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## Planning Justification Report

In Support of an Application for an Official Plan Amendment, Zoning By-law Amendment and Plan of Condominium

**Part of Lots 3 & 4, Concession 11 (Burleigh Ward), Township of North Kawartha  
County of Peterborough (Pilgrim's Rest)**

Prepared for: 2293040 Ontario Inc.

EcoVue Reference No.: 14-1468

Date: August 30, 2017

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## **1.0 Introduction**

### **1.1 Planning Application**

2293040 Ontario Inc. is the owner and applicant for planning applications described in this report. The subject lands are located in Part of Lots 3 and 4, Concession 11 – Burleigh Ward, Township of North Kawartha, County of Peterborough.

The applicant has retained EcoVue Consulting Services Inc. (EcoVue) to prepare the required planning applications to the County of Peterborough and the Township of North Kawartha for a 30-unit plan of vacant land condominium.

The applicant is applying for the following planning approvals:

1. An amendment to the County of Peterborough Official Plan, to change the land use designation on the subject lands from Rural and Recreational Commercial to the Special Seasonal Residential, Environmental Constraint Area and Provincially Significant Wetland designations. The Special Seasonal Residential policies will specifically permit 30 clustered seasonal residential lots within a vacant land condominium, with access via a private (common elements condo) road.
2. An amendment to the Township of North Kawartha Zoning By-law No. 26-2013 as the property is currently zoned Rural. The proposed zoning is Rural Residential, with separate zones for open space and environmental features.
3. Approval of a draft plan of vacant land condominium consisting of 30 units for single-detached (seasonal) dwellings, together with a common elements condominium comprising:
  - a. lands to be developed as internal streets (Blocks 2 and 3);
  - b. a shoreline recreation area, including a beach, docks, boat launch and amenities (Block 1); and
  - c. lands to be set aside for conservation as open space (Blocks 4, 5, 6, and 7).



Along with this Planning Justification Report, the following documents are being submitted to the County of Peterborough, the Township of North Kawartha, or both:

- The completed application form for an amendment to the Official Plan of the County of Peterborough;
- The completed application form for an amendment to the Township Zoning By-law No. 26-2013;
- The completed application for the plan of vacant land condominium, including individual residential units and common elements;
- Copies of the related technical reports as follows:
  - Traffic Impact Statement, Tranplan Associates, August 2016
  - Preliminary Stormwater Management Report, Dobri Engineering Ltd., June 2017
  - Phase I and Phase II Environmental Site Assessment, Oakridge Environmental Ltd., November 2015, updated to March, 2016
  - Stage 1 and 2 Archaeological Assessment (Draft), Northeastern Archaeological Associates Ltd., November 2012
  - Stage 3 Archaeological Assessment, Northeastern Archaeological Associates Ltd., October 2016
  - Hydrogeological Report, Oakridge Environmental Ltd., November 2015, updated to May 2017.

## 1.2 Description of the Subject Property

The proposed Official Plan amendment, Zoning By-law amendment and plan of condominium apply to the lands located in Part of Lots 3 and 4, Concession 11 – Burleigh Ward, Township of North Kawartha, County of Peterborough (**Figure 1 – Subject Property – Location**).

The property is located on the north shoreline of Stoney Lake, south of County Road 56 (Northey's Bay Road). Current street access to the property is via Cheboutequion Drive and County Road 56.

The total area of the property to be re-developed is approximately 28.8 hectares (71.2 acres) with frontage on County Road 56. The property also includes approximately 699.5 metres (2295 feet) of frontage on Stoney Lake. A small island, located offshore south of the existing docking area, is also owned by 2293040 Ontario Inc. and is subject to the current applications. The island (Block 7 on the Draft Plan of Condominium) will be included as an Open Space block within the Plan of Condominium. No development is proposed on the island and no formal access to the island is contemplated. The total shoreline circumference of the island is 265 metres. Although the island does not provide an area for active recreational use, it does provide qualitative value to the property overall.

Much of the subject land is forested, contains small wetland areas on the lake shore and a small borrow (aggregate) pit that has been used for the extraction of sand (not a licensed pit). Lands to the east and west of the subject lands are forested and include other rural and shoreline residential developments as shown on **Figure 2 – Aerial Photo of Property**. Until recently, the subject lands were occupied by Pilgrim's Rest Campground, a seasonal resort containing 87 fully serviced seasonal trailer sites and 10 unserviced 'wilderness' tenting sites. Amenities included a beach area, picnic shelter, picnic tables, a playground, basketball court, boat launch/ramp, 24 docks located in Block 1 as shown on the Draft Plan of Condominium and a fish cleaning area. The campground was purchased by the current owner in 2011 and was closed in 2016.

To the west of the subject property, there is established shoreline development consisting of lots along Cheboutequion Drive. To the east, along Hulls Road and Fire Route 27 (Hull Bay), is an existing development consisting back lot and shoreline residential lots.

The physical characteristics of the property are described in detail in the Phase I Environmental Site Assessment (ESA) and the Environmental Impact Study (EIS), both of which were prepared by Oakridge Environmental Ltd. (ORE). The ESA report characterizes the subject property as dominated by shield forest, with a gentle slope towards Stoney Lake to the south. Where present, the soil is a thin, sandy loam ranging from 0-15 centimetres in depth. Outcroppings of bed rock are frequent in elevated areas. Aside from the existing trailer park and associated facilities, the property is mostly forested. The property is located in the Canadian Shield physiographic region.

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

*The former Township of Burleigh (along with the former Townships of Anstruther and Chandos), in which the subject property is located, was first settled by Mississauga First Nations in the mid-18<sup>th</sup> century. The Township was not heavily populated until the arrival of the Europeans in the latter portion of the 19<sup>th</sup> century. The united Townships of Burleigh - Anstruther - Chandos were amalgamated into the Township of North Kawartha in 1998. The subject property is not known to be in active use until the clearing for the trailer park in the mid-20<sup>th</sup> century."*

### 1.3 Proposed Land Uses

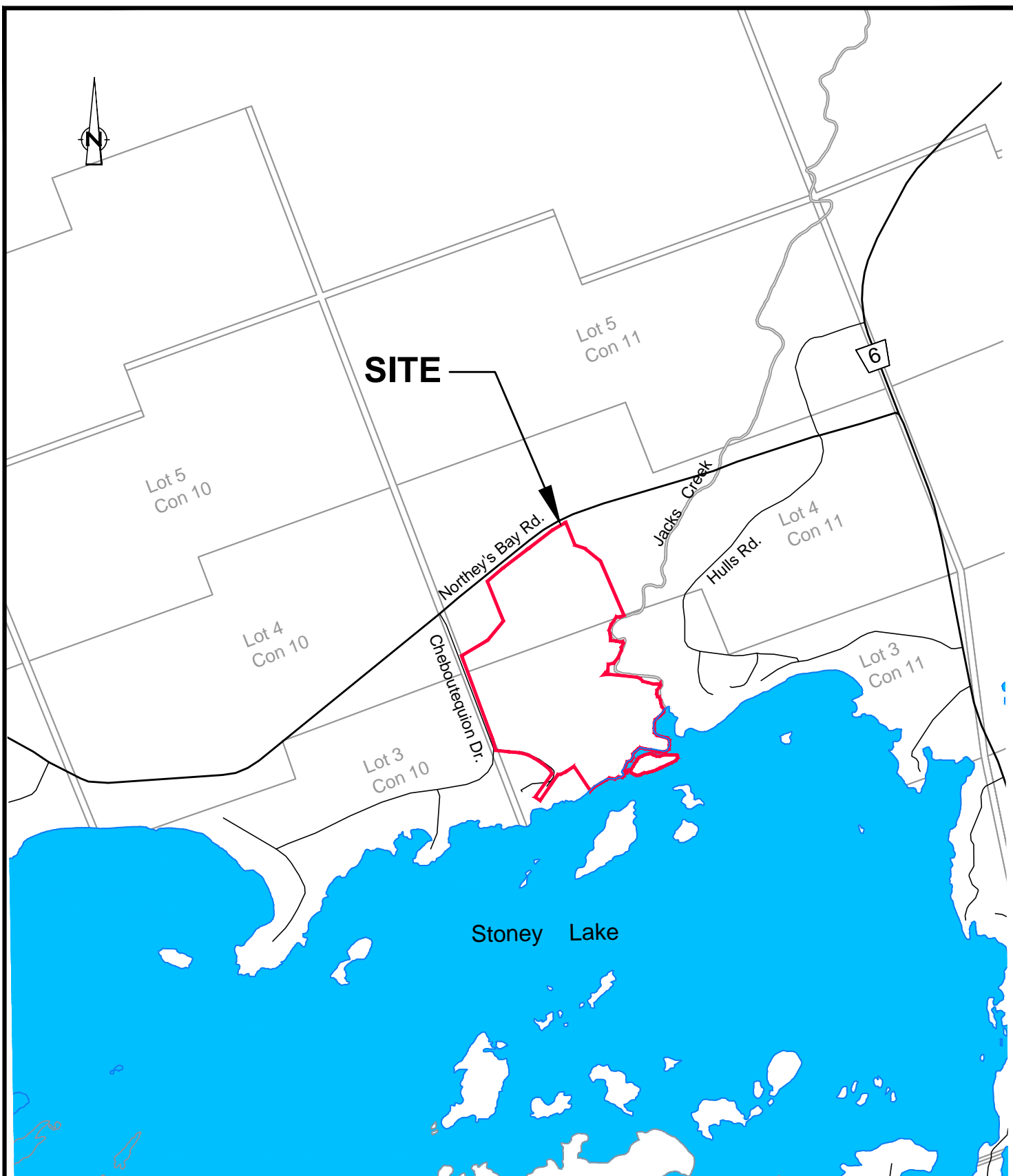
The concept for the draft plan of vacant land condominium is shown in **Figure 3**. The proposed plan of vacant land condominium is comprised of 30 single detached units for seasonal residential uses (single detached dwellings).

The proposed condominium units range from 0.43 hectares (1.06 acres) to 0.66 hectares (1.63 acres) in area. Proposed unit frontages range from 30.7 to 71.6 metres.

The residential units are to be serviced by individual on-site sewage and water systems, in accordance with the recommendations of the ORE Hydrogeologic Assessment Report.

Of the 30 residential units proposed to be created in the draft plan of vacant land condominium, 27 will abut private streets internal to the development. The remaining three residential lots will have access from existing Fire Route 24, which is included as Block "3" of the [Common Elements Plan]. The existing main northwest-southeast road (identified as Street "A" on the draft plan) will extend from Cheboutequion Drive to a cul-de-sac adjacent to Units 16 and 17. Streets B and C extend to the northeast and southwest, from Street A", with each branch terminating in a cul-de-sac. Street "D" (the former Fire Route 24) is identified as Street D on the Plan of Condominium. Easements registered against the subject lands provide access to several cottages fronting onto Stoney Lake (access from Fire Route 24) and one island property. These properties will continue to enjoy access via the easement over the subject lands, when the condominium corporation is registered. All proposed condominium roads have a minimum right of way width of 15 meters, and a gravelled surface with a minimum 6 meter width within the right of way.

As proposed the private streets will be maintained by the condominium corporation. The Township of North Kawartha will not be responsible for ownership or maintenance of these roads.



### Figure No. 1 - Site Location

#### Pilgrims Rest Condominium

Part of Lot 3 and 4 Concession 11  
Burleigh Ward, Township of North Kawartha











## **2.0 Planning Considerations**

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

### **2.1 Provincial Policy Statement, 2014**

The current Provincial Policy Statement (PPS) came into effect on April 30, 2014. The PPS was issued by the Province under Section 3 of the *Planning Act*.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Therefore, consideration has to be given to the relevant provisions of the 2014 PPS, with respect to the planning applications for the subject property.

The planning review outlined in this report and the findings of the various technical studies lead to the opinion that the proposed official plan amendment, zoning by-law amendment and the draft plan of vacant land condominium are consistent with the relevant policies of the PPS.

The following is a summary of the relevant provisions of the PPS:

#### **2.1.1 Section 1.0: Building Strong Healthy Communities**

Section 1.0 of the PPS speaks to achieving sustainability of the Province over the long term and to ensuring the long term prosperity, environmental health and social well-being of its residents and communities.

##### **2.1.1.1 SECTION 1.1: MANAGING AND DIRECTING LAND USE TO ACHIEVE EFFICIENT AND RESILIENT DEVELOPMENT AND LAND USE PATTERNS**

This planning report and the technical studies that were completed to support the proposed planning applications address the relevant sections of Section 1.1.

The technical studies for the proposed plan of vacant land condominium development indicate that the development will not lead to land use patterns that may cause environmental or public health and safety concerns.

The subject site is not within or adjacent to a designated settlement area in the County of Peterborough Official Plan. The proposed development will not prevent the efficient expansion of a settlement area.

Section 1.1.5, Rural Lands in Municipalities, indicates that permitted uses on rural lands are:

- a) *The management or use of resources;*
- b) *Resource-based recreational uses (including recreational dwellings);*
- c) *Limited residential development;*
- d) *Home occupations and home industries;*
- e) *Cemeteries; and,*
- f) *Other rural land uses.*

Recreational residential development is considered to be a resource-based recreational development within the meaning of Section 1.1.5 of the PPS. It is the author's interpretation that recreational dwellings may be considered to be development that is functionally linked to a shoreline. All of the residential lots will have common area access to the shoreline of Stoney Lake.

This interpretation of Section 1.1.5 of the PPS is consistent with Section 4.4 of the County of Peterborough Official Plan (Shoreland Areas and the Waterfront):

*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 the shore but which physically or functionally relate to the Shoreland Areas are considered to be part of the Shoreland Areas.*

Section 1.1.5.4 of the PPS indicates that:

*Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

The development of the site for seasonal residential uses will be compatible with the surrounding form of land use. It is expected that development will be sustained by existing rural service levels. Maintenance of the common elements (including the private internal streets) will be the responsibility of the condominium corporation and will not be the responsibility of the Township.

#### **2.1.1.2 SECTION 1.6 – INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES**

Section 1.6.6 sets out a hierarchy of services for development, including municipal sewage and water services, private communal sewage and water services, and individual on-site sewage and water services.

The property is currently serviced through communal water intake and the wastewater from the campground is directed to a single large sewage system and a communal sewage system. The proposed method of servicing for the 30-unit plan of vacant land condominium is through individual on-site sewage and water services. The PPS outlines a hierarchy of servicing options which are to be considered for new development. Although municipal services are generally preferred, no municipal services are available at this location. Communal services, although a viable option in some circumstances, would not be suitable for a development of this size, especially given concerns with respect to Ministry of Environment and Climate Change (MOECC) requirements for municipal responsibility and the associated agreements. Given the scale of the proposed development, individual on-site servicing is considered to be the most appropriate means for provision of both water and sewage services.

