



Planning Justification Report

Part Lot 31 and 32, Concession 9, Dummer Ward
Township of Douro-Dummer, County of Peterborough

Prepared For Jim Middleton

July 24, 2023, amended December 18, 2023



This Planning Justification Report has been prepared in support of an application for Consent to Sever and Merge (lot line adjustment), Consent for Right of Way, and for a Zoning By-law Amendment affecting the subject lands, known legally as: **Lots 31 and 32, Concession 9, Township of Douro-Dummer (Township)**

EcoVue Project No: 22-2523



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TABLE OF CONTENTS



2.0	Background	1
2.1	Description of Subject Property and Surrounding Lands.....	2
2.2	Proposed Consents and Zoning By-Law Amendment.....	2
2.3	Preconsultation.....	5
2.4	Official Plan Designation and Zoning	5
3.0	Policy Review	8
3.1	The Planning Act	9
3.2	Provincial Policy Statement (2020).....	13
3.2.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	14
3.3	Places to Grow: The Growth Plan for the Greater Golden Horseshoe (2020).....	15
3.4	County of Peterborough Official Plan	17
3.5	Township of Douro-Dummer Comprehensive Zoning By-law	22
4.0	Summary	25
5.0	Appendices.....	28
5.1	Appendix A: Preliminary Severance Review	29
5.2	Appendix B: Draft Zoning By-Law Amendment	33

FIGURES

Figure 1 – Site Location.....3
Figure 2 – Consent Sketch4
Figure 3 – Official Plan Designation.....6
Figure 4 –Township Zoning By-law.....7

TABLES

Table 1 Matters of Provincial Interest.....9
Table 2 Zone Requirements.....24

1.0 Background



1.1 Description of Subject Property and Surrounding Lands

The subject property is located at Lot 31 and 32, Concession 9, Township of Douro-Dummer (**Figure 1 – Property Location**), north of County Road 6 and south of Miles Shore Road. Miles Road runs in a north/south direction from County Road 6 through the western part of the subject property and provides access to shoreline lots on Stoney Lake located along Mile Shore Road. Both Miles Road and Miles Shore Road are private roads.

The subject property is large rural lot with an area of approximately 64.1 hectares located south of Stoney Lake. County Road 6 forms the southern boundary of the property. The surrounding area is characterised by large rural properties and cottage lots on the lake shoreline. Some rural residential properties are located along County Road 6 and the roads that run northward toward Stoney Lake.

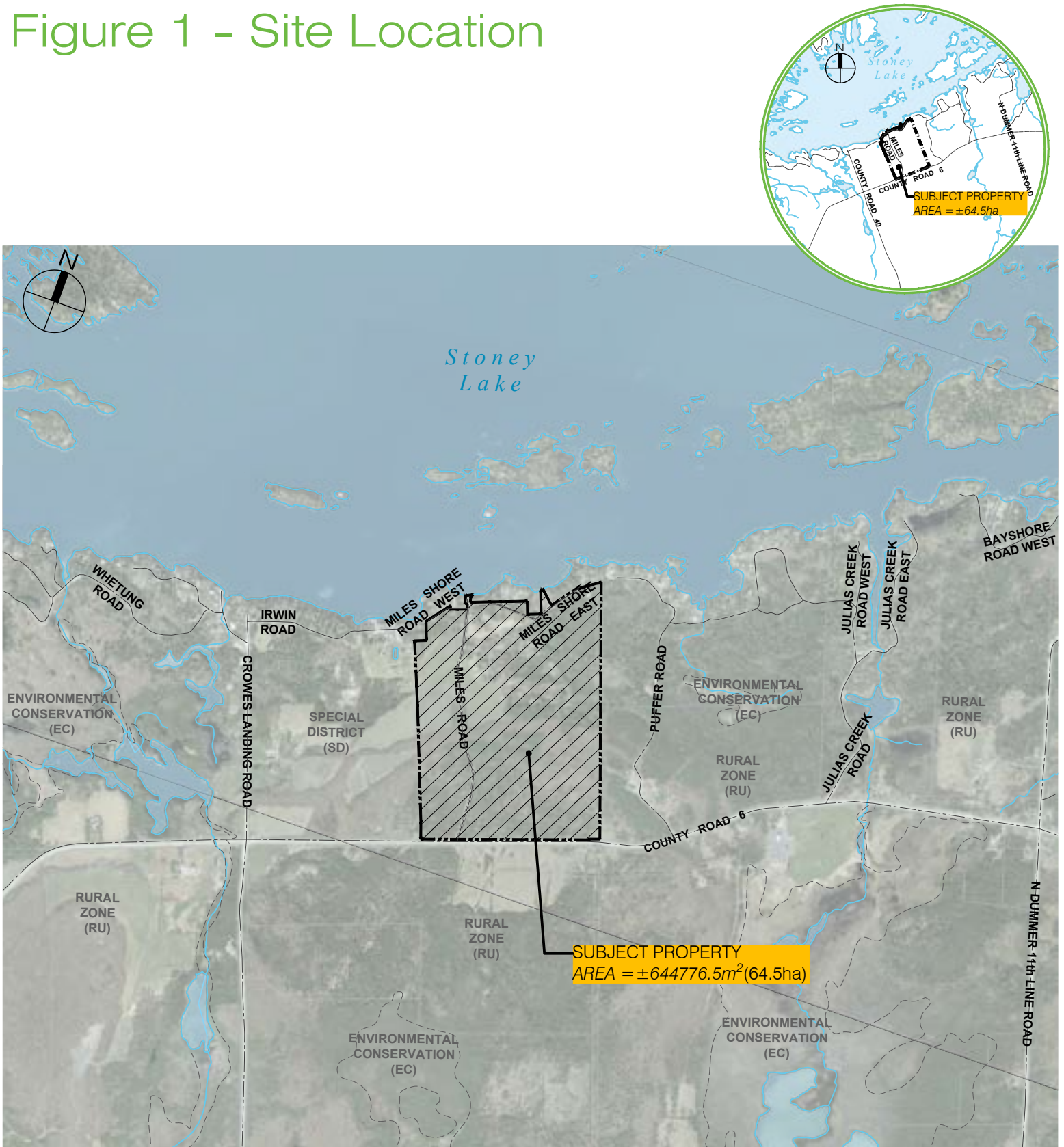
1.2 Proposed Consents and Zoning By-Law Amendment

Jim Middleton (Applicant) is proposing two technical severances and a Zoning By-Law Amendment. One severance (a lot line adjustment) is intended to increase the area of an undersized shoreline lot and the other (a right of way) is to provide for the relocation of a portion of Miles Shore Road (**Figure 2 – Consent Sketch**) to improve separation distances between the existing house and the road. The Zoning By-Law Amendment is intended to ensure the newly severed parcel matches the zoning on the benefitting lot. The only construction proposed from these applications is the new right of way/private road construction.

The specifics of each consent application are addressed below:

- Consent #1 (lot line adjustment) proposes to sever a parcel (appr. 3421 square metres) at the southeast corner of Miles Road and Miles Shore Road and merge it with the waterfront lot at 1442 Miles Shore Road (enlarged lot to be appr. 6100 square metres). The severed parcel has a depth of 49.4 metres at its eastern limit and a width of 79.3 metres at its northern limit. This merger will allow the shoreline lot to meet zoning provision size requirements.
- Consent #2 (right of way) consists of a 9.2 metre wide right of way that runs east from Miles Road starting approximately 140 metres south of the intersection of Miles Road and Miles Shore Road. It joins Miles Shore Road to the east of the benefitting parcel to remove the need for the right of way on the severed parcel. The Applicant is obtaining the agreement of all affected property owners about the road relocation and the road closure.

