

**MEMORANDUM**

**To:** Mayor Lamshead and Members of Council  
**Copy:** Ms. Barbara Waldron, CBO and Ms. Adele Arbour, RPP  
**From:** Chris Jones MCIP, RPP  
**Date:** August 29, 2023  
**Re:** Application for Zoning By-law Amendment – File 21-08  
16 Fire Route 94A (Lennox)

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**1.0 BACKGROUND**

On May 16, 2023 Council held a public meeting for a zoning by-law amendment for lands located at 16 Fire Route 94A on Pigeon Lake on lands located in Part of Lot 16, Concession 13 (Harvey).

The purpose of the proposed amendment is to rezone the subject lands from the Shoreline Residential – Private Access (SR-PA) Zone to a Tourist Commercial Exception(TC-xx) Zone to allow for the construction of rental cottages, a boathouse and an accessory owner/manager’s dwelling.

**2.0 PURPOSE OF REPORT**

The purpose of this report is to:

- Update Council with respect to recent revisions and supplemental information provided by the applicant;
- Review and analyze policy matters applicable to the application;
- Review agency and public comments concerning the application; and,
- Provide Council with a recommendation(s) on how to proceed with the application in accordance with Council Resolution R2023-246.

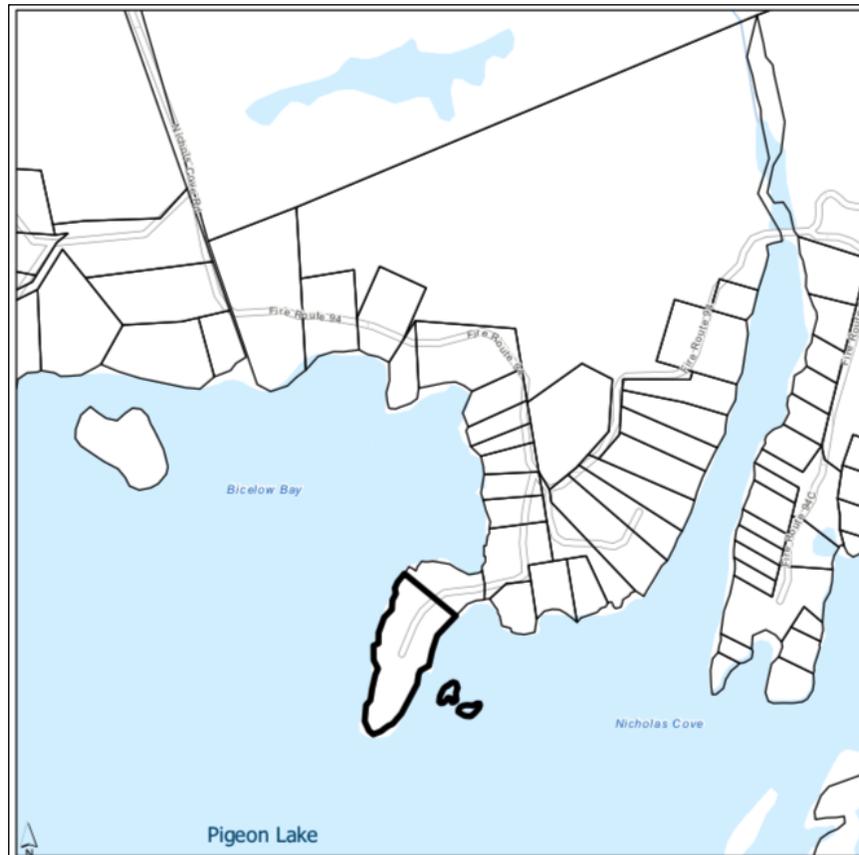
**3.0 SUBJECT LANDS**

The subject lot is a peninsula and therefore has an irregular shoreline frontage of approximately 300 metres (1,000 feet) on Pigeon Lake and a lot area of approximately 0.65 hectares (1.6 acres). The location of the subject lands is illustrated in Figure 1.

The subject lands are located in a shoreline area primarily comprised of detached dwellings. The lands were formerly occupied by a tourist cabin

establishment that has not been operational for decades and existing buildings on-site are in a derelict condition. The lands are accessed by Fire Route 94A which is a private road.

**Figure 1 – Location of Subject Lands**



#### **4.0 ORIGINAL DEVELOPMENT PROPOSAL**

The application proposes to rezone the site to a Tourist Commercial Exception (TC-xx) Zone. The purpose of the zoning by-law amendment is to allow a tourist establishment that would accommodate the following:

- Construct five (5) new 2-storey dwellings with a ground floor area of 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) to be used for commercial rental purposes;
- Construct a new 2-storey accessory dwelling with a ground floor area of 186 m<sup>2</sup> (2,000 ft<sup>2</sup>); and,
- Construct a dryland boathouse with a floor area of 73.9 m<sup>2</sup> (795 ft<sup>2</sup>).

The redevelopment is proposed to be serviced by a communal septic system and each dwelling is proposed to be serviced by surface water from the lake.

On November 11, 2022, the applicant submitted a revised development proposal which reduced the number of two-storey dwellings from 5 to 3.

## 5.0 REVISED DEVELOPMENT PROPOSAL (May 17, 2023)

Subsequent to the public meeting, the applicant's agent submitted another revised proposal for the development, making this the second revision to the application since the application was declared complete.

The primary changes introduced through the revised application are:

- The ground floor area for each of the three rental cottages has been reduced from 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) to 83.62 m<sup>2</sup> (900 ft<sup>2</sup>); and,
- The 3 cottages have been separated from each other by a minimum of 15 metres.

Attached at Appendix 1 is a copy of the revised site plan.

## 6.0 PROPOSED ZONING BY-LAW AMENDMENT

In addition to zoning the lands from the SR-PA Zone to the CT Zone to permit the proposed use, relief is required from the following regulations of the Zoning By-law as noted below:

|                                     | Required         | Proposed              |
|-------------------------------------|------------------|-----------------------|
| Minimum Lot Area:                   | 4.0 ha           | 0.65 ha               |
| Minimum Water Yard (Dwellings):     | 30 m             | 8.2 m (ranges)        |
| Minimum Water Yard (Septic System): | 30 m             | 21 m                  |
| Frontage on a Public Road           | SR-PA, RR-PA, IR | Exemption for TC Zone |

## 7.0 PROVINCIAL POLICY STATEMENT (2020)

Section 3(1) of the Planning Act authorizes the Minister to issue policy statements to address matters of Provincial interest. Section 3(5)(a) of the Planning Act requires Councils and municipalities to “be consistent with” such policy statements in making decisions on planning matters.

Section 1.1.5 of the PPS establishes permitted uses and policies for “rural lands” which are defined by the Provincial Policy Statement (PPS) as:

*“...lands which are located outside of settlement areas and which are outside prime agricultural lands”.*

Section 1.1.5.2 of the PPS establishes a range of permitted uses within “rural lands” and item b) permits “resource-based recreational uses (including recreational dwellings)”.

