

Planning Justification Report

**Pt Lot 16, Concession 13,
Harvey Ward,
Parts 10 to 12 of Plan 45R12279
16 Fire Route 94A,
Municipality of Trent Lakes
County of Peterborough**

**Zoning By-law Amendment
Application**

D.M. Wills Project Number 20-85099



D.M. Wills Associates Limited
Peterborough

March 2021

**Prepared for:
Mr. Steve Lennox**

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1.0 Introduction

D.M. Wills Associates Limited (Wills) has been retained by Mr. Stephen Lennox (Client) to prepare this Planning Justification Report (Report) in support of an application for a Zoning By-law Amendment (ZBA) for the property located at 16 Fire Route 94A, Pigeon Lake (Subject Property), Part of Lot 16, Concession 13, Municipality of Trent Lakes (Municipality) in the County of Peterborough (County). The ZBA application entails a site-specific amendment to permit the redevelopment of the property in the form of a tourist cabin rental establishment, together an accessory dwelling and dry-land boathouse.

1.1 Purpose of Planning Justification Report

The application benefits from a pre-consultation meeting held with the Municipality. Subsequently, a memorandum of development options was prepared and provided by the Municipality, dated May 8th, 2020. Refer to **Appendix A**. As identified in the memorandum, the option to redevelop the Subject Property for a commercial use will require a zoning by-law amendment and site plan agreement. The memorandum also noted that given the Subject Property's irregular shape, attaining the required 30-metre shoreline setback would be difficult. Therefore the proposed zoning by-law amendment includes a reduction in the shoreline setback to permit the redevelopment of five (5) of the existing commercial cabins; the development of an accessory dwelling; the development of a dry boathouse; and the installation of a private septic system. Several site-specific provisions are also requested as outlined in **Sections 4.0, 5.0 and 6.0**.

The purpose of this Report is to provide a review and analysis of the proposed ZBA application in the context of both provincial and municipal planning policies. This Report is submitted in support of the planning application.

2.0 Property Description

2.1 Property Location and Surrounding Land Uses

The Subject Property is located on the north shore of Pigeon Lake and is described as Part of Lot 16, Concession 13, in the Harvey Ward, Parts 10 to 12 of Registered Plan 45R12279. The Subject Property is comprised of approximately 0.65 hectares (1.6 acres) of land with approximately 300 metres of irregular shoreline frontage, owing to the peninsula shape of the property. Refer to **Figure 1**.

The surrounding land uses include a mixture of permanent and seasonal shoreline residential uses. As noted above, the Subject Property is a peninsula and therefore the immediate surrounding land uses to the east, south and west are Pigeon Lake. To the immediate north is a seasonal/ recreational dwelling. Refer to **Figure 2**.

The Subject Property is designated Commercial in the Municipality of Trent Lakes Official Plan. Refer to **Figure 3**.

The Subject Property is currently zoned Shoreline Residential- Private Access (SR-PA) in the Municipality's Zoning By-law B2014-070. Refer to **Figure 4**.

**PIGEON LAKE
COMMERCIAL CABINS
KEYMAP**

PART LOT 16, CONCESSION 13 (HARVEY)
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH

FIGURE 1

Legend

 Subject Property

SCALE 1:4,000

0 25 50 100 150 200
Meters

NAD83 CRS98 UTM zone 17N

Data Sources

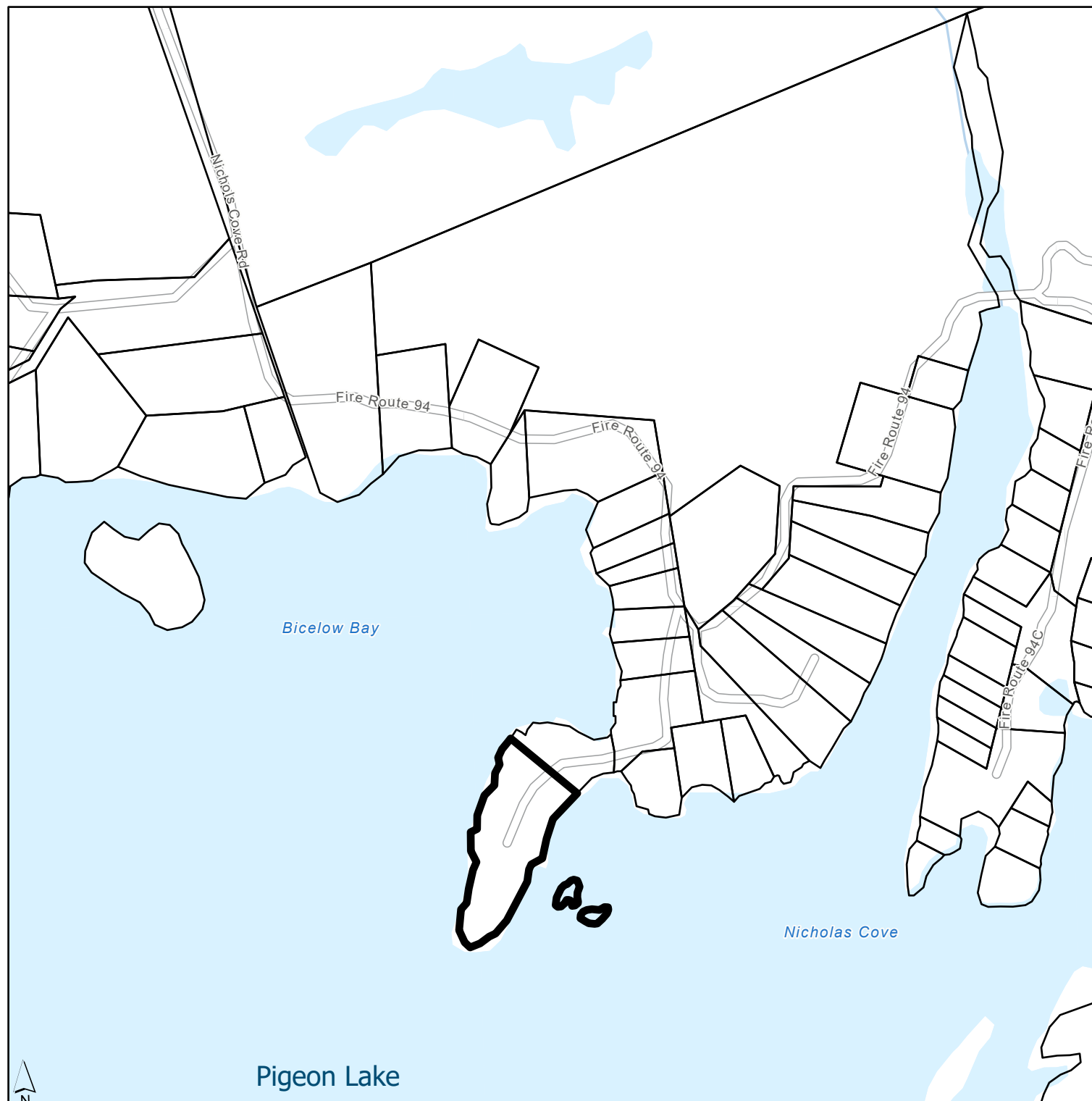
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<https://ptbocounty.geoconter.com/arcgis/rest/services/PeterboroughPublic/MapServer>
Esri Community Maps Contributors, Province of Ontario, Esri, HERE, Garmin, INCREMENT P,
MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, NRCAN, Parks Canada

Created In:	ArcMap 10.7
Drawn By:	jwhalen
Checked By:	EDrake
Map Date:	3/13/2021
Project Number:	85099
Map File Number	Number



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**PIGEON LAKE
COMMERCIAL CABINS
SURROUNDING LAND USE**
PART LOT 16, CONCESSION 13 (HARVEY)
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH

FIGURE 2

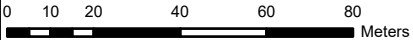
Legend

 Subject Property

Surrounding Land Use

SR Seasonal Residential

SCALE 1:1,750



NAD83 CSR598 UTM zone 17N

Data Sources
Peterborough County Online GIS Mapserver, 2021-
<https://ptbocounty.geocortex.com/arcgis/rest/services/PeterboroughPublic/MapServer>

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Drawn By:	jwhalen
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**EXCERPT FROM SCHEDULE "A1" -LAND
USE & TRANSPORTATION PLAN (HARVEY)
OF THE TOWNSHIP OF
GLAWAY-CAVENDISH-HARVEY
PART LOT 16, CONCESSION 13 (HARVEY)
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH**

