

**Recommendation:**

That the report Planning-2026-11, dated April 21, 2026, regarding Zoning By-law Amendment R-06-25 (Moore) be received; and

That Council receive all comments related to File R-06-25; and

That Council defer a decision on File R-06-25 until such a time as the outstanding comments on the supporting Environmental Impact Study are addressed and it can be confirmed that the application is consistent with the PPS and conforms to the Official Plan in their entirety.

**Overview:**

On behalf of the Owner, Kevin Duguay (KMD Planning Inc.) (Agent) has applied to amend the existing zoning on the property located at 694 Birchview Road, located in Part of Lot 25, Concession 2, in the Douro Ward, Part 1 on Plan 45R-17775, being Roll Number 1522-010-001-14600. The subject property is currently zoned the Shoreline Residential Zone (SR) as shown on Schedule B4 to Zoning By-law No. 10-1996, as amended.

The subject property is a waterfront lot which is approximately 0.48 ha in area and has approximately 42.9 m of shoreline frontage on Clear Lake. The property is currently developed for residential use in the form of a one-storey single detached dwelling with attached open decks, a detached second dwelling unit, and a boathouse. The existing dwelling and attached open decks are non-complying with water yard setbacks of 15.9 m and 15.0 m to the respective closest points. The existing dwelling is serviced by a privately owned and operated well and septic system.

The Owner proposes to demolish the existing one-storey dwelling having a ground floor area of 109.12 m<sup>2</sup> and a gross floor area of 120 m<sup>2</sup> and replace it with a new two-storey dwelling with attached open decks, as shown on the attached site plan. The new dwelling will be located in the same general footprint as the existing dwelling with the proposed expansion being towards the rear. The new dwelling is proposed to have a ground floor area of 244.8 m<sup>2</sup> and a gross floor area of 310 m<sup>2</sup>. Attached open decks having an area of 57.65 m<sup>2</sup> are also proposed. The new development will be serviced by the existing privately owned and operated well and a new privately owned and operated septic system. The existing septic system is to be decommissioned and removed.

The purpose and effect of the proposed amendment is to rezone the subject property from the Shoreline Residential Zone (SR) to the Special District 267 Holding Zone (S.D. 267 (H)) to facilitate the proposed development.

As shown on the site plan, the proposed amendment seeks to permit minimum water yard setbacks of 18.3 m to the closest point of the proposed dwelling, whereas the minimum water yard otherwise required is 30 m (s. 6.2.1 h)). The proposed

amendment also seeks to permit the proposed open attached decks to have an area of 58 m<sup>2</sup> and project into the required water yard to a minimum water yard setback of 16.5 m at the closest point. The maximum extent and projection of such structures are otherwise limited to 3.8 m<sup>2</sup> in area and 1.5 m in depth (s. 3.1.9). Decks are similarly subject to the minimum 30 m water yard setback of the SR Zone (s. 6.2.1 h)). The proposed amendment will further serve to recognize the existing deficient shoreline frontage of 42.9 m. The SR Zone otherwise requires a minimum shoreline frontage of 60 m (s. 6.2.1 c)). All other applicable zones and provisions of the Township's Zoning By-law No. 10-1996 will continue to apply.

A copy of the draft amending By-law is attached to this Report.

Notices of Complete Application and Public Meeting were given in accordance with the regulations of the Planning Act. A copy of the Notice of Complete Application and Public Meeting is attached to this Report.

#### **Pre-Consultation:**

A pre-consultation meeting concerning the proposed redevelopment was held on March 27, 2025. The meeting was attended by Township Building and Planning Department Staff, Otonabee Conservation Staff, the Owner, and the Owner's Contractor.

The site plan submitted at the time of pre-consultation illustrated that the proposed redevelopment would result in a further encroachment towards the high-water mark, given that the water setback of the existing dwelling is 15.9 m whereas the new dwelling was proposed to be located at a water setback of 15.6 m. As proposed at the time of pre-consultation, Township Staff noted that an Official Plan Amendment and Zoning By-law Amendment would be required to permit the further reduction to the minimum 30 m high-water mark setback. The redevelopment proposal has since been revised such that the proposed new dwelling will not result in a further encroachment towards the high-water mark, and an Official Plan Amendment is no longer required.