Section 1.1.5.3, 1.1.5.4 and 1.15.7 are policies that are specific to “rural lands” and that have applicability to the proposed zoning amendment:

*“Recreational, tourism and other economic opportunities should be promoted”.*

*“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”*

*“Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.”*

## **8.0 TRENT LAKES OFFICIAL PLAN**

The subject lands are designated Commercial in the Trent Lakes Official Plan. Within shoreline areas, Section 5.6.1.2 of the Commercial designation permits uses oriented to the waterfront and that serve the vacationing and transient public including uses such as marinas, boat rentals and repairs, resort residential uses such as lodges and condominiums, rental cottages and cabins, motels, hotels, tent and trailer parks, places of entertainment, restaurants, park and recreation facilities, golf courses, associated retail stores and similar uses. The Commercial designation also permits a residence for a caretaker or owner.

Sections 5.6.2, 5.6.3 and 5.6.5 articulate a number of development policies for new commercial uses:

### **5.6.2 Off Street Parking**

Adequate off-street parking shall be provided for all permitted uses and access points to such parking shall be limited and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

### **5.6.3 Buffer Planting**

Adequate buffering, to include noise attenuation and visual screening measures, may be required between a commercial and any adjacent residential uses.

### **5.6.5 Services**

The enlargement or redevelopment of existing commercial activities as well as the development of new commercial establishments shall be contingent upon the provision of an adequate supply of potable water and the installation of an appropriate sewage disposal system, as approved by the Ministry of Environment or its agent.

Section 5.6.6 outlines development criteria for new commercial development. It is noted these criteria are intended to apply in cases where the subject lands are not currently designated Commercial and for uses which are not considered to be small in scale:

*a) The compatibility of the proposed use with adjacent land uses;*

- b) *The impact of the proposed development on the natural environment, the open space character and the scenic qualities of the Township;*
- c) *The provisions of Section 5.1.10 of this Plan;*
- d) *The physical suitability and soil capability of the site for the proposed use;*
- e) *The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and the provision of adequate off-street parking facilities as required by the Township's Zoning By-law;*
- f) *Buffering and building setbacks;*
- g) *Water and sewage servicing requirements;*
- h) *Site design;*
- i) *Provision of interior street design and possible exterior street realignment.*

*Any new Commercial development shall front on an assumed public road which is currently maintained on a year-round basis by the Ministry of Transportation or by the Township of Galway-Cavendish and Harvey.*

Section 5.6.8 of the Plan is a policy applicable to commercial condominium development, however this policy is not applicable as the proposal at hand is not the subject of a plan of condominium.

#### **5.6.8 Commercial Condominium Development**

*Development proposals in the Commercial designation that involve condominium ownership shall be subject to the provisions of Section 5.1.17 and any other applicable policy of this Plan.*

## **9.0 THE PUBLIC MEETING**

The Municipality received a number of written submissions prior to the public meeting and also heard from a number of neighbouring landowners at the public meeting.

Based on the verbal and written submissions that were submitted, the following list generally represents the planning issues that were raised with respect to the application:

1. Historic Use and Legal Non-Conformity
2. Conformity with the Trent Lakes Official Plan
3. Conformity with the County of Peterborough Official Plan
4. Consistency with the Growth Plan for the Greater Golden Horseshoe
5. Size and Scale of the Development
6. Traffic and Road Usage Concerns
7. Rental Concerns

## 8. Natural Heritage and Shoreline Restoration

**10.0 APPLICANT RESPONSE TO COMMENTS RAISED AT THE PUBLIC MEETING**

As was indicated earlier in this report, the applicant's planner provided a revised site plan the day after the public meeting (Appendix 1). The revisions include the reduction in ground floor of the cottages by 9.29 m<sup>2</sup> and the separation between cottages has increased to 15 metres.

The applicant's planning consultant has also prepared a response to comments and concerns that were previously submitted and/or were raised at the public meeting. This memo is attached at Appendix 2.

**11.0 ANALYSIS**

In this section of the report, I will review and provide analysis of the planning issues that have been raised in conjunction with this application, which includes consideration of applicable Provincial and local planning policy.

**11.1 Conformity with the Trent Lakes Official Plan**

The current Official Plan for the Municipality of Trent Lakes, which was approved in 2009, designates the subject lands as Commercial.

The predecessor to the 2009 Official Plan was the 2000 Official Plan. This Plan also designated the subject lands as Commercial.

While I am of the view that the historic use of the land has been discontinued and there should be no basis for a claim of legal non-conformity, the subject lands have nonetheless been designated to permit commercial uses for over 20 years. It is probable the current commercial designation was unintended and was simply a reflection of historic lawful use, however updates to the Plan have been undertaken and prior planning approvals were granted where this designation could have been assessed. On this basis, I am of the view the Municipality has an obligation to consider the merits of the current application in the context of the applicable Commercial land use designation.

In reviewing the proposal for conformity with the Commercial land use designation I will review the criteria outlined in Section 5.6.6. As I noted earlier in this report, these criteria are intended to apply to new commercial proposals (i.e. that require an OPA) and also to uses that are not small in scale. Given that this proposal does not require an OPA and applies to a use that is small in scale, it would be reasonable to suggest the application of these criteria represents a conservative approach to making a determination on official plan conformity.

**a) The compatibility of the proposed use with adjacent land uses**

Apart from the issue of increased traffic to a site where virtually no traffic has been generated for decades, I am of the view the proposal represents a compatible land use that provides for reasonable separation and opportunities for shoreline naturalization and buffering from surrounding uses.

**b) The impact of the proposed development on the natural environment, the open space character and the scenic qualities of the Township;**

The subject lands currently exist in a state of re-naturalization amongst a number of decrepit, derelict buildings. If the development were approved, I believe an opportunity presents itself to clean up the site and, with some minor changes to the design, to also allow broader and long-term naturalization and protection of some areas of the shoreline.

**c) The provisions of Section 5.1.10 of this Plan;**

Section 5.1.10 of the Official Plan articulates policies with respect to the protection of the environment and natural heritage features. This section requires the preparation of environmental impact studies for development applications, which occurred with this application. The policies also identify the shorelines as significant natural features which should be subject to special measures to ensure their protection as well as the water quality of the lakes. In this case I believe the application presents an opportunity to protect and restore shoreline areas in a manner that is balanced and at the same time will accommodate new development in the manner contemplated by the Plan.

**d) The physical suitability and soil capability of the site for the proposed use;**

The applicant has produced a number of technical reports which include a hydrogeological report, a functional servicing report, a traffic report and a natural heritage report which would suggest the proposed development is physically suited to the site.

**e) The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and the provision of adequate off-street parking facilities as required by the Township's Zoning By-law;**

The site is accessed from a public road (Nicoll's Cove Road) and then requires access over approximately 550 metres of private road (FR 94 and FR94A) to get to the site. I have been to the site and I am of the view that the nature of the access is comparable to many of the private roads in other shoreline communities in the Municipality. I believe it is incumbent on the applicant and Municipality to determine if any safety or maintenance improvements to the existing private roads are warranted, recognizing that undertaking such improvements would require permission by the landowners who own the road. I also would recommend that the existing internal access road be utilized to the extent possible and that the design be re-assessed to determine if parking areas could be accommodated in locations closer to the rental cottages as the current communal parking area does not appear to be practical.

**f) Buffering and building setbacks;**

I believe opportunities exist to maintain natural vegetation and buffering on the north boundary and eastern shoreline of the lot and I believe building setbacks to be reasonable given the peninsula-like nature of the lot and historic building locations on the lot.

