



July 16, 2018

EcoVue Consulting Services Inc. c/o Heather Sadler
311 George Street N, Suite 200
Peterborough, ON K9J 3H3

Sent via email only

**Re: Peer Review & Agency Comments
Pilgrim's Rest
Part of Lots 3 & 4, Concession 11, Burleigh Ward
County File No. 15CD-18002, 15OP-18002 Township File No. ZA-09-18**

Dear Ms. Sadler:

Please find attached agency comments and peer reviews received to date by the County and Township for the above noted Planning Act applications. Below is a summary of the comments together with responses from the County and Township.

Peer Review / Agency Comments (attached):

Comments from Hydro One Networks Inc. May 8, 2018.

Comment Summary: No comments or concerns.

Comments from Enbridge Gas Distribution dated March 16, 2018.

Comment Summary: Enbridge has no objections to the application.

Comments from Nexicom dated March 20, 2018.

Comment Summary: Nexicom has no objections or revisions to the application.

Comments from County of Peterborough Engineering and Design Department dated March 28, 2018

Comment Summary: The Traffic Analysis completed for the intersection of County Road 56 and Cheboutequion Drive was completed in 2011. An update to the Traffic Analysis is required.

Comments from Curve Lake First Nations dated April 5, 2018.

Comment Summary: Curve Lake First Nation raised concerns pertaining to the ecosystem within and surrounding the proposed development. A number of comments and questions relating to the technical studies, in particular the Environment Impact Study (EIS), Stormwater Management Report, Hydrogeological Report, were outlined.

County / Township Response: A meeting was held on May 25, 2018 at the Curve Lake First Nation Government Office with the proponent's lawyer and planner and County staff to discuss Curve Lake First Nation comments. It was agreed that a second meeting would be held once the peer review comments were complete.

Comments from Parks Canada – Trent-Severn Waterway Office dated May 14, 2018.

Comment Summary: No objections to the applications subject to a number of conditions:

- A 30 metre buffer zone, enhanced with native vegetation, is recommended to be maintained along the lakeshore. Application of pesticides or fertilizers should not be permitted within the 30 metre buffer zone.
- All drilled wells should be constructed outside the 30 metre vegetated buffer zone.
- Septic systems should not be constructed within the 30 metre vegetated buffer zone.
- All in-water and shoreline works will require an approved work permit from the Trent-Severn Waterway Office of Parks Canada before work can commence. All proposed in-water and shoreline works must adhere to Parks Canada's *Policies for In-Water and Shoreline Works and Related Activities*. Permitting under the *Species at Risk Act* may also be required.
- An annual waterlot licence may be required for the communal docks and boat launch.
- Removal of debris and vegetation from the shoreline or the water will not be permitted.
- The wetlands is protected under the *Federal Wetland Policy* and is to remain unaltered. No construction, such as filling or dredging is permitted in the wetland area.

County / Township response: The proposed 10 metre buffer of native vegetation planting along the lakeshore area not currently used for recreation as recommended in the Environmental Impact Study (S. 9.4) does not appear to comply with the recommendation from TSW.

Parks Canada noted that the property contains critical habitat for Blanding's Turtle, the Eastern Whip-poor-will and the Golden Winged Warbler. As noted in the peer review for the Environmental Impact Study (EIS), a review of the Blanding's Turtle General Habitat Description, and other SARs who may have suitable habitat, is required for the project

to determine if and what habitat could potentially be disturbed and if an Overall Benefit Permit is required. Further clarification on the potential impacts to the Whip-poor-will is required. Please see EIS peer review comments.

Peer Review of Preliminary Stormwater Management Report completed by Stantec dated May 24, 2018.

Comment Summary: Further detail in the report is required including:

- Provide existing conditions plan, description of the existing conditions and drainage pattern.
- Provide further details and supporting calculations to confirm that the proposed measure will achieve the enhanced level quality control.
- Provide grading plan and include overland flow arrows on drawing to support the proposed road and lots drainage pattern.
- The flood impact analysis from Jack Creek should be based on a hydrologic model using Visual Otthymo, PCSWMM or another approved model.
- The 100-year water elevation at the lake should be included in the calculations using a proper hydraulic model like HEC-RAS/GeoRAS, or PCSWMM.
- Provide water balance details to confirm that the proposed development will not have a negative impact on the Hull South Bay PSW.
- Provide water balance calculations to confirm that the proposed development will not have significant impact on wells in the area.

County / Township response: Please provide additional detail as requested.

Peer Review of Traffic Impact Statement completed by Stantec dated May 28th, 2018.

