



Kevin M. Duguay  
Community  
Planning and  
Consulting Inc.



## **Planning Justification Report (September 25, 2023)**

### **Zoning By-law Amendment and Official Plan Amendment Applications**

### **14 Bluebird Lane, Township of North Kawartha**

#### **Introduction**

This Planning Justification Report has been prepared in support of an Official Plan Amendment (OPA) Application and associated Zoning By-law Amendment (ZBLA) Application filed with the Township of North Kawartha (and County of Peterborough) regarding the seasonal waterfront residential property known municipally as 14 Bluebird Lane (Lots 23 and 24, Concession 10, Chandos Ward).

#### **The Property**



(Source: County of Peterborough Website, September 2023)

The OPA and ZBLA Applications are required to permit a recent “minor” building addition to the existing seasonal dwelling.

#### **A) OPA Application (Policy Exception)**

A policy exception to permit the existing seasonal dwelling to have a water-yard setback of 16.6 metres (southwest corner of the existing seasonal dwelling); and

## B) ZBLA Application (By-law Exception)

To rezone the property, by way of a By-law exception to permit a reduced water-yard setback of 16.6 metres (southwest corner of the existing seasonal dwelling).

### Pre-Consultation

There was extensive pre-consultation carried-out prior to the filing of the Applications.

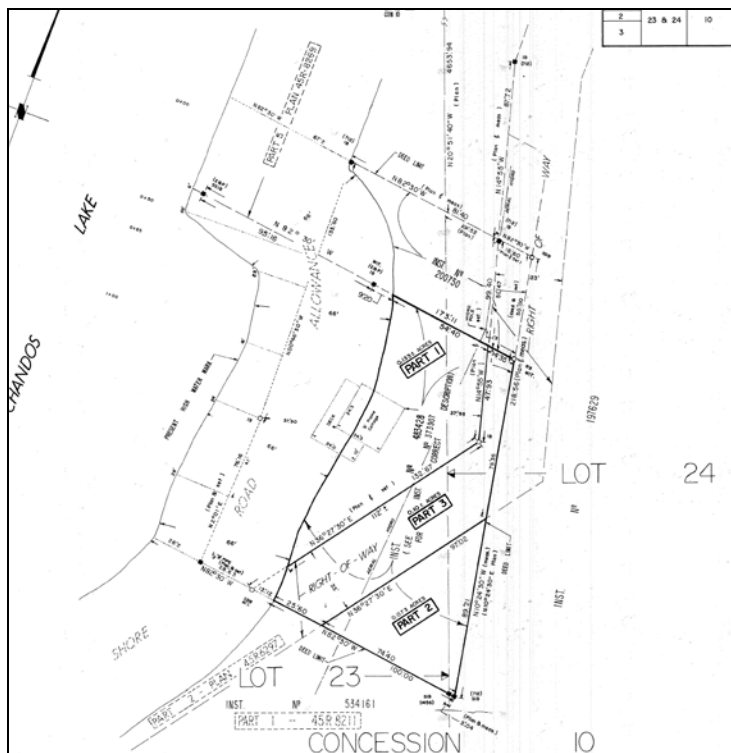
#### 1. Township Pre-Consultation

An initial “mandatory” Township Pre-Consultation meeting late winter 2023. This meeting confirmed the requirement for an OPA Application. Accordingly, a subsequent Pre-Consultation meeting was led with County and Township Planning Staff.

#### 2. County Pre-Consultation Meeting

The meeting was held May 29, 2023. A copy of the meeting report is appended to this Report (see ‘H’ Attachment).

### The Property Survey



(Source: JD Barnes, June 2023)

The property owners had undertaken to construct a minor addition to the existing dwelling, resulting in a 0.6 metre (2 feet) increase in building depth. This addition (partially constructed) is located entirely beneath the existing roof overhang. The former waterfront deck was removed to accommodate said construction, and it is intended that the deck be re-installed in its former location.

The resultant water-yard setback from the dwelling is 16.6 metres (rather than the former measurement of 17.2 metres), as measured from the southwest corner of the building. The decrease of the water-yard setback is 0.6 metres (2 feet).

