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# **Planning Justification Report (October 18, 2021)**

## **Zoning By-law Amendment Application**

### **912 Birchview Road, Township of Douro-Dummer**

#### **County of Peterborough**

#### **KMD Planning File 2021-17**

### **Introduction**

This Planning Justification Report has been prepared in support of a Zoning By-law Amendment Application (ZBLA Application) filed with the Township of Douro-Dummer regarding the seasonal residential property known municipally as 912 Birchview Road (Clear Lake).

### **The Property**



(Source: County of Peterborough Website, October, 2021)

The ZBLA Application seeks to permit the redevelopment of the property that will see an addition to the existing cottage, a boathouse and a garage. As a result of Pre-consultation with the municipality, the following studies have been completed:

- Slope stability (Attachment H);
- Archaeological Stage 1 and 2 (Attachment I);
- Environmental Impact Study (Attachment J); and
- A Real Property Survey (Attachment C).

The proposal requests the following amendments:

To permit an addition on a seasonal recreational dwelling located at the existing high water mark setback of 24.3 metres to the existing and 25.7 metres to the proposed addition. The addition is proposed to have a footprint of 111.8 square metres for a total dwelling area of 217.3 square metres (exclusive of decks). The lot coverage of the dwelling is proposed to be 9.44%.

To permit a lateral expansion for a total of 19 metres. The existing cottage with side deck is 9.8 metres

To convert the seasonal recreational dwelling into a permanent, year-round dwelling.

To permit the tear-down and rebuild of a boathouse with a high water mark setback of 0.7 metres and a maximum footprint of 31.2 square metres with a side yard setback of 3.05 metres.

To permit a garage with a maximum footprint of 122.6 square metres and a height of 4.5 metres with a second storey storage area, a rear yard setback of 6.1 metres and a side yard setback of 1.52 metres.

To permit a lot coverage of 6.7% for accessory structures.

To permit a total lot coverage of 16.13% for all structures.

## 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 ZBLA 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 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. 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</p>

	<p>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> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>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;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</li> </ul> <p><b>Opinion: The ZBLA Application is required to permit the redevelopment of an existing seasonal residential dwelling and accessory structures. Said expansion does not represent a risk or hazard to Clear Lake and its environs.</b></p>
1.1.3	<p><b>Settlement Areas</b></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 property is not part of a Rural Settlement</b></p>

	Area.
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 located within the rural area of the Township (and County of Peterborough) and is not designated as a Rural Settlement Area. Rather the property enjoys an established waterfront resource-based setting – Clear Lake.</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: Protecting Public Health and Safety.</p> <p>1.1.5.2 On rural lands located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li><b>b) resource-based recreational uses (including recreational dwellings);</b></li> <li><b>c) limited residential development;</b></li> </ul>

	<p>f) other rural land uses.</p> <p>1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.</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 ZBLA Application, if approved, would permit an appropriate expansion of an existing resource-based residential dwelling and the associated accessory structures.</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 expansion of the existing cottage will not be encroaching further towards the high water mark. The Environmental Impact Study (attached) has indicated that the proposed development (garage, boathouse and addition to dwelling) can occur in a way that will not adversely impact Natural Heritage or Hydrologic features or functions.</b></p>

**It is our professional opinion that the ZBLA 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 A Place to Grow 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 ZBLA Application, the following policies of the 2019 A Place to Grow Plan are considered to have direct relevancy:

<b>Policy</b>	<b>Title - Details</b>
1.2.1	<p>Guiding Principles</p> <p>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 style="list-style-type: none"><li>• 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>• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li><li>• 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>• 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 ZBLA 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 reviewed 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> </ul>

	<p>iv. areas with existing or planned public service facilities;</p> <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 (Clear Lake), which has similar established land uses.</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 (Clear Lake) properties.</b></p> <p>4. Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:</p>

	<p>a) commercial uses to serve the needs of visitors; and</p> <p>b) where appropriate, resource-based recreational dwellings for seasonal accommodation.</p> <p><b>Opinion: The property has an established resource-based setting (Clear Lake).</b></p>
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**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 "Lakeshore Residential" with a small unevaluated wetland to the rear (south-east) of the property and opposite side of Birchview Road. The shoreline of the property is considered to be the floodplain.



