
Planning Report

Proposed Plan of Subdivision
Buffalo Bay - Municipality of Trent Lakes

Prepared for: 2394735 Ontario Inc. Group Properties Inc.

EcoVue Reference No.: 14-1396

Date: December 1, 2016

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1.0 Introduction

The purpose of this Planning Report is to address all Provincial and Municipal land use policies governing the proposed development of a sixteen (16) lot Plan of Residential Subdivision in Part Lot 17 Concession 14 – geographic township of Harvey, in the Municipality of Trent Lakes. The development is being proposed by 2394735 Ontario Inc. (the Owner). The report has been prepared by EcoVue Consulting Services Inc., on behalf of the Owner, with supporting technical documentation from sub-consultants.

2.0 Subject Property

The subject property is located between the north shore of Pigeon Lake and County Road 36 in the Municipality of Trent Lakes (**Figure 1 – Site Location**). The total area of the property is approximately 87.9 hectares (217.2 acres) with frontage on Nichol's Cove Road. The property also includes approximately 701 metres (2,300 feet) of frontage on Buffalo Bay - Pigeon Lake. The subject property is currently vacant. Much of the subject land is forested and dotted with wetland pockets and small watercourses. Lands to the north of the subject lands are forested and include several larger wetland areas, as shown on **Figure 2 - Aerial Photo of Property**.

There is established shoreline development adjacent to the property towards the west (Pirates Glen Subdivision and Fire Route 96) and to the southeast (Bigelow Bay and Nichol's Cove) on Pigeon Lake.

2.1 Historical Context

The historical context for these lands is included in the Stage 1 -2 Archaeological Report prepared by York North Archaeological Services. The report describes the site in the following manner:

The study area was ceded to the Crown by the Mississauga/Ojibway by way of Treaty No. 20 in November 1818. Crown patent to the study area in Lot 17, Concession 14, was issued to Mary McNeil on December 14, 1866. The property changed hands several times between 1857 and 1894 when it was purchased by William Tate (hence Tate's Bay Road). Lumber rights to the land were also sold several times.

William Tate and his wife raised seven children and farmed the homestead on Lot 18, Concession 15. The buildings associated with the Tate farmstead were located in the lot west and north of the study area. Tate's son Sam eventually purchased the farm and became a successful livestock farmer. The shoreline areas of the property have been subject to multiple severances for cottage development.

2.2 Topography and Geology

The subject lands are located at the transition zone between two distinct physiographical regions: the Great Lakes-St. Lawrence Paleozoic Lowlands (specifically the Gull River Limestone Formation), and the Canadian (Precambrian) Shield. The topography and geology is typical of 'The Land Between', an area of transition between the two geological formations. The property is dominated by Precambrian rock, based on site observations and Ontario Geological Survey mapping. The Precambrian rock is overlain by limestone deposits towards the northern part of the North property. Bedrock outcrops are common with localized areas of till overburden in bedrock depressions between the rock ridges.

2.2.1 Topography

The study area is characterized by varied topography. **Figure 3 - Change in Elevation** illustrates the topographic characteristics of the subject property. Buffalo Bay, a small embayment of Pigeon Lake, borders the property to the south. As expected, the lowest point on the property is along its shoreline (246.05 mASL). Within the 30 metre environmental setback from the water's edge there is an increase from 247 to 249 mASL. The property rises slowly from Buffalo Bay (246.05 mASL), to a maximum elevation of 9 metres above the Bay (255.18 mASL) in the vicinity of Lots 5 and 6. The higher elevations are generally found toward the rear of the proposed building lots. There are numerous rock ridges and outcrops with elevations generally between 253 and 255 mASL. The tops of the ridges are generally 4-6 metres above the elevation of the Bay. Three small watercourses traverse the subject property.

2.2.2 Buffalo Bay

Buffalo Bay is a small, protected bay, extending northward approximately 300 metres from the main basin of Pigeon Lake. The entrance to the bay is approximately 60 metres wide. Maximum water depth is 1.5 metres and average water depth in the bay is 1 metre. The substrate through the bay

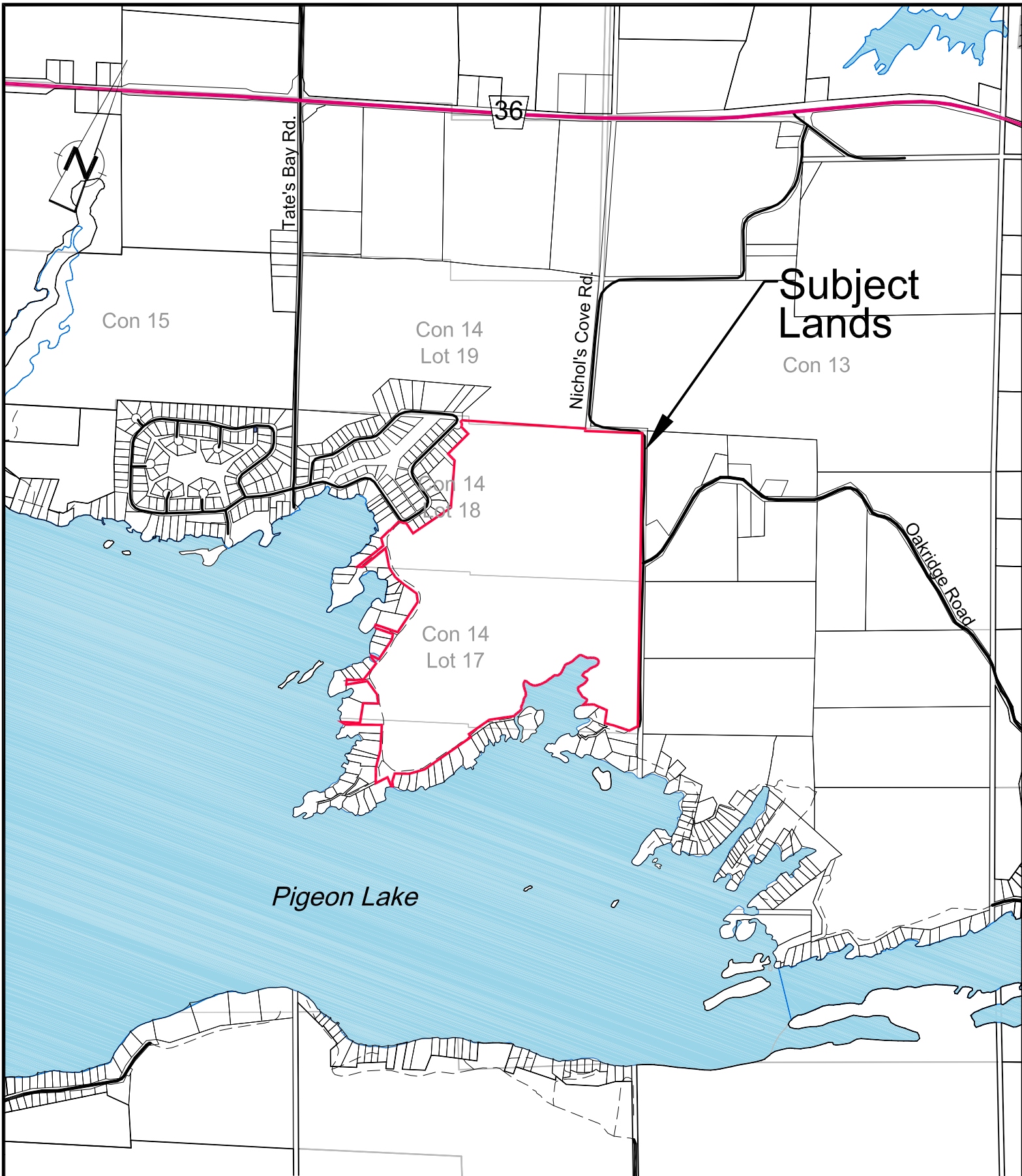


Figure No. 1 - Site Location

Orion Group

Lot 17 and 18 Concession 14
Municipality of Trent Lakes, County of Peterborough



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HORIZ. SCALE: 1:20,000



Figure No. 2 - Aerial Photo of Property

Orion Group

Lot 17 and 18 Concession 14
Municipality of Trent Lakes, County of Peterborough



Figure No. 3 - Change in Elevation

Orion Group

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Lot 17 and 18 Concession 14
Municipality of Trent Lakes, County of Peterborough

consists of a thick (~1metre) layer of muck (detritus). The bay is densely vegetated by aquatic plants with only small pockets of open water.¹

Cunningham Environmental Associates (CEA), Beacon Environmental (Beacon) and Niblett Environmental Associates (NEA) have undertaken extensive natural heritage assessments of the subject property, on behalf of the Owner. The Environmental Impact Study (Beacon) and Addendum (NEA) describe the results of these assessments and provides a comprehensive understanding of the natural environment associated with the property and adjacent lands. The field data are discussed more fully in Section 3.2.2 of this report. The EIS is included herein as Appendix B.

