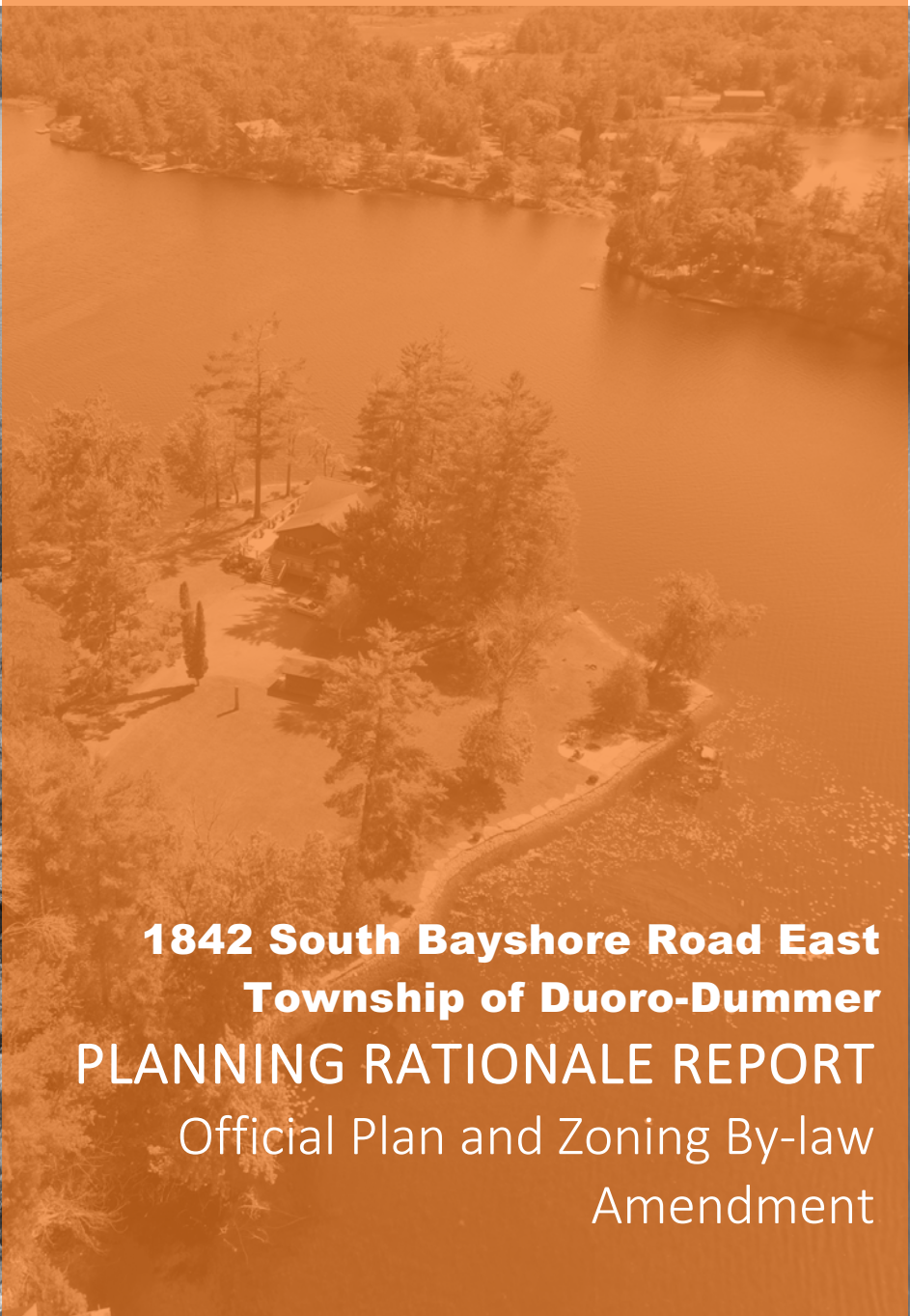




1842 South Bayshore Road East
Township of Duoro-Dummer
PLANNING RATIONALE REPORT
Official Plan and Zoning By-law
Amendment



WND
ASSOCIATES

PLANNING AND URBAN DESIGN

February 2025

23.579.01

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1.0 Introduction

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) has been retained by Ms. Cheryl Cowie to assist in the application approval process for the development of a new detached recreational dwelling located at 1842 South Bayshore Road East (“the Subject Site”), in the Township of Duoro-Dummer (the “Township”). The Subject Site is located on the south shoreline of Stoney Lake and is approximately 1.6 kilometers north of County Road 6. For the purposes of this report the terms recreational dwelling and cottage are used interchangeably.

The Proposed Development is comprised of a new two-storey single detached recreational dwelling which will replace the existing single-storey recreational dwelling on the property through demolition and new construction. Further to the Pre-consultation meeting attended on March 27, 2025, the construction of the new detached recreational dwelling requires the submission of an amendment to the County of Peterborough’s Official Plan (the “County OP”) and an amendment to the Township of Duoro-Dummer’s Zoning By-law. The new recreational dwelling’s footprint and the proposed landscaped steps and terrace are located outside of the Otonabee Region Conservation Authority’s (ORCA) floodplain elevation. Due to the lot’s irregular shape, and peninsula-like configuration, over 90% of the pre-existing property is within the 30-metre water yard setback.

The Proposed Development also includes a new septic tank which is located outside of the 30-metre water yard setback and in an area where it is permitted by the County OP and Township Zoning By-law.

The Proposed Development does not include any alterations to the existing boat house structure.

1.1 Purpose

This report, along with other supporting technical studies and plans, is prepared in support of the Official Plan Amendment (the “proposed OPA”) and Zoning By-law Amendment (the “proposed ZBA”) which are required to implement the Proposed Development. The purpose of this report is to review the Proposed Development with respect to its regard for matters of Provincial Interest under the Planning Act, consistency with the Provincial Planning Statement (2024) and its conformity with the County OP and/or how the intent of the OP continues to be met with the proposed OPA.

In summary, the following policy, guideline and regulatory documents have been reviewed:

- Ontario Planning Act;
- Provincial Planning Statement, 2024;
- County of Peterborough Official Plan; and,
- Township of Duoro-Dummer Zoning By-law.

1.2 Consultation Prior to Application

On March 27, 2025 WND attended a Pre-consultation Meeting with Township of Duoro-Dummer Staff. ORCA Staff and a representative from the Hiawatha First Nation were also in attendance. Following the Pre-consultation Meeting, an application checklist was received in May of 2025 from Township Planning

Staff identifying the following studies and plans required to support complete Official Plan Amendment and Zoning By-law Amendment Applications:

- Planning Rationale Report;
- Lot Grading and Drainage Plan;
- Environmental Impact Analysis; and,
- Archaeological Study.

Following the Pre-consultation Meeting, the Applicant revised the proposal to locate the north landscaped terrace fully outside of the ORCA floodplain elevation offset.

