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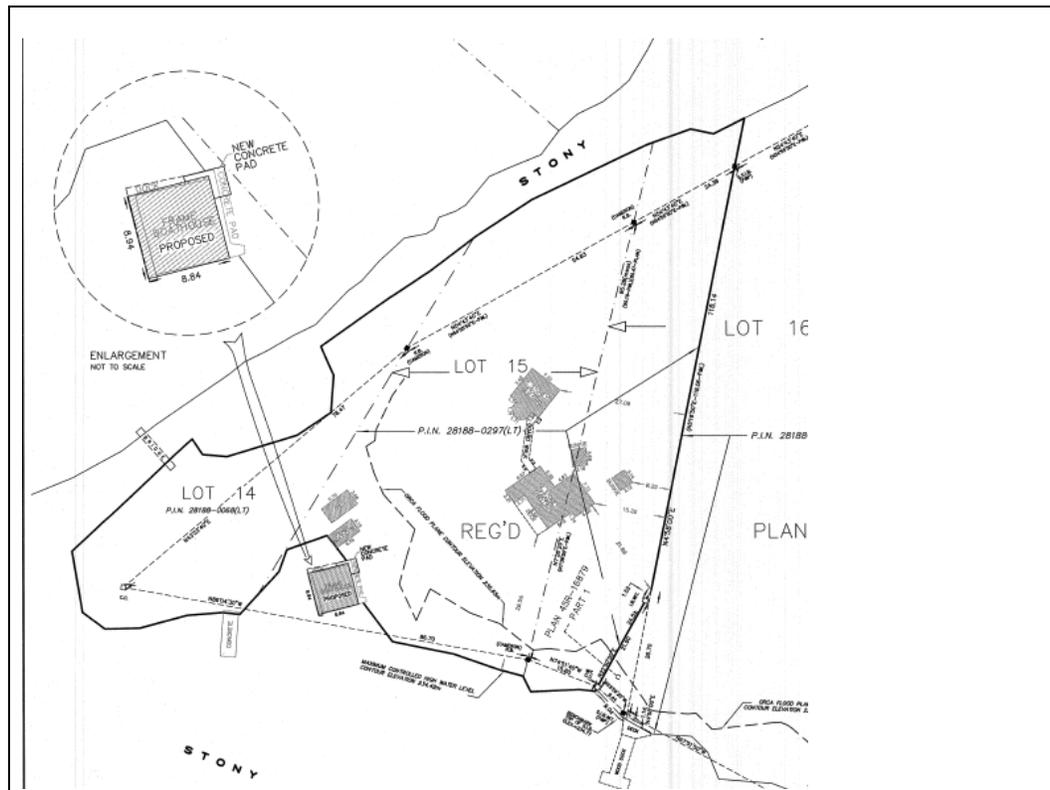


## Planning Justification Report (June 27, 2022) Zoning By-law Amendment Application 927 Dodsworth Island, Township of Douro-Dummer County of Peterborough

### Introduction

The subject Planning Justification Report has been prepared in support of a Zoning By-law Amendment Application filed with the Township of Douro-Dummer regarding the redevelopment of an on-water existing boathouse located on Stony Lake.

### The Property



(Source: Survey, Elliott and Parr, 2022)

The Application seeks to permit the redevelopment of the on-water boathouse located on Stony Lake. The footprint of the existing boathouse is not proposed to change, rather the walls of the proposed boathouse will be flush with the foundation. The walls of the existing boathouse are indented, requiring reconstruction, creating a larger structure. As the Township of Douro-Dummer does not permit new on-water boathouses or the redevelopment which creates a larger boathouse, a Zoning By-law Amendment is required to seek permission for the proposed development.

The proposal requests the following amendments (By-law Exception):

Notwithstanding the provisions in 'Section 8 – Island Residential Zone' and the provisions in 'Section 21.242 – Special District 242 (S.D. 242)', an on-water boathouse shall be permitted with a floor area not exceeding 84.6 square metres.

**Analysis**

**2020 Provincial Policy Statement (2020 PPS)**

The 2020 PPS sets forth a series of policies that address a range of land use, planning, development, and related topics on a provincial wide basis.