## **Analysis**

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

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

With respect to the OPA and ZBLA Applications, the following policies of the 2020 PPS are considered to have direct relevancy:

| <b>Section</b> | <b>Title – Comments</b>   |
|----------------|---|
| Part III       | <p>How to Read the Provincial Policy Statement</p> <p>The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.</p> <p>Read the Entire Provincial Policy Statement</p> <p>The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.</p> <p>There is no implied priority in the order in which the policies appear.</p> |

|       |  |
|-------|--|
|       | <b>Opinion: The entire document has been reviewed for the purpose of preparing this Planning Justification Report.</b>   |
| 1.0   | <p>Building Strong Healthy Communities</p> <p>Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.</p>   |
| 1.1.1 | <p>Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</li> </ul> <p><b>Opinion: The continued use of the property for waterfront – seasonal residential use is in keeping with the development and land use patterns in the local area (Chandos Lake).</b></p> |
| 1.1.3 | <p>Settlement Areas</p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of</p>  |

|       |   |
|-------|---|
|       | <p>infrastructure available.</p> <p><b>Opinion: The subject property is not part of a Rural Settlement Area.</b></p>  |
| 1.1.4 | <p>Rural Areas in Municipalities</p> <p>Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p> <p>Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.</p> <p><b>Opinion: The property is considered Rural and enjoys a resource-based setting (Chandos Lake).</b></p> |
| 1.1.5 | <p>Rural Lands in Municipalities</p> <p>1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p> <p>1.1.5.2 On rural lands located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li><b>c) limited residential development;</b></li> <li>f) other rural land uses.</li> </ul> <p>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p> <p><b>Opinion: The OPA and ZBLA Applications, seek to recognize a</b></p>  |

|         |  |
|---------|--|
|         | <b>minor expansion of an existing seasonal dwelling, which together represents of a compatible form of building in this waterfront setting.</b>  |
| 1.6     | Infrastructure and Public Service Facilities   |
| 1.6.6.4 | <p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.</p> <p><b>Opinion: The property relies upon private water (lake draw) and waste-water facilities.</b></p> |
| 2.1     | <p>Natural Heritage</p> <p>2.1.1 Natural features and areas shall be protected for the long term.</p> <p>2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</p> <p><b>Opinion: The rezoning of this property will not have an impact on Natural Heritage features, as confirmed through the Environmental Impact Study (EIS) carried-out by Sumac Environmental Consulting.</b></p>   |
| 2.6     | Cultural Heritage and Archaeology  |
| 2.6.2   | <p><i>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</i></p> <p><b>Opinion: The Archaeological Assessment has confirmed that the property does not contain archaeological attributes – areas.</b></p>   |
| 3.1     | Natural Hazards  |
| 3.1.1   | <p>Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:</p> <p>a) hazardous lands adjacent to the shorelines of the Great Lakes - St.</p>   |

|  |  |
|--|--|
|  | <p>Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</p> <p>c) hazardous sites.</p> <p><b>Opinion: The “Scoped” EIS Report has confirmed that the development/use of the property does not represent an environmental hazard/risk.</b></p> |
|--|--|

**It is my professional opinion that the OPA and ZBLA Applications are consistent with the policy directives of the 2020 PPS.**

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

The 2019 Growth Plan came into effect on May 16, 2019 replacing the July 1, 2017 Growth Plan (which replaced the 2005 Growth Plan). The new 2019 Plan sets forth a series of detailed policies addressing population and employment growth and other related development, planning and land use matters for the Greater Golden Horseshoe Area. The County of Peterborough and its eight (8) member municipalities are located within the eastern portion of the outer-ring part of the 2019 Plan.

Relative to the OPA and ZBLA Applications, the following policies of the 2019 Growth Plan are considered to have direct relevancy:

| <b>Policy</b> | <b>Title - Details</b>  |
|---------------|---|
| 1.2.1         | <p>Guiding Principles</p> <p>The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:</p> <ul style="list-style-type: none"> <li>• Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.</li> </ul> |

|       |   |
|-------|---|
|       | <ul style="list-style-type: none"> <li>• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li> <li>• Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.</li> <li>• Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.</li> <li>• Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.</li> <li>• Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.</li> <li>• Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.</li> <li>• Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.</li> <li>• Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.</li> <li>• Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.</li> </ul> <p><b>Opinion: The OPA and ZBLA Applications conform to the policies of Section 1.2.1 of the Plan. The continued use of the property for waterfront/seasonal residential purposes is compatible with area land uses and does not represent an environmental hazard (as per the EIS Report prepared in support of the Applications).</b></p> |
| 1.2.2 | Legislative Authority   |