2.0 Summary of Findings

The Proposed Development represents an appropriate scale of redevelopment on an irregularly shaped waterfront property which has existed for many years. The Proposed Development is also located outside of the ORCA floodplain and is in a location on the property where it does not introduce any environmental impacts between itself and the shoreline or any unintended visual impacts on surrounding properties. Considerable effort has been made by the project architect, Jason Cutajar, to balance siting the new dwelling with other site constraints, including the septic tank (proposed outside of the 30-metre water yard setback in a by-law compliant location), minimization of tree removals and a location where redevelopment does not impact the lot's pre-existing topography, landscaped character or drainage patterns.

Specifically, the Proposed Development:

- Is appropriately scaled and configured to fit within the existing and planned context of recreational dwellings on landscaped lots partially screened by vegetation, where the proposed reduced water yard setback and slightly increased height fit well within the Stoney Lake vernacular;
- Has regard for the purpose of the Planning Act and matters of Provincial Interest;
- Is consistent with the policies of the Provincial Planning Statement, 2024;
- Is a permitted land use within the County OP's Lakeshore Residential land use designation and is permitted under the Township's Lakeshore Residential zone;
- Conforms to or implements the overall intent of the policy direction of the County OP in respect of the 30-metre minimum water yard setback standard;
- Is located fully outside of the ORCA floodplain;
- Locates the septic tank in an appropriate location on the property where it does not impede within the 30-metre water yard setback standard for environmental reasons;
- Will not introduce any unmitigable environmental impacts on the property, the shoreline, or adjacent properties according to the Environmental Impact Study (EIS) prepared by Oakridge Environmental and provided the conditions recommended by Oakridge are met;
- Seeks to enhance the naturally vegetated shoreline through compensatory tree or shrub planting at a 5:1 rate;

- ### 3.0 Physical Context

3.1 Subject Site

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Figure 1: Subject Site County of Peterborough Open GIS - address and lot fabric.

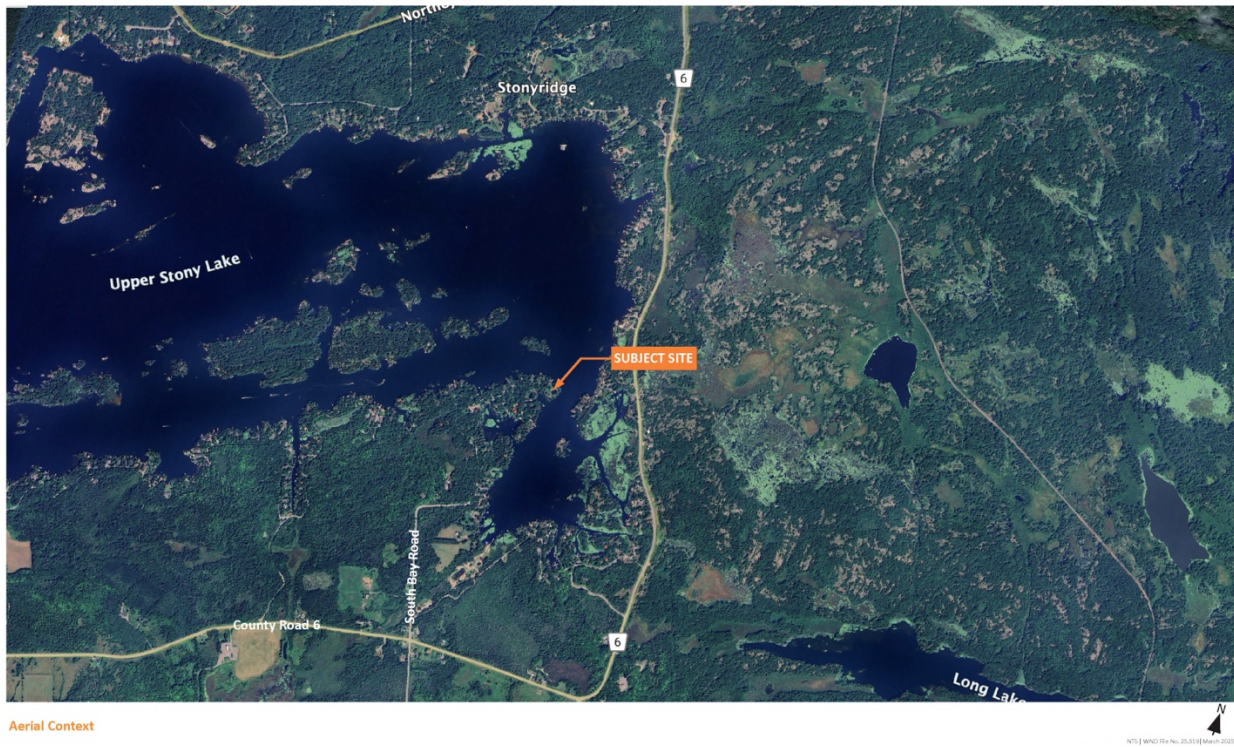


Figure 2: Subject Site aerial context.



Figure 3: Subject Site Aerial Context

The Subject Site has an irregular peninsula-like shape and is an anomaly in respect of the existing lot fabric of surrounding properties. The Subject Site does not have the same depth as other properties to its west and projects outwards in its land formation towards the water. As such, the Subject Site has shoreline access on multiple frontages or three water yards (**Figure 4, Figure 5, Figure 6 and Figure 7**).



Figure 4: Subject Site looking north.



Figure 5: Subject Site looking east.



Figure 6: Subject Site looking south.



Figure 7: Subject Site looking west.

The Subject Site is 7,952.84 square metres in area, however, due to its irregular shape, over 90% of the Subject Site is within the 30-metre minimum water yard setback (an area where no new replacement dwelling development is permitted by the Township's Zoning By-law). Taking into account all water yard setback areas, the Subject Site has a total shoreline frontage of 236 metres (774 feet) according to the enclosed Plan of Survey. **Figure 8** provides an aerial perspective of the Subject Site showing the various water yard frontages.



Figure 8: Subject Site existing context.

With respect to existing buildings and structures, the Subject Site contains an existing single-storey detached recreational dwelling with an associated wood deck (**Figure 9, Figure 10, Figure 11, Figure 12, and Figure 13**).



Figure 9: Subject Site existing single-storey detached recreational dwelling.



Figure 10: Subject Site existing driveway and context.



Figure 11: Existing recreational dwelling looking east.



Figure 12: Existing recreational dwelling looking south.



Figure 13: Existing recreational dwelling looking north.

The Subject Site also contains an existing boat house with a footprint of 140.64 square metres (**Figure 14**) and a wood frame shed (**Figure 15**).



Figure 14: Existing boat house.



Figure 15: Existing wood frame shed (proposed to be demolished).

Further the Subject Site includes landscaped open space (**Figure 16**) and trees. The Subject Site is relatively flat generally towards the middle of the property and slopes downward towards the various water yards as shown on the enclosed plan of survey.



Figure 16: Subject Site existing aerial context.