During the pre-consultation meeting, Otonabee Conservation Staff noted that a portion of the subject property is classified as hazardous lands due to the presence of the Clear Lake floodplain and steep slopes. Additional and updated information was requested by Otonabee Conservation to confirm that the proposed development is consistent with Chapter 5 of the Provincial Planning Statement (PPS) regarding Natural Hazards.

Otonabee Conservation requested that the site plan be updated to illustrate the correct floodplain elevation contour, and that a Grading Plan and Construction Drawings/Plans stamped and approved by an Engineer be provided as part of the complete planning application(s). Otonabee Conservation later confirmed through correspondence with the Agent that the preparation and submission of the required Grading Plan and Construction Drawings/Plans can be deferred to the building permit application stage.

At the time of pre-consultation, Township Staff requested the completion of an Environmental Impact Study (EIS) in support of the planning application(s). An EIS was prepared by Sumac Environmental Consulting. The EIS was undertaken to identify the form and function of natural heritage on and adjacent to the subject property and to assess potential impacts associated with the proposed redevelopment. Fish habitat, Habitat of Threatened or Endangered Species (HETS), Significant Wildlife Habitat (SWH), and significant woodlands were identified as occurring on or adjacent to the subject property. The EIS concluded that no significant impacts are anticipated as a result of the proposed redevelopment.

The EIS was sent for peer review while the application was under review. The peer reviewer identified no notable deficiencies with the scope of the EIS. The EIS generally demonstrates consistency with the PPS; however, some additional considerations were recommended to strengthen PPS consistency. Specifically, it should be confirmed that no adverse impacts to the identified significant woodlands and SWH will result from the proposed development. The peer reviewer also recommended further discussion on conformity to the Official Plan regarding policies for development in proximity to waterbodies.

A SAR Habitat Assessment was completed as part of the EIS. Habitat for several SAR bats was identified through the SAR Habitat Assessment. The peer reviewer requested further clarification as to the SAR Habitat Assessment for Blanding's Turtle and Northern Map Turtle. Northern Map Turtles were identified as having habitat adjacent the site and in Clear Lake; however, the EIS indicated that no high-quality turtle nesting habitat was identified on the subject property. It is not clear in the EIS why the property would not be considered suitable habitat and/or if Blanding's Turtle could potentially use the property as nesting habitat. If the subject property could be used as nesting habitat for either species, the peer reviewer recommended the addition of appropriate mitigation measures to the EIS.

The peer reviewer noted that the EIS is unclear on which portion of the vegetation community representing the significant woodland (FOM2-2) is proposed to be disturbed, and whether restoration or compensation will take place. Additional information regarding the proposed disturbance, including size of the development, number of trees to be removed, and the area to be restored, was requested in order to define the potential impacts to the significant woodland.

Township Staff also requested the submission of a Planning Justification Report (PJR) in support of the planning application(s). The PJR submitted provided an overview of the subject property, the development proposal, and the technical studies submitted in support of the application. The PJR concluded that the proposed development is consistent with the PPS and is in keeping with the general intent and purpose of the Official Plan and Zoning By-law. The PJR justifies the proposed development by providing that the use of the subject property is permitted by provincial and municipal

planning regulations and that the replacement of an existing non-complying dwelling is permitted if no further encroachment towards the waterbody is made. The PJR emphasizes that the use and moderate expansion of the existing building footprint will minimize impacts.

**Provincial Planning Statement (PPS) 2024:**

The PPS is considered a policy statement for the purpose of Section 3 of the Planning Act. All municipal decisions, as well as comments, submissions or advice affecting planning matters are required to be consistent with the PPS pursuant to subsections 3(5) and 3(6) of the Planning Act.

The subject property is considered Rural Lands as per Section 2.6 of the PPS. Permitted uses on Rural Lands include resource-based recreational uses, including recreational dwellings not intended as permanent residences, as well as residential development, provided that site conditions are suitable for the provision of appropriate water and sewage servicing (ss. 2.6.1 c) and d)). Development that can be sustained by rural service levels shall be promoted (s. 2.6.2) and development shall be appropriate to available or planned infrastructure (s. 2.6.3).