|     |   |
|-----|---|
|     | <p>This Plan is issued under the authority of section 7 of the Places to Grow Act, 2005. It was approved through an Order in Council under that Act to come into effect on May 16, 2019. This Plan replaces the Growth Plan for the Greater Golden Horseshoe, 2017 that took effect on July 1, 2017.</p>  |
|     | <p>Read the Entire Plan</p> <p>This Plan is to be read in its entirety and the relevant policies are to be applied to each situation. The language of each policy, including the policies in Section 5, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole. There is no implied priority in the order in which the policies appear.</p> <p><b>Opinion: The entire document has been reviewed/read for the purpose of preparing this Planning Justification Report.</b></p>  |
| 2.2 | <p>Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> <li>i. have a delineated built boundary;</li> <li>ii. have existing or planned municipal water and wastewater systems; and</li> <li>iii. can support the achievement of complete communities;</li> </ul> <p><b>Opinion: The property does not form part of a designated rural settlement area.</b></p> |

|         |  |
|---------|--|
|         | <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> <li>i. delineated built-up areas;</li> <li>ii. strategic growth areas;</li> <li>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</li> <li>iv. areas with existing or planned public service facilities;</li> </ul> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p><b>Opinion: The property does not form part of a designated rural settlement area.</b></p>  |
| 2.2.9   | Rural Areas  |
| 2.2.9.1 | <p>1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.</p> <p><b>Opinion: The property does not form part of a rural settlement area, but rather, rather it forms part of a resource-based area/setting (Chandos Lake).</b></p>  |
| 2.2.9   | <p>3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li>b) resource-based recreational uses; and</li> <li>c) other rural land uses that are not appropriate in settlement areas provided they: <ul style="list-style-type: none"> <li>i. are compatible with the rural landscape and surrounding local land uses;</li> <li>ii. will be sustained by rural service levels; and</li> <li>iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.</li> </ul> </li> </ul> <p><b>Opinion: The continued use of the property for waterfront –</b></p> |

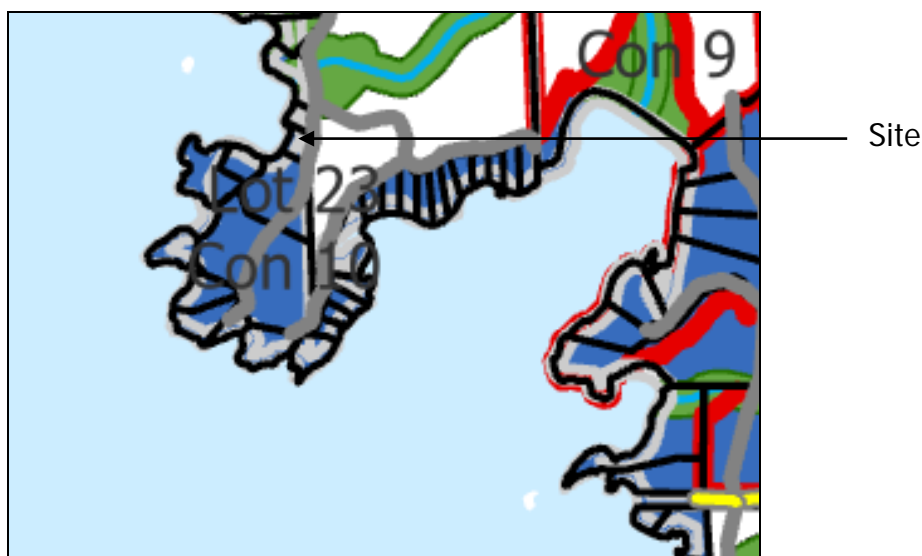
|  |   |
|--|---|
|  | seasonal residential purposes can be sustained by rural service levels and is compatible with area properties (Chandos Lake). |
|--|---|

**It is my professional planning opinion that the OPA and ZBLA Applications are in Conformity with the policies of the 2019 Growth Plan.**

### **County of Peterborough Official Plan – July 2022 Version**

The County Official Plan (July 2022) designates the property as “Waterfront Residential”. For purposes of this Report, I have utilized the July 2022 County of Peterborough Official Plan, acknowledging that said Planning document is awaiting final Ministerial approval. The previous COP document (pre-July 2022) contained similar land use designations and policies permitting the existing and proposed (redevelopment) waterfront residential use of the property.