3.2 Adjacent Land Uses

The Stoney Lake shoreline contains a mix of public and private roads which provide access to primarily seasonal recreational dwellings (cottages) and other forms of interspersed detached dwellings (permanent homes). The surrounding area context is generally characterized by landscaped lots containing various detached dwelling types and boat houses along with trees ranging in age and variety. Surrounding properties on South Bayshore Road East also fall within the County Official Plan's *Lakeshore Residential* land use designation and the Limited Service Residential zoning category of the Township's Zoning By-law. However, the nearby property at 1824 South Bayshore Road East is located within Special District (S. D. 218) which permits a new recreational dwelling.

North: To the north (**Figure 17**) is an open portion of Stoney Lake. Further to the north, and within the Township of North Kawartha, the properties on the west side of County Road 6 exhibit a similar pattern of development of primarily recreational dwellings on landscaped lots with shoreline frontage (**Figure 18**). Further, the north shoreline of Stoney Lake, also within the Township of North Kawartha and approximately 1.4 kilometres from the Subject Site exhibits a similar pattern of development.

- East: To the east of the Subject Site is a narrower open portion of the Stoney Lake waterbody (**Figure 19**). Beyond which is a similar peninsula-like land formation in the Township of North Kawartha. Similar recreational dwellings are visible looking east from the Subject Site with shoreline frontage on Stoney Lake. These cottages are accessible from Fire Route 33 (**Figure 20**).
- South: To the south of the Subject Site is the South Bay Area of Stoney Lake including Indian Island (which can be seen from the Subject Site looking south) and the Sunrise Bay Area which includes other recreational dwellings (cottages) having frontage along Stoney Lake along South Bayshore Road East, South Bay Road and Hulls Road (**Figure 21, Figure 22, Figure 23, Figure 24**).
- West: To the west of the Subject Site are Pine Island and Long Island, among a cluster of other islands, located just off of the south shoreline of Stoney Lake (**Figure 25**). West of the Subject Site, along South Bayshore Road West, Julia's Shore Road East, Julia's Shore Road West and Julia's Creek Road West, where the pattern of recreational cottage dwelling development continues interspersed amongst trees and landscaped lots of varying sizes and configurations (**Figure 26 and Figure 27**).



Figure 17: Subject Site looking north.



Figure 18: Development along the Stoney Lake shoreline north of the Subject Site in the Township of North Kawartha. County Road 6 is shown on the right.



Figure 19: Subject Site looking east.



Figure 20: Similar pattern of development within the 30-metre water yard setback on Fire Route 33, Township of North Kawartha across the lake from the Subject Site.



Figure 21: Subject Site looking south towards South Bay and Indian Island.



Figure 22: Similar pattern of development within the 30-metre water yard setback south of the Subject Site along the South Bay shoreline (looking southeast).



Figure 23: Similar pattern of development within the 30-metre water yard setback south of the Subject Site along the South Bay shoreline (looking northwest).



Figure 24: Example of a recreational dwelling within the 30-metre water yard setback at nearby 1857 South Bayshore Road East.



Figure 25: Stoney Lake aerial context looking west.



Figure 26: Examples of buildings and structures within the 30-metre water yard setback west of the Subject Site.



Figure 27: South Bayshore Road East development context west of the Subject Site looking south.

In summary, the surrounding area context is characterized by a predominant pattern of detached recreational dwellings (cottages) with shoreline frontage along Stoney Lake with land access from a mix of private and public roads. As evidenced by the foregoing aerial photographs, and other grade-related images captured during various area site visits, buildings and structures have co-existed with the natural environment within the 30-metre water yard setback for many years along Stoney Lake's shoreline. Further, our site observations highlight that new development continues to be approved within 30 metres of Stoney Lake's shoreline, through contemporary applications on existing lots, where it is appropriate and where there are no negative environmental impacts.

Further, the existing context contains buildings of varying heights and architectural styles ranging from contemporary flat rooflines to a more traditional peaked roof. The perceptibility of height is unique in this context as it is typically either observed at a distance from the water or otherwise concealed from a local street or side yard condition through soft landscaping or trees.

3.3 Area Development Applications

There have been several recent approved development applications in the Township, and in particular along the south shoreline of Stoney Lake, for new replacement recreational dwellings within the 30-metre water yard setback including the following:

- 1304 Whetung Road (2022): 16.6-metre minimum water yard setback (Zoning By-law Amendment).
- 1604 Julia's Creek Road West (2023): 11.38-metre minimum water yard setback (minor variance).
- 1448 Miles Shore Road West (2024): 13.0-metre minimum water yard setback (minor variance).
- **1842 South Bayshore Road East (Proposed Development): 11.81-metre minimum water yard setback.**

4.0 Proposed Development

4.1 Proposed Built Form

The Proposed Development includes the demolition of the existing single-storey recreational dwelling along with demolition of the existing wood frame shed. The existing boat house located along the north shoreline of the property is proposed to remain and no further expansion is proposed as part of the application.

The Proposed Development would be comprised of the construction of a new two-storey recreational (cottage) dwelling with an attached garage which has been nestled and configured in a location which provides an opportunity for it to be set back further from the east and south water yard than the existing dwelling. The Proposed Development is also sited in a location where it is fully outside of the ORCA floodplain elevation of 235.51 metres (shown as an offset on the architectural plans). The Proposed Development has also been sited in a location which considers the preservation of existing trees on the property and where the associated septic tank can be appropriately located outside of the 30-metre water yard setback area. The proposed cottage would also be served by a new gravel driveway which generally follows the same configuration of the existing gravel driveway.

The Proposed Development is two storeys with a height of 9.21 metres as calculated following the Township's Zoning By-law definition of height for a sloped roof condition. The lot coverage is 5.69%. Taken together with the existing boat house the total lot coverage is 7.45% (well below the 15% permitted).

The first floor (282.04 square metres in area) contains a combination of living and bedroom areas along with the proposed garage (79.45 square metres). The first floor also contains a walk-out landscaped terrace in the northeast portion of the footprint, a smaller landscaped terrace in the south portion of the footprint and a landscaped terrace front porch at the entrance. These areas are not intended as horizontal encroachments regulated by Section 3.1.9 of the Township Zoning By-law and are instead configured so that they are embedded into the soft landscaping of the property as stone patios with steps leading up to building entrances. Similar hardscape patio areas were provided as part of another recent cottage development at 1604 Julia's Creek Road where landscaped terraces were considered as part of the overall

site landscaping (hardscape) and not horizontal encroachments regulated by Zoning By-law Section 3.19. The proposed northeast landscaped terrace is located in a similar location to the existing cottage's deck.

The second floor is comprised of bedrooms, hallway and storage space and associated washrooms, and has a total floor area of 274.70 square metres.

The Proposed Development's various water yard setbacks are illustrated on Architectural Site Plan A0 prepared by Jason Cutajar.

According to the EIS prepared by Oakridge, the Proposed Development will not result in any adverse impacts between itself and the shoreline or along the immediately surrounding water body with the setbacks shown.