Comment Summary: There is concern regarding the available sight distance along Cheboutequion Drive, south of the Fire Route 24 intersection with Cheboutequion Drive. The report should include remedial measures to mitigate the risk imposed on vehicles exiting from Fire Route 24.

County / Township response: Please provide additional detail as requested.

Peer Review of Hydrogeological and Site Servicing Study completed by Stantec dated June 29, 2018.

Comment Summary: The subject site has a highly variable and generally low well yield. The hydrogeological assessment completed in support of the proposal does not demonstrate that the proposed development can be adequately serviced with potable water. Given the variable groundwater conditions, A Well Certification Program was recommended which leaves the onus on the lot owner to ensure the program is undertaken. If a suitable water source from a well is not found, alternative options were

presented, from drilling numerous wells on the property, supplementing water supply with storage, having small (less than five (5) lot communal water supply wells,) and surface water supply. All of these options are highly problematic and not recommended to the County by Stantec.

County / Township response: The development as proposed cannot be supported by staff at this time given the difficulty in obtaining an adequate water supply on each lot.

Peer Review of Environmental Impact Study completed by Stantec dated June 29, 2018.

Comment Summary: An update to the EIS is required to include the following details:

- The EIS does not make reference to the Growth Plan for the Greater Golden Horseshoe, 2017. Please provide context on how the policy changes in the GPGGH may impact the applications.
- There was no indication throughout the EIS of any regulatory consultation with the Ministry of Natural Resources and Forestry (MNRF). It is recommended that an Information Gathering Form (IGF) be filed with the MNRF for the project and the MNRF is consulted regarding the potential for Blanding's Turtles to be impacted by the project and other SARs who may have suitable habitat to determine if and what habitat could potentially be disturbed and if an Overall Benefit Program would be required.
- Recent listings of bats to the ESA should warrant field surveys to determine their consideration into the potential impacts from development and if an Overall Benefit Program would be required.
- Further clarification on the potential impacts to the Whip-poor-will is recommended.
- Further discussion on the use of the docks and shoreline area.

County / Township response: Similar to the analysis of the relevant sections of the Provincial Policy Statement, discussion on Section 4.2 of the GPGGH should be included in the EIS, including all of Section 4.2.4.5. Please note that the proposed 15 metre setbacks applied to the key hydrologic features (wetlands and watercourses) should be no less than 30 metres as per GPGGH policies and lot lines are not to go through this setback. Please update Figure 8 to illustrate conformity with the 30 metre minimum buffer from hydrologic features. Please show setback distances for the VPZ for clarity and ease of reference together with an update to Figure 8 showing the redevelopment footprints as suggested on Page 32 of the EIS under Section 7.1.

There is a watercourse / tributary in the area of Lots 6, 7, 8, 9, and 13 as identified on Figure 8 of the EIS. The draft plan shows that the centreline of this tributary will become a boundary/lot line for the above-mentioned lots and therefore the tributary and its related buffer area (and the butternut) will be divided by lot lines and "owned" by the above-mentioned lots. The use of the tributary as a boundary/lot line does not appear to

conform to the GPGGH to protect this hydrologic feature. For the most part, the other hydrologic features appear to be protected by a buffer/setback and held as a common-element open space.

Please provide further details concerning the docks and shoreline area identified as Block 1 on the draft plan to provide context on how it will function and be utilized by residents of the development, including provisions for parking of vehicles / trailers. Please confirm if transient boaters would be allowed to use the docks and boat launch and are amenity structures/facilities (i.e gazebos, picnic tables, storage) proposed in the shoreline area?

Public Comments (attached):

Fourteen (14) written comments have been received to date on the applications. These comments are attached.

Township & County Planning Comments

The County and Municipal Planning Services Ltd. (Planning Consultant for the Township of North Kawartha) have completed a coordinated review of the development proposal, considering the supporting documents, namely the Planning Justification Report (dated August 30, 2017) together with the comments received during the initial set of agency / peer review comments.

The property known as Pilgrim's Rest Campground is subject to three Planning Act applications including, approval of a draft plan of vacant land condominium, official plan amendment and zoning by-law amendment. If these approvals are obtained the plan will also be subject to a site plan agreement. The lands are presently designated Recreation Commercial and Rural. The island property is designated Rural.

The draft plan of condominium consists of 30 vacant building lots with an average lot size of 0.51 hectares (1.3 acres). Each lot is to contain one single detached (seasonal) dwelling. The proposal also includes the creation of 7 common element blocks for internal private roads (Blocks 2 & 3), open space areas (Blocks 4 to 7) and a recreational area (Block 1). The recreational area consists of the existing beach area, boat launch and docks for Pilgrim's Rest Campground. These facilities will remain and form part of the shared common elements. The subject lands also consist of an island, located offshore south of the docking area. The island identified as Block 7 on the draft plan will be included as an Open Space block. No development or site alteration is proposed to occur on the island.

