

# Preliminary Severance Review

Prepared by the Peterborough County  
Planning Department



**Name:** Ronald & Tule  
Hurtubise

**Agent:**

**Date:** October 22, 2020

**Lot:** 6

**Concession:** 8

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

**Description:** 379 Eighth Line Rd-S-Dummer

**Phone:** (705) 639-1733

**Email:**  
rhurtubise@nexicom.net

**Office Phone:**

**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. 10-1996)	(RU)	(RU)
<b>Area/Lot Dimensions</b>	Both lots $\pm 0.4$ hectares with $\pm 64$ m of frontage on Webster Road	$\pm 17.2$ hectares with $\pm 560$ m of frontage on Eighth Line R-S-Dummer
<b>Existing Use/Buildings</b>	Rural/dwelling, barns, shed, garage	Rural/vacant

**Intent:** To sever more than one residential lot. Roll No.(s) 1522-020-002-05400.

**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 Township 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 subject property was severed in 1989 through Land Division File B-11-89 and in 1992 through Land Division File B-28-92, the deeds for which were stamped by the Land Division Secretary on April 13, 1989 and May 25, 1992, respectively, and would have been registered with Land Registry sometime thereafter. Since there have been no severances in the last 25 years, the subject property is eligible for severance.

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)). According to property assessment information, the land owner appears to have owned the property for a minimum of 5 years and the size of the new lots do not exceed 1 hectare.

As applicable, consents must meet road frontage & access, Zoning By-law, Health Unit and Minimum Distance Separation (MDS) requirements (S. 7.12.1, 7.12.4, 7.12.12, and 7.2.3).

**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 it has a minimum lot area of 0.4 hectares and lot frontage of 45 metres (S. 9.2.2(a)&(b)). The proposed severed parcels appear to meet these requirements.

The retained parcel is zoned Rural (RU) in the Municipal Zoning By-law. A farm including a single detached dwelling is permitted in the (RU) Zone (S. 9.1.1) provided it has a minimum lot area of 20 hectares and lot frontage of 135 metres (S. 9.2.1(a)&(b)). It is recommended that the proposal be discussed with the Township to determine if a rezoning of the retained parcel would be supported.

**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: non-evaluated wetlands and potential habitat of endangered and threatened species.

Section 4.2.4.1 of the GPGGH 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 parcels are within 120 metres of a wetland, a natural heritage 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. Please contact Otonabee Conservation regarding study requirements.

Sections 4.2.3 further states that development and site alteration, including lot creation, is not permitted in key hydrologic features. The applicant should be aware that the natural heritage/hydrologic evaluation must identify a minimum 30 metre vegetation protection zone from key hydrologic features (S4.2.4.1(c)), and new lots are not permitted within this 30 metre buffer. The proposed severed lot may or may not have to be adjusted.

The proposed severed lots are traversed by an area identified for habitat of endangered species and threatened species. Policy 2.1.7 of the PPS 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) on the subject property and at 1342 Webster Road and 390 Eighth Line Rd-S-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/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** Choose an item.

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Township</b>                             | <input 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 type="checkbox"/> <b>Ministry of Environment, Conservation and Parks</b> | <input type="checkbox"/> <b>Other</b>                 |

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

The proposed severed lots are located within 120 metres of key hydrologic features (i.e. wetlands). In accordance with Section 4.2.4.1 of the Growth Plan, a natural heritage evaluation/hydrologic evaluation is required.

**Proposal appears to conform to County Official Plan policies.**

Although the proposal conforms to the County Official Plan, the Growth Plan takes precedence over the County Official Plan.

**Proposal appears to conform to Township Official Plan policies.**

Although the proposal conforms to the Township Official Plan, the Growth Plan takes precedence over the Township Official Plan.

