All consents must also meet road frontage & access, Zoning By-law, Minimum Distance Separation and Health Unit requirements (S.7.12.2, 7.12.4, 7.2.3 & 7.12.12). Minimum Distance Separation (MDS) has been calculated for livestock facilities on both the retained parcel and neighbouring properties. As can be seen on the attached sketch, the severed parcels are entirely within the MDS arc from these facilities and do not meet Minimum Distance Separation requirements. The applicant should be aware that MDS requirements are greater where the severance proposal will result in a cluster of four or more residential lots.

Municipal Zoning By-Law Review: The severed parcels are 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)). Both severed parcels appear to meet these minimum requirements.

The retained parcel is zoned Rural (RU) and Environmental Conservation (EC) 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 portion of the retained parcel within the (EC) zone will not be impacted as a result of this proposal.

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 and stream.

Sections 4.2.3 and 4.2.4.1(c) of the Growth Plan (2019) state that development and site alteration, including lot creation, is not permitted in key hydrologic features or the minimum 30 metre vegetation protection zone (VPZ) surrounding the feature. In addition, Section 4.2.4.1 of the Growth Plan (2019) states that development within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation. Given the proximity of the severed parcels to the wetlands on the property, the lot lines will be required to be adjusted to ensure that the severed parcel is located outside the key hydrologic feature and its associated VPZ in order to comply with Growth Plan policy. If the lot lines are adjusted, but the severed parcels remain within the 120 metre buffer surrounding the feature, a natural heritage evaluation and/or hydrologic evaluation is required. Evaluations undertaken in accordance with these policies will identify the boundaries of the key natural heritage feature, vegetation protection zones, and any additional restrictions to be applied before, during and after development to protect the hydrologic and ecological functions of the feature.

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 999 Douro First Line, 996 Douro First Line and on the retained parcel (see map attached). In accordance with Guideline #34 of the Provincial Guidelines for Minimum Distance Separation, MDS setback requirements are greater where the proposal will result in a cluster of 4 or more residential lots located in close proximity to each other. Based on the calculation using a Type B land use, the proposal does not appear to meet MDS I setback requirements and therefore does not conform to the Provincial Policy Statement.

The subject property is located within a Prime 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 and until such time, the current designation applies.

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). The severed parcels are located entirely within the MDS arcs from barns in the area; MDS requirements are greater where the effect of the proposal will result in a cluster of four or more residential lots. The severed parcels also appear to be within the 30 metre vegetation protection zone surrounding a nearby wetland and new lots are not permitted in this area.

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. The severed parcels are located entirely within the MDS arcs from barns in the area.

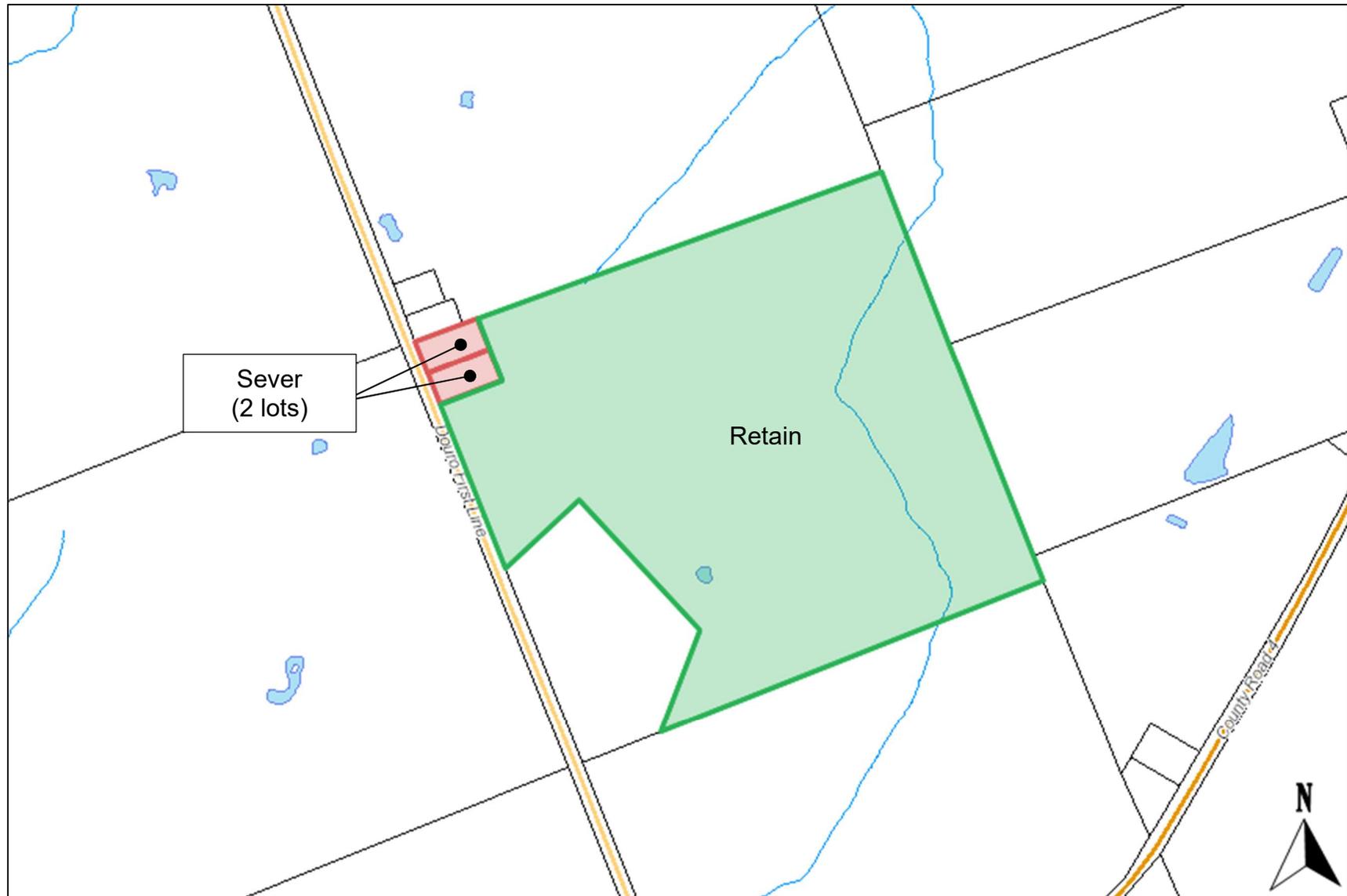
- Application requires confirmation from the Township or identified agency regarding policy conformity. **Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the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