3.0 Development Proposal

The Owner is proposing to develop a 16 lot plan of residential subdivision adjacent to Buffalo Bay, together with a common elements condominium. The proposed plan is shown on **Figure 4 - Concept Plan**. Access to the site is from Nichols Cove Road. The proposed lots range from 0.34 to 0.50 hectares and lot frontages of 45 metres, in accordance with the Municipality's Comprehensive Zoning By-law. The lots are to be serviced by individual on-site sewage and water systems.

The proposed recreational dwellings are expected to appeal to an upscale market, seeking a quiet, passive or low-impact recreational lifestyle in a secluded, yet easily accessible area of the Kawartha Lakes. Fishing and canoeing/kayaking opportunities are associated with the bay itself. A series of low impact nature trails suitable for hiking, trail biking and birdwatching are proposed adjacent to the private lots.

The common elements condominium will include six blocks, as follows:

- Block 1 - lands to the rear of the subdivision, proposed as a natural, open space area;
- Block 2 - internal road

¹ Final Technical Memorandum - Re: 2394735 Ontario Inc. (MacPherson Property, Pigeon Lake) – Terrestrial, Wetland and Amphibian Methods, Field Studies, Results & Key Findings. Cunningham Environmental Associates with the assistance of Azimuth Environmental Consulting Inc., and RiverStone Environmental Solutions, November 2014.

Legend

- Water Course - Intermittent Swale
- Overhead Wires
- Proposed Lot Lines
- Turtle Crossing

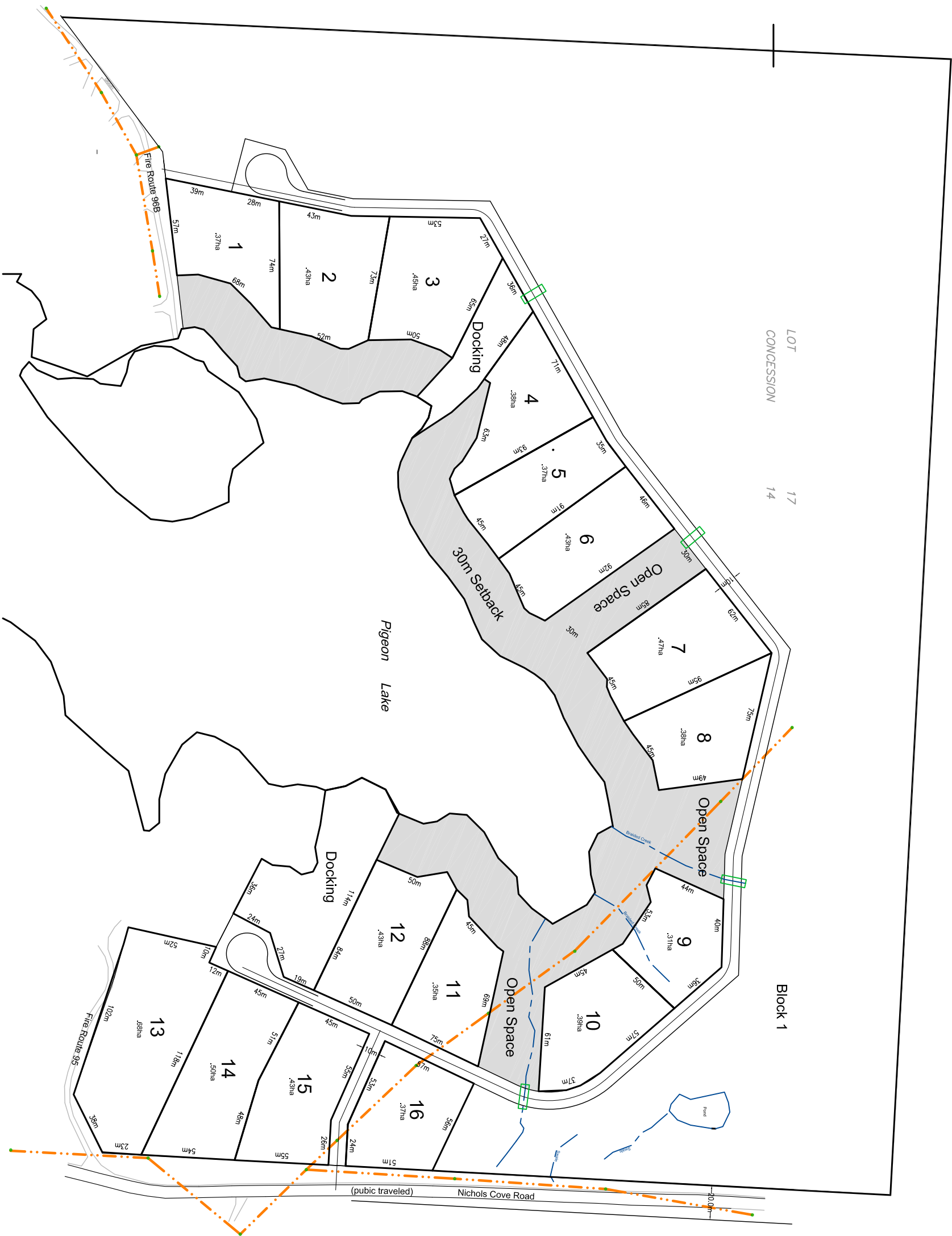
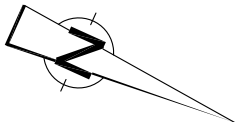


Figure No. 4 - Concept Plan

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DATE: Dec 2 2016
HORIZ. SCALE: 1:2500

Lot 17 and 18 Concession 14
Municipality of Trent Lakes, County of Peterborough

- Blocks 3 and 4 - all lands within 30 metres of the shoreline of Buffalo Bay, together with open space wildlife corridors;
- Blocks 5 and 6 - two docking areas.

Conditions within the Condominium Agreement will ensure that the sensitive features associated with the shoreline of Buffalo Bay, together with the wildlife corridors and natural open space will not be adversely impacted by the development of recreational dwellings on the property.

The bay is not considered suitable for swimming, given that it is shallow, with a muck bottom and dense growth of aquatic vegetation. The shoreline itself is densely vegetated and unsuitable for access. The individual lots and common docking areas will be accessed via the internal road, owned and maintained by the condominium corporation.

4.0 Policy Context

Land use policies and regulations affecting the subject lands include the *Places to Grow Act, 2005* and the associated *Growth Plan for the Greater Golden Horseshoe 2006 (GPGGH)*, the *Planning Act R.S.O. 1990*, as amended, and the associated *2014 Provincial Policy Statement (PPS)* at the Provincial level. At the municipal level, the County of Peterborough Official Plan and the Municipality of Trent Lakes Official Plan and Zoning By-law affect the subject lands.

4.1 Growth Plan for the Greater Golden Horseshoe

The Municipality of Trent Lakes is included within the outer ring of the GPGGH. The Plan, administered by the Ministry of Municipal Affairs (MMA) is intended to guide decisions respecting transportation, infrastructure planning, land-use planning, housing, natural heritage and resource protection. Although the PPS provides overall policy direction on matters of provincial interest related to land use and development, the *GPGGH* prevails where there is a conflict, with only two exceptions: natural environment and human health.

4.1.1 Managing Growth – Rural Areas

The subject lands are not located within a settlement area, and are therefore considered to be within a rural area. Section 2.2.2.1(i) of the GPGGH states that development should be directed to settlement

areas “*except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas*”.

Shoreline residential development is considered to be development related to resource-based recreational activities, and is permitted under Section 2.2.2.1(i). The current proposal to develop recreational dwellings on the subject property, is consistent with this policy.

4.2 Provincial Policy Statement

The *Provincial Policy Statement 2014 (PPS)* provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authority(s), in this case the County of Peterborough and the Municipality of Trent Lakes, to uphold the policies of the PPS, pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests.