Conceptual Plan / Proposed Draft Plan

Staff request further clarification on the following items as depicted on the conceptual plan:

- As mentioned under the peer review comments on the EIS, there is a watercourse / tributary in the area of Lots 6, 7, 8, 9, and 13 as identified on Figure 8 of the EIS. The draft plan shows that the centreline of this tributary will become a boundary / lot line for the above-mentioned lots and therefore the tributary and its related buffer area (and the butternut) will be divided by lot lines and "owned" by the above-mentioned lots. Based on the policies within the Growth Plan, this tributary will need to be protected by a 30 metre buffer and lot lines for lots 6-9 and 13 cannot bisect this buffer. This tributary will need to be protected by the appropriate buffer and held as a common-element open space.
- There is a "6 m allowance" between lots 12 and 16 providing access to the existing beach area in Block 5 and 6. Is this allowance to provide additional pedestrian access to this area? Is there a pedestrian connection between Block 1 and Blocks 5 and 6? Please confirm.
- Please demonstrate that the 30 metre setback requirement from key hydrologic features can be met, particularly with respect to lots 12 and 15-20. The wetland confirmed by ORE adjacent to the PSW contained in Block 5 does not appear to have a 30 metre setback. Lots 12 and 15-16 appear to encroach within the 30 metres and Lots 17-20 appear to encroach within the 30 metre setback from Jack Creek.
- What percentage of the overall parcel was altered for the operation of the campground and what percentage of the parcel will be altered for the development of the proposed plan of subdivision?

Provincial Policy Statement, 2014

The Planning Justification Report assesses the applications within the context of the 2014 Provincial Policy Statement (PPS). With regard to Section 1.6 Infrastructure and Public Service Facilities, Section 1.6.6.1 b) was not assessed which states:

Planning for sewage and water services shall:

b) ensure that these systems are provided in a manner that:

- 1. can be sustained by the water resources upon which such services rely;*
- 2. is feasible, financially viable and complies with all regulatory requirements; and,*
- 3. protects human health and the natural environment.*

In light of comments from the peer review of the hydrogeological assessment for the proposed development, it is our opinion that it has not been demonstrated that 30-lots can be adequately serviced based on existing groundwater conditions and the proposed

alternative methods to obtain water supply by each lot owner does not demonstrate consistency with Section 1.6.6.1 b) 2 of the PPS.

The Planning Report assesses Section 1.6.6.4 which states, “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”. As mentioned above, the hydrological assessment completed has not proven that the development as proposed can be adequately serviced with no negative impacts.

Growth Plan for the Greater Golden Horseshoe

On July 1, 2017, a new Growth Plan for the Greater Golden Horseshoe (GPGGH) was approved under the Places to Grow Act, 2005.

The legislation is centered on the idea of building sustainable communities while making use of existing infrastructure. It also sets out to ensure that long term visions and goals guide decision-making, in order to maintain healthy and sustainable future growth opportunities.

The Growth Plan directs that development occur primarily in settlement areas. However, development outside of settlement areas may be permitted in accordance with Section 2.2.9 (Rural Areas).

Section 2.2.9.4 in particular permits resource-based recreational uses that are compatible with the scale, character, and capacity of the resources and the surrounding rural landscape, and may include resource-based recreational dwellings for seasonal accommodation, where appropriate.

Section 2.2.9.6 indicates that new multiple lots (meaning the creation of more than three new lots) will be directed to settlement areas, and will be allowed in rural areas in site-specific locations with approved zoning or designation in an official plan that permits this types of development as of June 16, 2006. The Planning Justification Report quotes this section in the report, but does not elaborate on the applicability of this section to the proposed development. We believe the applicability of Section 2.2.9.6 requires consideration in the context of the proposed development.

We note that the published date of the Planning Justification Report is August 30, 2017, which pre-dates the release of the new Natural Heritage System mapping by the Province. The subject lands are located within the new Provincial Natural Heritage System. The Planning Report speaks to the policies within Section 4.2 of the Growth Plan and utilizes recommendations from the Environmental Impact Study (also completed prior to the new GPGGH) to justify conformity with the Growth Plan. It is the

authors' opinion that the EIS should be updated to reflect the new mapping and Natural Heritage policies to ensure the recommendations are acceptable and meet the intent of the Growth Plan.

