
PLANNING JUSTIFICATION REPORT

2784805 Ontario Inc.

TEMPORARY USE ZONING BY-LAW AMENDMENT

77 Wallings Road
Part of Lot 14, Concession 8
Township of Dysart et al.

PREPARED BY



June 2024

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1.0 Background

1.1 Introduction

Evans Planning has been retained by 2784805 Ontario Inc., the 'Owner' of the property municipally known as 77 Wallings Road, and legally described as 'Part of Lot 14, Concession 8, Municipality of Dysart et al, County of Haliburton.' (the subject property). The subject property is located on the south side of Wallings Road, just east of Haliburton County Road 21. The total area of the property is approximately 0.896 hectares (2.21 acres).

The Owner is seeking permission to establish a Temporary Use provision under Section 39 of the Planning Act to allow the interim use of the subject property with six (6) "glamping pods" intended to provide short term accommodations to the vacationing public. The pods are self contained structures which rest on grade and do not require any form of servicing connections. It is intended that washroom facilities within the existing structure on the property will be utilized.

To facilitate the proposed Temporary Use provision to permit the "glamping pods" it is necessary to apply to the Municipality of Dysart et al. for a Zoning By-Law Amendment.

From a land use perspective, the proposed development is consistent with the policies contained within the County of Haliburton Official Plan, the Municipality of Dysart et al. Official Plan with respect to the implementation of temporary use provisions.

The following report is intended to review the feasibility of the proposed development and provide a detailed review of various planning documents.

1.2 Location and Size of the Subject Lands


As shown in Figure 1, the subject property is located on the south side of Wallings Road, just east of Haliburton County Road 21. The property is municipally known as 77 Wallings Road, and legally described as 'Part of Lot 14, Concession 8, Township of Dysart et al.'

The property currently supports three one-storey structures, which are intended to be retained and used in conjunction with the proposed 'glamping pods' to facilitate an interim tourist commercial use. The lands may be subject to a further redevelopment proposal in the future. The site is irregularly shaped with a frontage of approximately eighty-eight metres along Head Lake, a depth of 107.1 metres, and a total area of approximately 0.896 hectares.

Figure 1: Property Location



Source: Satellites Pro

 Approximate Boundaries of Subject Property

1.3 Site Context

The subject property is located within a residential community of the *Haliburton Village Area* of the Municipality of Dysart et al. The lands are within a *Settlement Area* as designated in the County of Haliburton Official Plan. The property is abutted by Wallings Road to the north, Head Lake to the south, and low-density residential to the east and west. The subject property is the location of the former Ministry of Natural Resources and Forests (MNRF) firebase.

Of note, the adjacent property to the east, municipally known as 75 Wallings Road, has recently been developed with a three (3) storey triplex. This property is subject to site-specific Zoning exception R3-14 (By-Law 2016-87). Permitted uses include; *a medium density dwelling and home office*.

The temporary use of this property will be for travelling tourists. As such, there are numerous services and amenities within close driving distance to the property, including shopping, restaurants, trails, parks, and community fitness areas, as well as the main amenity of access and frontage onto Head Lake.

