




Planning Justification Report

In support of an Official Plan, Zoning By-law Amendment and Severance
65 Gallery on the Lake Road (Fire Route 21)
Lot 3, Block 11 and Block 18, Plan 45M-184
Municipality of Trent Lakes
County of Peterborough

Prepared for: Esther Inglis & Alan Hitchon

EcoVue Reference No.: 20-2059

Date: April 27, 2021

A large, light-colored silhouette of a tree is positioned in the lower-left corner of the page, extending from the bottom edge up to the middle of the page.

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Table of Contents

1.0	BACKGROUND	1
1.1	PROPOSED DEVELOPMENT	1
1.2	REASONS FOR THE PROPOSED AMENDMENT.....	1
1.3	DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING LANDS.....	2
1.4	PRE-CONSULTATION AND TECHNICAL STUDIES	3
1.5	SUMMARY OF NATURAL HERITAGE EVALUATION	7
2.0	POLICY REVIEW.....	7
2.1	PROVINCIAL POLICY STATEMENT (2020).....	7
2.1.1	<i>Rural Areas in Municipalities.....</i>	<i>8</i>
2.1.2	<i>Rural Lands in Municipalities</i>	<i>8</i>
2.1.3	<i>Sewage, Water and Stormwater Policies.....</i>	<i>9</i>
2.1.4	<i>Natural Heritage</i>	<i>9</i>
2.1.5	<i>Cultural Heritage.....</i>	<i>9</i>
2.2	A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2019)	10
2.2.1	<i>Rural Areas</i>	<i>10</i>
2.2.2	<i>Natural Heritage System.....</i>	<i>11</i>
2.2.3	<i>Key Natural Heritage Features, Key Hydrologic Areas, and Key Hydrologic Features</i>	<i>11</i>
2.3	COUNTY OF PETERBOROUGH OFFICIAL PLAN	13
2.4	THE OFFICIAL PLAN OF THE MUNICIPALITY OF TRENT LAKES	14
2.4.1	<i>Recreational Dwelling Area</i>	<i>14</i>
2.4.2	<i>Division of Land - Severances</i>	<i>16</i>
2.4.2.1	<i>Special Policy for the Recreational Dwelling Area Designation.....</i>	<i>16</i>
2.4.2.2	<i>Other Severance Requirements</i>	<i>17</i>
2.5	MUNICIPALITY OF TRENT LAKES ZONING BY-LAW B2014-070.....	18
2.6	SUMMARY OF POLICY CONSIDERATIONS	20
3.0	CURVE LAKE FIRST NATION	21
4.0	SUMMARY.....	21



List of Figures

Figure 1 – Site Location	4
Figure 2 – Consent Sketch.....	5
Figure 3 – Site Photos	6
Figure 4 – Municipality of Trent Lakes Official Plan Schedule A	15
Figure 5 – Municipality of Trent Lakes Zoning By-law 97-123	19

List of Tables

Table 1 - Proposed Development Metrics for the Retained and Severed Lots.....	20
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Appendices

Appendix A	Proposed Official Plan Amendment Text
Appendix B	Proposed Zoning By-law Amendment Text
Appendix C	Pre-Consultation Meeting Minutes
Appendix D	Correspondence from Curve Lake First Nation
Appendix E	Natural Heritage Evaluation (Under Separate Cover)
Appendix F	Survey



1.0 BACKGROUND

This planning report is being submitted in support of an Official Plan Amendment application and Zoning By-law Amendment application that are required to facilitate a severance application on lands located at 65 Gallery on the Lake Road (Fire Route 21), Lot 3, Block 11 and Block 18, Plan 45M-184 (herein referred to as the Subject Lands) in the Municipality of Trent Lakes as shown on **Figure 1**. Specifically, these applications seek to:

- 1) Redesignate the Subject Lands from the Commercial designation to the Recreational Dwelling Area designation in accordance with the Municipality of Trent Lakes Official Plan; and,
- 2) Amend the existing Shoreline Residential Private Access Exception One (SR-PA-1) Zone in order to permit primary residential uses and site-specific lot areas.

The proposed text for the Official Plan Amendment is attached as **Appendix A** to this report. The proposed text for the Zoning By-law Amendment is attached as **Appendix B** to this report.

1.1 Proposed Development

The subject lands are the site of an art gallery (Gallery on the Lake) and an accessory detached dwelling, where the operators of the art gallery currently reside. The property has been used for this purpose since 1983. The applicants are now seeking to divide the existing lot into two new residential lots through consent. The severed lot (0.3 hectares (0.75 acres), 30 metres of frontage on Lower Buckhorn Lake) will include the detached dwelling, while the retained lot (1.32 hectares (3.26 acres), 67 metres of frontage on Lower Buckhorn Lake) will include the gallery building. Both the gallery building and the detached dwelling are serviced with separate, individual septic systems, although the buildings share one individual well. The configuration of the proposed severance and the location of the associated buildings is shown on **Figure 2**. It is proposed that the gallery building will be converted to a residential use. Although a new lot will be created, no new development will take place on the subject lands.

1.2 Reasons for the Proposed Amendment

The subject property is currently designated Commercial and Environmental Protection, as per the Municipality of Trent Lakes Official Plan. The subject property is zoned the Shoreline Residential - Private



Access-1 (SR-PA-1) Zone, as per the Municipality of Trent Hills Comprehensive Zoning By-law B2014-070.

The Commercial designation and the SR-PA-1 Zone do not permit a primary residential use on the subject lands. In order to facilitate the severance, whereby the severed and retained lands will both contain residential uses, it is proposed that a portion of the subject lands be redesignated to the Recreational Dwelling Area. The property will also be required to be rezoned to a site-specific Shoreline Residential Private Access Exception (SR-PA-XX) Zone in order to permit the primary residential use on both the severed and retained properties. It is further proposed that the existing SR-PA-1 Zone be amended to reflect the proposed uses and retained lot dimensions.

There are no changes proposed to the lands designated Provincially Significant Wetland or zoned Environmental Protection (EP) through these applications.

1.3 Description of Subject Property and Surrounding Lands

The subject property is located at Part of Lots 9 and 10, Concession 7, in the Harvey Ward of the County of Peterborough, and is municipally known as 65 Gallery on the Lake Road, Municipality of Trent Lakes. The property is approximately 1.62 hectares (4 acres), with 64 metres of frontage on Fire Route 21 (Gallery on the Lake Road), and 97.15 metres of frontage on Lower Buckhorn Lake. The lands are accessed via Fire Route 21, which is a privately-maintained road that connects to County Road 36 approximately 300 metres north of the subject lands.

The subject property contains the 'Gallery on the Lake' art gallery and one (1) single residential dwelling to the west of the gallery, which is owned and used by the applicants. The gallery and dwelling are serviced through an existing communal well, and each contain their own private septic system. In addition to these structures, the property contains gravel parking areas for the gallery and the dwelling unit. The balance of the property is covered with forested vegetation and wetlands, with the exception of the portions of the property near the shoreline, which are comprised of manicured lawns, exposed bedrock, and some large trees.