**g) Water and sewage servicing requirements**

The applicant has provided a hydrogeological study, functional servicing report and sewage system design, which has been endorsed by Peterborough Public Health (PPH) and which has been peer reviewed. The sewage system design was based on the rental cottages being 2-bedroom dwellings and the accessory dwelling being a 4-bedroom dwelling. The peer review

considered the septic design to be appropriate despite concerns that the septic system would need to operate at an optimal standard given the number of dwellings it serves. In light of this the applicant has reduced the number of dwellings and I believe further measures could be taken to regulate the floor area of the dwellings in the interest of the long-term effective operation of the sewage system. On the issue of water servicing, I have no reason to believe the proposed development will not be served by a water supply that is compliant with Ontario Drinking Water Standards.

#### **h) Site design**

I believe the design and zoning amendment for the proposal would benefit if:

- The boathouse was removed or relocated;
- the north boundary and east shoreline were enhanced and protected in a natural state, together with the two small islands;
- the proposed cottages were limited to a single storey in height without a basement as a measure to ensure the cottages are not over-occupied and mitigate risks or issues with respect to traffic and septic system operation;
- regulations were established with respect to docks;
- appropriate restoration occurred along the west shoreline in areas where derelict building will be removed; and;
- parking areas could be more closely configured with each cottage.

#### **i) Provision of interior street design and possible exterior street realignment.**

I believe it would be beneficial to utilize the existing internal driveway to the extent possible with consideration for parking spaces in locations more proximate to the rental cottages.

### **11.2 Conformity with the County of Peterborough Official Plan**

The County of Peterborough Official Plan designated the subject land as being part of the Shoreland Areas and the Waterfront designation.

The Goal of the designation is:

*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.*

Section 4.4.2 establishes the following objectives for the designation:

- *To encourage appropriate public accessibility to waterfront areas in the County where accessibility is permitted;*
- *to permit sustainable shoreland development that allows for limited growth of existing and new tourist developments and innovatively designed residential developments;*
- *to protect the heritage character of the Trent-Severn Waterway and its associated historic, natural and scenic setting;*
- *to protect, improve or restore the quality and quantity of water on a watershed basis;*

- to recognize and preserve to the greatest extent possible the character of waterbodies and lands adjacent to the shoreline with limited, low density backlot development where such development is permitted;
- to ensure that the built form along the shoreline is not overly concentrated or dominating to the detriment of the natural form;
- to maintain, enhance or restore the majority of the developed and undeveloped shorelines in their natural state by promoting property stewardship;
- to preserve and enhance fish and wildlife habitat areas within and along waterbodies;
- to protect 'at capacity' lakes from further development either in terms of supportive capacity (number of boats) or assimilative capacity (absorption of phosphorus) as determined by the Ministry of the Environment, the Ministry of Natural Resources, the local municipality, or, where appropriate, the Trent Severn Waterway.

Section 4.4.3 also articulates the following policies for the designation which have applicability to this application:

- *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.*
- *The waterfront is a major recreation resource area that should be made accessible to both public and private users, where appropriate;*
- *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:*
  1. *on a lot existing on the date this Official Plan Amendment No. 3 comes into effect (October 2008);*
  2. *the addition to an existing building.*
- *Local municipalities shall ensure that waterfront lots are of sufficient size to accommodate the proposed use and related structural and servicing requirements, as determined by the Ministry of the Environment, Health Unit or County as well as recognize environmental influences such as soil, terrain, water quality and waterbody constraints as determined by the appropriate authority;*

In consideration of the above-referenced policies I am of the view that the proposed zoning amendment conforms with the County of Peterborough Official Plan for the following reasons:

1. The proposed use is in keeping with the goals and objectives of the Shoreland Areas and the Waterfront designation, specifically the

objective of accommodating sustainable shoreland development that allows for limited growth of existing and new tourist developments;

2. The application represents an opportunity to maintain, improve and/or restore a shoreline area; and,
3. The subject lot is an existing lot of record that pre-dates the approval of the Official Plan and therefore is eligible for relief from the 30-metre shoreline setback requirement.

### **11.3 Consistency with the Growth Plan for the Greater Golden Horseshoe (GPGGH)**

The lands are subject to Section 2.2.9 of the GPGGH which establishes policies for "Rural Areas".

Section 2.2.9.4 of the GPGGH is a salient policy concerning the subject lands and proposed development. It states:

*Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character and capacity of the resource and the surrounding rural landscape, and may include:*

- a) *Commercial uses to serve the needs of visitors; and,*
- b) *Where appropriate, resource-based recreational dwellings for seasonal accommodation.*

In my opinion the nature of the proposal is reflective of the uses contemplated in 2.2.9.4 a) and b).

Section 4.2.4.1 requires minimum setbacks of at least 30 metres from key hydrologic features, which include the shorelines of inland lakes. However, Section 4.2.4.5 of the GPGGH provides an exemption from this requirement as set out below:

*...in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 17, 2017, infill development, redevelopment and resort development is permitted subject to municipal and agency planning and regulatory requirements if the development will:*

- a) *be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;*
- b) *restore, to the maximum extent possible, the ecological features and function in developed shoreline areas; and...*
- c) *in the case of redevelopment and resort development:*

- i. establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres;
- ii. increase the extent of fish habitat in the littoral zone;
- iii. be planned, designed, and constructed to protect hydrologic functions, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
- iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
- v. enhance the ability of native plants and animals to use the shoreline as both wildlife habitat and a movement corridor;
- vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
- vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
- viii. meet other criteria and direction set out in applicable watershed planning and subwatershed plans;
- ix. be serviced by sewage works which reduce nutrient inputs to groundwater and the lake from baseline levels; and
- x. demonstrate available capacity in the receiving water body based on inputs from existing and approved development.

On the issue of Growth Plan consistency, the above-mentioned policy is significant for the reason that if the proposal is characterized as “infill development”, the development criteria are limited to items a) and b) which permits encroachments into the minimum 30 metre setback. On the other hand, if the proposal is considered to be “redevelopment” or “resort development”, the proposal would be subject to criteria c) and specifically c) i, which requires a minimum setback of 30 metres, which of course is not attainable on the subject lands given the narrow, peninsula-like nature of the lot.

The GPGGH does not define “infill development” nor does it define “resort” or “resort development”. The GPGGH does define “development” and “redevelopment” in the following manner:

**Development** – the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or,
- b) Works subject to the Drainage Act.

**Redevelopment** – the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Section 1.2.3, of the GPGGH, “Defined Terms and Meanings,” indicates that “for

*non-italicized terms, the normal meaning of the word applies”.*

It stands to reason that the proposed development could be characterized by any of the three types of development described by the Growth Plan. The proposal represents a form of infill as well as redevelopment, although not in the context of lot creation. Given that the proposal involves a commercial rezoning and the development of cottages for rental purposes, the proposal could also be characterized as resort development. However, the scale and nature of this development proposal exhibits little in the way of the typical density and amenities traditionally associated with resort development.

On this basis, for the purpose of GPGGH interpretation, I am inclined to characterize the nature of this development as being more aligned with infill development than redevelopment (as defined by the GPGGH) or resort development. This being the case, if the proposed development is able to “*restore, to the maximum extent possible, the ecological features and functions*” to its shoreline area, I believe the proposed development would be consistent with the GPGGH.