Section 4.2.4.5 states that infill development, redevelopment and resort development are permitted in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017. It is noted on Page 25 of the Planning Justification Report that the lands are currently designated Rural and Tourist Commercial and that neither designation would permit the proposed development. This being the case we believe Section 4.2.4.5 requires further consideration in the context of the proposed development.

County of Peterborough Official Plan

The subject lands are presently identified as Rural and Shoreland Areas. Shoreland Areas generally include all lands extending inland 150 metres from the ordinary high water mark of any lake, river or waterway. 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. As is suggested throughout the Planning Justification Report, the development is entirely focussed on the shoreline of Stoney Lake and tied to recreational activities including boating, fishing, swimming and hiking. Therefore, the whole development has been considered as a Shoreland Area.

Given that Block 1 will be the primary recreational interface between all proposed 30 lots, please provide greater context on the use of Block 1 by the residents. Including accessibility to the lake (walking, driving, parking, storage of boats, trailers) and water oriented activities (how will boat traffic or usage of the docks by the new users change or if there is any anticipated change and why).

Subsection 2.3.1.1.3 of the Planning Report identifies the plan of vacant land condominium as a cluster form of development. The Official Plan defines cluster development as: *a waterfront residential development, with the shoreline dedicated to communal use and protection, and designed so that lots or units for individual use are grouped away from the shoreline and occupy a minimum portion of the total area.* Although the development will occupy 19 ha of the total land area (currently the trailer park occupies 4.6 ha), the Planning Report suggests that the total number of proposed lots is significantly less than the current number of users for the campground. The proposed official plan amendment will formally recognize the development as a cluster development identifying the total number of units proposed and common-elements.

Local Component of the County of Peterborough Official Plan

The property is designated Recreation Commercial and Rural in the Township of North Kawartha Local Plan. The Recreation Commercial and Rural designations do not permit

the proposed redevelopment. In order to allow for the creation of 30 new lots by plan of vacant land condominium with shared common elements including the use of a private owned and maintained road and shared use of amenity spaces, an Official Plan Amendment is required.

The Official Plan Amendment proposes to remove the Rural and Recreation Commercial designations from the property and place the areas consisting of the lots together with Block 1 as a Special Seasonal Residential policy area. The other areas of the property consisting of wetlands, watercourses (and their associated protective buffers) and the island are proposed to be placed in the Environmental Constraint Area designation and the Provincially Significant Wetland located in Block 5 is proposed to be placed in the Provincially Significant Wetland designation.

The special provisions that apply to the proposed Special Seasonal Residential policy identify the total number of units permitted in a cluster form together with the common elements provided for the residents of each unit, including the internal roads and open space/recreational areas and facilities such as the beach, boat launch and docking, and conservation purposes. It is staffs opinion that the conservation areas should not be included as part of the special provisions for the Seasonal Residential designation. Rather, special provisions should be included for the new Environmental Constraint Area designations and identify what activities are permitted to occur and what activities are not permitted in these areas, particularly as it relates to the island.

Section 7.9 (Criteria for Assessing Official Plan Amendment Applications) and Section 7.13 (Criteria for Assessing Plan of Subdivision/Condominium) have not been addressed in the Planning Justification Report. These sections indicate that items such as the need for the proposed use, the suitability of the land for the proposed use, etc. shall be considered. More specifically, Sections 7.9.4 and 7.13.5 of the Local Official Plan speaks to the adequacy of water supply and sewage disposal systems and ability of the site to sustain residential development on the basis of private services when assessing official plan amendment and subdivision/condominium applications. The proposed seasonal residential condominium development will consist of 30 lots each to be serviced by individual on-site sewage systems and individual drinking wells. As identified by Stantec, the hydrogeological assessment demonstrates there is likely insufficient water to support the scale of the proposed development and placing the onus on the lot owner to determine if there is an adequate supply of water is not recommended.

Township of North Kawartha Zoning By-law

The draft zoning by-law amendment proposes a minimum lot area of 0.4 hectares and a minimum lot frontage of 30 metres. The Shoreline Residential (SR) Zone requires a

minimum lot area of 0.5 hectares and a minimum lot frontage of 46 metres. We do not see the basis or need for reductions to the SR Zone standards.

Please provide any correspondence related to the above noted items directly to the County and Township.

A date for the statutory public meeting, as required under the Planning Act, will be set once the outstanding County, Township, agency and peer review comments have been addressed.

Please do not hesitate to contact the undersigned if you have any questions.

Sincerely,

Caitlin Robinson

Caitlin Robinson, BES, MCIP, RPP

In collaboration with Municipal Planning Services Ltd.

Chris D. Jones BES, MCIP, RPP

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