### **Official Plan Map Schedule Map ‘4’ - Details**



(Source: County of Peterborough Website, September 2023)

Relative to the OPA and ZBLA Applications, the following policies of the July 2022 COP are considered to have direct relevancy:

| <b>Section</b> | <b>Title - Comments</b>  |
|----------------|--|
| 4.1.4          | Waterfront Residential<br><br>The Waterfront Residential land use designation primarily applies to lands along the shorelines of lakes, rivers and other major waterbodies but may |

|         |   |
|---------|---|
|         | <p>include historic built-up areas or subdivisions that are oriented towards the water. Typically these areas have been developed for seasonal use with changeover to permanent residences.</p> <p><b>Opinion: The property will continue to be used for waterfront/seasonal residential purposes.</b></p>  |
| 4.1.4.1 | <p>Permitted Uses</p> <p>Permitted uses in the Waterfront Residential designation shall include single detached dwellings, as well as low intensity recreational uses such as parks, hiking trails and the like. Bed and breakfast establishments and home occupations may also be permitted in accordance with the local Municipal Zoning By-Law.</p> <p><b>Opinion: The OPA and ZBLA Applications serve to permit/recognize the continued use of the property for seasonal waterfront residential purposes, including the pending building addition.</b></p>  |
| 4.1.4.2 | <p>New Development</p> <p>d) Lands within the Waterfront Residential designation will be zoned appropriately in the local Municipal Zoning By-Law, and may be placed in a rural or Holding category until required for their ultimate development. Where lands are accessed by a private road or right-of-way, or by water access only, they may be zoned in a separate zoning category to recognize the limited means of access which may affect other municipal services such as road maintenance, snow removal, emergency vehicle access, waste removal and school bus access.</p> <p><b>Opinion: It is my professional planning opinion that the OPA and ZBLA Applications are consistent with the policies of the 2020 PPS and in Conformity with the policies of the 2019 Growth Plan.</b></p> <p>c) All private water supply and sewage disposal systems shall satisfy the requirements of Peterborough Public Health, the applicable approval agency, or the Province.</p> <p><b>Opinion: The proposed replacement dwelling will include a new septic facility, of which same will be subject of a permit to be</b></p> |

|       |  |
|-------|--|
|       | <b>issued by the Township.</b>   |
| 9.4   | <p>Shoreline Development and Setbacks</p> <p>The preservation of a naturally vegetated shoreline is encouraged in order to minimize destruction to the shoreline and littoral zone, minimize visual impact on the waterbody, maintain wildlife habitats and corridors, improve water quality, and ensure adequate protection from changes in water level and flooding.</p> <p><b>Opinion: The proposed “expanded” dwelling will continue to rely upon the existing private waste-water facility.</b></p>   |
| 9.4.2 | <p>Existing Lots</p> <p>For existing lots of record, new development and septic systems must be setback 30 metres from the high water mark of all waterbodies, if feasible. Where it has been demonstrated that the 30 metre setback cannot be achieved due to topography, environmental features or required separation from adjacent uses, new development must be set as far back from the high water mark as the lot permits. Any proposed reduction to the 30 metre minimum setback will:</p> <ul style="list-style-type: none"> <li>• be consistent with any applicable policies in the Provincial Policy Statement and related implementation guidelines;</li> <li>• maximize the setback through building design and orientation, and the siting of the septic system;</li> <li>• minimize disturbance to native soils and shoreline vegetation in accordance with other policies of this Plan; and</li> <li>• strengthen lake and river environments by ensuring that shorelines are enhanced and preserved.</li> </ul> <p><b>Opinion: The proposed expanded dwelling is an existing built structure. The proposed dwelling and the deck (to be reinstated) component have a setback less than the required 30 metre water-</b></p> |