1.4 Proposed Development Concept

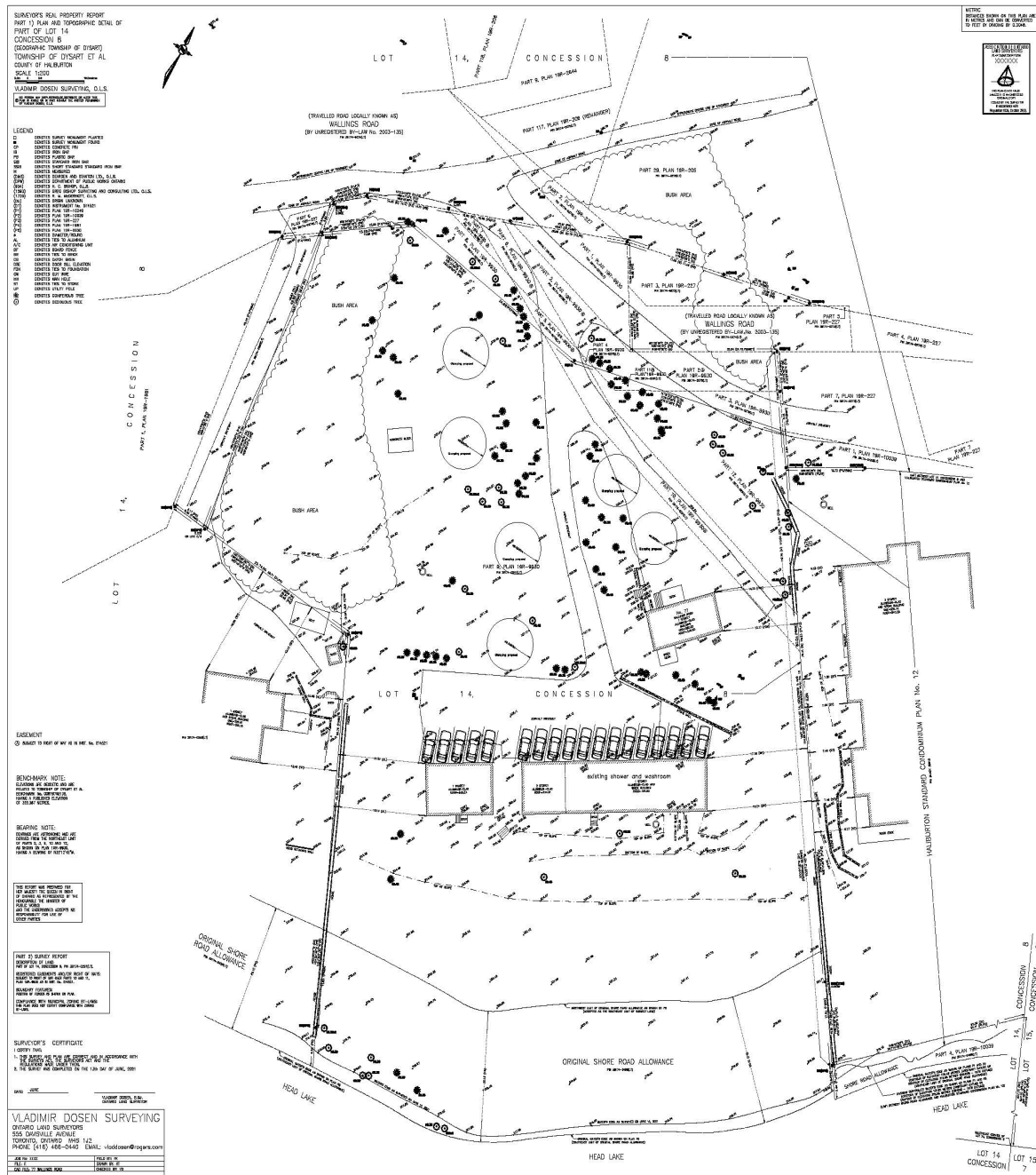
The proposed interim use of the lands contemplates the placement of six (6) 'Glamping Pods' on the property. These Pods are built on platforms that are ten centimetres larger than the diameter of the pod. The six (6) pods will have a total frontage of 86.9 metres along Head Lake and will have an average shore road allowance of 30 metres. Each pod is constructed from a kit, are self contained, and do not require foundations, being transported to and from the property on a trailer (refer to Figure 2, and Appendix 1). Each pod will have access to one (1) parking spot located on the property as well washroom facilities within the existing structures on the property. No additional external site lighting is being proposed.

A Naturalization Plan will also be implemented to help demonstrate a net ecological improvement for the subject property through the preparation of a revegetated shoreline buffer (Figure 3).



Source: Lakefront Resort website

Figure 3: Conceptual Site Plan



2.0 Planning Policies, Regulations and Analysis

This section of the planning justification provides an analysis of the proposed development in the context of the following local documents:

- Province of Ontario D2 Guidelines
- County of Haliburton Official Plan 2017
- Municipality of Dysart et al. Official Plan 2017
- Municipality of Dysart et al. Official Plan 2005-120

2.1 Province of Ontario D-2 Guidelines

The Province of Ontario D-2 Guidelines aim to prevent and mitigate potential issues arising from the proximity of sensitive land uses to industrial areas in the land use planning process. It aligns with Ministry Guideline D-1, "Land Use Compatibility," and is designed to aid Ministry staff, land use approval authorities, and consultants in making informed decisions regarding mixed land uses and intensification.