#### **11.4 Historic Zoning and Legal Non-Conformity**

The applicant has indicated that this application represents a reduction in the size and scale of the original cottage resort, which according to the applicant’s site plan consisted of 10 cabins ranging in size from 18.1 m<sup>2</sup> to 51.7 m<sup>2</sup>.

Based on a review of municipal documents as well as submissions from the applicant and neighbouring landowners the following is understood to reflect the historic land use and zoning of the subject lands:

- The earliest evidence of cabins in existence on the property is 1966 (Source: Table 7.1.1, Phase One Environmental Site Assessment).
- The effective date of the first zoning by-law for the Township of Harvey was February 27, 1979, which zoned the subject lands as Tourist Commercial (TC).
- Zoning By-law 1979-9 was replaced by Zoning By-law 85-94, which was approved on September 25, 1985 and zoned the subject lands as Tourist Commercial (TC).
- Subsequent to amalgamation, Zoning By-law 85-94 was amended by By-law 2000-73 to become the new comprehensive Zoning By-law for the newly amalgamated Township of Galway-Cavendish-Harvey. Zoning By-law 2000-73 zoned the subject land Tourist Commercial (TC).
- The date when the original cottage resort ceased operation is not known but is speculated to be in the 1980’s.
- On October 24, 2000, the Township of Galway-Cavendish and Harvey adopted OPA 7 to amalgamate the Harvey and Galway and Cavendish Official Plans. OPA 7 was approved on January 3, 2002 and designated the subject lands as Commercial.
- In 2001, there were three consent approvals that affected the subject lands. The file numbers for the consents were B77-01 (lot addition), B78-01 (new lot) and B79-01 (lot

addition). It is understood that the subject lands represented the "retained" parcel resulting from these approvals.

- On February 12, 2002, the subject lands were the subject of an amendment to Zoning By-law, resulting from the above-mentioned consent approval. The lands were zoned to a Special District 19.441 Rural Residential (RR) Zone. The Special District permitted all uses in the RR Zone and established a minimum lot area of 0.645 ha for the subject lands.
- On May 26, 2009, the Township adopted a new Official Plan which came into effect on February 26, 2010. The Official Plan designated the subject lands as Commercial.
- On July 14, 2014, Council passed a new Zoning By-law B2014-070, which repealed By-law 2000-73. In Zoning By-law B2014-070 the subject lands were zoned Shoreline Residential – Private Access (SR-PA).

Section 3.181 of Zoning By-law B2014-070 defines a "non-conforming use" in the following manner:

**3.181 Non-Conforming Use** means a lawful and specific use, building structure or land existing at the date of the passing of this By-law which does not fulfill the requirements of the use provisions for the zone in which it is located, but which may continue to be used for such purposes or activities, provided there is no change in that use.

Section 4.9.1.1 of Zoning By-law B2014-070 provides the following regulation for legal non-conforming uses:

#### **4.9.1.1 Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any use prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this Bylaw, **provided it continues to be used for that same purpose.** (emphasis added)

Zoning By-law 2000-73 contained the same provision as above but noted the effective date for legal non-conformity was September 24, 1985. This language is a reflection of Section 34(9) of the Planning Act which is the section that enshrines non-conforming rights:

No by-law passed under this section applies:

- a) To prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of passing of the by-law, **so long as it continues to be used for that purpose:** (emphasis added)

Even if the cottage resort was operational on February 12, 2002, this use has clearly been discontinued for a period of at least 20 years and therefore I find it very difficult to reconcile that the existing land and buildings have any stake to a claim of legal non-conformity.

## **The Ottawa Decision**

There is extensive case law on the issue of legal non-conforming uses in the Province of Ontario. One of the more recent cases, which has caused municipalities to re-assess their interpretation of legal non-conforming disputes, was brought about by a challenge to the City of Ottawa's new zoning by-law in 2008. The dispute was the subject of an Ontario Municipal Board hearing as well as referrals to Divisional Court. The resulting decisions created new perspectives on the interpretation of legal non-conforming rights including:

- As long as it is the intention of an owner to continue a long-established pattern of usage, then there can be no loss of a non-conforming use as a result of damage or demolition, whether it was voluntary or involuntary.
- *"intention is a relevant factor to be considered in the case of a long-established pattern of use."*
- *"...acquired rights entitle property owners to some flexibility in the operation of the use, including normal evolution of the use..."*
- *"...there is no loss of rights that flow from interruption in use for renovations or repairs, whether or not within the control of the property owner, and regardless of the time needed to effect repairs."*

### **11.5 Size and Scale of the Development**

On balance I find the revised size and scale of the proposed development to be generally in balance with the size of the property. To this end it is noted that the proposed lot coverage is approximately 8% which is less than the maximum of 15% permitted in the TC Zone and is considerably less than many of the expansion proposals the municipality administers for private recreational dwellings.

It is noted that the Tourist Commercial (TC) Zone in Zoning By-law 2014-070 requires a minimum lot size of 4 hectares to establish a new tourist establishment. In a scenario where a lot complied with the minimum 4-hectare requirement, this would accommodate approximately 3,200 m<sup>2</sup> of building coverage at 8% lot coverage. In this scenario if the proposed tourist cabins were an average of 100 m<sup>2</sup> in floor area, this would accommodate 32 rental cabins or 8 cabins/hectare.

The subject application proposes a total of 4 dwellings (3 rental cabins and one accessory dwelling) on a parcel with an area 0.65 hectares and this represents a similar density of approximately 8 cabins/hectare.

As I have mentioned previously in this report, I believe there are additional zone and site plan stipulations that can be considered by Council as further measures to address the size and scale of the development and achieve an outcome that is appropriate for the site.

## **11.6 Traffic and Road Usage Concerns**

Several comments were raised concerning the suitability of the existing private road to accommodate the proposed development. I have accessed the site on two occasions and I recognize the concern.

On the issue of trip generation, the applicant's revised traffic assessment generally concluded the following:

1. The development would generate a maximum of 6 vehicle trips per peak hour.
2. Assuming a single group of cabin occupants per vehicle, then a maximum of six vehicles will be using the property during the PM peak on Fridays.
3. The low level of traffic volume will have a negligible impact of traffic operations of Fire Route 94.
4. The report also noted that the adequacy of sightlines and geometry of the existing entrance intersection, however an assessment of FR 94 and FR 94A was not undertaken.

In consideration of the above statements, I note the following:

1. A peer review of this applicant's traffic assessment was undertaken and the peer reviewer generally concurred with the findings of the report.
2. The applicant's traffic report considered trip generation for 5 rental cottages, whereas the proposal has now been reduced to 3 rental cottages.
3. The trip generator tables referred to "average" rate of trip generation whereas the concluding paragraph of the report referred to a "maximum" number of trips. I believe it stands to reason that there will be occasions when the average is exceeded, and it would be the exceedance that would represent a maximum.
4. I do not believe it is a good assumption that a single group of cabin occupants would utilize one vehicle, particularly if a cottage dwelling is capable of accommodating more than 4 occupants.
5. Having recently revisited the site, I believe it would be beneficial to assess the condition of the private road to determine if any improvements or signage is warranted.