FIGURE 3

Legend

 Subject Property

Official Plan Designation

 Rural
 Recreational Dwelling Area
 Estate Residential
 Commercial

SCALE 1:4,000

0 25 50 100 150 200
Meters

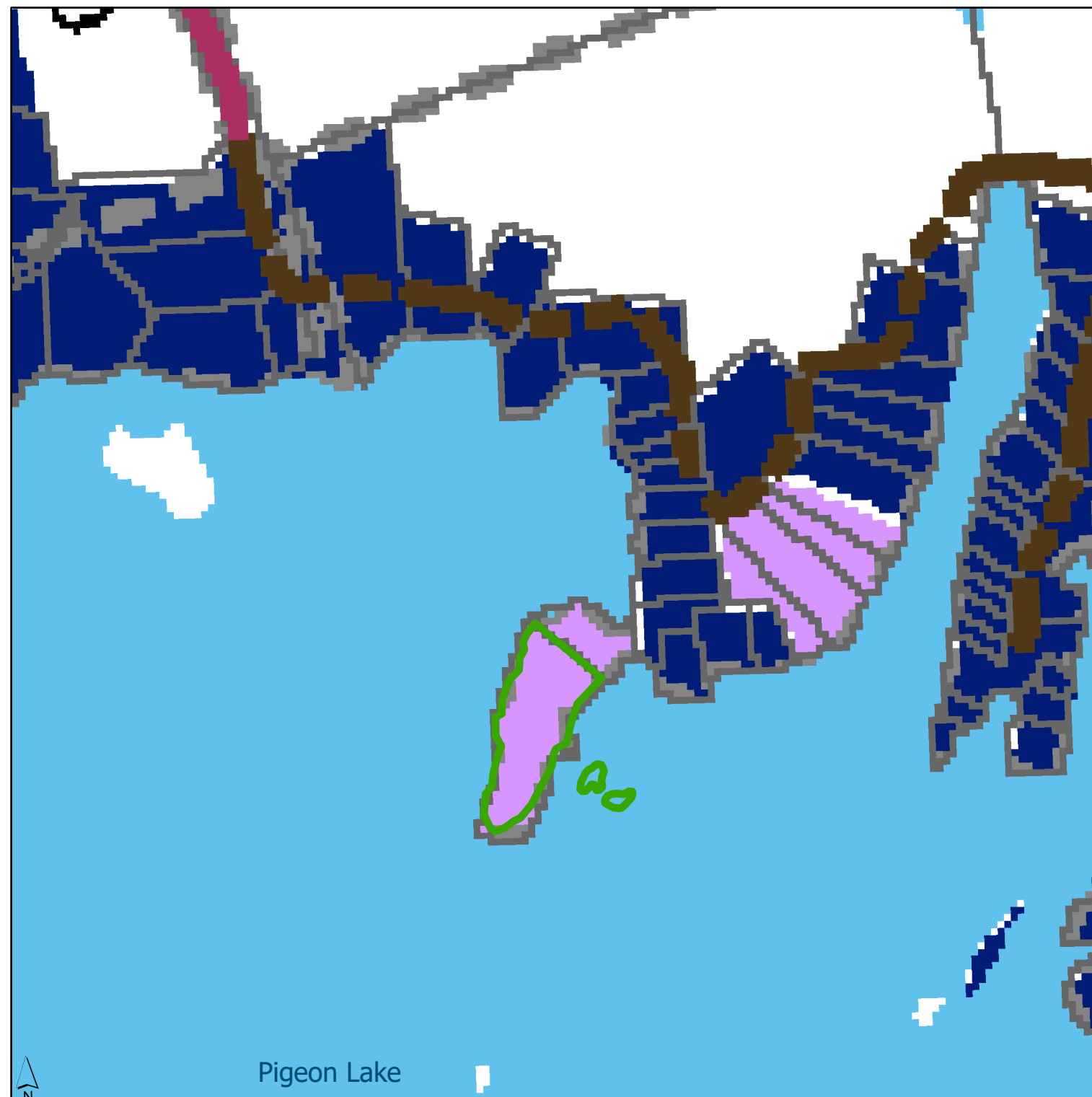
NAD83 CRS98 UTM zone 17N

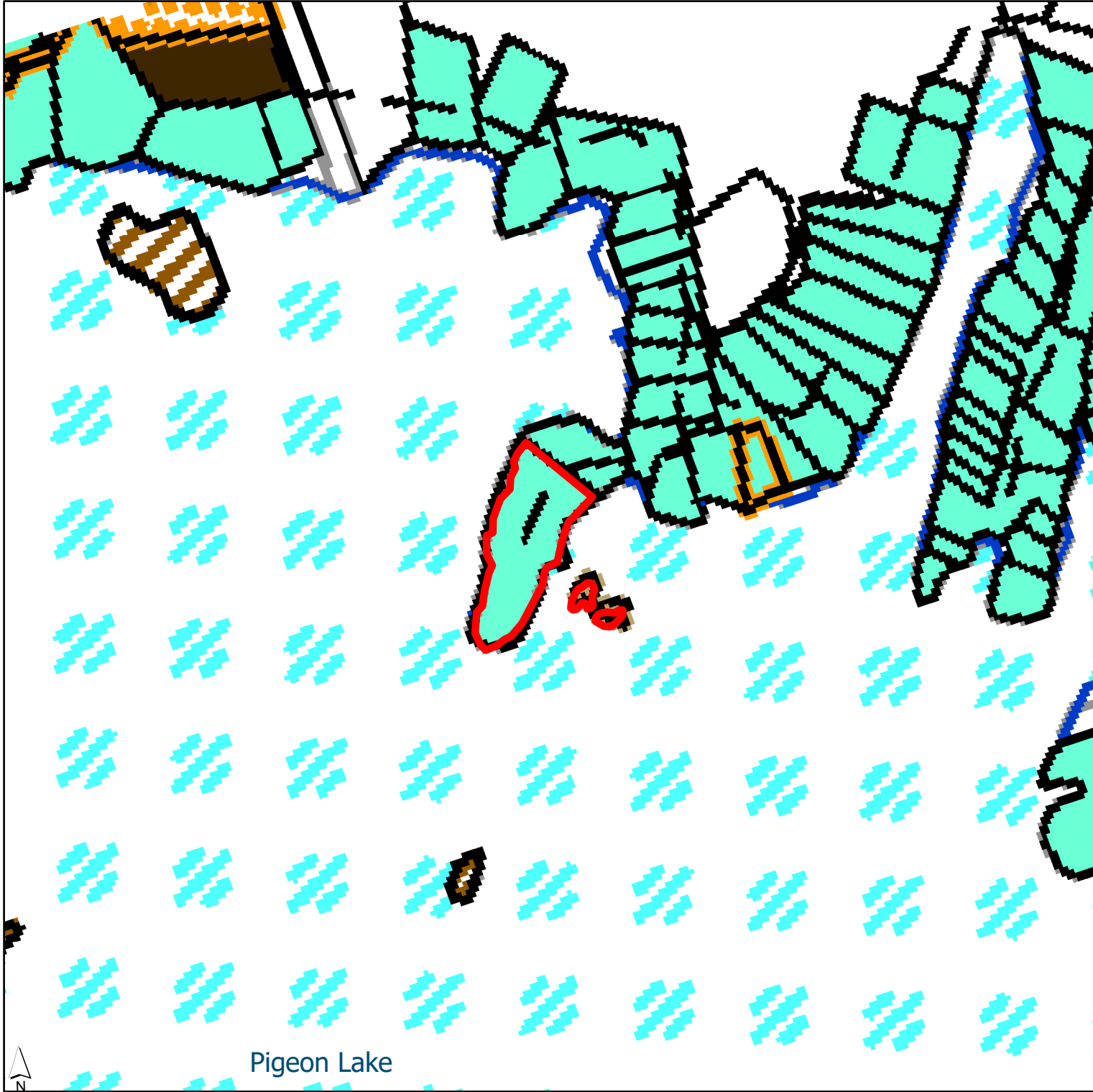
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<https://ptbocounty.geocortex.com/arcgis/rest/services/PeterboroughPublic/MapServer>

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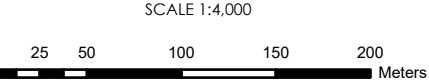


EXCERPT FROM SCHEDULE "A"- MAP 6
TO MUNICIPALITY OF TRENT LAKES
(GEOGRAPHIC TOWNSHIP OF HARVEY)
BY-LAW No. B2014-070
PART LOT 16, CONCESSION 13 (HARVEY)
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH

FIGURE 5

Legend

- Subject Property
- Rural
- Rural Residential
- Rural Residential- Private Access
- Island Residential
- Shoreline Residential- Private Access



Data Sources
Peterborough County Online GIS Mapserver, 2021-
<https://ptbocounty.geocortex.com/arcgis/rest/services/PeterboroughPublic/MapServer>
City of Kawartha Lakes, City of Peterborough, Peterborough County, Province of Ontario,
Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA,
City, USA, IAGG, NRC, City of Kawartha Lakes, City of Peterborough, Peterborough

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2.2 Existing Development and Uses

The Subject Property currently contains ten (10) derelict former commercial cabins and presumably operated as a fishing resort during the period when the area served as a popular tourist region for visitors from the U.S. The cabins were constructed in 1949 and the Subject Property operated as a tourist commercial resort from 1949 to the early 1980's at which point the operations ceased and have remained non-operational to present. Refer to **Figure 5** and **Appendix B**.