Section 2.0, Procedure D-1-1 emphasizes the importance of adequate buffering between incompatible land uses while acknowledging that such measures should not replace controls mandated by legislation for emissions from industrial facilities.

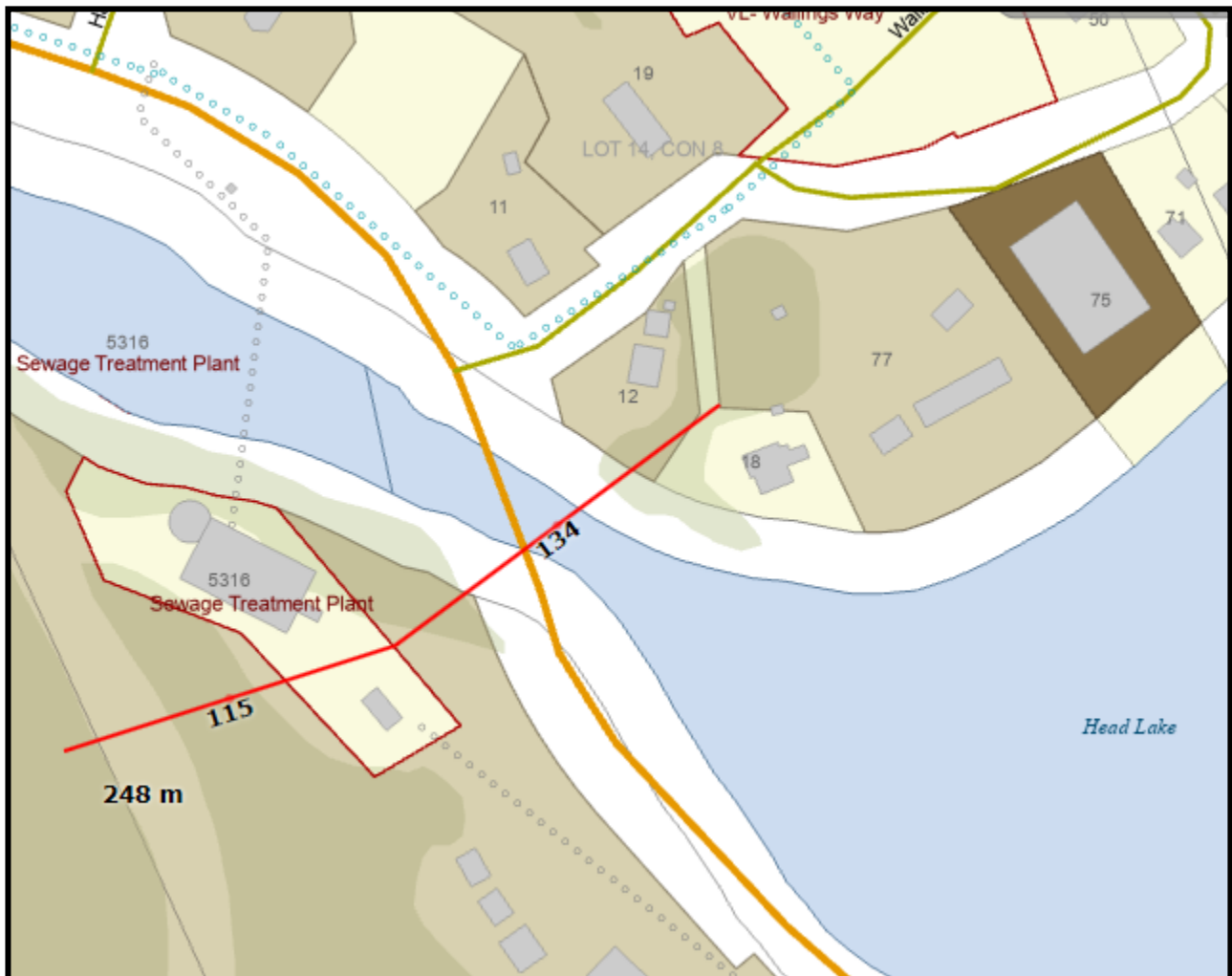
The objective of the guideline is to prevent or minimize the encroachment of sensitive land use onto industrial land uses, and vice versa. This is primarily because the activities associated with industrial land use can have adverse effects on sensitive land use.