Section 1.6.6.4 of the PPS provides that:

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

The Hydrogeological and Site Servicing (HSS) Study prepared by Oakridge Environmental Services Ltd. (ORE) outlines the results of the hydrogeological investigations that were carried out to verify the availability and quality of groundwater to service the development by individual on-site water services and to assess the suitability of the site for individual on-site sewage services. The HSS Study outlines a

number of conclusions, which indicate that the proposed 30-unit plan of vacant land condominium may be serviced with private wells and private septic systems, subject to the recommendations of the report.

### **2.1.2 PPS Section 2.0 – Wise Use and Management of Resources**

Technical studies have been completed by the Project Team in support of the proposed plan of condominium. The following section of this report addresses the consistency of the proposal with relevant PPS policies, based on the results of these technical studies.

#### **2.1.2.1 SECTION 2.1 – NATURAL HERITAGE AND SECTION 2.2 – WATER**

The applicant retained ORE to undertake an Environmental Impact Study (EIS) for the subject property. The Report concludes that the majority of the site is comprised of woodland habitat. The principal sensitive areas are the mature woodland habitat, the Stoney Lake & Hull South Bay Provincially Significant Wetland, Jack Creek and the shoreline of Stoney Lake<sup>1</sup>. Although there will be some disruption to the site resulting from the removal of the existing trailers and camp infrastructure, including the removal of the existing septic system, ORE is of the opinion that there will be an overall benefit to the site and Stoney Lake, especially in regard to nutrient loading. The delineation of limited redevelopment footprints will be implemented to minimize habitat loss.

To minimize impacts on the shoreline of Stoney Lake, no expansion to the existing 24 dock facilities located in Block 1 and the beach area is proposed. The shoreline area will be shared by residents of the condominium [common element] for passive recreational use only.

Based on the EIS results, ORE is of the opinion that the redevelopment of the existing trailer park as a recreational residential condominium will provide a net benefit to the area provided the following measures are introduced:

- A 30-metre setback from the shoreline for buildings and structures;
- A 15-metre setback/buffer from surface water features (wetlands and drainage courses);
- Naturalization of all areas not proposed for redevelopment;
- A vegetation protection area, extending upland from the wetland boundary, to protect and buffer the wetland and shoreline areas;

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<sup>1</sup> Oakridge Environmental Ltd., *Environmental Impact Study (EIS) Proposed Residential Development Pilgrim's Rest Campground*, December 2015, page 29

- A tree preservation plan to promote the retention of mature healthy trees;
- A 10-metre naturalized vegetation buffer along the shoreline, with the exception of the beach and docking area;
- Replacement of the existing communal sewage system with individual on-site systems, located beyond the 30-metre shoreline buffer and 15-metre setbacks from watercourses and wetlands; and
- Implementation of construction mitigation plan.

It is our opinion that the proposed development is consistent with Sections 2.1 and 2.2 of the PPS, based on the ORE EIS results.

#### **2.1.2.2 SECTION 2.3 – AGRICULTURE**

Section 2.3.1 of the PPS indicates that prime agricultural areas shall be protected for long-term use for agricultural. The PPS defines “prime agricultural areas” as areas where prime agricultural lands predominate.

The Canada Land Inventory (CLI) - Capability for Agriculture's Lake Simcoe Sheet (31D) clearly identifies soils on the north shore of Stoney Lake, including the subject property as having Class 7 soils. CLI Class 7 soils have no capability for arable culture or permanent pasture. The area is characterized by rockland, non-soil areas, and small bodies of water. Therefore, Section 2.3.1 respecting Agriculture is not applicable to the subject lands.

Section 2.3.3.3 of the PPS indicated that:

*New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

It was identified that there are six barns located within 1,500 metres of the subject property. All locations were set away from the property at distances between 230 and 1,900 metres, except for one, according to a report by Clark Consulting Services, dated February, 2013. The report concludes that the application meets the requirements of the MDS. The Report was updated to reflect the 2017 MDS, with the same conclusion being reached. A copy of the 2013 Report and 2017 Update are provided as Appendix F to this Report.

#### **2.1.2.3 SECTION 2.5 – MINERAL AGGREGATE RESOURCES**

The County of Peterborough Official Plan does not identify the subject property as being within or adjacent to an Extractive Industrial land use designation, or within or adjacent to an Aggregate Resources Area designation. There are no licensed pits or quarries in the immediate vicinity of the site.

#### **2.1.2.4 SECTION 2.6 – CULTURAL HERITAGE AND ARCHAEOLOGY**

A Stage 1 and 2 Archaeological Assessment of the property was undertaken by Northeastern Archaeological Associates Ltd. (NAAL) in 2012. The Stage 1 research indicated that the property is of high archaeological potential, given its proximity to water (Stoney Lake) and to other previously registered sites, including the Petroglyphs (within Petroglyphs Provincial Park). As described in the Stage 3 Archaeological Assessment of BdGm-22, the "Pilgrim's Rest Island Site" prepared by NAAL, the Stage 2 Assessment took place at a high potential interval and resulted in the discovery of the archaeological site registered as BdGm-22. Initially two positive test pits were encountered, with a third being identified during an intensified assessment.

The Stage 3 excavation of the BdGm-22 site revealed 492 diagnostic artifacts from multiple time periods (Early Archaic or Late Paleo-Indian to Late Archaic period). The archaeological assessment recommended Stage 4 mitigation (either removal of all resources or avoidance and long-term protection). The owner of the property has committed to protection of the area from any development or disturbance, through protective zoning, see Section 2.6 of this report.

Northeastern Archaeological Associates Ltd. advising that the Ministry has accepted the report into the provincial register of archaeological reports, and agrees with the report's recommendation that there are no further concerns for alterations to archaeological sites for the area that has undergone archaeological assessment. A copy of the Ministry's letter, dated November 21, 2016, is contained in Appendix D of this report. The County of Peterborough has confirmed that a marine archaeology report is not required.

### **2.1.3 PPS Section 3.0 – Protecting Public Health and Safety**

#### **2.1.3.1 SECTION 3.1 – NATURAL HAZARDS**

The subject property is not located under the jurisdiction of a conservation authority. A flood elevation of 235.65 metres above sea level is used for Stoney Lake. All proposed development is located above this flood elevation. Floodplain mapping is not available for Jack Creek and therefore, has not been identified on the plan. Discussions with County staff have confirmed that a minimum setback of 30 metres from the shoreline and natural heritage features will be sufficient to protect the shoreline.

#### **2.1.3.2 SECTION 3.2 – HUMAN-MADE HAZARDS**

A Stage I and II Environmental Site Assessment was completed for the subject property by ORE (dated November 29, 2015). The ESA has been submitted to the MOECC. The report concludes that the subject property is not impacted by mine hazards; oil, gas and salt hazards; or former mineral mining operations or petroleum resource operations.

### **2.2 Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe (GGH) was prepared under the *Places to Grow Act* (2005), and was updated by changes which came into effect on July 1, 2017. The 2017 Plan replaces the Growth Plan, 2006 as amended. The subject lands are located in Peterborough County and as such are included in the outer ring of the GGH. The Outer Ring is defined in the Growth Plan as:

*The geographic area consisting of the cities Barrie, Brantford, Guelph, Kawartha Lakes, Orillia and Peterborough; the counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe, and Wellington; and the Regions of Niagara and Waterloo.*

The Growth Plan builds upon the policy foundation provided by the PPS. The PPS provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the area covered by the GGH. The Growth Plan must be read in conjunction with the PPS. However, the Growth Plan prevails except where the relevant legislation provides otherwise.



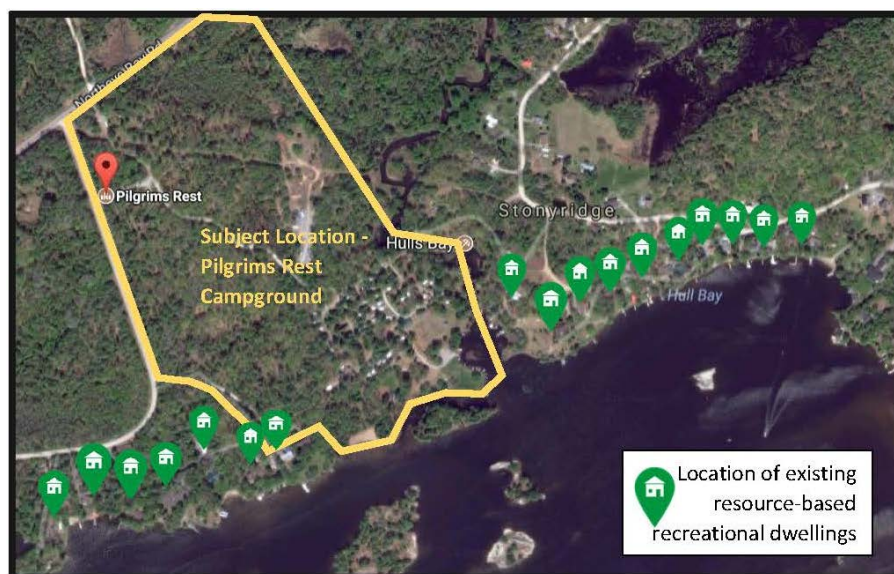
The subject property is located within the rural area, which is located outside settlement areas and outside prime agricultural areas. Section 2.9 of the new Growth Plan provides policies applicable to rural areas.

Section 2.2.9.3 indicates that:

- a) the management or use of resources;*
- b) resource-based recreation;***
- c) other rural land uses that are not appropriate in settlement areas provided they;*
  - i. are compatible with the rural landscape and surrounding local land uses;*
  - ii. will be sustained by rural service levels; and*
  - iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

The proposed development is associated with resource-based recreation, involving enjoyment of the natural areas and shorelines of Stoney Lake. With frontage on Stoney Lake, there are opportunities to swim, kayak and canoe. The property itself was previously a commercial recreational trailer park and campground.

The shoreline areas to the east and west of the subject property are characterized by shoreline development. Aerial photography confirms the extent of this development, as shown below.



Existing Shoreline Development



Section 2.2.9.4 provides further guidance with respect to resource-based recreational uses, as follows:

*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:*

- a) commercial uses to serves the needs of visitors;*
- b) where appropriate, resource-based recreational dwellings for seasonal accommodation.*

The proposed plan of vacant land condominium for seasonal dwellings is considered to be “resource-based recreational development”, and represents a redevelopment of a former campground. It is our opinion that the proposed resource-based recreational development is consistent with the applicable growth management policies of the Growth Plan.

Section 2.2.9.6 states that:

*new multiple lots or units for residential development...may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.*

Policies of the Growth Plan, under Section 4, pertaining to Water Resource Systems (Section 4.2.1), Natural Heritage Systems (Section 4.2.2), Agricultural System (Section 4.2.6), Cultural Heritage Resources (Section 4.2.7) and Mineral Aggregate Resources (Section 4.2.8) have been addressed through the review of corresponding policies of the Provincial Policy Statement.

Section 4.2.2 of the 2017 Growth Plan addresses Natural Heritage Systems. Specifically, Section 4.2.2.3 provides six criteria to be addressed when development is

*“3. Within the Natural Heritage System:*

*a) new development or site alteration will demonstrate that:*

- i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*

The Environmental Impact Study completed by Oakridge Environmental Ltd. (ORE) in support of the proposed development and is filed as **Appendix E** to this Report, concluded that there would be no negative impacts on key natural heritage features or key hydrological features and their functions. It was determined through Ministry of Natural Resources and Forestry (MNR) mapping that the Hull South Bay Provincially Significant Wetland (PSW) is located to the south of the subject property. Through ORE's site inspections they have confirmed the boundary of the PSW and have provided recommendations for the protection of the PSW.

Due to the existing condition of the PSW, ORE has recommended that a buffer be established in the form of a Vegetation Protection Area as they have illustrated in Figure 8 of their Report. For further detail, please refer to Environmental Impact Study Report.

*ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*

A thirty (30) metre setback is usually required to protect Provincially Significant Wetlands but due to the state of the PSW, ORE has recommended a Vegetated Protection Area. As proposed the VPA will be held in common ownership by the condominium corporation established for this development. The conditions of the Condominium Agreement will include clauses protecting the vegetation within these protected areas. The lands will be zoned in the Environment Constraint (EC\*\*\*) Exception Zone. The exception is needed to further define "Conservation Use" for protection and preservation of the natural environment. More details can be seen in the Proposed Wording for the Zoning By-law Amendment in Appendix \_\_\_ to this Report.

*iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;*

With the exception of the area to be developed with the condominiums, the rest of the property will be zoned in the Major Recreation Open Space (OS) Zone or the Environment Constraint (EC) Zone for protection and preservation of the natural environment. In addition to the zoning

of the property, Vegetated Protection Areas will be implemented as per recommendations from the Environmental Impact Study.

*iv. except for uses described in and governed by the policies in subsection 4.2.8 , the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;*

The maximum lot coverage for the Shoreline Residential Zone is 15 per cent. The main dwelling unit can be up to 10 per cent and the remaining 5 per cent is for accessory buildings structures and uses.

*v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and*

This policy is not applicable to the subject property.

*vi. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8;*

This policy can be addressed through conditions of draft plan approval.

Section 4.2.3.1 speaks to Natural Heritage features that are part of the Natural Heritage System mapped and issued by the Province in accordance with the 2017 Growth Plan. It is our understanding that mapping associated with the 2017 Growth Plan has not yet been released by the Province. Therefore, it is our opinion that the proposed development is not located within any natural heritage features which are part of a “Natural Heritage System”, as defined by the 2017 Growth Plan. Notwithstanding an EIS was completed to determine whether any key natural heritage features or areas are associated with the subject property.

Section 4.2.3.2 requires that proposals for large-scale development proceeding by way of plan of subdivision, vacant land condominium or site plan and located outside of settlement areas, may be permitted within a key hydrologic area... *“where it is demonstrated that the hydrologic functions,*

*including the quality and quantity of water, of these areas will be protected and, where possible, enhanced or restored through:*

- a) the identification of planning, design, and construction practices and techniques;*
- b) meeting other criteria and direction set out in the applicable watershed planning and subwatershed plans; and*
- c) meeting any applicable provincial standards, guidelines and procedures”.*

Oakridge Environmental Ltd has confirmed that the subject property is not located within a key hydrologic area, such as a significant groundwater recharge area, a highly vulnerable aquifer, or a significant surface water contribution area necessary for the ecological and hydrologic integrity of the watershed.