The land uses surrounding the subject properties (i.e., within 500 metres) include rural, shoreline residential, and open space lands. Specifically, the lands immediately east and west of the property are comprised primarily of existing shoreline/seasonal residential uses.

The following uses are located on lands in each direction:

- North – Rural Lands, Provincially Significant Wetlands – Lower Buckhorn Lake Complex, and Unevaluated Wetlands;
- South – Lower Buckhorn Lake;
- East – Shoreline Residential Uses – both permanent and seasonal, and Rural Lands; and
- West – Shoreline Residential Uses – both permanent and seasonal; Rural Lands, Commercial Uses.

None of the above uses will be impacted by the proposed Official Plan Amendment and Zoning By-law Amendment applications, as detailed in this report.

1.4 Pre-consultation and Technical Studies

The applicant attended a pre-consultation meeting with municipal staff on December 2, 2020. At that meeting, municipal staff identified the need for a formal Official Plan Amendment and Zoning By-law Amendment to facilitate the severance application for the Subject Lands. As part of that meeting, municipal staff further identified that the following would be required to support the planning applications:

- i) Scoped Environmental Impact Study (EIS) to determine the extent of the wetland boundary;
- ii) Survey of the property including flood line elevation and existing structures; and,
- iii) Comments from Curve Lake First Nations.

The EIS has been submitted under separate cover (**Appendix E**) but forms part of the planning justification for the Official Plan Amendment and Zoning By-law Amendment applications as referenced in this report. Consultation with Curve Lake First Nation (CLFN) has been undertaken. CLFN has advised that they do not have concerns with this application. The communication received from Curve Lake is attached as **Appendix D**. The minutes of the pre-consultation meeting are attached as **Appendix C** to this report. A survey of the property is also attached as **Appendix F**.



FIGURE 1 - SITE LOCATION



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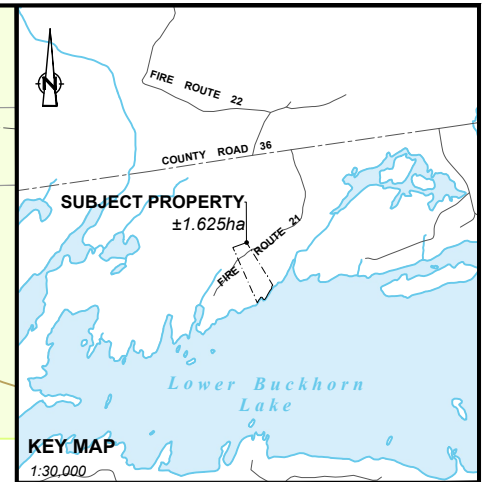
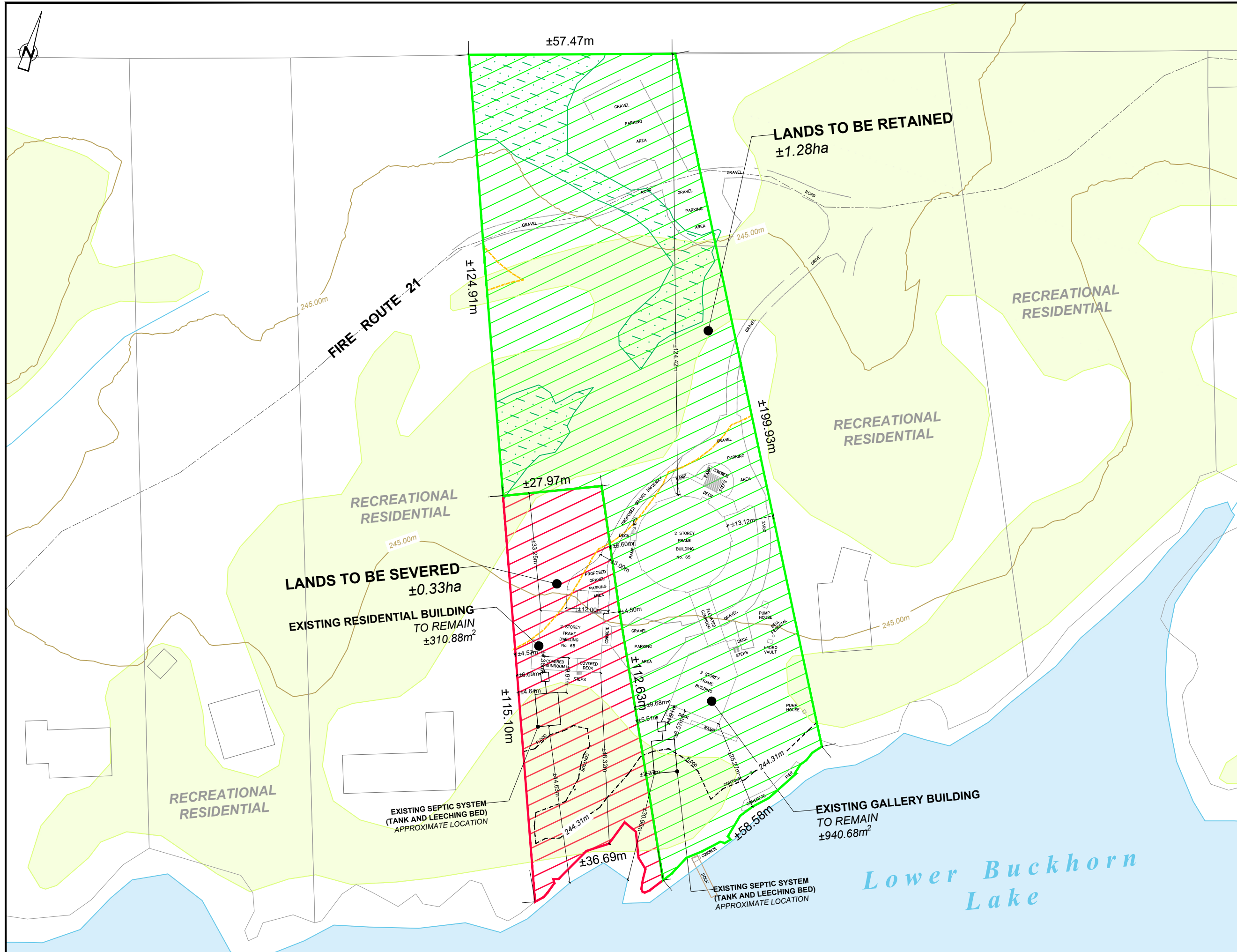
PROJECT NO: 20-2059

DATE: April 14 2021

HORIZ. SCALE: 1:5,000

GALLERY ON THE LAKE
ALAN HITCHON & ESTHER INGLIS

65 GALLERY ON THE LAKE ROAD (FIRE ROUTE 21)
PART OF LOT 9 AND 10, CONCESSION 7
GEOG. TWP. OF HARVEY
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH




LEGEND

- EXISTING PARCEL
- EXISTING STRUCTURES
- EXISTING DRIVEWAY
- EXISTING WOODLAND
- 30m WETLAND BUFFER
- EX. CONTOUR (5m Interval, Retrieved from L.I.O.)
- EXISTING WETLAND - UNEVALUATED
- LANDS TO BE RETAINED
- LANDS TO BE SEVERED