In consideration of the above, while I am of the view that the trip generation as expressed through the "ITE Codes" might be somewhat understated, I do agree that trip generation will be at its peak only during prime summer weeks and will not create detrimental traffic movements if measures can be taken to mitigate or prevent the rental cottages from being over-occupied. I am also of the view an assessment of the current condition of the private road should be undertaken

to determine if any measures can be taken to maintain the condition of the road or address any safety concerns.

### **11.7 Rental Concerns**

Accommodating the vacationing public has been fundamental part of the regional economy for over 100 years and this proposal is not only a reflection of this continuing demand but is also a proposal that responds to the evolving demands of the vacation market.

It is recognized that certain aspects of the current cottage vacation market have created compatibility problems in shoreline communities, particularly with the advent of the on-line cottage rental industry. The Municipality has a responsibility to try to address these emerging issues, and to this end I believe steps are being taken to address short-term accommodation. However, I do not believe a response to “problem renters” and/or “party cottages” involves restricting or prohibiting new, purpose-built cottage rental businesses. It stands to reason that if the development is approved, the applicant will have prepared and submitted much more in the way of technical justification and will be subject to much more in the way of regulation and site plan control than most proprietors of short-term cottage rentals.

### **11.8 Natural Heritage and Shoreline Restoration**

The applicant submitted an environmental impacts study (EIS) which, on the basis of field assessment, concluded that the proposed development would not result in significant impacts to features identified on-site. The report included an impact assessment and discussion with respect to the proposed development and an adjacent wetland, existing vegetation, signification wildlife and significant wildlife habitat as well as fish and aquatic habitat.

During field investigation the report noted the observance of northern map turtles, a species of special concern but did not anticipate the proposed development would impact this species if recommendations of the report were implemented.

The EIS was the subject of a peer review and the proponent's natural heritage consultant provided a detailed response to the peer review comments. I have reviewed this response and I am of the view the applicant's natural heritage consultant has reasonably addressed the peer review comments, with the exception that I am not in agreement with the GPGGH analysis provided in the original EIS or peer review response. Notwithstanding, in this report I have provided my own analysis of the salient GPGGH policies, and I am of the view that this development can be zoned and regulated through site plan control in a manner that addresses consistency with the requirements of the GPGGH.

## 12.0 PROPOSED MEASURES

In my consideration and analysis of this application as well as the various policy criteria, peer review and public comments that have been submitted, I am of the view that revisions that have been made by the applicant have represented a reasonable response to a number of technical and public comments that have been raised through the consultation process.

In moving toward a recommendation with respect to the application, I believe the following additional measures would contribute to the achievement of conformity as well as setting a good precedent and achieving a positive planning outcome. These measures are summarized below:

**1. The north boundary and east shoreline be left in a natural state with restoration where appropriate and that shoreline restoration in the area of former cabin removals be undertaken where necessary.**

This measure is proposed in an effort to maintain appropriate buffering along the only lot line that abuts a neighbouring landowner and also to maintain the historically natural eastern shoreline and restore other shoreline areas subject to demolition of the derelict cabins. I believe these measures reflect the intent of the Trent Lakes Official Plan and GPGGH. It is acknowledged that this stipulation would remove or cause the relocation of the proposed boathouse. It is further acknowledged that accessory storage is a fundamental need to a commercial business however, I believe a storage building can be accommodated elsewhere on-site without it being constructed at the water's edge.

**2. The proposed cottages be limited to a single storey in height without a basement**

This measure is recommended as a means to maintain the character of the original cabin resort and maintain a lake-friendly scale. This measure would also contribute to long-term operation and maintenance of the septic system. Finally, this measure would also help to prevent the proposed 2-bedroom rental cottages from being over-occupied which may also limit the number of cars that will access the site.

**3. Location and regulations established with respect to docks**

The zoning by-law and site plan agreement should contain provisions for the dock location and size.

**4. Parking areas could be more closely configured with each cottage.**

Depending where or how a storage building could be accommodated, it is recommended that parking areas for 1 or 2 cars per cottage be reconfigured as I do not believe the current parking area illustrated in the north-east area of the parcel is realistic or feasible.

**5. Assessment of Fire Routes for safety and/or maintenance**

Fire Routes 94 and 94A are the only means of access to the site from Nicoll's Cove Road. The traffic report did not assess the suitability or condition of these roads which I believe is warranted in the case of the proposed use which will generate higher volumes of traffic than a typical shoreline residential use. These roads are located on private property and therefore conducting maintenance and/or establishing signage may be problematic but should nonetheless be assessed to determine if such measures are recommended.

### 13.0 CONCLUSIONS

On the basis of the review and analysis outlined in this report the following is a summary of my conclusions:

1. The subject lands are designated in the Trent Lakes Official Plan for Commercial use.
2. The proposed amendment is consistent with the Provincial Policy Statement.
3. The technical information that has been submitted addresses the development policies for the Commercial designation and, subject to the measures suggested in Section 12 of this report, I am of the view that the proposal conforms with the Trent Lakes Official Plan.
4. The proposed amendment conforms with the County of Peterborough Official Plan.
5. Subject to the measures outlined in Section 12, I am of the view that the proposed amendment is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.
6. The historic use of the subject land has been discontinued for many, many years and does not represent a legal non-conforming use.
7. Subject to the measures outlined in Section 12, the size and scale of the development is appropriate for the site.
8. Subject to the measures outline in Section 12 I believe traffic and access to the site will be appropriate and reasonable.
9. Subject to the measures outlines in Section 12, I believe the proposed development will establish a good precedent and will represent good planning.

•Appendix 1•

•Appendix 2•

•Appendix 3•

## 14.0 RECOMMENDATIONS

If Council is in general agreement with the analyses and conclusions of this report, the following recommendations are provided:

1. That this report be received;
2. That the applicant be requested to address the additional measures as outlined in Section 12 of the planning report by providing the following supplemental information or confirmations:
  - a) Removal/relocation of the boathouse storage building;
  - b) Protection of the east shoreline and north boundary as well as the islands and provision of a restoration plan by a qualified professional to enhance the eastern shoreline and restore areas of the former cabins on the western shoreline to a natural condition;
  - c) Restrict the height of the rental cabins to a single storey and limit the floor area to 83.6 m<sup>2</sup> (900 ft<sup>2</sup>);
  - d) Illustrate the location of docking facilities;
  - e) Consideration for parking areas at or near the rental cabins; and,
  - f) Assessment of Fire Route 94 and 94A by a qualified professional to determine if measures related to safety or maintenance are warranted.
3. Upon receipt of the requested additional information, and peer review of such information if warranted, that staff prepare a draft zoning by-law amendment and site plan agreement for Council's consideration.