Section 4.2.4.1 states that where development is proposed outside a settlement area a natural heritage evaluation or hydrologic, a vegetation protection zone is required to be completed. The buffer must meet the following three criteria:

- a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;*
- b) is established to achieve and be maintained as natural self-sustaining vegetation; and*
- c) for key hydrologic features, fish habitats, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.*

As mentioned earlier, a variable-width Vegetated Protection Area (VPA) will be established, extending upland from the wetland boundary. In addition a 15 metre development setback/buffer has been recommended by ORE for all surface water features. The VPA is illustrated in Figure 8 of ORE's Environmental Impact Study Report. Open space areas are also proposed adjacent to Stoney Lake.

Section 4.2.4.5 of the 2017 Growth Plan states that infill development, redevelopment and resort development is permitted, outside of settlement areas, in developed shoreline areas of inland lakes that

are designated or zoned for concentrations of development as of July 1, 2017. This development is subject to municipal and agency planning and regulatory requirements.

The current proposal is associated with a largely developed shoreline area. The applications for approval of Plan of Condominium, Official Plan Amendment and Zoning By-law Amendment will be reviewed by the municipality, commenting agencies and approval authority in the context of current policies and regulations. It is our expectation that the Conditions of Draft Plan Approval will reflect any recommendations resulting from this review.

In terms of natural heritage features and areas, we have demonstrated through several supporting reports that the development is not expected to have a negative impact on any natural features and areas or their ecological functions. As such it is our opinion that the proposed condominium development is consistent with the applicable policies of the 2017 Growth Plan.

### **2.3 County of Peterborough Official Plan**

The proposed planning applications have been reviewed in the context of the County of Peterborough Official Plan, as amended. As previously mentioned in Section 1.1 of this report, technical studies have been completed to demonstrate that the proposed re-development of the subject property will not have a negative impact on the subject property and/or surrounding area. Technical studies included the Planning Report, Traffic Impact Statement, Preliminary Stormwater Management Report, Phase I and II Environmental Site Assessment, Stage 1, 2 and 3 - Archaeological Assessment, Hydrogeological and Site Servicing Study, and represents good planning.

Section 4 of the Official Plan relating to Watershed Strategic Components (e.g., wetlands, ANSI's, fish and wildlife habitat,) has been addressed through the completion of the EIS by ORE, as described in Section 2.1.2.1 of this report. The EIS concludes that, provided the recommended mitigation measures are implemented, the re-development of the site will result in a net gain in environmental quality overall. With respect to resource areas, it is our opinion that the subject lands are not located within a prime agricultural area or mineral aggregate resource area based on mapping available from the County of Peterborough, Land Information Ontario and others

#### **2.3.1.1.1      *Resource-based Recreation***

Although the subject lands are not located within a Settlement Area identified in Section 4.2 of the Official Plan, one of the policies of this section is pertinent to the proposed shoreline seasonal residential development. Section 4.2.3 (Policies for Settlement Areas) indicates in the 8<sup>th</sup> bullet point that:

*Where it is not feasible to locate within a settlement area, resource activities, resource-based recreation and other rural land used may be located outside of settlement areas. Commercial and seasonal residential uses which are resource activities, resource-based recreation and rural land uses which cannot be located in settlement areas may be permitted along waterfront areas designated for such land use and in conformity with relevant land use designation policies. Subdivisions and condominiums outside of settlement area boundaries for permanent residential use may be permitted in site specific locations designated for such use as of June 16, 2006 and in conformity with the relevant land use designation policies.*

This policy of Section 4.2.3 indicates that seasonal residential uses may be deemed to be resource activities. It is our opinion that the proposed development, which is entirely focussed on the shoreline of Stoney Lake and tied to recreational activities including boating, fishing, swimming and hiking is consistent with the County's policies in this regard. This is consistent with the review of Section 1.1 of the Provincial Policy Statement, outlined in Section 2.1 of this report.

#### 2.3.1.1.2 *Development Setbacks*

In accordance with the policies of Section 4.4.3, for "Shoreland Areas and the Waterfront", development along the shoreline will be set back a minimum of 30 metres from the shoreline of Stoney Lake. A 30-metre development setback is a recommendation of the Oakridge EIS. The 30-metre development setback will contribute to the Official Plan objectives and policies of protecting the natural character of the shoreline area and maintaining tree cover and vegetation along the shoreline. Further, the floodplain associated with Stoney Lake will be contained within the 30-metre buffer, shown on the Plan of Condominium, with the result that there are no natural hazards associated with the development area.

It is understood that the 30-metre setback applies to buildings on the residential lots and the associated private septic systems. The Official Plan provides an exemption of the 30-metre setback for dock facilities, water access facilities, pump houses, and minor accessory buildings and structures.

#### 2.3.1.1.3 *Form of Development*

Section 4.4.3 of the Official Plan (policies for “Shoreland Areas and the Waterfront”), 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> bullet points, address “backlot” and “cluster” developments. In particular, the 16<sup>th</sup> bullet point indicates that backlot development is only permitted by plan of subdivision or unless the local Official Plan permits otherwise. The 17<sup>th</sup> bullet point indicates that where cluster development occurs, the use of common elements condominiums and vacant land condominiums, in addition to freehold and conventional condominiums, is permitted, subject to the policies in local plans and unless a local plan directs otherwise.

Section 8.2 of the County Plan defines “backlot” and “cluster” developments. Backlot development is typically the creation of a lot or lots within Shoreland Areas, such that there are separately conveyable parcels between the lots created and the waterbody shoreline or road allowance. Cluster development is a waterfront residential development with the shoreline dedicated to communal use and protection, and designed so that lots or units for individual uses are grouped away from the shoreline and occupy a minimum portion of the total area.

The Pilgrim's Rest plan of vacant land condominium has a total of 30 units for single-detached recreational dwellings in a cluster pattern with all residential units separated from the shoreline of Stoney Lake by common element open space blocks. This design is intended to reflect the typical “cluster” form of residential development that is envisioned by the County Official Plan, notwithstanding that the residential units occupy a significant portion of the overall site. In this regard, consideration has been given to the fact that the 30 residential units will replace 87 commercial trailer sites on the property.

Consultations with County staff have indicated that the overall layout of the draft plan of condominium may have certain elements of both backlot development and cluster development, given the specific characteristics of this property and the number and location of residential units. However, the overall development concept is considered to be a cluster form of shoreline residential development. Accordingly, the proposed official plan amendment is proposing a site-specific policy to recognize the



layout of the proposed plan of condominium and to establish appropriate policies to clarify the application of County Official Plan policies for this site. In particular, the County recommends that the site-specific official plan amendment address Section 7.13.16 of the County Official Plan, which deals with the overall number of lots in a “backlot” development. This section indicates that a minimum common shoreline frontage is required to be held in one continuous parcel of 45 metres, or 10 metres for every lot not fronting on the water, whichever is greater. More than 15 backlots requires an amendment to the County Official Plan.

Section 7.13.16 is intended to apply to typical backlot development where there are both waterfront lots and other lots between the shoreline lots and the “backshore” lots. This is not the case at the Pilgrim's Rest site given that there are no water front lots, and all lots are set back from the water. Nevertheless, the proposed seasonal residential development satisfies the intent of Section 7.13.16 in that there are more than 300 metres of shoreline open space in waterfront common elements blocks (i.e., 10 metres for each of the 30 residential units). Further, the intent of Section 7.13.16 is satisfied since this policy also requires the provision of communal recreational facilities such as a dock for use by the vacant land condominium residents on common shoreline frontage. Block 1 in the draft plan of condominium is intended to provide common open space/recreational facilities including a common boat launching site (existing) and common shoreline docking facilities (also existing).

The site-specific Official Plan amendment will establish a policy that recognizes the residential development as predominantly a cluster form of development, for which access is provided by a private (condominium) road. The Special Policy is also intended to address the overall number of residential units and the layout of the plan. Refer to Section 2.4 of this report for an outline of the proposed site-specific official plan policy.

#### *2.3.1.1.4 Archaeological Assessment*

The Archaeological Assessment Report addresses requirements of Section 4.4.3 and Section 5.2.3.3 (Archaeological Resources). The Stage 1, 2 and 3 Assessments completed by NAAL identified one area as containing archaeological resources. It has been determined that the area in which these resources are located will be excluded from development and will be protected through restrictive zoning. The MTCS has accepted the archaeological assessment by NAAL.

#### *2.3.1.1.5 Hydrogeology and Site Servicing*



Hydrogeological and Site Servicing Study, prepared by ORE (dated May 24, 2017) addresses the applicable policies of Section 4.7 (Physical Services and Utilities). As described in the Study Report, twenty-seven (27) of the thirty (30) lots in the proposed development will be accessed via the campground's existing driveway off Cheboutequion Drive. The remaining three (3) lots will gain access to Cheboutequion via the existing Fire Route 24. The Fire Route, which is owned by the applicant, is identified as a common element in the proposed draft plan of condominium. The ORE report concludes that the proposed supply wells should follow the drilling and hydrofracturing program implemented during the on-site study. Given that the average well yield is quite low, some supplementary water storage will likely be necessary for the majority of the proposed lots. The Report recommends that the need for supplementary storage should be determined on an individual site basis. Water quality in all of the test wells is "reasonably good and within the expected range of values for groundwater in the study area."<sup>2</sup>

The existing wastewater treatment system on the property appears to be undersized and it is unclear whether the system is sufficiently treating effluent. Hence, the existing system is not appropriate for use to service the proposed development<sup>3</sup>. Instead, private individual sewage systems are proposed to be constructed on each of the 30 lots. The technical analysis completed by ORE concludes that the development area should be capable of supporting the development of 30 privately-serviced lots while remaining in compliance with MOECC Procedure D-5-4. Procedure D-5-4 states that the maximum allowable nitrate concentration at the site boundary must be less than or equal to 10mg/l. The existing sewage system will have to be decommissioned.

#### 2.3.1.1.6 *Stormwater Management*

The Preliminary Stormwater Management Report, prepared by Dobri Engineering, confirms that it is possible to match pre-to-post water quality requirements through lot level and conveyance measures on site. Water quantity management is not required given proximity to Stoney Lake. It is stated in the Report in Appendix B that *flooding along Jack Creek during the major storm event, will not impact the proposed development.*

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<sup>2</sup> ORE, *Hydrogeological and Site Servicing Study*, p.22.

<sup>3</sup> Ibid, p.27.

For further detail with respect to stormwater management quantity and quality control, the reader should refer to the June 24, 2017 Preliminary Stormwater Management Report prepared by Dobri Engineering, attached hereto.

#### **2.3.1.2 LAND USE COMPATIBILITY**

Section 5.5 of the County Official Plan pertains to Land Use Compatibility. Although these policies relate mainly to the protection of sensitive land uses in relation to the establishment of industrial, transportation or utility uses, a key goal of this section is to ensure that new land uses and new developments are compatible with the existing built form. In this respect, the surrounding land uses as described earlier are predominately shoreline and rural residential uses and rural lands. As such, the proposed 30-lot plan of vacant land condominium recreational dwellings will be consistent with the existing and proposed built form in this area.

#### **2.3.2 Local Plan Policies – Land Use**

The subject property, being within the Township of North Kawartha, is subject to the County of Peterborough Official Plan, and more specifically the provisions of Section 6 “Local Plan Policies – Land Use” and Section 7 “Local Plan Policies – General Development” of the County Official Plan.

The property is shown on Schedule “A3” of the Official Plan, “Land Use Plan, Township of North Kawartha”. A copy of Schedule “A3” is included as Figure 5 of this report.

The subject property is currently designated as *Recreational Commercial* and *Rural* on Schedule “A3” of the County of Peterborough Official Plan.

The *Rural* land use designation, as outlined in Section 6.2.2 of the Official Plan, would not appear to permit the proposed plan of vacant land condominium.

The *Recreation Commercial* land use designation, as outlined in Section 6.2.11 of the Official Plan, would not appear to permit the proposed vacant land condominium.

Given that the current land use designations do not recognise the proposed development of a seasonal resource-based recreational development on the subject lands, an official plan amendment is required to redesignate the lands from the *Rural* and the *Recreation Commercial* designations. The proposed

official plan amendment is intended to re-designate the subject property as *Special Seasonal Residential, Environmental Constraint Area and Provincially Significant Wetland*.

### **2.3.2.1 SEASONAL RESIDENTIAL DESIGNATION**

Section 6.2.5.3 outlines a number of general considerations for new development within the *Seasonal Residential* designation. This planning report, together with the other technical reports, address the relevant policies of Section 6.2.5.3, particularly with respect to natural environment, planning (especially for shoreline environments) and development servicing by private wells and sewage disposal systems.

Section 6.2.5.3(a) indicates that the permitted uses in *Seasonal Residential* areas and regulations for those uses shall be defined in the implementing zoning by-law. The proposed Zoning By-law amendment for this site, as described in Section 2.5 of this planning report, is intended to permit seasonal residential use of the subject property.

The *Seasonal Residential* designation, as outlined in Section 6.2.5 of the Official Plan, indicates that this designation is intended predominately for seasonal cottages. Section 6.2.5.3(c) notes that "cottage development shall be in the form of infilling or minor expansion". The proposed 30-lot plan of vacant land condominium is seen as a reduction in the number of lots compared to the 87-lot trailer park that currently exists on the site. This section also states that a limited number of cottage lots created by consent or plan of subdivision/condominium shall be permitted, subject to the policies of Sections 7.12 or 7.13.

The proposed 30-lot plan of vacant land condominium reflects the intent of this section of permitting a "limited" number of cottage lots, as it is a less intensive use than what currently exists on the subject property. Section 7.12 is not applicable to the subject applications, since this section deals with criteria for assessing consent applications. Section 7.13 is reviewed in this section of the planning report.

Section 6.2.5.3(d) states that:

*Seasonal residential areas shall be developed in groupings in order to avoid, where possible, ribbon or strip development along the lake frontage. Such groupings will be designed to improve accessibility to the lake and water-oriented activities for a greater number or cottage users ... by providing desirable open spaces.*



The entire lake shore in this development will be a common element and be accessible to all owners within the Plan.

Section 6.2.5.3(e) indicates that the Township shall neither assume private roads nor assume any liability for the lack of public road access. As noted in this report, the internal access roads will be owned and maintained as common elements of the proposed plan of vacant land condominium. While the policies of Section 6.2.5 imply that *Seasonal Residential* development may be approved with vehicular access on a private right-of-way rather than a public road, the policies of the Official Plan are not entirely specific in this regard.