4.2.1 Section 1.1.5 - Rural Areas in Municipalities

The subject lands are not located within a settlement area and are therefore subject to Section 1.1.4 and 1.1.5 of the PPS. Specifically, Section 1.1.5.2 states that “*on rural lands located in municipalities, permitted uses are: (a) the management or use of resources; (b) resource-based recreational uses (including recreational dwellings); (c) limited residential development; (d) home occupations and home industries; (e) cemeteries and; (f) other rural land uses*”. These uses (including agricultural uses) are considered to be the only uses permitted within rural areas.

Resource-based recreational uses, including recreational dwellings are uses that are related to a natural recreational resource such as a lake, river, or ski hill. In this case the development of lots for recreational dwellings adjacent to the waterfront would be consistent with Section 1.1.5 of the PPS. The proposed development is consistent with the guidelines published in “*An Introduction to the Provincial Policy Statement, 2014: Rural Ontario*”, released by the Province in August 2016.

4.2.2 Section 1.6.6 Sewage, Water and Storm Water

Section 1.6.6.4 of the 2014 PPS requires that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided,

individual on-site sewage services and individual on-site water services may be used, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The subject property is located in a rural area where no municipal sewage and water services are available. Given the size and density of the proposed development, communal services are not a financially viable option.

It was determined that individual on-site servicing for the development should be is the most appropriate method of servicing a low-density recreation based residential development on the subject lands. The suitability of the site to support on-site servicing was the subject of a detailed hydrogeological assessment. Results of the assessment are summarized in Section 4.2.2.1, below.

4.2.2.1 *SEWAGE AND POTABLE WATER SERVICING*

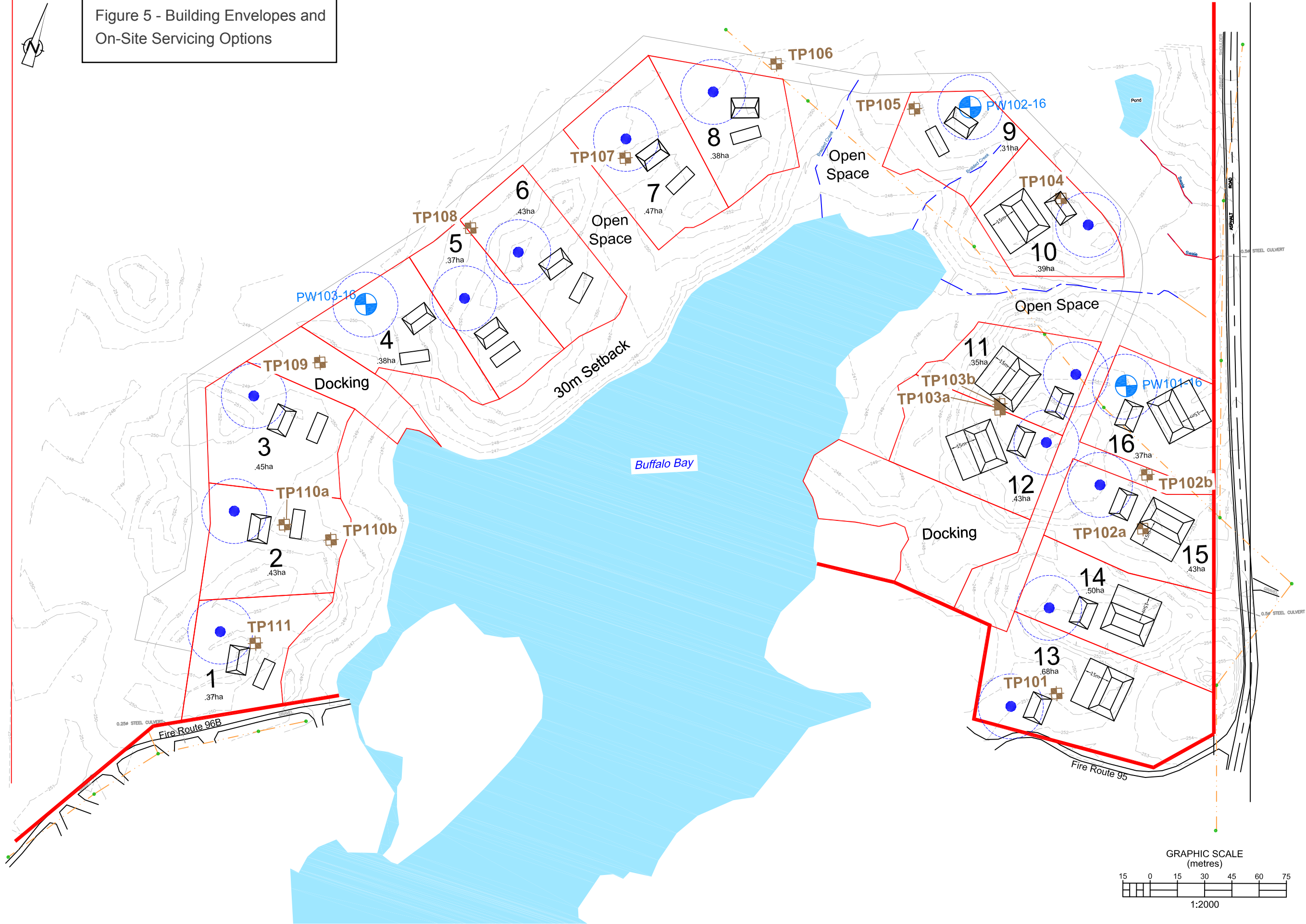
The hydrogeological assessment was undertaken by Cambium Inc. to demonstrate that the proposed development could be serviced by individual on-site sewage services and individual on-site water service, with no negative impacts on the existing quality and supply of groundwater resources. Cambium issued a report entitled “*Hydrogeological Assessment – Development at Buffalo Bay*”, dated April 7, 2016. The Report described the subject property, outlined the methodology employed, and provided an analysis of the results of the testing carried out on the site. A summary of findings was also provided. The work program included the advancement of 11 test pits across the Site from which soils were texturally classified, the depth to bedrock or groundwater measured and samples collected and submitted for grain size analysis. Three test wells were installed on-site for the purpose of hydraulic testing and groundwater sampling.

Through their assessment, Cambium determined that there are water bearing fracture systems located in the bedrock that can sustain water withdrawal at the rate outlined in the MOECC’s Procedure D-5-5. Additionally, it was determined that water withdrawal from any of the test wells should not induce a significant impact on the surrounding wells or residential water supplies. It was determined that the aquifer into which the wells have been installed is typical of granitic aquifers and exhibits a low porosity and hydraulic conductivity.

The water quality analysis of the three wells indicated that the water quality was relatively good, however the granitic bedrock aquifer is an environment suitable for the growth of heterotrophic bacteria.



Figure 5 - Building Envelopes and On-Site Servicing Options



HYDROGEOLOGICAL
ASSESSMENT
ORION DEVELOPMENT
PROPERTIES INC.
Lot 7, Concession 14
Municipality of Trent Lakes, Ontario

- LEGEND
- Pole
 - Pumping Well
 - Drinking Water Well
 - 15m Drinking Water Well Setback
 - Overhead Wire
 - Proposed Parcel
 - Property Line
 - Contour (1m)
 - Watercourse
 - Waterbody
 - Conceptual Structure
 - Conceptual Septic Bed
 - Conceptual Raised Septic Bed (15m Mantle)

- Notes:
- 15m well setback only applies when the well is cased to 6 metres with a water-tight casing (otherwise the setback is 30 metres).
 - All other setbacks for distribution piping outlined in the OBC must apply.
 - PW101-16 assumed to service lot 17 as a drinking water well.
 - According to the Constraints / Concept Plan dated November 14, 2014
 - Septic beds for lots 1 - 8 measure 6.4 metres x 16 metres. Fully raised septic beds for lots 9 - 16 measure 25.9 metres x 26.35 metres.
 - Structures have dimensions of 11 metres x 15.2 metres.
 - Placement of the structures, septic beds and wells are conceptual in nature.
 - Pumping wells surveyed by Cambium Inc. on January 27, 2016.
 - Base mapping features obtained from a plan by EcoVue Consulting Services Inc. dated November 2014.
 - Proposed parcel fabric obtained from a plan by EcoVue Consulting Services Inc. dated September 2016.
 - Distances on this plan are in metres and can be converted to feet by dividing by 0.3048.

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www.cambium-inc.com

CONCEPTUAL SEPTIC SYSTEM PLAN			
Project No.:	3874-001	Date:	March 2016
Horizontal Scale:	1:2000	Rev.:	November 2016
Vertical Scale:	N/A	Figure:	10
Drawn By:	GJM	Checked By:	KDW

An anti-bacterial treatment system (at a minimum) is recommended to be installed on the water supply of each dwelling.