Sensitive land uses are defined within the guideline as those areas vulnerable to adverse effects from nearby industrial operations. This includes recreational areas deemed sensitive by local authorities, as well as any building or amenity area not directly linked to industrial activities but still susceptible to harm from nearby industrial emissions. Examples include residential areas, schools, hospitals, and recreational spaces. Residential land use is particularly highlighted as sensitive throughout all times of the day.

The subject property is located within an Urban Residential Area according to the Haliburton Official Plan Land Use Schedule (Schedule A, Map 1), therefore being considered as a sensitive land use and required to adhere to the D-2 Guidelines. Section 4.13.4 of the Official Plan states that: Council will accept an application for development within 150 metres (492 feet) of the Haliburton Village sewage treatment plant, or within 400 metres (1,312 feet) of a sewage lagoon, only if the applicant demonstrates that they have complied with the D-2 Guidelines.

The D-2 Guidelines provide recommended minimum separation distances between Sewage Treatment Plants and residential uses based on capacity of the Plant in question. As confirmed by Municipality Staff, the Haliburton Sewage Treatment Plant has a design capacity of 1,575 cubic metres per day. Accordingly, Section 3.4.2 provide that the minimum separation distance shall be 100 metres, with a recommendation for 150 metres. The subject property is located approximately 134 metres from the Plant (Figure 4), with portions of Head Lake and existing residential uses in the intervening area, thus complying with the Guidelines

Figure 4: Distance between subject property and Haliburton Sewage Treatment Plan



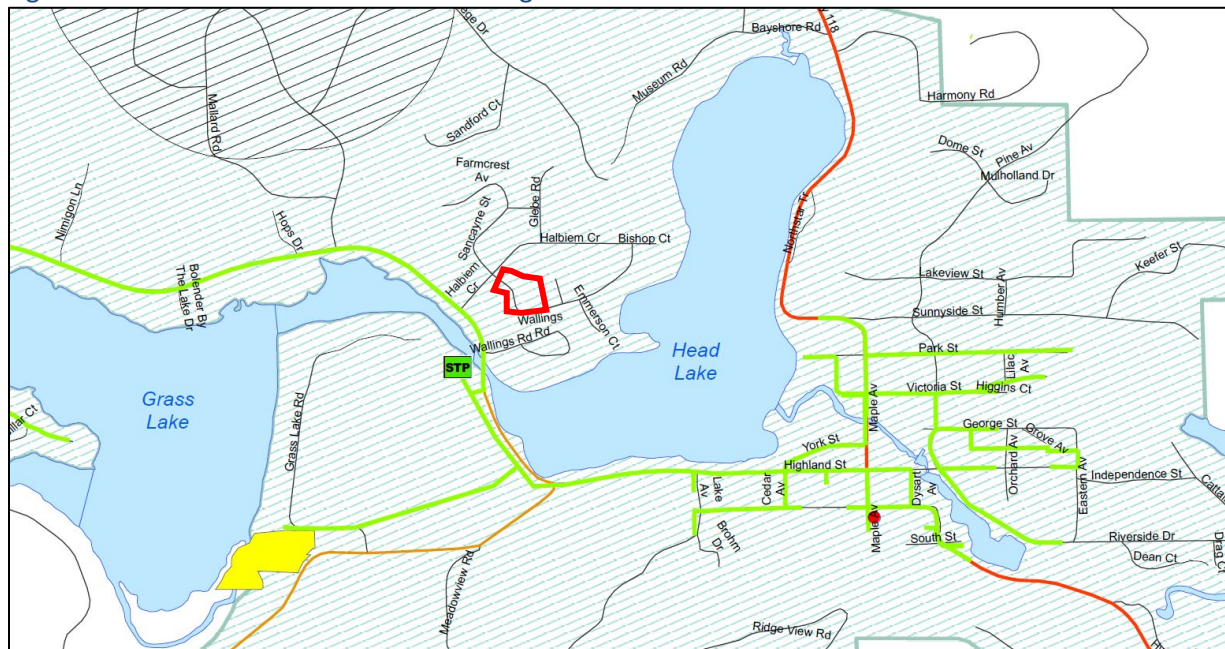
Source: Municipal Planning Staff

2.2 County of Haliburton Official Plan (HOP) 2017

The Haliburton County Official Plan (HOP) applies to all the lands within Haliburton County, and outlines policies with respect to how land in the community should be used. It is prepared with input from council (County and Municipal), public agencies and members of the public. This policy document helps to ensure that future planning and development will meet the specific needs of the community. It provides guidelines to the County’s local municipalities for the development of their official plans, zoning bylaws, community planning permit system by-laws and other planning instruments.