Consultations with the County of Peterborough indicated that the general intent of Section 6.2.5 is to allow lots to front onto a private right-of-way, but the applicant in this case should nevertheless request a special policy provision in the proposed Official Plan amendment to clarify the issue. Accordingly, the proposed Official Plan amendment will contain a site-specific special policy to clarify that the proposed 30 residential lots and related condominium common elements may abut and have access on a private road.

Section 6.2.5.3(h) requires that permitted structures on any lots created by consent or plan of subdivision, including leaching beds of septic systems, shall be set back a minimum of 30 metres from the shoreline of any lake or minor watercourse, to ensure adequate protection from changes in the water level and flooding and to ensure maintenance of water quality and the protection of fish and wildlife habitat. The 30-metre development setback from the shoreline of Stoney Lake and Jack Creek will be incorporated into the Zoning By-law amendment for this development.

Section 6.2.5.3(j) pertains to the provision of private wells for water supply. Considerations for private water and sewage services are addressed in the ORE Hydrogeological and Site Servicing Study.

As described below and in Section 2.3.1.1.3 of this report, the proposed plan of vacant land condominium addresses the relevant policies of Section 7.13 of the Official Plan, as required by Section 6.2.5.3.

Section 7.13 of the Official Plan lists criteria for assessing plans of subdivision and condominium. The planning report and technical reports for the planning applications address the relevant provisions of Section 7.13, particularly with respect to land use compatibility, access roads (which will be private

roads developed to a standard that is acceptable to the Township), development servicing, preservation of the shoreline natural environment, and the provision of an adequate level of municipal services.

The ORE EIS addresses considerations for fish habitat protection, in accordance with Section 6.2.5.3(m). Measures such as a vegetation protection area, extending upland from the wetland boundary, to protect and buffer the wetland and shoreline areas, and a 15 metre minimum development setback from watercourses and wetland features, are proposed to protect fish habitat adjacent to the development area. The replacement of the existing, out-dated, sewage disposal system is also expected to contribute to improved water quality in the vicinity of the proposed condominium development.

#### **2.3.2.1 ENVIRONMENTAL CONSTRAINT DESIGNATION**

The *Environmental Constraint Areas* land-use designation on the subject lands apply to the inland wetland areas described in the ORE EIS report. Section 6.2.15 of the Official Plan (policies for the *Environmental Constraint Areas* Designation) indicates that the predominant use of land within this designation is the preservation and conservation of the natural environment. Uses such as outdoor recreation, forestry, conservation of soil or wildlife and passive agriculture outside of settlement areas shall be permitted where they do not aggravate an existing hazard or adversely affect the natural environment.

It is intended that the proposed official plan amendment for the site will modify the boundaries of the two *Environmental Constraint Areas* on the site to more accurately reflect the boundaries of these wetlands and establish appropriate land uses in accordance with the policies of Section 6.2.15.

#### **2.4 Details of the Proposed Official Plan Amendment**

The purpose of the proposed Official Plan amendment is to permit the proposed 30-unit plan of vacant land condominium, including residential units and common elements, together with policies to establish the form of development. The Amendment will:

1. Change the land use designation of the property from *Rural* and *Recreation Commercial* to:

- *Special Seasonal Residential* for the 30 seasonal residential units and Block 1 on the draft plan of condominium (the shoreline open space/recreational block for common facilities for the residential units);
  - *Environmental Constraint Area* for the non-significant wetlands and adjacent lands on the site including Blocks 4,5 and 6 and Block 7 (offshore island); and
  - *Provincially Significant Wetland* for the small part of the Stoney Lake Provincially Significant Wetland within Block 5.
2. Add a site-specific special policy to the proposed *Seasonal Residential* designation to address the proposed form of development and private roads.

The following is the recommended wording for the site-specific “*Special Policy Area*”:

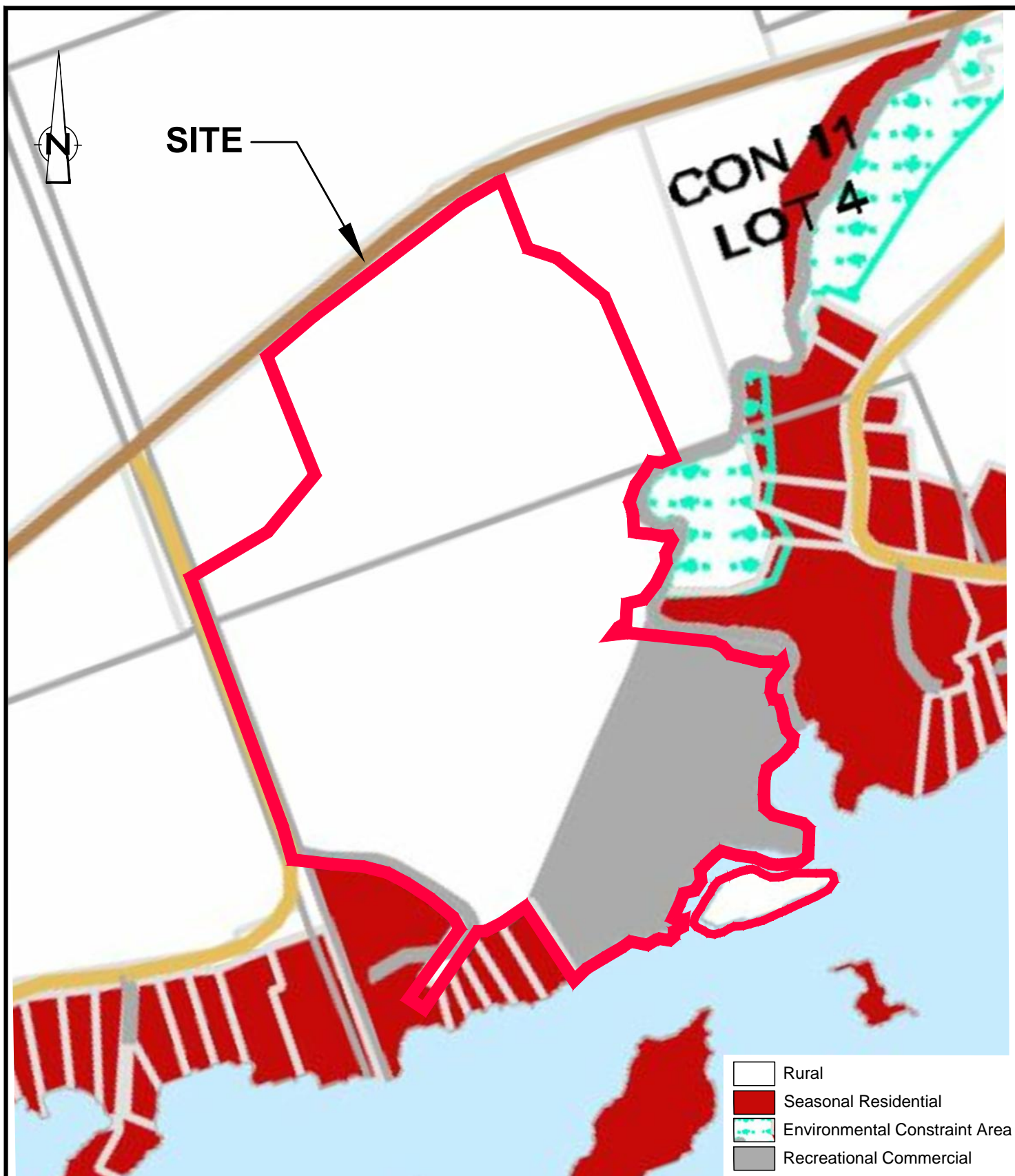
Amend the local component of the County Official Plan by adding a new subsection “(vi)” to Section 6.2.5.4(c) – Site Specific Special Policy Areas, Township of North Kawartha, to read as follows:

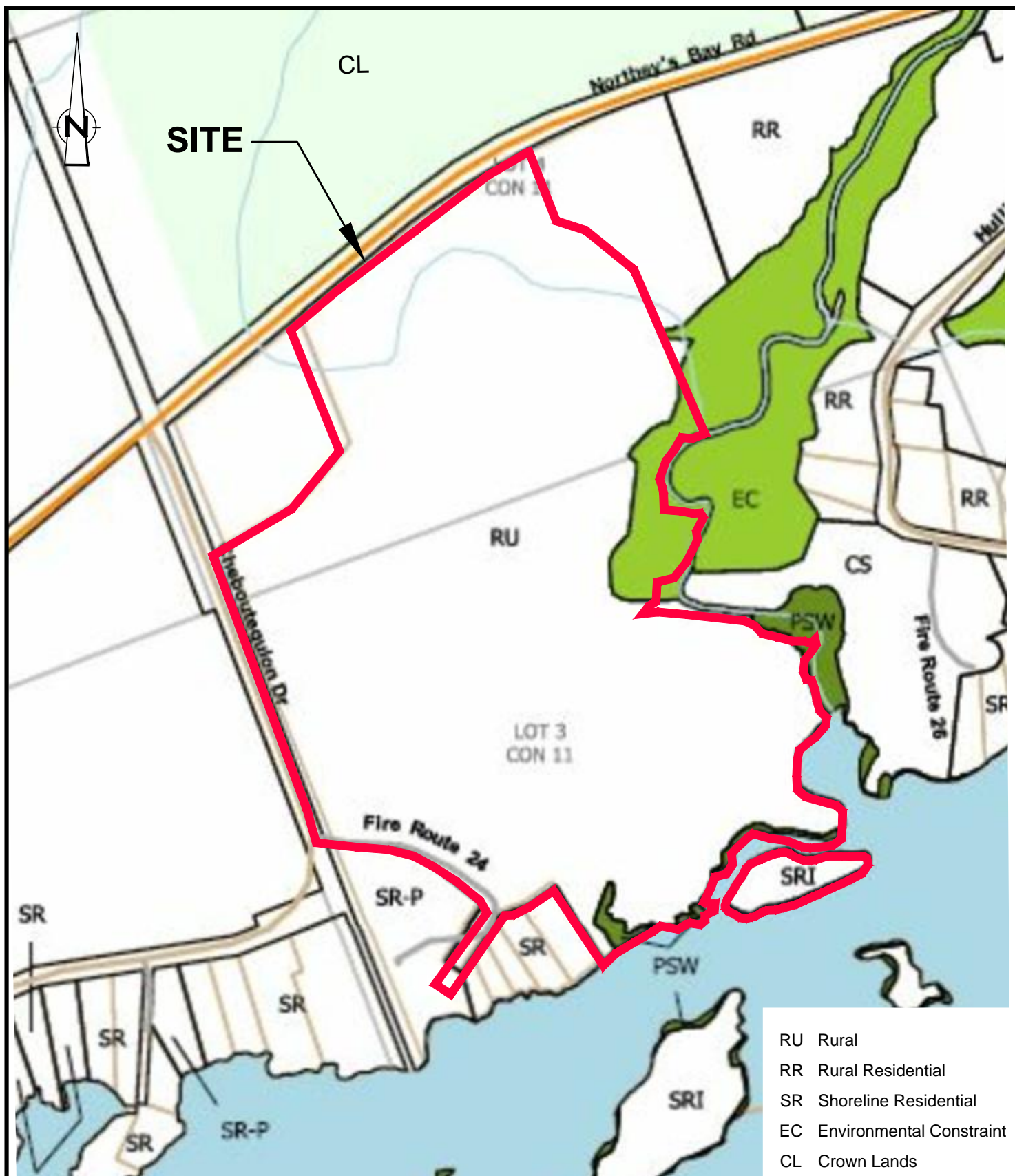
“(vi) Part of Lots 3 and 4, Concession 11 – Burleigh Ward

*Notwithstanding the provisions of Sections 6 and 7 of this Plan and any other provision of this Plan to the contrary, on lands designated Seasonal Residential in parts of Lots 3 and 4, Concession 11, as identified on Schedule “A3”, the following special provisions shall apply:*

1. *A maximum of 30 units for single detached recreational dwellings in a cluster form of development shall be permitted in a plan of vacant land condominium, together with related common element blocks for private roads and open space/recreational areas and facilities such as a beach, boat launching and docking, and conservation purposes. All residential units shall be set back from the waterfront, with the shoreline lands being in one or more common element blocks for communal use, shoreline access and protection. Communal recreational/open space facilities such as water access and docks for use by the condominium residents on common shoreline frontage shall be provided. Docking facilities shall be subject to the approval of the authority having jurisdiction.*
2. *Residential units for single detached recreational dwellings and common element blocks may be created by plan of condominium that abut and have vehicular access on privately-owned roads under the ownership and maintenance of a common elements condominium corporation established under the provisions of the Condominium Act. The private road shall be designed and maintained to a standard acceptable to the Township of North Kawartha.*









## **2.5 Planning Act – Section 51(24)**

Section 51(24) of the *Planning Act* indicates that in considering a draft plan of subdivision/condominium, consideration should be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality in which the subdivision/condominium is located. In addition to these matters, the following specific items should be considered:

- a) The effect of development of the proposed development on matters of provincial interest as referred to in Section 2 of the Act:*

This matter is addressed in Sections 2.1, 2.2 and 2.3 of this report, with respect to the applicable policies of the Growth Plan, the Provincial Policy Statement, and the County of Peterborough Official Plan.

- b) Whether the proposed plan of condominium is premature or in the public interest:*

The proposed development is not considered to be premature. The plan of condominium will not require the unplanned extension of public services, and will not create and uses that are not appropriate for the subject property or the surrounding area. The site was, until recently, occupied by a seasonal trailer park/campground. Rather, it is in the public interest that the site be redeveloped. It appears that the park's on-site sewage disposal system was substandard and located in close proximity to Stoney Lake, with the result that sewage effluent was reaching the lake. The proposed plan of condominium has been designed to ensure consistency with Provincial policy respecting natural heritage features and areas, surface and groundwater resources, municipal infrastructure, sewage, water and stormwater services, and other matters of provincial interest. Further, the low-density residential development will be compatible with surrounding land uses. Matters of public planning policy are addressed in this planning report.

- c) Whether the plan of condominium conforms to the Official Plan and adjacent plans of subdivision, if any:*

Planning considerations relating to the County of Peterborough Official Plan are outlined in Section 2.3 of this report. The applicant is requesting an amendment to the County Official Plan to permit the proposed plan of condominium.