(Source: County of Peterborough Website, October 2021)

<b>Section</b>	<b>Title - Comments</b>
6.2.6	Lakeshore Residential
6.2.6.1	<p><b>General Principles</b></p> <p>Permanent single detached dwellings and cottages in shoreline areas along publicly maintained roads are the predominant use of land within the Lakeshore Residential designation. However, in the Township of Douro-Dummer, permanent single-detached dwellings and seasonal cottages may also be permitted on private roads and deeded right-of-ways subject to the provisions of the Township's Zoning By-law. This designation provides for the conversion of seasonal cottages to permanent dwellings by amendment to the Zoning By-law, where necessary. For the purposes of this plan, the terms "cottage" and "seasonal residence" are used interchangeably.</p>
6.2.6.2	<p><b>Permitted Uses</b></p> <p>The predominant use of land within the Lakeshore Residential designation shall be for the permanent single-detached dwellings and seasonal cottages on public roads. This category may include retail and service commercial uses of limited extent which provide primarily for the day-to-day commercial needs of the lakeshore residents. Home occupations and Bed and Breakfasts may be permitted subject to an amendment to the implementing Zoning By-law to recognize same. Subdivisions and condominiums outside of settlement area boundaries for permanent residential use may only be permitted in site specific locations designated for such use as of June 16, 2006.</p>
6.2.6.3	<p><b>Lakeshore Residential Policies</b></p> <p>a) The intent of this category is to make provision for permanent single detached dwellings and seasonal cottages based on public road access. This designation also provides policies to guide the conversion of seasonal cottages to permanent dwellings by</p>

amendment to the Zoning By-law, where necessary.

c) General

Permitted Exceptions

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

Structures legally existing as of the date of Official Plan Amendment No. 3 comes into effect (October 22, 2008) that do not comply with the required water setback provision that require the 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 water setback.

Sewage system leaving beds requiring replacement due to structural damage or malfunction should be setback 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.

Existing Structures

Minor variances or zoning changes to accommodate proposed expansions of a structurally-permanent nature to existing structures and/or septic systems that further reduce any

applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety.

**Opinion: The addition to the cottage is proposed to be setback at a greater distance from the high-water mark than what is existing. Through an Environmental Impact Study and Slope Stability Study, it was found that the location of the boathouse is appropriate for the property, and it will not have negative impacts on Clear Lake. Further, the location and size of the garage has been found to have no negative impacts to both the property and the adjacent properties.**

**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 Zoning By-law (Zoning By-law)**

The property is currently zoned 'Shoreline Residential' by the Zoning By-law.

### **Zoning Map Detail**



(Source: County of Peterborough Website, October 2021)

As previously noted, the existing zoning is Shoreline Residential. This application seeks to rezone the property to a Special District zone (residential purposes).

The amendments for the proposed Special District are summarized as follows:

To permit an addition on a seasonal recreational dwelling located at the existing high water mark setback of 24.3 metres to the existing and 25.7 metres to the proposed addition. The addition is proposed to have a footprint of 111.8 square metres for a total dwelling area of 217.3 square metres (exclusive of decks). The lot coverage of the dwelling is proposed to be 9.44%.

To permit a lateral expansion for a total of 19 metres. The existing cottage with side deck is 9.8 metres

To convert the seasonal recreational dwelling into a permanent, year-round dwelling.

To permit the tear-down and rebuild of a boathouse with a high water mark setback of 0.7 metres and a maximum footprint of 31.2 square metres with a side yard setback of 3.05 metres.

To permit a garage with a maximum footprint of 122.6 square metres and a height of 4.5 metres with a second storey storage area, a rear yard setback of 6.1 metres and a side yard setback of 1.52 metres.

To permit a lot coverage of 6.7% for accessory structures.

To permit a total lot coverage of 16.13% for all structures.

**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.**

The property contains existing vegetation screening providing an appropriate buffer for the adjacent seasonal dwelling/property, as well as from the lakeview.

The completed project does not represent an over-development of the property. From our site-area visit, we are satisfied that the property development would not create an incompatible use of land. There exists a mixture of building types and property development within proximity of the concerned property.

## Summary

The attached Slope Stability Study (Cambium, June 3, 2021) does not find any concerns with the proposed addition to the cottage or the boathouse. The area where the garage is proposed to be built is relatively flat and did not warrant examination of a geotechnical study.

The attached Scoped Environmental Impact Study (Cambium, September 2, 2021) indicates that the property may be developed as proposed in a way that will not adversely impact natural heritage or hydrologic features and functions on or adjacent to the site.

The attached Stage 1 and 2 Archaeological Assessment (Earthworks Archaeological Services, July 28, 2021) indicated that no archeological material was found during the survey of the property.

It is our Professional Planning Opinion that the Zoning By-law Amendment Application, serving to permit an expansion of the existing seasonal dwelling is:

- 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 Official Plan;
- 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