As per procedure D-5-4, a predictive analysis of the nitrate concentrations migrating off-site was completed. Cambium determined that the concentration of nitrate was less than 10 mg/L. Therefore, the proposed number of lots to be built on-site should be acceptable. Cambium concluded that there should be ample room on-site for the septic systems, dwellings and the wells. The concept plan included herein indicates that suitable locations are available on all lots for on-site servicing and a recreational dwelling (**Figure 5 - Building Envelopes and On-site Servicing Options**).

Section 1.6.6.5 requires that there is sufficient treatment capacity for hauled sewage from the proposed on-site systems at a waste water treatment plant. The nearest facilities capable of accepting septage are the Lindsay Sewage Treatment Plant and Peterborough Waste Water Treatment Plant. Based on the results of the hydrogeological assessment completed by Cambium, it is our opinion that the Plan of Subdivision is consistent with the policies of 1.6.6.4 of the PPS.

4.2.2.2 *STORMWATER MANAGEMENT*

A Functional Servicing Report (Stormwater) was prepared by Engage Engineering Ltd. (May 2016) to address stormwater management in accordance with Section 1.6.6.7 of the PPS. The Report, entitled “*Buffalo Bay Development - Functional Stormwater Management Report*” states that “*the existing catchment area is comprised predominately of wooded areas, but also includes low lying wetland areas. All surface runoff from this catchment drains to the north west and into the existing wetland area.*”

The Engage FSR SWM Report concludes that:

“The recommended approach for the proposed drainage catchment areas to ensure maintenance of water quality includes the following:

- PRWS1 to have quality controls that include enhanced grass swales, minimum grades, and rock check dams.*
- PRWS2 to have quality controls that include enhanced grass swales, minimum grades, and rock check dams.*

- *PRWS3 to have quality controls that include enhanced grassed swales, rock check dams and vegetated buffer along Pigeon Lake.*

The report concludes that:

“Pigeon Lake is sufficiently large that the negligible increase in runoff from development of these lots will have no impact on ... water temperature in the lake” and that “Based on the results of the geotechnical report, the native sandy site soils have excellent infiltration capacity, with an average rate of 50mm/hour (unfactored). This natural vegetated buffer combined with best practices such as reduced lot grading will provide sufficient quality control for the proposed development, to protect the quality of the water in Pigeon Lake.”

The Functional Stormwater Management report and hydrogeological study for the subject property have successfully demonstrated that individual on-site services can be supported on the subject property.

4.2.3 Section 2.1 - Natural Heritage

Section 2.1 of the PPS is concerned with protection of natural features and areas over the long term. Considerable time and effort was given to the investigation and analysis of the natural environment of the subject lands by the study team.

As mentioned earlier in this report, CEA completed an assessment of the natural heritage features on the subject lands, with technical support from Azimuth Environmental Consulting Inc. and Riverstone Environmental Solutions. Riverstone’s herpetologist, Mr. Rob Willson, was brought to the team to provide expert assistance with respect to Blanding’s turtles and their habitat. CEA prepared a Technical Memorandum summarizing the field investigations completed for the subject property. The Final Technical Memorandum by CEA describes the work undertaken in the following way:

“The general approach utilized to document the botanical aspects of the subject property’s terrestrial features, wetland features and amphibian habitats consisted of: a review of background data and reports germane to the subject property and surrounding area; site reconnaissance and inventories of each resource conducted on

various dates from April to July 2014. Vegetation community characterization/mapping and floristic inventories were continuously compiled during all site visits, and included times while assisting with other natural environment data collections (e.g., wildlife surveys, basking turtle surveys, and aquatic environs and fish habitat survey)."

The results of the assessment and evaluation were that:

- The proposed plan of subdivision has been designed to take into account the topography of the property and avoid or minimize impacts to natural features and areas identified on the subject property.
- According to mapping available from the County of Peterborough and Land Information Ontario, no Provincially Significant Wetlands have been identified on the subject property.

4.2.3.1 BEACON ENVIRONMENTAL LIMITED

When Mr. Willson joined Beacon, the file was transferred from CEA to Beacon. Beacon completed additional field work to further assess natural heritage features associated with the subject property. Based on the combined field records, Beacon completed the Environmental Impact Study for the proposed development.

The Beacon EIS concludes that based upon the results of the field assessments, analyses and supporting technical studies prepared by other members of the team, *"the proposed development will have an acceptably low likelihood of adversely affecting any significant natural heritage features and functions"*² The EIS advises that the recommendations in their report be incorporated into the development and 'site plan agreements' (sic) for the property.

4.2.3.2 NIBLETT ENVIRONMENTAL ASSOCIATES ADDENDUM

Subsequently, the Owner chose to retain NEA to prepare an Addendum to the EIS and to make application to the OMNRF for permits, under the Province's Species at Risk legislation. NEA completed an evaluation of the natural heritage features assessment completed for the property by

² Beacon Environmental Associates Environmental Impact Study Buffalo Bay August 2016, p. 35.

others.³ The terrestrial, wetland and amphibian field studies concentrated on Part Lots 16-17, in the Concession 14 block within the area of the proposed shoreline development. It included the upland shoreline edge of Buffalo Bay from the end of Fire Route 96B on the west side, around the bay, and over to Fire Route 95 on the east side. All three reports are included in support of the application

4.2.3.3 EIS INFLUENCE ON DESIGN OF SUBDIVISION

The proposed plan of residential subdivision incorporates wildlife corridors and road crossings designed to ensure that Blanding's turtles and other wildlife will be able to travel between Buffalo Bay and the large wetland and woodland areas beyond the area proposed for development. The development itself is characterized as 'porous' in terms of facilitating animal movement through the property. Access to Buffalo Bay for recreational boat traffic will be limited to two common boat docking areas – individual docks are not proposed. Recreational use of the water such as swimming, boating, and fishing are considered to be generally compatible with the character of the bay.

Small-scale alterations to land cover that do not impede overland movements or impair nesting sites are also deemed to be generally compatible. "*Significant draining, infilling, dredging, or other significant alteration of wetlands or other suitable waterbodies*" and "*Significant alteration of shorelines, especially hardening (e.g. the use of gabion baskets, rip-rap, and rock armor)*" are generally not compatible with Blanding's turtle habitat.

- There are no Areas of Natural and Scientific Interest identified on the subject property.
- Pigeon Lake is not identified as a lake trout lake. No development is proposed within fish habitat, as documented by the fisheries studies completed by Azimuth Environmental.
- Neither the County of Peterborough nor the Municipality of Trent Lakes has identified significant woodlands or significant valleylands on the subject property.

³ Cunningham Environmental Associates with the assistance of Azimuth Environmental Consulting Inc., RiverStone Environmental Solutions and Beacon Environmental.

4.2.3.4 SPECIES AT RISK

There are four Species at Risk (SAR) that have been identified as potential occurrences within the immediate area of the subject lands. These are Blanding's turtle (*Emydoidea blandingii*), Butternut trees (*Juglans cinerea*), two species of bats (little brown bat (*Myotis lucifugus*) and big brown bat (*Eptesicus fuscus*) and Whip-poor-will (*Caprimulgus vociferous*).

The proponent and their natural heritage consultants have been in extensive discussions with MNRF staff regarding SAR. NEA will be filing permit applications, on behalf of the proponent to address potential impact on SAR habitat, as a result of the proposed development.

4.2.3.4.1 Blanding's Turtles

Blanding's turtles have been observed basking on logs in Buffalo Bay during the summer months. NEA determined that "*Based on the site conditions and the wetlands present, the entire bay would be considered Category 1 and 2 habitat with a 30 m Category 2 buffer. As such no development is proposed within the bay except a possible dock*"⁴.

The larger wetland to the north and some of the internal wetlands would be considered Category 2 habitat and as such, a 30 m buffer is required for any structures. Category 3 habitat would cover the balance of the property. As such a permit is required from MNRF under the *Endangered Species Act* for loss of the Category 2 and 3 habitat.

According to NEA, the small pockets within the lot fabric may be considered Category 2 for Blanding's turtles as they provide opportunity for seasonal habitat for foraging in the spring⁵.

A number of options and compensation measures have been proposed and discussed with MNRF. Discussions with MNRF and the final mitigation measures included on the ESA permit have not been finalized.

⁴ NEA Buffalo Bay EIS Addendum, August 2016, p.7.

⁵ Ibid., p.7.