*d) The suitability of the land for the purposes for which it is to be subdivided:*

This planning report and the other technical reports address a number of issues related to land use suitability. The subject lands are considered to be suitable for the proposed residential development. This report sets out certain recommendations with respect to the proposed Official Plan Amendment and Zoning By-law Amendment, which identify parts of the property where development should be restricted, for example, within 30 metres of the shoreline of Stoney Lake.

*e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them:*

Streets in the proposed plan of vacant land condominium have been laid out to meet an acceptable standard for vehicular access, particularly for emergency vehicle access. Requirements for detailed street design will be addressed through conditions of draft plan approval.

*f) The dimensions and shapes of the proposed lots:*

The dimensions of the proposed lots are described in this planning report and are shown on the draft plan. The lot areas are considered to be suitable for water and sewage servicing. The areas of the lots will, on average, exceed the minimum requirements of the Township Zoning By-law, as described in Section 2.5 of this report.

*g) The restriction or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land:*

This planning report and the related technical reports outline specific recommendations for the development of the proposed plan of vacant land condominium.

*h) Conservation of natural resources and flood control:*

The conservation of natural resources is addressed in the Environmental Impact Study by Oakridge Environmental Ltd. The Stormwater Management Report, prepared by Dobri Engineering, speaks to the management of any increase in stormwater flows and or possible impact on the quality of surface water runoff resulting from the development. Finally, the development is proposed to be located upland of the floodline of Stoney Lake.

*i) The adequacy of utilities and municipal services:*

As noted in Section 2.1 of this report, it is expected that the development will be sustained by existing rural service levels, including proposed private street maintenance. Hydro and telephone services will be available on the site.

*j) The adequacy of school sites:*

Given the relatively small number of seasonal dwellings that are being proposed for the subject site (a total of 30), it is not anticipated that the development would have any impact on school facilities. However, the local school boards typically comment on this matter at the time of circulation of the draft plan of vacant land condominium for agency comments.

*k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes:*

No lands are intended to be conveyed for public purposes, for example, for public parkland or open space.

*l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy:*

The large areas and orientation of the lots in the proposed plan of vacant land condominium provide opportunities for individual energy conservation design and construction initiatives.

*m) The interrelationship between the design of the proposed plan of subdivision and the site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of the Act:*

It is understood that the municipality will apply site plan control to single detached seasonal residential development.

## **2.6 Township of North Kawartha Zoning By-law No. 26-2013**

Zoning By-law No. 26-2013 is the current Comprehensive Zoning By-law for the Township of North Kawartha. This by-law indicates that the subject lands are zoned Rural (RU), with a portion of the property being identified as a Provincially Significant Wetland (PSW).

The proposed zoning for the subject property is illustrated on Figure 6 of this Report. The Figure has been designed for use by the Township as Schedule "A" to the Zoning By-law amendment. The purpose of the Zoning By-law amendment is to:

1. Change the zoning for the area proposed for development of 30 residential units and associated private roads owned and maintained by a condominium corporation from the Rural (RU) Zone to the Shoreline Residential – Exception X (SR-X) zone. The SR zone will allow one "dwelling house" on a lot. By-law No. 26-2013 defines a "recreation dwelling house" as follows:

*Recreation dwelling house means a dwelling house, containing only one dwelling unit, which is constructed and used as a secondary place of residence, for vacation and for recreational purposes.*

The Shoreline Residential (SR) Zone of By-law No. 26-2013 permits a minimum lot area of 0.5 hectares and a minimum lot frontage of 46 metres. The proposed SR-Exception Zone will allow for a reduction in both lot area and frontage.

The SR-X Zone will establish a minimum frontage of 30 metres along private road and a minimum lot area of 0.40 hectares.

The SR-X Zone will also establish a minimum setback of 30 metres for dwellings and septic systems from the shoreline of Stoney Lake and 15 metres from interior wetland areas. Section 3.31 "Water Setbacks" of Zoning By-law No. 26-2013 requires that:

*All new development and sewage system leaching beds shall be setback at least 30 metres (100 feet) from the ordinary high water marks of all water bodies.*

Section 3.31(a) also sets out certain exceptions to the 30-metre setback, including pump houses, boathouses, docks, holding tanks, septic tanks and other treatment units, provided that it can be demonstrated to the Township's satisfaction that it does not negatively affect the waterfront environment.

Finally, the SR-X zone will permit a dwelling house to be located on a lot which does not have frontage on a public street.

2. Change the zoning on Block 1, which is the proposed private open space area within the common elements condominium plan, from the Rural (RU) Zone to the Major Open Space Exception X (OS-X) Zone to permit private recreational uses associated with the SR-X Zone.
3. Change the zoning on Blocks 4, 5, 6 and 7 from the Rural (RU) Zone to the Environmental Constraint (EC) Zone to recognise and protect natural heritage features and areas and archaeological resource areas which have been identified on the subject property. The EC zone permits a Conservation Use, which is defined in the By-law as:

*"use of land for a comprehensive management and maintenance program whose goal is the preservation, protection and improvement of the components of the natural environment."*

With the above-noted Zoning By-law amendments in place, the proposed Zoning By-law amendment will have the effect of implementing the related Official Plan amendment, and will conform to the Peterborough County Official Plan, as amended.

### **3.0 Summary and Recommendations**

This planning report describes the proposed rural residential development, and provides an analysis of the application in the context of, the 2014 Provincial Policy Statement, the 2006 Growth Plan for the Greater Golden Horseshoe, and the County of Peterborough Official Plan.

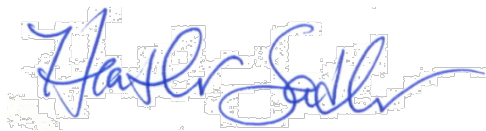
This information is intended to supplement the information requirements for the municipal planning applications as set out in Ontario Regulations 543/06 (Official Plan Amendments), 544/06 (Plans of Subdivisions), and 545/06 (Zoning By-law Amendments), under the *Planning Act*.

It is the opinion of the author that:

- The proposed residential development is consistent with the applicable provisions of the 2014 Provincial Policy Statement.
- The proposed rural residential development is consistent with the applicable provisions of the 2006 Growth Plan for the Greater Golden Horseshoe.
- The proposal conforms to the purpose and intent of the County of Peterborough Official Plan. An amendment to the County Official Plan will be required for the proposed development.
- An amendment to the Township's Comprehensive Zoning By-law will be required to permit the proposed residential development. This Planning Report sets out the details of the proposed Zoning By-law amendment.
- The proposed residential development represents good planning. The residential development will be consistent with the existing form of rural and residential development in the immediate area and will introduce a land use that will be compatible with the adjacent residential and rural uses.
- The applications for the Official Plan amendment, the plan of vacant land condominium and the Zoning By-law amendment should be approved.

Respectfully Submitted,

**ECOVUE CONSULTING SERVICES INC.**

A handwritten signature in blue ink, reading "Heather Sadler", is positioned above a horizontal line.

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





## **Appendix A**

### **Hydrogeological/Geotechnical Assessment On-Site Sewage and Water Supply Systems**

Oakridge Environmental Ltd.  
Under Separate Cover





Planning Justification Report  
Official Plan Amendment, Zoning By-law Amendment, Plan of Condominium  
Pilgrim's Rest – Township of North Kawartha  
2293040 Ontario Inc.  
August 30, 2017

## **Appendix B**

### **Traffic Impact Assessment**

Tranplan Inc.



# **Pilgrim's Rest Campground**

## **Fire Route 24 Access**

### Township of North Kawartha

# **Traffic Impact Statement**

## Final Report

*Prepared by:*

**Tranplan Associates**

PO Box 455

Lakefield, ON

K0L 2H0

[www.tranplan.com](http://www.tranplan.com)

*Prepared for:*

**Royal Homes Limited**

**Per EcoVue Consulting Services**

**August, 2016**

August 29, 2016

EcoVue Consulting Services Inc.  
311 George St. North, Suite 200  
Peterborough ON K9J 3H3

**Attn: Peter Josephs,  
Senior Planner**

Dear Sir:

**RE: Fire Route 24 Entrance Assessment - Pilgrim's Rest Campground  
2250 Northey's Bay Road, Peterborough County Road 56**

## **1.0 BACKGROUND**

In November, 2011 Tranplan Associates completed a traffic impact assessment for the proposed relocation of the site entrance to *Pilgrim's Rest Campground*. The entrance was relocated from Peterborough County Road (CR) 56 also known as Northey's Bay Road to the adjacent Cheboutequion Road (see *Exhibit 1 - Key Map*). The study was carried as part of an overall redevelopment plan for the *Pilgrim's Rest Campground* that will see the site converted from the existing seasonal campground operation to a recreational condominium development.

As part of the ongoing redevelopment plans, Tranplan Associates has been retained to complete an assessment of the current Fire Route (FR) 24 entrance to Cheboutequion Road. This entrance is now being considered as an additional access point to accommodate 3 lots in the redeveloped *Pilgrim's Rest* site as illustrated in *Exhibit 2 - Site Plan*.

## **2.0 SITE VISIT**

Tranplan Associates staff completed a site visit to the Cheboutequion Road corridor on May 18, 2016 to assess the potential use of the FR 24 access as an additional site entrance location for the redeveloped *Pilgrims Rest Campground*. The assessment consisted of the following evaluations:

### **2.1 The Posted Speed Limit**

The posted speed limit on this section of Cheboutequion Road is 40 kph. This is an acceptable speed limit for a local rural road that provides access to recreational homes in a shoreline environment. Sight line requirements that would normally be associated with an unposted rural road are normally based on 80 kph standards. In the case of Cheboutequion Road, sight lines can be based on the lower 40 kph posted speed.

## **2.2 Available Sight Distance at the FR 24 Entrance**

The sight lines for the FR 24 entrance to Cheboutequion Road were measured following current County and Ministry of Transportation Ontario (MTO) procedures for assessing turning sight distances (TSD) at entrances<sup>1</sup> to adjacent roadways. The TSD to the south around the horizontal curve (see *Exhibit 3*) was measured and found to be about 90 - 92 m. This particular sight line is limited by the horizontal curve on Cheboutequion Road south of the FR 24 entrance. If the “inside” of the curve were brushed out within the right-of-way (ROW), it would likely provide up to an additional 5 m of sight distance. It is noted that the 90 m of available stopping sight distance (SSD) will meet MTO requirements for a speed of 60 - 65 kph. The TSD was then measured to the north along Cheboutequion Road and found to be over 170 m. This sight distance is limited by a crest vertical curve north of the FR 24 entrance. The available SSD in both directions exceeds the SSD requirements for the posted speed of 40 kph.

## **2.3 The Angle of Intersection of the FR 24 Alignment**

The FR 24 alignment meets the Cheboutequion Road alignment at an angle of about 108 degrees of arc as illustrated in *Exhibit 1*. This is an acceptable angle of intersection based on current Transportation Association of Canada (TAC) criteria. The TAC standards allow road intersection angles ranging from 70 to 110 degrees of arc.

## **2.4 Future Traffic Volumes**

Cheboutequion Road is forecast to carry about 30 - 35 vehicles per hour (vph) during future summer peak hour periods. With these relatively low volumes, the Cheboutequion Road corridor will be able to accommodate additional traffic from 3 new lots in the south portion of the *Pilgrim's Rest* development. These lots are proposed to front directly onto FR 24 as illustrated in *Exhibit 2 – Concept Plan*. *Exhibit 2* illustrates a concept plan that is an ongoing working draft.

## **2.5 The FR 24 Corridor**

Fire Route 24 has a rural cross-section with a 4.0 m gravel platform from the vicinity of a potential Pilgrim's Rest access point to the intersection with Cheboutequion Road. The alignment of FR 24 from this potential access location to Cheboutequion Road is relatively straight with a uniform grade line (see *Exhibit 4*). The overall FR 24 cross-section and geometrics should be assessed against current Township standards to determine if any geometric improvements might be required to bring FR 24 up to Township standards for a private recreational access road.

---

<sup>1</sup>

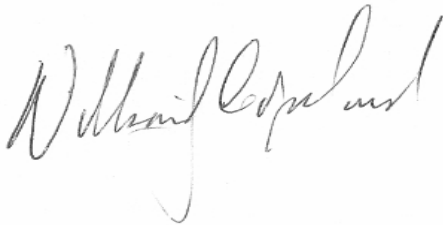
See “Visibility”, pg. 2 and Table 1 pg.6, Commercial Site Access Policy and Standard Designs, MTO, 1994.

### 3.0 CONCLUSIONS AND RECOMMENDATIONS

Fire Route 24 and its intersection with Cheboutequion Road will provide acceptable access for 3 new lots to be located in the southern portion of the proposed *Pilgrim's Rest* development. This conclusion is supported with a set of field observations and measurements described above in *Section 2.0*. The FR 24/Cheboutequion intersection has sufficient turning sight distance for drivers to select acceptable gaps in Cheboutequion Road traffic stream. Cheboutequion Road has sufficient residual traffic capacity to accept any additional traffic from the 3 lots in the *Pilgrim's Rest* development that will utilize the FR 24 access.

On behalf of Tranplan Associates I would like to thank you for the opportunity to work with your study team on this project. If we can be of any further assistance please contact me at your convenience.

Yours truly,



William Copeland, P.Eng.

WJC/tlg

# EXHIBITS



# Exhibit 1

## Key Map - Pilgrim's Rest





# Exhibit 2 Concept Plan

Lot #	Area (ha)	Road Frontage (m)
1	0.44	59.6
2	0.56	59.0
3	0.51	78.2
4	0.55	48.2
5	0.55	46.3
6	0.66	39.7
7	0.57	59.5
8	0.57	59.5
9	0.57	42.9
10	0.50	42.8
11	0.51	42.4
12	0.53	48.8
13	0.52	51.7
14	0.50	51.7
15	0.53	51.9
16	0.46	66.8
17	0.44	51.9
18	0.46	42.3
19	0.47	42.3
20	0.46	59.2
21	0.50	59.5
22	0.51	57.6
23	0.52	39.7
24	0.51	39.7
25	0.51	39.4
26	0.49	52.4
27	0.43	64.3
28	0.41	40.7
29	0.50	40.7
30	0.52	42.4

**Legend**

**Existing Features**

- Property Boundary
- Approximate Flood Elevation (235.95' msl)
- Provincially Significant Wetland (MNR)
- Wetland Boundary (OPR, 2013)
- Environmental Buffer
- Existing Well Location (with 15 m buffer)

**Proposed Features**

- Proposed Well Location (with 15 m buffer)
- Proposed Building Envelope
- Proposed Fully-Raised Conventional Sewage Disposal System with Manhole (based on 2000 L/day, T = 10 min/cm)
- Property Setbacks (9.0m for exterior side, front and rear yards, 4.5m for interior side yards)



**3 Lots with Access  
To FR 24**



PROJECT NO: 14-1468  
DATE: July 29 2016  
HORIZ. SCALE: 1:1,500

## Concept Plan Pilgrims Rest Condominium

Part of Lot 3 and 4 Concession 11  
Burleigh Ward, Township of North Kawartha

## Exhibit 3 FR 24 Intersection

Sight Distance Looking South  
Along Cheboutequion Drive



Ma

Sight Distance Looking North  
Along Cheboutequion Drive

Possible Additional Access



Cheboutequion Drive



## **Exhibit 4 Fire Route 24**

**Looking West towards  
Cheboutequion Drive**



Peterborough County Cr  
Main Entrance

**Looking East towards  
Pilgrim's Rest Lots**



Possible Additional Access

Cheboutequion Dr.