Reviewed By: Keziah Holden

Important

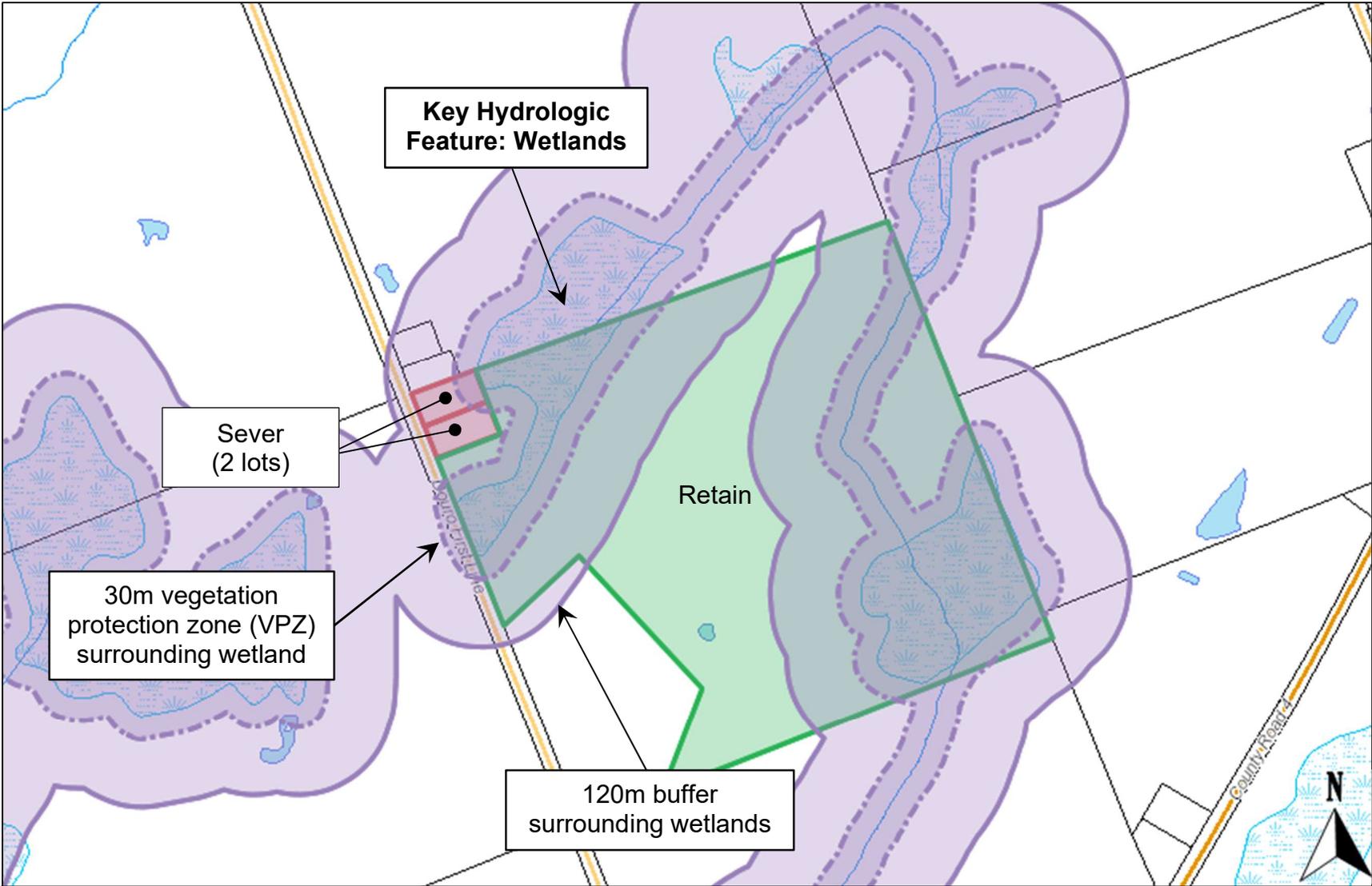
Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. Therefore, the above-noted comments should 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 # 1522-010-002-03001
Lot 12, Concession 1, Douro Ward