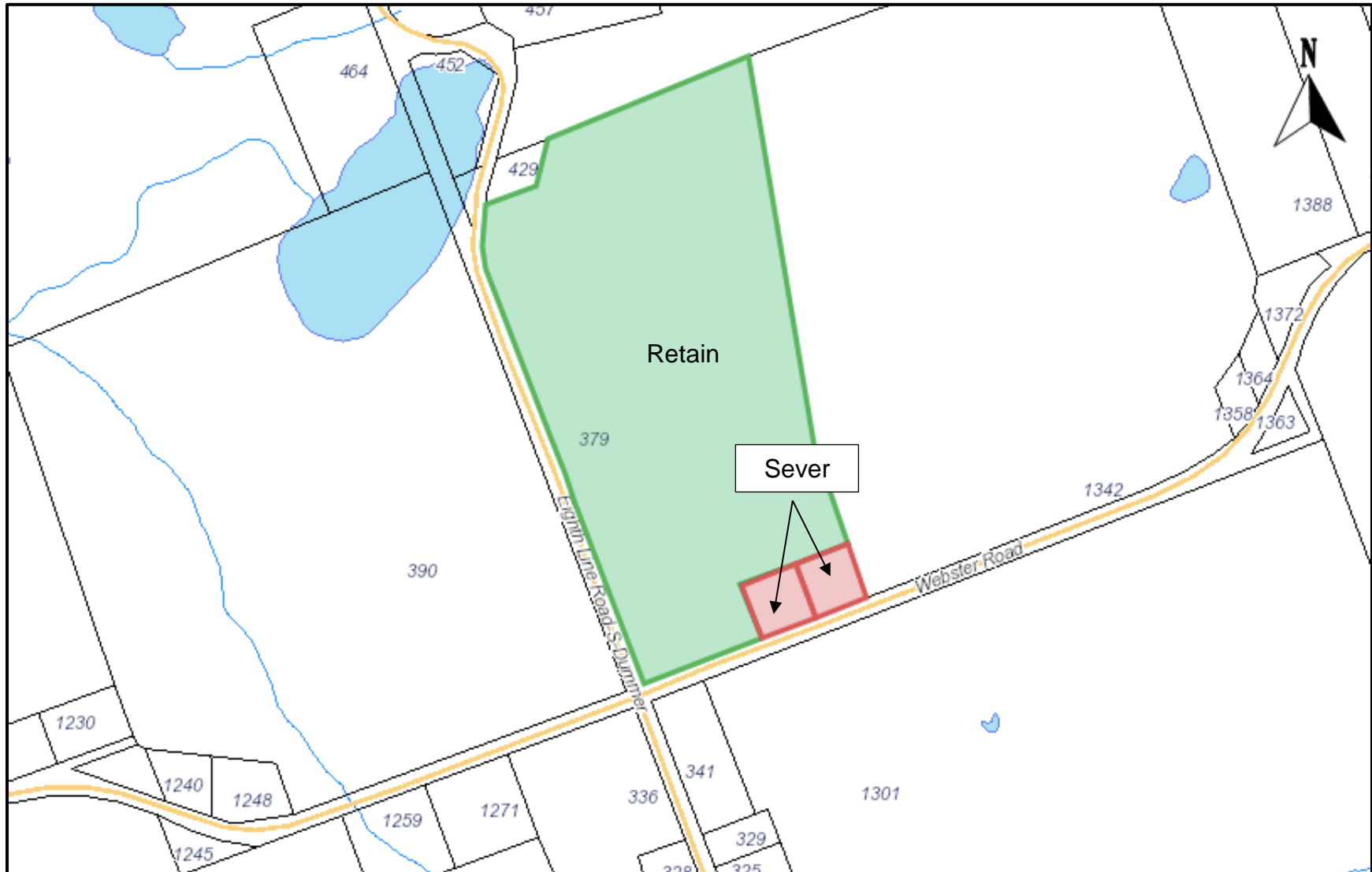
- ☒ **Application requires confirmation from the Township or identified agency regarding policy conformity. \*\*Please note that the landowner should be aware that members of the local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of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

**Reviewed By: Caitlin Robinson**

**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 #1522-020-002-05400**  
Lot 6, Concession 8, Dummer Ward  
(Hurtubise)  
Severance Sketch