4.2 Analysis of Key Site Constraints and Opportunities Requiring Consideration of a Site-specific OPA and ZBA

As previously described, the Subject Site is 7,952.84 square metres in area, however, due to its irregular shape, over 90% of the Subject Site is within the 30-metre minimum water yard setback area regulated by the Township's Zoning By-law and County Official Plan. As the minimum water yard setback is taken as a 30-metre offset parallel to associated shoreline, it has the effect of crossing over in some instances from multiple water yards and significantly contracts the Subject Site to a narrow portion concentrated at the rear (which would have the effect of inappropriately locating new development close to a rear lot line and surrounding property lines contrary to the established pattern of development of nearby sites, many of which also provide for buildings and structures within the minimum 30-metre water yard setback).

The standards of the Township's By-law may not apply as intended to properties which are an anomaly in shape and configuration, and in particular within the Limited Service Residential Zone (LSR) context where many lots, such as the Subject Site, existed prior to the current Zoning By-law coming into force and effect.

The following provides a summary of key site constraints and opportunities in respect of the need to amend the County Official Plan and Township Zoning By-law as it relates to the 30-metre minimum water yard setback standard.

Constraints:

- **Lot shape and configuration:** As described in the sections above, the Subject Site has shoreline frontage along water yards in the north, east and south directions. The Subject Site also has an irregular 'peninsula-like' shape and configuration and when the 30-metre water yard setback is applied as an offset it has the effect of limiting the developable portion of the lot to a small section at the rear having an area of 872.61 square metres despite the total site area being 7,952.84 square metres. In other words, over 90% of the property is within the 30-metre water yard setback along with the entire existing cottage.
- **Appropriate location of the septic tank:** Given that an acceptable location for a new septic system would be limited to the area of the property falling outside of the 30-metre water yard setback the net developable portion of the property would be even further limited. This also prevents the proposed dwelling from being located closer to the interior of the lot, which in our opinion, would be inappropriately close to neighbouring lot lines and dwellings and

would also result in a septic tank and drainage field in an environmentally unacceptable location closer to the shoreline.

Opportunities:

- **Preservation of existing trees between the Subject Site and adjacent properties along South Bayshore Road East:** The existing trees will continue to provide a visual buffer between the Proposed Development, and in particular the proposed site-specific amendment for increased height of 21 cm (which in and of itself is minor and would be non-perceptible from adjacent properties or the water).
- **Improve upon the existing dwelling's water yard setback condition by locating the replacement dwelling further away from the Subject Site's east and south shoreline:** As opposed to building up along an existing wall or expanding upon the legal non-conforming use condition, both of which may be permitted through a minor variance or zoning by-law amendment application, according to the County Official Plan, the Proposed Development will be set back further away from the east and south water yards. At its minimum point, the existing dwelling is set back 6.43 metres from the east water yard's shoreline. The Proposed Development, measured from the same east water yard, would be set back 11.81 metres from the shoreline at its minimum point. With the exception of the removal of three or four trees, of which no issue was highlighted in the Oakridge Report, the Proposed Development would include the preservation of the balance of existing trees on the Subject Site. Replacement tree compensation is proposed at a rate of 5:1 for any tree proposed to be removed.

4.3 Proposed County of Peterborough Official Plan Amendment

An Official Plan Amendment was determined to be required through the Pre-consultation Meeting process to implement the Proposed Development. The Applicant recognizes the similarities and differences between the various examples discussed with Staff and that the need for various combinations of planning applications is determined on a case-by-case basis given the unique circumstances of each proposal and lot configuration.

That being said, the examples discussed with Staff are consistent in that reduced water yard setbacks were considered appropriate subject to a satisfactory EIS prepared by a qualified environmental consultant demonstrating no adverse impacts (as with the EIS submitted in support of the Proposed Development).

It is proposed that the Official Plan Amendment recognize a new site-specific exception under Policy Sections 4.4.3 and 6.2.6.3 to recognize the lot's unique size and configuration in respect of the minimum 30-metre water yard setback requirement. WND will continue to work with County and Township Planning Staff through the application review process in drafting an appropriate site-specific exception.

4.4 Proposed Zoning By-law Amendment

A Zoning By-law Amendment is required to create a new Special District (S. D.) Zone to recognize the Subject Site's unique configuration and attributes and to allow for the development of a new recreational dwelling having:

- a minimum water yard setback of 11.81 metres, whereas 30 metres is required; and,
- a maximum height of 9.21 metres, whereas 9.0 metres is required (21 cm difference).

WND will continue to work with Township Planning Staff and the CBO through the application review process in drafting an appropriate ZBA including a new Special District Zone along with any drawings (i.e. the site plan) which would be secured as a condition of the ZBA process given there are varying water yard setbacks ranging from 11.81 metres to 18.15 metres.

5.0 Planning Framework

The Subject Site is subject to Provincial and local municipal planning policies contained in the following statutory planning documents:

- Ontario Planning Act;
- Provincial Planning Statement, 2024;
- County of Peterborough Official Plan; and,
- Township of Duoro-Dummer Zoning By-law.

The following sections review and analyze the Proposed Development in the context of the above noted policies.

5.1 Ontario Planning Act

Section 2 of the Planning Act sets out matters of Provincial Interest. In carrying out their responsibilities under the Planning Act, the council of a municipality shall have regard for various matters of provincial interest. The following matters of provincial interest, in particular, are relevant to the Proposed Development:

“(a) the protection of ecological systems, including natural areas, features and functions;

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

(e) the supply, efficient use and conservation of energy and water;

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

(h) the orderly development of safe and healthy communities;

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

- (j) the adequate provision of a full range of housing, including affordable housing;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (p) the appropriate location of growth and development;*
- (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;”*

With respect to a) and e), the Oakridge EIS concludes the Proposed Development will not result in any unmitigable impacts on the property, the surrounding Stoney Lake waterbody or the nearby Hull South Bay Provincially Significant Wetland. The Oakridge EIS also proposes a series of mitigation measures and conditions which are appropriate for the protection of observed ecological systems and features and the conservation of the nearby waterbody.

With respect to d), no archeological resources were found as concluded by the Archeological Assessment Report prepared by Northeastern Archaeological Services Limited.

With respect to f), the proposed septic tank is located outside of the 30-metre water yard setback. The sizing of the septic tank will be completed as part of the permit process although its conceptual size and location has been considered as part of the OPA and ZBA application and is shown on the architectural plans which has regard for the adequate provision of sewage and waste management on-site and in a location where there will be no adverse environmental impacts.

With respect to h) through p) and r), the Proposed Development reinforces an orderly pattern of detached recreational dwelling development along the Stoney Lake shoreline where there are several nearby and recent examples of new development within the 30-metre water yard setback. New and existing recreational dwellings along Stoney Lake range in architectural time period and style from traditional to contemporary and contain a mix of sloped and flat roof types. Further, and as is the case for the Subject Site, recreational dwellings typically appear as partially screened on lots when viewed from the Lake by trees and vegetation. For the Proposed Development this means that the 21cm proposed increase in height beyond what the zoning would allow would be imperceptible when viewed from the water at distance.

The Subject Site also contains no archaeological resources and the Proposed Development is a permitted land use on the property under the County OP and Township Zoning By-law. For these reasons, the Subject Site is an appropriate location for new development. The Proposed Development has been well-designed to contribute positively to the architectural vernacular of the Stoney Lake shoreline’s sense of place and where possible will seek to enhance the naturally vegetated shoreline through compensatory planting.