With respect to the Zoning By-law Amendment Application, the following policies of the 2020 PPS are considered to have direct relevancy:

Section	Title - Comments
Part III	<p>How to Read the Provincial Policy Statement</p> <p>The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.</p> <p>Read the Entire Provincial Policy Statement</p> <p>The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of</p>

	<p>each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.</p> <p>There is no implied priority in the order in which the policies appear.</p> <p><b>Opinion: The entire document has been read for the purpose of preparing this Planning Justification Report.</b></p>
1.0	<p>Building Strong Healthy Communities</p> <p>Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.</p>
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas</p>

	<p>which are adjacent or close to settlement areas;</p> <p><b>Opinion: The use of an on-water boathouse is in keeping with development and land use patterns in the local area.</b></p>
1.1.3	<p>Settlement Areas</p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.</p> <p><b>Opinion: The subject property is not part of a Rural Settlement Area.</b></p>
1.1.4	<p>Rural Areas in Municipalities</p> <p>Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p> <p>Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.</p> <p><b>Opinion: The property is considered Rural in the Provincial Policy Statement.</b></p>
1.1.5	<p>Rural Lands in Municipalities</p> <p>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:</p>

	<p>Protecting Public Health and Safety.</p> <p>1.1.5.2 On rural lands located in municipalities, permitted uses are:</p> <p>a) the management or use of resources;</p> <p>c) limited residential development;</p> <p>f) other rural land uses.</p> <p>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p> <p><b>Opinion: The Zoning By-law Amendment Application for the on-water boathouse takes advantage of local resources (Stony Lake).</b></p>
1.6	Infrastructure and Public Service Facilities
1.6.6.4	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, 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. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.</p> <p><b>Opinion: The property relies upon private water and waste-water facilities.</b></p>
2.1	<p>Natural Heritage</p> <p>2.1.1 Natural features and areas shall be protected for the long term.</p> <p>2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</p> <p><b>Opinion: The rezoning of this property will have a minimal impact on Natural Heritage as the foundation for the boathouse is not proposed to change.</b></p>

**It is our professional opinion that the Zoning By-law Amendment Application is consistent with the policy directives of the 2020 PPS.**

**2019 A Place to Grow- Growth Plan for the Greater Golden Horseshoe (2019 Growth Plan)**

The 2019 Growth Plan came into effect on May 16, 2019 replacing the July 1, 2017 Growth Plan (which replaced the 2005 Growth Plan). The new 2019 Plan sets forth a series of detailed policies addressing population and employment growth and other related development, planning and land use matters for the Greater Golden Horseshoe Area. The County of Peterborough is located within the eastern portion of the outer-ring part of the 2019 Plan.

Relative to the Zoning By-law Amendment Application, the following policies of the 2019 A Place to Grow Plan are considered to have direct relevancy:

Policy	Title - Details
1.2.1	<p data-bbox="415 928 669 961">Guiding Principles</p> <p data-bbox="415 1003 1406 1264">The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:</p> <ul data-bbox="415 1306 1406 1848" style="list-style-type: none"> <li data-bbox="415 1306 1318 1423">• Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.</li> <li data-bbox="415 1453 1351 1570">• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li> <li data-bbox="415 1600 1399 1717">• Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.</li> <li data-bbox="415 1747 1399 1848">• Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.</li> </ul>

	<ul style="list-style-type: none"> <li>• Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.</li> <li>• Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.</li> <li>• Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.</li> <li>• Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.</li> <li>• Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.</li> <li>• Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.</li> </ul> <p><b>Opinion: The Application conforms to the policies of Section 1.2.1 of the Plan. The use of the property is compatible with area land uses and does not represent an environmental hazard.</b></p>
1.2.2	<p>Legislative Authority</p> <p>This Plan is issued under the authority of section 7 of the Places to Grow Act, 2005. It was approved through an Order in Council under that Act to come into effect on May 16, 2019. This Plan replaces the Growth Plan for the Greater Golden Horseshoe, 2017 that took effect on July 1, 2017.</p>
	<p>Read the Entire Plan</p> <p>This Plan is to be read in its entirety and the relevant policies are to be applied to each situation. The language of each policy, including</p>

	<p>the policies in Section 5, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole. There is no implied priority in the order in which the policies appear.</p> <p><b>Opinion: The entire document has been read for the purpose of preparing this Planning Justification Report.</b></p>
2.2	<p>Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> <li>i. have a delineated built boundary;</li> <li>ii. have existing or planned municipal water and wastewater systems; and</li> <li>iii. can support the achievement of complete communities;</li> </ul> <p><b>Opinion: The property does not form part of a designated rural settlement area.</b></p>
	<p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> <li>i. delineated built-up areas;</li> <li>ii. strategic growth areas;</li> <li>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</li> <li>iv. areas with existing or planned public service facilities;</li> </ul>