The lands are within a *Settlement Area* of the County (Figure 5). The County of Haliburton has identified multiple forms of *Settlement Areas*, ranging from urban areas on municipal services that function as service centres to cluster of individual homes and businesses in rural areas that rely upon individual services. The subject property is within the *Urban Residential Area* as outlined in HOP Land Use Schedule (Schedule A, Map 1) (Figure 6).

Figure 5: HOP – Schedule B Haliburton Village



 Subject Property

Urban Areas have either full or partial municipal services, mainly water, sewage, and roads. Functionally, they tend to service larger areas and are the main location of residential, industrial, employment, commercial and institutional uses.

The range of uses permitted in each *settlement area* are determined in the local official plan and zoning by-law. Serviced urban areas shall be provided a full range of uses. Other *settlement areas* shall be permitted a range of uses based on their function and historical service level.

Lakefront development is recognized for its importance in recourse based recreational, economic, and tourism-based benefit to Haliburton County. The desirability of lakefront development is anticipated to continue and is acknowledged as a vital component of Haliburton County's planning structure due to the vast number of lakes and surrounding forested wildland.

The HOP has set out considerations for securing long-term economic prosperity, including but not limited to:

"f) Supporting and promoting County Tourism and associated businesses and providing opportunities for sustainable tourism development."

Figure 6: HOP Land Use Schedule (Schedule A)



 Subject Property

Section 5.3.6 Shorelines, outlines that local official plans shall identify the minimum requirement for development and site alternation setback from the high-water mark. Development and site alternation, including septic system tile beds, shall be setback a minimum of 30m from the high-water of lakes, rivers, and streams, with no disturbance of native soils and very limited removal

of shoreline vegetation. The proposed interim use of the subject lands conforms to the HOP and will maintain the minimum 30m setback from the high-water mark of the lake with little to no disturbance of native soils and vegetation.

2.3 Municipality of Dysart et al. Official Plan (DOP) (2017)

The Municipality of Dysart et al. Official Plan was adopted by Council on November 20, 2017, and was subsequently approved, with modifications, by the County of Haliburton on May 18, 2018. The Plan was appealed to the Local Planning Appeal Tribunal (now the Ontario Lands Tribunal (OLT)); however, the appeal was dismissed on September 19, 2019, by the Tribunal. As a result, the DOP is now in full force and effect.

The subject property is designated as an *Urban Residential Area*, as identified on Schedule A, Map 1 – Haliburton Village Area to the Dysart et al. Official Plan (Figure 4). The *Urban Residential Area* designation permits residential uses in various forms, including single-unit and two-unit dwellings, medium density residential development, secondary dwelling units, garden suites, lifestyle residential development, and residential uses associated with a health care centre.

The policies of the DOP are intended to achieve the targets of 719 residential units (230 units for medium and high density in the Haliburton Village Area), and 638 new jobs by 2036. It is the intent of the DOP to focus much of the growth into the Haliburton Village Area and the hamlets.

Section 4 of the DOP provides the objectives of the settlement patterns in the municipality, suggesting that the Haliburton Village Urban Policy area is a designated *Settlement Area*. This Section details where growth should be directed, and the policies associated with accommodating such growth.

- **Policy 4.1:** *“Haliburton village is the primary service centre for the Municipality and as such, the most intensely developed type of settlement area in the Municipality. Development of an urban scale and form will be directed to this settlement area. Land use patterns will strengthen the function of the central business district, while encouraging a compact form. Opportunities for intensification and redevelopment will be encouraged and promoted through:*
 - *the creation of new units, uses or lots on previously developed land.*
 - *the development of vacant and/or underutilized lots within previously developed areas.*
 - *infill development.*
 - *the expansion or conversion of existing buildings.*
 - *the improvement or enhancement of facilities for active transportation; and*
 - *the creation and development of community hubs.”*

The proposed development complies with the policies outlined in Section 4.1 of the DOP. It encourages walkability and provides for sufficient amenity area on site, as well as appropriate setbacks and screening from neighbouring properties to ensure privacy.