Scale (metric)
1:8,000

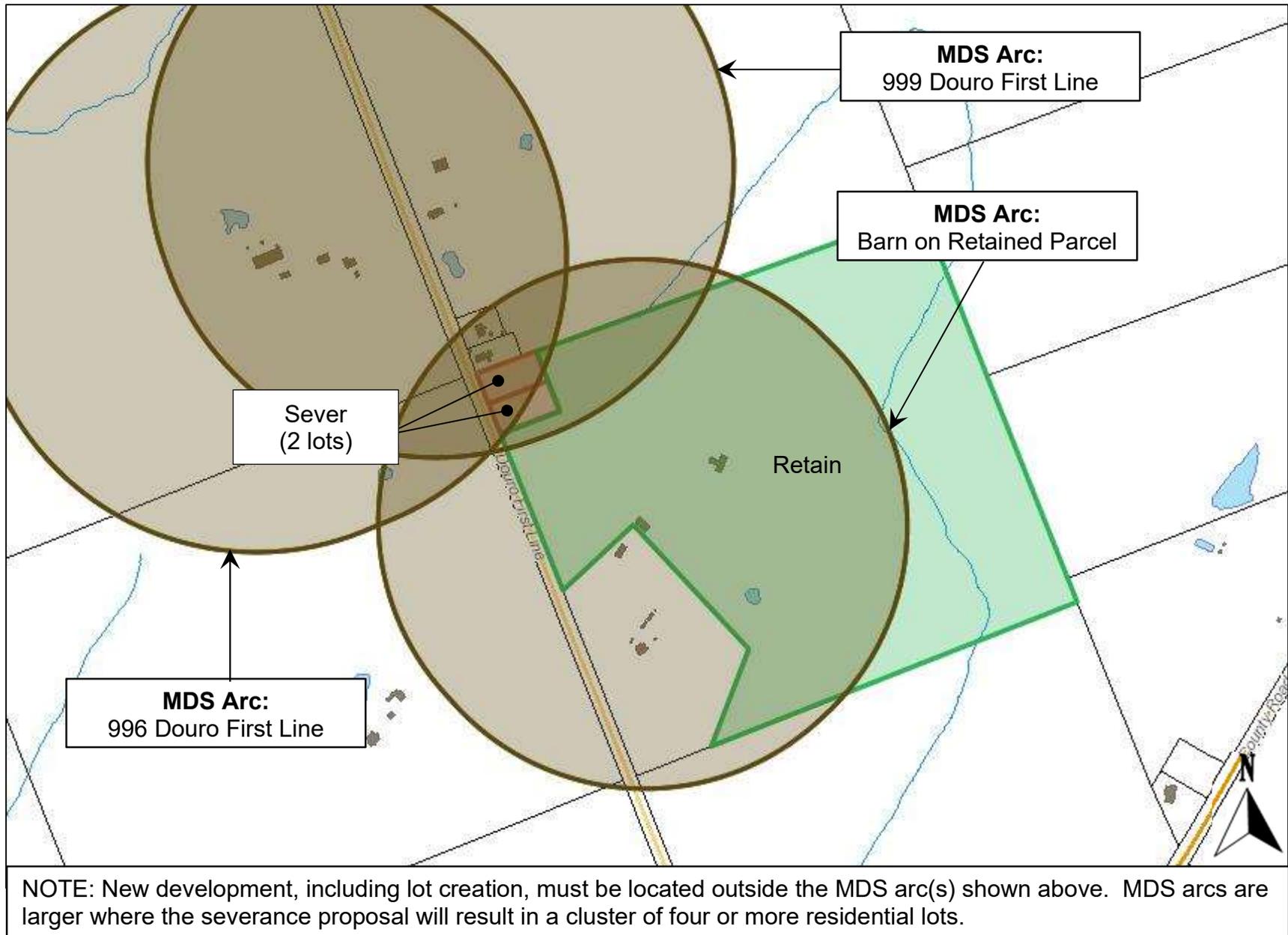
Roll # 1522-010-002-03001
Special Features Mapping: Key Hydrologic Features



NOTE: New development, including lot creation, is not permitted within wetland boundaries or within the 30 metre vegetation protection zone; any development proposed within the 120 metre buffer surrounding the wetland and/or stream will require a Natural Heritage Evaluation (NHE).