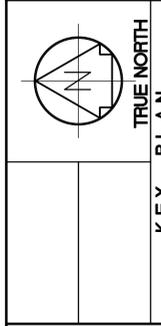
Respectfully submitted,



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Chris Jones MCIP, RPP

•Appendix 1•



**TRUE NORTH**

**KEY PLAN**

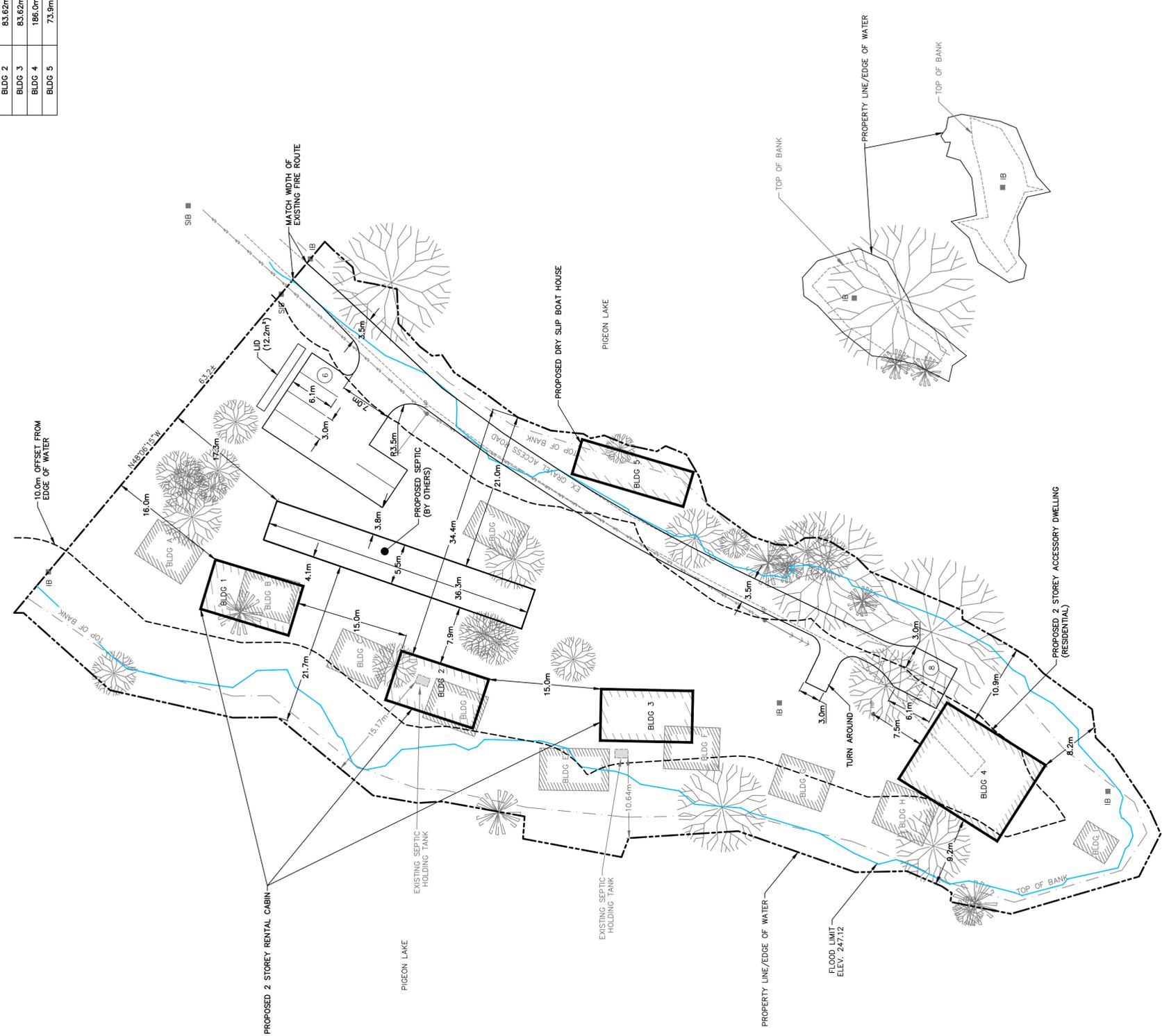
| No. | REVISIONS                    | Date     |
|-----|------------------------------|----------|
| 2   | ISSUED FOR ZBA CLIENT REVIEW | 03/03/21 |
| 1   |                              | 01/10/20 |

**METRIC**  
Dimensions are in METRES and/or MILLIMETRES unless otherwise shown  
TO BE READ IN CONJUNCTION WITH CPSD 100 SERIES

**LEGEND**

| PROPOSED BUILDING | AREA                | DIMENSIONS     | FRONT SETBACK FROM WATER | REAR SETBACK FROM WATER |
|-------------------|---------------------|----------------|--------------------------|-------------------------|
| BLDG 1            | 83.62m <sup>2</sup> | 12.19m X 6.86m | 11.0m                    | 34.83m                  |
| BLDG 2            | 83.62m <sup>2</sup> | 12.19m X 6.86m | 10.32m                   | 33.40m                  |
| BLDG 3            | 83.62m <sup>2</sup> | 12.19m X 6.86m | 12.18m                   | 22.04m                  |
| BLDG 4            | 186.0m <sup>2</sup> | 15.5m X 12.0m  | 18.0m                    | —                       |
| BLDG 5            | 73.9m <sup>2</sup>  | 15.4m X 4.8m   | 0.5m                     | —                       |

| EXISTING BUILDING | AREA               | SETBACK FROM WATER |
|-------------------|--------------------|--------------------|
| BLDG A            | 40.8m <sup>2</sup> | 15.9m              |
| BLDG B            | 41.3m <sup>2</sup> | 12.6m              |
| BLDG C            | 40.9m <sup>2</sup> | 9.6m               |
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| BLDG F            | 42.0m <sup>2</sup> | 8.3m               |
| BLDG G            | 41.7m <sup>2</sup> | 6.0m               |
| BLDG H            | 46.1m <sup>2</sup> | 3.9m               |
| BLDG I            | 18.1m <sup>2</sup> | 2.9m               |
| BLDG J            | 36.9m <sup>2</sup> | 12.2m              |



D.M. Wills Associates Limited  
150 Jameson Drive  
Peterborough, Ontario  
Canada K7J 1B9  
P: 705-742-2297  
F: 705-746-5744  
E: wills@dmwills.com

Project Name/Location  
**PIGEON LAKE COMMERCIAL CABINS**  
16 FIRE ROUTE 94A, TRENT LAKES

Drawing Title: **FIGURE 2 - CONCEPT SITE PLAN**

|                   |                          |               |
|-------------------|--------------------------|---------------|
| Drawn By: S.F.    | SCALE: Horiz. 1:300      | Vert. —       |
| Designed By: M.B. | Plot Date: MAY 17, 2023  |               |
| Checked By: M.S.  | Project No.: 85099       | Sheet No.: 01 |
| Engineer: —       | Dwg File No.: 85099 - SP |               |

•Appendix 2•



PARTNERS IN  
ENGINEERING, PLANNING &  
ENVIRONMENTAL SERVICES

June 12, 2023

Municipality of Trent Lakes  
760 County Road 36  
Trent Lakes, ON  
K0M 1A0

**Attention: Adele Arbour, Temporary Manager of Building and Planning  
Chris Jones, Municipal Planning Consultant**

Dear Ms. Arbour & Mr. Jones,

**Re: Resubmission – Updated Site Plan [Lennox ZBA File No. 21-08]  
Application for Rezoning- Pigeon Lake Commercial Cabins  
16 Fire Route 94A, Trent Lakes  
D.M. Wills Associates Project No. 20-85099**

---

On behalf of our Client, Mr. Stephen Lennox, please find attached to this letter a revised Concept Site Plan.

As a result of the comments received at the Statutory Public Meeting held on May 16<sup>th</sup>, 2023, our Client has agreed to further amend the application in order to bring the proposed development further into compliance with the Municipality's Zoning By-law B2014-070. A discussion of the amended application follows.