4.2.3.4.2 Bat Species

NEA staff conducted an initial bat cavity search/survey on the property on May 3, 2016 to determine the snag density and if the number of cavity trees found met the criteria for maternity surveys. An evening survey was conducted on June 29, 2016 to determine if bats were using the cavities in the trees as roosting sites. Although no bats were observed during the exit surveys, NEA recommends that “where possible, snags and cavity trees should be retained within the lot fabric and on portions of lots outside the building envelope”.⁶

4.2.3.4.3 Butternut

NEA located (3) butternut trees (*Juglans cinerea*) during their 2016 field assessments. The trees were assessed to determine if they were retainable, based on the assessments done in the field. The results determined one tree located near the road on Lot 6 was retainable and the remaining two trees were considered non-retainable⁷.

4.2.3.4.4 Whip-poor-will

Although Whip-poor-will had been heard calling at night on lands to the east of Nichol's Cove Road, no whip-poor-wills were observed on site. It was determined that the subject property does not exhibit the characteristics necessary to support whip-poor-will and hence, no further assessment was required.

4.2.4 Summary

As proposed, the Plan of Subdivision is consistent with the policies of Section 2.1 (Natural Heritage) of the PPS. Requirements for permitting under the Provincial Species-at-Risk legislation will be addressed directly with OMNRF.

4.2.5 Section 2.2 – Water

Section 2.2 of the PPS speaks to the need to protect, improve; and where possible, restore the quality and quantity of water.

⁶ *Ibid.*, p.4.

⁷ *Ibid.*, p.9.

The hydrologic function of the surface water system of the property which drains the property towards Buffalo Bay includes two braided creeks, the larger of the two is located within the open space block between Lots 8 and 9 and the second is located in the eastern portion of Lot 9. There is also a slightly larger creek on the east side of the Bay. The creek originates to the east of the subject property and flows under Nichol's Cove Road through a 0.5 metre culvert. It appears to have been dammed by beavers in the past, and remains of the dam are still visible near the outflow of the creek into the bay. The creek is located within a channel measuring between 2 and 5 metres in width, with a change in elevation of 0.2 - 0.4 metres from the toe of the slope to the top of the slope. The creek is located within a larger incised valley which is characterized by an average change in elevation from 4.5 to 6.0 metres over a distance ranging from 40 to 60 metres, resulting in steep slopes up to 10:1. The creek has been included within the open space block between Lots 10 and 11.

Development will be set back from the top of slope in those areas where steep slopes are of concern, as identified in the *Functional Servicing Report – Stormwater Management*, prepared by Engage Engineering. The linkages and related functions associated with the creeks and swales on the property will be protected through the use of open space blocks and restrictive zoning provisions.

It appears that the intermittent swale and braided creeks may be fed by groundwater resources. There are several small seeps and springs located in proximity to the small creeks on the property. Seeps and springs associated with the creeks will be protected within open space blocks.

Buffalo Bay itself is a small embayment on the north shore of Pigeon Lake. As mentioned previously in this report, the ecological and hydrological functions of the shoreline of the bay will also be protected by means of a 30 meter development setback from the shoreline. This buffer area will be maintained in its natural state and will be protected through the terms of a condominium agreement, as well as restrictive zoning.

4.2.5.1 SURFACE WATER RESOURCES - WETLANDS AND VERNAL PONDS

During the spring and early summer, surface runoff collects in low-lying areas (vernal ponds) on the property. Although there is no overall intention to interfere with these ephemeral features, some localized drainage areas may be affected by site grading, to ensure that the building envelopes are sufficiently drained and that storm water is effectively managed on site. As mentioned in Section 4.2.2.2 of this Report, a stormwater management plan has been designed to ensure that drainage patterns

which support larger wetland areas to the north and west of the subject lands will be maintained. Any site alterations, including those required to facilitate construction of the internal road, which could impact the surface water features, will be minimized through a series of approved mitigation techniques, described in the Servicing Feasibility and Preliminary Stormwater Management Reports.

4.2.6 Summary

The proposed development has been designed to protect the quantity and quality of groundwater and surface water resources on site in accordance with Section 1.6.6 Sewage, Water and Stormwater, of the PPS.

4.2.7 Section 2.6 – Cultural Resources and Archaeology

Section 2.6 of the PPS speaks to cultural heritage and archaeology. Including significant built heritage and cultural heritage landscapes. The area has not been identified as a significant cultural heritage landscape by either the County of Peterborough or Municipality of Trent Lakes.

The County of Peterborough advised, during the pre-consultation process that Stage 1 and Stage 2 archaeological assessments were required for the property, given its proximity to Pigeon Lake. The Owner retained York North Archaeological Services Inc. (YNAS) to complete the required assessments. The assessment and associated report, entitled *“A Stage 1 -2 Archaeological Assessment of the Proposed Buffalo Bay Subdivision, Located in Part Lot 17, Concession 14, (Former Galway-Cavendish-Harvey Township), (And Former Township of Harvey) Municipality of Trent Lakes, County Of Peterborough, Ontario”* were completed by YNAS. The Original Report was prepared under MTCS Issued Archaeological License No: P156; PIF No: P156-0246-2015, P156-0248-2016 by Licensee Patricia Dibb and Gordon Dibb.

The Stage 1 archaeological research was completed between December 2015 and March 2016. Stage 2 shovel testing was completed between April 18 and 21, 2016. During the Stage 2 assessment, a Middle Archaic slate projectile point was found along the road at the rear of the property, According to the YNAS Report, the Projectile Point dates between 5,500 - 4,500 BP. Shovel testing was intensified out from this find spot to a distance of 20 m in all directions at 2.5 m intervals save the area to the north, which is outside the study area. Each shovel test pit was found to be sterile and further supported the theory that this is an isolated hunting loss.

The YNAS Report concluded that *“Based on the Stage 1 background research and the Stage 2 shovel testing both under regular and modified conditions YNAS has determined that the current study area does not warrant further Stage 3 archaeological assessment (Figures 11-12) given the disturbed nature of the find location and intensification of shovel testing, and the excavation of 4 test units that failed to identify anything further of cultural interest or value.”*⁸

A request for an expedited review by the Ministry of Tourism, Culture and Sport was sent on August 5, 2016. On August 8, 2016, the MTCS advised that the request for an expedited review of the report had been granted.

A letter was issued by MTCS on November 8, 2016 stating that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review. A copy of the letter is included in this submission. No further action is required.

4.2.8 Section 3.1 Natural Hazards

The water levels of Pigeon Lake are controlled by the dam at Buckhorn, by the Trent-Severn Waterway (TSW). For those lakes which are managed by the TSW, flood susceptibility is determined by the elevation of lands relative to the highest recorded water level. Overall, the highest recorded water level for Pigeon Lake is 247.12 mASL. The detailed topographic survey undertaken by Coe Fisher Cameron, dated 2014, shows that the flood elevation of the subject property is 246.90 mASL and the normal summer flood elevation of Pigeon Lake is 246.01mASL. The elevation of the lake on the date the survey was completed was 246.05 mASL. The development area is located above the flood line elevation. Small areas within the 30 metre setback, at the outlets of the intermittent swale and creeks are located below the flood elevation. Safe access to the site is available from both Nichols Cove Road and Fire Route 96.

4.2.8.1 SUMMARY

As proposed, the Plan of Subdivision is consistent with the policies of Section 3.1 (Natural Hazards) of the PPS.

⁸ Dibb, Patricia and Gordon Dibb ““A Stage I -2 Archaeological Assessment of The Proposed Buffalo Bay Subdivision, Located In Part Lot 17, Concession 14, (Former Galway-Cavendish-Harvey Township), (And Former Township Of Harvey) Municipality Of Trent Lakes, County Of Peterborough, Ontario” YNAS, Pg. 12.

5.0 Local Policy Documents

As a lower-tier municipality, land use in the Municipality of Trent Lakes is guided by the policies of the County of Peterborough Official Plan (upper-tier), as well as the policies of the Municipality of Trent Lakes Official Plan.

5.1 County of Peterborough Official Plan

Section 4 of the CPOP identifies “Watershed Strategic Components”, which includes policies related to the *Shoreline Areas and the Waterfront*. The policies of Section 4 provide that the Waterfront may be developed for waterfront uses generally associated with “leisure, recreation, water supply, support for fisheries, and wildlife habitat”.