2.3 Proposed Development

The Client proposes to remove certain of the existing cabins, save and except five (5) of the existing cabins located on the north western portion of the property. The Client proposes to demolish, reposition and reconstruct those five (5) cabins with a ground floor area of 92.9 square metres each outside of 10 metres from the high water mark to permit the development of a second storey on each of those structures. All proposed redevelopment (save and except the dry land boat house) will increase the setbacks from the high water mark beyond what the existing onsite structures provide.

The Client also proposes to construct a two-storey accessory dwelling (with a ground floor area of 186 square metres / 2,000 square feet) at the southern-most portion of the peninsula with an accompanying dry land boathouse being located on the north-eastern shoreline. Refer to **Figure 6**.

**PIGEON LAKE COMMERCIAL CABINS
EXISTING FEATURES PLAN**
PART LOT 16, CONCESSION 13 (HARVEY)
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH

FIGURE 5

Legend

-  Property Boundary
-  Existing Building
-  Existing Tree



Scale 1:1000m
NAD 1983 UTM Zone 17N

Data Sources:
Land Information Ontario 2020
County of Peterborough GIS Mapserver, 2020

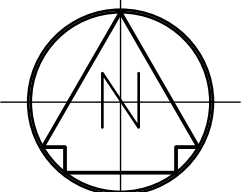
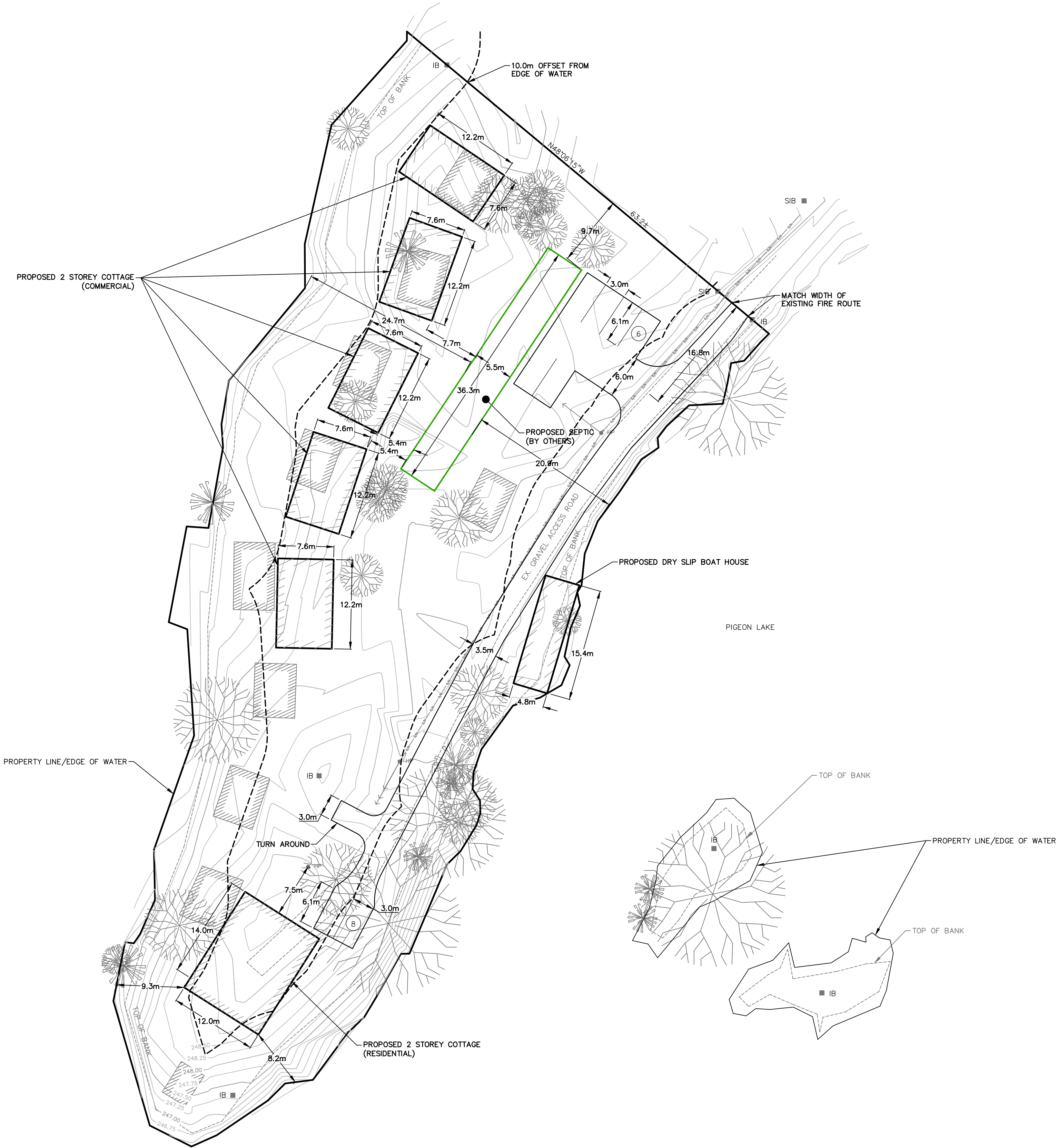
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Checked By:	ED
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Project Number:	85099
Map File Number	



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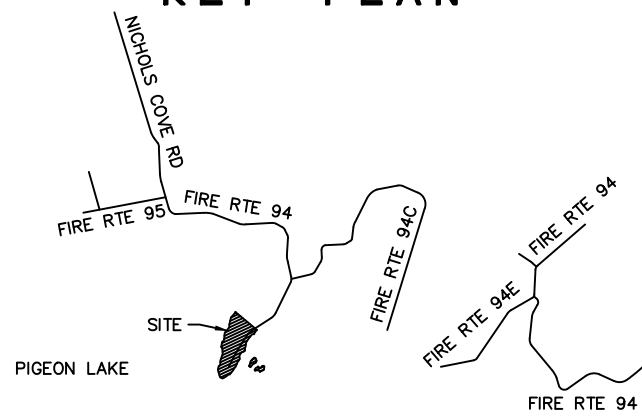


Printed By: mpsell Printed On: January 25, 2021
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TRUE NORTH

KEY PLAN



REVISIONS

No.	Description	Date
1	CLIENT REVIEW	01/10/20

METRIC

Dimensions are in METRES and/or MILLIMETRES unless otherwise shown

LEGEND

TO BE READ IN CONJUNCTION WITH OPSD 100 SERIES



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Project Name/Location

PIGEON LAKE COMMERCIAL CABINS

16 FIRE ROUTE 94A, TRENT LAKES

Drawing Title

SITE PLAN

Drawn By: M.B.	SCALE: Horz. 1:300	Vert. —
Designed By: M.B.	Plot Date: JANUARY 25, 2021	
Checked By: M.S.	Project No.: 85099	Sht. No.:
Engineer: — — —	Dwg File No.: 85099 — SP	—

3.0 Supporting Technical Studies

As noted in the pre-consultation notes provided by the Municipality, dated May 8th, 2020, the following studies were identified as requirements for the Zoning By-law Amendment.

3.1 Phase One Environmental Site Assessment

In September 2020, Toronto Inspection Ltd. completed a Phase One Environmental Site Assessment (Phase One ESA) on the Subject Property. The objective of the Phase One ESA was to determine if there is evidence of actual or potential contamination as a result of the current and/or previous historical activities on the Subject Property or on the surrounding properties that could result in an adverse environmental impact on the Subject Property.

The Phase One ESA investigation consisted of: (1) a review of the accessible records pertaining to the current and/or past uses of the properties within the Phase One Study Area; (2) an inspection of the Phase One Study Area to identify evidence of potential environmental concerns; (3) interviews with person(s) having knowledge of the activities and operations that have occurred in the Phase One Study Area; and (4) compiling the results into the Phase One ESA Report.

Based on the findings from records review, site reconnaissance and interviews, the Phase One ESA revealed no potential contaminating activities on the Subject Property or within the Phase One Study Area. Additionally, no area of potential environmental concern or potentially contaminating activity were identified on the Subject Property due to the findings of the Phase One ESA. The report concluded that no further investigation is recommended for the Subject Property.