Figure 1 - Site Location



Miles Shore Road Consent

Jim Middleton

2393 Miles Road
Part of Lot 31 & 32

Concession 09

Geog. Twp. of Dummer
Township of Douro-Dummer
County of Peterborough

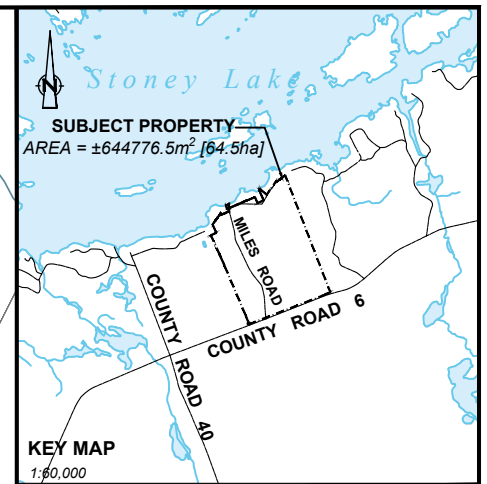
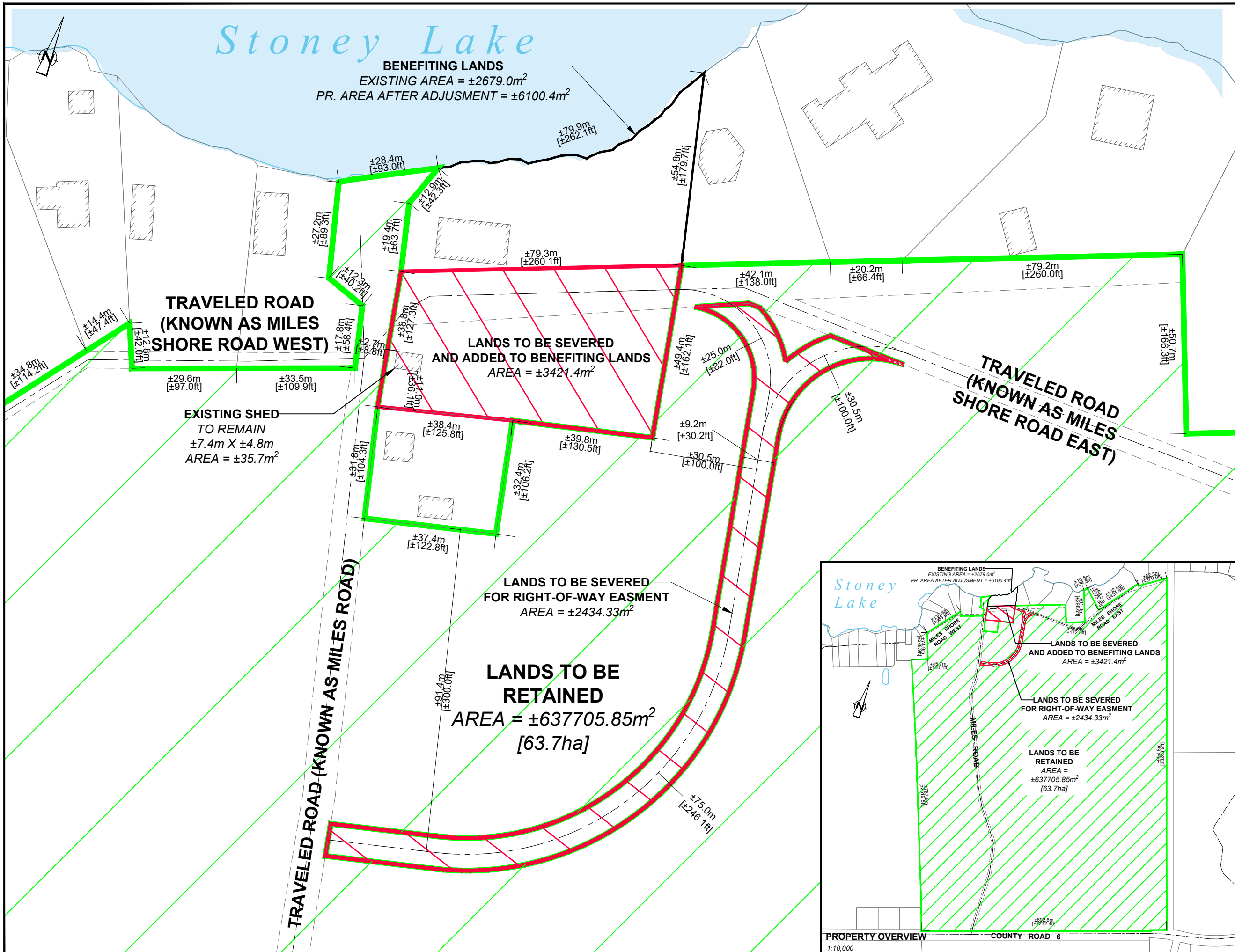
Project Number: 22-2523

Horiz. Scale: 1:20,000

Date: July 06, 2023

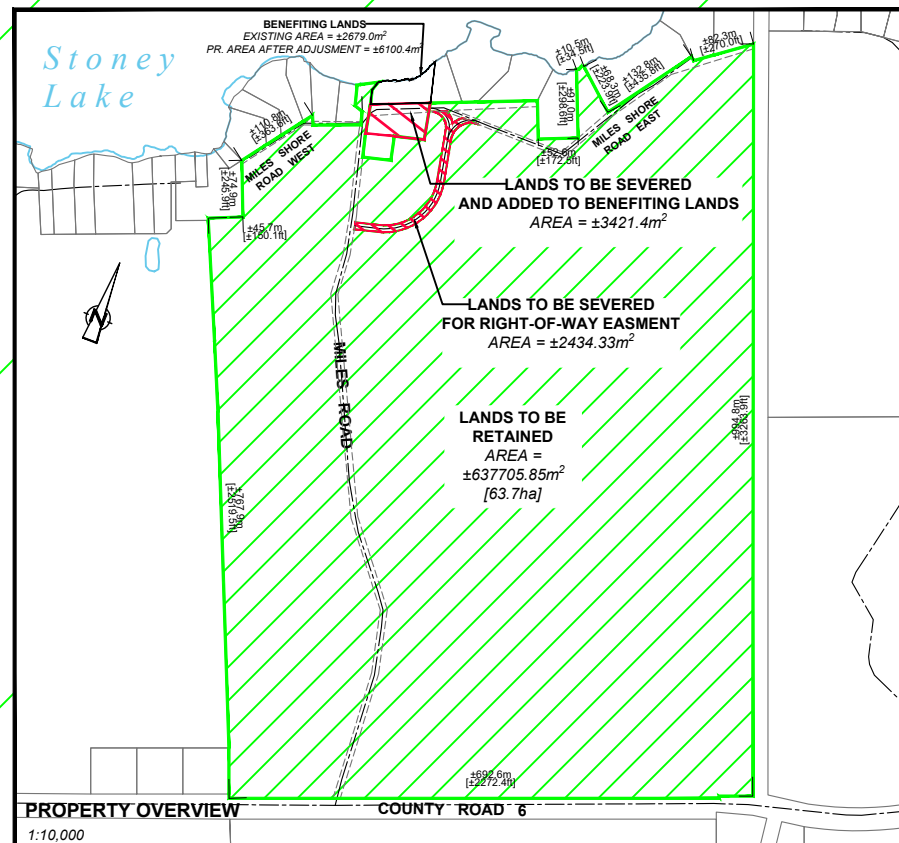


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LEGEND

	EXISTING PARCEL
	EXISTING STRUCTURES
	EXISTING TRAVELED ROAD
	LANDS TO BE RETAINED
	LANDS TO BE SEVERED
	BENEFITING LANDS



NOTES:

- Property Boundaries are approximate

Figure 2

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DRAWN BY:	MC	PROJECT No.:	22-2523
APPROVED BY:		HORIZ. SCALE:	1:1000
REVISION DATE:	SEPTEMBER 11, 2023	PLOT DATE:	SEPTEMBER 11, 2023

MILES SHORE ROAD CONSENT
JIM MIDDLETON
 2389 MILES ROAD
 PART OF LOTS 31 & 32, CONCESSION 09
 GEOG. TWP. OF DUMMER
 TOWNSHIP OF DOURO-DUMMER
 COUNTY OF PETERBOROUGH

CONSENT SKETCH **CS1**

1.3 Preconsultation

A preliminary severance review was carried out for the proposed consents (**Appendix A**). Through the review and consultation with the Township it was determined that with the approval of the consents, a zoning by-law amendment (ZBA) would be required. A draft of the proposed ZBA is attached to this report (**Appendix B**). This planning justification report provides the rationale for the consents and the ZBA. Other requirements of the preliminary severance review are addressed in this report, where appropriate.