### **Subject Property and Proposed Development**

The Subject Property is comprised of approximately 0.65 hectares (1.6 acres) of land with approximately 300 metres of irregular shoreline frontage, owing to the peninsula shape of the property. The Subject Property is designated Commercial in the Municipality of Trent Lakes Official Plan and zoned Shoreline Residential-Private Access (SR-PA) in the Municipality's Zoning By-law B2014-070.

The Subject Property currently contains ten (10) derelict former commercial cabins with two (2) septic holding tanks, and presumably operated as a fishing resort during the period when the area served as a popular tourist region for visitors from the U.S. The cabins were constructed in 1949 and the Subject Property operated as a tourist commercial resort from 1949 to the early 1980's, at which point the operations ceased and have remained non-operational to present.

The Subject Property was rezoned from Tourist Commercial to Rural Residential in 2002, which appears to have been triggered by the severance of the neighbouring property to the north from the Subject Property. The staff report from this rezoning (2002-10) has yet to be located

and provided by the Municipality. In its absence we cannot confirm the applicant's intention or the opinion of Staff at the time regarding the use of the retained parcel (lands owned by our Client).

Our Client originally proposed to remove all of the existing cabins, save and except five (5) located on the northwestern portion of the property. The proposed redevelopment included demolishing, repositioning, and reconstructing those five (5) cabins with each having ground floor areas of 92.9 square metres (1,000 square feet) and containing a second storey. Our client also proposes to construct a two-storey accessory dwelling (with a ground floor area of 186 square metres (2,002 square feet)) at the southern-most portion of the peninsula with an accompanying dry land boathouse being located on the northeastern shoreline.

Having received letters of concern from adjacent property owners, and subsequently hearing concerns raised at the May 16<sup>th</sup> Statutory Public Meeting, our Client has decided to further amend the application by reducing the number of rental cabins from five (5) to three (3) and reducing the ground floor area of each from 1,000 square feet to 900 square feet. Please see attached the updated concept site plan for reference.

As a result of the updated site plan, the zoning exceptions being sought include the following:

|  | <b>Required</b>     | <b>Proposed</b>          |
|--|---------------------|--------------------------|
| <b>14.2.1 Minimum Lot Area</b>                   | 4.0 ha              | 0.65 ha                  |
| <b>14.2.8 Minimum Water Yard (Dwelling)</b>      | 30 m                | 8.2 m                    |
| <b>14.2.8 Minimum Water Yard (Septic System)</b> | 30 m                | 21 m                     |
| <b>4.2.5 Accessory Dwelling Height</b>           | 4.9 m               | 11 m                     |
| <b>4.12.1 Frontage on a Public Road</b>          | SR-PA,<br>RR-PA, IR | Exemption for<br>TC Zone |

Of importance to reiterate is that all proposed redevelopment (save and except the dry land boat house) will increase the water yard setbacks from what the existing onsite structures provide. The table below illustrates the existing water yard encroachments in comparison to the proposed setbacks.

|  | Required | Existing                    | Proposed      |
|--|----------|-----------------------------|---------------|
| <b>Tourist Establishment (3 Rental Cabins)</b> |          |                             |               |
| <b>14.2.8 Minimum Water Yard</b>               | 30.0 m   | <b>2.91 m –<br/>16.81 m</b> | <b>10.0 m</b> |
| <b>Accessory Dwelling</b>                      |          |                             |               |
| <b>14.2.8 Minimum Water Yard</b>               | 30.0 m   | <b>2.91 m</b>               | <b>8.2 m</b>  |
| <b>Septic System</b>                           |          |                             |               |
| <b>14.2.8 Minimum Water Yard</b>               | 30.0 m   | <b>10.64 m</b>              | <b>20.0 m</b> |

### Statutory Public Meeting Comment Response

With respect to the comments received at the May 16<sup>th</sup>, 2023 Statutory Public Meeting, for ease of reference the comments have been grouped and addressed accordingly below.

#### Minimum Lot Area Exemption

Concerns regarding the minimum lot area exemption being sought were raised as both members of the public and Council felt that the required minimum lot area of 4.0 hectares for a Tourist Commercial Zone was sufficient to accommodate permitted uses and that a smaller lot area would not be appropriate.

As was reiterated in the comment response letter of October 25, 2022, in reviewing the existing Tourist Commercial (TC) zoned properties in the Municipality, there are approximately 47 properties that are zoned TC, and of those properties, only 18 (38%) meet the required minimum lot area of 4.0 ha.

Additionally, 30 of the 47 existing TC Zoned properties are adjacent to Shoreline Residential – Private Access (SR-PA) zoned properties. Of these 30, approximately 7 are marinas, 9 are trailer parks, and 13 are resorts/ rental cottage establishments. Of the 47 existing TC Zoned properties, 22 are located on Pigeon Lake.

Given that the property is designated Commercial, has a unique topography, and a historic commercial use, and that other properties of similar size have been able to operate similar operations, it is our opinion

that the rezoning to the Special Tourist Commercial Zone to facilitate the redevelopment is appropriate.

### **Number and Size of Proposed Rental Cabins**

Concerns with respect to the number and size of the proposed rental cabins for the Subject Property were expressed by both members of the public and Council. As a result of these concerns, as previously noted, our Client amended the application to reduce the number of rental cabins from five (5) to three (3) and from a ground floor area of 1,000 square feet each to 900 square feet each.

It is important to note that the zoning by-law does not restrict the size of buildings and instead includes provisions for maximum lot coverage. The permitted maximum lot coverage of the Tourist Commercial (TC) Zone is 15% (20% in the SR-PA Zones). The existing lot coverage is 6.16%, with the proposed lot coverage increasing slightly to 7.88%, well within the permitted amount.

With respect to building height, the permitted maximum building height in the TC and SR-PA Zones is 11.0 m. The height of the proposed rental cabins will comply with the provisions of the Zoning By-law. A height exemption of 11.0 m is being sought for the accessory dwelling, which as permitted, is 4.9 m. The exemption being sought is to coincide with the permitted maximum building height of the TC and SR-PA zones and will not be greater than what is currently permitted on the adjacent properties.

### **Traffic**

Members of the public expressed concern regarding the assumed volume of traffic to be generated by the proposed development. As requested by the Municipality, our Client retained a qualified traffic engineer to complete a traffic brief which concluded that the additional trips generated by the original proposed development (5 rental cabins) will be minimal and that the proposed development is not anticipated to have any significant impact on the normal traffic operations of Fire Route 94A.

Additionally, as noted above, with respect to a Tourist Commercial Zoned property having access via a private laneway, 30 of the 47 existing TC Zoned properties (64%) are adjacent to Shoreline Residential – Private Access (SR-PA) zoned properties.

With respect to emergency vehicle access, through the site plan approval process the site will demonstrate how emergency vehicles will be accommodated.

## Septic System

Members of the public expressed concern regarding the proposed septic system, both its ongoing operation and the proposed water yard setbacks. As requested by the Municipality, our Client retained qualified professionals to complete a Functional Servicing Report, Hydrogeological Study and Environmental Impact Study.