Planning Justification Report  
Official Plan Amendment, Zoning By-law Amendment, Plan of Condominium  
Pilgrim's Rest – Township of North Kawartha  
2293040 Ontario Inc.  
August 30, 2017

## **Appendix C**

### **Preliminary Stormwater Management Report**

**Dobri Engineering Ltd.**  
**Under Separate Cover**



## **Appendix D**

### **Archaeological Assessment – Stage 1 and 2**

Northeastern Archaeological Associates Ltd.  
Letter from MTCS

**Ministry of Tourism, Culture and Sport**

Archaeology Programs Unit  
Programs and Services Branch  
Culture Division  
401 Bay Street, Suite 1700  
Toronto ON M7A 0A7  
Tél.: (807) 475-1628  
Email: Paige.Campbell@ontario.ca

**Ministère du Tourisme, de la Culture et du Sport**

Unité des programmes d'archéologie  
Direction des programmes et des services  
Division de culture  
401, rue Bay, bureau 1700  
Toronto ON M7A 0A7  
Tél. : (807) 475-1628  
Email: Paige.Campbell@ontario.ca



Feb 11, 2016

Lawrence Jackson (P025)  
Northeastern Archaeological Associates Ltd.  
PO BOX 493 Port Hope ON L1A 3Z4

**RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT OF PILGRIM'S REST CAMPGROUND PROPERTY, PART LOT 3 and 4, CONCESSION 11, TOWNSHIP OF NORTH KAWARTHA, PETERBOROUGH COUNTY, ONTARIO", Dated Feb 3, 2015, Filed with MTCS Toronto Office on Feb 18, 2015, MTCS Project Information Form Number P025-249-2012, MTCS File Number 0004194**

Dear Dr. Jackson:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c 0.18.<sup>1</sup> This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 Standards and Guidelines for Consultant Archaeologists set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Map 10.3 of the above titled report and recommends the following:

Site BdFm-22 as identified during this assessment, is limited to a small island off shore from the main development area as identified in the Supplementary Documentation Package. Artifact quantities within the intensification units, as well as possible future use of the island necessitate the recommendation of a Stage 3 Archaeological Assessment. Stage 3 Assessment in the case of BdFm-22 would consist of the hand excavation of 1m<sup>2</sup> units in a 5 metre grids centered on the areas identified during Stage 2 assessment, and extending into the area between. Hand excavation and recording would follow standards outlined in Section 3.2.2 of the Standards and Guidelines for Consultant Archaeologists (MCTS 2011). Extent of excavation will be determined by artifact counts, the presence of any diagnostic artifacts, and the presence of cultural features. Additional excavation in the form of 1m<sup>2</sup> units totalling 20% of the initial grid total would be excavated in areas of interest (ie. high artifact concentrations, significant percentages of diagnostics, etc.) (Table 3.1, Section 3.2.3, MCTS 2011).

The geographically closest First Nation, the Curve Lake First Nation, has been contacted regarding the site discovery, and will be consulted prior to and throughout any further archaeological assessment.



Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Paige Campbell  
Archaeology Review Officer

cc. Archaeology Licensing Officer  
Pieter Venema, 2293040 Ontario Ltd./Pilgrims Rest Campground  
Jim Sangster, Township of North Kawartha

<sup>1</sup>In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



Planning Justification Report  
Official Plan Amendment, Zoning By-law Amendment, Plan of Condominium  
Pilgrim's Rest – Township of North Kawartha  
2293040 Ontario Inc.  
August 30, 2017

## **Appendix E**

### **Stage 3 Archaeological Assessment**

Northeastern Archaeological Associates Ltd.  
Under Separate Cover

**Ministry of Tourism, Culture and Sport**

Archaeology Programs Unit  
Programs and Services Branch  
Culture Division  
401 Bay Street, Suite 1700  
Toronto ON M7A 0A7  
Tel.: (807) 475-1628  
Email: Paige.Campbell@ontario.ca

**Ministère du Tourisme, de la Culture et du Sport**

Unité des programmes d'archéologie  
Direction des programmes et des services  
Division de culture  
401, rue Bay, bureau 1700  
Toronto ON M7A 0A7  
Tél. : (807) 475-1628  
Email: Paige.Campbell@ontario.ca



Nov 21, 2016

Lawrence Jackson (P025)  
Northeastern Archaeological Associates Ltd.  
PO BOX 493 Port Hope ON L1A 3Z4

**RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 3 ARCHAEOLOGICAL ASSESSMENT OF BdGm-22, THE PILGRIM'S REST ISLAND SITE, PART LOT 3, CONCESSION 11, GEOGRAPHIC TOWNSHIP OF BURLEIGH, PETERBOROUGH COUNTY, ONTARIO", Dated Oct 24, 2016, Filed with MTCS Toronto Office on Nov 2, 2016, MTCS Project Information Form Number P025-0491-2015, MTCS File Number 0004194**

Dear Dr. Jackson:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c 0.18.<sup>1</sup> This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 Standards and Guidelines for Consultant Archaeologists set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Map 10.3 and the supplementary document of the above titled report and recommends the following:

Diagnostic material which recovered from the site BdGm-22 suggests an Archaic-Period median date with a possible Late Paleo-Indian component. Later components are possible but not substantiated by diagnostics. The early date, as well as high artifact counts in the central site area, and a relatively undisturbed context means that BdGm-22 meets the requirements for Stage 4 mitigation as per Section 3.4 (MTCS 2011):

1. The following site types always require Stage 4 mitigation:

- c. Paleo-Indian archaeological sites {shows the earliest human occupation of the province), regardless of size or artifact yield
- d. large, dense lithic scatters (very high yields of artifacts per unit)

As well as Table 3.2 of Section 3.4.3 “Indicators showing cultural heritage value or interest”, in regards to site rarity, productivity, and integrity.

If Avoidance and Protection of the site is pursued long-term protection of the site area in the form of a protective zoning amendment or other protective covenant must be implemented. Avoidance would require a 10m buffer beyond established site limits which would be fenced and communicated to all construction personnel (Section 4.1, MTCS 2011). Site limits and buffer setbacks cover the entire central portion of the island as illustrated in Map 3 of the Supplementary Documentation.

If Stage 4 Excavation and Removal is pursued block excavations should be undertaken in accordance with Section 4.2 of the Standards and Guidelines for Consultant Archaeologists (MTCS, 2011). In the case of BdGm-22, the presence of an Early Archaic/Paleo-Indian site would necessitate the use of 3mm mesh on a portion of the excavation units as per Standard 5, Section 4.2.2 (MTCS 2011). Any Stage 4 mitigation must take place with full consultation and cooperation of local First Nations.

At this time the proponent has elected avoid and protect the site by removing the island containing BdGm-22 from the development area completely, and forgoing further development in this area. A statement to this effect from the proponent’s attorney is attached to this report as Appendix D.

Due to the physical barrier represented by the sites location on a small island there is no danger of accidental disturbance by construction machinery, and fencing and monitoring should not be necessary. If any future development outside the site area but within the island is proposed, it is recommended that the buffer area be fenced as illustrated in Supplementary Map 5 and a licensed archaeologist be retained to undertake Stage 4 monitoring of the construction area.

Based on these conditions it is recommended that the development area of the property (now limited to the mainland), not be subject to any further archaeological assessment.

A letter from Curve Lake First Nation confirming their satisfaction with the Stage 3 assessment and their involvement is included as Appendix C, as well as in the Supplementary Documentation Package.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Paige Campbell  
Archaeology Review Officer

cc. Archaeology Licensing Officer  
Pieter Venema, 2293040 Ontario Inc. / Pilgrim's Rest Campground  
Jim Sangster, Township of North Kawartha

<sup>1</sup>In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



Planning Justification Report  
Official Plan Amendment, Zoning By-law Amendment, Plan of Condominium  
Pilgrim's Rest – Township of North Kawartha  
2293040 Ontario Inc.  
August 30, 2017

## **Appendix F**

### **Environmental Impact Study and Addendum**

Oakridge Environmental Ltd.  
Under Separate Cover





## **Appendix G**

### **Minimum Distance Separation Calculations**

Clark Consulting Services (2015)  
EcoVue Consulting Services Inc. (2017 Update)



## Minimum Distance Separation I

Pilgrim's Rest

Prepared By: Ruth Tregenza, Planner, EcoVue Consulting Services Ltd.

### Description:

**Application Date:** Wednesday, January 25, 2017

**Municipal File Number:**

**Proposed Application:** Other Type B land use  
Type B Land Use

### Applicant Contact Information

Peter Venema

### Location of Subject Lands

County of Peterborough, Township of North Kawartha  
BURLEIGH, Concession: 11, Lot: 3

Roll Number: 153602000311500

**Calculation Name:** *Barn A*

### Description:

### Farm Contact Information

Barn A  
2145 Northeys Bay Road  
North Kawartha, ON, Canada

### Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of North Kawartha  
BURLEIGH, Concession: 11, Lot: 3

Roll Number: 153602000304420

Total Lot Size: 10.15 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	5	5.0	116 m <sup>2</sup>

**Existing Manure Storage:** No storage required (manure is stored for less than 14 days)

**Design Capacity (NU):** 5.0

**Potential Design Capacity (NU):** 5.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	150	X	0.7	X
				2.2	=
				162 m (531 ft)	TBD

Storage Base Distance 'S'  
(minimum distance from manure storage)

**No storage present**

### Preparer Information

Ruth Tregenza  
Planner  
EcoVue Consulting Services Ltd.  
311 George St. North  
Suite 200  
Peterborough, ON, Canada K9J 3H3  
Phone #1: 705-876-8340  
Email: rtregenza@ecovueconsulting.com

Signature of Preparer: \_\_\_\_\_

*Ruth Tregenza*  
Ruth Tregenza, Planner

Date: \_\_\_\_\_

*Jan 25, 2017*

### NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Mr. Pieter Venema  
2293040 Ontario Inc.  
Royal Homes Limited  
PO Box 370  
213 Arthur Street  
Wingham, Ontario N0G 2W0

*Email: pieter.venema@royalhomes.com*  
*Phone: 519.241.2863*

February 15, 2013

Re: Minimum Distance Separation I Formulae Report  
CCS Project No. 1628

Dear Mr. Venema:

Thank you for choosing Clark Consulting Services (CCS) to complete a Minimum Distance Separation (MDS) calculation for property in North Kawartha Township. We trust this completes the task as requested.

We have prepared an MDS I Type B report and calculations for property at Part of Lots 3 and 4, Concession 11, (Burleigh - South Division), Township of North Kawartha. The subject land is located in a non-farming area and is approximately 36 hectares. The land is used as a trailer park known as Pilgrim's Rest. We have used information supplied by Mr. Peter Josephs, available mapping for the area, and a site visit on February 12, 2013. We understand that you are proposing to develop the property as a multi residential use, which MDS considers a Type B use, and so we have reviewed an area up to 2,000 metres from the boundaries of your property.

In preparing this letter, CCS have referred to the MDS Training Manual and the MDS Implementation Guidelines as published by OMAFRA. MDS Guideline 6 requires MDS to be applied when an existing livestock facility may reasonably be expected to be impacted by a development proposal.

**Barns within 2,000 metres**

During the site visit, and following a review of air photos of the area, six barns were noted and analysed to determine if they are livestock facilities. These six barns will be called Barn A to Barn F and their locations are shown on the sketch attached to this letter. We have prepared MDS I Type B calculations for 4 of these barns.



### **Tillable Land**

The MDS Guidelines define tillable hectares as land which can be worked or cultivated to grow crops. During the site visit it was noted that land use in this area is not suited to cultivation and so no tillable hectares are included in any of the calculations.

### **Barn A:**

Barn A is located at 2145 Northeys Bay Road, west of the subject property. The barn is part of a group of structures including a house, barn, shelters and sheds. There are areas which could be small paddocks for horses. It would appear that this property could house up to 5 medium frame horses. No tillable land was seen and so the resulting MDS setback is 162 metres, with an actual setback of 488 metres to the closest point of the subject land.

### **Barn B:**

Barn B located immediately north of the house used as the entrance gate park office and east of Cheboutequion Dr. This is a small wooden structure which appears reasonably new and is single storey with an estimated working head clearance height of 7 to 10 feet. No animals were seen during the site visit, and so the structure could be considered a vacant barn. A paddock area was seen on two sides of the building.

The MDS Training Manual discusses how empty buildings should be evaluated and whether they generate MDS setbacks. MDS Guideline 2 exempts certain structures, such as field shade shelters and kennels, empty or otherwise. The Manual presents two tests, and a building generating an MDS setback must satisfy both of these tests. The first is that the building should be structurally sound and the second asks if the building is reasonably capable of housing livestock or storing manure. Since this area is not predominately a farming area, and neither livestock nor manure piles were noted at any location during the site visit, the building should be evaluated as to its ability to house animals.

The building appears reasonably new and seems well constructed, and so passes the first test.

The second test requires consideration of a number of factors. The Manual lists ten key elements to consider in evaluating barns.

#### **1. The Foundation.**

There does not appear to be a foundation to this building

#### **2. The Walls**

These appear to be in good condition

#### **3. The Roof**

This appears to be in good condition





4. Internal Structure Issues

This generally refers to the condition of beams, posts and rails, and if they are weakened from rot, vermin or age. It is unlikely that this structure would have any of these issues.

5. Barn Location:

The building is located close to the property line and close to the residence used as the Park Office. Expansion of the building is unlikely and would probably require the removal of trees.