1.4 Official Plan Designation and Zoning

As shown in **Figure 3**, the subject property is designated Rural in the County of Peterborough Official Plan (CPOP) whereas the benefitting lot is designated as Lakeshore Residential.

The predominant use of land in the Rural designation is agricultural, but other uses including agriculture, forestry, and passive outdoor recreational use are allowed. Activities associated with soil and water conservation are also permitted.

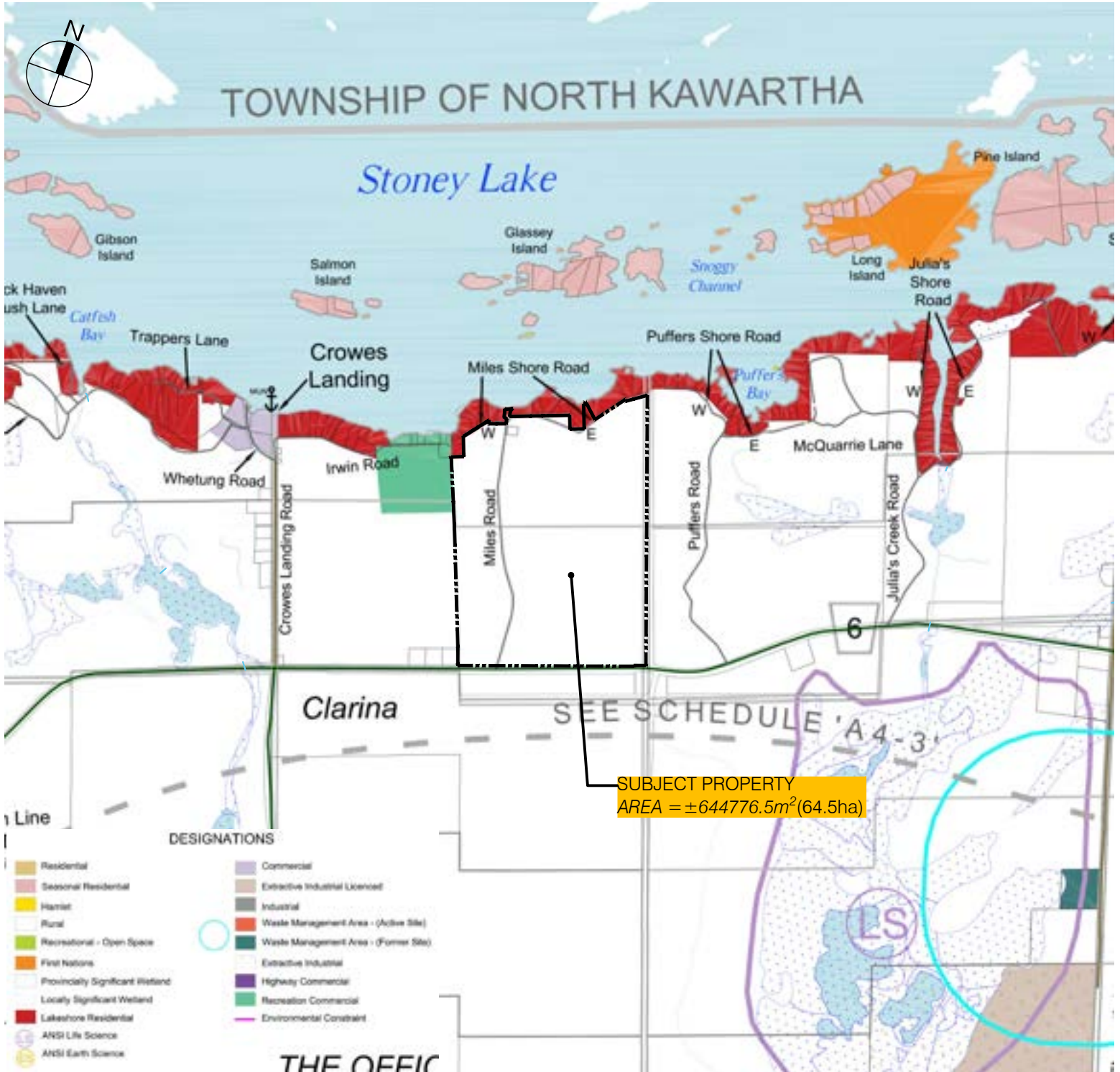
In the Lakeshore Residential designation, single detached dwellings and seasonal cottages on public roads are intended to be the predominant use. Single detached dwellings and seasonal cottages may also be permitted on private roads and deeded right of ways subject to the provisions of the Township By-law. Other uses that support the predominant uses may also be permitted.

As shown in **Figure 4**, the subject property is zoned Rural (RU) in Township Comprehensive Zoning By-law. The benefitting parcel is zoned Limited Service Residential (LSR) which applies to the waterfront lots in this area.

The RU zone permits a wide variety of Rural Uses including agriculture, farms, hobby farms, conservation, and a single detached dwelling on one lot. The LSR zone permits a single detached dwelling, a single detached recreational dwelling, and home occupations.

The application for a ZBA is required because of the severed parcel created through consent #1 is intended to be conveyed to the owners of the waterfront lot at 1442 Miles Shore Road. The subject property is zoned RU Rural while 1442 Miles Shore Road is zoned Limited Service Residential. Since Consent #1 will be added to the waterfront lot and will be mainly used for purposes associated with the LSR zone, it would be appropriate to apply the LSR zoning to severed parcel in Consent #1.

Figure 3 - The Official Plan of the Township of Douro-Dummer
Schedule 'A4-2'