In our opinion, and for the foregoing reasons, the Proposed Development has regard for matters of provincial interest under Section 2 of the Planning Act.

5.2 Provincial Planning Statement

The Provincial Planning Statement, 2024 (“PPS”) came into effect October 20, 2024, and is meant to provide direction on matters of Provincial interest related to land use planning and development. The document, through the Planning Act, directs the decisions affecting planning matters which must be consistent with the PPS.

Policy Section 2.6.1 and 2.6.3 sets out the Provincial policies for rural lands including:

“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 not intended as permanent residences);...

c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;...

g) other rural land uses....

2.6.3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.”

The Proposed Development provides for the redevelopment of a new recreational dwelling where it is a permitted land use by the foregoing policies of the PPS, the County OP and Township’s Zoning By-law. The Proposed Development will be serviced by an on-site septic system. The Proposed Development is appropriate in this context and will not require the expansion of municipal infrastructure.

Policy Section 3.6.4 sets out the following with respect to private on-site sewage systems;

“4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.”

The septic tank is proposed in a location where it is outside of both the ORCA floodplain elevation and the 30-metre water yard setback. This is a suitable location for the septic tank and consistent with the foregoing policy.

Policy Sections 4.1.1, 4.1.2 and 4.1.6, 4.1.7 and 4.1.8 provide the PPS’s policies for natural heritage as follows:

“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.

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.”

The Proposed Development is supported by a comprehensive EIS prepared by Oakridge Environmental. The EIS provides that there will be no expected negative environmental impacts on natural features as a result of the Proposed Development and also outlines a series of on-site mitigation measures as conditions for new development.

Further, the Proposed Development will provide compensatory tree or shrub planting for all trees proposed to be removed and there are several recommended mitigation measures during construction to maintain, or where possible improve, the Proposed Development’s relationship with the natural environment (these measures are outlined in Section 12.0 of the EIS). The EIS also did not identify any species at risk on the Subject Site, neighbouring lands or within the surrounding waterbody. All species observed were common or secure species.

For the foregoing reasons, the Proposed Development is consistent with the PPS’s Natural Heritage policies and will not result in any unmitigable negative environmental impacts as outlined in the EIS.

Policy Section 4.6.2 sets out the following with respect to cultural heritage and archaeology:

“2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.”

A Stage 1 and Stage 2 Archaeological Assessment Report was prepared by Northeastern Archeological Associates Ltd. Northeastern’s assessment did not result in the discovery of any archaeological resources on the Subject Site. The Proposed Development will not have any impact on archaeological resources as none were discovered and is therefore consistent with Policy 4.6.2.

Policy Section 5.2.2 sets out the following with respect to flooding hazards:

“2. Development shall generally be directed to areas outside of:

a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;

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.”

The proposed new recreational dwelling and associated landscaped terrace seating areas are located fully outside of the 235.51-metre ORCA floodplain hazard elevation. The proposed septic tank is also located fully outside of the ORCA floodplain elevation. The Proposed Development is therefore located appropriately on-site where it is not expected to be susceptible to flooding hazards.

In summary, and in our opinion, the Proposed Development is consistent with the foregoing policies of the PPS.

5.3 County of Peterborough Official Plan

The June 2025 Office Consolidation of the County of Peterborough Official Plan is the in-force Official Plan for the Subject Site. The Subject Site is located within the Lakeshore Residential (LSR) land use designation of the County OP (**Figure 28**). An Official Plan Amendment is required to Chapter 4.4.3 and the Township of Douro-Dummer Local Component relative to Chapter 6.2.6 to permit a new recreational dwelling within the 30-metre water yard setback.

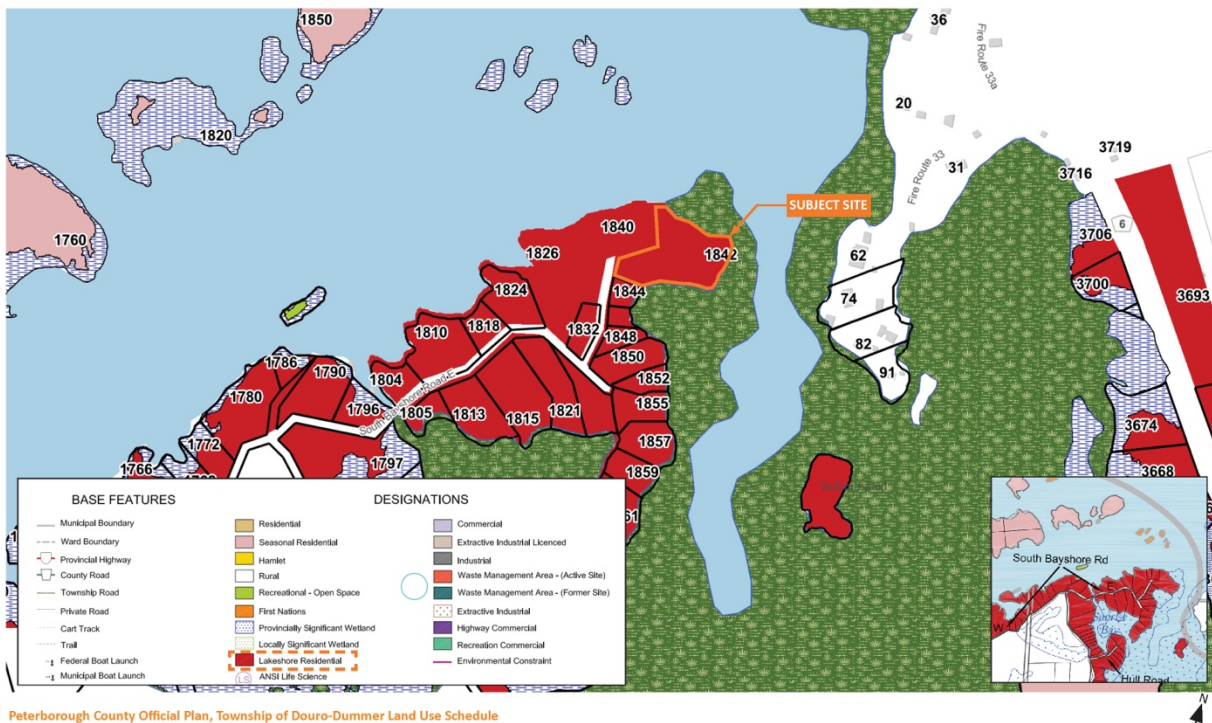


Figure 28: County of Peterborough Official Plan Land Use Schedule.

Policy Section 4.4.1 sets out the following goal for waterfront areas:

“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.”

Policy Section 4.4.2 goes on to provide a series of policy objectives for waterfront areas. Further, Policy 4.4.3 sets out the following, among other policies which have been reviewed but not excerpted:

“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.”...