NOTES:

- Property Boundaries are approximate



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DRAWN BY: TB	PROJECT No.: 20-2059
APPROVED BY:	HORIZ. SCALE: 1:1,000
REVISION DATE: APRIL 26, 2021	PLOT DATE: APRIL 27, 2021
<p>GALLERY ON THE LAKE ALAN HITCHON & ESTHER INGLIS 65 GALLERY ON THE LAKE RD (FIRE ROUTE 21) PART OF LOT 9 AND 10, CONCESSION 7 GEOG. TWP. OF HARVEY MUNICIPALITY OF TRENT LAKES COUNTY OF PETERBOROUGH</p>	
CONSENT SKETCH	CS1

Figure 3 – Site Photos



Photo 1 – Looking south between the Gallery building and detached dwelling



Photo 2 – Looking east from the detached dwelling to the southwest corner of the Gallery building



1.5 Summary of Natural Heritage Evaluation

A copy of the Natural Heritage Evaluation prepared by Oak Ridge Environmental is attached as **Appendix E**. The Study concludes that the proposed severance will not negatively impact the existing natural heritage features located on the property, provided a mitigation measures agreement is registered on title via a condition of consent. This includes re-vegetation of wetland buffers and potential habitat for species at risk.

Given that the site is largely disturbed, and that no new development is proposed, the mitigation measures would only be required for any future site works that may take place on the properties.

2.0 POLICY REVIEW

This planning opinion is based on a review of the applicable Provincial and municipal policy frameworks and zoning regulations as well as a site visit conducted on April 7, 2021. As of the date of this report, the following planning documents provide the policy context applicable to the Subject Lands:

- Provincial Policy Statement, 2020;
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- County of Peterborough Official Plan;
- Municipality of Trent Lakes Official Plan; and,
- Municipality of Trent Lakes Comprehensive Zoning By-law B2014-070.

2.1 Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (herein referred to as the PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authorities – in this case, the Municipality of Trent Lakes – to uphold the policies of the PPS pertaining to land use planning and development. In particular, planning authorities must ensure that municipal decisions are consistent with key provincial interests.

The sections of the PPS that are relevant to the proposed applications include:



2.1.1 Rural Areas in Municipalities

The subject lands are not located in a settlement area and is therefore subject to Section 1.1.4 (Rural Areas in Municipalities) of the PPS. It is stated in this Section that “[r]ural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas”. The subject lands are considered to be part of the *rural lands* as identified in Section 1.1.4.4 and growth and development may be directed to these areas in accordance with Section 1.1.5 of the PPS (see below).

Section 1.1.4.1(a) states that “[h]ealthy, integrated and viable rural areas should be supported by ... building upon rural character, and leveraging rural amenities and assets”. The newly-created lots will be similar to, and consistent with the scale and character of other limited seasonal residential development in the area. Furthermore, no new development will result from the proposed severance.

2.1.2 Rural Lands in Municipalities

Section 1.1.5 of the PPS speaks to rural lands in municipalities. It is stated in Section 1.1.5.2 that the permitted uses within rural lands shall include:

- a) *the management or use of resources;*
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *residential development, including lot creation, that is locally appropriate;*
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *home occupations and home industries;*
- f) *cemeteries; and*
- g) *other rural land uses*

The creation of two (2) new lots will be used for resource-based recreational uses, where recreational dwellings exist (severed lot) or will be converted from a commercial use (retained lot). Therefore, the proposed OPA, ZBA and severance are consistent with Section 1.1.5 of the PPS.



2.1.3 Sewage, Water and Stormwater Policies

Policies related to Sewage, Water and Stormwater are found in Section 1.6.6 of the PPS. Section 1.6.6.4 states that, where municipal or communal sewage and water services are not available, private servicing is permitted provided that “*site conditions are suitable for the long-term provision of such services with no negative impacts*”.

As noted, both the accessory dwelling and the gallery are serviced with individual private septic systems. Although water servicing is provided via a shared well, a new well will be drilled to provide potable water to the proposed severed lot.

Therefore, it is our opinion that the proposed severances are consistent with Section 1.6.6 of the PPS.

2.1.4 Natural Heritage

Section 2.1 of the PPS states that natural features and areas shall be protected for the long term, and that development and site alteration shall not be permitted within significant natural areas and significant habitat of endangered or threatened species.

As noted above, an NHE was conducted on the site and confirmed the presence of the Provincially Significant Wetland on the northern portion of the lot, as well as significant wildlife habitat and potential for species at risk (SAR) on the site. Given that no new site alteration is proposed, the NHE concluded that the proposed severance will not result in any habitat degradation. That said, several mitigative measures should be implemented, through a mitigative measures agreement, in the event of any future site alteration.

2.1.5 Cultural Heritage

Section 2.6.2 of the PPS states that “[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved”. As the site contains existing development, and no further development is proposed, an examination of cultural heritage potential is not required. Therefore, the proposed OPA, ZBA and consent are consistent with Section 2.6.2 of the PPS.



2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe 2019 (herein referred to as the Growth Plan) builds on the policies of the PPS to establish a land use planning framework applicable to the Greater Golden Horseshoe Area in which the Municipality of Trent Lakes is located. Therefore, any planning application for the subject lands must conform to the Growth Plan policies.

The sections of the Growth Plan that are relevant to the proposed OPA and ZBA are summarized below.

2.2.1 Rural Areas

The subject property is not located within a settlement area, and is therefore considered to be within the Rural Area. Policies related to development within the Rural Area can be found in Section 2.2.9 of the Growth Plan. Section 2.2.9.3 states that, subject to the natural heritage policies in Section 4, outside of settlement areas, development 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.”*

Although the OPA and ZBA are required to create a new lot, the proposed new lot will contain the existing residential dwelling on the property, and not permit any additional development on the lot aside from the creation of the lot lines. The existing dwelling and gallery are currently connected to their own private septic system and will each be serviced by a private well, and will, therefore, be sustained by rural service levels. Lastly, the proposed amendments will not adversely impact mineral aggregate or agricultural uses. No other policies in section 2.2.9 were found to be relevant to this application.

2.2.2 Natural Heritage System

According to the available Provincial mapping, the subject property is located within the Natural Heritage System of the Greater Golden Horseshoe. However, the Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. That said, as noted in Section 4.2, the policies related to key hydrologic features, which includes wetlands, will apply to all lands located outside of settlement areas. As such, those policies are discussed below.

2.2.3 Key Natural Heritage Features, Key Hydrologic Areas, and Key Hydrologic Features

As described in the NHE, the subject property contains, or is adjacent to, a number of key hydrologic features, including:

- Provincially Significant Wetlands – Lower Buckhorn Lake Complex – on the subject property;
- Non-evaluated Wetlands – on the subject property; and
- Lower Buckhorn Lake – directly adjacent to the subject property.

Due to the presence of the above-listed natural heritage features, the proposed applications are subject to the Key Natural Heritage policies of the Growth Plan, which can be found in Section 4.2.3.