Miles Shore Road Consent

Jim Middleton

2393 Miles Road

Part of Lot 31 & 32

Concession 09

Geog. Twp. of Dummer

Township of Douro-Dummer

County of Peterborough

Project Number: 22-2523

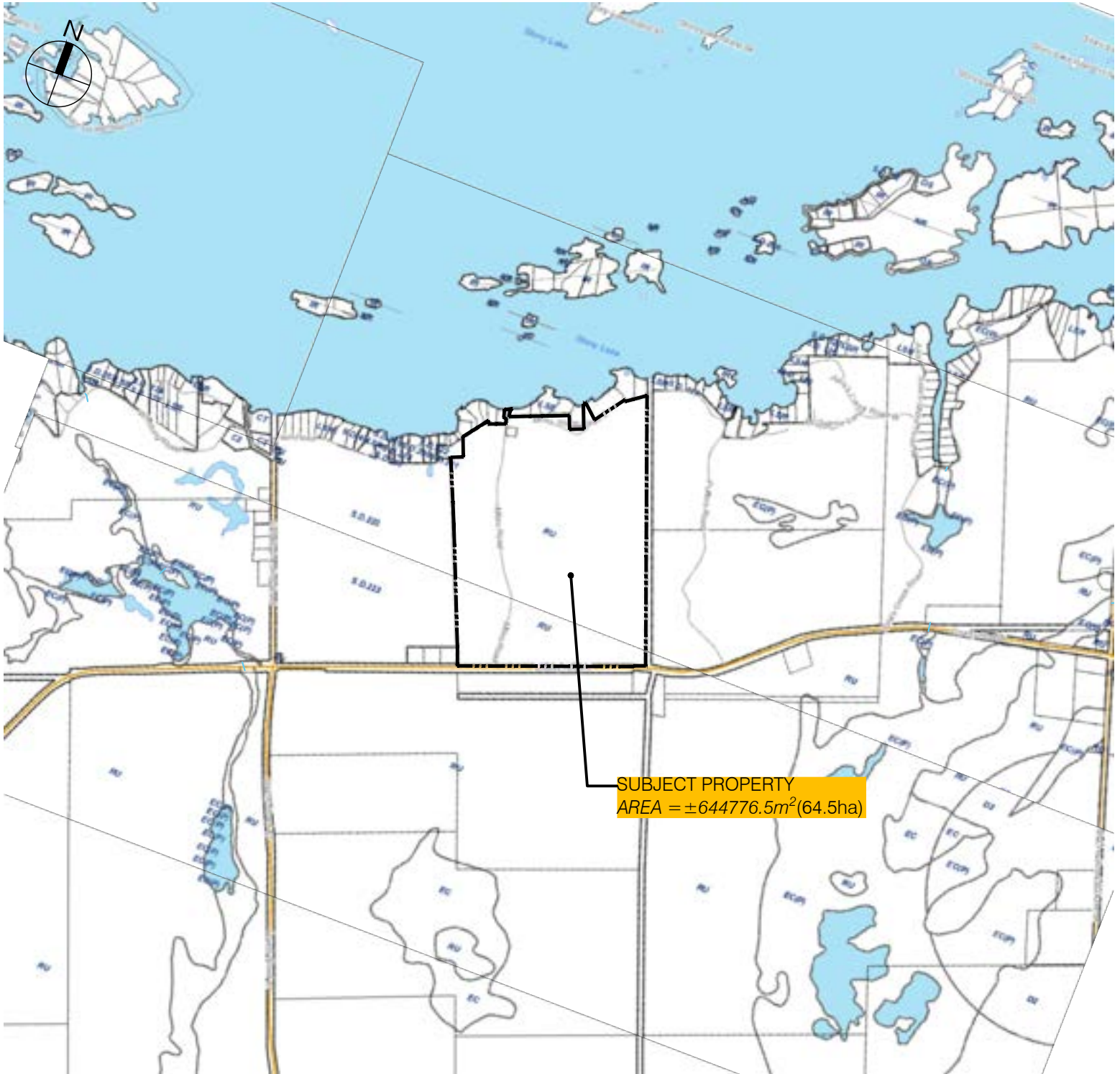
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Figure 4 - Township of Douro-Dummer Zoning Bylaw
Retrieved from County of Peterborough GIS online



Miles Shore Road Consent
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2.0 Policy Review



The applications must meet the requirements of the *Planning Act, R.S.O., 1990, c.P 13*, the Provincial Policy Statement (2020) (PPS), the Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), the County of Peterborough Official Plan (CPOP), and the Township of Douro Dummer Zoning By-Law (TDZBL). The CPOP contains policies which comprise the local Official Plan for the Township. In order to be approved, the application must satisfactorily address the requirements and policies of these documents. Each document is addressed below.

2.1 The Planning Act

The authority for municipalities to grant severances emanates from the *Planning Act, R.S.O., 1990, c.P 13*, (Act) states in Section 53 (1):

(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

In addition to the matters noted above, for plans of subdivision and consents, Section 51(24) further elaborates that consideration should be given to the following specific items (excerpts Section 51(24) in *italics*):

(i) The effect of development of the proposed [consent] on matters of provincial interest as referred to in Section 2:

Section 2 of the *Planning Act* provides a list of “matters of provincial interest”. These matters are discussed in the table below:

Table 1: Matters of Provincial Interest

Matters of Provincial Interest	Response
(a) the protection of ecological systems, including natural areas, features and functions;	The proposed severances are within a 120 metres of Stoney Lake which is a key hydrologic feature. However, the severances are technical in nature with the only site alteration being the proposed new road . These are located more than 30 metres from the lake high water mark and are not expected to impact the Lake.

(b) the protection of the agricultural resources of the Province;	Agricultural uses are not accommodated on the site. As such, the proposal will not impact agricultural uses.
(c) the conservation and management of natural resources and the mineral resource base;	The subject property does not contain significant natural resources or mineral resources.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	Though the subject lands may have archaeological potential, the applications are technical in nature and do not enable additional “development” as it is our understanding the new road could be constructed without the subject application.
(e) the supply, efficient use and conservation of energy and water;	The proposed consents are technical in nature and will not create new development opportunities that result in energy or water consumption.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	The proposal will not require additional services. The proposed severed and retained parcels have access to public roads from maintained private roads.
(g) the minimization of waste;	The proposal will not create new development opportunities that would increase waste.
(h) the orderly development of safe and healthy communities;	The proposal represents orderly development within the community. Consent #1 will be used to increase the size of an undersized waterfront lot. Consent #2 will ensure that vehicular access continues to the existing waterfront lots.
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	The consents are not intended to create new building opportunities. However, any new buildings associated with the severance requires compliance with the building code which includes accessibility requirements.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	The proposal will not cause changes in the provision and distribution of services.

(j) the adequate provision of a full range of housing, including affordable housing;	The proposal will improve the viability of a waterfront lot.
(k) the adequate provision of employment opportunities;	N/A
(l) the protection of the financial and economic well-being of the Province and its municipalities;	N/A
(m) the co-ordination of planning activities of public bodies;	N/A
(n) the resolution of planning conflicts involving public and private interests;	N/A
(o) the protection of public health and safety;	The proposal is not expected to impact the protection of health and safety.
(p) the appropriate location of growth and development;	The proposal is not intended to facilitate growth. It is in an appropriate location for the intended purposes.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The proposal will not create new development opportunities that require additional public transit.
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	The proposal will maintain appropriate built form for the area.
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The proposal will not cause new development opportunities that cause greenhouse gas emissions. Any new construction is subject to energy efficiency requirements under the Building Code which ensures minimal impacts to climate change emissions.

(i) Whether the proposed [consent] is premature or in the public interest:

The proposed consents are not premature and are in the public interest. The proposed lot addition will assist in bringing the waterfront lot into greater conformity with the size requirements in the Zoning By-law. Consent #2 will provide for the realignment of a portion of Miles Shore Road and facilitate continued access to a number of waterfront lots.

(ii) Whether the [consent] conforms to the official plan and adjacent plans of subdivision;

As noted herein, the proposal conforms to the CPOP. The benefitting lot when combined with the severed parcel from Consent #1 will meet the size requirements in the Township Zoning By-law and will be consistent with the size of other lots.

(iii) The suitability of the land for the purposes for which it is to be subdivided;

The subject property is suitable to provide the addition to the waterfront lot and provide the new right of way for a portion of Miles Shore Road.

(iv) The number, width, location and proposed grades and elevations of highways, and the adequacy of them;

The severed parcel in Consent #1 has access on Miles Road. Consent # 2 will provide a right of way to provide vehicular access to some waterfront lots.

(v) The dimensions and shapes of the proposed lots;

The dimension and shape of the proposed consents are appropriate for the intended purposes. Consent # 1 will provide for a lot addition which will increase the size of a waterfront lot so that it complies with the zoning by-law. Consent #2 will provide an appropriate size and location for the right of way.

(vi) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;

The proposed consents are technical and will comply with applicable restrictions and requirements of the Zoning by-law. The severed parcels are located more than 30 metres from Stoney Lake and are not expected to cause negative impacts.

(vii) Conservation of natural resources and flood control;

The proposed consents are not in an area subject to flooding. Furthermore, they are not expected to impact Stoney Lake which is a key hydrologic feature.

(viii) The adequacy of utilities and municipal services;

The proposed consents will not require additional services or utilities. The severed parcel in Consent #1 will be added to the benefitting lot which is already serviced. Consent #2 is a right of way which will not require services.

(ix) The adequacy of school sites;

The proposal is not creating new residential lots and will not create demand for schools.

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

No conveyance of land for public purposes is anticipated for the subject application.

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

The proposed consents should not affect the use or conservation of energy.