Staff agree with the opinion offered in the Planning Justification Report (PJR) prepared by the Agent, dated November 18, 2025, which provides that the existing and proposed use of the property are permitted under the policies of the PPS and no change to the existing demand on rural service levels or municipal infrastructure will result from the proposed redevelopment.

Section 4.1 of the PPS contains policies pertaining to Natural Heritage. An EIS was submitted in support of the application and was peer reviewed. As discussed earlier in this Report, the peer reviewer identified concerns with some of the findings of the EIS. Updates to the EIS were recommended to better demonstrate consistency with the PPS, particularly with respect to potential impacts on the significant woodland feature and the habitats of endangered and threatened species (ss. 4.1.5 b) and 4.1.7).

Section 4.6 of the PPS speaks to Cultural Heritage and Archaeology. Policy 4.6.2 prohibits planning authorities from permitting development and site alteration on lands having archaeological potential or containing archaeological resources unless significant archaeological resources have been conserved. A Stage 1/2 Archaeological Assessment was completed and submitted in support of the application. The Stage 1 Assessment determined that portions of the property were determined to have archaeological potential. As part of the Stage 2 Assessment, the entirety of the property was subject to photographic documentation and the excavation of test pits at a 5 m interval. No archaeological resources were encountered during the Stage 2 Assessment and the consultant recommended no further archaeological work.

Comments from Otonabee Conservation note that the proposed development is not located within a known flooding hazard. The slope and any erosion hazards will be addressed at the permitting stage. The application is consistent with Chapter 5 of the PPS referencing Natural Hazards.

Updates to the EIS are required to confirm whether the application is consistent with the PPS in its entirety.

**Official Plan:**

The subject property is designated Lakeshore Residential and Environmental Constraint Area as shown on Schedule 'A4-3' to the Official Plan. The permitted uses of the Lakeshore Residential designation include single detached permanent and recreational dwellings (s. 6.2.6.2). Development and site alteration are generally prohibited in the Environmental Constraint Area designation unless required for flood or erosion control or landscape stabilization or essential utilities (s. 6.2.15.3 a)). The proposed dwelling will be located on the portion of the property designated Lakeshore Residential. The existing and proposed use of the subject property are permitted under the policies of the Official Plan.

Policies of the Lakeshore Residential designation generally require a minimum water setback of 30 m for new development in order to minimize environmental and visual impacts to the character and function of the shoreline and waterbody (s. 6.2.6.3 c)). Structures legally existing as of October 22, 2008, which do not comply with the 30 m water setback requiring replacement due to structural defect or destruction by natural causes or by permission of the Township are permitted to be replaced on the same footprint and may be enlarged in accordance with the local Zoning By-law, provided no further encroachment towards the waterbody results (s. 6.2.6.3 c)). Open decks are a permitted use and may encroach into the required 30 m water setback provided no negative effects to the waterfront environment are produced (s. 6.2.6.3 c)).

A Structural Assessment Report prepared by Jacob R. Lean Engineering was submitted in support of the application. The Report concluded that significant repairs and strengthening to the foundation and building envelope would be required to bring the existing dwelling into compliance with current Ontario Building Code (OBC) standards for permanent dwellings. It was recommended that the existing dwelling be replaced rather than repairs and renovations attempted.

As noted in the PJR, the replacement dwelling will be located generally within the footprint of the existing dwelling in order to minimize physical and environmental disturbance, as well as visual impacts from the waterbody and adjacent properties. The water yard setbacks of the proposed dwelling represent minor improvements to the deficient water yard setbacks of the existing dwelling. The Owner is seeking an amendment to the By-law to permit an expansion of the existing non-complying dwelling beyond the as-of-right permissions of the By-law.

Section 4.1 of the Official Plan contains policies regarding the Natural Environment. Natural heritage features, including but not limited to fish habitat, wildlife habitat, and habitat of threatened and endangered species, are recognized as features to be protected and preserved to ensure the long-term health of the natural environment and the continued provision of associated social and economic benefits to the County and Townships. The Official Plan provides that development and site alteration shall not be permitted on lands adjacent to the identified natural heritage features unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study and it has been determined that there will be no new negative impacts on the natural features or on their ecological functions (s. 4.1.3.4).

As discussed herein, updates to the EIS are required to confirm conformity with the policies of the Official Plan regarding the Natural Environment. The application otherwise appears to conform to the Official Plan.