According to Section 4.4 of the CPOP, lands within 150 metres of the ordinary high water mark of any lake, river, or waterway are identified as *Shoreline Areas and the Waterfront*. The CPOP also provides that *lands and land uses that are more than 150 metres from shore but which physically or functionally relate to the Shoreland Areas are considered to be part of the Shoreland Areas*. Based on these policies, the subject property is located within the *Shoreland Areas and the Waterfront area*, as defined by the CPOP.

The Objectives of the CPOP (Section 4.4.2) speak, in part, to sustainable shoreline development and preservation of the character of waterbodies and lands adjacent to shorelines, as follows:

- *to permit sustainable shoreland development that allows for limited growth of existing and new tourist developments and innovatively designed residential developments;*
- *to recognize and preserve to the greatest extent possible the character of waterbodies and lands adjacent to the shoreline with limited, low density backlot development where such development is permitted;*
- *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.*

It is our opinion that the proposed development complies with the Objectives of the Shoreland Areas and the Waterfront Section of the CPOP.

The Policies which are to govern land use and development within Shoreland Areas and the Waterfront are intended to provide further direction and to assist in fulfilling the objectives of the Plan. The relevant policies, with respect to the proposed development are discussed below.

- *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 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.*

and

- *The County shall encourage local municipalities to establish an open space buffer between new development and the shoreline in order to promote and secure access to the waterfront. Local Official Plans will establish the development standards to be applied to such buffers. In areas where local municipalities do not want to assume public ownership of the open space buffer, the County will encourage third party ownership of these shoreland areas;*

The proposed subdivision development is intended to provide opportunities for leisure and recreation based on the development of 16 resource-based recreational dwelling on individual lots of record. The lots will be setback from the water's edge through the implementation of a 30 metre buffer from the high water mark of Buffalo Bay. The buffer will be created as a block within the common elements subdivision to protect fisheries and identified wildlife habitat along the shoreline. Wildlife corridors and associated open space areas will also be protected by the same means.

- *New plans of subdivision or plans of condominium proposed adjacent to any water body shall have an impact assessment completed which addresses issues such as the nature of*

development, servicing, location of septic systems, setbacks from the high water mark and clearing of trees and vegetation.

As described in the previous section of this report, the required assessments were undertaken by the Owner to address issues related to the nature of the development, servicing options, the location of septic disposal systems and the protection of vegetation. Copies of the reports are provided as appendices to this report.

- *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.*

As proposed, a 30 metre vegetated buffer will be established along the shoreline of Buffalo Bay and the small creeks which flow into the bay.

5.1.1 Summary

As proposed, the Plan of Subdivision is consistent with the policies of the County of Peterborough Official Plan pertaining to resource based recreational development within a Shoreland Area.

5.2 Municipality of Trent Lakes Official Plan

The Official Plan for the Municipality of Trent Lakes, as the lower-tier planning document, sets out specific policies related to land use designations and development in concert with the upper-tier County of Peterborough Official Plan.

5.2.1 Recreational Dwelling Area Designation

According to Schedule A1 to the Municipality of Trent Lakes Official Plan (MTLOP) the property is designated Recreational Dwelling Area (see **Figure 6 - Excerpt From Official Plan Schedule "A" Map 5** below). Section 5.4 states that:

"It is the intent of this Plan to recognize the development of the shoreline areas for limited service and seasonal residential and permanent residential purposes, while maintaining and/or enhancing the environmental integrity of the waterfront".

The MTLOP provides further clarity with respect to the nature and extent of the Recreational Dwelling Area designation. Consistent with the PPS, the OP requires that new development in shoreline areas be “resource-based recreational activity” which is functionally linked to the shoreline resource.

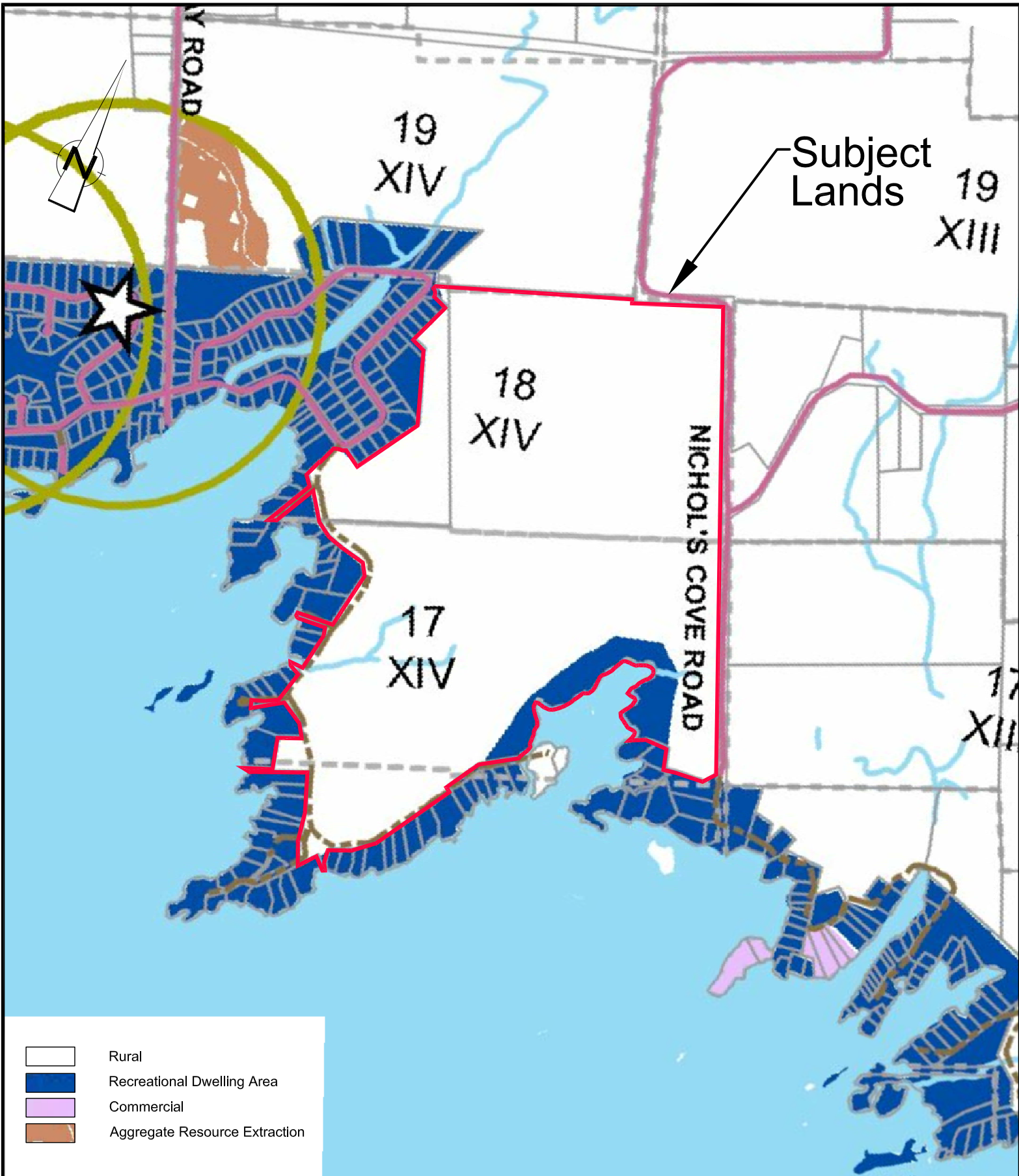
The Recreational Dwelling designation recognises lands adjacent to the shoreline. During pre-consultation meetings with the County of Peterborough and the Municipality of Trent Lakes, it was agreed that the extent of the designation is considered sufficiently flexible to permit the development, as currently proposed. This flexibility is supported by Section 8.10.2 Land Use Boundaries of the Official Plan. Section 8.10.2 states:

The boundaries between land use designations on Schedules to this Plan are approximate except where they coincide with major roads, railway lines, rivers, transmission lines or other clearly defined physical features. Where the general intent of the plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

Permitted uses within the Recreational Dwelling Area designation include permanent and seasonal recreational dwellings. It is stated in Section 5.4.2 that development within the Recreational Dwelling Area shall generally take place through plan of subdivision. The OP also requires that resource-based recreational dwelling areas have adequate access to the waterfront preferably via waterfront parks or focal points, held in common ownership. As proposed and discussed elsewhere in this report, the development includes communal waterfront access points, suitable for boat docking, fishing activities and viewing of wildlife within the bay area.

It is the policy of the MTLOP that:

All new development proposals occurring by registered plan of subdivision within the Recreational Dwelling Area designation shall be reviewed in the context of a permanent residential development. In this regard the subdivider shall be responsible for the construction of all roads to an appropriate Municipal standard, and private water supply and effluent treatment systems shall be designed and approved on the basis of year-round occupancy.