(xii) The interrelationship between the design of the proposed plan of [consent] and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of the Act;

As noted in Section 41(1.2) of the *Planning Act*, the development of 10 or less residential units is exempt from site plan approval.

Given the above, it is our opinion that the applications for consent comply with the provisions included in Section 51(24) of the *Planning Act*.

Through Section 24 (1) of the Act, zoning by-laws must comply with the Official Plan. This matter is discussed later in this report.

2.2 Provincial Policy Statement (2020)

Section 3 (5) of the Act requires planning decisions to be consistent with the Provincial Policy Statement (PPS). The policies of the PPS are mainly intended to guide the general location and type of development that may be permitted.

Consents generally fall within the definition of “development” in the PPS which includes “the creation of a new lot”. The consents in this case are technical in nature and no new developable lot will be created. However, the definition of development also includes a “change in land use”. While the land use designations of the properties are not intended to change, the use of the area the severed parcels will be

change through the consents. Furthermore, the ZBA for consent #1 falls within the PPS definition of development.

The relevant provisions of the PPS that affect the proposal are addressed in the following sections.

2.2.1 MANAGING AND DIRECTING LAND USE TO ACHIEVE EFFICIENT AND RESILIENT DEVELOPMENT AND LAND USE PATTERNS

Section 1.0 of the PPS contains policies designed to build strong and healthy communities in the Province of Ontario. Section 1.1.1 states in part, “[h]ealthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;...*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*

The proposal will create a more efficient land use pattern by increasing the area of the waterfront lot so that it is more in conformity with the zoning standards. The proposal is not expected to cause environmental, public health and safety concerns.

The proposal is consistent with Section 1.1.4.1, policies for Rural areas in Municipalities. The consents will help support healthy, viable rural areas by building upon rural character as requires in Section 1.1.4.1 (a).

Pursuant to Section 1.1.5.2 the proposal is also consistent with policies for rural lands in municipalities. The proposed use of the severed parcels will be for resource based recreation use which is a permitted use under Section 1.1.5.2.

A coordinated, integrated approach to planning has been employed regarding the application. Both the County and Township are involved in dealing with planning matters involved in the consent application. This includes issues related to managing natural heritage, water and other issues pursuant to Section 1.2.1 (c), and ecosystem and shoreline issues pursuant to Section 1.2.1 (e) due to the proximity of the subject property to Stoney Lake.

Section 2.1 provides policies related to the protection of natural heritage. The proposal is not expected to have a negative impact on natural heritage features or functions given the location of the development (more than 30 metres from the feature). The expansion of the lot at 1442 Miles Shore Road should not result in any actions which would affect Stoney Lake or fish habitat. Furthermore, the relocation of the road is anticipated to have a net benefit to the road by allowing a further separation distance.

Section 2.6 addresses preservation of archaeological resources. The subject lands have been identified as having potential archaeological resources (i.e., within 300 metres of a water body). The proposed lot line adjustment is not expected to impact the conservation of cultural heritage resources as it enables no new development or site alteration. The proposed right of way also does not enable site alteration, as it is our understanding the road could be constructed regardless of the right of way application.

Section 3.1.1 requires development to generally be directed away from hazardous lands which are impacted by flood hazards. The proposed consents are located more than 30 metres away from the normal high water mark of Stoney Lake and more than 5 metres above the associated elevation. They are not expected to be within area that is impacted by flood hazards.

In consideration of the above, our opinion is that the proposed consents and the ZBA are consistent with the PPS.

2.3 Places to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)

The proposed consents and ZBA must comply with Places to Grow: The Growth Plan for the Greater Golden Horseshoe (Growth Plan).

Section 2.2.9.3 applies to development in rural areas and it states:

3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

a) the management or use of resources;

b) resource-based recreational uses; and

c) other rural land uses that are not appropriate in settlement areas provided they:

i. are compatible with the rural landscape and surrounding local land uses;

ii. will be sustained by rural service levels; and

iii. will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.

The proposal will facilitate the resource-based recreational use of the severed parcel and the lands that will be accessed through the right of way. Pursuant to section 2.2.9.3 c) above, the proposal is compatible with the rural landscape and surrounding land uses and it will not adversely affect agricultural uses or other resource based uses.

Section 2.2.9.4 of the Growth Plan states that on rural lands resource based recreational uses should be limited to those that are compatible with scale, character and capacity of the resource and the surrounding landscape and may include resource-based recreational dwellings for seasonal accommodation. The proposal will facilitate the use of a seasonal recreational dwelling in a way that is compatible with the character of the area and capacity of the resource.

Section 3.2 of the Growth Plan sets out policies for infrastructure to support growth. The proposal is expected to have little effect on infrastructure. The proposed consents will not create new building opportunities. For the most part existing infrastructure will be unchanged as a result of the proposal. The only change will result from a relocation of a section of Miles Shore Road which will be contained in the right of way created through consent # 2.

In the context of its location, the proposal does not conflict with the policies in Section 3.2.2 which deals with transportation, and it conforms with the applicable policies in Section 3.2.

Section 4.2.of the Growth Plan provides policies for protection of the natural heritage system. Pursuant to Section 4.2.2.3 (a) the proposed consents are located more that 30 metres from Stoney Lake and therefore it is considered to not have an impact on the lake. In fact the proposal is expected to improve compliance with the Growth Plan by relocating the existing road further from the shoreline.

The proposed consents are not expected to result in conflicts with any of the policies in Section 4.2.2.3. Specifically, through Section 4.2.3.1 (e), conversions of legally existing uses can be permitted which bring the use more into conformity with the Growth Plan can be permitted. The proposal will expand the area of the shoreline lot and will bring it more into conformity with the Zoning By-law. This is consistent with the intent of the Growth Plan.

Pursuant to Section 4.2.4, given the nature of the proposal where the consent will expand the area of a shoreline lot and it is located more than 30 metres from the water body, sufficient buffer area will be provided to address the intent of Section 4.2.4.1.

The proposal is not expected to have a significant effect on agriculture or cultural heritage resources as discussed in the previous section.

Based upon the above, our opinion is that the proposed consents and ZBA conforms to the applicable policies of the Growth Plan.

2.4 County of Peterborough Official Plan

As noted previously, the subject property is designated as Rural in the County of Peterborough Official Plan (CPOP). The property at 1442 Miles Shore Road is designated as Lakeshore Residential. Section 2.6.3 of the CPOP sets out policies for the division of land. In Section 2.6.3.1 the CPOP states:

The following four sections state policies which, as a minimum, must be considered when severance applications are evaluated. Applications for technical severances including easements, severances for lot additions/adjustments, severances for land assembly which facilitate development by plan of subdivision, correction of title, validation of title and rights-of-way are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans..... The above technical severances do not necessarily represent the creation of a new lot when considering the number of new lots that can be created by consent from a land holding.

As noted previously, the proposed consents are technical severances. Consent # 1 is intended as a lot addition to the shoreline lot which will bring it into greater conformity with the By-law's size requirements and provide greater separation from Miles Shore Road. The purpose of Consent # 2 is to provide a right of way for a relocated section of Miles Shore Road. Therefore, based upon the above policy, the consents are not necessarily subject to all policies that follow Section 2.6.3.1 but "...shall be evaluated based on site specific considerations established in local Official Plans."

The policies that follow section 2.6.3.1 include consent policies for Shoreland Areas and Rural Areas, the land use designations that apply to the 1442 Miles Shore Road and the subject property.

The consent policies following section 2.6.3.1 for Shoreland Areas relate mainly to servicing waterfront properties. The proposed consents are not expected to affect the existing servicing of the lots in the area.

The consent policies for Rural Areas relate mainly to the creation of new building lots. The proposed consents are for technical purposes and will not result in the creation of new developable lots.

Based on the above, our opinion is that the consents comply with the policies in Section 2.6.3.