3.2 Environmental Impact Study

GHD was retained by the Client to complete an Environmental Impact Study (EIS) for the redevelopment and rezoning of the Subject Property. The main focus of the EIS was to confirm the extent of any wetland and woodlands, to assess the ecological functions and natural features, to determine if Species at Risk (SAR) are present and develop appropriate buffers and mitigation measures to prevent/minimise impacts of the development and construction on these features. GHD Biologists completed two field surveys to complete two breeding bird surveys, document vegetation and complete an Ecological Land Classification and to search for SAR and their habitats. After compiling the collected data, GHD identified no federally, provincially, or regionally significant plant or wildlife species on the site. Additionally, no sensitive vegetation communities were found in the study area. The EIS notes that one unevaluated wetland community was identified adjacent to the subject property in the littoral zone on Pigeon Lake. Additionally, one probable Significant Wildlife Habitat, specifically turtle wintering habitat was identified off the south shore of the property.

Based on the analysis, the EIS concluded that no negative impacts are anticipated on the functions of identified natural heritage features provided that the Client follows the recommendations outlined in the report.

3.3 Stage 1 & 2 Archeological Assessment

In August 2020, Earthworks Archaeological Services Inc. conducted a Stage 1 & 2 Archaeological Assessment on the Subject Property. The objectives of the Stage 1 & 2 archaeological assessment were: (1) to provide information about the property's geography, history, previous archaeological fieldwork and current land condition; (2) to evaluate the property's archaeological potential; (3) to document archaeological resources located on the property; (4) to determine whether any identified archaeological resources require further assessment; and (5) to recommend Stage 3 assessment strategies for any archaeological sites determined to require additional assessment.

It was initially determined that the Subject Property contained evidence of archaeological potential. The location of the Subject Property on the shores of Pigeon Lake indicated that there was potential for recovering Pre-Contact Indigenous archaeological material, therefore a Stage 2 archaeological assessment was determined to be required in order to identify and document any archaeological material that may be present. The Stage 2 archaeological assessment involved conducting a test pit survey on approximately 88% of the Subject Property. The Stage 2 archaeological survey did not yield any evidence of archaeological material. As a result, the study concluded that no additional archaeological assessments were required.

3.4 Traffic Impact Brief

D.M. Wills Associates Limited prepared a Traffic Impact Brief for the proposed development of the Subject Property. The Traffic Impact Brief reviewed the existing roadway and site conditions and provided an analysis and assessment of traffic generation and operation in the context of the proposed development.

Using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, the Traffic Impact Brief outlined the trip generation rates and estimated number of vehicle trips during peak hours for the adjacent street traffic and for the proposed development of the Subject Property. The greatest estimated number of trips for both the adjacent street traffic and the proposed development was four (4) vehicle trips, during the PM peak hour. This value includes both entering and exiting vehicles.

Given the low traffic volume generated by the proposed development, the Traffic Impact Brief concludes that the proposed development of the Subject Property is not anticipated to have any significant impact on the normal traffic operations of the road network at present nor in the future.

3.5 Functional Servicing Review

D.M. Wills prepared a Functional Servicing Review for the proposed development of the Subject Property. The objectives of the Functional Servicing Review were to review the servicing options for the proposed development, as well as providing an analysis of stormwater management. Likewise, the Functional Servicing Review included commentary on site servicing (grading, sanitary and water) as well as stormwater quantity and quality.

With respect to servicing of the Subject Property, the Functional Servicing Review notes that sanitary servicing is to be provided on-site via the installation of a new septic system. Water servicing is to be drawn from Pigeon Lake, with an estimated water demand on 12,600 L/day. A permit to take water is not required at this volume.

Regarding stormwater management, the Functional Servicing Review indicates that, as existing, the property drains in two separate directions, discharging to both the west and east shorelines of the peninsula. As a result of the proposed development, there is no increase in impervious area; however there is an increase in gravel area due to the construction of the parking lot and widening of the roadway. However, given the size of Pigeon Lake and associated lag time between peak rainfall intensity and peak water levels, quantity controls for stormwater are not recommended to ensure that flow from the site is conveyed downstream prior to peak water levels within Pigeon Lake.

In accordance with Low Impact Development (LID) parameters for stormwater controls, the Functional Servicing Report does identify a stone filled infiltration trench to be constructed at the northern edge of the parking lot to provide for stormwater quality control.

The Functional Servicing Review concludes that there are no servicing or grading constraints for the proposed development; and further that no stormwater control measures are proposed. As noted a stormwater quality control in the form of an infiltration trench is proposed for the gravel parking lot.

4.0 Policy Framework

The Subject Property is governed by the following policy and regulatory documents:

1. Provincial Policy Statement (PPS) (2020)
2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
3. The County of Peterborough Official Plan (2020 Consolidation)
4. The Municipality of Trent Lakes Official Plan (2011)
5. The Municipality of Trent Lakes Zoning By-law B2014-070

4.1 Provincial

4.1.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. *Section 3 of the Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. In general, the PPS seeks to promote the development of communities that are socially, economically, and environmentally resilient.

Given the Subject Property's designation and features identified onsite, Sections 1.1.4, 1.1.5, 1.3, 1.6.6, 1.7, 2.1, 2.2, 2.6, 3.1 and 3.2 of the PPS apply.

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

1.6.6 Sewage, Water and Stormwater

1.6.6.3 Where municipal sewage servicing and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- h) providing opportunities for sustainable tourism development;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.5 Development and site alteration shall not be permitted in:

- d) significant wildlife habitat;
unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 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 on their ecological functions.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;

- i) *ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

2.6 Cultural Heritage and Archaeology

- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

3.1 Natural Hazards

- 3.1.1 *Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) *hazardous sites.*

3.2 Human-Made Hazards

- 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

4.1.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides additional Provincial policy for lands within one of the fastest growing regions in North America. Its policies are intended to support growth and development while ensuring that it occurs in an orderly and well-planned fashion, so as to protect the social, economic, and environmental interests of Ontario and its residents. The Growth Plan is to be applied in conjunction with the PPS and takes precedence over such to the extent of any conflict, except where the legislation directs otherwise or in matters of natural environment and human health, in which the more protective policies apply.

The following Sections of the Growth Plan have been identified as relevant and applicable to the Subject Property and proposed development.

2.2.9 Rural Areas

- 2.2.9.3 *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*

- a) *the management or use of resources;*
- b) *resource-based recreational uses; and*

2.2.9.4 Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:

- a) commercial uses to serve the needs of visitors; and
- b) where appropriate, resource-based recreational dwellings for seasonal accommodation.

Section 3.2.7 Stormwater Management

3.2.7.2 Proposals for large-scale development proceeding by way of ... site plan will be supported by a stormwater management plan or equivalent, that:

- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;

Section 4.2 Policies for Protecting What is Valuable

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

4.2.4.1 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:

- a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b) is established to achieve and be maintained as natural self-sustaining vegetation; and,
- c) 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.

4.2.4.2 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 functions and ecological functions of the feature.

4.2.4.3 Development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in policy 4.2.3.1 or shoreline development as permitted in accordance with policy 4.2.4.5.

4.2.4.5 Outside of settlement areas, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements, if the development will:

c) in the case of redevelopment and resort development:

- i. establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres;
- ii. increase the extent of fish habitat in the littoral zone;
- iii. be planned, designed, and constructed to protect hydrologic functions, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
- iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
- v. enhance the ability of native plants and animals to use the shoreline as both wildlife habitat and a movement corridor;
- vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
- vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
- viii. meet other criteria and direction set out in applicable watershed planning and subwatershed plans;
- ix. be serviced by sewage works which reduce nutrient inputs to groundwater and the lake from baseline levels; and;
- x. demonstrate available capacity in the receiving water body based on inputs from existing and approved development.

4.2 Municipal

4.2.1 The County of Peterborough Official Plan (2020 Consolidation)

The County of Peterborough Official Plan (COP) outlines the vision for planning and development across the entire geographic expanse of the County by providing for specific land use designations and associated policies. Within the COP, the Subject Property is part of the 'Shoreland Areas and the Waterfront' designation, and is also subject to the environmental policies of the COP.

Relevant COP applies as they apply to the Subject Property and proposed development are provided below.

4.1.3.2 – Flood Plains

- Construction of buildings or structures, or creation of lots intended for building purposes will not be permitted within an identified flooding or erosion prone area except where a Special Policy Area has been approved or where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Those identified uses which are required by the County, local municipality, or other public agency must meet the requirements of the local municipality, the appropriate Conservation Authority, and/or the Ministry of Natural Resources, and federal ministries or agencies.
- Development adjacent to an identified flood or erosion prone area may be subject to a setback from the flood or erosion prone boundary area. The setback will reflect the most restrictive requirements of the local municipality, the appropriate Conservation Authority and/or the Ministry of Natural Resources, and federal ministries or agencies;
- Human Made Hazards – the following policies shall apply with respect to human made hazards:
 - b) contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

4.1.3.4 – Natural Heritage Features

- The diversity of natural features in an area, and the natural connections between them, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or, where possible, improved, recognizing the linkages between and among natural heritage features and areas, surface water features, and ground water features.
- Local plans may permit development and site alteration in:
 - significant woodlands south and east of the Canadian Shield;
 - significant valley lands south and east of the Canadian Shield;
 - significant wildlife habitat; and;
 - significant areas of natural and scientific interest; Development and site alteration will not be permitted in fish habitat except in accordance with provincial and federal requirements.
- Development and site alteration will not be permitted in fish habitat except in accordance with provincial and federal requirements.
- Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas listed above unless the ecological function of the adjacent lands has been evaluated in accordance with an environmental impact assessment as described in Section 4.1.3.1 and it has been determined that there will be no new negative impacts on the natural features or on their ecological functions.