	<p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p><b>Opinion: The property does not form part of a designated rural settlement area.</b></p>
2.2.9	Rural Areas
2.2.9.1	<p>1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.</p> <p><b>Opinion: The property does not form part of a rural settlement area, but rather, it forms part of a resource-based area (Stony Lake).</b></p>
2.2.9	<p>3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses; and</p> <p>c) other rural land uses that are not appropriate in settlement areas provided they:</p> <p>i. are compatible with the rural landscape and surrounding local land uses;</p> <p>ii. will be sustained by rural service levels; and</p> <p>iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.</p> <p><b>Opinion: The use of the property can be sustained by rural service levels and is compatible with area properties.</b></p>
4.2.3.1	<p>Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features except for:</p> <p>e) expansions to existing buildings and structures, accessory structures and uses and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to</p>

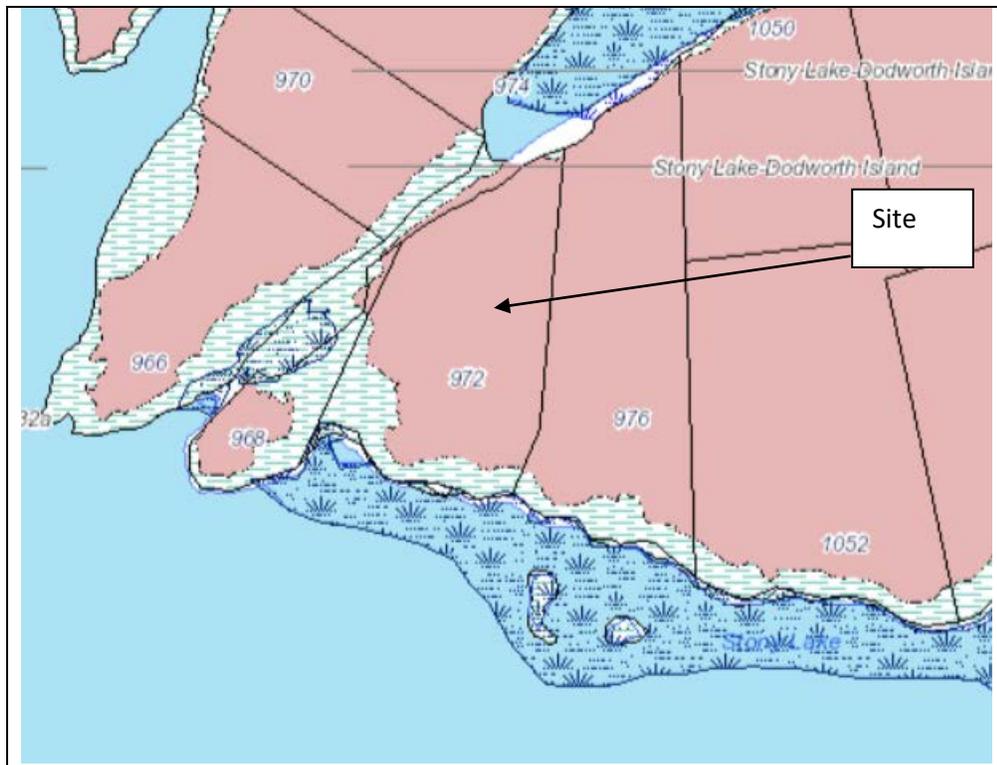
demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure.

**Opinion: The proposed boathouse will maintain the existing foundation and will not further encroach into the Natural Heritage System.**

**It is our professional planning opinion that the Zoning By-law Amendment Application is in Conformity with the policies of the 2019 Growth Plan.**

### Township Official Plan

The property is currently designated as “Seasonal Residential” and “Environmental Constraint”.