**Zoning By-law:**

The subject property is zoned the Shoreline Residential Zone (SR) as shown on Schedule B4 to By-law No. 10-1996, as amended. Permitted uses of the SR Zone include single detached permanent and recreational dwellings (s. 6.1). The existing and proposed use of the subject property are permitted.

The minimum water yard setback requirement of the SR Zone is 30 metres (s. 6.2.1 h)). Structures which are legally existing which do not meet the required setback and/or yard may be enlarged, reconstructed, repaired, altered, or renovated provided that existing deficient setbacks and/or yards are not further reduced (s. 3.28.1 a)) and that all other provisions of the Zoning By-law are complied with (s. 3.28.1 b)).

As discussed in detail in the opening of this Report, relief is required from sections 6.2.1 c) and h), and 3.1.9 to facilitate the proposed redevelopment. The purpose of the amendment is to permit reduced water yard setbacks for the proposed dwelling, as well as additional expanse and depth for an open, attached deck projecting into the required water yard. The amendment will also recognize the existing deficient shoreline frontage.

Other than the relief described above, the proposed development is compliant with the applicable provisions of the Zoning By-law.

**Comments:**

At the time of writing this report, no comments were received from members of the public or Senior Staff. Any such comments received will be provided to Council prior to or during the Public Meeting.

Comments were received from the following agencies:

- Peterborough County E&C Division: No objections, comments, or concerns with respect to the application.
- Kawartha Pine Ridge District School Board: No concerns or issues related to their mandate with the proposed amendment.
- Trent Severn Waterway: No objection to the application. Should the property owner wish to undertake any in-water or shoreline works at this location, they will require an approved permit from this office prior to the commencement of any work.
- Alderville First Nation: Noted that the property has very high potential for archaeological resources and/or burial sites. An archaeological assessment is required prior to any demolition and/or soil disruption. A copy of the Stage 1/2 Archaeological Assessment was provided to Alderville First Nation.
- Curve Lake First Nation: Requested additional consultation with the proponent and additional information relating to the project, as well as the completion of a Stage 1 Archaeological Assessment at a minimum. The Agent provided a copy of the Stage 1/2 Archaeological Assessment to Curve Lake First Nation. No further comments were received.
- Otonabee Conservation: The application is consistent with Chapter 5 of the PPS. The proposed development will not create new or aggravate existing hazards. Permits are required prior to any site alteration or development in the regulated areas. Trent Source Protection Plan policies do not apply.

Copies of the agency comments are attached to this report.

### **Conclusion:**

The Zoning By-law Amendment proposes to rezone the subject property from the Shoreline Residential Zone (SR) to the Special District 267 Holding Zone (S.D. 267 (H)) to facilitate the construction of the new dwelling as proposed. As previously noted, there are outstanding comments required to be provided and/or resolved to confirm that the application is consistent with the PPS and conforms to the Official Plan. For this reason, it is recommended that Council defer a decision on the Zoning By-law Amendment until a later date.

### **Financial Impact:**

All expenses are incurred by the applicant.

## Township of Douro-Dummer Strategic Plan 2023-2027



### Service Modernization and Innovation

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



### Business Attraction, Expansion, and Retention

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



### Infrastructure Renewal

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

**Report Approval Details**

Document Title:	R-06-25 - Planning-2026-11.docx
Attachments:	<ul style="list-style-type: none"> <li>- R-06-25 - Draft By-law.pdf</li> <li>- R-06-25 PJR.pdf</li> <li>- 9660_SITE PLAN.pdf</li> <li>- R-06-25 - ZBA Notice.pdf</li> <li>- R-06-25 Engineer's Report_Redacted.pdf</li> <li>- R-06-25 EIS.pdf</li> <li>- R-06-25 Amended Application_Redacted.pdf</li> <li>- 25-287 Architectural.pdf</li> <li>- EC Comments.pdf</li> <li>- KPRDSB Comments.pdf</li> <li>- TSW Comments.pdf</li> <li>- AFN Comments.pdf</li> <li>- CLFN Correspondence.pdf</li> <li>- ORCA Comments.pdf</li> </ul>
Final Approval Date:	Apr 16, 2026

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Todd Davis