Section 4.1.3.1 of the CPOP requires the preparation of an Environmental Impact Assessment for development adjacent to specified natural heritage features, including fish habitat. The proposed consents are not located immediately adjacent to fish habitat and are located more than 30 metres from the shoreline. The criteria for EIS studies adjacent to fish habitat require using a study area within 30 metres of the high water mark. Therefore, an EIS is not required in this case.

Section 4.1.3.5 sets out policies for the protection of water resources. The policies require the protection, improvement and restoration of ground and surface water resources. The proposed consents are not expected to impact ground and surface water. The proposal complies with the policies in Section 4.1.3.5.

Section 4.3 of the CPOP includes policies for the Rural and Cultural landscape. The proposal involves the type of development that is consistent with the surrounding rural and cultural landscape, which is required by these policies.

Section 4.3.1.1 requires in part that, *“Rural areas will generally be the focus of resource activity, resource based recreational activity and other rural land uses”*. Pursuant to this requirement, the proposed consents will facilitate the continuation of the existing uses of the properties in the area.

The policies in Section 4.4 are for Shoreland Areas and the Waterfront which includes lands within 150 metres from the lake’s high water mark. Therefore, the policies apply to the portion of the subject property affected by the proposed consents. The proposal is consistent with the objectives in Section 4.4.2 in that it will assist in protecting the character of the lake and lands adjacent to it.

In addition, the proposal will enhance and protect the area’s character as required in Section 4.4.3. The proposed consents are located more than 30 metres from the shoreline as required in this section.

Many of the policies in Section 4.4.3 relate to the creation of new lots within the Shoreland area and therefore are not applicable to the proposal.

Based upon a review of these policies, our opinion is that the proposed consents and ZBA conform to the policies in Section 4.4.3.

Section 5.1 of the CPOP includes Housing policies and Section 5.1.3.3 applies specifically to shoreland residences. However, since the consents are not creating a new developable lot, the proposal is not expected to fall under these policies.

Section 5.3 of the CPOP provides transportation policies which apply to all municipal roads, County Roads, Provincial Highways and private roads. The proposed consents will change the location of a portion of Miles Shore Road which is a private road. However, the proposal does not conflict with any of the policies in Section 5.3.

Our opinion is that the proposed consents and the ZBA conform with the above-noted policies.

The proposal does not raise issues of land use compatibility and it is not in an identified area of source water protection. Therefore the proposal conforms with the applicable policies in Section 5.5 and 5,7 of the CPOP.

Section 6.0 of the CPOP sets out policies for local Official Plans for a number of municipalities including the Township of Douro-Dummer.

Section 6.2 provides policies for the Rural Component which includes rural areas.

According to Section 6.2.2.2, the permitted uses of lands in the Rural designation are intended to be agriculture, forestry, passive outdoor recreation, and conservation activities. Low density residential development may also be permitted.

Section 6.2.2.3 states that the intent of the plan is to discourage the development of non-rural related uses and that a maximum of one single-detached dwelling is permitted per lot. The proposal does not create any new developable lots and a single detached residential use is permitted in the Rural designation. Therefore, our opinion is that the proposal conforms with these policies.

Section 6.2.2.5 sets out policies for residential consents in rural areas. Section 6.2.2.5 (d) states that in the Township of Douro-Dummer two consents to create new lots may be permitted. The application is proposing two consents, but they are not to create new residential lots.

Section 6.2.2.7 applies to consents for other purposes. It states in Section 6.2.2.7 (a) that consideration may be given to consents submitted for technical reasons. The proposal conforms with the policies in Section 6.2.2.5 and is permitted through Section 6.2.2.7.

Section 6.2.6 of the CPOP includes policies for the Lakeshore Residential designation. Section 6.2.6.2 states that the predominant use in this designation shall be for single detached dwellings and seasonal cottages on public roads. The proposal will not affect the predominant rural use of the subject property. It will result in the enlargement of the area of a Lakeshore Residential lot which has access to Miles Road and conforms with this policy.

Section 6.2.6.3 (c) encourages the protection of a naturally vegetated shoreline. The proposal is not expected to impact the shoreline area of the waterfront parcel or other properties.

The remainder of the policies in Section 6.0 are not applicable to the proposal. Based upon the above, our opinion is that the proposed consents and the ZBA conform with the policies in Section 6.0 of the CPOP.

Section 7.0 of the CPOP sets out General Development policies.

Section 7.3 includes provisions for servicing. The proposal is not expected to affect the existing means of servicing the subject property or the property at 1442 Miles Shore Road.

Section 7.5 sets out requirements for stormwater management. The proposal is not expected to result in increased stormwater or cause stormwater management concerns.

Section 7.12 provides criteria for assessing consent applications.

Section 7.12.1 states that except for consents intended for specific purposes which include the enlargement of an existing lot or the creation of a right of way, or as permitted in Section 2.6.3.1, they shall only be granted where the lots have frontage on a public road. In this case, the proposed consents fall into the above noted exception and are not bound by this provision.

Section 7.12.5 states *“No consent shall be permitted which would impede access to interior portions of existing lots, or create landlocked parcels of land.”*

The purpose of Consent # 2 is to provide access to properties that will be affected by the removal of a portion of Mile Shore Road. The new right of way and relocation of a portion of Miles Shore Road through Consent # 2 will ensure that landlocked parcels are not created.

Section 7.12.8 states that compatibility with adjacent lots should be a consideration. The proposal will generally continue the existing uses of properties in the area and is not expected to cause compatibility issues.

Section 7.12.9 states that consent should not be given where the development of a lot would cause a traffic hazard. The proposed consents will change the location of a portion of Miles Shore Road, but are not expected to result in any change in existing traffic levels or functions.

Section 7.12.13 requires the submission of a sketch in support of a consent application. A consent sketch has been prepared and is included with this report as Figure 2.

Section 7.12.15 states that lots shall be a suitable size and shape for the proposed use. Consent #1 will be used to increase the size of the lot at 1442 Miles Shore Road and bring it more into conformity with the Zoning By-law. Therefore it will be a more suitable size and shape for a shoreland lot. The proposed consent for the right of way is a suitable size for its purpose.

Section 7.12 applies to technical severances and states *“[7.12.21] Applications for technical severances including easements, severances for lot additions/adjustments, severances for land assembly which facilitate development by plan of subdivision, correction/validation of title and rights-of-way are not necessarily subject to the policies contained herein and shall be evaluated based on site specific considerations. Except for properties located the Prime Agricultural designation, existing lots that merged inadvertently due to common ownership may be separated to reflect the original lot configuration provided the subject property is still in the same ownership as when such merging occurred. These technical severances do not necessarily represent the creation of a new lot when considering the number of new lots that can be created by consent from a land holding.”*

This policy repeats some of the considerations for the local plans that were provided earlier to apply to the entire County. It indicates that not all policies necessarily apply to technical severances and

that they should be evaluated based upon site specific considerations. This policy has been taken into consideration in our opinion about conformity with the CPOP.

Based upon the above considerations, our opinion is that the proposal complies with section 7.12 of the CPOP.

Section 7.26.2 applies to private roads. It states:

“7.26.2 Private Roads... a) The primary function of Private Roads is to provide direct lot access to seasonal cottages, resorts, and private clubs where public roads do not exist. In the Township of Douro-Dummer, Private Roads may also provide access for some permanent residential uses. The volume of traffic on such roads shall be low and the traffic on the road will have an origin or destination on that road. Private Roads shall be designed in a manner to prevent through traffic.”

Consent # 2 will provide for the relocation of a portion of a private road. Miles Shore Road provides access to seasonal cottages and will not provide for through traffic. The relocated Miles Shore Road meets the above noted requirements.

The remainder of the provisions in the CPOP are not applicable to the proposal.

Based upon the above considerations, our opinion is that the proposed consents and ZBA conform to all applicable requirements of the CPOP.

2.5 Township of Douro-Dummer Comprehensive Zoning By-law

The intent of the Township’s Comprehensive Zoning By-law is to provide standards which allow the specified uses of properties to take place in a way that is compatible with other uses and features of surrounding properties. The proposed consents will create parcels that meet with this intent. The ZBA also meets the intent of the By-law because it will apply the LSR standards of the waterfront lot to the severed parcel resulting from Consent # 1.