Notwithstanding any other policy of Section 4.4.3, local plans and zoning by-laws will require that all new development and leaching beds be set back at least 30 metres from the ordinary high water marks of all waterbodies. Excepted from this requirement are marina facilities, 4-32 Official Plan County of Peterborough docks and other water access facilities, pumphouses, and minor accessory buildings and structures as defined in zoning by-laws;”

The Proposed Development, and in particular the proposed OPA, implements, and responds to, the overall intent of Policy Sections 4.4.2 and 4.4.3 of the County OP as follows:

- The Proposed Development is for a new recreational dwelling which is a permitted use within the Lakeshore Residential land use designation;
- The Proposed Development will be located fully outside of the ORCA floodplain elevation;
- The Proposed Development is supported by an EIS which sets out detailed conditions and mitigation measures and also does not identify any adverse impacts with the overall footprint or water yard setback pattern proposed;
- Where possible the mitigation measures proposed seek to protect and enhance the Stoney Lake shoreline, for example compensatory tree planting at a rate greater than the number of trees proposed to be removed and on-site erosion and sediment control during and after construction; and,
- The Proposed Development locates the septic tank appropriately on the property where it is outside of the 30-metre water yard setback.

Policy Section 4.4.3 also sets out that local municipalities may authorize minor variances for development within the 30-metre water yard setback under the following circumstances:

“Local municipalities may authorize minor variances from the 30 metre setback requirement, without the variance being considered to be inconsistent with the general intent and purpose of the local plan, in the following situations:

- *on a lot existing on the date this Official Plan Amendment No. 3 comes into effect;*
- *the addition to an existing building.”*

An OPA was required as part of the Pre-application meeting consultation process as the Proposed Development was not being constructed on a similar foundation footprint to the existing building. That being said, the foregoing policy demonstrates that, where it can be supported, the 30-metre water yard setback standard may not always be the appropriate setback standard to apply universally in the Lakeshore Residential land use designation (this standard also does not recognize the Subject Site's unique dimensions). Similar to the Subject Site, there are other examples of older lots along the Stoney Lake shoreline where the majority of the lot is within the 30-metre water yard setback and cottages co-exist with the landscape.

The Subject Site existed prior to OPA No. 3 coming into effect and has irregular 'peninsula-like' dimensions where over 90% of the property falls within the 30-metre water yard setback. In our opinion, and given the County OP already recognizes similar situations where the 30-metre water yard setback may not be the most appropriate standard, the proposed OPA is consistent with, and implements, the overall intent of the County OP waterfront areas policies in that it will permit new recreational dwelling development on a site-specific basis which it can be supported by detailed conditions outlined in an EIS.

Policy Chapter 6.2.6 sets out the policy objectives for the Lakeshore Residential land use designation and the following general principles:

"6.2.6.1 - General Principles

Permanent single-detached dwellings and cottages in shoreline areas along publicly maintained roads are the predominant use of land within the Lakeshore Residential designation. However in the Township of Douro-Dummer, permanent 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's Zoning By-Law. This designation provides for the conversion of seasonal cottages to permanent dwellings by amendment to the Zoning By-law, where necessary. For the purposes of this plan, the terms "cottage" and "seasonal residence" are used interchangeably"

Policy Section 6.2.6.2 sets out *"The predominant use of land within the Lakeshore Residential designation shall be for permanent single-detached dwellings and seasonal cottages on public roads."*

The Proposed Development is for a new recreational dwelling in the Township of Duoro-Dummer which is consistent with the foregoing general principles (Section 6.2.6.1) and is a permitted use in the land use designation (Section 6.2.6.3).

Policy 6.2.6.3 sets out the development policies within the Lakeshore Residential land use designation which are analyzed below:

a) The intent of this category is to make provision for permanent single detached dwellings and seasonal cottages based on public road access. This designation also provides policies to guide the conversion of seasonal cottages to permanent dwellings by amendment to the Zoning By-law, where necessary.

The Proposed Development provides for the development of a new seasonal cottage dwelling with private road access which is a permitted land use within the Lakeshore Residential land use designation and within the Local Component of the County OP for the Township of Duoro-Dummer.

b) The Township shall have regard to the following when considering an amendment to the Zoning By-law to permit a conversion:

i) The lot shall be adequately served by a year-round publicly-maintained road. No conversions shall be permitted on private roads unless otherwise permitted in this plan.

ii) The lot shall have adequate frontage and area as set out in the implementing Zoning By-law.

iii) The cottage has an adequate source of potable water supply whose year round use will not impair the supply of other nearby buildings and land uses and will satisfy the requirements of the Health Unit and/or the Ministry of the Environment.

iv) The cottage is suitable for conversion and can be brought up to the standard of the Ontario Building Code for a permanent home.

v) The cottage has a sanitary sewage disposal system suitable for year round operation and will satisfy the requirements of the Health Unit and/or the Ministry of the Environment.

vi) The conversion will not contribute singly or with associated uses to a demand for services which are not feasible or economic to provide and will place a financial burden on the Township. vii) The use of holding tanks shall be discouraged.

viii) The township shall review reports from those agencies deemed appropriate and shall include the Building Inspector, Roads Engineer and School Board.

ix) The cottage shall not be located in a flood hazard area as determined by the Conservation Authority or appropriate agencies in consultation with the Township.

The foregoing policies are not applicable as conversion to a year round home is not proposed.

c) General

The preservation of naturally-vegetated shoreline is encouraged in order to minimize destruction to the shoreline and wetbeach habitat, minimize visual impact on the waterbody, maintain wildlife habitats and corridors and improve water quality. In this regard, structures permitted in the Lakeshore Residential designation, including leaching beds of septic systems, on lots created by consent or plan of subdivision after the date Official Plan Amendment No.3 comes into effect, shall be set back a minimum of 30 metres from the shoreline of any lake or major watercourse (i.e. Trent River, Eels Creek, Otonabee River, Rice Lake, Crowe River, Indian River, White Lake) in order to ensure adequate protection from changes in water level and flooding and to ensure maintenance of water quality and the protection of fish and wildlife habitats. Applications to create lots within the Lakeshore Residential designation, either by consent or plan of subdivision, shall demonstrate that this 30 metre setback requirement can be met on the proposed lot(s).

The Proposed Development, and specifically the proposed OPA, responds appropriately to, and implements, the overall intent of the foregoing policies by providing no adverse environmental impact on the Stoney Lake shoreline, surrounding natural areas, or within the water yard setback area. The Proposed

Development is supported by conditions of an accompanying EIS which reinforce and enhance a naturally vegetated shoreline through measures such as compensatory tree planting at a 5:1 ratio and erosion and sediment condition measures during construction. The proposed water yard setback condition will be increased along the east and south water yards compared to the existing dwelling.

Further, the proposed ZBA with respect to increased height of 0.21 metres conforms to the foregoing policies to minimize visual impact on the surrounding water body through a sloped roof condition which will be partially screened by existing and proposed trees and other on-site vegetation.

The Proposed septic tank is also located outside of the 30-metre water yard setback area which conforms to the foregoing policy.