**Figure No. 6 - Municipality of Trent Lakes
Official Plan Schedule "A"**

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Municipality of Trent Lakes, County of Peterborough



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As proposed, the developer will be responsible for the construction of the roads to a standard sufficient to ensure emergency access. It is intended that the roads will have a maximum travelled surface of 6m. The surface will be gravel, a surface recommended for reducing speeds in residential areas and for reduced runoff during storm events. The road allowance will measure 9 meters and minimum 12m turning radii. The roads will be identified as a block(s) with the proposed Common Elements Condominium. Where necessary, maintenance easements will be identified along the frontages of private lots where site constraints result in the need for longer slopes and/or wider ditching. The recreational dwellings will be designed and built in accordance with Ontario Building Code requirements for permanent dwellings.

With respect to the design of the development, the MTLOP requires that within the Recreational Dwelling Area designation, *“New development proposals ... shall, wherever feasible, be designed to avoid a linear or strip development pattern adjacent to the shoreline. Development proposals which locate residential uses well back from the shoreline and retain the natural waterfront character and treecover, shall be encouraged.”*

The proposed development has been designed to take into account these requirements. As discussed elsewhere herein, the lots are located beyond the 30 metre setback from the high water mark. Lands within 30 metres of the shoreline will be identified as Blocks within a Common Elements Plan of Condominium. Provisions within the Condominium Agreement will provide for the ongoing protection of the natural waterfront character and treecover along the shoreline of Buffalo Bay by the condominium corporation. The development form does not include *“backlots or secondary tier development”* and is therefore consistent with the policies of the MTLOP in that regard.

5.2.2 Section 6.1 - Development by Plan of Subdivision

The MTLOP includes a series of policies which establish the basis upon which development by Plans of Subdivision may be considered. Section 6.1 of the Plan states that *“Council will only recommend the approval of Plans of Subdivision or Condominium which conform to the general policies and land use designations in this Plan.”* Given that the lands subject to the proposed Plan of Residential Subdivision and associated Common Elements Condominium are designated Recreational Dwelling Area, the development proposal for the subject lands is in keeping with this policy.

5.2.2.1 MUNICIPAL AGREEMENTS

Section 6.1 also requires that *Council* enter into an agreement with each developer as a condition of the approval of a Plan Subdivision. The policy states *“Such an agreement shall set out among other matters the services and dedication of land for park and highway purposes, to be provided by the developer and the specifications for these services. This agreement shall also specify the financial requirements of the Municipality and the means by which the developer will satisfy these requirements.”*

The Owner is aware of this requirement and accepts the fact that the corporation will be required to enter into a Development Agreement with the Municipality. A Subdivision/Condominium Agreement will also be required, as a Condition of Draft Plan Approval, in accordance with Section 6.1.3 of the MTLOP. It is understood that the Agreement will set out requirements for *services and* dedication of land for park and highway purposes. The policy states that the Agreement *“shall also specify the financial requirements of the Municipality and the means by which the developer will satisfy these requirements”*. Typically municipalities require the development to provide an Irrevocable Letter of Credit to cover any financial costs associated with the development of the lands.

5.2.2.2 REQUIRED STUDIES

Section 6.1.1 identifies the studies which will be required in support of the proposed Plan of Subdivision in order to demonstrate *“that no undue impacts will result from the proposal on the surrounding uses, the natural environment and the municipal financial situation.”* The policy provides for some reduction in the scope and scale of studies, depending on the scale of the application. The required studies are the following:

- a) A preliminary plan including information on lot orientation proposed road and access alignments, and any other facilities and their relationship to the natural topography and vegetation;*
- b) An environmental report, in accordance with the requirements of Section 5.1.10 of this Plan; where deemed appropriate by Council;*
- c) In accordance with Section 5.1.23 of the Plan detailed hydrogeological and engineering reports related to the proposed water supply, sewage disposal stormwater drainage, and erosion and sedimentation control which establishes the feasibility of*

providing private systems in a manner which will satisfy the requirements of the Township and the Ministry of Environment and/or its agent;

d) An engineering report evaluating the existing access road system and required improvements, if any;

e) A financial impact statement evaluating the costs and benefits of the development to the Township where deemed necessary by Council.

A pre-consultation meeting was held in March of 2014, with representatives of the County of Peterborough and the Municipality to discuss the supporting documentation required for the proposed development.

As mentioned previously, herein, a detailed Environmental Impact Study (EIS) report has been prepared to demonstrate that there will be no adverse impacts on the natural environment. Where possible adverse impacts on the environment are likely, mitigation measures are proposed.

A Traffic Impact Assessment for the intersection of Nichols Cove Road and County Road 36 has been prepared to evaluate the existing conditions and determine whether any additional measures are required to accommodate the increased traffic generated by the proposed development.

The report, prepared by Tranplan Associates and entitled “Buffalo Bay Development - Municipality of Trent Lakes Traffic Study – September 2015” states that:

“The property is located on the north shore of Pigeon Lake. Access to the site is described in the study analyses included Nichols Cove Road and its intersection with Peterborough County Road (CR) 36. The study analyses determined that Nichols Cove Road and its intersection with CR 36, with existing infrastructure, will accommodate the proposed development. During future (2025) peak periods of traffic demand, the site entrance to Nichols Cove Road and the Nichols Cove Road intersection with CR 36 are forecast to operate at good levels of service. There will be considerable residual capacity to accommodate additional growth in traffic beyond the 2025 planning horizon used in the study analyses.”

The Functional Servicing Report–Stormwater Management and the Hydrogeological and Geotechnical study assess the suitability of the site for individual on-site water and sewage disposal, together with requirements for stormwater management for lots, roadways and the parking areas associated with the communal docks, prepared by Engage Engineering Ltd.

All reports concluded that the development can be supported on the subject lands, in accordance with the requirements of the MTLOP.

5.2.2.3 *OTHER MATTERS TO BE CONSIDERED*

Section 6.1.2 of the MTLOP sets out a series of additional criteria with which conformity of the proposal will be evaluated.

a) Access and internal roads are public roads maintained on a year-round basis;

The property is accessible year round from Nichols Cove Road. Access from the west, via FR 96, is seasonal only. As proposed, the internal road will be built to a standard acceptable to the municipality but will remain a private road within a common element condominium block. The road will be maintained by the condominium corporation.

b) Compatibility of the development with surrounding uses;

Section 6.1.2 of the MTLOP requires that compatibility of the development with surrounding uses be considered. This Planning Report is intended to address the matter of land use compatibility. It is our opinion that the proposed development is in keeping with existing shoreline development within the Municipality. The density of development is consistent with other similar developments and respects the minimum lot sizes and lot frontages required in the Municipality's Zoning By-law. The development is visually screened from adjacent land uses and the lake by the 30 metre buffer. Alteration to the shoreline will be limited to the two communal docking areas described elsewhere in this report.

c) The location of the site complies with the provisions of Section 5.1.21 of this Plan;

Section 5.1.21 of the MTLOP provides policies to govern land use and development in proximity to areas of high potential mineral aggregate resources. This includes lands designated as

Aggregate Resource Extraction on the Official Plan's Land Use Schedules and lands identified as Mineral Aggregate Resource on Schedule "C". The subject site is located 1.5 kilometres from the closest Aggregate Resource Extraction area and more than 2.0 kilometres from the nearest Mineral Aggregate Resource area.

d) Where the site has water access, the development shall require an Official Plan amendment and must conform with the policies of the Recreational Dwelling Area designation;

As discussed in Section 3.12 above, the area subject to the proposed development is designated Recreational Dwelling Area.

e) The adequacy of utilities, municipal services, and school services.