As noted earlier, the lands subject to the proposed consents are zoned Rural in the Township of Douro- Dummer Comprehensive Zoning By-law. The property at 1442 Miles Shore Road is zoned Limited Service Residential and the severed parcel created through Consent #1 is intended to be re-zoned as LSR through the ZBA.

Neither consent creates a developable lot, However, the consents are appropriate in terms of size and location for their intended purposes.

Section 9 of the By-law provides the standards for the Rural Zone (RU). Permitted uses include a permanent single detached dwelling on one lot, a second dwelling unit, agriculture, forestry, a hobby farm, a kennel and many other uses that would be expected in a rural area. The minimum lot area for forestry and agricultural uses in the Rural zone is 20 hectares, where for a dwelling unit the lot minimum lot area is 0.4 hectares.

Section 7 of the By-law sets out the standards for the Limited Service Residential Zone (LSR). The permitted uses in the LSR zone are a single detached recreational dwelling, a single detached permanent dwelling and a Type “A” home occupation. The minimum lot area is 4050 square metres. The minimum frontage is 60 metres and the minimum shoreline frontage is also 60 metres.

The ZBA only changes the zoning category for the proposed severed parcel in Consent #1. The zoning of the retained lands will not be affected.

In addition, the zoning for the severed parcel resulting from Consent # 2 will not be changed.

Section 1.3 of the By-law identifies the way zoning is determined for road allowances and rights-of-way as follows:

“1.13 Road Allowances and Rights-Of-Way

A road allowance, utility transmission right-of-way or watercourse is, unless otherwise indicated, included within the zone of the adjoining property on either side thereof, and where such road allowance, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road allowance, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise.”

The zoning for the properties on either side of the relocated right of way is RU, and therefore the RU zoning will remain on the portion of the subject property within the severed parcel in Consent #2.

A comparison of selected relevant provisions of the RU and LSR zone is provided in Table 2. The ZBA will apply the standards of the LSR zone to severed parcel resulting from Consent #1. It will be rezoned

from RU to LSR to provide consistency with the existing zoning category of the lot at 1442 Mies Shore Road and will more accurately reflect the recreational residential use of the property.

Table 2 – Zone Requirements (Lot Regulations) of the RU and LSR Zone

Lot Regulations	RU for Agriculture and Forestry Uses	RU Single Detached	LSR Zone
Lot Area (minimum)	20 hectares	0.4 hectares	4050 square metres
Lot Frontage (minimum)	135 metres	45 metres	60 metres

After the severed parcel from Consent #1 is combined with the waterfront parcel, it will meet the Zoning By-law’s requirements for lot area. The intended use of the severed parcel from Consent #1 is for it to be part of the waterfront property, and therefore it is appropriate for it to be placed in the LSR zone. The severed parcel from Consent # 2 will establish a new right of way for a portion of Miles Shore Road, which is appropriate in order to provide continued access to other waterfront properties.

Based upon the above factors our opinion is that the proposed consents meet the requirements of the Township’s Comprehensive Zoning By-law. The consents are technical severances which while not meeting all of the By-law’s standards, are intended for legitimate purposes and enhance permitted uses in the subject area.

With regard to the ZBA, our opinion is that once Consent # 1 is approved, the ZBA will be appropriate, and it will meet the intent of the Township’s Comprehensive Zoning By-law. It will apply the standards of the LSR zone to the severed parcel created through Consent #1 which are the appropriate standards for the intended use of the parcel.



3.0 Summary

Based upon the above, our opinion is that the proposed consents and ZBA meet all applicable legislative and policy requirements. The consents provide for technical severances which will be used for a lot addition and a right of way for the relocation of a section of Miles Shore Road. They will facilitate appropriate and permitted uses of a waterfront area and provide for continued vehicular access.

Based upon the foregoing our opinion is that:

- The proposed consents and ZBA are consistent with the applicable policies of the Provincial Policy Statement, 2020.
- The consents and ZBA conform to the applicable policies of the Growth Plan.
- The proposed consents have regard for Section 51 (24) of the Act.
- The proposed ZBA conforms to Section 24 (1) of the Act.
- The proposed consents and ZBA conform to the applicable policies of the County of Peterborough Official Plan.
- The proposed consents and ZBA comply with the Township of Douro-Dummer Comprehensive Zoning By-law.
- The proposed consents and ZBA represent good planning and are in the public interest.
- The applications for consent should be approved.
- Subject to the approval of the consents the ZBA should be adopted.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



B. Saunders B.Sc., M.Sc., EP
Planning Supervisor

Christopher L. Conti

Chris Conti, M.E.S.
Senior Planner

4.0 Appendices

4.1 Appendix A: Preliminary Severance Review

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Date: March 21, 2023

Name: Jim Middleton

Agent: EcoVue Consulting Services Inc.
c/o Kent Randall

Email: ldpyc@yahoo.ca

Phone: (647) 502-2484

krandall@ecovueconsulting.com

(705) 876-8340 ext. 212

Municipality: Douro-Dummer, Dummer Ward

Lot: 31 & 32

Concession: 9

Roll No.: 1522-020-005-43600

Municipal Address: n/a

Type of Severance: right-of-way or easement and lot addition

	Severed	Retained
County Official Plan	Rural	Rural
Municipal Official Plan	Rural	Rural & Environmental Constraint
Municipal Zoning	RU	RU
Area and Frontage	±0.34 hectares with ±20 m of frontage on Miles Road	±63.8 hectares with ±680 m of frontage on County Road 6
Existing Use/Buildings	Rural/Shed	Rural/Barn & Garage

Conforms to Provincial policies?

Yes No

Conforms to County Official Plan policies?

Yes No

Conforms to Township Official Plan policies?

Yes No

Conforms to Township Zoning By-Law?

Severed parcel meets Zoning requirements:

Yes No

Retained parcel meets Zoning requirements:

Yes No

A rezoning of the severed parcel appears to be required. Please contact the Township.

Studies required to support the application?

Yes No

•

Provincial Policy Review:

The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Wetlands | <input checked="" type="checkbox"/> Significant Wildlife Habitat | <input type="checkbox"/> Area of Natural and Scientific Interest (ANSI) |
| <input type="checkbox"/> Fish habitat | <input type="checkbox"/> Significant Woodlands | <input checked="" type="checkbox"/> Other key hydrologic feature (stream, pond, lake) |
| <input type="checkbox"/> Species at Risk | <input type="checkbox"/> Habitat of Endangered or Threatened Species | |

Does the proposal require a Natural Heritage Evaluation to address the features identified above?

- Yes No

Section 4.2.4.1 of the Provincial Growth Plan states that development, including lot creation, or site alteration within 120 metres of a key hydrologic feature will require a natural heritage evaluation. Although the severed parcel and new right-of-way are located within 120 metres of Stony Lake, the County Official Plan policies require a minimum 30 metre setback from the ordinary high water marks of inland lakes for all new development. The proposed severed parcel and right-of-way are both beyond 30 metres from the lake, therefore, a natural heritage will not be required.

Does the proposal meet Minimum Distance Separation (MDS) requirements?

- Yes No Not Applicable Not Calculated

County Official Plan Policy Review:

Section 2.6.3.1 of the County Official Plan states that "applications for technical severances including easements, severances for lot additions/adjustments...and rights-of-way are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans."

Municipal Official Plan Policy Review:

Section 7.12.21 of the Municipal Official Plan states that "applications for technical severances including easements, severances for lot additions/adjustments...and rights-of-way are not necessarily subject to the policies contained herein and shall be evaluated based on site specific considerations."

The proposal contemplates severing 0.34 hectares and adding it to lands municipally known as 1442 Miles Shore Road East (i.e. the benefitting lands). The benefitting lands are undersized for a shoreline residential use according to the Municipal Zoning By-law. The proposed severance will enhance the benefitting lands and bring them into conformity with the Zoning By-law.