Section 4.2.3.1 of the Growth Plan states that “*outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features...*”. Since the Natural Heritage System for the Growth Plan has not yet been implemented by the County of Peterborough, this policy currently does not prohibit development in key natural heritage features (such as the significant woodlands on site). However, this policy provides protection to the key hydrologic features (i.e., the unevaluated wetland) from development and site alteration.

It is further stated in Section 4.2.4.3 that “*development or site alteration is not permitted in the [30 metre] vegetative protection zone [VPZ], with the exception of...shoreline development as permitted in accordance with policy 4.2.4.5 of the Growth Plan*”.



Section 4.2.4.5 states that:

in developed shoreline areas of inland lands that are designed or zoned for concentrations of development as of July 1, 2017, infill development...is permitted, subject to municipal and agency planning and regulatory requirements, if the development will...be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts; [and] restore, to the maximum extend possible, the ecological features and functions in developed shoreline areas.

Although the proposed lot lines of the severed lot will encroach within the VPZ, it is noted that development within the VPZ may occur in accordance with Section 4.2.4.5. The proposed severed lot, which will serve to separate the proposed dwelling from the Gallery building and will front onto an inland lake (Lower Buckhorn Lake), is considered to be infilling as it is the creation of a lot between existing shoreline lots within an existing concentration of development. Furthermore, the ZBA will result in an expanded Environmental Protection (EP) Zone (see below) on the site that will serve to protect and enhance the identified features and their setbacks. As such, the proposed lot configuration conforms to the policies of the Growth Plan related to key hydrologic features.

In regards to the integration with parks and trails and restoration of shoreline ecological features, the EIS proposes mitigation measures that are intended to enhance and maintain the existing naturally-vegetated shoreline of Lower Buckhorn Lake. As has been mentioned throughout this Section, no additional development will be permitted by this application aside from the establishment of the proposed designation and zone, and therefore the minimum existing 26-metre setback from the lake is proposed to remain undisturbed.

Lastly, the applications are intended to permit the separation of two independent uses occurring on one lot, and acknowledge them as individual primary uses. No further development will be permitted by these applications.

In reviewing the proposed Official Plan Amendment and Zoning By-law Amendment applications against the policy framework of the Growth Plan 2020, it is our opinion that the proposed development conforms to the requirements of the policies of the Growth Plan 2020.



2.3 County of Peterborough Official Plan

The County of Peterborough Official Plan (CPOP) does not contain land use designations, outside of those municipalities that are subject to the Local Plan policies of Section 6 and 7 (which does not include the Municipality of Trent Lakes). However, Section 4 of the CPOP identifies “Watershed Strategic Components”, which includes policies related to Shoreland Areas and Waterfront (4.4). It is stated in Section 4.4 that all lands within 150 metres of the high-water mark of any lake, river, or waterway are considered to be part of the Shoreland Areas and the Waterfront area.

Section 4.4.3 states that the built form of the Shoreland Areas is comprised predominately of residential development and that the Shoreland Areas are generally associated with “*leisure, recreation, water supply, support for fisheries and wildlife habitat*”. It further states that local municipalities “*shall ensure that waterfront lots are of a sufficient size to accommodate the proposed use and related structural and servicing requirements*”. The policies in this section further state that waterfront development should consider the overall character of the shoreland areas.

As noted, the proposed OPA and ZBA will result in the redesignation and rezoning of the site to permit residential uses on each of the proposed lots, which is in keeping with the overall land uses within the Shoreland Areas. Furthermore, there will be no new site alteration or development resulting from the OPA, ZBA and consent. As such, the proposed applications will not result in any impacts to the overall character of the waterfront. In addition, the proposed lots will be of adequate size to accommodate the existing septic systems and wells (including adequate space for a future well on the severed lands).

In addition to Section 4.4, policies of the CPOP applicable to these applications also include Section 2.6.3.3, which speaks to the division of land within Shoreland Areas. It is stated in this section that severances will not be granted where private sewage disposal cannot be provided. It is also stated that the creation of lots that do not front onto publicly-maintained roads shall not be permitted, unless otherwise permitted in local official plans.

As noted, both the dwelling unit and the gallery each have existing individual septic systems that will be located entirely on each proposed lot. Although the subject lands do not front onto a publicly-maintained road, the policies of the Municipality of Trent Lakes Official Plan permit the creation of lots without direct municipal road frontage (see below).



Therefore, it is our opinion that the proposed OPA, ZBA and consent conform to the County of Peterborough Official Plan.

2.4 The Official Plan of the Municipality of Trent Lakes

The Municipality of Trent Lakes Official Plan (TLOP) provides planning goals and objectives for the municipality, and is intended to establish the Municipality's vision for growth and guide development within the Municipality. All lands within the Municipality are identified with a land use designation that corresponds to a set of policies that describes how lands in each designation may be developed. The TLOP also contains general policies that apply to all areas of the municipality that must be adhered to.

The subject lands are designated Commercial, as per Schedule 'A1' of the Municipality of Trent Lakes Official Plan (TLOP) (see: **Figure 4**). However, it is proposed that the subject lands be redesignated to the Recreational Dwelling Area designation in order to permit primary residential uses on the subject lands, which will also facilitate the proposed severance.

2.4.1 Recreational Dwelling Area

It is stated in Section 5.4 of the TLOP that the Recreational Dwelling Area designation applies to lands in close proximity to the shoreline of waterbodies for seasonal or permanent residential use. Furthermore, residential development within this designation will be limited to not more than three lots. Permitted uses in the Recreational Dwelling Area include single unit recreational dwellings.

The proposed residential conversion of the subject lands and the subsequent severance will conform to these objectives of the Recreational Dwelling Area. The lands are located on the shoreline of Lower Buckhorn Lake, and both proposed lots will be used for single unit recreational dwellings.

It is further stated in Section 5.4.5 – which speaks to limited service residential development (development on private roads) – that the “*creation of new lots by consent...within an area of limited service residential development shall be in accordance with the policies of Section 6 of [the TLOP]*”. As noted, the subject property is located on a private road, adjacent to existing cottage development, and is, therefore, considered to be located within a limited service residential area. Section 6 of the TLOP is examined below.

