



RON DAVIDSON  
LAND USE PLANNING CONSULTANT INC.

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December 13, 2021

Township of Douro-Dummer  
894 South Street  
P.O. Box 92  
Warsaw, ON  
K0L 3A0

Attention: Martina Chait-Hartwig  
Acting Clerk

Dear Martina:

**Re: Applications for Zoning By-law Amendment and Site Plan Control  
Part Lot 10, Concession 9  
Geographic Township of Douro  
Township of Douro-Dummer  
County of Peterborough  
4034 Centre Road  
Owner: David Paterson and Kathryn Carrington**

Further to preconsultation discussions involving Township staff, Otonabee Region Conservation Authority and the owners of the subject property, enclosed please applications for Zoning By-law Amendment and Site Plan Control. Also attached is a cheque covering the application fees, the peer review retainer and the Otonabee Region Conservation Authority's review fee. Furthermore, two copies of the Environmental Impact Study and the Archaeological Assessment have also been included with this package, as per your request. Lastly, a copy of the Restricted Land Use Notice from the Risk Management Official is also enclosed.

To assist your office in its review of these applications, I offer the following information:

**Purpose of the Applications:**

The purpose of the proposed Zoning By-law Amendment is to remove the ‘H’ (holding) symbol from the existing ‘S.P. 190-H’ (Special District 190-H) zoning of the subject property in order to allow for the construction of a detached dwelling, pool and two small sheds on this site. The requested Amendment would also add a new special provision to the current zoning to permit an increase in the ‘maximum lot coverage’ requirement from 15% to 17.1%.

The purpose of the Site Plan application is to facilitate a Site Plan Agreement between the land owners and the Township, as required as a condition of removing the ‘H’ symbol from the zoning of the site.

**Subject Lands:**

The subject property is situated along the southside of the unopen road allowance of Centre Road, approximately 95 metres west of County Road 32. The site is situated 24 metres west of the Otonabee River and is illustrated on the attached sketch.

The property is accessed from a driveway that has been constructed on the unopen road allowance which connects the site to the County Road.

The subject lands comprise 2795 square metres of land and are currently vacant. A large mound of rocks has placed on the property and will be used for fill purposes.

**Adjacent Lands:**

The majority of the lands in the area appear to be occupied by detached dwellings. The Otonabee River is situated in close proximity of the site, as noted above.

**Township of Douro-Dummer Zoning By-law:**

In 2013, the subject lands were rezoned to the site-specific ‘S.D. 1909-H’ zone, at the request of the previous owner. The rezoning was necessary because this parcel lacks frontage along a public road. The amending By-law states:

21.190      Special District 190-Holding (S.D. 190-H) Zone

*No person shall within any Special District 190-Holding (S.D. 190-H) Zone*

use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

21.190.1 Permitted Uses

21.190.1.1 all uses permitted in the Residential (R) Zone of By-law 10-1996, as amended, shall apply.

21.190.2 Regulations for Uses Permitted in Section 21.190.1.1

All provisions and regulations of the Residential (R) Zone of By-law 10-1996, as amended, shall apply with the following exceptions:

21.190.2.1 Special Provisions

- a) Minimum lot area.....2,700 square metres
- b) Minimum lot frontage.....none
- c) Minimum front yard.....6 metres
  
- d) For the purposes of this section the front lot line is deemed to be the line which separates the lot from the abutting unopened road allowance.
  
- e) Notwithstanding Sections 3.11 and 3.12 of this By-Law to the contrary, the construction of a permanent single detached dwelling may be permitted on an existing lot of record which is undersized and which abuts an unopened Township road allowance. Access to the lot will be provided via a driveway on the unopened road allowance which is constructed to standards satisfactory to the Township. A 'Level of Municipal Services and Access Agreement' will be required to be entered into, and this agreement shall form part of the conditions for the removal of the Holding provision.

21.190.2.2 Holding Provision

The Holding provision attached to the Special District 190-Holding (S.D. 190-H) Zone shall only be removed when a Level of Municipal Services and Access Agreement has been entered into, a site plan has been approved, and a site plan agreement has been entered into, all to the satisfaction of the Township of Douro-Dummer. All other applicable provisions of Section 3.15 of this By-Law shall be complied with.

Since the adoption of the above-noted Zoning By-law Amendment, David Paterson and Kathryn Carrington have purchased the property and designed a home that slightly exceeds the 'maximum lot coverage' for a detached dwelling. Their proposed house would cover 17.1% of the property, whereas the Zoning By-law limits the detached dwelling to 15%. It should be noted that the lot coverage includes the deck. The development proposed for the site is illustrated on the Site Plan prepared by M.J. Davenport & Associated Limited.

Typically, an adjustment to the Zoning By-law provision of such a small nature would occur through a Minor Variance application; however, in this particular instance, since the "H" symbol will be removed from the zoning of the property by By-law, it only makes sense to also include the increase in lot coverage request in the same application.

The provisions for removing the "h" symbol, as noted above, require the owner to enter into a Level of Municipal Services and Access Agreement in order to allow for the Township-owned unopen road allowance to be used as a driveway by the owners. As well, the property owner must also enter into a Site Plan Agreement. The required forms and fees have been submitted to initiate the processing of these two agreements.