The proposed severed parcel is subject to an existing right-of-way identified as Part 9 on plan 45R-2035. The severance proposal also contemplates the creation of a new right-of-way to replace Part 9 (Part 9 is proposed to be extinguished). The applicant is currently working with the landowners to ensure agreement to release Part 9. Please note, the effect of the lot addition/lot line adjustment cannot infringe on the legal rights

afforded to any applicable adjacent properties i.e., the existing and continued use of the right-of-way (S. 7.12.5).

Reviewed By: Caitlin Robinson

Additional Notes

Agencies to be contacted by landowner or agent (marked with an X):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Township | <input type="checkbox"/> Peterborough Public Health |
| <input type="checkbox"/> Conservation Authority | <input type="checkbox"/> Trent-Severn Waterway |
| <input type="checkbox"/> Source Water Risk Management Official | <input type="checkbox"/> First Nations |
| <input type="checkbox"/> Ministry of Environment, Conservation and Parks | <input type="checkbox"/> Other |

Proposal requires confirmation from the Township or identified agency regarding policy conformity.

* The landowner should be aware that local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the Zoning Bylaw.

* The lands may be within the watershed of a local Conservation Authority. It is recommended that you contact the Authority to determine what, if any, permits may be necessary:

- No Conservation Authority in the area
- Otonabee Region Conservation Authority (ORCA), (705) 745-5791
- Crowe Valley Conservation Authority (CVCA), (613) 472-3137
- Kawartha Region Conservation Authority (KRCA), (705) 328-227

* It is the responsibility of the landowner to identify endangered and threatened species and their habitat on the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the *Endangered Species Act, 2007 (ESA)*. Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

Important

Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. The above-noted comments should not be construed as preliminary approval or denial of a proposal but recognized as a position of the County Planning Department based on the availability of current information.

4.2 Appendix B:
Draft Zoning By-Law Amendment

The Corporation of the Township of Douro-Dummer
By-law Number 2023-XX
Being a By-law to amend By-law Number 10-1996, as amended,
otherwise known as “The Township of Douro-Dummer
Comprehensive Zoning By-law”

Whereas By-law Number 10-1996, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Douro-Dummer;

And Whereas Section 34 of The Planning Act, RSO 1990, as amended, permits the Council to pass an amending Zoning By-law;

And Whereas the Council of the Township of Douro-Dummer required the rezoning of the subject lands as a condition of Peterborough County Consent Applications B-23-XX and B-23-XX;

And Whereas the Council of the Township of Douro-Dummer deems it advisable to further amend By-law No. 10-1996 as amended;

Now Therefore the Council of the Township of Douro-Dummer hereby enacts as follows:

1. Schedule A1 to By-law No. 10-1996, as amended, is hereby further amended by changing the zone category on a portion of lands known municipally as 2393 Miles Road and described as Part Lot 30 & 31, Concession 9 of the Dummer Ward from the Rural (RU) Zone to the Limited Service Residential (LSR) Zone as shown on Schedule “1” attached hereto and forming part of this By-law.
2. All other relevant provisions of By-law 10-1996, as amended, shall apply.

If no notice of objection is filed with the Acting Clerk within the time provided, this By-law shall become effective on the date of passing hereof, subject to the provisions of The Planning Act, RSO 1990, as amended.

Passed in Open Council this Xth day of X, 2023.

Mayor, Heather Watson

Acting Clerk, Martina Chait-Hartwig

Figure 5 - Proposed Zoning Bylaw Amendment Sketch



	LANDS TO BE REZONED FROM THE RURAL (RU) ZONE TO THE LIMITED SERVICE RESIDENTIAL (LSR) ZONE
	LANDS TO REMAIN IN THE RURAL (RU) ZONE

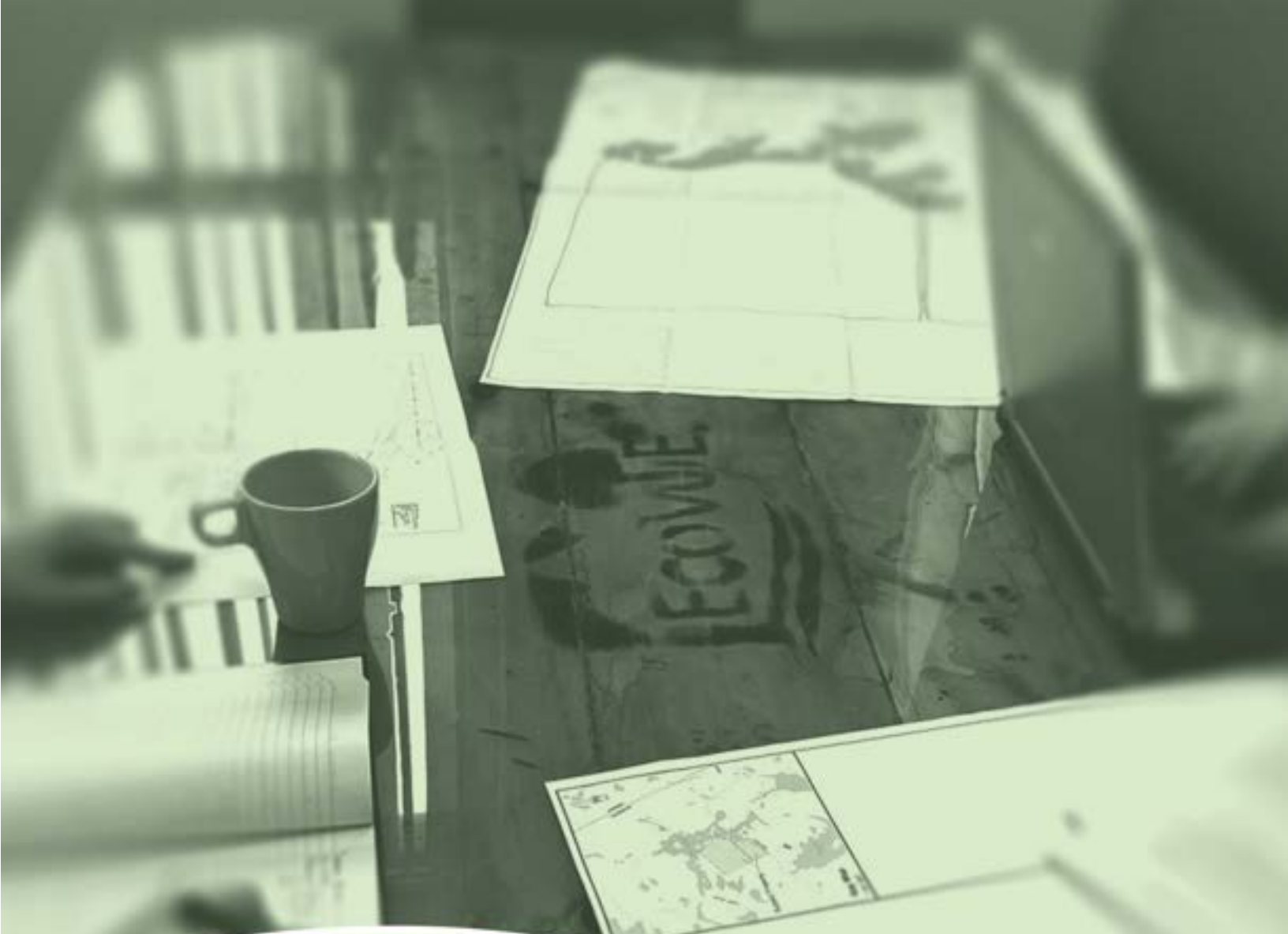
Miles Shore Road Consent

Jim Middleton
 2393 Miles Road
 Part of Lot 31 & 32
 Concession 09
 Geog. Twp. of Dummer
 Township of Douro-Dummer
 County of Peterborough

Project Number: 22-2523
 Horiz. Scale: 1:10,000
 Date: July 06, 2023



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