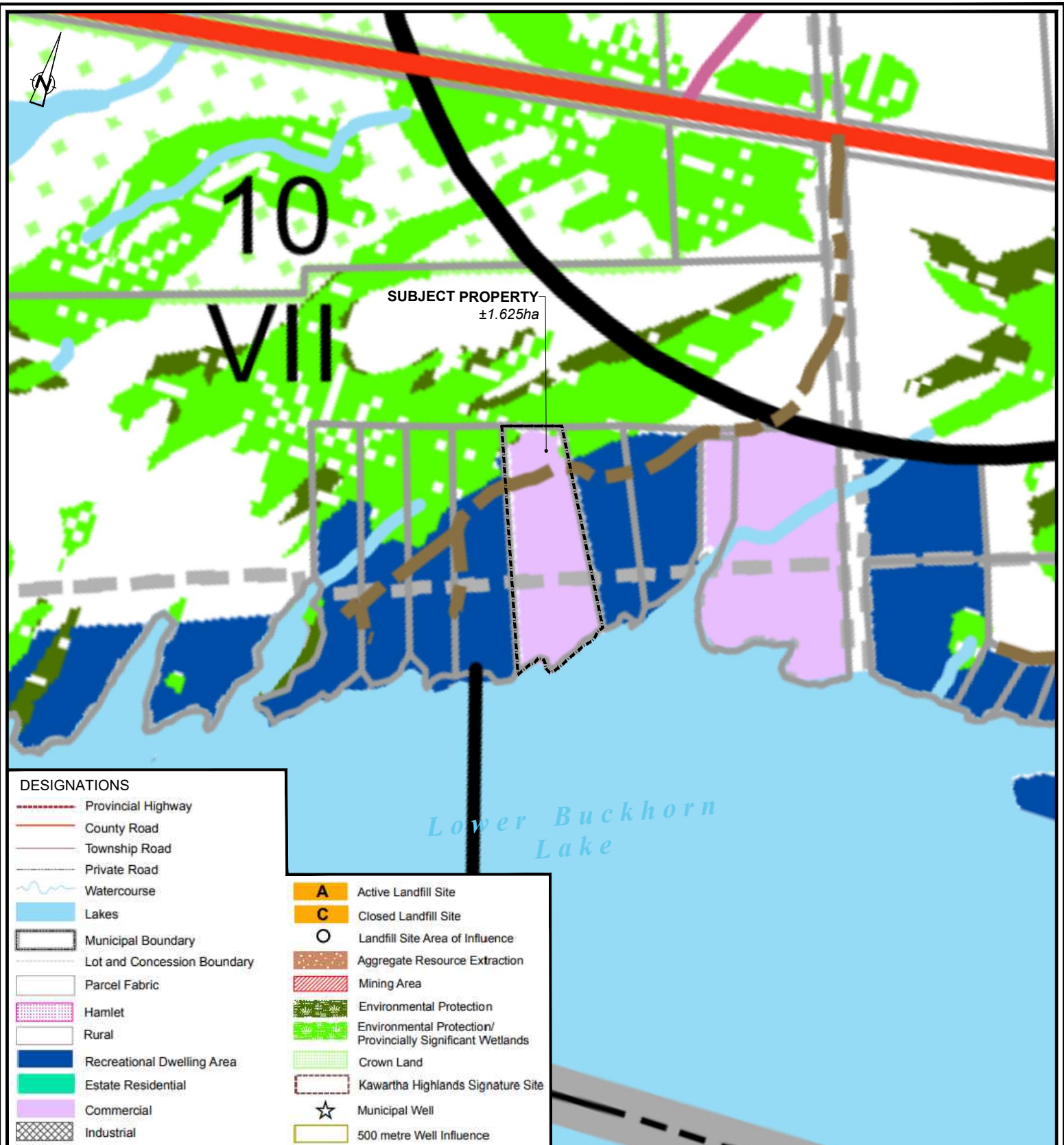


FIGURE 3 - OFFICIAL PLAN
THE TOWNSHIP OF GALWAY-CAVENDISH & HARVEY
 SCHEDULE "A1" LAND USE & TRANSPORTATION

GALLERY ON THE LAKE
ALAN HITCHON & ESTHER INGLIS
 65 GALLERY ON THE LAKE ROAD (FIRE ROUTE 21)
 PART OF LOT 9 AND 10, CONCESSION 7
 GEOG. TWP. OF HARVEY
 MUNICIPALITY OF TRENT LAKES
 COUNTY OF PETERBOROUGH



PROJECT NO: 20-2059
 DATE: April 14 2021
 HORIZ. SCALE: 1:5,000



Overall, the proposed redesignation to Recreational Dwelling Area is consistent with the goals and objectives of the Recreational Dwelling Area designation.

2.4.2 Division of Land - Severances

Section 6.2 of the TLOP discusses requirements and standards for land severance applications within the Municipality. Specifically, Section 6.2.1.1 states that a maximum of two (2) severed and one (1) retained lot may be created through consent within the Recreational Dwelling Area.

In addition, “*regard shall be had for ensuring satisfactory compatibility between proposed land use and existing land uses*” (Section 6.2.1.2) and that the size of the any new lot “*should be appropriate for the use proposed and the services available*” (Section 6.2.1.3).

The proposed severance on the subject lands will conform to these policies as one (1) new lot will be created, and now new buildings or structures are proposed, which will ensure that the severance will be compatible with the surrounding land uses. Furthermore, both the existing accessory dwelling unit and the Gallery building are serviced with individual private septic systems that will be accommodated on each proposed property.

2.4.2.1 Special Policy for the Recreational Dwelling Area Designation

Section 6.2.1.4.1 of the TLOP states that severances may only be considered where both the newly created parcel and retained parcels front on an “*assumed public road that is currently maintained on a year-round bases by a public authority*”. In this case, the existing development (and proposed severed and retained lots) does not front on an assumed public road; vehicular access is provided through the privately-maintained Fire Route 21. However, Section 6.2.1.4.2 states that notwithstanding the aforementioned policy, a new lot may be created where access is provided through a deeded private road provided that:

- a) *Where the lot to be crated by consent to sever represents infilling within existing development...and where additional development will not create a demand for additional public services;*



- b) Where the lot created by consent to sever will have private road access and where the lot fronts on either an existing private road or where the development involves a limited extension of an existing private road;*

The proposed severance application affecting the subject lands will meet the above policy requirements. As noted, the proposed severance represents infilling within an existing developed shoreline area, and no new development is proposed as a result of this severance. Furthermore, the subject lands front onto an existing private road. Although access to the severed parcel will occur via a future right-of-way over the retained lands, no further extensions of private roads/laneways will be required.

2.4.2.2 Other Severance Requirements

Further to the above policies, severances must meet the following additional requirements of Section 6.2:

- **Section 6.2.1.5** – lots created by severance must conform to all applicable provisions of the Municipality’s Zoning By-law.

As noted below, the proposed severed and retained lot will comply with the Municipality’s Zoning By-law through the aforementioned proposed Zoning By-law amendment.

- **Section 6.2.16** – Severances may only be considered when soil and drainage conditions are suitable *“to permit the property siting of buildings, to obtain sufficient potable water and to permit the installation of an adequate means of sewage disposal for both the severed and retained parcels”*

As noted, both the existing Gallery building and the accessory dwelling unit are served by existing individual septic systems. A new well will be drilled to service the severed parcel. No new development is proposed, so existing drainage patterns will not be altered.

- **Section 6.2.7** – Residential severances shall be encouraged as infilling or adjacent to clusters of houses to promote orderly and controlled development.

The proposed severance represents infilling and will not alter the existing character of the shoreline.



- **Section 6.2.1.8** – Severances shall not be considered “where access may create a traffic hazard”

The proposed severance will not create a traffic hazard as the subject lands are not located on a municipal road.