Permitted Exceptions

Notwithstanding anything in this section to the contrary, structures such as pump houses, boat houses, docks, open decks and stairs shall be a permitted use and may encroach into the 30 metre setback without a minor variance provided that the property owner can demonstrate to the Township's satisfaction and, if appropriate, the authority having jurisdiction over the waterway, that it does not negatively affect the waterfront environment. If addressed in the Zoning By-law, applicable standards must be met (i.e. deck width, area, etc.).

Structures legally existing as of the date Official Plan Amendment No.3 comes into effect (October 22, 2008) that do not comply with the required water setback provision that require replacement due to structural defects or destruction by fire or other natural causes or by permission of the Township will be permitted to be replaced on the same footprint and may only be enlarged in accordance with the provisions of the Zoning By-law, and where the enlargement does not further encroach into the 30 metre water setback.

Sewage system leaching beds requiring replacement due to structural damage or malfunction should be set back a minimum of 30 metres from the high water mark if possible or to the greatest setback that is achievable to the satisfaction of the Peterborough County-City Health Unit. Due to their importance to ensuring public health and/or safety, a minor variance will not be required in the case where the replacement leaching beds must be located within the 30 metre water setback.

The foregoing policies are not applicable to the Proposed Development as a new replacement recreational dwelling is proposed. That being said, the proposed recreational dwelling will be setback further on the east and south water yards than the existing dwelling and the proposed septic tank will be located outside of the 30-metre water yard setback. The Proposed Development will also be outside of the ORCA floodplain elevation.

Vacant Lots of Record as of the date Official Plan Amendment No.3 comes into Effect (October 22, 2008)

Vacant lots of record shall attempt to have structures and septic systems set back a minimum of 30 metres from the high water mark. Where it is not possible to achieve the 30 metre setback, then new buildings and structures shall be set back as far as possible

from the high water mark. In this regard, a Minor Variance or Zoning Bylaw Amendment for a reduced setback for existing vacant lots of record may be permitted provided that the relief sought:

- maintains the intent of the zoning by-law;*
- is minor in nature;*
- maintains the intent of the Official Plan regarding environmental objectives; and*
- is desirable and appropriate for the area.*

The foregoing policies are not applicable as the Proposed Development is not located on a vacant lot of record.

Existing Structures

Minor variances or zoning changes to accommodate proposed expansions of a structurally-permanent nature to existing structures and/or septic systems that further reduce any applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety.

The foregoing policies are not applicable as the proposed septic tank will be located outside of the 30-metre water yard setback.

d) Any lot proposed for Lakeshore Residential development must be served by a year-round publicly maintained road. However, in the Township of Douro-Dummer, permanent 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's Zoning By-Law.

e) Development based on a registered plan of subdivision or condominium shall be encouraged in accordance with the policies in Section 7.13. A limited number of cottage or single-detached residential lots created by consent may be permitted in accordance with the policies in Section 7.12.

f) Consents for new residences and cottages shall meet the requirements of the implementing Zoning By-law and the Health Unit. New lots shall be well-proportioned and of regular shape and dimension. Long, narrow lots shall not be permitted.

g) Lots for new development shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system and so that a drawdown of groundwater levels beyond the boundaries of the lot itself can be avoided. A hydrogeological report and soils analysis may be required.

The foregoing policies are not applicable as no new lot is proposed.

h) Lakeshore Residential areas shall be zoned in part for permanent use and in part for seasonal use. All new dwellings and cottages shall conform to the minimum standards of the Ontario Building Code.

i) Certain areas designated in a Lakeshore Residential category may be zoned in a special rural or holding category until required for their ultimate development. In considering an application to change the zoning category in a Lakeshore Residential category, the Township shall have regard to the criteria set out in Section 7.9 of this Plan.

j) Lakeshore Residential areas will be developed in groupings in order to avoid, where possible, ribbon development. Such groupings shall be designed to improve accessibility to the lake and water-oriented activities for a greater number of lakeshore users and tourists by providing desirable open space areas. Approval of the appropriate jurisdiction shall be required for any in water works such as dredging or common mooring facilities associated with lakeshore development and may require an environmental impact study.

k) The Township may require the submission of environmental impact studies in support of applications for approval of multi-lot residential development projects as per section 4.1.3.1. The Township may require the submission of preliminary landscape plans to support approvals of draft plans of subdivision or condominium.

The foregoing policies are not applicable as no new lots or changes to the land use permissions are proposed.

l) Commercial land uses in the Lakeshore Residential designation shall have regard to the following policies:

i) Commercial uses shall be encouraged to locate in groups and preferably where adequate access to a Township owned and maintained road is assured.

ii) Commercial uses shall be sited to minimize their effect on adjacent residential uses. iii) The buildings containing commercial uses shall be designed and any lighting or signs arranged to blend in with the character of the adjacent residential uses.

iv) The implementing Zoning By-law shall contain provisions and regulations for commercial uses permitted in Lakeshore Residential areas.

v) Lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system, and so that a serious drawdown of groundwater levels beyond the boundaries of the lot itself can be avoided. Where considered appropriate by the Township, a certificate shall be required to be provided by a suitably qualified professional engineer to indicate that sufficient groundwater supplies are available in the area to meet the needs of the proposed development and that suitable conditions exist for the disposal of domestic wastes.

m) The Township may undertake or request more detailed studies to assess the capacity of a lake or waterway system to support cottage development and water-oriented activities. Where appropriate, the results and recommendations of those studies shall be included in this Plan by a future amendment. The Township also encourages the creation of Lake Plans as per Section 7.29.

The foregoing policies are not applicable as no commercial development is proposed.

n) In the Township of Douro-Dummer, new residential dwelling area development shall be permitted on private roads provided: i) the length of the existing private road is not extended; and, ii) new development shall take place in the form of infilling between existing lots of record, subject to the provisions of the zoning by-law.

The foregoing policy is not applicable as no extension to private roads are required to accommodate the Proposed Development.

In our opinion, the Proposed Development of a new recreational dwelling of a height of 9.21 metres within the 30-metre water yard setback is supported by a series of enhancement and mitigation measures outlined in the accompanying EIS and conforms to or implements the relevant policies of the County OP when read as a whole. An OPA is required, which, in our opinion implements the County OP's policies for Shoreland Areas and the Lakeshore Residential Zone, as through this application, and in particular the EIS, it has been demonstrated that no negative environmental impacts will arise from the development of a new dwelling, and where possible, existing conditions on the Subject Site will be environmentally improved.

5.4 Zoning By-law

The Subject Site is currently zoned **Limited Service Residential (LSR)** under the Township's Zoning By-law 10-1996 (**Figure 29**). A single detached recreational dwelling is a permitted use in the LSR Zone subject to the regulations outlined in Section 7.2.1 (which are outlined in detail on the enclosed architectural plans). As detailed in Section 4.0 of this report, a Zoning By-law Amendment is required to create a new site-specific Special District (S. D.) Zone to permit a new replacement detached recreational dwelling with a minimum water yard setback of 11.81 metres (7.2.1 h)) and a maximum height of 9.21 metres (7.2.1 l)).