6. The Size and Shape of the Barn:

The MDS Training Manual suggests a review of the size and shape of the barn as part of the determination of this as a livestock facility. It says, "The size and shape of the barn can easily influence it's potential use. Smaller barns that cannot easily be expanded may be desirable for small hobby operations, but perhaps not suitable for someone with the intent to pursue a commercial operation. The purpose and type of farming operation being proposed will influence the size and shape of a barn. Key questions to ask are:

*Is the barn small for the type of livestock typically housed in that type of barn?*

The building shape and style appear to be that of a central garage style building with closed lean-to buildings on either side. These are single storey construction and may be suited to limited feed storage and equipment storage. During the site visit the south and west sides of the building could be seen, and these two sides do not have windows, indicating that at least part of the building would not be used as housing. There are doors on the south side which would allow ventilation, provide an entrance, and allow clean out of the building. No ventilation fans or units were seen. No manure storage areas or piles were seen.

Considering the building size, if it was to be used as animal housing, it would better suit a limited number of small animals, such as chickens. No evidence was seen that small animals are commonly housed here.

Electric fence tape was seen extending from the building and appeared to create a paddock to the north and east sides. This type of tape is used most often where large animals are kept, including horses and cattle.

*Is the barn one-story without any spot for hay or straw storage? (If required for the type of livestock likely to be housed within the barn)*

The appearance of this building is that there could be space to provide temporary shelter during a storm but is not suited for permanent housing of large animals. Doorways appear to be approximately 6 to 8 feet high and so access for large animals would be very occasional.

*Is the barn narrow (less than 25' wide)?"*

The centre portion of the barn is narrow (less than 25 feet).





7. When was the Barn last used for Livestock

It is not obvious that the barn has ever been used to house livestock.

8. Era of Barn

The building appears newer.

9. Current use of the Barn

Often we would consider if stalls and stanchions have been removed, and if the current use of the barn has required the removal of essential elements, such as water supply and electrical feed. The size of the barn indicates the installation of stalls and stanchions would not be practical.

10. Other Livestock Facilities and Related buildings On Site

There is a house and shed on site, but no other buildings which appear to be intended to house livestock.

The building does not appear to pass the second test.

MDS Guideline 14 says that "MDS is not applied to portions of the livestock facility where livestock are not normally present for a long enough time for substantial amounts of manure to accumulate". This includes feed areas, bins, and feed preparation areas.

In reviewing this structure it is apparent that the paddock and building are intended to be used for the keeping and care of one or two horses. There are two carts stored outside close to the building which are of the type that horses would pull. There are also ornaments hung on the building depicting horses. MDS is clear that not all buildings and areas of buildings where animals have access are livestock facility areas. It is also clear that restrictions of scale and location may indicate that a vacant building is not an actual livestock facility. The lot is not a farming type of property and has a newer residential home built close to the building. From this analysis it would appear that one or two horses could be readily kept on this property but not permanently housed in the building.

Since pasture or paddock land does not generate an MDS setback, and building areas where animals are not housed for long enough to generate substantial amounts of manure do not apply, this building should not be considered a Livestock Facility, and so no MDS setback is generated.

**Barn C:**

Barn C is set on the north side of Hulls Road. This is an older style wooden barn which appears capable of housing livestock. A full evaluation of this barn is not required to determine its capability. MDS Guideline 12 directs that where four or more existing non-farm uses are closer to the subject livestock facility and in immediate proximity to the current application, MDS I will not be applied. The area between the barn and the application lands is populated with residences, with approximately 12 homes. If Guideline 12 were not to apply the actual distance between the barn



and subject lands (230 metres) is greater than the setback generated by up to 5 medium frame horses (162 metres).

**Barn D:**

Barn D is set north of Hulls Road east of Barn C. The same considerations apply to this barn as to Barn C, and so the application is not affected by this barn.

**Barn E:**

Barn E is an older, green painted wooden barn on Hulls Road just south of Northeys Bay Road. This barn is vacant but may be capable of housing a limited number of small livestock or horses. The setback generated by up to 5 medium frame horses is 162 metres and the actual setback between the barn and application lands is greater than 400 metres.

**Barn F:**

At the limit of the 2,000 metre review area, on the west side of Regional Road 6 north of Northeys Bay Road, is a small and vacant livestock facility. Based on the size of the barn it is too distant from the application lands to generate an MDS which would affect the proposal.

MDS requires a review of lands within 2,000 metres of the application. The subject property sits on the north shore of Upper Stoney Lake. The south shore is within 2,000 metres and so lands around South Bayshore Road W are within the review area. There are seasonal and permanent homes along the south shore. The land around the homes are a mix of trees, wet areas and rocky areas. No livestock facilities capable of generating setbacks of 1,500 metres or more were seen.

**Summary**

In reviewing MDS documents, information supplied, available aerial mapping, and information from a site visit on February 12, 2013, we have located a possible 6 barns within the 2,000 metre review area of your development application. These barns are vacant but could be used to house or provide feed preparation and tack storage for horses.

All of the locations noted are set away from the application lands at distances between 230 and 1,900 metres except for one. No barns have tillable hectares attached to them. The setback generated by up to 5 medium frame horses is 162 metres.

Adjacent to the park office building is a smaller wooden structure which is ideal for storing feed and tack for two horses. It is not well suited to housing horses but is of a size that would allow animals to shelter if required. Paddocks and pasture are not subject to MDS and limited use of this building would not generate substantial amounts of manure. Based on the site visit and the MDS Training Manual this building does not generate an MDS I setback.

Each of the above barns have been reviewed to determine if an MDS I calculation is required. Calculations have been done for each of the qualifying barns and the resulting setbacks are shown



on the accompanying MDS sketch. This graphically shows that your application meets the requirements of MDS. The MDS Calculation Sheets, MDS Sketch and this MDS Letter should be submitted as part of your application.

In considering the above, we respectfully request that the Municipality accepts this analysis of the Minimum Distance Separation.

If you have any comments or questions, please do not hesitate to contact us.

Sincerely,



Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE  
President

cc: Mr. Peter Josephs

Attached:

- MDS Sketch
- MDS Calculations
- Photo, Barn B

z:\1628-Pilgrim's Rest MDS\MDSLetter.wpd

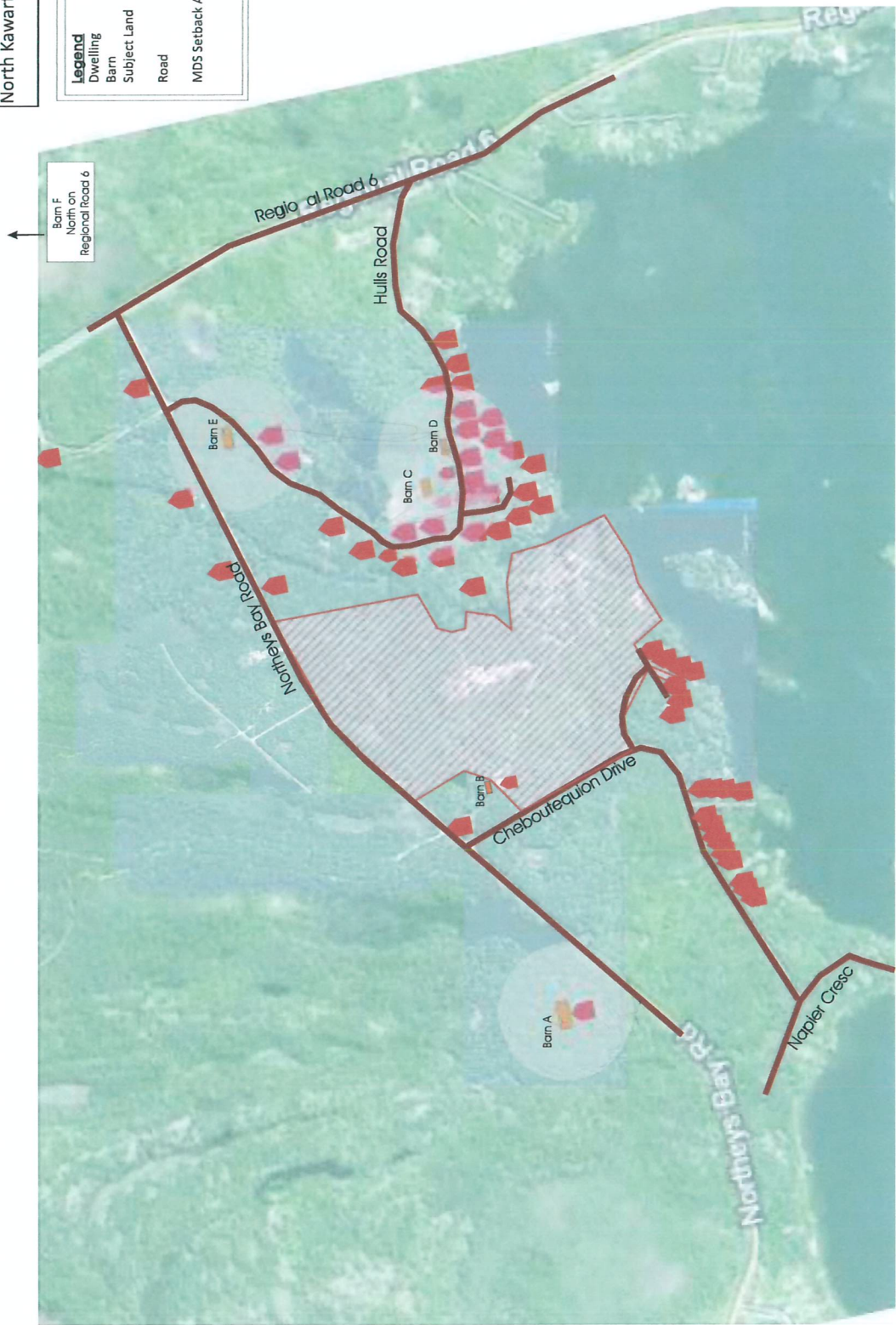




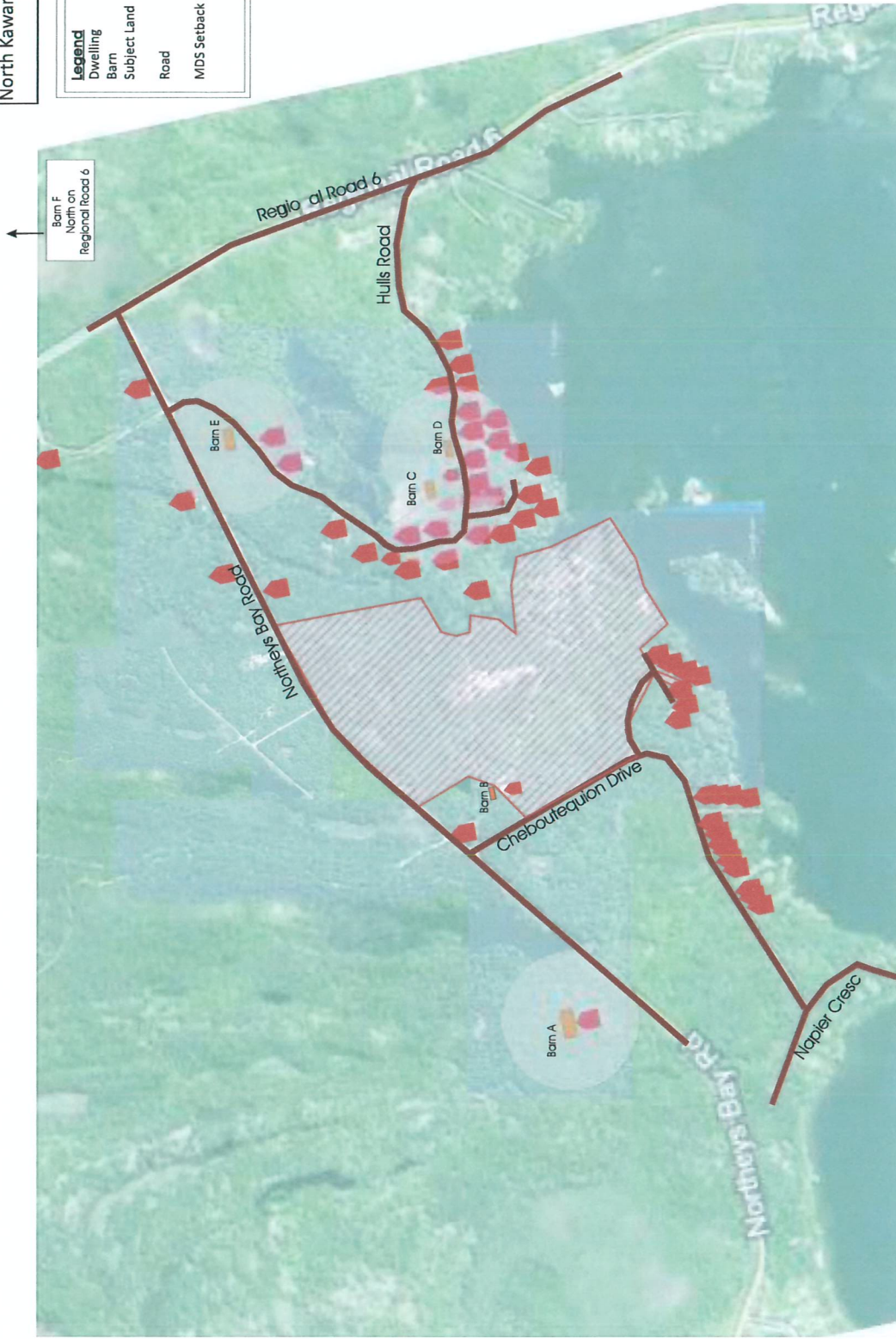
**Pilgrim's Rest - MDS I Type B**  
 Lots 3 & 4, Con 11, Burleigh,  
 North Kawartha Township

**Legend**

- Dwelling
- Barn
- Subject Land
- Road
- MDS Setback Arc



**Pilgrim's Rest - MDS I Type B**  
 Lots 3 & 4, Con 11, Burleigh,  
 North Kawartha Township





# Minimum Distance Separation I (MDS I) Report

File: MDS mds

MDS 1.0.2  
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Application Date: 15-Feb-2013

File Number: 1628 Pilgrim's Rest

## Preparer Information

Hugh Stewart  
Clark Consulting Services  
52 John Street  
Port Hope, ON, Canada L1A 2Z2  
Phone #1: 905 885.8023  
Fax: 905 885.4785  
Email: hugh@clarkcs.com

## Applicant Information

Pieter Venema  
North Kewartha

County of Peterborough  
Township of North Kewartha  
Geotownship: BURLEIGH  
Concession: 11  
Lot: 3

## Barn A

2145 Northeys Bay Road

## Adjacent Farm Contact Information

Barn A  
North Kewartha  
2145 Northeys Bay Road  
ON, Canada

## Farm Location

County of Peterborough  
Township of North Kewartha  
Geotownship: BURLEIGH  
Concession: 11  
Lot: 3