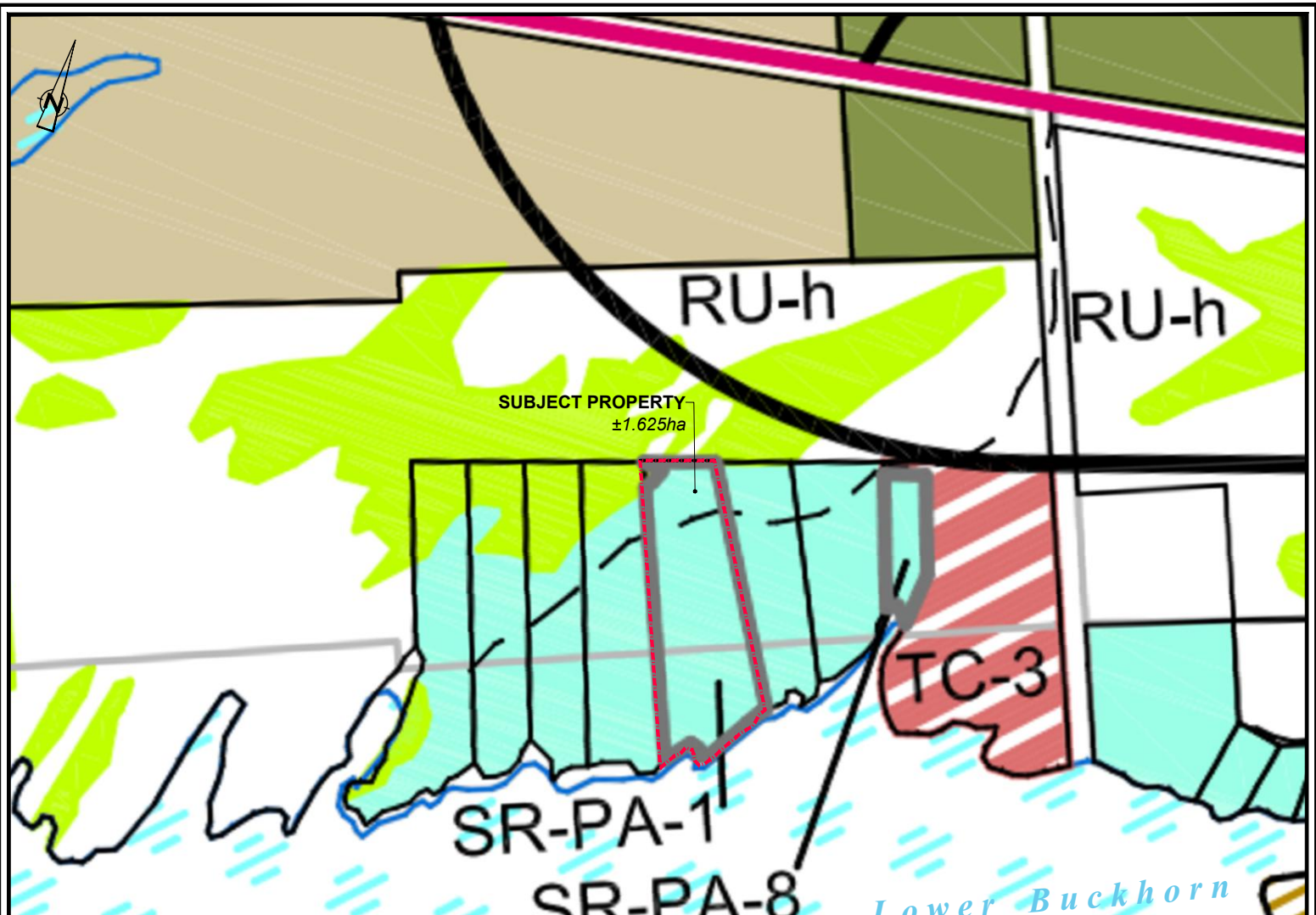
Therefore, based on the above analysis, the proposed OPA, ZBA and consent are consistent with the Municipality of Trent Lakes Official Plan.

2.5 Municipality of Trent Lakes Zoning By-law B2014-070

According to Map No. 8 of Schedule “A” to the Municipality of Trent Lakes Zoning By-law B20-14-070 (TLZBL) the subject lands are zoned the Shoreline Residential - Private Access-1 (SR-PA-1) Zone (**Figure 5**). The SR-PA-1 Zone specifically permits an art gallery use, with an accessory dwelling unit *exclusively*, and also includes some site-specific lot regulations. The SR-PA-1 does not permit a principal residential dwelling unit. As such, the subject lands must be rezoned in order to permit principal residential uses on both the severed and retained lands.

It is proposed that the existing SR-PA-1 Zone be amended to reflect the change in use and any new site-specific lot regulations (i.e. setbacks, frontage, etc.) that will result from the proposed severance. In addition, it is proposed that a new site-specific SR-PA-****** Exception Zone be applied to the severed parcel to provide similar permissions and reflect specific dimensions resulting from the severance.

The table below shows the proposed site-specific lot regulations for the amended SR-PA-1 Zone and the proposed SR-PA-****** Exception Zone. As noted herein, the new zone regulations will only facilitate a change in use and will identify existing setbacks, including deficiencies related to the existing SR-PA-1 Zone and the general SR-PA Zone. Deficient lot standards are shown in ***bold and italics***.



ZONE LEGEND

Rural Residential		General Commercial	
Rural Residential - Private Access		General Industrial	
Shoreline Residential		Extractive Industrial	
Shoreline Residential - Private Access		Disposal Industrial	
Hamlet Residential		Environmental Protection	
Island Residential		Rural	
Community Facility		Crown Land	
Tourist Commercial		Open Space	
Hamlet Commercial		Development	
		Landfill Area of Influence	

FIGURE 4 - ZONING BY-LAW
MUNICIPALITY OF TRENT LAKES
 MAP 8 - HARVEY WARD: LOWER BUCKHORN LAKE, LOVESICK LAKE

GALLERY ON THE LAKE
 ALAN HITCHON & ESTHER INGLIS
 65 GALLERY ON THE LAKE ROAD (FIRE ROUTE 21)
 PART OF LOT 9 AND 10, CONCESSION 7
 GEOG. TWP. OF HARVEY
 MUNICIPALITY OF TRENT LAKES
 COUNTY OF PETERBOROUGH

Table 1 - Proposed Development Metrics for the Retained and Severed Lots

Lot Regulation	SR-PA-1 Zone Standard	Severed Lot (Existing Residential Dwelling)	Retained Lot (Art Gallery Conversion)
Min. Lot Area	0.3 ha	0.33 ha	1.2 ha
Min. Lot/Shoreline Frontage	45 m	36.7 m	126 m
Min. Interior Side Yard	4.5 m	4.04 m	7.m
Min. Rear Yard	4.5 m	33 m	124 m
Min. Water Yard	30 m	46.4 m	25 m
Max. Building Height	11 m	8 m	10.8 m
Max. No. of Dwelling Units	1	1	1

As noted above, there are several lot regulation deficiencies associated with both the singled detached dwelling and Gallery building. As noted, it is proposed that both the existing SR-PA-1 and the proposed SR-PA-** Exceptions include provisions that recognize these deficiencies associated with the existing buildings.

It also proposed that the Environmental Protection (EP) Zone applicable to the subject lands be expanded to include those areas within the wetland features and their respective 30-metre vegetative protection zone.

2.6 Summary of Policy Considerations

The proposed Official Plan amendment, Zoning By-law amendment, and severance to permit are consistent with the provisions set out in the policy and regulations affecting the subject lands, including the *Planning Act, R.S.O. 1990*, as amended, the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), County of Peterborough Official Plan, and Municipality of Trent Lakes Official Plan and Zoning By-law.

3.0 CURVE LAKE FIRST NATION

It is important to note that the subject lands are located on land governed by the Williams Treaties First Nations. The Williams Treaties First Nations are made up of the following First Nations: Alderville First Nation, Beausoleil First Nation, Curve Lake First Nation, Georgina Island First Nation, Hiawatha First Nation, Rama First Nation and Scugog First Nation. These communities have a vested interest in development that occurs within their traditional territory, particularly when the development may impact environmental and cultural resources. Given that the subject lands are located adjacent to Lower Buckhorn Lake on the Trent-Severn Waterway, it is important to consult with the Williams Treaties First Nations communities prior to engaging in development activities.

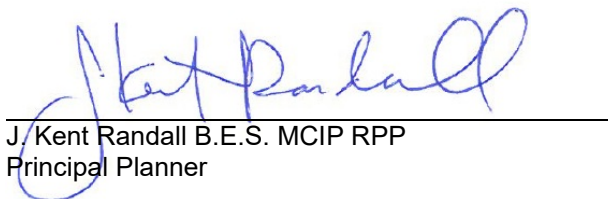
The applicant has consulted with representatives of the Curve Lake First Nation. As noted in the enclosed correspondence, CFLN has noted that, given there is no site disturbance proposed on the subject lands, they have no concerns with the applications. However, CFLN reserves the right to request further information, should they choose to do so.

4.0 SUMMARY

Based on the foregoing review of relevant policy considerations, and a detailed investigation of site suitability, this Report concludes that the Official Plan amendment, Zoning By-law amendment and consent applications affecting the subject lands are consistent with both provincial and municipal planning policies and documents, and constitute good planning.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink, appearing to read "J. Kent Randall", is written over a horizontal line.

J. Kent Randall B.E.S. MCIP RPP
Principal Planner





OPA/ZBA/Consent – Gallery on the Lake
65 Gallery on the Lake Road
Municipality of Trent Lakes
April 27, 2021

Appendix A

Proposed Official Plan Amendment Text

EcoVue Consulting Services Inc.



Appendix A – Draft Official Plan Amendment Text

1. Introductory Statement

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

2. Details of the Amendment

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

- a) Schedule “A1 – Land Use and Transportation Plan – Harvey” of the Official Plan of the Municipality of Trent Lakes, is amended by changing the designation from Commercial to Recreational Dwelling Area on the subject property located at Lot 3, Block 11 and Block 18 of Plan 45R-184, in the Geographic Township of Harvey, as shown on Schedule “A” attached hereto and forming part of this Amendment.

3. Implementation and Interpretation

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



OPA/ZBA/Consent – Gallery on the Lake
65 Gallery on the Lake Road
Municipality of Trent Lakes
April 27, 2021

Appendix B

Proposed Zoning By-law Amendment Text

EcoVue Consulting Services Inc.



Appendix B – Draft Zoning By-law Amendment Text

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

1. **That** Schedule “A” – Map 8 of By-Law B2014-070, as amended, is hereby further amended by changing the zone category of certain lands described as being Lot 3, Block 11 and Block 18 of Plan 45R-184, Harvey Ward (65 Gallery on the Lake Road) from “Shoreline Residential – Private Access-1 (SR-PA-1) to “Shoreline Residential – Private Access-36 (SR-PA-36)” and “Environmental Protection (EP)” on Schedule “A” attached hereto and forming part of this By-law.
2. **That** Section 9.6 of By-law B2014-070, entitled “Special Shoreline Residential – Private Access (SR-PA) Zones”, be further amended by deleting subsection 9.6.1 and replacing it with the following:

“9.6.1 Shoreline Residential – Private Access-1 (SR-PA-1) Zone

No person shall within any Shoreline Residential – Private Access-1 (SR-PA-1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Special Regulations for uses permitted in the SR-PA Zone

- | | | |
|-----|--------------------|--------------|
| i. | Minimum Lot Area | 1.2 hectares |
| ii. | Minimum Water Yard | 24 m |

b) Special Provisions

- i. A boathouse or dock may be located adjacent to the high water mark.

All other provisions of the Shoreline Residential – Private Access (SR-PA) shall continue to apply.

3. **That** Section 9.6 of By-law B2-14-070, entitled “Special Shoreline Residential – Private Access (SR-PA) Zones”, be further amended by adding subsection 9.6.36 as follows:

“9.6.36 Shoreline Residential – Private Access-36 (SR-PA-36) Zone

No person shall within any Shoreline Residential – Private Access-36 (SR-PA-36) Zone, use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Special Regulations for uses permitted in the SR-PA Zone

- | | | |
|-----|----------------------------------|------|
| i. | Minimum Lot Frontage | 37 m |
| ii. | Minimum Interior Side Yard Width | 4 m |



All other provisions of the Shoreline Residential – Private Access (SR-PA) shall continue to apply.

By-law read a first, second and third time this ____ day of _____, 2021.

Mayor

Clerk



OPA/ZBA/Consent – Gallery on the Lake
65 Gallery on the Lake Road
Municipality of Trent Lakes
April 27, 2021

Appendix C
Pre-Consultation Meeting Minutes
December 2, 2020
Municipality of Trent Lakes

additional conditions may be noted at time of review of the consent application.	
Minutes	Action Item
Complete Application Requirements for OPA - EIS, planning justification report and survey	

DRAFT



OPA/ZBA/Consent – Gallery on the Lake
65 Gallery on the Lake Road
Municipality of Trent Lakes
April 27, 2021

Appendix D

Correspondence from Curve Lake First Nations

From: [Jordon MacArthur](#)
To: [Alison Luoma](#)
Cc: [Julie Kapyrka](#)
Subject: RE: Severance Application in Municipality of Trent Lakes
Date: Monday, January 4, 2021 9:49:35 AM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

Good morning Alison,

So long as there is no ground disturbance we have no concerns. If there was a plan to demolish and build a larger dwelling on a different footprint, or the removal and re placement elsewhere of septic tanks, we would ask for an archaeological assessment prior to the land disturbances. As this seems to be a severing of a lot, without any actual impact to the ground, I do not have any concerns.

Thank you!



Jordon MacArthur
Archaeological Program Administrator
Curve Lake First Nation Government Services Building
22 Winookeeda Road, Curve Lake, ON K0L 1R0
P: 705.657.8045 ext. 237 F: 705.657.8708
W: www.curvelakefirstnation.ca
E: JordonM@curvelake.ca

From: Alison Luoma [mailto:aluoma@ecovueconsulting.com]
Sent: Tuesday, December 22, 2020 11:15 AM
To: Jordon MacArthur <JordonM@curvelake.ca>
Subject: FW: Severance Application in Municipality of Trent Lakes

Hello Jordan,

Below is an email that I sent to Julie regarding a severance application in the Municipality of Trent Lakes. Staff at the municipality indicated that perhaps I should also have copied you on this file. Please see below. Please advise if Curve Lake would have an interest in this application so that we may initiate any necessary assessment as soon as possible.

Kind Regards,

Alison Luoma

Alison Luoma, RPP, MCIP
Senior Planner

EcoVue logo for ArcGIS



EcoVue Consulting Services Inc.

311 George Street North
Suite 200
Peterborough, Ontario K9J3H3
705.876.8340 bus
705.742.8343 fax
877.652.1466 toll free
www.ecovueconsulting.com

From: Alison Luoma

Sent: December 22, 2020 11:05 AM

To: JulieK@curvelake.ca

Subject: Severance Application in Municipality of Trent Lakes

Hello Julie,

We have a client with a property on Lower Buckhorn Lake that is seeking a severance of their lands. The property is the "Gallery on the Lake" on Fire Route 21 in the Municipality of Trent Lakes. The property currently includes a cottage and the gallery building itself. The property owner is seeking to sever the lot into 2 new lots. The severed lot would have the cottage building. The retained lot will have the art gallery building. I have attached a sketch of the proposed severance for your info. Could you please review and advise if Curve Lake would have an interest in this application.

Regards,

Alison Luoma

Alison Luoma, RPP, MCIP

Senior Planner

EcoVue logo for ArcGIS



EcoVue Consulting Services Inc.

311 George Street North
Suite 200



OPA/ZBA/Consent – Gallery on the Lake
65 Gallery on the Lake Road
Municipality of Trent Lakes
April 27, 2021

Appendix F

Survey Plan

LOT 10

PIN 28379-0079(LT)

CONCESSION 7

(N70°24'20"E
N70°27'20"E

58.38 (P1)
58.30 (MEAS)

SIB
(1543)

BLOCK 17

BLOCK 18

BLOCK 19

BLOCK 12

BLOCK 11

BLOCK 22

BLOCK 9

LOT 3

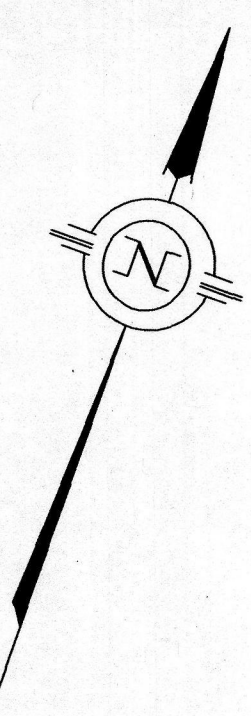
PIN 28379-0003(LT)

LOT 2

PIN 28379-0002(LT)

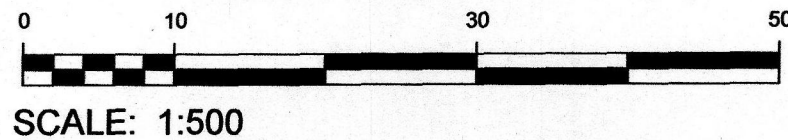
LOT 4

PIN 28379-0004(LT)



SURVEYOR'S REAL PROPERTY REPORT

**PLAN OF SURVEY OF
LOT 3, BLOCK 11 AND BLOCK 18
PLAN 45M-184
GEOGRAPHIC TOWNSHIP OF HARVEY
MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH**



PART 2 - REPORT SUMMARY

THIS PLAN HAS BEEN PREPARED FOR THE USE OF:
ALAN HITCHON & ESTHER INGLIS

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY:

- * SUBJECT TO RIGHT-OF-WAY OVER BLOCK 11, PLAN 45M-184 AS IN LT79091
- * TOGETHER WITH A RIGHT-OF-WAY OVER BLOCKS 8, 9, 10, 12, 13, & 14, PLAN 45M-184 AS IN LT79091 AND KNOWN AS FIRE ROUTE No.21
- * TOGETHER WITH A RIGHT-OF-WAY OVER PART OF LOT 10, CONCESSION 7 - PARTS 3 & 4, PLAN 45R-11877 AS IN R532671 AND KNOWN AS FIRE ROUTE No.21
- * TOGETHER WITH A RIGHT-OF-WAY OVER PART OF LOT 10, CONCESSION 7 - PART 2, PLAN 45R-11877 AS IN LT77877 AND KNOWN AS FIRE ROUTE No.21
- * TOGETHER WITH A RIGHT-OF-WAY OVER BLOCK 21, PLAN 45M-184 AS IN LT79091

NOTABLE FEATURES:

- * PORTION OF GRAVEL PARKING AREA EAST OF EASTERLY PROPERTY LIMIT *

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:

NOT CERTIFIED BY THIS REPORT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND ARE IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON 20 APRIL, 2021

SIGNED AT LAKEFIELD, ONTARIO
THIS 25th DAY OF APRIL, 2021

Christopher E. Muscolow
CHRISTOPHER E. MUSCLOW
ONTARIO LAND SURVEYOR

LEGEND

- DENOTES SURVEY MONUMENT, FOUND
- WIT DENOTES WITNESS
- 1543 DENOTES E.L. ANSELL, O.L.S.
- P1 DENOTES PLAN 45M-184
- P2 DENOTES PLAN 45R-11920
- P3 DENOTES PLAN 45R-11918
- CGVD(28) DENOTES CANADIAN GEODETIC VERTICAL DATUM OF 1928

BEARINGS SHOWN HEREON ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS ON POINTS A AND B LISTED HEREON AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS EPOCH 2010.0).

FOR BEARING COMPARISONS, A ROTATION OF 1°53'40" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS SHOWN ON PLAN 45M-184

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE USED TO COMPUTE GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 1.00011826

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GPS RTK OBSERVATIONS USING THE SMARTNET CORRECTION DATA AND ARE REFERRED TO UTM ZONE 17 (81°W LONGITUDE) NAD83 (CSRS EPOCH 2010.0).

OBSERVED REFERENCE POINT (ORP) COORDINATE VALUES ARE TO 'RURAL' ACCURACY SPECIFICATION IN ACCORDANCE WITH SEC. 14(2) OF O. REG. 216/10

POINT	UTM NORTHING	UTM EASTING
ORP (A)	4937771.35	712730.59
ORP (B)	4937839.78	712792.28

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**ASSOCIATION OF ONTARIO
LAND SURVEYORS**
PLAN SUBMISSION FORM
2164893

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE: NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF JBF SURVEYORS.
© JBF SURVEYORS 2021

LOWER BUCKHORN LAKE

THE ELEVATION OF LOWER BUCKHORN LAKE IS ARTIFICIALLY REGULATED BY THE TRENT SEVERN WATERWAY - PARKS CANADA AT A DAM AT LOCK 30 - WOLF ISLAND. ELEVATIONS ARE GEODETIC AND ARE REFERRED TO BENCHMARK No. 72-U-419. ELEVATION = 246.99 CGVD(28)

MAXIMUM CONTROLLED ELEVATION - CONTOUR @ ELEV. 242.71 CGVD(28)

JBF SURVEYORS

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PROJ. # 8009 SRPR 500