4.4 Shoreland Areas and the Waterfront

4.4.1 Goal

- *to improve and protect the waterfront areas in Peterborough County as a significant cultural, recreational, economic and natural environment resource and enhance land areas adjacent to the shore.*

4.4.2 Objectives

- *to permit sustainable shoreland development that allows for limited growth of existing and new tourist developments and innovatively designed residential developments;*
- *to ensure that the built form along the shoreline is not overly concentrated or dominating to the detriment of the natural form;*
- *to maintain, enhance or restore the majority of the developed and undeveloped shorelines in their natural state by promoting property stewardship;*
- *to preserve and enhance fish and wildlife habitat areas within and along waterbodies;*

4.4.3 Policies

- *The character of Shoreland Areas is linked to the natural and built form associated with the lakes and rivers in the County. For the most part, the natural form includes vegetated shorelines with thin soils over bedrock. The built form includes predominantly residential development interspersed with some commercial developments including resorts and marinas. The Shoreland Areas are generally associated with leisure, recreation, water supply, support for fisheries and wildlife habitat. As such, development occurring in the Shoreland Areas should enhance and protect, where possible, those qualities that contribute to the area's character.*
- *The waterfront is a major recreation resource area that should be made accessible to both public and private users, where appropriate;*
- *The County shall promote the development and management of existing and future open space buffers in a natural state so that they may serve as vegetated protection zones to ensure water quality by controlling erosion and preventing nutrient overloading in waterbodies; and preserve and enhance wildlife habitat areas;*
- *Notwithstanding any other policy of Section 4.4.3, local plans and zoning by-laws will require that all new development and leaching beds be set back at least 30 metres from the ordinary high water marks of all waterbodies. Excepted from this requirement are marina facilities, docks and other water access facilities, pump houses, and minor accessory buildings and structures as defined in zoning by-laws;*

- *Local municipalities may authorize minor variances from the 30 metre setback requirement, without the variance being considered to be inconsistent with the general intent and purpose of the local plan, in the following situations:*
 - a) *on a lot existing on the date this Official Plan Amendment No. 3 comes into effect;*

4.7.3.2 – Sanitary Sewage and Water

- *communal services are the preferred means of servicing multiple lots/units where municipal sanitary sewage and water services are not available, and where site conditions are suitable for this method of servicing over the long-term;*

4.2.2 The Municipality of Trent Lakes Official Plan (2011)

The Municipality of Trent Lakes Official Plan (TLOP) builds upon the Provincial and County planning policy and provides specific direction via land use designations and policies for the lands within the Municipality. Within the (TLOP) the Subject Property is designated 'Commercial'. Policies identified as applicable for the Subject Property and proposed development are included below.

5.1.10 Protection of the Environment

5.1.10.2 Objectives

- a) *Natural features and areas shall be protected for the long term.*
- b) *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

5.1.10.3 General Policies

- a) *Decisions made by the Township Council affecting planning matters shall be consistent with the provisions of Section 2.1 of the Provincial Policy Statement, the Natural Heritage policies.*
- e) *The shorelines of the Kawartha Lakes are identified as a significant natural feature within the Township. Special measures should be considered when the Municipality is reviewing development proposals along the shoreline to minimize potential negative impacts on the water quality of the Lakes. These may include measures such as development setbacks, maintaining the natural vegetation and physical characteristics of the shoreline, and effective stormwater management.*

5.1.10.7 Fish and Wildlife Habitat

The following policies shall apply to fish habitat and significant wildlife habitat within the Township:

a) Development or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. The Municipality shall consult with the Department of Fisheries and Oceans or the local Conservation Authority to determine such requirements.

b) Where development and/or site alteration is proposed within 30 metres of a waterbody or watercourse, an EIS will be required to assess the potential impact on fish habitat, in accordance with the policies contained in Section 5.1.10.3 of this Plan.

c) Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

d) Development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat 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.

e) For the purposes of this policy "adjacent lands" shall mean those lands within 50 metres of significant wildlife habitat.

5.1.10.11 Water Setbacks

New development shall be set back sufficiently from any water body or watercourse to promote the protection of water quality and natural stream and valley lands.

Shoreline development inclusive of sewage system leaching beds shall be set back from the high water mark of water bodies and watercourses to encourage minimal adverse impacts on both the shoreline and water body/watercourse.

For the purpose of this Plan and the implementing Zoning By-law, all new development on a lot shall be set back a minimum of 30 metres from the established high water mark of water bodies and watercourses.

Notwithstanding anything in this section to the contrary, structures such as septic tanks, pump houses, boat houses, docks, open decks and stairs shall be a permitted use and may encroach into the 30-metre setback without a minor variance provided that the property owner can demonstrate to the Township's satisfaction and, if appropriate, the authority having jurisdiction over the waterway, that it does not negatively affect the waterfront environment. If addressed in the Zoning By-law, applicable standards must be met (i.e., deck width, area, etc.).

Structures legally existing as of October 22, 2008 that do not comply with the required setback provision that require replacement due to structural defects or destruction by fire or other natural causes, or demolished by permit, will be permitted to be replaced on the same footprint and may only be enlarged in accordance with the provisions of the Zoning By-law, and where the enlargement does not further encroach into the 30-metre setback.

Sewage system leaching beds requiring replacement due to structural damage or malfunction should be set back a minimum of 30 metres from the high water mark if possible or to the greatest setback that is achievable to the satisfaction of the Peterborough County-City Health Unit. Due to their importance to ensuring public health and/or safety, a minor variance will not be required in the case where the replacement leaching beds must be located within the 30-metre water setback.

Vacant lots of record as existing on October 22, 2008 shall attempt to have structures and septic systems set back as far as possible from the high water mark. In this regard, a minor variance or a zoning by-law amendment for a reduced setback for existing vacant lots of record may be permitted provided that the variance:

- a) maintains the intent of the Zoning By-law;
- b) is minor in nature;
- c) maintains the intent of this Plan regarding environmental objectives; and
- d) is desirable and appropriate for the area.

Minor variances or zoning changes to accommodate proposed expansions of a structurally permanent nature to existing structures and/or septic systems that further reduce any applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety.

5.1.23.1 General Servicing Policies

Planning for sewage and water systems will recognize that:

- b) Communal sewage and water services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term;

5.1.24 Re-Use of Contaminated and Potentially Contaminated Sites

Where site re-use or re-development is proposed for lands that are or may be contaminated, Council will request the proponent to undertake a Phase I and if necessary a Phase II Environmental Site Assessment (ESA) to determine whether the environmental condition of the site is suitable for the proposed use.

5.1.26 Pigeon Lake

In reviewing development proposals for lands on or in close proximity to the Pigeon Lake shoreline, Council shall require an Environmental Review Report as set out in Section 5.1.10 of the Plan to assess the impacts of development on the waterbody.

5.1.27 Stormwater Management

It shall be the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized.

No development or redevelopment proposal, including a registered plan of subdivision or a block of land which is being developed for residential, commercial, institutional or industrial purposes, shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water run-off shall be developed and implemented as a condition of approval according to the following policies:

a) Stormwater management facilities shall be designed and constructed to protect the receiving watercourse and adjacent lands from potential adverse impacts resulting from stormwater runoff including the degradation of water quality, increase in flood potential, interference or reduction of the drainage capacity of an existing watercourse, erosion and sedimentation, and damage or destruction of fish habitat or other environmentally sensitive areas and features.

5.6 Commercial

5.6.1.2 Recreation Commercial

The recreation commercial uses permitted are those which are generally oriented to the waterfront and serve the vacationing and transient public. Such uses include marinas, boat rentals and repairs, resort residential uses such as lodges and condominiums, rental cottages and cabins, motels, hotels, tent and trailer parks, places of entertainment, restaurants, park and recreation facilities, golf courses, associated retail stores and similar uses. A residence for a caretaker or owner shall be permitted as an accessory use.

5.6.2 Off Street Parking

Adequate off-street parking shall be provided for all permitted uses and access points to such parking shall be limited and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

5.6.4 Location and Phasing

Generally, commercial development will be encouraged as part of the Hamlet area designations. This plan generally recognizes existing established recreation

commercial type uses. *Proposals for new recreation commercial development will be set back from the shoreline and the preservation of natural vegetation along the shoreline will be encouraged.*

5.6.5 Services

The enlargement or redevelopment of existing commercial activities as well as the development of new commercial establishments shall be contingent upon the provision of an adequate supply of potable water and the installation of an appropriate sewage disposal system, as approved by the Ministry of Environment or its agent.