With respect to the establishment of Temporary Use Provisions, the DOP provides the following policies:

- **Policy 16.10.1:** *“Temporary uses may be authorized by the by-law for a specific time up to three years, as provided for in the Planning Act, where it is considered inappropriate by the Municipality to permit the proposed use to operate on a permanent or continuing basis, and where alternatives such as relocation are not practical. Subsequent by-laws, granting extensions of up to three years, may be passed. However, once the by-law has lapsed, the use must cease, or it will be viewed as contravening the pre-existing zoning by-law.”*
- **Policy 16.10.2:** *Before passing a temporary zoning by-law, Council will be satisfied that the following principles and criteria have been met:*
 - *The proposed use will be of a temporary nature and will not entail any major construction or investment of the part of the owner, so that the owner will not experience undue hardship in reverting to the original use upon termination of the temporary use provisions and.*
 - *The proposed use will not be incompatible with adjacent land uses and the character of the surrounding neighbourhood.*
 - *Council may authorize a temporary use of land which may not comply with the policies of this Plan, only if the temporary use is determined to not have any detrimental effect upon the land uses in the area and the long-term objectives of the Plan.*

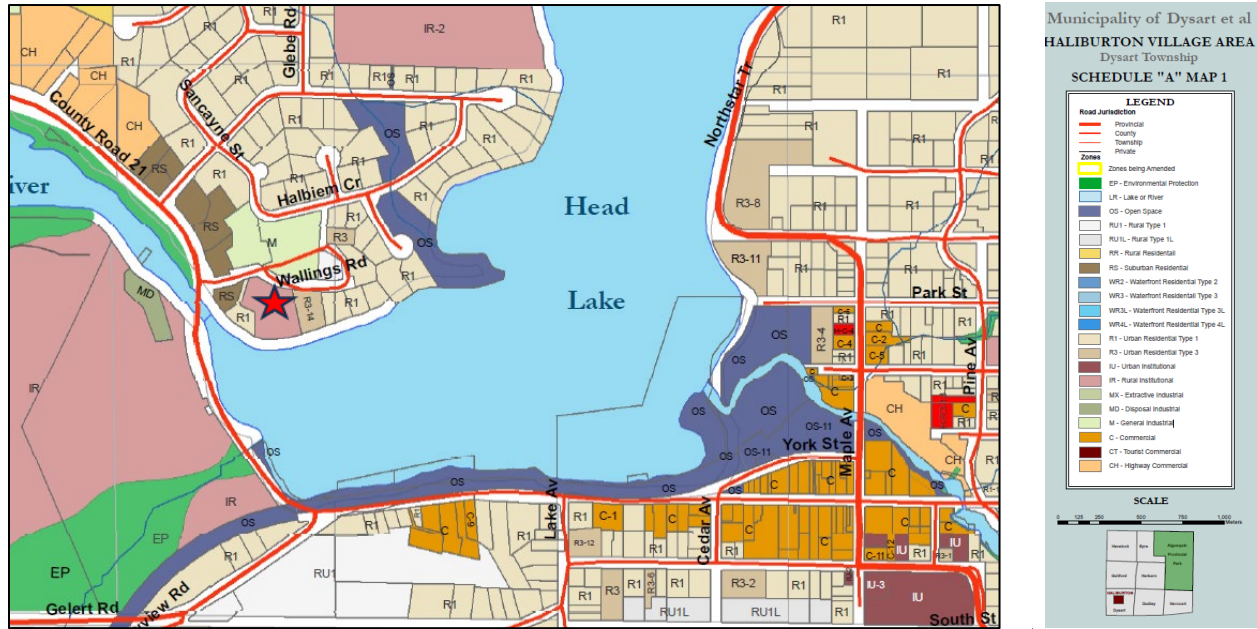
The proposed interim use development of the subject lands is consistent with the policies outlined in Section 16.10.2 of the DOP. The interim use development will also comply with the minimum lot frontage and area requirements. The proposed use will be of a temporary nature and will not entail any major construction or investments. It is also compatible with adjacent land uses and the character of the surrounding neighbourhood.