|       |   |
|-------|---|
|       | <p><b>yard setback. However, the reduced water-yard setback from the dwelling is minor in nature has no environmental impact and is contained underneath the existing building roof.</b></p>  |
| 9.4.3 | <p>Existing Structures</p> <p>Expansions to, or replacements of existing structures and/or septic systems that further reduce the existing water setback shall not be permitted. Such expansions or replacements must meet the requirements of the local Municipal Zoning By-Law.</p> <p>Existing structures that are demolished and not reconstructed on the same footprint must meet the policies of Section 9.4.2.</p> <p><b>Opinion: The proposed expanded dwelling is an existing built structure. The proposed dwelling and the deck (to be reinstated) component have a setback less than the required 30 metre water-yard setback. However, the reduced water-yard setback from the dwelling is minor in nature has no environmental impact and is contained underneath the existing building roof.</b></p> |
| 9.5.1 | <p>Lakes at Capacity</p> <p>The following lakes are highly sensitive lake trout lakes and have been determined to be 'at capacity' by tests and studies reviewed by the Province. These lakes are also identified on environmental schedules attached to this Plan. Where new lakes have been determined to be 'at capacity' by the Province following adoption of this Plan, the policies of this section will be applied to such lakes without the need for an Official Plan Amendment.</p> <p><b>Opinion: My review of Sections 9.5.1 and 9.5.2, respectively, confirm that this area of Chandos Lake is not at capacity nor moderately sensitive as described in the concerned sections of the COP.</b></p>   |

## Proposed OPA July 2022 County Official Plan Version (Policy Exception)

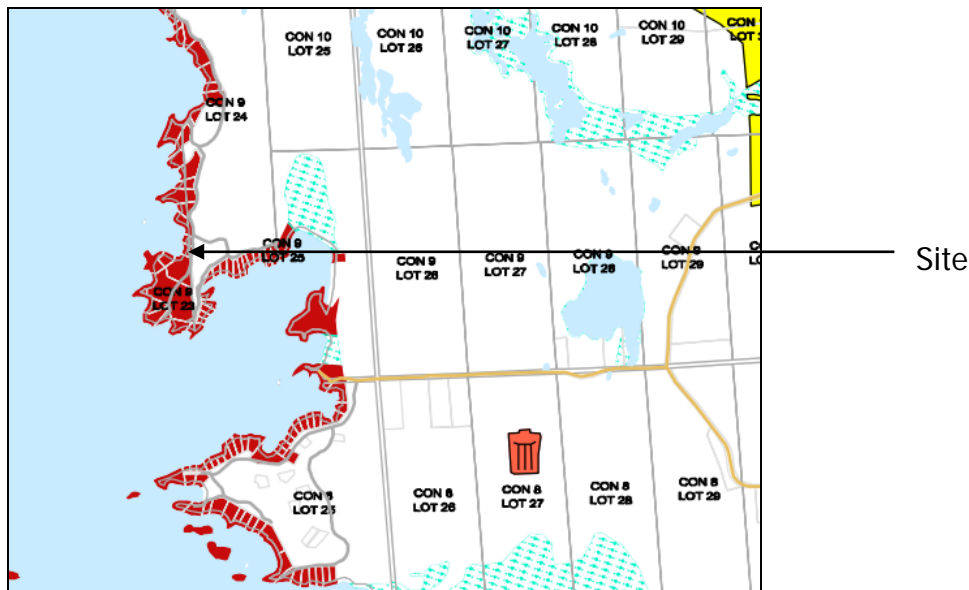
"Notwithstanding the provisions of Sections 9.4.2 and 9.4.3 respectively, a dwelling shall have a water-yard setback of 16.6 metres."

**It is my professional planning opinion that the OPA and ZBLA Applications are in keeping with the general purpose and intent of the policies of the July 2022 County of Peterborough Official Plan.**

## Township Official Plan (Pre-July 2022 County of Peterborough Official Plan Version)

The property is currently designated as "Seasonal Residential", by the Pre-July 2022 Official Plan.