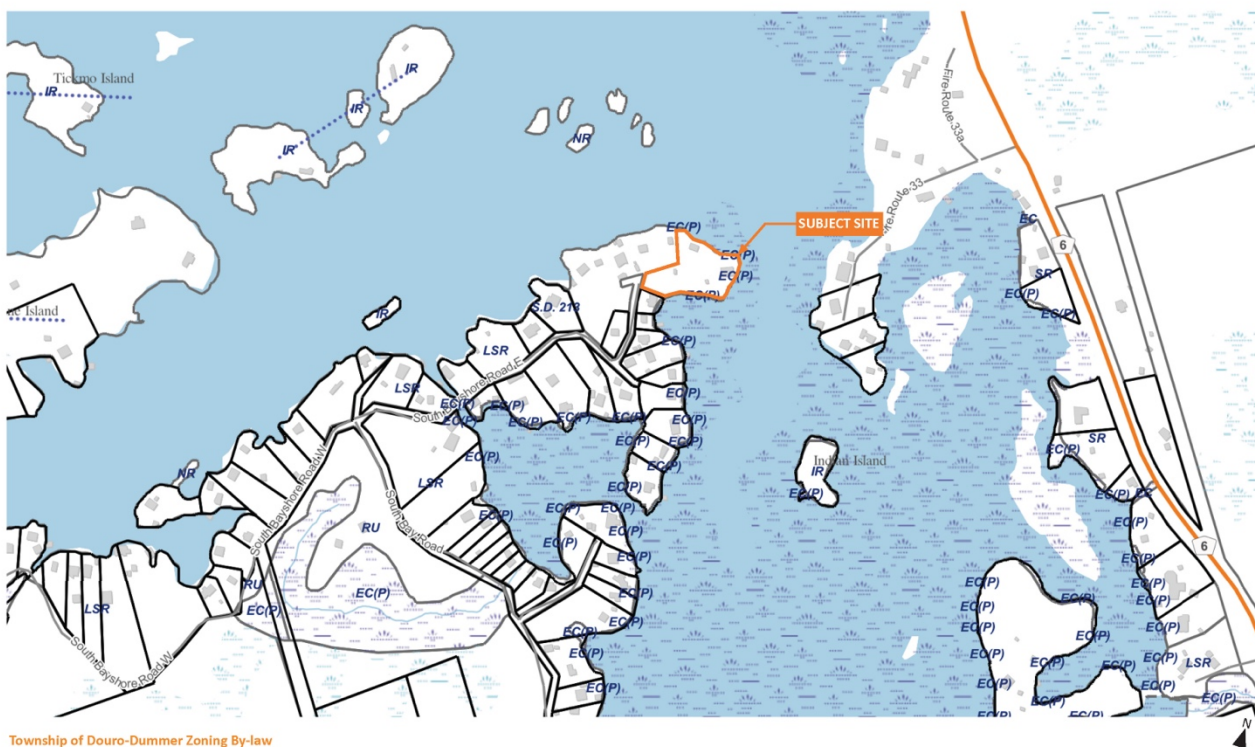


Figure 29: Township of Douro-Dummer Zoning By-law Map.

6.0 Supporting Studies

6.1 Environmental Impact Study

Oakridge Environmental have been retained to prepare an EIS relative to the proposed demolition of the existing cottage and the development of a new cottage. The EIS provides a detailed overview of the Subject Site, existing and surrounding natural features, species at risk screening and a review of Ministry mapping of the nearby Hull South Bay Provincially Significant Wetland feature. Further the report identifies potentially three to four tree removals along with detailed environmental mitigation recommendations to support redevelopment of the property as shown on the architectural plans. Based on Oakridge's review of the site conditions and architectural plans it is their opinion that redevelopment of the Subject Site is supportable from an environmental standpoint provided the recommendations outlined in the EIS are adhered to. It is Oakridge's opinion that the recommendations contained in their report would mitigate any potential impacts on Stoney Lake.

6.2 Archaeological Assessment

Northeastern Archaeological Associates Limited have been retained to prepare a Stage 1 and Stage 2 Archaeological Assessment for the Proposed Development. The Archaeological Assessment covered the entire property and was conducted in compliance with the requirements outlined by the Ministry of Citizenship and Multiculturalism. The Archaeological Assessment did not result in the discovery of any archaeological resources. Given this result, it was in the opinion of Northeastern that no further assessment be conducted. If any archaeological resources should be discovered during the course of development, all excavation must stop immediately, and a licensed archaeologist must be contacted.

6.3 Lot Grading and Drainage Plan

SitePlanTech were retained as engineering consultants to prepare a lot grading and drainage plan. The plan demonstrates the finished floor elevation of the proposed recreational dwelling and associated slopes and spot elevations within the proposed gravel driveway area and between the Proposed Development and the shoreline. The plan also indicates erosion and sediment control measures for consideration at the construction stage along with a vehicle cleaning area detail at the entrance to the property to ensure appropriate water quality of any runoff entering Stoney Lake.

7.0 Summary

The Proposed Development represents an appropriate scale of redevelopment on an irregularly shaped waterfront property which has existed for many years. The Proposed Development is also located outside of the ORCA floodplain and is in a location on the property where it does not introduce any environmental impacts between itself and the shoreline or any unintended visual impacts on surrounding properties. Considerable effort has been made by the project architect, Jason Cutajar, to balance siting the new

dwelling with other site constraints, including the septic tank (proposed outside of the 30-metre water yard setback in a by-law compliant location), minimization of tree removals and a location where redevelopment does not impact the lot's pre-existing topography, landscaped character or drainage patterns.

Specifically, the Proposed Development:

- Is appropriately scaled and configured to fit within the existing and planned context of recreational dwellings on landscaped lots partially screened by vegetation, where the proposed reduced water yard setback and slightly increased height fit well within the Stoney Lake vernacular;
- Has regard for the purpose of the Planning Act and matters of Provincial Interest;
- Is consistent with the policies of the Provincial Planning Statement, 2024;
- Is a permitted land use within the County OP's Lakeshore Residential land use designation and is permitted under the Township's Lakeshore Residential zone;
- Conforms to or implements the overall intent of the policy direction of the County OP in respect of the 30-metre minimum water yard setback standard;
- Is located fully outside of the ORCA floodplain;
- Locates the septic tank in an appropriate location on the property where it does not impede within the 30-metre water yard setback standard for environmental reasons;
- Will not introduce any unmitigable environmental impacts on the property, the shoreline, or adjacent properties according to the Environmental Impact Study (EIS) prepared by Oakridge Environmental and provided the conditions recommended by Oakridge are met;
- Seeks to enhance the naturally vegetated shoreline through compensatory tree or shrub planting at a 5:1 rate;
- Will have no impacts on archaeological resources as the Archaeological Study prepared by Northeastern Archaeological concluded there are no archaeological resources on the property; and,
- Will maintain an appropriate lot grading and drainage pattern as detailed on the enclosed lot grading and drainage plan prepared by SitePlanTech.

For the above-noted reasons, the Proposed Development represents good planning, warrants the support of County and Township Planning Staff, and merits approval by County and Township Councils.

WND associates

planning + urban design



Kevin McKrow, MCIP, RPP
Senior Planner