2.3 Municipality of Dysart et al Comprehensive Zoning By-Law (DBZ) (2005)

The Municipality of Dysart et al Comprehensive Zoning By-Law (DZB) (2005-120) was passed by council December 12th, 2005. The provisions of this By-Law shall apply to all lands and waters within the Municipality, with certain exceptions.

The subject property is Zoned as Rural Institutional (IR) according to the Municipality of Dysart et al Haliburton Village area Schedule “A” Map 1 (Figure 5).

Figure 7: DZB Schedule A, Map 1



★ Subject Property

Section 6 Institutional Zones, outlines the permitted uses for the Rural Institutional (IR), including:

- Accessory dwelling unit
- Auditorium
- Day Nursery
- Fire Hall
- Health Care Centre
- Home Officer
- Municipal Office
- Parking Lot
- Place of worship
- Public Library
- Public Use
- School
- Urban Agriculture, and;
- Accessory retail store

The IR zone provisions are as follows:

Institutional Zone	Provisions	Meeting the Requirements
Lot Area	2,040 metres squared	Yes
Lot Frontage	30m	Yes
Dwellings, maximum	1	Yes
Minimum Water Setback	30m	Yes
Minimum Lot Line Setback, front	13.5m	Yes
Minimum Lot Line Setback, exterior	13.5m	Yes
Minimum Lot Line Setback, Interior	10.5m	Yes

<i>Minimum Lot Line Setback, rear</i>	<i>10.5m</i>	<i>Yes</i>
<i>Dwelling unit area, minimum</i>	<i>55m²</i>	<i>Yes</i>
<i>Height, maximum</i>	<i>11m</i>	<i>Yes</i>
<i>Naturalized Open Space, minimum percentage 30%</i>	<i>30%</i>	<i>Yes</i>

An Amendment to the By-Law to permit a temporary use provision for the property is proposed to allow for the interim use 'glamping pods.'

3.0 Supporting Materials

As per the Municipality of Dysart et al application requirements, reports and studies have been submitted in support of the proposed interim use development. The intent of this work is to ensure the project is technically feasible, to provide the Municipality with sufficient information to evaluate the merits of development. The following summarizes technical reports and addresses aspects of the project which further the objectives of the County of Haliburton and Municipality of Dysart et al.

3.1 Site Evaluation Report and Environmental Impact Assessment

A Site Evaluation Report (SER) and Environmental Impact Assessment (EIA) was prepared by RiverStone Environmental Inc. in February 2024. These reports concluded that as of the date of the report, the proposed interim use will not result in a negative impact to any significant natural heritage features and functions.

The results of the SER and EIA were formed by two site visits conducted by RiverStone Ecologists in 2021 (July 14th, 2021) as well as detailed desktop review of relevant materials. These investigations focused on characterizing and delineating natural heritage features that exist on the property including fish habitat, wildlife habitat, topography, slope, drainage features, woodlands, and potential habitat for endangered and or threatened species. As part of the site visit, RiverStone staff conducted a down breeding bird survey to support their general assessment of on-site habitat functions. Overall, the data collected was considered appropriate given the location and scale of the proposed development plan.

Based on RiverStone's assessment, the potential for negative impacts to the water quality in Head Lake is limited. The proposed development would be serviced via connection to the municipal sanitary network and therefore require no on-site septic infrastructure. Additionally, based on the current proposal, the requirement to have structures setback from the shoreline 30m, and the enhancement and maintenance of a natural buffer is suitable to protect impacts to fish habitat.

It is of RiverStone's opinion that the subject property is unlikely to support significant concentrations of features that support habitats for endangered bats, therefore no evidence was observed to indicate that on-site structures are supporting bat roosting activities. The development, as proposed will inherently require the removal of a small number of individual trees, and as such efforts should be made to ensure the removal is minimized to the extent feasible.

Upon the findings presented in the SER and EIA, and contingent upon the implementation of the recommendations made within, that RiverStone concludes that the proposed development on the subject property is not expected to result in a negative impact to any significant natural heritage features and functions.