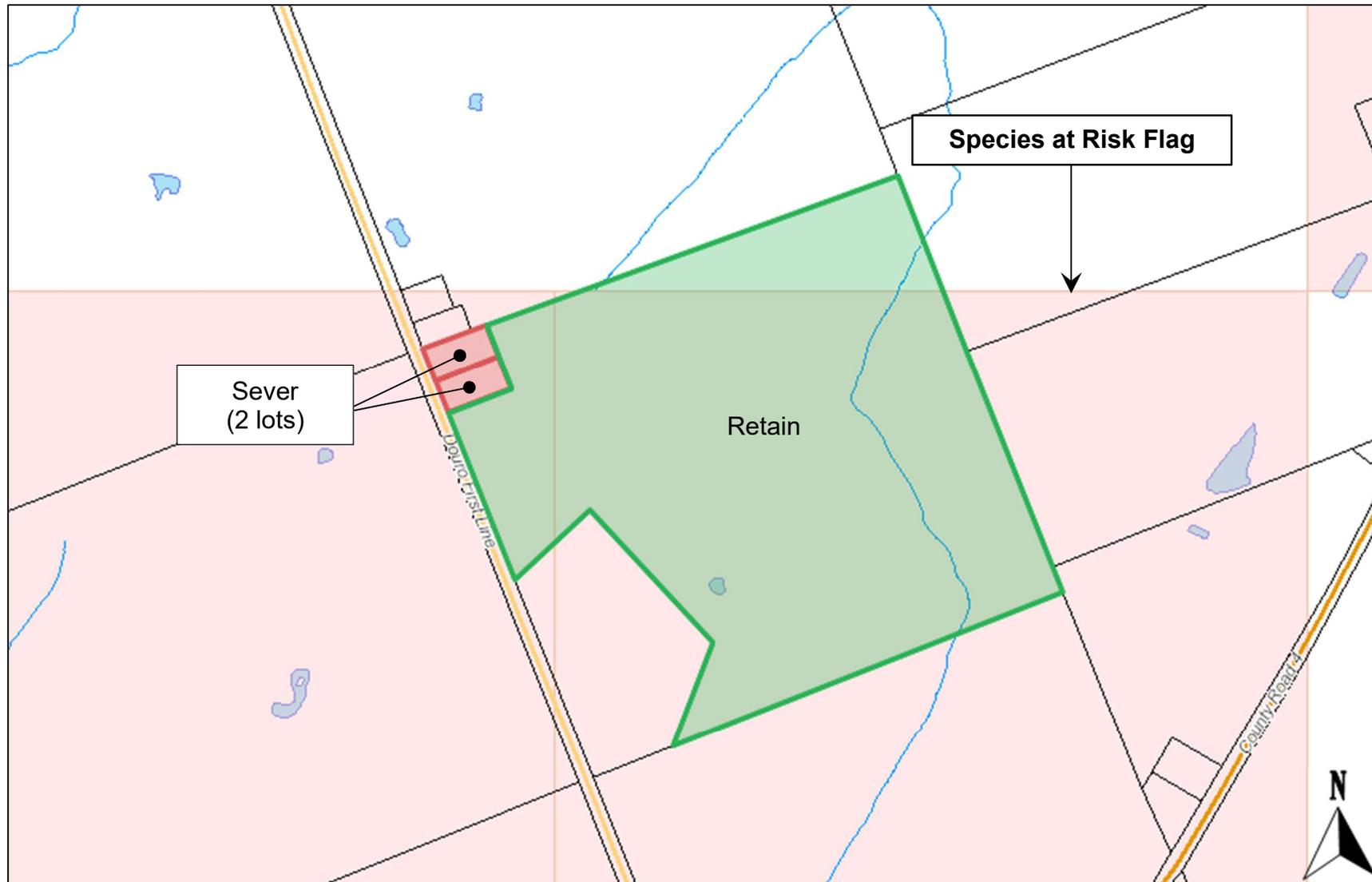
Scale (metric)
1:8,000

Roll # 1522-010-002-03001
Minimum Distance Separation (MDS) Requirements



Scale (metric)
1:8,000

Roll # 1522-010-002-03001
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