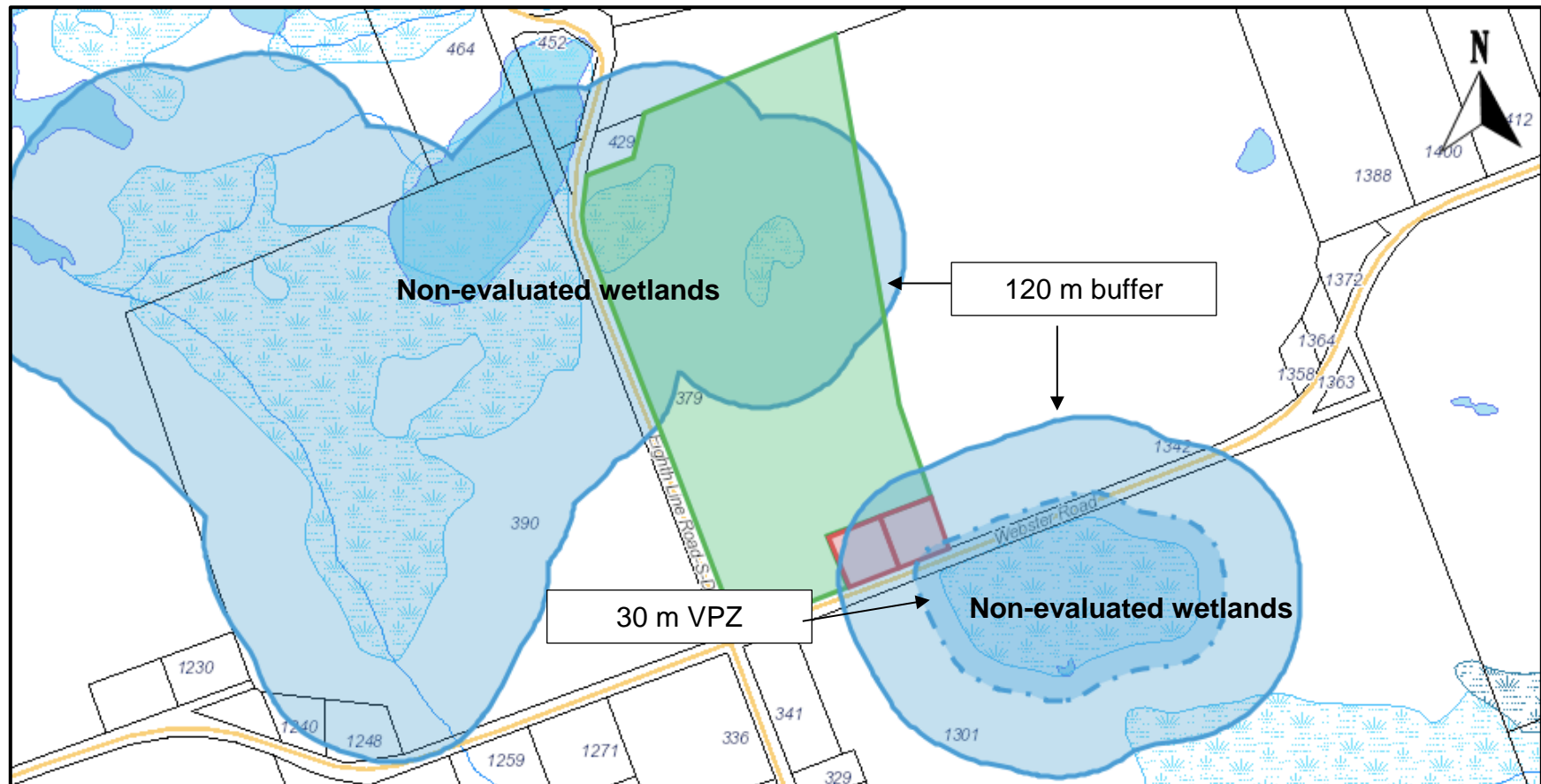


**Scale (metric)**  
1:7,200

**Roll #1522-020-002-05400**

Lot 6, Concession 8, Dummer Ward  
(Hurtubise)

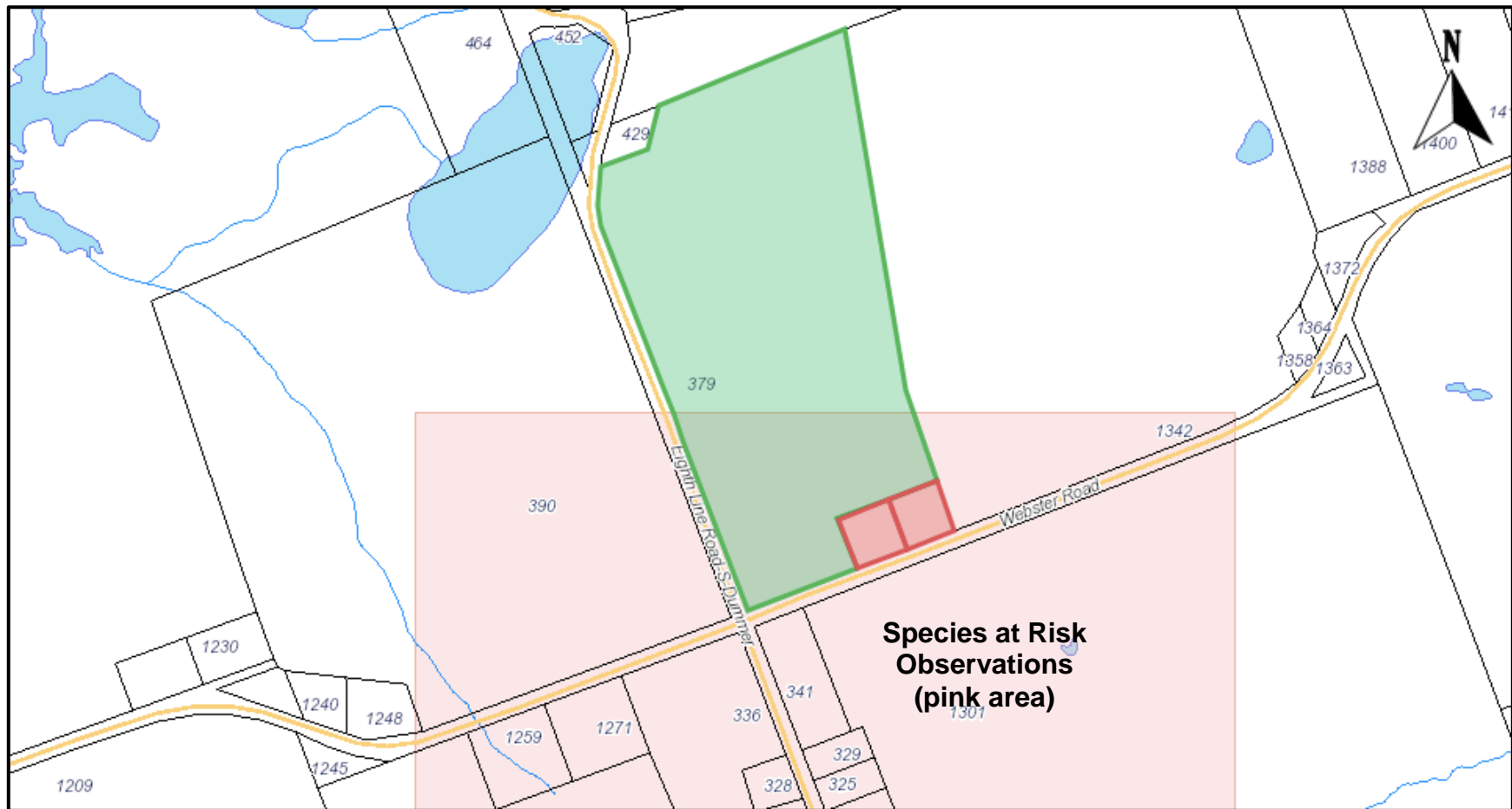
Key Hydrologic Features – (i.e. wetlands) with 120 m buffer and 30 m min VPZ



NOTE: Development and site alteration, including lot creation is not permitted within key hydrologic features; 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, is permitted within the 30 metre vegetation protection zone (VPZ).

**Scale (metric)**  
1:7,200

**Roll #1522-020-002-05400**  
Lot 6, Concession 8, Dummer Ward  
(Hurtubise)  
Potential Habitat of Endangered and Threatened Species



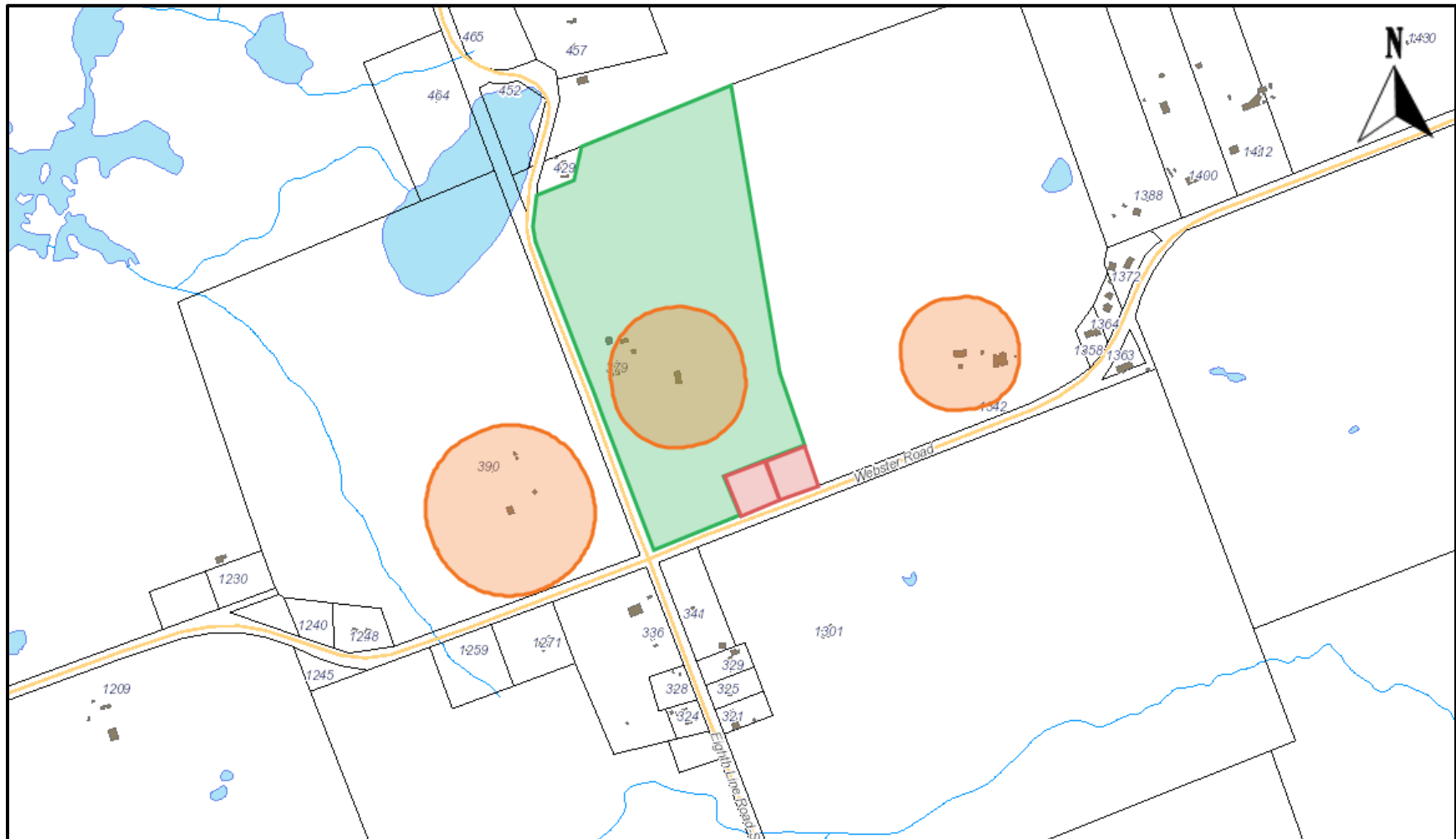
NOTE: New development, including lot creation, is not permitted within habitat of threatened and endangered species, except in accordance with provincial and federal requirements. Species at Risk Data available to the County has identified an observation or potential habitat (i.e. pink squares) that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

**Scale (metric)**  
1:7,200

**Roll #1522-020-002-05400**

Lot 6, Concession 8, Dummer Ward  
(Hurtubise)

Minimum Distance Separation (MDS 1) Requirements



NOTE: New development, including lot creation, must be located outside the MDS arc(s) shown above

**Scale (metric)**  
1:7,200



## Minimum Distance Separation I

## Worksheet 1

**Prepared By: Caitlin Robinson, Planner, County of Peterborough**

**Description:** Hurtybise - PSR

**Application Date:** Thursday, October 22, 2020

**Municipal File Number:**

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

### Applicant Contact Information

**Applicant Contact:**  
Ronald Hurtubise

### Location of Subject Lands

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 8, Lot: 6

Roll Number: 152202000205400

Calculation Name: *Farm 1*

**Description:** Home Farm on subject property

### Farm Contact Information

Ronald Hurtubise

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

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 8, Lot: 6

Roll Number: 152202000205400

Total Lot Size: 45 ac

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	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	5	5.0	1,250 ft²



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

**Existing Manure Storage:** V3. Solid, outside, no cover,  $\geq 30\%$  DM

**Design Capacity (NU):** 5.0

**Potential Design Capacity (NU):** 5.0

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)		F' (actual distance from livestock barn)	
0.7	X	150	X	0.7	X	1.1	=	81 m (265 ft)		TBD	

Storage Base Distance 'S'	
(minimum distance from manure storage)	(actual distance from manure storage)
<b>81 m (265 ft)</b>	<b>TBD</b>

Calculation Name: *Farm 2*

**Description:** 1342 Webster Road

### Farm Contact Information

William Gunn

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

County of Peterborough, Township of Douro-Dummer

DUMMER, Concession: 8, Lot: 6

Roll Number: 152202000205450

Total Lot Size: 74 ac


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: Caitlin Robinson, Planner, County of Peterborough

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	5	5.0	1,250 ft <sup>2</sup>

 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):** 5.0

**Potential Design Capacity (NU):** 5.0

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	150	X	0.7	X
				1.1	
				=	
				81 m (265 ft)	TBD
				Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
				81 m (265 ft)	TBD

**Calculation Name:** *Farm 3*


**Description:** 390 Eighth Line Road-S-Dummer

**Farm Contact Information**  
Julie Kapyrka

**Location of existing livestock facility or anaerobic digester**  
County of Peterborough, Township of Douro-Dummer  
DUMMER, Concession: 7, Lot: 6  
Roll Number: 152202000201100  
Total Lot Size: 78 ac

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	17	17.0	850 ft <sup>2</sup>

 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):** 17.0

**Potential Design Capacity (NU):** 34.0

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	228	X	0.7	X
				1.1	
				=	
				123 m (403 ft)	TBD
				Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
				123 m (403 ft)	TBD

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**Preparer Information**

Caitlin Robinson  
Planner  
County of Peterborough  
470 Water Street  
Peterborough, ON, Canada K9H 3M3  
Phone #1: (705) 743-0380  
Email: crobinson@ptbocounty.ca

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

Caitlin Robinson, Planner

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

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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.