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	5	5.0	116 m <sup>2</sup>

Encroaching Land Use Factor: Type B Land Use

Tillable area of land on this lot: 0 ha

Manure/Material Storage Type: No storage required (manure/material is stored for less than 14 days)

Factor A (Odour Potential): 0.7  
Factor B (Nutrient Units): 150  
Factor D (Manure/Material Type): 0.7  
Factor E (Encroaching Land Use): 2.2  
Total Nutrient Units: 5

Required Setback      Actual Setback  
162 m (531 ft)  
No existing storage

Distance from nearest livestock building 'F' (A x B x D x E):  
Distance from nearest permanent manure/material storage 'S':

Signature of Preparer:

  
Hugh Stewart, Clark Consulting Services

Date:

Feb 15-2013

## NOTE TO THE USER

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



# Minimum Distance Separation I (MDS I) Report

File: MDS.mds

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Barn C  
148 Hulls Road

Adjacent Farm Contact Information  
Unspecified  
148 Hulls Road  
ON, Canada

Farm Location  
County of Peterborough  
Township of North Kawartha  
Geotownship: BURLEIGH  
Concession: 11  
Lot: 3

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Horses, Medium-framed, mature, 227 - 680 kg (including unweaned offspring)	5	5.0	116 m <sup>2</sup>

Encroaching Land Use Factor: Type B Land Use

Tillable area of land on this lot: 0 ha

Manure/Material Storage Type: No storage required (manure/material is stored for less than 14 days)

Factor A (Odour Potential): 0.7  
Factor B (Nutrient Units): 150  
Factor D (Manure/Material Type): 0.7  
Factor E (Encroaching Land Use): 2.2  
Total Nutrient Units: 5

Distance from nearest livestock building 'F' (A x B x D x E):

Distance from nearest permanent manure/material storage 'S':

Required Setback  
162 m (531 ft)  
No existing storage

Actual Setback

Signature of Preparer:

  
Hugh Stewart, Clark Consulting Services

Date: Feb 15, 2013

## NOTE TO THE USER

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# Minimum Distance Separation I (MDS I) Report

File: MDS.mds

MDS 1.0.2

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Barn D

Hulls Road

## Adjacent Farm Contact Information

Unspecified  
Hulls Road  
ON, Canada

## Farm Location

County of Peterborough  
Township of North Kawartha  
Geotownship: BURLEIGH  
Concession: 11  
Lot: 3

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Horses, Medium-framed, mature, 227 - 680 kg (including unweaned offspring)	5	5.0	116 m <sup>2</sup>

Encroaching Land Use Factor: Type B Land Use

Tillable area of land on this lot: 0 ha

Manure/Material Storage Type: No storage required (manure/material is stored for less than 14 days)

Factor A (Odour Potential): 0.7  
Factor B (Nutrient Units): 150  
Factor D (Manure/Material Type): 0.7  
Factor E (Encroaching Land Use): 2.2  
Total Nutrient Units: 5

Distance from nearest livestock building 'F' (A x B x D x E):

Distance from nearest permanent manure/material storage 'S':

Required Setback  
162 m (531 ft)

Actual Setback

No existing storage

Signature of Preparer:

  
Hugh Stewart, Clark Consulting Services

Date:

Feb 15, 2013

## NOTE TO THE USER

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



# Minimum Distance Separation I (MDS I) Report

File: MDS.mds

MDS 1.0.2  
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Barn E  
Hulls Road

Adjacent Farm Contact Information  
Unspecified  
Hulls Road  
ON, Canada

Farm Location  
County of Peterborough  
Township of North Kawartha  
Geotownship: BURLEIGH  
Concession: 11  
Lot: 3

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Horses; Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	5	5.0	116 m <sup>2</sup>

Encroaching Land Use Factor: Type B Land Use

Tillable area of land on this lot: 0 ha


Manure/Material Storage Type: No storage required (manure/material is stored for less than 14 days)

Factor A (Odour Potential): 0.7  
Factor B (Nutrient Units): 150  
Factor D (Manure/Material Type): 0.7  
Factor E (Encroaching Land Use): 2.2  
Total Nutrient Units: 5

Distance from nearest livestock building 'F' (A x B x D x E):  
Distance from nearest permanent manure/material storage 'S':

Required Setback  
162 m (531 ft)  
Actual Setback  
No existing storage

Signature of Preparer:

  
Hugh Stewart, Clark Consulting Services

Date: Feb 15-2013.

## NOTE TO THE USER

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.





Pilgrim's Rest - MDS I Type B  
Photograph of Barn B  
Lots 3 & 4, Con 11, Burleigh,  
North Kawartha Township



Photograph of Barn B looking North, with newer home in background.





## Appendix H

### Proposed Official Plan Amendment Wording

EcoVue Consulting Services Inc.

## Pilgrim's Rest OPA Wording

### (vi) Part of Lots 3 and 4, Concession 11 – Burleigh Ward

Notwithstanding the provisions of Sections 6 and 7 of this Plan and any other provision of this Plan to the contrary, on lands designated Seasonal Residential in parts of Lots 3 and 4, Concession 11 – Burleigh Ward, as identified on Schedule "A3", the following special provisions shall apply:

1. A maximum of 30 units for single detached recreational dwellings in a cluster form of development shall be permitted in a plan of vacant land condominium, together with related common element blocks for private roads and open space/recreational areas and facilities such as a beach, boat launch and docking, and conservation purposes. All residential units shall be setback from the waterfront, with the shoreline lands being in one or more common element blocks for communal use, shoreline access and protection. Communal recreational/open space facilities such as water access and docks for use by the condominium residents on common shoreline frontage shall be provided. Docking facilities shall be subject to the approval of the authority having jurisdiction.
2. Residential units for single detached recreational dwellings and common element blocks may be created by plan of condominium that abut and have vehicular access on privately-owned roads under the ownership and maintenance of a common elements condominium corporation established under the provisions of the *Condominium Act*. The private road shall be designed and maintained to a standard acceptable to the Township of North Kawartha.



# **Appendix I**

## **Proposed Wording for Zoning By-law Amendment**

### **Text and Schedule**

#### **EcoVue Consulting Services Inc.**

**THE CORPORATION OF THE  
TOWNSHIP OF NORTH KAWARTHA**  
**BY-LAW NO. \_\_\_\_\_**

---

**BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13, AS AMENDED, TO AMEND ZONING BY-LAW NO. 26-2013, AS OTHERWISE AMENDED, OF THE CORPORATION OF THE TOWNSHIP OF NORTH KAWARTHA, WITH RESPECT TO CERTAIN LANDS DESCRIBED AS PART LOTS 3 AND 4, CONCESSION 11 THE FORMER GEOGRAPHIC TOWNSHIP OF BURLEIGH (SOUTH).**

**WHEREAS** Zoning By-law No. 26-2013, as amended, was passed under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended;

**AND WHEREAS** the Council of the Township of North Kawartha has received an application to amend By-law No. 26-2013, as amended, to rezone certain lands located in Part of Lot 4, Concession 10 of the geographic Township of Burleigh (South) to allow for the development of a 30-unit vacant land plan of condominium including community recreation/administration and shoreline access facilities, open space areas, and accessory uses;

**AND WHEREAS** the Council of the Corporation of the Township of North Kawartha has reviewed the proposed development of the lands and proposed uses and now deems it advisable to further amend By-law No. 26-2013, as amended;

**AND WHEREAS** the matters as set out in this By-law are in conformity with the Official Plan of the County of Peterborough Official Plan – Local Component.

**NOW THEREFORE**, the Council of the Corporation of the Township of North Kawartha hereby enact as follows:

1. That Schedule 'A1' of By-law No. 26-2013, as amended, is hereby further amended by changing the zone category of certain lands comprising Part Lots 3 and 4, Concession 11 of the geographic Township of Burleigh (South) in the Township of North Kawartha from the:
  - *Rural (RU) Zone* to the *Shoreline Residential - \*\*\* (SR-\*\*) Zone*
  - *Rural (RU) Zone* to the *Major Recreational Open Space \*\*\* (OS-\*\*\*) Zone*
  - *Rural (RU) Zone* to the *'Environmental Constraint \*\*\* (EC- \*\*\*) Zone'*
  - *Shoreline Residential Island (SRI) to the 'Major Recreational Open Space \*\*\* (OS-\*\*\*) Zone*

- *PSW Zone to the Major Recreational Open Space \*\*\* (OS-\*\*\*) Zone*

all in accordance with Schedule 'A' attached hereto and forming part of this By-law.

2. That Section 6.0 (SHORELINE RESIDENTIAL ZONE) of By-law No. 26-2013, as amended, shall be further amended by the addition of a new sub-section, namely 6.\*, which shall read as follows:

**6.\*. Shoreline Residential \*\*\*\*\* (SR-\*\*\*) Zone**

Notwithstanding any other provisions of By-law No.26-2013, as amended, to the contrary as they apply to the 'Shoreline Residential (SR) Zone', the following provisions shall apply to lands zoned 'Shoreline Residential \*\*\* (SR - \*\*\*) Zone':

- (a) A common element roadway forming part of an approved Plan of Condominium shall be considered as a 'Street' and the limit of the common element roadway shall be deemed to be the front or side lot line.,
- (b) A 'Lot' may include a conveyable parcel of land forming a condominium unit within an approved vacant land or common element Plan of Condominium.

**6.\*.1 Permitted Uses**

No person shall within any 'Shoreline Residential\*\*\* (SR - \*\*\*) Zone' use any land or erect, alter, locate or use any buildings or structure for any purpose except one or more of the following uses:

(a) Residential Uses:

- a recreational dwelling house

(b) Accessory Uses:

- a garage
- an accessory building
- a home occupation; save and except that a bed and breakfast establishment shall not be permitted



- a bunkhouse

(c) Uses Not Permitted:

- a marine facility

## 6.\*.2 Zone Provisions

No person shall within any 'Shoreline Residential \*\*\* (SR- \*\*\*) Zone' use any land or erect, alter, locate or use any building or structure except in accordance with the following provisions:

1. Lot Area (minimum) 0.4 ha
2. Lot Frontage (minimum): 30 m
3. All new development and sewage system leaching beds shall be setback at least 30 metres (100 feet) from the ordinary high water marks of Stoney Lake and Jack Creek, measured at right angles to high water mark or property boundary to the nearest part of any building or structure.
4. All new development and sewage system leaching beds shall be setback at least 15 metres from the EC\*\*\* Zone, measured at right angles to high water mark or property boundary to the nearest part of any building or structure..

3. That Section 15.0 (MAJOR RECREATION OPEN SPACE ZONE) of By-law No. 26-2013, as amended, shall be further amended by the addition of a new sub-section, namely 15.\*, which shall read as follows:

### 15.\* MAJOR RECREATION OPEN SPACE \*\*\* (OS-\*\*) ZONE

Notwithstanding any other provision of By-law No. 26-2013, as amended to the contrary, the following provisions shall apply to lands zoned 'Major Recreation Open Space \*\*\* (OS\*\*\*) Zone':

**"Shoreline Access Facility"** means the use of land or a structure which is intended to permit or facilitate access to the water from the

shoreline and includes, unless otherwise restricted, a boat launching ramp, boat docks, a beach or swimming area, a *shade/rain shelter*, an area for vehicle access and turning of vehicles, but shall not include a boathouse or marina use as defined herein, and,.

A **Rain/Shade Shelter**” means a wooden pavilion or gazebo-like structure with platform floor, covering roof and open or screened/glassed sides, which is used or intended to be used for temporary protection from sun or rain.

#### **15.\*.1 Permitted Uses**

No person shall within any ‘Major Recreation Open Space \*\*\* (OS-\*\*\* ) Zone’ use any land or erect, alter, or locate any building or structure for any purpose except one or more of the following uses:

##### **(a) Residential Uses:**

- dwellings and habitable uses shall not be permitted

##### **(b) Non-Residential Uses**

- private park associated with the SR-\*\*\* Zone
- shoreline access facility

4. That Section 15.0 (MAJOR RECREATION OPEN SPACE ZONE) of By-law No. 26-2013, as amended, shall be further amended by the addition of a new subsection, namely 15.\*, which shall read as follows:

#### **15.\* MAJOR RECREATION OPEN SPACE \*\*\* (OS-\*\*\* ) ZONE**

Notwithstanding any other provision of By-law No. 26-2013, as amended to the contrary, the following provisions shall apply to lands zoned ‘Major Recreation Open Space \*\*\* (OS\*\*\* ) Zone’:

No development or site alteration is permitted.

5. That Section 16.0 (ENVIRONMENTAL CONSTRAINT ZONE) of By-law No. 26-2013, as amended, shall be further amended by the addition of a new subsection, namely 16.\*, which shall read as follows:

**16.\* ENVIRONMENTAL CONSTRAINT \*\*\* (EC \*\*\*) ZONE**

Notwithstanding any other provision of By-law No. 26-2013, as amended to the contrary, the following provisions shall apply to lands zoned 'Environmental Constraint \*\*\* (EC \*\*\*) Zone':

For the purposes of any 'Environmental Constraint \*\*\* (EC-\*\*\*), "**Conservation Use**" means the use of land for a comprehensive management and maintenance program whose goal is the preservation, protection and improvement of the components of the natural environment.

**16.\*.1. Permitted Uses and Zone Provisions**

No person shall within any 'Environmental Constraint \*\*\* (EC \*\*\*) Zone' use any land or erect, alter or locate any building or structure for any purpose except one or more of the following uses:

- (a) A conservation use, not including a building or structure
- (b) A street crossing, as shown on Schedule "A" to this By-law

**6. DEVELOPMENT HOLDING PROVISIONS**

Where the zone symbol shown on Schedule 'A' to this By-law is followed by a Holding Symbol denoted 'H', no person shall use such lands, or erect, alter or use any building or structure thereon for any purpose permitted by this by-law except for each use existing at the time of passing of this by-law, until such time as the Holding Symbol is removed by Council by a by-law passed under Section 36 of the *Planning Act*, R.S.O 1990, as amended, only at such time as the following conditions have been satisfied:

- (a) A condominium agreement between the property owner and the Municipality is executed and registered on title;
- (b) The final plan of condominium is approved and registered;

- (c) An application under Section 41 of the *Planning Act*, R.S.O 1990, as amended, has been submitted to the Township and site plan approval has been issued by the Township.”

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

READ a **FIRST, SECOND** and **THIRD TIME** and **FINALLY** passed this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ and given By-law No. \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**