(Source: County of Peterborough Website, June 2022)

## County of Peterborough Official Plan

Section	Title – Comments
2.3	<p data-bbox="407 306 675 340">Local Official Plans</p> <p data-bbox="407 380 1409 489">It is the intent, and a requirement of the Planning Act that local official plans shall conform to this Plan and be one of the primary means of implementing the policies herein.</p> <p data-bbox="407 527 1403 674">In the event of a conflict between the provisions of a local official plan and the provisions of this Plan, the provisions of this Plan shall prevail to the extent of that conflict except where the local plan is more restrictive.</p>
2.4	<p data-bbox="407 716 708 749">Local Zoning By-laws</p> <p data-bbox="407 789 1398 974">When this Plan or any part thereof takes effect, every local zoning by-law shall be amended by the local municipalities to conform with this Plan pursuant to the Planning Act. The Amendments to the zoning by-laws should occur after the local Official Plan has been amended to conform to this Plan.</p>
6.2.5	<p data-bbox="407 1052 699 1085">Seasonal Residential</p>
6.2.5.1	<p data-bbox="407 1157 662 1190">General Principles</p> <p data-bbox="407 1230 1425 1306">Tourism and recreational activities are prevalent in the Township due to the presence of the Kawartha Lakes/Trent-Severn Waterway.</p> <p data-bbox="407 1346 1414 1577">Small areas of the Township are accessed only by means of private right-of-ways which are not maintained during the winter months or by water access only. This designation and policies are designed to recognize those seasonal land uses and govern their development. For the purposes of this plan, the terms “cottage” and “seasonal residence” are used interchangeably.</p>
6.2.5.2	<p data-bbox="407 1619 623 1652">Permitted Uses</p> <p data-bbox="407 1692 1398 1808">The predominant use of land within the Seasonal Residential designation shall be for seasonal cottages. This category may include retail and service commercial needs of cottage residents.</p>

6.2.5.3	<p>Seasonal Residential Policies</p> <p>a) The uses permitted in Seasonal Residential areas and regulations for such uses shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of cottages from incompatible uses. Provision will be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage.</p> <p>b) Certain areas designated Seasonal Residential may be zoned in a rural or holding category until required for their ultimate development.</p> <p>h) General The preservation of naturally-vegetated shoreline is encouraged in order to minimize destruction to the shoreline and wetbeach habitat, minimize visual impact on the waterbody, maintain wildlife habitats and corridors and improve water quality.</p> <p>In this regard, structures permitted in the Seasonal Residential designation, including leaching beds of septic systems, on lots created by consent or plan of subdivision after the date Official Plan Amendment No.3 comes into effect, shall be set back a minimum of 30 metres from the shoreline of any lake or major watercourse (i.e. Trent River, Eels Creek, Otonabee River, Rice Lake, Crowe River) in order to ensure adequate protection from changes in water level and flooding and to ensure maintenance of water quality and the protection of fish and wildlife habitats. Applications to create lots within the Seasonal Residential designation, either by consent or plan of subdivision, shall demonstrate that this 30 metre setback requirement can be met on the proposed lot(s).</p> <p>Permitted Exceptions</p> <p><b>Notwithstanding anything in this section to the contrary, structures such as 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</b></p>
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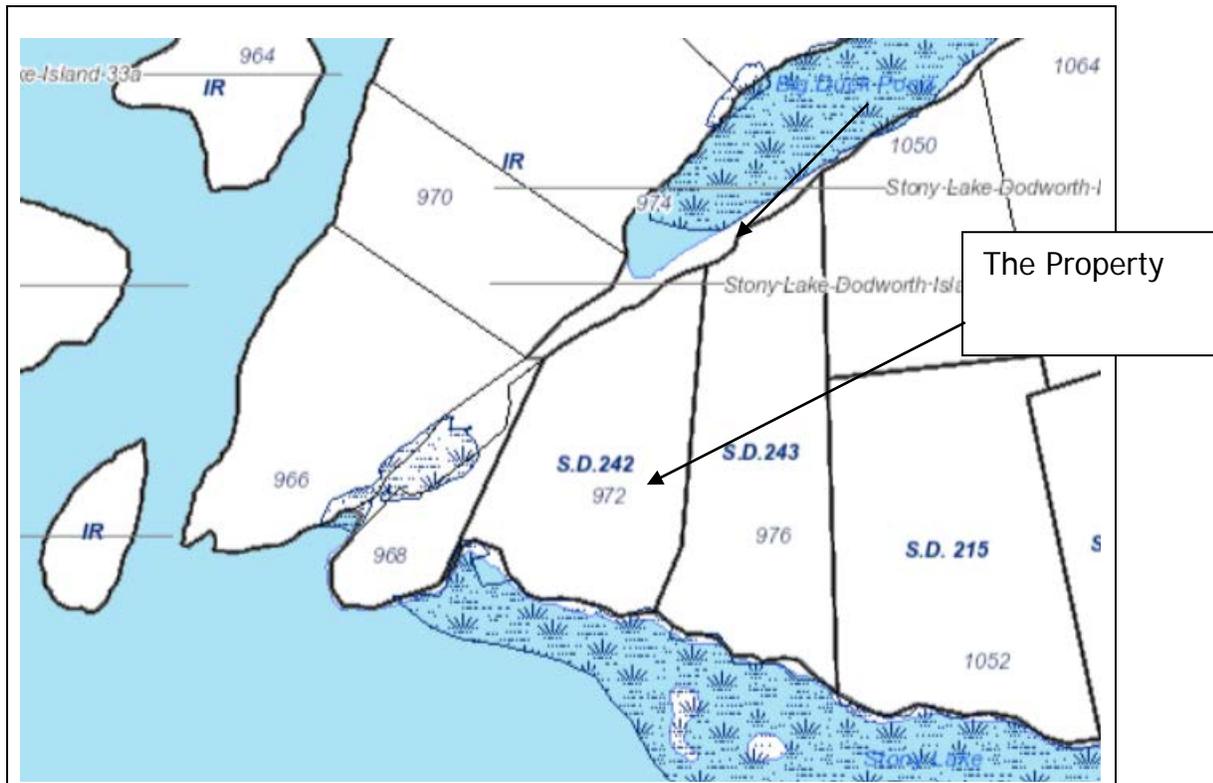
	<p><b>appropriate, the authority having jurisdiction over the waterway, that it does not negatively affect the waterfront environment.</b> If addressed in the Zoning By-law, applicable standards must be met (i.e. deck width, area, etc.).</p> <p>Structures legally existing as of the date Official Plan Amendment No.3 comes into effect (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 by permission of the Township 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.</p> <p>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.</p> <p><b>Opinion: The County of Peterborough permits boat houses within 30 metres of the high water mark. Further, building permits from Trent-Severn Waterway have been obtained regarding the proposed boathouse reconstruction work.</b></p>
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**It is our professional planning opinion that the proposed Zoning By-law Amendment Application is in keeping with the general purpose and intent of the policies of the Official Plan.**