## County Official Plan Pre-July 2022 Map Detail



(Source: County of Peterborough Website – Schedule 'A' Pre-July 2022 version, August 2023)

For purposes of this PJR, I evaluated the Pre-July 2022 version of the Official Plan, which was in effect at the time of the OPA and ZBLA Application filing, Administration and Township Council consideration (Statutory Public Meeting).

| Section | Title – Comments   |
|---------|--|
| 2.3     | <p data-bbox="370 275 634 310">Local Official Plans</p> <p data-bbox="370 342 1370 457">It is the intent, and a requirement of the Planning Act that local official plans shall conform to this Plan and be one of the primary means of implementing the policies herein.</p> <p data-bbox="370 489 1425 604">In the event of a conflict between the provisions of a local official plan and the provisions of this Plan, the provisions of this Plan shall prevail to the extent of that conflict except where the local plan is more restrictive.</p> <p data-bbox="370 636 1325 783"><b>Opinion: The Township Official Plan is contained within the overall County Official Plan, having general policy provision reference as well as Township specific policies and land use schedules.</b></p> <p data-bbox="370 835 1341 940"><b>A “Policy Exception” to amend the Official Plan is required to permit the continued use of the seasonal dwelling use of the property, including the minor building addition thereof.</b></p> |
| 2.4     | <p data-bbox="370 989 667 1024">Local Zoning By-laws</p> <p data-bbox="370 1056 1409 1245">When this Plan or any part thereof takes effect, every local zoning by-law shall be amended by the local municipalities to conform with this Plan pursuant to the Planning Act. The Amendments to the zoning by-laws should occur after the local Official Plan has been amended to conform to this Plan.</p> <p data-bbox="370 1276 1325 1423"><b>Opinion: The Township Official Plan is contained within the overall County Official Plan, having general policy provision reference as well as Township specific policies and land use schedules.</b></p> <p data-bbox="370 1476 1341 1581"><b>A “Policy Exception” to amend the Official Plan is required to permit the continued use of the seasonal dwelling use of the property, including the minor building addition thereof.</b></p>  |
| 6.2.5   | Seasonal Residential   |
| 6.2.5.1 | <p data-bbox="370 1682 623 1717">General Principles</p> <p data-bbox="370 1759 1386 1829">Tourism and recreational activities are prevalent in the Township due to the presence of the Kawartha Lakes/Trent-Severn Waterway.</p>   |

|         |  |
|---------|--|
|         | <p>Small areas of the Township are accessed only by means of private right-of-ways which are not maintained during the winter months or by water access only. This designation and policies are designed to recognize those seasonal land uses and govern their development. For the purposes of this plan, the terms “cottage” and “seasonal residence” are used interchangeably.</p>   |
| 6.2.5.2 | <p>Permitted Uses</p> <p>The predominant use of land within the Seasonal Residential designation shall be for seasonal cottages. This category may include retail and service commercial needs of cottage residents.</p> <p><b>Opinion: The property is and will continue to be used as a seasonal cottage.</b></p>  |
| 6.2.5.3 | <p>Seasonal Residential Policies</p> <ul style="list-style-type: none"> <li>a) The uses permitted in Seasonal Residential areas and regulations for such uses shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of cottages from incompatible uses. Provision will be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage.</li> <li>b) Certain areas designated Seasonal Residential may be zoned in a rural or holding category until required for their ultimate development.</li> <li>c) Cottage development within the Seasonal Residential designation shall be in the form of infilling or minor expansion. A limited number of cottage lots created by consent or plan of subdivision/condominium shall be permitted provided the policies in Section 7.12 or 7.13 respectively are addressed.</li> <li>h) General<br/>The preservation of naturally-vegetated shoreline is encouraged in order to minimize destruction to the shoreline and wet beach habitat, minimize visual impact on the waterbody, maintain wildlife habitats and corridors and improve water quality.</li> </ul> |

|  |  |
|--|--|
|  | <p>In this regard, structures permitted in the Seasonal Residential designation, including leaching beds of septic systems, on lots created by consent or plan of subdivision after the date Official Plan Amendment No.3 comes into effect, shall be set back a minimum of 30 metres from the shoreline of any lake or major watercourse (i.e. Trent River, Eels Creek, Otonabee River, Rice Lake, Crowe River) in order to ensure adequate protection from changes in water level and flooding and to ensure maintenance of water quality and the protection of fish and wildlife habitats. Applications to create lots within the Seasonal Residential designation, either by consent or plan of subdivision, shall demonstrate that this 30-metres setback requirement can be met on the proposed lot(s).</p> <p><b>Opinion: The Official Plan permits recreational dwellings for settings such as the subject property. The dwelling has water-yard set back outside of 16.6 metres from the high-water mark of Chandos Lake, as measured from the southwest part of the building.</b></p> <p><b>Furthermore, the existing natural feature located within the water-yard and other portions of the property will remain in place. The EIS report carried-out by Sumac Environmental, confirms that the development/use of the property does not have impact upon natural features including Chandos Lake.</b></p> |
|--|--|