### **County of Peterborough Official Plan:**

The subject lands are designated 'Rural' in the County of Peterborough Official Plan, with a site-specific policy that was approved for this parcel in 2013, i.e. at the same as the aforementioned Zoning By-law Amendment was granted for this site. The special policy reads:

- vi) *Notwithstanding Section 7.8 to the contrary, on lands designated as Rural in Part Lot 10, Concession 9, Douro Ward, as identified on Schedule "A4-1" 6-27 Official Plan County of Peterborough with the notation "Lands Subject to Subsection 6.2.2.11(d)(vi)" and having an area of approximately 0.281 hectares, a permanent single detached dwelling may be constructed on the subject property which fronts onto an unopened/unassumed Municipal road allowance. It shall further be the policy of this Plan that the lands are subject to a Site Plan and Site Plan Agreement to the satisfaction of the Township of Douro-Dummer."*

The above-stated policy allows for a detached dwelling to be erected on the subject property provided the owner enters into a Site Plan Agreement with the Township. Such agreement is being requested at this time.

The County Official Plan does not attempt to regulate the minor details of a development, such as a maximum lot coverage. As such, the proposed lot coverage

increase would not conflict with the Official Plan.

### **Justification For The Zoning By-law Amendment:**

The removal of the 'H' symbol requires the applicant to enter into a Level of Municipal Services and Access Agreement as well as a Site Plan Agreement. With regard to the first matter, the owners are requesting through this Planning Report that the Agreement be prepared for their signature. The owners are fully aware that the maintenance of the driveway on the unopen road allowance will not be the responsibility of the Township, and further that their use of the driveway is at their own risk.

With regard to the Site Plan Agreement, a fully-engineered Site Plan has been prepared by M.J. Davenport & Associates Limited. Once the Township and the Otonabee Region Conservation Authority have deemed the Site Plan acceptable, it will form the basis of the Site Plan Agreement. If there are any concerns regarding this drawing, please advise.

The request to increase the 'maximum lot coverage' provision has considerable merit. Please consider the following:

In areas outside of the Township where municipal servicing is available, the local Comprehensive Zoning By-law typically allows for a lot coverage of approximately 35%. The allowable lot coverage, however, is always lower on lands serviced with partial or private services in order to ensure that ample area remains on the property to accommodate the private septic system and/or private well. As such, increasing the lot coverage to 17.1% is not a question of whether or not the additional floor area of the house represents an overdevelopment of the property that would create an unappealing visual impact, but rather a question of whether sufficient lot area will remain to accommodate the septic system and well. In this regard, there is ample land to increase the lot coverage by 2.1% and still provide sufficient area for a septic system as per the Ontario Building Code requirements plus a well, as illustrated on the engineered Site Plan.

It should also be noted that in addition to the Zoning By-law allowing for the principal building to cover up to 15% of the site, it also allows for a lot coverage of 5% for the accessory buildings – for a total of 20% lot coverage. The overall development of the property, which includes the house and attached garage, deck, pool and two sheds, represents a total lot coverage of 20.4%. As such, it's quite clear that the proposed increase in lot coverage is in keeping with the intent of the Zoning By-law.

### **Source Water Protection:**

The Risk Management Official for the Otonabee Region Conservation Authority has advised that all of the subject property is situated within a 'Vulnerable Area' for a municipal drinking water source. In this regard, the Risk Management Official has reviewed the proposed development and has issued a notice advising that the proposed development is not a concern.

### **Provincial Policy Statement:**

The Provincial Policy Statement (PPS) does not contain policies for lot coverage or specific development standards.

The PPS does provide policies that are designed to protect, among other matters, natural heritage features and lands having archaeological significance. In this regard, the owners were advised during the preconsultation discussions that an Environmental Impact Study and Archaeological Assessment must be conducted.

The Environmental Impact Study (EIS) was required due to the site's location within 120 metres of the Otonabee River. As such, the EIS was scoped specifically to address potential impacts to the river, but it also had regard to Threatened and Endangered Species. The EIS concluded that no impact on any nature heritage feature should occur provided some mitigation measures are followed including the preparation of a Planting Plan that requires 30 trees/shrubs to be planted along the western portion of the property. The Planting Plan is in the process of being prepared and will form part of the Site Plan Agreement. The EIS also stated that the recommendations of the EIS should be included in a Mitigation Measures Agreement; however, such recommendations could simply be inserted into the Site Plan Agreement. For a more detailed understanding of the findings and recommendations of the consultant, please read the Environmental Impact Study.

With regard to the Archaeological Assessment, a Stage 1 Assessment was undertaken and concluded that no further assessment is warranted or required for the subject lands in light of the significant soil disturbance that has occurred in the past by former owners and the current owners.

Furthermore, the PPS allows for privately service development where municipal or communal services do not exist and are not feasible provided the site conditions are suitable for a private septic system and well over the long term. There does not appear to be any concerns with regard to the servicing on the intended detached dwelling with a septic system and well.

In view of the foregoing, it is evident that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement.

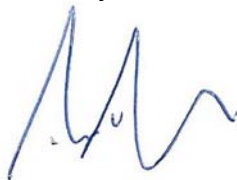
**Closing Comments:**

The proposed amendment to the Township's Zoning By-law conforms County Official Plan and is consistent with the Provincial Policy Statement. The application has considerable merit and should be given favourable consideration once the Site Plan Agreement has been deemed acceptable by the Township and the Otonabee Region Conservation Authority. The Site Plan Agreement should reflect the recommendations of the Environmental Impact Study and include a Planting Plan. As mentioned earlier in this Planning Report, the Planting Plan is currently being prepared and will be submitted to the Township in the near future.

I trust you will deem this application complete. Should you require any additional information, please contact me at your earliest convenience.

Lastly, please advise of a possible meeting date prior to scheduling the Public Meeting in order to ensure our availability.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized, cursive script.

Ron Davidson, BES, RPP, MCIP

c.c. David Paterson and Kathryn Carrington  
Murray Davenport