**Township of Douro-Dummer By-law (Zoning By-law)**

The property is currently zoned 'Special District – 242 (S.D. 242)'.

## Zoning Map Detail



(Source: County of Peterborough Website, June 2022)

The required amendment is summarized as follows, (By-law exception):

Notwithstanding the provisions in 'Section 8 – Island Residential Zone' and the provisions in 'Section 21.242 – Special District 242 (S.D. 242)', an on-water boathouse shall be permitted with a floor area not exceeding 84.6 square metres.

The property is zoned 'Special District 242 (S.D. 242)' in the Township of Douro-Dummer's Comprehensive Zoning By-law.

The Comprehensive Zoning By-law does not permit on-water boathouses. However, as this is a redevelopment of a legal non-conforming use/building, the proposed reconstruction can proceed by way of a Zoning By-law Amendment.

The proposed boathouse will maintain the footprint/foundation of the existing boathouse. At present, the walls of the existing boathouse sit on the inner lip of the foundation and the proposed boathouse seeks to have the walls bumped out, creating a

slightly larger structure. The use will remain as an on-water boathouse without expanding the foundation.

**It is our professional opinion that the Zoning By-law Amendment Application is in keeping with the general purpose and intent of the regulatory provisions of the Township Zoning By-law.**

### **Summary**

It is our Professional Planning Opinion that the Zoning By-law Amendment Application, serving to permit the existing on-water boathouse:

- Consistent with policy directives of the 2020 PPS;
- In Conformity with the policy directives of the 2019 A Place to Grow Plan;
- In Keeping with the general purpose and intent of the policy provisions/directives of both the County of Peterborough and the Township of Douro-Dummer;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of Douro-Dummer; and
- Representative of Good Planning.

Respectfully Submitted,

Prepared by:



Laura Stone, Planner

Reviewed by:



Kevin M. Duguay, MCIP, RPP