The proposed development includes a new on-site septic system (Waterloo Biofilter) which was approved for the previous level of development (5 cabins and the additional dwelling unit). The proposed septic system was designed by a certified septic designer, reviewed by Peterborough Public Health, and approved by a Professional Geoscientist (as concluded in the Hydrogeological Study submitted to the Municipality). The proposed system was also reviewed as a part of the Functional Servicing Report, also submitted to the Municipality as a part of the application submission.

With respect to the ongoing operation of the septic system, the peer review comments provided to the Township on August 18, 2022 noted, in part,

"...continual monitoring and manufacturer recommended maintenance should be conducted to ensure the efficient operation of the proposed sewage disposal system. It is recommended that two to three surface water monitoring stations located down gradient of the system will be required, and water quality monitoring should be conducted... The geoscientist noted that they will work with the landowner to develop a surface water quality monitoring program, following detailed design of the sewage disposal system."

The operation, maintenance and monitoring of the system would be included and therefore enforced through the site plan agreement, and a D-5-2 Municipal Responsibility Agreement administered through the Ministry of the Environment, Conservation and Parks and is common practice. The provisions would also be included in a purchase and sale agreement should the ownership of the land ever change.

With respect to the 30-metre setback from the high-water mark, the Environmental Impact Study completed as a requirement for the planning application, concluded that no significant impacts are anticipated on the features identified on the Subject Property, as all development is occurring further away from the shoreline (save and except the dryland boathouse) than the existing development. The study also provided mitigation measures to minimize the impacts of development. These mitigation measures will be implemented through the site plan approval process.

### **Protection of the Environment**

Members of the public expressed concern regarding the impact of the proposed development on the shoreline environment. As requested by the Municipality, our Client retained a qualified biologist to complete an Environmental Impact Study (which was subsequently peer reviewed).

With respect to the 30-metre setback from the high-water mark, the Environmental Impact Study concluded that no significant impacts are anticipated on the features identified on the Subject Property, as all development is occurring further away from the shoreline (save and except the dryland boathouse) than the existing development. The study also provided mitigation measures to minimize the impacts of development. Additionally, as a component of the site plan approval process, shoreline restoration will be addressed.

### **Growth Plan Consistency**

As was detailed in the planning justification report and again in the November 2022 resubmission letter, each provision of Section 4.2.4.5 of the Growth Plan was spoken to and justified. A summary of the justification is provided below:

- The policy notes that redevelopment is permitted outside of settlement areas in developed shoreline areas of inland lakes subject to municipal, agency planning and regulatory requirements.
- The proposed use will support the economic viability of existing parks, recreational trails and tourist establishments in the Municipality.
- The development proposes to restore to the maximum extent possible the ecological features and functions of the property. The EIS noted that no significant impacts are anticipated on the features identified onsite or the shoreline. The removal of the existing derelict structures will provide an opportunity to restore the grounds and establish native vegetation on those areas. Should zoning approvals be granted, mitigation measures (vegetative planning and buffers) listed in the EIS will be included as conditions in the site plan approval agreement.

A planning letter was submitted to the Municipality on behalf of an adjacent landowner. We received this letter on March 3<sup>rd</sup>, 2023. With respect to the discussion of Section 4.2.4.1 c) of the Growth Plan, which provides that a Vegetation Protection Zone (VPZ) is to be no less than 30 metres, it our interpretation that this policy is not intended to sterilize all

redevelopment within the shoreline area. It is intended to preserve a 30 m buffer; in this case a 30 m buffer does not exist and cannot be accommodated due to the peninsular configuration of the property. At its widest point, the property is approximately 63 m from one shoreline to the other. This would provide a building envelope of 3 m.

Therefore, as reiterated in the planning report, technical studies and resubmissions, the property owner is looking to create a VPZ to the maximum extent possible while also allowing the redevelopment to occur. Additionally, if the VPZ of 30 m was enforced in the manner as interpreted by the author of the planning letter submitted to the Municipality, no redevelopment of this property or the adjacent properties would be permitted. Additionally, in reviewing the County's online GIS mapping, the dwellings on all the adjacent lots are partially or wholly located within 30 m of the shoreline, and it would appear that the majority of the adjacent properties have cleared/developed their lots to the shoreline with no vegetative protection zone being present, and several having in-water boathouses and accessory structures adjacent to the shoreline.

### **Nuisance**

Members of the public expressed concern regarding assumed levels of nuisance that they feel will arise as a result of the proposed development.

As reiterated at the Statutory Public Meeting, should the Zoning By-law Amendment be granted, our Client will undergo Site Plan Approval, where the location of garbage receptacles; vegetation/ landscape buffering and parking will be identified. Additionally, the proposed accessory dwelling on the property is where our Client intends to reside and will be used for check-in services. Issues of nuisance would be addressed in the rental agreement and monitored by our Client onsite.

To put the development in perspective, the property could alternatively be developed with a residential dwelling and rented on Airbnb where nuisance issues could also occur and would have to be addressed through by-law enforcement. It is important to reiterate that our Client wishes to create a quiet getaway for guests who can enjoy the beauty of the area, giving them an opportunity to view the existing wildlife and aquatic life that the area has to offer. Our Client does not wish to rent to guests who will disrespect the property.

### Setting a Precedent

Members of the public and Council felt that in allowing the development to proceed as proposed, that they would be setting a precedent. It is of importance to note that in land use planning, each property and application must be evaluated on its own merits and as such, there is no precedent setting.

### Conclusions

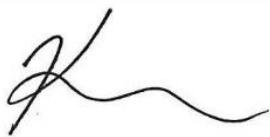
This letter has been prepared in support of a zoning by-law amendment application to rezone the Subject Property from the Shoreline Residential – Private Access (SR-PA) Zone to the Special Tourist Commercial (TC-X) to permit the redevelopment of the property in the form of a tourist cabin rental establishment, together with an accessory dwelling and dryland boathouse. We maintain that the proposed Zoning By-law Amendment application is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

We request that this submission be accepted as an amendment to the original application.

We trust the above is satisfactory for your purposes. Please feel free to contact our office if you have any questions.

Respectfully Submitted,

Written By:



Katherine van Beek, MSc. RPP  
Land Use Planner

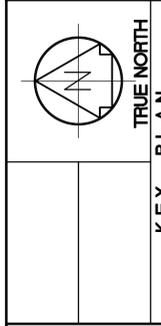
Reviewed By:



Darryl Tighe, RPP  
Senior Land Use Planner



KvB/DT/



**TRUE NORTH**

**KEY PLAN**

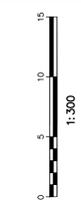
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**METRIC**  
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 TO BE READ IN CONJUNCTION WITH CPSD 100 SERIES

**LEGEND**

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| EXISTING BUILDING | AREA               | SETBACK FROM WATER |
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D.M. Wills Associates Limited  
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 Canada K7J 1B9  
 P: 705-742-2297  
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Project Name/Location  
**PIGEON LAKE COMMERCIAL CABINS**  
 16 FIRE ROUTE 94A, TRENT LAKES

Drawing Title  
**CONCEPT SITE PLAN**

|                   |                          |               |
|-------------------|--------------------------|---------------|
| Drawn By: S.F.    | SCALE: Horiz. 1:300      | Vert. —       |
| Designed By: M.B. | Plot Date: MAY 17, 2023  |               |
| Checked By: M.S.  | Project No.: 85099       | Sheet No.: 01 |
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