3.2 Naturalization Plan

A Naturalization Plan has been prepared by RiverStone Environmental Solutions Inc. to revegetate the shoreline buffer for the property given the location on Head Lake, which was historically used as an MNRF fire base. Most of the vegetation on the property was historically cleared to accommodate for the historic use. There is no evidence of recent site alteration except for general lawn maintenance and tree care. Vegetation observed on the subject property is typically what can be found on adjacent shorelines along Head Lakes and in the Haliburton region. The shoreline of the subject property is lined with cobble and areas of in-water downed woody debris. The water depths are shallow with 1 metre at approximately 3 metres from shore.

Based upon the restoration and naturalization details provided in the plan, it is the opinion of RiverStone that upon completion of the recommendations, and requirements of the development application to restore the shoreline buffer on the property, it will be satisfied.

3.3 Head Lake Boating Traffic Impact Study Response Letter

A Boating Capacity Study was conducted by RiverStone Environmental Solutions Inc. in August of 2022. The results of the boating impact study indicate that the current boating activities in our defined study area of Head Lake are well below the threshold of available boating area. The boating capacity is typically well below 50% of the available capacity and approached capacity on only three occasions. As such, the proposed increase in docking facilities at 77 Wallings Road have a low likelihood of resulting in boating activities in Head Lake causing an exceedance in the recreational carrying capacity of the lake.

If the proposed development results in an additional 15 boats on the water simultaneously the study area would remain below capacity through out the sampling period. An additional 15 boats of varied type, speed and time of use would not exceed the carrying capacity of the study area.

After the initial submission, the Municipality posed question in response to the study conducted. RiverStone has addressed these concerns in a letter which is included in the application package.

3.4 Functional Servicing and Stormwater Management Report

A Functional Servicing and Stormwater Management Report (FSRSWM) was prepared by Aplin and Martin Consulting Engineers Inc. in support of the proposal for a temporary use of the subject

lands with six (6) 'glamping pods' for short term accommodations of the vacationing public, in the Municipality of Dysart et al, County of Haliburton.

This report assesses and identifies the Stormwater Management (SWM) requirements for the proposed in accordance with the Ministry of Environment, Conservation and Parks (MECP). The SWM section of the report identifies the SWM design details by quantifying the quantity and quality control measures employed as well as water retention for water balance and erosions control, in accordance with applicable guidelines.

The conclusions of the Report state that:

- SWM quantity control objectives are satisfied as all post-development peak flow rates are below the pre-development levels for all storm up to and including the 100-Year storm.
- SWM water balance objectives are to be achieved by retaining the 5mm storm event across the development area impervious area. This retention will achieve via the proposed infiltration facility.
- SWM water quality objectives are achieved as all surfaces for the proposed development are inherently clean.

3.5 Traffic Impact Brief

A Traffic Impact Brief was prepared by Trans-Plan Transportation Inc. in 2024 for the proposed interim use on the subject property.

Based on Trans-Plan's capacity analysis, the proposed interim use of glamping pods is expected to have little to no impact to the surrounding road network under existing roadway configurations due to the minimal vehicle trips generated. Trans-Plan is of the opinion that the 'glamping pods' can be used as an interim use of the subject property.

4.0 Conclusion

In summary, given the context of the subject property, a Temporary Use provision to allow the interim use of the subject property with six (6) 'glamping pods' represents good planning and is consistent with the provisions of the HOP and DOP.

To facilitate the proposed Temporary Use to permit the 'glamping pods' it is necessary to submit an application to the Municipality of Dysart et al. for a Zoning By-Law amendment through Section 39 of the Planning Act, which requires any temporary use to demonstrate that the use is temporary in nature, no new building or expansions of buildings shall be permitted, and an agreement be entered into to terminate the use upon expiry of the law.

From a land use perspective, the proposed development is consistent with the policies contained within the Province of Ontario D-2 Guidelines, County of Haliburton Official Plan, and the Municipality of Dysart et al. Official Plan and Municipality of Dysart et al Comprehensive Zoning By-Law 2005-120. Specifically, the proposed use will comply with the provisions of the DOP with respect to interim use in accordance with Section 39 of the Planning Act.

Accordingly, the proposed Amendment to the Zoning By-law represents good planning.

Appendix 1: Instructions for Assembling Proposed Glamping Pod