### **Proposed Policy Exception**

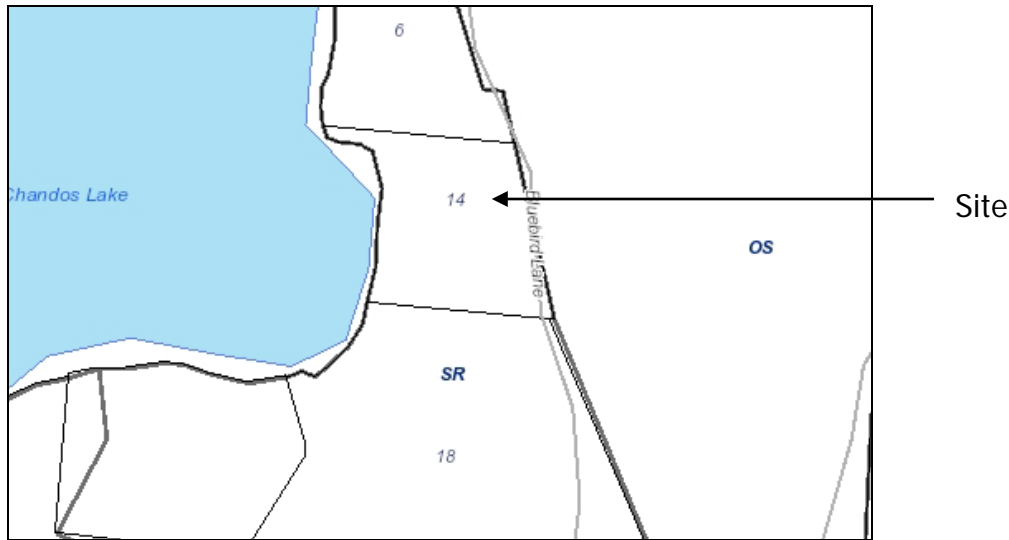
"Notwithstanding the provisions of Section 6.2.5.3 the seasonal dwelling shall be a water-yard setback from Chandos Lake of 16.6 metres.

**It is my professional planning opinion that the proposed OPA and ZBLA Applications are in keeping with the general purpose and intent of the policies of the Official Plan.**

### **Township of North Kawartha Zoning By-law (Zoning By-law)**

The property is currently zoned 'SR – Shoreline Residential' by the Zoning By-law. The long-standing use of the property is in Conformity with the intent of this residential zoning. The ZBLA amendment is limited in nature and applies only to a portion of the existing building and its partially completed minor expansion.

## Zoning Map Detail



(Source: County of Peterborough Website, August 2023)

## The ZBLA Application – Summary

The following is a summary of the ZBLA Application:

1. Notwithstanding the provisions of Sections 3.18 (a) and (c) and 6.2 (k) of the By-law a dwelling may have a water setback of 16.6 metres, as measured from the southwest corner of the dwelling.

**The continued use of the property for seasonal waterfront purposes meets the intent of the regulatory provisions of the Township Zoning By-law.**

### Site Services

The property employs private waste-water and water. The water supply will be sourced from Chandos Lake.

### Site Access-Driveway

The existing site access – driveway will remain. No changes are required.

### Summary

A replacement dwelling and detached building are proposed, representing an appropriate redevelopment of the property. The form, massing and volume of building area is in keeping with area developed properties. It is my Professional Planning

Opinion that the Official Plan Amendment and Zoning By-law Amendment Applications are:

- Consistent with policy directives of the 2020 PPS;
- In Conformity with the policy directives of the 2019 A Place to Grow Plan;
- In Keeping with the general purpose and intent of the land use designations and policies of the July 2022 County of Peterborough Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of North Kawartha; and
- Representative of Good Planning.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP