

Planning Justification Report

**488 Elim Lodge Road, Municipality of
Trent Lakes, Peterborough County**

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

D.M. Wills Project Number 22-85314



D.M. Wills Associates Limited

Partners in Engineering,
Planning & Environmental Services

Peterborough

December 2024

**Prepared for:
Sandy Point Properties Inc.**



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1.0 Introduction and Objectives

D.M. Wills Associates Limited (Wills) has been retained by Jeff Chesher (Client), representing Sandy Point Properties Inc. c/o Dick Hammer (Owner), to prepare this Planning Justification Report (Report) in support of Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications. The applications apply to lands municipally known as 488 Elim Lodge Road and legally described as Part of Lots 4 and 5, Concession 18, in the former geographic Township of Harvey (Subject Property), now in the Municipality of Trent Lakes (Municipality), in the County of Peterborough (County).

1.1 Project Objectives

The proposed OPA and ZBA applications will serve to amend the current land use designation and zoning of the Subject Property in order to permit the creation of two new lots plus one retained. Each of the two severed parcels and retained parcel are intended to be developed for shoreline residential use.

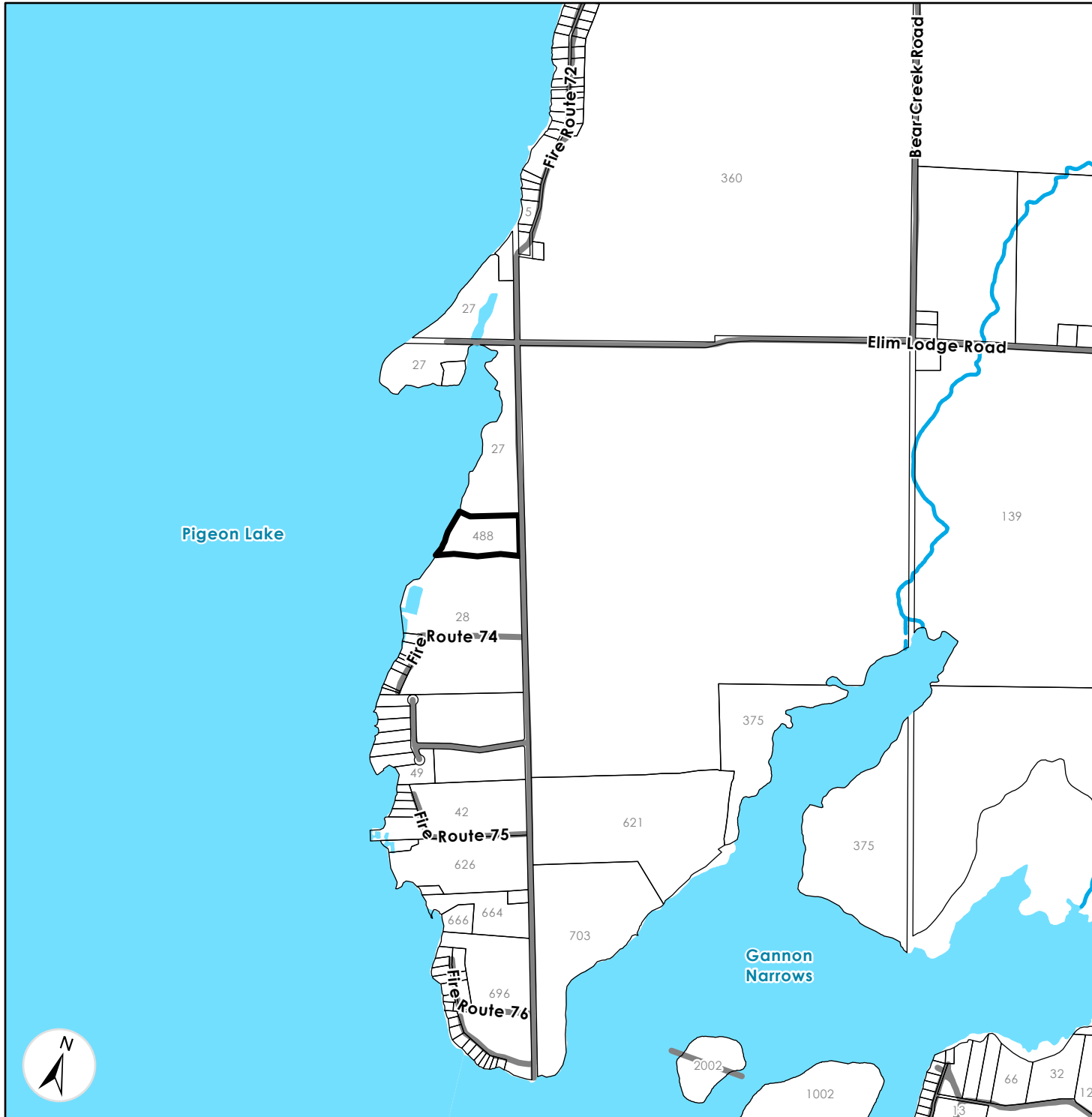
1.2 Purpose of Planning Justification Report

The purpose of this Report is to outline the nature of the proposed OPA and ZBA and evaluate the applications in the context of provincial and municipal policy including the Provincial Policy Statement, 2024 (PPS), County of Peterborough Official Plan, 1994, Municipality of Trent Lakes Official Plan, 2011, and the Municipality of Trent Lakes Comprehensive Zoning By-law No. 2014-070, as amended. This Report also provides a summary of the various technical reports completed in support of the application. This Report is submitted in support of and otherwise forms part of the OPA and ZBA applications.

2.0 Property Description

2.1 Site Location

The Subject Property is located at 488 Elim Lodge Road and are legally described as Part of Lots 4 & 5, Concession 18, in the former geographic Township of Harvey, now in the Municipality of Trent Lakes, in the County of Peterborough, herein referred to as the Subject Property. The Subject Property is located along the eastern shore of Pigeon Lake, just south of Sandy Bay, and along the west side of Elim Lodge Road. The Subject Property comprises an area of approximately 3.5 hectares (8.8 acres) of land with approximately 140 m (462 feet) of frontage on Elim Lodge Road and approximately 180 m (590 feet) of shoreline frontage on Pigeon Lake. As confirmed by Township Staff, the Subject Property is currently vacant. An existing driveway toward the southern end of the Subject Property grants access from Elim Lodge Road. **Refer to Figure 1 – Key Map.**



KEY MAP

488 Elim Lodge Road (Harvey)
Lots 4 and 5, Concession 18
Municipality of Trent Lakes
County of Peterborough

Figure 1

Legend



Subject Property

Data Sources

Province of Ontario, County of Peterborough



PCS: NAD 1983 UTM Zone 17N

Scale: 1:20,000

Created In:	ArcGIS Pro
Drawn By:	Ash More
Checked By:	Amanda Timmermans
Map Date:	8/31/23
Project Number:	85314



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2.2 Surrounding Land Uses

The Subject Property is located approximately 10 km west of the Village of Buckhorn and approximately 10 km north of the Hamlet of Ennismore. The surrounding land uses include a tourist commercial trailer park (i.e., Pigeon Lake Campers Resort) to the south, a vacant forested parcel to the north, a vacant rural property to the east with mixed forest and agricultural fields and Pigeon Lake to the west. There are several shoreline residential properties with seasonal dwellings located to the South along Pigeon Lake beyond the trailer park. There are two agricultural properties with single-detached dwellings and barns in the vicinity, however, both are located at least 750 m to the northeast and southeast. Refer to **Figure 2 – Surrounding Land Uses**.

2.3 Proposed Development

The proposed severance will result in the creation of two new lots plus one retained lot. The first proposed severed lot (Severed Lot A) is located at the north side of the Subject Property. Severed Lot A is proposed to be 1.17 hectares (2.88 acres) in area with frontages of approximately 77 m along the shoreline of Pigeon Lake and 48 m on Elim Lodge Road. The second proposed severed lot (Severed Lot B) is located immediately south of Severed Lot A. Severed Lot B is proposed to be 1.24 hectares (3.07 acres) in area with frontages of approximately 52 m along the shoreline of Pigeon Lake and 48 m on Elim Lodge Road. The retained lot is located at the south side of the Subject Property. The retained lot is proposed to be 1.15 hectares (2.84 acres) in area with frontages of approximately 47 m along the shoreline of Pigeon Lake and 48 m on Elim Lodge Road. Refer to **Figure 3 – Conceptual Severance Sketch**.



SURROUNDING LAND USES

488 Elm Lodge Road (Harvey)
 Lots 4 and 5, Concession 18
 Municipality of Trent Lakes
 County of Peterborough

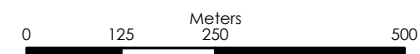
Figure 2

Legend

 Subject Property

Data Sources

Province of Ontario, County of Peterborough, Maxar



PCS: NAD 1983 UTM Zone 17N

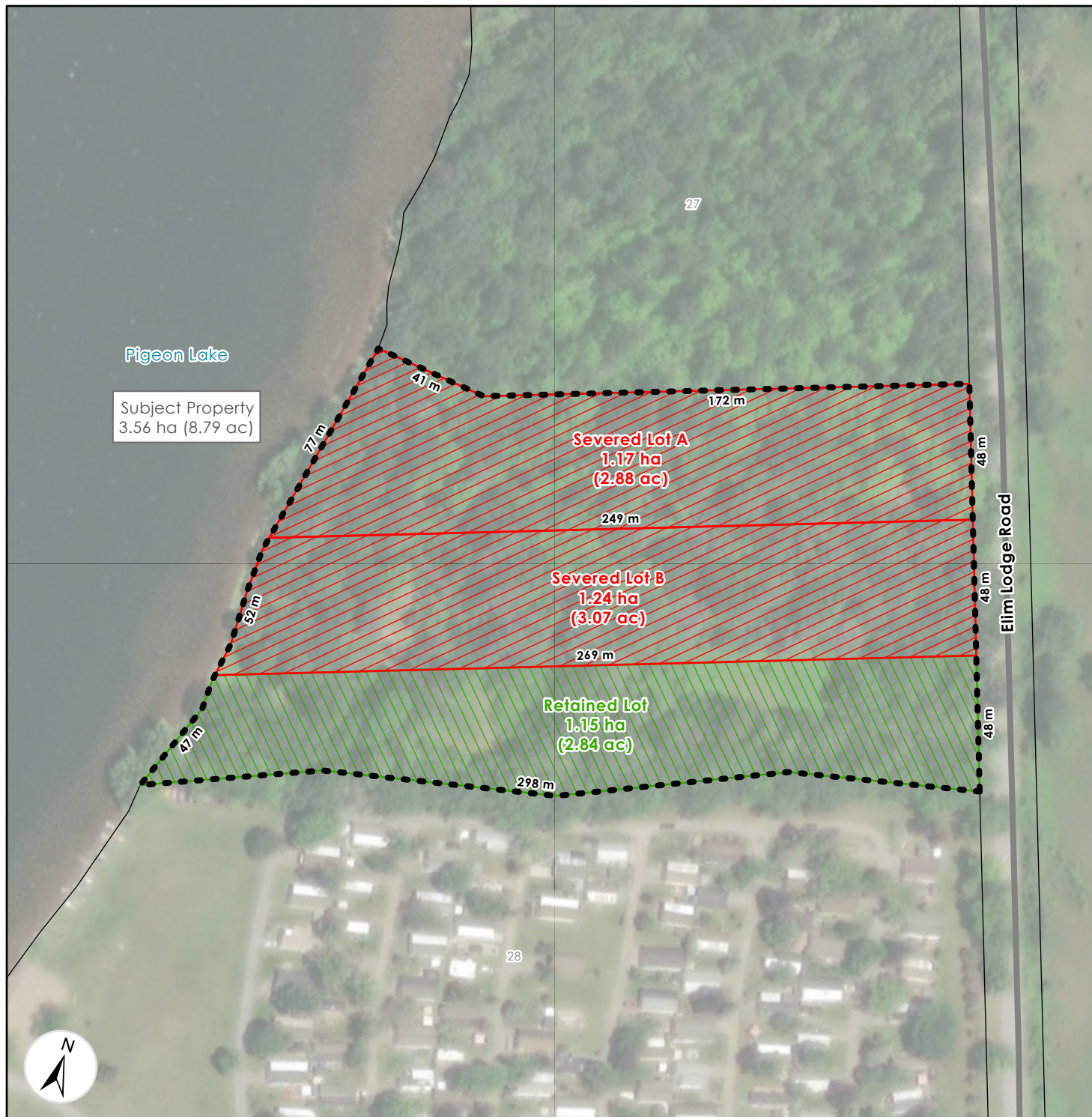
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Created In:	ArcGIS Pro
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CONCEPTUAL SEVERANCE SKETCH

488 Elim Lodge Road (Harvey)
Lots 4 and 5, Concession 18
Municipality of Trent Lakes
County of Peterborough

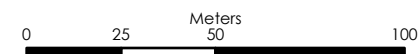
Figure 3

Legend

- Subject Property
- Severed Lot
- Retained Lot

Data Sources

Province of Ontario, County of Peterborough, Maxar, Microsoft



PCS: NAD 1983 UTM Zone 17N

Scale: 1:2,000

Created In:	ArcGIS Pro
Drawn By:	Ash More
Checked By:	Amanda Timmermans
Map Date:	10/6/23
Project Number:	85314



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3.0 Project Background Supporting Technical Reports

3.1 Preliminary Severance Review

A Preliminary Severance Review (PSR) for three lots (two severed and one retained) on the Subject Property was completed by the County of Peterborough Planning Department on June 29, 2022. The PSR noted that the Ministry of Natural Resources and Forestry (MNRF) Special Features Mapping indicated that the Subject Property lies adjacent to key natural heritage and hydrologic features. The completion of an Environmental Impact Study (EIS) was identified as a requirement to demonstrate conformity with provincial policy. The PSR concluded that the proposal conforms to both the County and Township Official Plan policy but does not comply with the relevant provisions of the Township's Zoning By-law; therefore, a rezoning is required. It was recommended that the applicant confirm with Township Staff that the required rezoning could be supported.

3.2 Pre-Consultation

The applications benefit from a pre-consultation meeting with the Municipality held on March 30, 2023. The purpose of the pre-consultation meeting was to confirm with Township Staff that the required rezoning could be supported. The final comments from the pre-consultation meeting were issued on May 8, 2023, and are attached as

Appendix A – Pre-Consultation Report.

In considering the proposed ZBA, the primary issues identified through pre-consultation discussions is whether the proposed development, which would include a consent and rezoning, may proceed under the Rural land use designation. On this point staff referenced Section 6.2.1.1 of the Official Plan which permits the creation of up to two new lots on an existing lot of record in the Rural designation. Staff also referenced that the same policy is applicable to an existing lot in the Recreation Dwelling Area designation.

With that said, the Planning Department is of the view that Recreation Dwelling Area is the primary land use designation intended to authorize shoreline development. Moreover, any requisite rezoning of the subject lands is required to conform with the Official Plan under Section 24(1) of the Planning Act. In this case the conforming land use designation for a proposed Shoreline Residential (SR) Zone would be the Recreation Dwelling Area designation and therefore an official plan amendment is a requirement to proceed with the lot creation proposal.

In summary, the pre-consultation comments direct that an OPA and ZBA, together with the following technical reports are required to consider the proposed development:

- Planning Justification Report
- Environmental Impact Study
- Archaeological Assessment

The pre-consultation comments also note that upon submission of the requisite Consent applications, Staff are likely to recommend that the proponent enter into a Consent agreement as a condition of Consent to implement any recommendations of the technical reports and to ensure development proceeds in a manner which retains vegetation within 30 m from the shoreline.

3.3 Environmental Impact Study

Wills was retained by the property owners to address the requirements for an Environmental Impact Study (EIS) in support of a proposed shoreline development. A number of natural heritage features were identified on adjacent lands including key natural heritage and hydrologic features. Potential impacts on the existing natural heritage features were evaluated based on a review of publicly available resources, agency consultation, as well as on-site field investigations.

The report concludes that Wills does not anticipate any significant negative environmental impacts associated with the project provided the environmental mitigation measures described in the report are implemented throughout the construction period. Mitigation measures include shoreline setbacks from Pigeon Lake, erosion and sediment control measures, breeding bird timing windows and bat surveys for species at risk bats.

3.4 Archaeological Assessment

Northeastern Archaeological Associated Ltd. was retained by the property owners to complete a Stage 1 and Stage 2 Archaeological Assessment required by the Municipality. The assessment of the Subject Property was triggered by the Planning Act, R.S.O. 1990, as the Subject Property is planned to undergo a lot severance. The assessment was conducted in September 2023 and did not result in the discovery of any archaeological material. Given this result, it is the recommendation of Northeastern Archaeological Associates Ltd. that no further assessment be required on the Subject Property.

4.0 Policy Framework

The following provincial and municipal land use policy documents contain policies that relate to the proposed OPA and ZBA and future development of the Subject Property. The policy documents include the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the County of Peterborough Official Plan (1994), the Municipality of Trent Lakes Official Plan (2011), and the Municipality of Trent Lakes Comprehensive Zoning By-law No. 2014-070.

4.1 Provincial

4.1.1 Provincial Policy Statement (2024)

The 2024 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. In general, the PPS seeks to promote the development of communities that are socially, economically, and environmentally resilient. The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the PPS, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents.

Applicable policies of the PPS 2024 as they relate to the Subject Property and proposed development are provided below.

The Subject Property is located in a Rural Area. Section 2.5.1 of the PPS speaks to the permitted uses of Rural Areas, noting that *“Healthy, integrated and viable rural areas should be supported by:*

- “a) building upon rural character, and leveraging rural amenities and assets;*
- b) promoting regeneration, including the redevelopment of brownfield sites;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h) conserving biodiversity and considering the ecological benefits provided by nature; and...*

2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*

- c) residential development, including lot creation, that is locally appropriate;*
 - d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
 - e) home occupations and home industries;*
 - f) cemeteries; and*
 - g) other rural land uses.*
- 2. Development that can be sustained by rural service levels should be promoted.*
- 3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*
- 4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*
- 5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."*

Sections 4.1 of the PPS establishes policies regarding the protection of Natural Heritage Features and Water, respectively:

"4.1 Natural Heritage

- 1. Natural features and areas shall be protected for the long term.*
- 2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 4. Development and site alteration shall not be permitted in:*
 - a) Significant wetlands in Ecoregions 5E, 6E and 7E¹;*
- 5. Development and site alteration shall not be permitted in: ...*
 - d) significant wildlife habitat;*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- 6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

8. *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

Section 5.2 of the PPS provides the following policy direction regarding development and Natural Hazards:

"5.2 Natural Hazards

1. *Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.*
2. *Development shall generally be directed to areas outside of:*
 - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
 - c) hazardous sites.*
3. *Development and site alteration shall not be permitted within:*
 - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
 - d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*
8. *Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:*
 - a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;*
 - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
 - c) new hazards are not created and existing hazards are not aggravated; and*
 - d) no adverse environmental impacts will result."*

4.2 Municipal

4.1.2 County of Peterborough Official Plan (Consolidated to 2022)

The County of Peterborough Official Plan (COP) sets the land use and planning framework for local official plans and decision making. The COP outlines a long-term vision for Peterborough's physical form and community character.

The Subject Property is described as Rural Area in the COP. However, the COP provides that all lands extending inland 150 m from the ordinary high-water mark of any lake, river or waterway are considered as Shoreland Areas. According to this definition, the Subject Property would be more appropriately described as Shoreland Area and the Waterfront than Rural Area. The following policies pertaining to the Shoreland Area and Waterfront apply:

"4.4.1 To improve and protect the waterfront areas in Peterborough County as a significant cultural, recreational, economic and natural environment resource and enhance land areas adjacent to the shore.

4.4.3 The character of Shoreland Areas is linked to the natural and built form associated with the lakes and rivers in the County. For the most part, the natural form includes vegetated shorelines with thin soils over bedrock. The built form includes predominantly residential development interspersed with some commercial developments including resorts and marinas. The Shoreland Areas are generally associated with leisure, recreation, water supply, support for fisheries and wildlife habitat. As such, development occurring in the Shoreland Areas should enhance and protect, where possible, those qualities that contribute to the area's character.

Tree cover and vegetation is encouraged to be retained along the shoreline to uphold the visual and environmental integrity of waterfront areas. ...

When undertaking a review of development applications, the County or the Township where appropriate will determine the potential of the need for the conservation of archaeological resources. As a result of the review, the County or Township may require the applicant to submit an archaeological assessment carried out by a licensed archaeologist. Generally, studies may be required based on archaeological potential when any of the following occur: 3 or more new lots are being created (3 lots plus the retained lot), ..."

The COP provides policies pertaining to the division of land, as follows:

"2.6.3.1 A plan of subdivision under the Planning Act is necessary when any of the following occur:

- 1) *More than 3 lots (two severed and one retained) from a land holding are being created unless the local Official Plan contains policies regarding the number of lots required for a plan of subdivision or adequate land use planning justification and rationale are provided to permit otherwise; ...*

In planning for sanitary sewage and water systems to accommodate the division of land, the County shall support a hierarchical approach to the provision of such services in accordance with Section 4.7.3.2 of this Plan.

Severances for building purposes will not be permitted where: ...

- 2) *in accordance with the policies of Section 4.1.3.1, an Environmental Impact Assessment will be also required for lands that are adjacent to natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions; ...*

2.6.3.3 The following policies apply to severance applications for land holdings located in Shoreland Areas as described in Section 4.4.

- A) *If the proposed lot(s) has been identified by the Health Unit and/or the Ministry of the Environment as a proposal where; ...*
 - ii) *in the absence of municipal or communal water and sewage services, it is determined by the Health Unit and/or the Ministry of the Environment that the area for sewage disposal on the proposed lots does not or cannot be made to meet the requirements of current Health Unit or Ministry of the Environment policy;*

an application for severance shall not be granted. ...

- C) *Lots shall have direct frontage on and access from publicly owned and maintained roads unless otherwise permitted in local Official Plans. Water access for recreational uses may be permitted as specified in local Official Plans.*

The Subject Property is within the County's natural heritage system, having shoreline frontage on Pigeon Lake and being within 30 m of fish habitat. Woodlands and wildlife habitat are also present on the Subject Property. Policies applicable to the proposed development from the COP are as follows:

- "4.1 The County recognizes the important contribution that natural systems, natural heritage features and natural resources make to the social, economic and environmental health of local municipalities. In this regard, the County has identified the following areas to ensure that the*

appropriate land use and resource management protection policies are applied to them: ...fish habitat, wildlife habitat, woodlands, ... water resources...

4.1.3.1 ...with the exception of the Oak Ridges Moraine Policy, development or site alteration such as filling, grading and excavating may be permitted within or adjacent to the remaining natural heritages features listed in Section 4.1 of this Plan, provided that it has been demonstrated by an Environmental impact assessment that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

4.1.3.5 ...The quality and quantity of ground and surface water, and the hydrological functions of strategic water resource areas, will be protected, improved or restored;"

The following general policies of the COP also apply in respect of the proposed development:

4.7.3.2 The requirements of the Ministry of the Environment, the County, local municipalities and other public agencies authorized to grant approvals respecting sanitary waste disposal facilities must be met by all developments; ...

The County encourages development on public sanitary waste disposal systems, where possible, to minimize impacts and protect the natural environment; ...

In planning for sanitary sewage and water systems, the County shall support a hierarchical approach to the provision of such services. This approach will recognize that: ...

Individual services may be used for more than 5 lots in areas outside of settlement areas provided the site conditions are suitable for the long-term provision of such services; ...

5.1 To provide opportunities for a range of housing by type and density to be built throughout the County to respond to the varying needs of the permanent population based on demographic, income, market and special needs considerations.

5.1.3.3 Shoreland Areas outside Settlement Areas are recognized to consist of a constantly changing mix of dwellings suitable for seasonal and for year-round use, and of summer, extended seasonal, and permanent residency;

5.2 Heritage

5.2.3.3 The County of Peterborough will:

- *require that where the potential presence of an archaeological resource has been identified by the Ministry of Culture, an archaeological study be undertaken by a licensed archaeological consultant pursuant to the Ontario Heritage Act. Should any significant archaeological remains be discovered an appropriate mitigation strategy will be developed and conducted to the satisfaction of the Ministry of Culture.*

Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

4.1.3 Municipality of Trent Lakes Official Plan (2011)

The Subject Property is designated "Rural" in the Municipality of Trent Lakes Official Plan (TLOP), refer to **Figure 4 – Official Plan Schedule "A1" Land Use & Transportation Plan (Harvey)**. Relevant policies pertaining to the "Rural" land use designation from the TLOP are as follows:

- "5.2 The "Rural" designation covers a substantial portion of the lands within the Township of Galway-Cavendish and Harvey. The main purpose of this designation is to protect these lands against indiscriminate and haphazard development and protect the lands for those uses which have historically been associated with them.
- 5.2.1 Permitted uses shall include ... limited permanent and recreational residential dwellings at a very low density.
- 5.2.2 The intent of this Plan is to prevent urban development on lands designated as Rural particularly on lands suitable for forestry and specialized forms of agriculture. Residential development should be encouraged to locate in the residential areas as designated on Schedules "A1", "A2", and "A3". In general, consents for residential purposes in the Rural area shall be discouraged and development shall be encouraged by plan of subdivision. However residential severances may be granted in accordance with the policies of Section 6.0 of this Plan.
- The creation of residential lots in the Rural designation shall not create strip development along improved public roads."*

Based on the foregoing policies, the proposed development does not conform with the intended use and development of lands designated as "Rural" within the Municipality. In order to facilitate the proposed development, redesignation of the Subject Property from "Rural" to "Recreational Dwelling Area" in its entirety is proposed. Relevant policies pertaining to the "Recreational Dwelling Area" land use designation from the TLOP are as follows:

"5.4 The Recreational Dwelling Area land use designation primarily applies to those lands along or in close proximity to the shoreline of water bodies used for limited service and seasonal residential purposes, and permanent residential purposes.

The natural recreational resources associated with the shoreline have attracted a significant level of residential development. It is the intent of this Plan to recognize the development of the shoreline areas for limited service and seasonal residential and permanent residential purposes, while maintaining and/or enhancing the environmental integrity of the waterfront.

New development in the Recreational Dwelling Area designation may be considered to be a "resource-based recreational activity" in accordance with the provisions of the Provincial Policy Statement on an individual site-specific basis when it can be demonstrated to the satisfaction of the applicable approval authority that the residential development is functionally linked to the shoreline resource. Residential development on its own will be limited to the creation of not more than three lots, in accordance with the Growth Plan for the Greater Golden Horseshoe except where site-specific locations already had approved zoning or designation as of June 16, 2006.

5.4.1 Permitted uses shall include single unit permanent dwellings, single unit recreational dwellings, ... the conversion of recreational dwellings to permanent dwellings where appropriate, ...

5.4.2 New recreational dwelling development shall generally take place by registered plan of subdivision, in accordance with the provisions of Sections 5.1.10, 6.1.1 and 6.1.2 of this Plan. Recreational dwelling areas shall have adequate access to the waterfront preferably via waterfront parks or focal points, held in common ownership. ...

New development proposals within the Recreational Dwelling Area designation shall, wherever feasible, be designed to avoid a linear or strip development pattern adjacent to the shoreline. Development proposals which locate residential uses well back from the shoreline and retain the natural waterfront character and tree cover, shall be encouraged. New development in the form of back lotting and secondary tier development to existing developed areas shall not be permitted.

New development proposals in the Recreational Dwelling Area designation shall recognize the sensitivity of the shoreline in determining the land/water interface; and built structures should be screened from the lake, where possible.

The development of lands within the Recreational Dwelling Area designation may be limited by the ability or capacity of a lake to sustain the proposed new development. In order to ensure that water quality is maintained, proposed shoreline development shall be assessed in accordance with the policies of Sections 5.1.10.7, 5.1.10.8, 5.1.10.9, 5.1.10.10, 5.1.10.11, and any other applicable policy of this Plan.

- 5.4.3 *All recreational dwelling lots shall be serviced by an adequate supply of potable water and an effective method of waste disposal as determined by the Ministry of Environment and/or the Peterborough County/City Health Unit in accordance with subsection 5.1.23 of this Plan."*

The following general policies of the TLOP are also applicable to the proposed development:

- "5.1.10.1 *The Municipality recognizes the need to develop policies that will protect and where possible enhance the significant natural environmental features within the Township of Galway-Cavendish and Harvey. As such this Plan recognizes the following natural environmental features and their functions: ...*

- e) Fish Habitat*
- f) Significant Wildlife Habitat*
- g) Significant Woodlands ...*

5.1.10.3 *General Policies*

- a) Decisions made by the Township Council affecting planning matters shall be consistent with the provisions of Section 2.1 of the Provincial Policy Statement, the Natural Heritage policies.*
- b) Where determined by the Municipality, in consultation with the local Conservation Authority, the Ministry of Natural Resources or the County of Peterborough, the Municipality shall require the developer to prepare an Environmental Impact Study (EIS) as part of any proposal for development or site alteration, where potential exists for a negative impact on the natural environmental features, functions and/or adjacent lands.*
- c) The scope of an EIS report, required by subsection ii) above, shall be determined by the Municipality. With the exception of proposals that have little potential for negative impacts, the EIS report will be completed by a qualified professional, approved by the Municipality.*

- d) All EIS reports shall be approved by the Municipality in consultation with the local Conservation Authority and/or the Ministry of Natural Resources, and shall address the following:
 - a. A detailed description of the development proposal;
 - b. A description of existing on-site and adjacent land uses including the land use designations identified on Schedules "A1", "A2", "A3", "A1-1" and "A1-2" of this Plan;
 - c. The identification of all land uses or activities that may negatively impact on the natural environmental feature or their ecological functions;
 - d. The delineation of the environmental features including those identified on Schedules "B1", "B2" and "B3" of the lands subject to the development proposal;
 - e. A detailed description of the mitigation measures and monitoring program to be undertaken as part of the development proposal which will ensure no negative impacts to the features or their ecological functions; and
 - f. Any other site-specific information deemed necessary by the Municipality in consultation with the local Conservation Authority and/or the Ministry of Natural Resources.
- e) The shorelines of the Kawartha Lakes are identified as a significant natural feature within the Township. Special measures should be considered when the Municipality is reviewing development proposals along the shoreline to minimize potential negative impacts on the water quality of the Lakes. These may include measures such as development setbacks, maintaining the natural vegetation and physical characteristics of the shoreline, and effective stormwater management.

5.1.10.7 Fish and Wildlife Habitat

Areas having fish habitat are not specifically identified on the Land Use Schedules of this Plan. Identified areas of significant wildlife habitat are shown on Schedules "B1", "B2" and "B3". The Municipality may undertake additional studies and surveys to identify and designate, in consultation with the Ministry of Natural Resources, additional fish habitat and significant wildlife habitat areas for protection and conservation from incompatible land uses and activities.

For the purposes of this Plan:

- a) Fish habitat, as defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life functions; ...

The following policies shall apply to fish habitat and significant wildlife habitat within the Township:

- a) Development or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. The Municipality shall consult with the Department of Fisheries and Oceans or the local Conservation Authority to determine such requirements.*
- b) Where development and/or site alteration is proposed within 30 metres of a waterbody or watercourse, an EIS will be required to assess the potential impact on fish habitat, in accordance with the policies contained in Section 5.1.10.3 of this Plan.*

5.1.10.9 Warm Water Lakes

Warm water lakes include all lakes in the Township that are not classified as Coldwater Lake Trout Lakes.

New development adjacent to warm water lakes will be evaluated having regard to all applicable policies of this Plan, particularly with respect to the protection of water quality, fish habitat and other natural heritage features.

5.1.10.11 Water Setbacks

New development shall be set back sufficiently from any water body or watercourse to promote the protection of water quality and natural stream and valley lands.

Shoreline development inclusive of sewage system leaching beds shall be set back from the high water mark of water bodies and watercourses to encourage minimal adverse impacts on both the shoreline and water body/watercourse.

For the purpose of this Plan and the implementing Zoning By-law, all new development on a lot shall be set back a minimum of 30 metres from the established high water mark of water bodies and watercourses.

5.1.12 Minimum Distance Separation (MDS) – Agriculture

New land uses, including the creation of lots, and new or expanding livestock operations, shall comply with the Minimum Distance Separation 1 (MDS 1) and the Minimum Distance Separation 2 (MDS 2) Formulae contained in the publication Minimum Distance Separation (MDS) Formulae, Implementation Guidelines, Publication 707, Ministry of Agriculture, Food and Rural Affairs, Queen's Printer, Toronto, 2006, as amended from time to time. ...

5.1.23.1 *It is an objective of this Plan to promote environmental protection and to provide an adequate supply of potable water through ensuring that appropriate servicing is available for new development or redevelopment within the Municipality. Planning for sewage and water systems will recognize that:*

c) *Individual on-site sewage and water services (e.g., septic systems and wells) shall be used for new development of five or less lots or private residences where municipal sewage and water services, or private communal sewage and water services are not provided and where site conditions are suitable for the long-term provision of such services.*

5.1.23.4 *The majority of existing development in the Municipality is served by individual private, on-site water supply and sewage disposal systems. It shall be a policy of this Plan that new development will be so serviced except in those situations and subject to those conditions noted herein where other types of systems are to be permitted.*

When development of any type will utilize individual on-site water supply and sewage disposal systems, this Plan requires compliance with the following policies before such development shall be permitted:

a) *Lot Sizes*

Each lot shall have sufficient area to comply with the requirements of the Health Unit for the soil, drainage and other pertinent conditions of the site, for the type of services proposed and for the type of development to be served. Ultimate density of development shall be determined through hydrogeological assessment by a qualified professional to the satisfaction of the Ministry of the Environment and/or the Township of Galway-Cavendish and Harvey.

d) *Water Supply Systems*

Each proposed water source and supply systems shall meet the quality and quantity requirements of the Health Unit and/or the Ministry of the Environment. If it appears that the operation of a proposed water supply system will impair the water supply to existing development in the vicinity, an assessment of local ground water conditions by a qualified professional shall be required before approval will be given to the proposed system.

e) *Sewage Disposal Systems*

The preferred method of private sewage disposal shall be a septic tank and tile bed system. If, in the opinion of the Health Unit, a site appears to have unsuitable soil, drainage or other conditions which could adversely affect the operation of a proposed sewage disposal system, soil and similar tests by a qualified professional engineer shall be required before approval will be given to the proposed system.

e) *Determination of Treatment Capacity for Hauled Sewage*

The Provincial Policy Statement requires that the determination of sufficient reserve sewage system capacity for individual on-site sewage services shall include treatment capacity for hauled sewage from private sewage services. It is the intention of the Township to work with applicable agencies to investigate options for the determination of treatment capacity for hauled sewage from private services and the implementation of this provincial policy.

5.1.25 *Heritage Resource Conservation*

Heritage resources include but are not necessarily restricted to archaeological sites, buildings and structural remains of historical, architectural and contextual value, and human-made rural, village and community landscapes of historic and scenic interest.

Council shall recognize the importance of cultural and heritage resources within the Township; and encourage the identification restoration, protection, maintenance and enhancement of such resources.

All new development permitted by the land use policies and designations of the Plan, shall have regard for heritage resources and shall, whenever possible incorporate these resources into any plans which may be prepared for such new development. In addition, all new development will be accommodated in a manner which preserves and enhances the character of the context in which heritage resources are situated.

5.1.26 *Pigeon Lake*

In reviewing development proposals for lands on or in close proximity to the Pigeon Lake shoreline, Council shall require an Environmental Review Report as set out in Section 5.1.10 of the Plan to assess the impacts of development on the waterbody.

5.1.27 *Stormwater Management*

It shall be the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized.

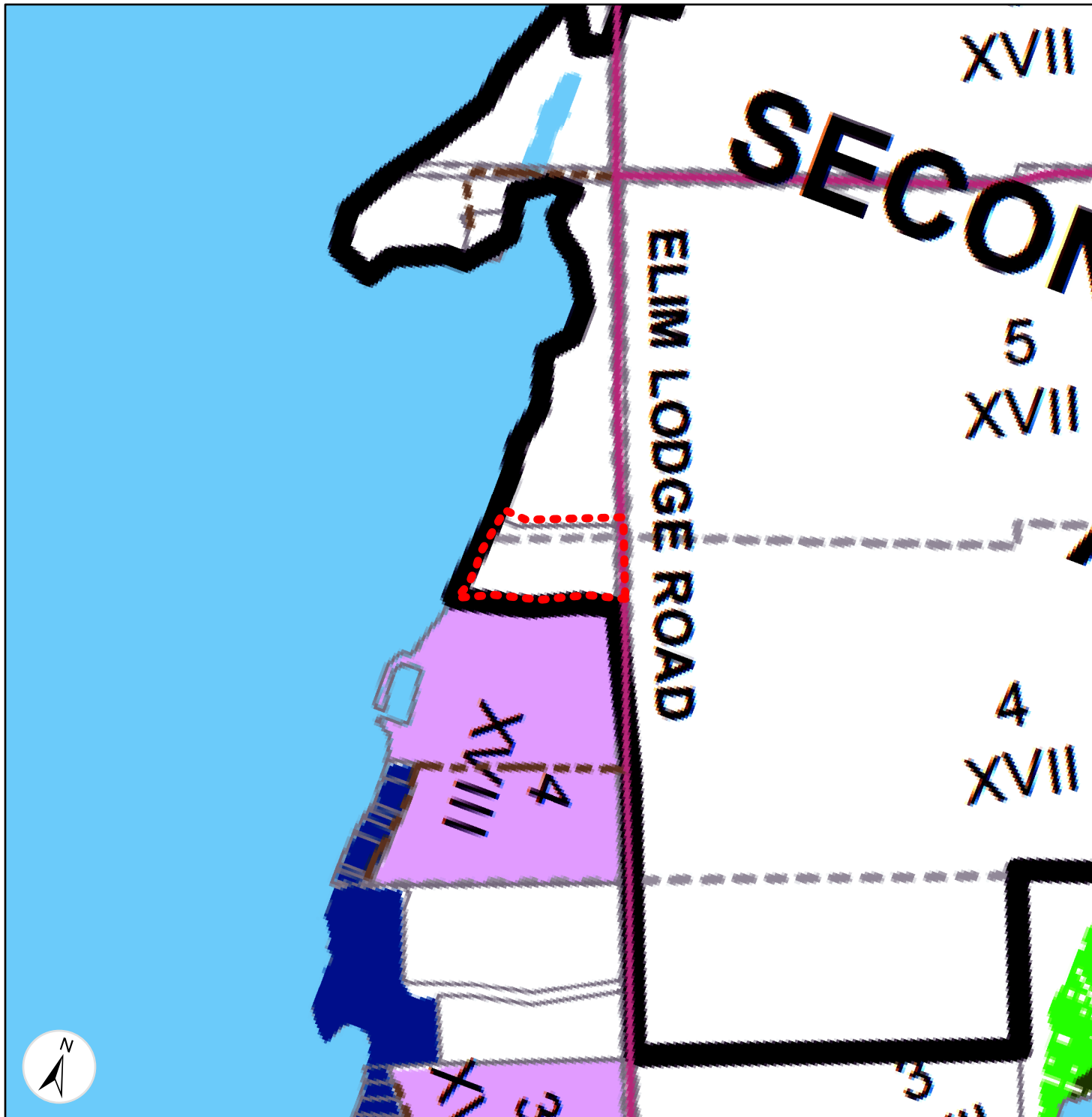
No development or redevelopment proposal, including a registered plan of subdivision or a block of land which is being developed for residential, commercial, institutional or industrial purposes, shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water run-off shall be developed and implemented as a condition of approval according to the following policies:

- g) The retention of existing tree cover or natural vegetation, particularly along watercourses and valleys, and the provision of significant grassed and open space areas, shall be encouraged to closely reflect the groundwater recharge and discharge characteristics of the site.*
- h) A residential development or redevelopment proposal involving minor infilling on an existing lot of record or on a new lot created by consent, or the minor extension of an existing built-up residential area not involving a plan of subdivision or a project which is subject to Site Plan Control, generally will not require the preparation of a stormwater management plan. Prior to the issuance of a building permit, Council must be satisfied that drainage from the development will not adversely affect adjacent properties or an existing watercourse."*

The TLOP also contains general policies regarding land division by way of consent to sever, as follows:

- "6.2 Regard shall be had for Section 6.1 Subdivisions when determining the necessity for a plan of subdivision.*
- It shall be the policy of this Plan that the Municipality and Land Division Committee shall follow the policies of this Official Plan when assessing consent to sever applications.*
- Only those applications for severances which conform to the following consent policies, the General Development Policies, the specific policies of the affected designation and the provisions of the Planning Act, R.S.O. 1990, shall be considered for approval.*
- 6.2.1.1 In the Rural, Recreational Dwelling Area, Estate Residential, Commercial and Industrial designations, the maximum number of lots that may be created by consent per land holding shall be two (2) severed lots and one (1) retained lot.*
- 6.2.1.1.1 Notwithstanding the provisions of Section 6.2.1.1, in circumstances where there is more than one land use designation on a land holding, for example Rural and Recreational Dwelling Area, or Rural and Hamlet, a maximum of three (3) severed and one (1) retained lot may be created by consent per total land holding. ...*
- 6.2.1.2 Regard shall be had for ensuring satisfactory compatibility between the proposed land use and existing land uses.*
- 6.2.1.3 The size of any new lot created by consent should be appropriate for the use proposed and the services available. Consents will only be granted in areas where the undue extension of any major services would not be required.*
- 6.2.1.4 Severances that create new lots shall only be considered when both the newly created lot and the retained lot front on an assumed public road that is currently maintained on a year-round basis by a public authority.*
- 6.2.1.5 The parcel of land to be created by severance and the retained parcel and proposed use shall conform to all applicable provisions of the Township's Zoning By-law, save that the consent to sever may be granted on the condition that a Zoning By-law amendment or minor variance be approved, if required.*
- 6.2.1.6 Severances may only be considered when it has been established by the Ministry of Environment or its agent that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain sufficient potable water and to permit the installation of an adequate means of sewage disposal for both the severed and retained parcels.*
- In certain situations and locations, hydrogeological studies may be required of the applicant for multi-lot severance applications.*

- 6.2.1.7 *In general, residential severances shall be encouraged as infilling in or adjacent to those areas designated Hamlet or clusters of houses in the Rural Area, in an effort to promote orderly and controlled development throughout the municipality.*
- 6.2.1.8 *Severances shall not be considered for lands where access may create a traffic hazard because of limited sight lines on curves or grades. Attention should be given to the function of the road in the Transportation Section of this Plan.*
- 6.2.1.12 *Severances will be discouraged in low lying areas, in areas susceptible to erosion and within significant wildlife or biological areas.*
- Severances shall not be granted for a parcel of land which is subject to flooding or other physical hazard, when the proposed use of the parcel requires that a building be erected other than for flood control or similar purposes by a provincial authority or appropriate Conservation Authority.*
- 6.2.1.14 *Severances shall not be granted where the proposed use would contravene the Minimum Distance Separation requirements as determined by the MDS formula of the Ministry of Agriculture, Food and Rural Affairs and Ministry of Environment.*
- 6.2.1.16 *An application for severance of an existing lot shall have the effect of creating only one (1) new lot in addition to the retained lot. If two (2) new lots are to be created in addition to the retained lot, an additional application shall be required.*
- When an application or applications for consent are submitted so as to create new lots, only one parcel of land shall be retained. The checkerboarding of an application or applications is not permitted."*



TRENT LAKES OFFICIAL PLAN SCHEDULE A1 LAND USE & TRANSPORTATION PLAN HARVEY

488 Elim Lodge Road (Harvey)
 Lots 4 and 5, Concession 18
 Municipality of Trent Lakes
 County of Peterborough

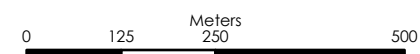
Figure 4

Legend

-  Subject Property
-  Commercial
-  Recreational Dwelling Area
-  Rural
-  Provincially Significant Wetland

Data Sources

Municipality of Trent Lakes



PCS: NAD 1983 UTM Zone 17N

Scale: 1:10,000

Created In:	ArcGIS Pro
Drawn By:	Ash More
Checked By:	Amanda Timmermans
Map Date:	8/31/23
Project Number:	85314



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4.1.4 Municipality of Trent Lakes Comprehensive Zoning By-law No. 2014-070

The Subject Property is zoned Special Multiple Recreational Residential (SMR(H)) in the Municipality of Trent Lakes Comprehensive Zoning By-law (CZBL). The SMR(H) Zone is a remnant zone category under a former secondary plan known as the Sandy Point Recreation Development. Refer to **Figure 5 – Zoning By-law Schedule ‘A’ Map 9**.

Section 23 – Sandy Point Recreation Development (By-law No. 89-28)

23.1 Definitions and General Provisions

Notwithstanding Sections 3 and 4 or any other wording of this By-law, the following shall apply within the Sandy Point Recreation Development.

23.1.9 Removal of Holding (H) Zone Provision

In the interim period until the holding provision is removed by Council the uses, buildings and structures permitted shall be restricted to those existing as of the date of passing of By-law 89-28 (March 14th, 1989).

23.4 Special Multiple Recreation Residential (SMR) Zone

23.4.1 Permitted Uses

- i) multiple recreation dwellings
- ii) tourist establishment
- iii) tourist home
- iv) private park
- v) accessory commercial and residential uses
- vi) accessory uses

23.4.2 Regulations for Uses Permitted in Section 23.4.1

Minimum Lot Area	1.4 ha (3.5 ac)
Minimum Lot Frontage	90.0 m (295.0 ft)
Minimum Corner Lot Frontage	90.0 m (295.0 ft)
Maximum Lot Coverage	25%
Minimum Front Yard Depth	12.0 m (39.4 ft)
Minimum Exterior Side Yard Width	7.0 m (22.9 ft)
Minimum Interior Side Yard Width	5.0 m (16.4 ft)
Minimum Rear Yard Depth	5.0 m (16.4 ft)
Minimum Water Yard	20.0 m (65.6 ft)

Minimum Floor Area

- | | |
|---|---|
| a) Semi-detached, row-house, townhouse, grouped or clustered dwellings, including accessory dwelling: | 92.9 m ² (1000.0 ft ²) |
| b) Apartments, duplex and double-duplex: | 46.45 m ² (500.0 ft ²) |
| c) Motel, hotel or rental unit: | 26.47 m ² (284.9 ft ²) |

<i>Maximum Height</i>	10.66 m (35.0 ft)
-----------------------	-------------------

<i>Maximum Number of Dwellings Per Lot</i>	2 only
--	--------

<i>Location of Marina</i>	No Marina structure shall be erected within 20 m (65.6 ft.) of any residential building
---------------------------	---

Maximum Density of Development

- | | |
|---|---|
| a) Motel, hotel, apartment, rental, duplex and double duplex units: | 92.9 m ² (1000.0 ft ²) |
| b) Semi-detached, row-house, townhouse, grouped or clustered dwellings: | 46.45 m ² (500.0 ft ²) |

<i>Maximum Number of Dwelling Units of all Types:</i>	825
---	-----

Based on the foregoing provisions, the proposed development does not conform with the intended use and development of lands zoned SMR(H) within the Municipality. In order to facilitate the proposed development, rezoning of the Subject Property from SMR(H) to Shoreline Residential (SR) in its entirety, is proposed. Relevant provisions of the SR Zone are as follows:

Section 8 – Shoreline Residential (SR) Zone

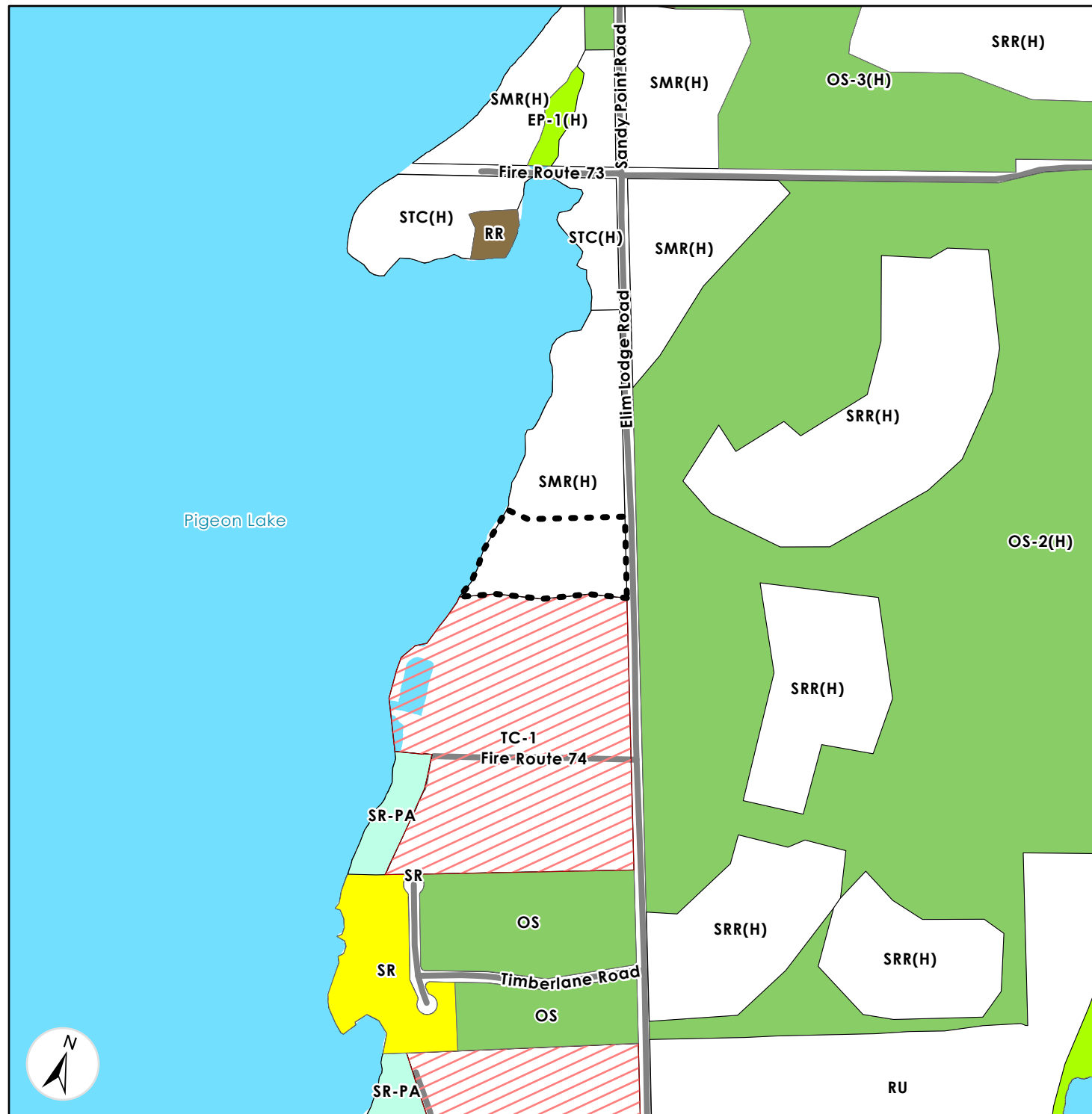
8.1 Permitted Uses

8.1.1 a single detached dwelling

8.1.2 a seasonal dwelling

8.2 Regulations for Uses Permitted in Section 8.1

8.2.1	Minimum Lot Area	0.4 ha (1.0 ac)
8.2.2	Minimum Lot Frontage	45.0 m (147.6 ft)
8.2.3	Minimum Shoreline Frontage	45.0 m (147.6 ft)
8.2.4	Minimum Front Yard Depth	12.0 m (39.4 ft)
8.2.5	Minimum Exterior Side Yard Width	6.0 m (19.7 ft)
8.2.6	Minimum Interior Side Yard Width	4.5 m (14.8 ft)
8.2.7	Minimum Rear Yard Depth	9.0 m (29.5 ft)
8.2.8	Minimum Water Yard	30.0 m (98.4 ft)
8.2.9	Maximum Building Height	11.0 m (36.0 ft)
8.2.10	Maximum Lot Coverage of All Building	20%
8.2.11	Maximum Number of Single Detached or Seasonal Dwellings Per Lot	1
8.2.12	Maximum Number of Dwelling Units Per Lot	1



TRENT LAKES ZONING BY- LAW NO. 2014-070 SCHEDULE A MAP 6

488 Elim Lodge Road (Harvey)
Lots 4 and 5, Concession 18
Municipality of Trent Lakes
County of Peterborough

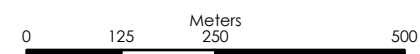
Figure 5

Legend

- Subject Property
- Rural Residential Zone
- Shoreline Residential Zone
- Shoreline Residential-Private Access Zone
- Tourist Commercial Zone
- Environmental Protection Zone
- Rural Zone
- Open Space Zone

Data Sources

Province of Ontario, County of Peterborough,
Municipality of Trent Lakes



PCS: NAD 1983 UTM Zone 17N Scale: 1:10,000

Created In:	ArcGIS Pro
Drawn By:	Ash More
Checked By:	Amanda Timmermans
Map Date:	8/31/23
Project Number:	85314



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5.0 Planning Rationale

The proposed OPA and ZBA conform to the applicable provincial and municipal policies as outlined above.

Provincial policy generally directs growth and development to settlement areas; however, certain growth and development, including resource-based recreational uses (e.g., recreational dwellings), and locally appropriate lot creation for residential development, may be directed to rural lands. The proposed OPA and ZBA would facilitate the creation of two new lots plus one retained, which will be used for waterfront residential development in the form of single detached dwellings. The proposed development therefore aligns with the permitted use of rural lands under provincial policy.

Development on rural lands is required to be compatible with the surrounding rural landscape and to be sustained by rural service levels. The surrounding area is comprised of a diverse mix of land uses, including shoreline and rural residential development primarily in the form of single detached dwellings on lots of varying dimension, tourist commercial trailer parks, agricultural fields, and vacant lands. The proposed OPA and ZBA would facilitate the proposed severances for residential development in the form of single detached dwelling on the resultant parcels; and are therefore in keeping with the character of the surrounding rural area.

The provision of private individual water and sewage disposal systems to each new lot is anticipated to be feasible. Based on the surrounding development, it appears that electricity, telephone, and internet services are likely available; therefore, extension of these services would not be required. The proposed development is also anticipated to have minimal impact on the condition and maintenance requirements of the municipally maintained road.

Provincial policies also require the protection of natural heritage and hydrologic features and their ecological functions through imposing restrictions on development within and around said features. Development is not permitted within significant woodlands and significant wildlife habitat. Similarly, development is not permitted in fish habitat except in accordance with provincial and federal requirements. Development is only permitted in lands adjacent to the above noted features when it has been demonstrated that the development will not result in any negative impacts to the natural heritage features and their ecological functions. Additionally, the Growth Plan requires the establishment of a vegetative protection zone (VPZ) of sufficient width to protect key natural heritage features. Based on the Environmental Impact Study (EIS) completed, Wills does not anticipate any significant negative environmental impacts associated with the Project provided the environmental mitigation measures described in the report are implemented throughout the construction period.

The PPS also offers protection to water resources by restricting development and site alteration near sensitive surface water features and requiring, where necessary, mitigation measures and/or alternative development approaches to ensure protection

of said features and their ecological functions. As directed by the Growth Plan, a VPZ of sufficient width to protect the key hydrologic feature (i.e., Pigeon Lake) will be established. In fulfillment of these policies, the proposed development will adhere to the recommendations provided in the EIS intended to minimize and mitigate any potential impacts to the lake and its associated ecological function.

In accordance with the Planning Act, R.S.O. 1990, as the Subject Property is planned to undergo a lot severance, an archaeological assessment of the Subject Property was required. Prior to development on lands identified as having archaeological potential, policies of the PPS require that significant archaeological resources are conserved. Policies of the COP specifically require the completion of an archaeological assessment where lands having archaeological potential are subject to development applications. To satisfy these policies, a Stage 1 and 2 Archaeological Assessment was conducted and concluded that the Subject Property does not possess any cultural heritage value or interest, and that no further archaeological work is required within the Subject Property with respect to the subject applications.

The Subject Property is described as Rural Area in the COP. However, in accordance with the COP definitions, the Subject Property would be considered Shoreland Area and the Waterfront designation. Shoreland areas generally include all lands extending inland 150 m from the ordinary high-water mark of any lake, river or waterway. Since the Subject Property has direct frontage on Pigeon Lake, it should be considered to relate to the shoreland area physically and functionally.

Policies of the COP provide that residential development shall predominate in the shoreland areas and that shoreland areas are expected to provide a diversity of dwellings to facilitate a blend of permanent and seasonal habitation of such areas. Given the presence of several high-density trailer park establishments for seasonal occupation to the south, the proposed single detached dwellings for permanent occupation, improves the balance of seasonal and permanent dwellings in the area and therefore aligns with the aforementioned residential development policy direction of the COP.

The COP permits severances within the shoreland area provided the requirements of the Health Unit can be met, and provided that proposed lots have direct frontage on and access from publicly owned and maintained roads unless otherwise permitted in local Official Plans. The proposed lots will have direct frontage and access from a Township maintained road and will be serviced by private individual sewage disposal systems approved by Peterborough Public Health.

The Subject Property is designated "Rural" in the TLOP. The Rural designation permits limited permanent and recreational dwellings at a very low density, however, indicates that residential development should be directed to areas designated for such. The proposed development does not conform to the policies of the Rural designation. The submitted OPA application proposes to redesignate the Subject Property from "Rural" to "Recreational Dwelling Area (RDA)", where single unit permanent and recreational dwellings are a permitted use.

Policies of the COP and TLOP may permit development within and adjacent to natural heritage features contingent on the completion of an EIS which demonstrates that no negative impacts to the features and their ecological functions will occur. Development which allows for the maintenance of shoreline and lake ecological function and aesthetic is promoted. To realize this objective, the TLOP encourages substantial retention of shoreline vegetation and requires a 30 m high-water mark setback for development and site alteration. The resultant parcels will be developed in a manner in which achieves a balance between built form and natural form. The resultant parcels will be of sufficient dimension to allow the proposed dwellings and associated servicing systems to comply with the required 30 m high-water mark setback. The submitted EIS confirms that the development will not result in negative impacts to the natural heritage and hydrologic features on and adjacent to the Subject Property. Recommendations of the EIS will be heeded to ensure the anticipated no-impact scenario is realized.

The TLOP permits severances within the RDA designation, subject to meeting several criteria. The maximum number of lots permitted to be created is two plus the retained lot. As proposed, the development is compatible with surrounding land uses and is appropriate in the context of available servicing. The proposed lots will allow for residential infilling where the shoreline area of Pigeon Lake has already experienced an intensity of residential development; therefore, it will not prevent the orderly and controlled development of the Township. The proposed lots will have frontage on a year-round maintained Township Road and entrances are not anticipated to create any traffic hazards. The proposed lots will have sufficient dimension to accommodate the proposed development and associated servicing systems and to locate the proposed development such that impacts to natural heritage features are avoided. MDS requirements will likewise be met.

The Subject Property is currently zoned SMR(H) in the CZBL. The SMR(H) zone is a remnant zone category under the Sandy Point Recreational Development Secondary Plan, which has since been repealed. The SMR(H) zone allows for multiple recreation dwellings, a tourist establishment, a tourist home, a private park, accessory commercial and residential uses, and other accessory uses. The SMR(H) also imposes several specific regulations for development, together with special provisions for accessory structures, landscaping, and building separation. The holding provision provides that only the uses, buildings and structures permitted shall be restricted to those existing as of the date of the passing of By-law 89-28, being March 14, 1989.

The submitted ZBA application is proposing to rezone the Subject Property in its entirety from Special Multiple Recreational Residential (SMR(H)) to Shoreline Residential (SR). Permitted uses in the SR Zone include single detached dwellings and seasonal dwellings. Each of the severed and retained lots will exceed the minimum required lot area of the SR Zone, ranging in area between 1.15 and 1.24 hectares, whereas the SR Zone requires a minimum lot area of 0.8 hectares. The frontages of all lots will exceed the minimum required lot frontage of the SR Zone, being 45 ms.

The proposed use of the severed and retained parcels is for shoreline residential purposes and the secondary plan which implemented the SMR(H) zoning on the

Subject Property has been repealed, the proposed rezoning of the Subject Property is appropriate. Additionally, the proposed severed and retained lots are anticipated to be of sufficient area and dimension to allow the proposed dwellings to comply with all other relevant regulations of the SR Zone.

6.0 Proposed Official Plan and Zoning By-law Amendments

The following are the proposed Official Plan and Zoning By-law Amendments for the Subject Property legally described as Part of Lots 4 & 5, Concession 18, in the former geographic Township of Harvey, now in the Municipality of Trent Lakes, in the County of Peterborough; and having municipal address 488 Elim Lodge Road.

6.1 Proposed Official Plan Amendment

The Subject Property is proposed to be redesignated from 'Rural' designation to the 'Recreational Dwelling Area' designation to facilitate the proposed rezoning, as well as the severance of two new lots plus the retained and subsequent development and use of the severed parcels. The proposed Shoreline Residential (SR) zone which permits shoreline residential development is consistent with the RDA land use designation.

Proposed Official Plan Amendment for the property legally described as Part of Lots 4 & 5, Concession 18, in the former geographic Township of Harvey, now in the Municipality of Trent Lakes, in the County of Peterborough; and having municipal address 488 Elim Lodge Road:

1. Introductory Statement

All of this part of the document entitled "The Amendment", consisting of the following text and map identified as Schedule "A", constitutes Amendment No. XX to the Official Plan of the Municipality of Trent Lakes.

2. Details of the Amendment

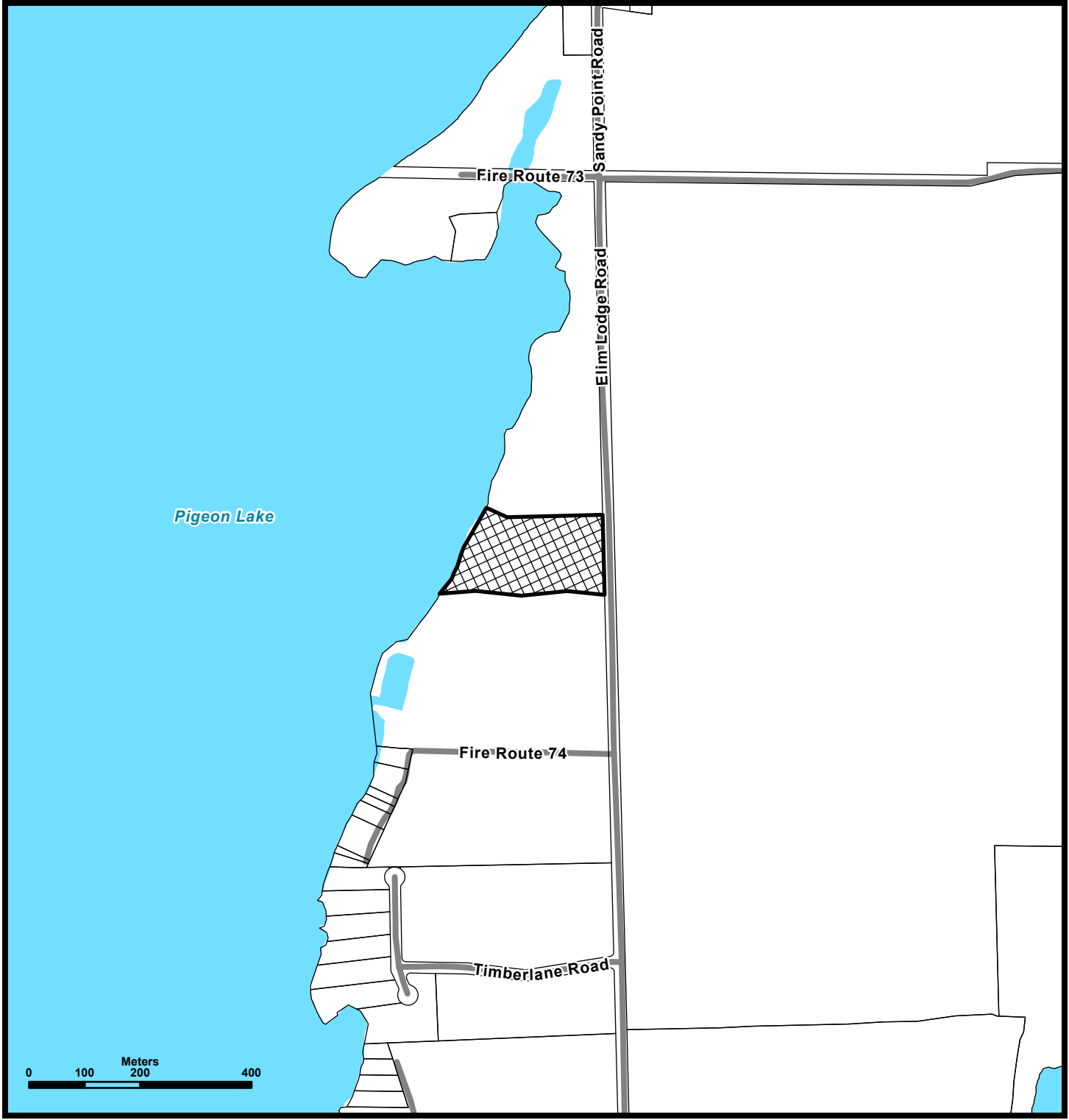
The Official Plan of the Municipality of Trent Lakes is amended as follows:

1. Schedule "A1 – Land Use and Transportation Plan – Harvey" of the Official Plan of the Municipality of Trent Lakes, is amended by changing the designation from 'Rural' to 'Recreational Dwelling Area' on the Subject Property located in Part of Lots 4 & 5, Concession 18, in the Geographic Township of Harvey, as shown on Schedule "A" attached hereto and forming part of this Amendment.

3. Implementation and Interpretation

The implementation and interpretation of Official Plan Amendment No. ** shall be in accordance with the respective policies of the Official Plan of the Municipality of Trent Lakes, as amended. **Figure 6 – Draft Official Plan Amendment Schedule.**

Schedule 'A-1'
Official Plan Amendment ____
Municipality of Trent Lakes
Lots 4 and 5, Concession 18 (Harvey)



 Lands to be redesignated from 'Rural' designation to 'Recreational Dwelling Area' designation.



6.2 Proposed Zoning By-law Amendment

The proposed rezoning will amend Schedule 'A' Map 9 of the CZBL to rezone the Subject Property from the Shoreline Multiple Recreation Residential (SMR(H)) zone to the Shoreline Residential (SR) zone in its entirety. The rezoning will facilitate the development and use of a single detached dwelling on each of the proposed severed and retained lots.

Proposed Zoning By-law Amendment for the property legally described as Part of Lots 4 & 5, Concession 18, in the former geographic Township of Harvey, now in the Municipality of Trent Lakes, in the County of Peterborough; and having municipal address 488 Elim Lodge Road:

Now therefore the Council of the Corporation of the Municipality of Trent Lakes enacts as follows:

1. **That** Schedule "A" – Map 9 of By-Law B2014-070, as amended, is hereby further amended by changing the zone category of certain lands described as being Part of Lots 4 & 5, Concession 18, Harvey Ward (488 Elim Lodge Road) from "Special Multiple Residential (SMR(h))" to "Shoreline Residential (SR)", as illustrated on Schedule "A" attached hereto and forming part of this By-law.

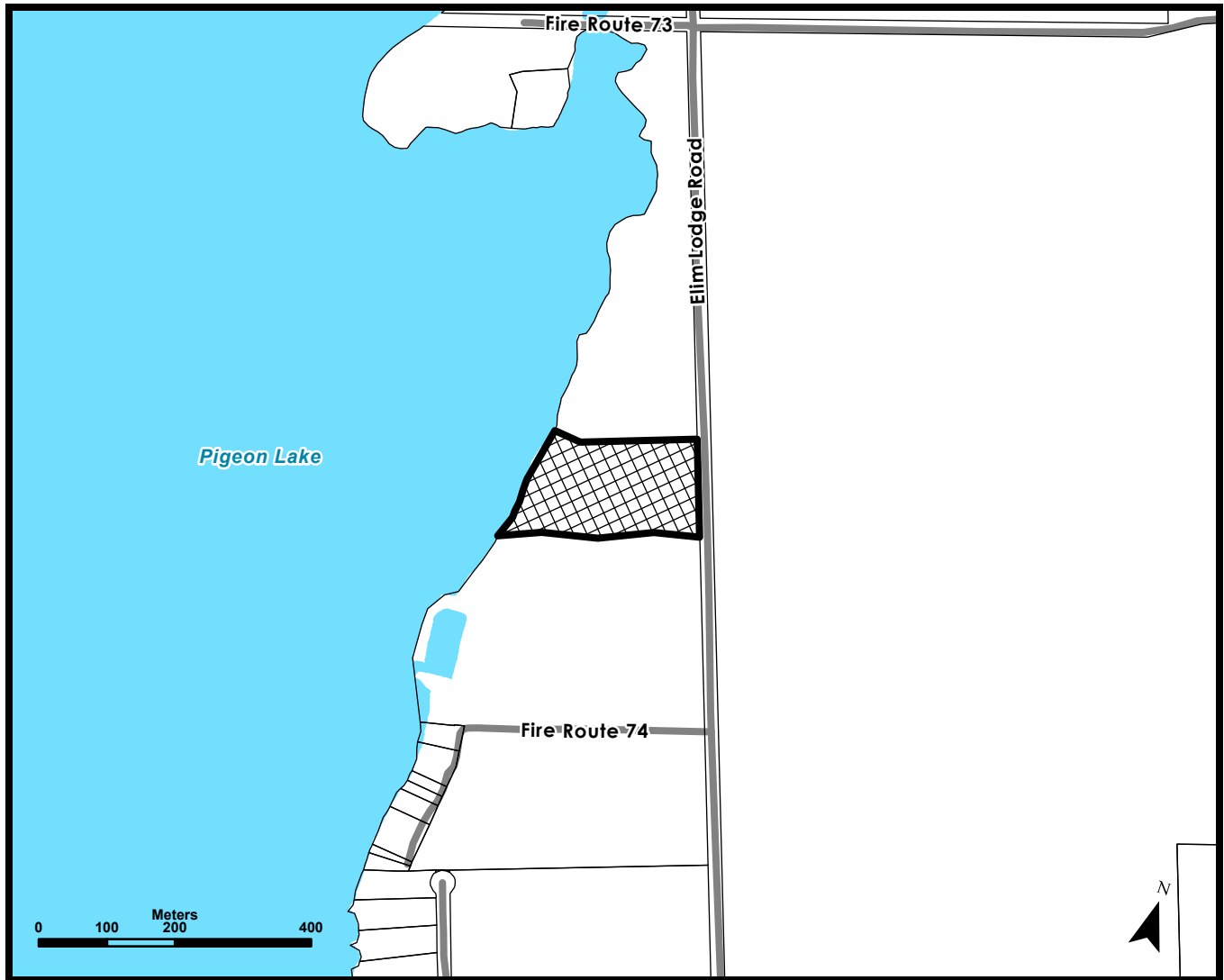
By-law read a first, second and third time this ____ day of _____, 202X.

Mayor

Clerk

Figure 6 – Zoning By-law Amendment Schedule illustrates the proposed zoning schedule.

Schedule A-1



Lands to be rezoned from 'Rural' (RU) zone to 'Shoreline Residential' (SR) zone.

Schedule 'A-1' to By-Law _____

Lots 4 and 5, Concession 18 (Harvey)
Municipality of Trent Lakes

Schedule 'A-1' to By-Law _____

Passed this _____ day of
_____, _____

Mayor

Clerk

7.0 Closing

This Report has been prepared in support of the OPA and ZBA applications in support of the creation of two shoreline residential lots on the Subject Property. The Report provides an analysis of the applicable provincial and local policy documents in the context of the submitted development applications.

It is our opinion that the development proposed through the above noted applications is compatible with the rural landscape and existing development pattern of the surrounding lands and supports the sensitive infilling of rural lands which have already experienced a significant intensity of development. The built form of the development on the severed and retained parcels will not dominate over the natural environment and the character and environmental integrity of the shoreline will be protected and maintained.

Based on the background information, the features on site and the forgoing review of the relevant policies, it is our opinion that the proposed OPA and ZBA, to permit future shoreline residential lots are consistent with and conform to provincial and municipal policies and constitutes as good planning.

Respectfully Submitted,

Reviewed by:

D.M. Wills Associates Limited



Marnie Saunders, BES, CPT
Senior Land Use Planner



Diana Keay, MCIP, RPP
Principal Planner

AT/MS/DK/jh

Appendix A

Record of Pre-consultation



May 8, 2023

Amanda Timmermans
Intermediate Land Use Planner
D.M. Wills Associates Limited
150 Jameson Drive
Peterborough, ON K9J 0B9

Attention: Amanda

**Re: 488 Elim Lodge Road Pre-Consultation
Trent Lakes**

Further to our meeting of March 30, 2023 the Planning Department has reviewed and discussed your pre-consultation submission for lands located at 488 Elim Lodge Road in Part Lots 4 and 5, Concession 18 (Harvey). The Municipality's planning consultant has also had an opportunity to walk the subject lands which have a lot area of approximately 3.47 hectares and a shoreline/road frontage of approximately 144 metres.

The subject lands are designated Rural in the Trent Lakes Official Plan and are zoned Special Multiple Recreational Residential (SMR)(H) in the Trent Lakes Comprehensive Zoning By-law 2014-070. The SMR Zoning is a remnant zone category attributed to a former secondary plan known as the Sandy Point Recreation Development.

The proposal involves the creation of 3 shoreline lots by consent (2 severed and one retained) each with a lot area of approximately 1 ha and a shoreline/road frontage of approximately 50 metres. This proposal was the subject of earlier pre-consultation discussions between DM Wells, the Municipality and the County, specifically on the issue of the official plan designation, being Rural, and whether this designation allowed lot creation and/or the rezoning of lands located in shoreline areas.

A preliminary severance review (PSR) of the proposed consents dated June 29, 2022 was prepared by the County. It is noted based on our site visit that the "existing structure" which was noted in the PSR as well as the DM Wells February 22, 2023, pre-consultation letter appears to have been removed some time ago.

On the issue of the Sandy Point Secondary Plan, Section 4.2.3 of the DM Wells February 22, 2023 letter seeks, "confirmation of the prevailing by-law and policy direction...to move forward with the proposed development". The inference seems to be that this secondary plan is still active based on By-law 90-52, which was a By-law approved by the former Township of Harvey to approve a new Official Plan. It is noted that By-law 90-52 pre-dated the creation of the amalgamated Township of Galway-Cavendish and Harvey and subsequent official plans were approved by the new municipality in 2000 and 2009 so the Planning Department is of the view that the Sandy Point Secondary Plan is no longer a component of current official plan policy.

The primary issue, which we re-iterate was the subject of pre-consultation discussion and direction in the fall of 2022, is whether the proposed development, which would include a consent and rezoning, may proceed under the Rural land use designation. On this point staff acknowledge Section 6.2.1.1 of the Official Plan which permits the creation of up to two new lots on an existing lot of record in the Rural designation. Staff also acknowledge that the same policy is applicable to an existing lot in the Recreation Dwelling Area designation.

The Planning Department is of the view that Recreation Dwelling Area is the primary land use designation intended to authorize shoreline development. Moreover, any requisite rezoning of the subject lands is required to conform with the Official Plan under Section 24(1) of the Planning Act. In this case the conforming land use designation for a proposed Shoreline Residential (SR) Zone would be the Recreation Dwelling Area designation and therefore an official plan amendment is a requirement to proceed with the lot creation proposal.

The Planning Department notes the subject lands are substantial in lot area and do not appear to be characterized by development constraints. The Planning Department also notes Section 6.2.1.1.1 permits the creation of up to 3 lots and 1 retained in cases where lands are split-designated. On this basis, staff would be open to the consideration of an OPA to split-designate the subject lands Recreation Dwelling Area and Rural where the end-result would allow 3 new lots and 1 retained with each lot having a shoreline and road frontage of approximately 36 metres and a lot area of 0.8 hectares.

The above-noted OPA would require the submission of a favourable EIS as required by Section 5.1.26 of the Official Plan and an archeological assessment. Staff are also likely to recommend a consent agreement as a condition of consent to implement recommendations of the technical reports and to maintain vegetation within the 30 metre water yard.

If you have any questions or wish to discuss this letter in more detail do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Adele Arbour".

Adele Arbour MCIP, RPP
Planner

Appendix B

Photographic Log



Client Name: Buckhorn Sand & Gravel c/o Jeff Chesher	Site Location: 488 Elim Lodge Road Part of Lots 4 & 5, Concession 18, Harvey Municipality of Trent Lakes
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Number:	1
Date:	November 10, 2023
Direction:	Northeast
Description:	Southern portion of Subject Property.



Number:	2
Date:	November 10, 2023
Direction:	South
Description:	Southern lot line on Subject Property.



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Number:	3
Date:	November 10, 2023
Direction:	West
Description:	Existing driveway in proximity to and parallel with southern lot line.



Number:	4
Date:	November 10, 2023
Direction:	Southeast
Description:	Central portion of Subject Property.



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Number:	5
Date:	November 10, 2023
Direction:	South
Description:	Northern portion of Subject Property.



Number:	6
Date:	November 10, 2023
Direction:	East
Description:	Northern lot line on Subject Property.



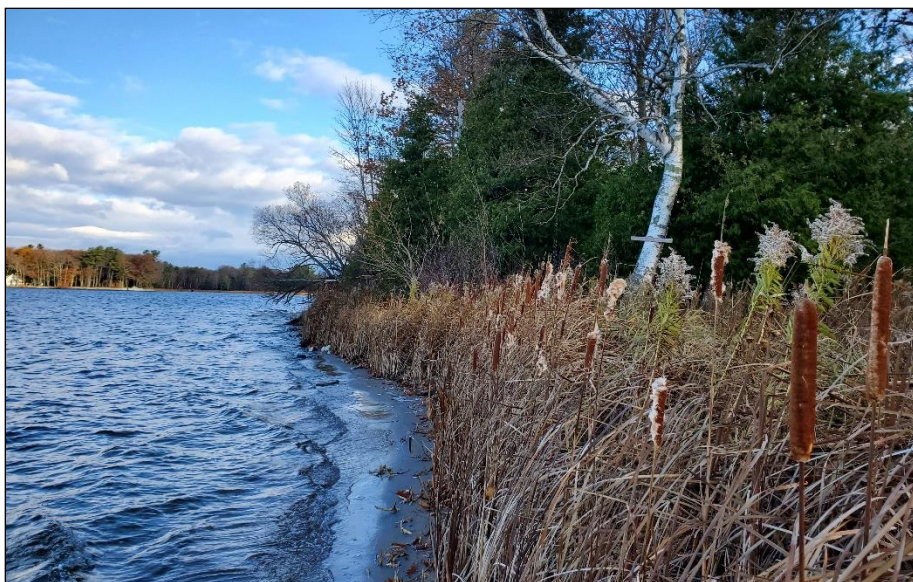
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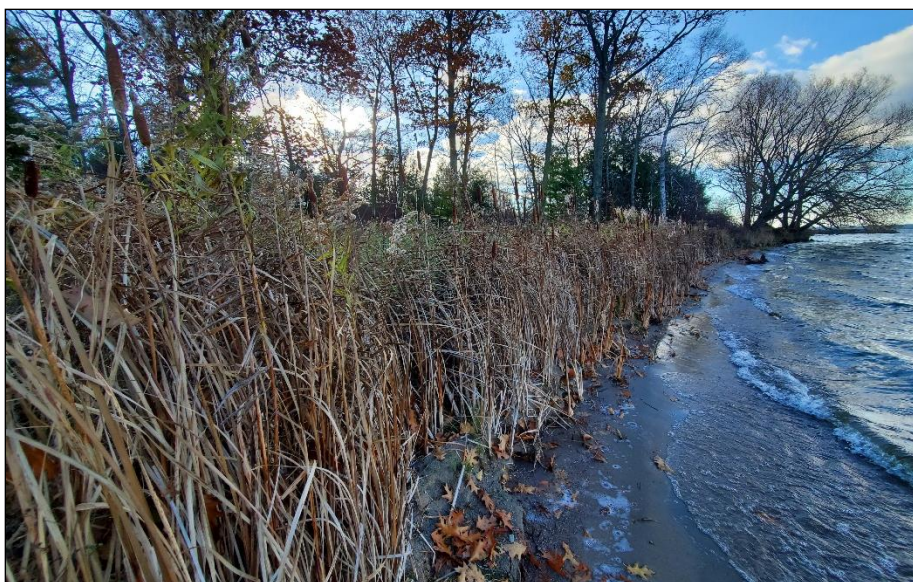
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Number:	7
Date:	November 10, 2023
Direction:	North
Description:	Shoreline of Subject Property.



Number:	8
Date:	November 10, 2023
Direction:	South
Description:	Shoreline of Subject Property.



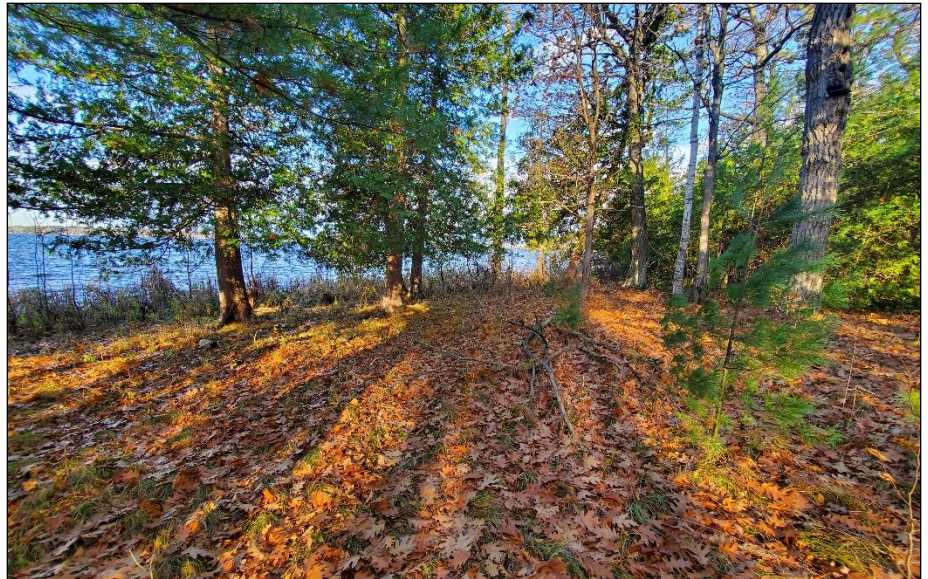
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Number:	9
Date:	November 10, 2023
Direction:	Northwest
Description:	Shoreline area on Subject Property.



Number:	10
Date:	November 10, 2023
Direction:	Northwest
Description:	Pigeon Lake from Subject Property.



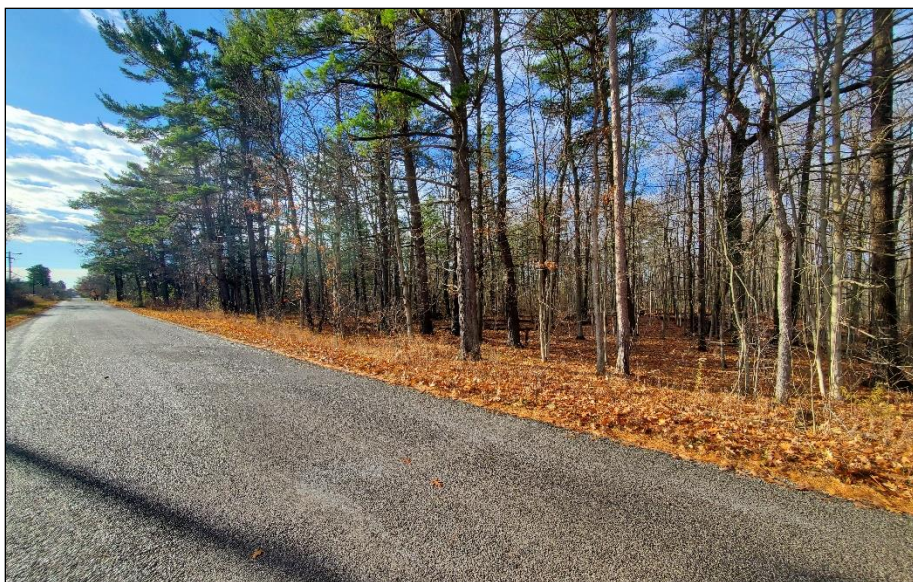
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Number:	11
Date:	November 10, 2023
Direction:	Southwest
Description:	Subject Property from Elim Lodge Road.



Number:	12
Date:	November 10, 2023
Direction:	West
Description:	Existing entrance from Elim Lodge Road.



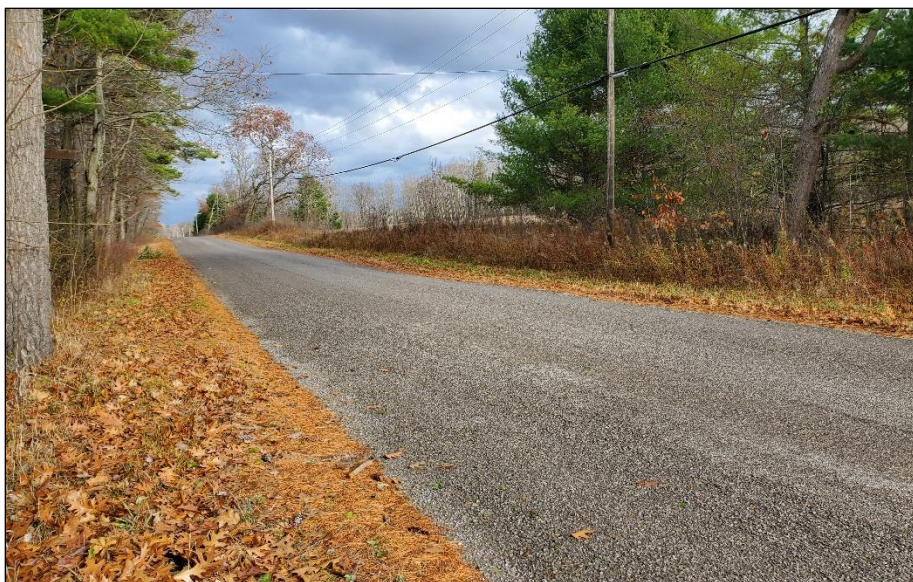
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Number:	13
Date:	November 10, 2023
Direction:	North
Description:	Elim Lodge Road from existing entrance to Subject Property.



Number:	14
Date:	November 10, 2023
Direction:	South
Description:	Elim Lodge Road from existing entrance to Subject Property.



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Number:	15
Date:	November 10, 2023
Direction:	South
Description:	Pigeon Lake Campers Resort. South adjacent to Subject Property.



Number:	16
Date:	November 10, 2023
Direction:	Southeast
Description:	Agricultural fields. Opposite Elim Lodge Road from Subject Property.



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