4.2.3 The Municipality of Trent Lakes Zoning By-law B2014-070

The Municipality of Trent Lakes Zoning By-law B2014-0700 (TLZB) provides specific development criteria for lands within the geographic area of the Municipality. Within the TLZB the Subject Property is currently zoned 'Shoreline Residential – Private Access (SR-PA) Zone'.

Commercial uses are not permitted in the 'SR-PA' Zone. Therefore, a rezoning to 'Tourist Commercial (TC) Zone' is requested, provisions for which are provided below.

14.1 Permitted Uses

14.1.1 an accessory dwelling or one accessory dwelling unit located above a permitted commercial use

14.1.9 a tourist establishment

14.2 Regulations For Uses Permitted In Section 14.1

14.2.1 Minimum Lot Area 4.0 ha (9.9 ac.)

14.2.2 Minimum Lot Frontage 45.0 m (150.0 ft.)

14.2.3 Minimum Lot Coverage 15%

14.2.4 Minimum Front Yard Depth 15.0 m (50.0 ft.)

14.2.5 Minimum Exterior Side Yard Width 15.0 m (50.0 ft.)

14.2.6 Minimum Interior Side Yard Width 6.0 m (20.0 ft.)

14.2.7 Minimum Rear Yard Depth 6.0 m (20.0 ft.)

14.2.8 Minimum Water Yard 30.0 m (98.4 ft.)

14.2.9 Minimum Floor Area

a) Accessory Dwelling 83.5 m² (898.8 ft²)

b) Tourist Establishment 26.5 m² (284.9 ft²)

14.2.10 Maximum Building Height 11.0 m (35.0 ft.)

14.2.12 Maximum Number of Accessory Single Detached Dwellings Per Lot 1

14.3 Distance Between Buildings

Where more than one tourist establishment building is erected on the same lot, the minimum distance between buildings shall be not less than 15.0 metres (49.2 ft.) provided that where 2 external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such 2 walls may be reduced to 3.0 metres (10 ft.).

14.4 Buffer Strip Requirements

Where the interior side or rear lot line abuts a Residential, Open Space or Community Facility Zone a buffer strip shall be provided in accordance with Section 4.7 of this By-law.

14.7 General Zone Provisions

All provisions of Section 4, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the Tourist Commercial (TC) Zone shall apply.

The proposed development is also subject to the general provisions of the TLZB. Provisions applicable to the proposed development are include below.

4.2 Accessory Buildings, Structures and Uses

4.2.2.2 Location in Non-Residential Zones

No accessory building or structure shall be erected closer to the street line that the minimum required yard and setback requirements of the respective Residential or Non-Residential Zone.

Except as otherwise provided herein, in any Non-Residential zone category any accessory building or structure which is not part of the main building shall not be erected closer than 3.0 metres (9.8 feet) to an interior side or rear lot line except as may otherwise be provided for herein.

4.2.5 Lot Coverage and Height

Except as otherwise provided herein, the total lot coverage of all accessory buildings and structures of a lot, except swimming pools, shall not exceed ten (10) percent of the lot area and shall be considered in addition to any other lot coverage regulations as specified in this By-law. Except as otherwise provided herein, the height of any accessory building or structure shall not exceed 7.5 metres (24.6 ft.) in the Rural (RU) Zone and 4.9 metres (16.0 ft.) in any other zone.

4.2.15 Boathouses

Where permitted by this By-Law, a dryland boathouse may be erected adjacent to a lot line when said lot line abuts a body of water and is subject to the following:

- a) may not be located any closer than 15 m (49 ft.) from a side lot line;
- b) shall not exceed a maximum height of 4.9 m (16 ft.) as measured horizontally from the elevation of the high water level;
- c) shall not exceed a maximum total floor area of 74 sq. m (796.5 sq. ft.);
- d) a loft is not permitted within a boathouse;
- e) and in no case shall any portion of said boathouse encroach or extend over any lot line.

4.3 Accessory Residential Uses

4.3.1 A maximum of either one (1) accessory dwelling or one (1) accessory dwelling unit shall be permitted on a lot in Zones where an accessory residential use is permitted, except as otherwise permitted in this By-law.

4.3.3 Where an accessory dwelling unit is a permitted use in any Zone, the following minimum floor areas shall be provided:

- (a) Bachelor Dwelling Unit 37 m² (400.0 ft²)
- (b) 1 Bedroom Dwelling Unit 65 m² (700.0 ft²)
- (c) 2 Bedroom Dwelling Unit 65 m² (700.0 ft²)
- (d) 3 Bedroom Dwelling Unit 83 m² (893.4 ft²)
- (e) 3+ Bedroom Dwelling Unit 83 m². (893.4 ft²) plus an additional 9 m² (96.9 ft²) for each bedroom in excess of 3

4.7 Buffer Strip Regulations

4.7.1 Contents

A "buffer strip" shall consist of a visual screen having a minimum height of 1.5 metres (4.9 ft.) above the surrounding ground level and which is uninterrupted for the length of the buffer strip except as described in Section 4.7.3. A buffer strip shall include a planting screen as defined in this By-law, a fence which provides a visual screen, an earth berm, or any combination of these features. The minimum width of a buffer strip shall be 3 metres (9.8 ft.). However, where an earth berm is to be constructed, the minimum width of the buffer strip shall be the width required to construct a stable earth berm having slopes no greater than a 3:1 horizontal to vertical ratio. The portion of the buffer strip not required

for placement of the visual screen shall be used for no other purpose than the planting of shrubs, flowerbeds, grass or a combination thereof.

4.7.2 Location

Where the interior side or rear lot line in a Commercial Zone or an Industrial Zone abuts a Residential Zone or a Community/Open Space Zone, a buffer strip adjoining such abutting lot line, or portion thereof, shall be provided on the lot within the Commercial Zone or Industrial Zone where a new industrial building, structure or use is to be established. A buffer strip shall not be required for Commercial or Industrial buildings, structures or uses in existence prior to the date of passing of this By-law or for vacant land within a Commercial Zone or an Industrial Zone, unless the land is used for vehicle parking or storage purposes.

4.12 Frontage Requirements

4.12.1 Public Street

No person shall erect any building or structure in any Zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street, maintained year round, and further, that such building or structure complies with the setback provisions of this By-law.

4.25 Parking Area Requirements

For every building, structure or land to be erected, enlarged or used in any zone, one or more parking areas shall be provided and maintained in accordance with the following provisions:

<i>Single Detached or Seasonal Dwelling</i>	<i>One (1) parking space for each dwelling</i>
<i>Hotel, Motel, Taverns, Tourist Cabins, Tourist Homes</i>	<i>One (1) parking space for each guest room or motel suite plus one (1) space for each 9.3 square metres (100.0 sq. ft.) of floor area of the building devoted to public use.</i>

4.26 Standards For Parking And Loading Spaces

A parking space used for perpendicular or angular parking shall have a minimum width of 3.0 metres (10.0 ft.) and a minimum length of 6.1 metres (20.0 ft.).

Where parking areas for more than four (4) vehicles or four (4) loading spaces are required or permitted:

- a) Adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality.
- b) The parking area or loading space and approaches thereto shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- d) A strip of land not less than three decimal zero-five (3.0) metres (10.0 ft.) wide lying within the lot in which the parking area or loading space is located, and along all boundaries of said area shall be used for landscaping excluding those areas used as entrance and exit.
- g) The width of the aisle in a parking area shall be based on the angle of the parking spaces to the aisle.

The aisle requirements are as follows:

Equal to or greater than 70 degrees but less than or equal to 90 degrees	7.0 metres (22.9 ft.)
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4.30.1 General Setback Provisions

Except as otherwise specifically provided for herein, no new building or structure, or new sewage system leaching bed, shall be erected within 30.0 metres (98.4 feet) of the normal high water mark of any water body and/or watercourse. This setback distance shall be applied horizontally from the high water mark.

4.30.2 Exceptions to the General Setback

This provision shall not apply to marinas, docks, patios, and other marine facilities, including boathouses and pump houses.

4.30.3 Expansions to or Replacement of Existing Buildings

Notwithstanding Section 4.30.1, expansions to or replacement of an existing dwelling located within the required 30 metre setback from high water mark shall be permitted subject to the following provisions:

- b) Where the ground floor area of an existing dwelling is less than 112 square metres, the expansion or replacement building shall not result in an increase to the existing ground floor area of more than 50%;
- c) In no case shall any expanded or replacement dwelling cause a further reduction to the existing setback from the high water mark. For the purpose of this provision the existing setback shall be the furthest distance between the high water mark and the exterior wall of the dwelling;

d) *Where a dwelling is located within 10 metres of the high water mark, the height of the expanded or replacement dwelling shall not increase by more than 1.22 metres;*

e) *The building footprint of a replacement or relocated dwelling shall occupy the majority of the existing building footprint*

4.30.4 Existing Lots

Where it is not possible to achieve the 30-metre (98.4 ft.) setback on an existing lot, new buildings or structures shall be set back as far as possible from the high water mark. In this regard, a minor variance for a reduced setback for an existing lot may be permitted provided that the variance maintains the general intent and purpose of the Official Plan of the Municipality of Trent Lakes and this By-law, is minor in nature, and is desirable for the appropriate development or use of the land.

5.0 Planning Rationale

In accordance with Section 3 of the *Planning Act*, decisions involving planning matters are to be consistent with the PPS and conform to the Growth Plan.

Policies of the PPS promote leveraging rural amenities, diversifying the economic base and providing opportunities for diversified tourism opportunities that are compatible with the landscape and can be sustained by rural service levels (1.1.4, 1.1.5, 1.3.1, 1.7.1). Communal servicing is permitted where municipal services are not available (1.6.6.3).

The PPS also requires development to have regard for the environment, cultural resources and natural hazards. Development is only permitted adjacent to certain natural heritage and hydrologic features where it has been demonstrated there will be no negative impacts (2.1). Likewise, development is to be directed outside of natural hazards such as floodplains, and human-made hazards (contaminated sites), unless demonstrated that there will be no adverse affects (3.1.1, 3.2.2). Development is not permitted on lands containing archaeological resources (2.6).

The Growth Plan builds upon the policies of the PPS, and further directs that resource-based recreational uses, including commercial uses for visitors and seasonal accommodation, may be permitted provided they are compatible with the scale, character and capacity of the resource and landscape (2.2.9). With respect to natural features, where redevelopment and resort development is proposed in shoreline areas, the Growth Plan requires such proposals to increase the vegetative protection zone, protect features and their functions and incorporate appropriate lot-level controls to reduce stormwater runoff (4.2.4). Development, as directed by the Growth Plan, is also to incorporate stormwater management controls which include low impact development and practices to minimize erosion and impervious surfaces (3.2.7).

As outlined herein, the proposed development of the Subject Property includes the removal of ten (10) existing derelict cabins on the property, to be replaced with five (5)

new cabins with increased footprints. A new seasonal dwelling and dry land boathouse are also to be established.

The proposed cabins will serve the visiting tourist economy, by building upon the amenity value provided by Pigeon Lake. The proposed cabins will also contribute to the greater economy of the area, with visitors to the cabins utilizing other related services in the area (i.e. restaurants, marinas), thereby meeting the policy direction of the PPS and the Growth Plan as it pertains to rural economies and assets. The proposed cabins and accessory dwelling are also compatible with the surrounding landscape, which is similarly largely dominated by seasonal uses. The redevelopment of the property will serve to improve the aesthetic quality of development, while maintaining a reduced scale which will ensure the existing character of the area is not impacted, likewise upholding provincial policy direction. Furthermore, as outlined in the traffic brief prepared in support of the application, the traffic generated by the proposed development will not impact the surrounding network and is likewise compatible with the scale and service level of the road network.

While a 30-metre setback from the shoreline cannot be achieved given the configuration of the Subject Property, the new cabins will be constructed with significantly improved setbacks to the water yard, increasing the vegetated area between the development and the shoreline. Moreover, the proposed development will be located outside of the identified floodplain. As indicated in the supporting studies, no impacts to natural features are anticipated as a result of the development, provided the recommendations in the report are adhered to. No human-made hazards / contamination were identified which would impede the development. Likewise, no archaeological resources have been discovered on the Subject Property.

The proposed development will utilize communal septic servicing; and will incorporate stormwater management controls as they pertain to quality of runoff. The proposed development and zoning by-law amendment application are therefore considered consistent with the PPS and conform to the Growth Plan.

Decisions on planning matters are also to conform to applicable Official Plans. As outlined herein, the Subject Property and proposed development are subject to the County of Peterborough Official Plan and the Municipality of Trent Lakes Official Plan.

Policies of the COP and the TLOP are analogous to those of the PPS as they pertain to natural resources, natural hazards and human-made hazards; permitting development only where it has been demonstrated there will no negative impacts on the natural features, and outside of human and natural hazards. Policies of the COP and TLOP are also similar as they pertain to servicing and stormwater, directing that communal services may be permitted where municipal services are unavailable; and further that stormwater management is to be designed to control and minimize impacts on the natural environment. As outlined in the supporting reports, and described above, the proposed development complies with this policy direction.

The specific land use designations of both the COP and TLOP, recognize tourist developments such as rental cabins as permitted on the Subject Property. A single dwelling is also permitted as accessory to the commercial use.

Policies of both Official Plans promote the balance of built and natural form and preservation of natural shorelines, specifically directing that development is to be setback 30 metres from the shoreline, save and except for existing lots of record on which the greatest setback achievable is to be maintained.

By reducing the number of cabins on the Subject Property, and increasing the existing water yard setbacks, the proposed development and zoning by-law amendment will serve to improve the balance of built and natural form on the Subject Property. Further, and as outlined above, while a 30-metre setback is physically impossible on the property, the proposed development has been designed to increase the existing setbacks, while aiming to utilize as much as possible the existing developed footprints on the Subject Property. The application therefore upholds the spirit and intent of the COP and TLOP.

With respect to the TLZB, as noted above, it is proposed that the Subject Property be rezoned to 'Tourist Commercial (TC) Zone'. A tourist establishment and accessory single detached dwelling are permitted in the 'TC Zone'. The proposed zoning by-law amendment, as outlined in **Section 6.0**, is also requesting certain site specific provisions, including a reduction in the water yard; increased ground floor area for the tourist cabins and dwelling with decreased setbacks between buildings; increased height for the cabins and accessory dwelling; frontage on a private road; reduced parking and reduced parking aisle width.

The reduction in the water yard setbacks are required as, as noted herein, the 30-metre standard cannot be met on the Subject Property. However, the proposed development will serve to improve upon the existing setbacks on the property, and will not further encroach beyond the minimum existing setbacks on the Subject Property, consistent with the provisions for expansions and replacements of existing buildings in the TLZB.

The increase in ground floor area for each of the tourist cabins and dwelling is requested as, as currently provided in the Zoning By-law, replacement dwellings are not permitted to have an increase of greater than 50% of the existing ground floor area. This would result in ground floor areas of between 21.15 square metres and 77.55 square metres, where 92.9 square metres are proposed for the cabins and 186 square metres are proposed for the accessory dwelling. However, with the removal of the ten (10) existing cabins, together with increased shoreline setbacks being applied for the new cabins and dwellings, it is our opinion that while the ground floor areas are greater than what is permitted for expansions to existing buildings, the result will be an improvement to the built-form of the property, and the application likewise upholds the spirit and intent of these policies, being to balance built and natural form. Further, the reduced setbacks between cabins will ensure that the development does not consume the entire easterly shoreline, but otherwise clusters development, leaving greater natural area free from built form and likewise upholding the intent of these policies.

It is noted that despite these requested increases, lot coverage on the property will remain within the 15% permitted by the Zoning By-law.

Likewise, the Zoning By-law currently restricts replacement dwellings to be built only 1.22 metres higher than the original building where they are located within 10 metres of the high water mark. The proposed two storey cabins will be located more than 10 metres from the high water mark and are not subject to this provision. However, portions of the proposed dwelling will be built within 10 metres of the high water mark, given the configuration of the peninsula. This provision would limit the height of the proposed dwelling to one (1) storey, whereas two (2) storeys are also proposed. Notwithstanding, the proposed zoning by-law amendment has requested a maximum height of 11.0 metres for the proposed dwelling, which is consistent with the permitted height for seasonal residential uses. Moreover, as most of the proposed dwelling will be located outside of the 10-metre setback, this is considered appropriate.

Parking is proposed at one space per cabin, which include two (2) bedrooms each. Given the small size of the cabins, it is likely that any guests will travel together, and this reduced parking requirement is also considered appropriate for this specific use of the lands. The parking aisle is requested to be reduced to 6.0 metres, versus the 7.0 metres required by the zoning by-law. This has been done to minimize as much as possible the parking footprint, while ensuring safe access.

As the property is already on a private road and already designated for commercial uses, an exception to the requirement for frontage on a public road is also requested. Moreover, the traffic study prepared for the proposed development notes that no impacts on traffic flow are anticipated for the private road; therefore no concerns in this regard are anticipated.

The proposed dry land boathouse is to be constructed in conformity with all provisions of the Zoning By-law.

The proposed planning application is therefore consistent with the aforementioned applicable provincial and municipal policies as outlined in **Section 4.0** and upholds the general intent of the TLZB.

6.0 Proposed Zoning By-law Amendment

The following is the proposed Zoning By-law Amendment for the Subject Property located at 16 Fire Route 94A, Municipality of Trent Lakes in the County of Peterborough.

Zoning By-law Amendment

Special Tourist Commercial (TC-X) Zone – Part Lot 16, Concession, 13, Harvey Ward, Parts 10 to 12 of Plan 45R12279

Notwithstanding the provisions of Section 14.1 and 14.2 and the General Provisions of Section 4, on lands zoned 'Special Tourist Commercial (TC-X) Zone', the following provisions shall apply:

- Minimum Lot Area 1.6 acres
- Minimum Front and Water Yard for Septic System 20 metres

- Five tourist cabins may be established on the property, subject to the following:
 - Minimum Front and Water Yard 10 metres
 - Maximum Height 11 metres
 - Maximum Ground Floor Area per Cabin 93 m²
 - Minimum Setback between Cabins 2.6 metres
 - Minimum Parking 1 space per cabin
 - Minimum Parking Aisle Width 6 metres
- An accessory seasonal dwelling may be established on the property, subject to the following:
 - Minimum Front and Water Yard 8.2 metres
 - Maximum Height 11 metres
 - Maximum Ground Floor Area 186 m²
- Section 4.12.1 as it pertains to the requirement for frontage on a public street shall not apply.

All other provisions of Section 14.1, 14.2 and Section 4 of this By-law shall apply.

7.0 Conclusions

This Planning Justification Report has been prepared in support of a zoning by-law amendment application to rezone the Subject Property from the Shoreline Residential – Private Access (SR-PA) Zone to the Special Tourist Commercial (TC-X) to permit the redevelopment of the property in the form of a tourist cabin rental establishment, together with an accessory dwelling and dryland boathouse.

The proposed development will contribute to the local economy in a way that leverages and promotes the resource of the area, being Pigeon Lake; while ensuring no impacts to the lake or natural features of the area. The proposed development is of a scale that is appropriate to the servicing of and access to the property and local landscape, and will serve to strike a balance between fostering economic development and maintaining rural character and resources.

This report has provided an analysis of the applicable provincial and local policy documents in the context of the proposed development.

Based on the background information, the features on site and the forgoing review of the relevant policies, it is our opinion that the proposed Zoning By-law Amendment application is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

Respectfully Submitted,

Written By:



Emma Drake, M.Sc.
Land Use Planner

Reviewed By:



Darryl Tighe, RPP
Senior Land Use Planner



KH/ED/DT/hd

Appendix A

Pre-Consultation Comments

MEMORANDUM

To: Ms. Tiffany Ly/Ms. Adele Arbour
From: Chris Jones MCIP, RPP
Date: May 8, 2020
Re: Pre-consultation for Development Options – 13 Fire Route 71B

BACKGROUND

I have reviewed the application for pre-consultation for lands located at 16 Fire Route 94AB on Pigeon Lake on lands located in Part of Lot 16, Concession 13 (Harvey). The subject lot is a peninsula and therefore has an irregular shoreline frontage of approximately 300 metres (1,000 feet) and a lot area of approximately 0.65 hectares (1.6 acres). An aerial photo of the subject lands is provided in Figure 1.

Figure 1 – Aerial Photo of Subject Lands



The lands were formerly utilized as a cabin rental resort, however based on a site visit and the condition of existing structures it is my opinion the former business has not been operational for decades.

The subject lands are designated Commercial in the Trent Lakes Official Plan. It is assumed this designation is a carry-over from a prior Official Plan. It is noted there are other parcels adjacent to these lands also designated Commercial, but do not appear to be utilized in a commercial manner.

The subject lands are zoned Shoreline Residential – Private Access (SR-PA). The SR-PA Zone permits a detached dwelling or a seasonal dwelling.

On February 12, 2002, Zoning By-law Amendment 2002-10 was passed which affected the subject lands. The amendment rezoned the subject lands, as well as three adjacent parcels, to the Rural Residential (RR) Zone. My assumption is that this zoning by-law amendment was attributed to a consent to sever to sub-divide the former commercial resort.

On the issue of legal non-conformity, I do not consider the remnant, derelict structures on-site to constitute a legal non-conforming land use. Notwithstanding the fact the these lands have clearly not been utilized for commercial purposes for many, many years, Zoning By-law Amendment 2002-10 was a landowner requested amendment which established an effective date when the commercial zoning of these lands was terminated and shoreline residential use was authorized.

DEVELOPMENT OPTIONS

Having reviewed the Municipality's Official Plan and Zoning By-law and having been on-site to see the lot and the condition of the historic buildings, there are two development scenarios to consider. The first would be commercial use as indicated by the Official Plan designation, the second option would be shoreline residential use as authorized by the Municipality's Zoning By-law. A discussion of both options is provided in the following sub-sections of this memo.

Redevelopment for Commercial Use

As was indicated earlier in this report, the Official Plan designates the subject parcel and five other adjacent parcels as Commercial. However, the Commercial designation does not appear to have any basis or logic given the current land use and size of the parcels. It is apparent that the commercial activities associated with these lands has long ago ceased and these lands were severed and zoned to allow their evolution to shoreline residential use but the Official Plan was never amended to reflect this evolution.

Notwithstanding, if a proponent wished to pursue a commercial development

objective, a zoning by-law amendment and site plan agreement would be required. The requisite amendment would need to be consistent with the Provincial Growth Plan as well as the County and Municipal Official Plans as they relate to shoreline development and servicing. However given the size of the parcel, it is difficult to reconcile that any commercial redevelopment would be compliant with Provincial, County or Municipal planning policies which require a 30-metre shoreline setback. As part of a complete application the following technical studies would be recommended:

- Planning Justification Report
- Phase 1 Environmental (and any subsequent phase if required by Phase 1)
- Environmental Impact Study
- Archeological Assessment
- Traffic Impact Report
- Servicing Study (including a Reasonable Use Assessment)
- Site Plan illustrating all buildings and structures, servicing, lighting, docking, the 247.12 mASL floodline elevation, driveways, parking, amenity space and naturalized areas
- Preliminary Stormwater Management Plan

Shoreline Residential Use

The subject lot is currently zoned to permit the construction of a dwelling and a building permit for a dwelling would be authorized subject to compliance with the SR-PA zone regulations.

Given that the lot does not appear to be wider than 60 to 70 metres at its widest point, it is unlikely a new dwelling could comply with the requisite 30-metre setback required by the Municipality's Zoning By-law.

However, given that the lot was severed in 2002 to accommodate shoreline residential use it is my opinion that Section 5.1.10.11 of the Official Plan could be provide the policy basis for an application for zoning amendment to reduce the shoreline setback to permit the construction of a dwelling on the lot. In pursuing an application for ZBA to reduce the shoreline setback, the following information is recommended to file a complete application:

- Phase 1 Environmental (and any subsequent phase if required by Phase 1)
- Archaeological Assessment
- Environmental Impact Study
- Survey illustrating 247.12 mASL floodline elevation
- Site Plan Agreement



Chris Jones MCIP, RPP

Appendix B

Photographic Log

Client Name: Mr. Stephen Lennox	Subject Property: 16 Fire Route 94A, Municipality of Trent Lakes, County of Peterborough
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Photo Number: 1
Date: February 26, 2021
Direction Photo Taken: Southwest
Description: Property entrance



Photo Number: 2
Date: February 26, 2021
Direction Photo Taken: South
Description: Existing access route / driveway



Photo Number: 3
Date: February 26, 2021
Direction Photo Taken: East
Description: View of neighbouring properties from driveway



Photo Number: 4
Date: February 26, 2021
Direction Photo Taken: South
Description: View of east half of property and east shoreline from driveway



Photo Number: 5
Date: February 26, 2021
Direction Photo Taken: South
Description: Location of proposed cottage, taken from existing hydro pole



Photo Number: 6
Date: February 26, 2021
Direction Photo Taken: South
Description: Location of existing south cabin on peninsula



Photo Number: 7
Date: February 26, 2021
Direction Photo Taken: West
Description: Water yard setback of existing southern cabin on peninsula



Photo Number: 8
Date: February 26, 2021
Direction Photo Taken: North
Description: Water yard setback of existing southerly cabins



Photo Number: 9
Date: February 26, 2021
Direction Photo Taken: North
Description: Water yard setback of existing northerly cabins



Photo Number: 10
Date: February 26, 2021
Direction Photo Taken: South
Description: Water yard setback of existing northerly cabins



Photo Number: 11
Date: February 26, 2021
Direction Photo Taken: West
Description: View of lake from proposed cabins



Photo Number: 12
Date: February 26, 2021
Direction Photo Taken: North
Description: View of north neighbouring property from existing cabins



Photo Number: 12
Date: February 26, 2021
Direction Photo Taken: West
Description: View of approximate location of parking lot from driveway