The availability of services and utilities to the site is summarized, as follows:

- Electrical power (Hydro One) is available at the lot line from a transmission line along Nichols Cove Road.
- Natural gas distribution is not available
- Canada Post – Rural delivery –neighbourhood super mailbox – details will be included as a Draft Plan Condition
- Bell Canada – land line service available at the lot line
- Cell phone coverage available – Bell – 4G HSPA+ up to 42 MBPS; Rogers LTE-Up to 75 Mbps; Telus – DC HSPA+ - HG 42 Mbps, Virgin Mobile – 4G HSPA+ up to 42 MBPS – may be service available from other carriers
- Health Services – Peterborough Regional Health Centre- Peterborough - services Peterborough and Peterborough Country as well as a referral population of 600,000 people in four counties. ; Ross Memorial Lindsay- active, acute-care community hospital; Peterborough County-City Health Unit; two medical centres, one in Buckhorn and one in Kinmount; Peterborough County-City Mobile Dental Health Centre

- Schools – Kawartha Pine Ridge District School Board (public); Peterborough, Victoria, Northumberland and Clarington *Catholic District School Board*
- Waste disposal – waste pickup is not available – waste and recycling may be taken to the municipality's landfill site on Country Road 36 at Bobcaygeon.
- Emergency Services – Municipality of Trent Lakes Fire Services - responds to fires, extrications, medical emergencies and rescue calls
- Community Services – recreation and library services for Trent Lakes residents are available in the hamlets of Buckhorn, Lakehurst, and Cavendish.

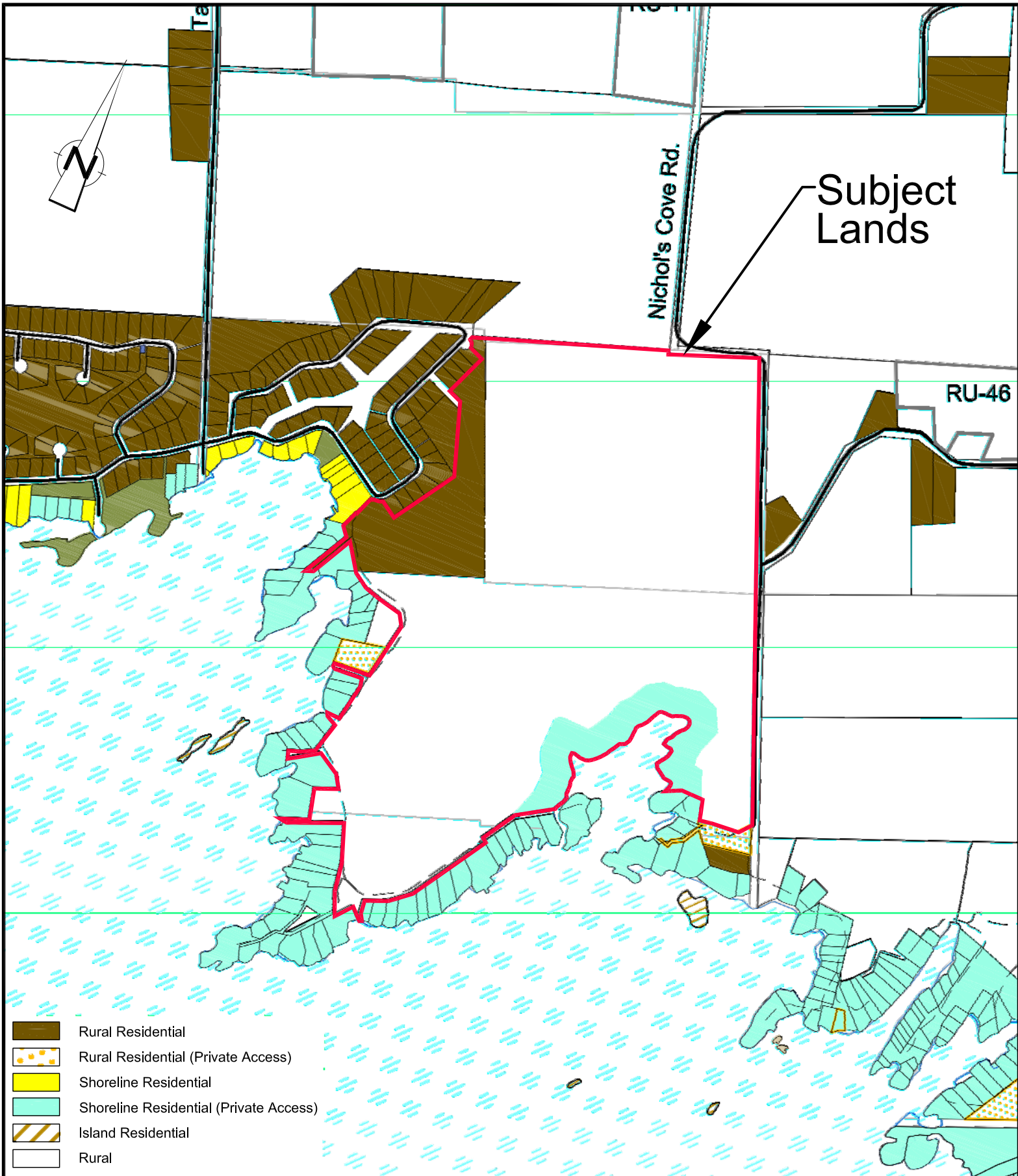
5.2.3 Summary

As proposed, the Plan of Subdivision is consistent with the policies of the Municipality of Trent Lakes Official Plan, with respect to resource based recreational development within the Recreation Dwelling Area designation.

5.2.4 Municipality of Trent Lakes Zoning By-law

According to Schedule A – Map 5 to the Municipality of Trent Lakes Zoning By-law (MTLZB), the subject lands are zoned Shoreline Residential – Private Access (SR-PA) Zone. An excerpt from Schedule “A” is provided as **Figure 7 - Excerpt from Schedule "A" - Municipality of Trent Lakes Zoning By-law** of this report. The SR-PA Zone applies to the area that is designated Recreational Dwelling Area.

The Zone permits a minimum lot area of 0.4 hectares (1.0 acres) with a minimum lot frontage of 45 metres (150 feet). Section 3.142 of the MTLZB defines the front lot line as follows: “In the case of a lot fronting on a navigable waterway or a shoreline road allowance and which does not abut an improved public street, the lot line abutting the navigable waterway or a shoreline road allowance shall be deemed to be the front lot line.” In our opinion, the 30m buffer which separates the individual lots of record from the shoreline functions in a manner similar to a shoreline road allowance. As such, we have proposed that the lot line abutting the 30 meter buffer should be deemed the front lot line.



**Figure No. 7 - Municipality of Trent Lakes
Zoning By-law, Schedule "A" Map 5**

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The lots proposed by the Owner meet the minimum lot frontage requirements for this Zone. The lots, as proposed range in area from 0.34 to 0.50 hectares. The lots also meet the minimum lot size requirements for the SR-PA Zone.

5.2.4.1 SETBACKS FROM WATER BODIES

Section 4.30.1 of the MTLZB includes provisions for a general setback from Water Bodies, Watercourses and Wetlands. The Provision is as follows:

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.

A Zoning Amendment will be required to recognise the 30 metre buffer and open space blocks, as well as the communal docking areas. Restrictive provisions with respect to permitted uses will be introduced.

Section 4.30.8 of the MTLZB includes provisions respecting flood prone areas. Section 3.3.4 states, in part:

Section 4.30.1 also applies to lots adjacent to the shoreline along the Kawartha Lakes, including Pigeon Lake... which are controlled by the Trent Severn Waterway. Further, no new development, other than those permitted uses within the 30 metre setback as described in subsection 4.30.1 shall be permitted within the regulated flood level and determined by the local Conservation Authority.

As described in Section 3.2.6 of this report, the development lands are located beyond the regulated flood level of Pigeon Lake. Areas subject to flooding are located within the 30 metre buffer and will be protected from development by provisions introduced through the proposed site-specific zoning by-law amendment. It is noted that the provision does not apply to marinas, docks, patios, and other marine facilities, including boathouses and pump houses.

6.0 Conclusions

This Planning Report addresses all Provincial and Municipal land use policies governing the proposed development of a 16 lot Plan of Residential Subdivision and associated Common Elements Plan of Condominium on the subject lands. The design of the development takes into account the site specific characteristics of the subject lands and the policy-related requirements of Provincial and local governments. The report is based on our knowledge of the property and surrounding area, our analysis of planning and policy instruments, and the supporting studies completed for the development.

It is our professional opinion that the development proposed by the Owner is consistent with the 2014 Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the County of Peterborough Official Plan as well as the Municipality of Trent Lakes Official Plan. An Official Plan amendment is not required to permit this development. Although the property is zoned to permit the proposed use, it is our opinion that a further amendment to the zoning on the property will be necessary to protect sensitive natural heritage features identified on the property during the course of our analysis.

In summary it is our professional opinion that the development, as proposed, constitutes good planning and the proposed plan of subdivision should be granted draft plan approval by the County of Peterborough, with input from the Municipality of Trent Lakes.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.

Heather Sadler, B.A. M.A. MCIP RPP
Principal Planner