

To:	Brenda Paul
From:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
Date:	April 27, 2020
File:	12155AB
Subject:	Proposed Bray Lake Plan of Subdivision – Pre-Consultation Response

This memorandum has been prepared following a review of the proposed development and the concept plan that was submitted by the proponent. We understand the proponent is currently undertaking due diligence for a proposed residential subdivision, and have a current offer to purchase the subject lands. The comments provided in this memorandum represent the Township of Machar's initial response to the proposed residential subdivision and a review of the applicable planning policies and regulations.

These comments are preliminary in nature and summarize the applicable policy document and should not be used for the basis of purchasing a property. These comments in no way suggest what Council may or may not do with Planning Act applications.

Subject Lands

Based on the concept plan that was submitted by the proponent, the proposed development appears to occupy numerous lots. The subject lands are generally located to the east of Riding Ranch Road and to the west of Bray Lake. Riding Ranch Road is classified as a year-round maintained road. The subject lands appear to be forested; and the surrounding land uses primarily include rural and shoreline properties, and Crown Land.

The subject lands are designated as Rural, Shoreline and Natural Heritage Protection on Schedule A of the Official Plan. The subject lands also contain areas identified as a watercourse, moose aquatic feeding area, other wetlands and floodplain on Schedule B of the Official Plan. Bray Lake is also identified as a cold water lake.

The subject lands are located within the Rural (RU) Zone, the Shoreline (SR) and Environmental Protection (EP) Zone.

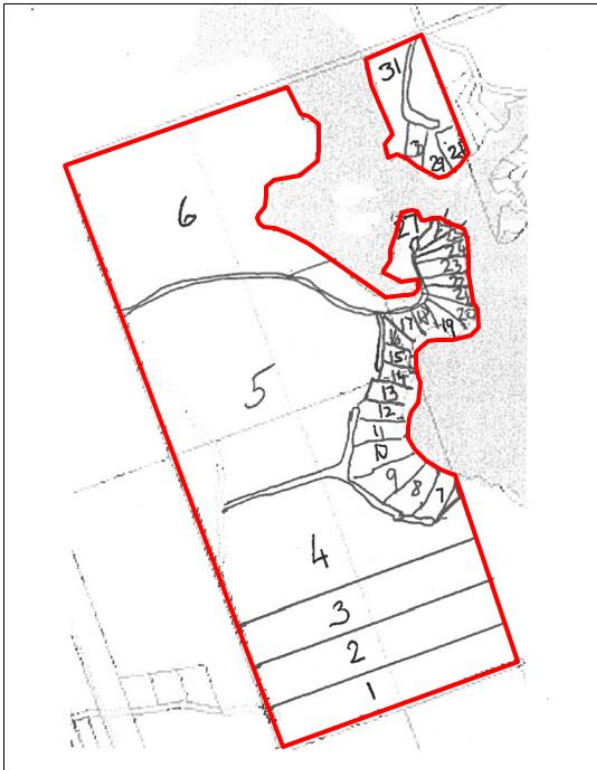
Proposed Concept Plan

The proponent has submitted a concept plan for the subject lands that proposes a total of 31 residential lots. The following is a summary of the proposed lots:

- Lots #1 to #4 – Rural residential lots that are approximately 25 acres in lot area and have lot frontage on Riding Ranch Road.
- Lots #5 and #6 – Large waterfront lots that have frontage on Bray Lake and Riding Ranch Road.
- Lots #7 to #27 – Waterfront lots that are in excess of 1 hectare in lot area and have a minimum lot frontage of 60 metres on Bray Lake. These lots will be accessed by a private right-of-way off of Riding Ranch Road.
- Lot #13 – Contains a detached dwelling and accessory building.
- Lots #28 to #31 – Located on the east side of Bray Lake and have a minimum lot area of 1 hectare and a minimum lot frontage of 60 metres. These lots will be accessed by a private right-of-way off of Riding Ranch Road.

The proposed concept plan that was submitted by the proponent is provided at Figure 1.

Figure 1: Proposed Development Concept Plan



Provincial Policy Statement

The Provincial Policy Statement (PPS) is a document that guides development in the Province. In the context of the PPS, the lots would be considered as Rural Lands. On Rural Lands permitted uses include limited residential development and resource-based recreational uses (including recreational dwellings).

Shoreline or seasonal development is typically considered as resource-based recreational use. On this basis, the lots along the shoreline would be permitted within Rural Lands. The proposed lots that do not have lot frontage on Bray Lake could be considered as limited residential development, based on the number of lots that are being created.

1. Planning justification would be required to demonstrate that the proposed five lots that do not have lot frontage on Bray Lake represent limited residential development.

The PPS does not define limited residential development, but provides flexibility for the municipality to establish what constitutes limited residential development on Rural Lands in a manner that addresses the needs of the local community. Where limited residential development is proposed on Rural Lands it must be consistent with all relevant policies of the PPS.

Section 1.6.6 of the PPS provides policies for sewage, water and stormwater. Section 1.6.6.4 of the PPS states that where municipal sewage services and municipal water services are not available, individual on-site sewage services and individual on-site water services may be used provided the site conditions are suitable for the long-term provisions of such services with no negative impacts.

2. A Functional Servicing Report (FSR) and Hydrogeological Study will be required to demonstrate each of the proposed lots can be appropriately serviced. A Stormwater Management Report will also be required to determine how run-off will be managed on the subject lands.

Section 2.1 of the PPS sets policies for natural heritage and the long-term protection of natural heritage.

3. An Environmental Impact Study (EIS) will be required to address the following policies where applicable: 2.1.4, 2.1.5, 2.1.6, 2.1.7 and 2.1.8.

Section 2.2 of the PPS includes policies regarding the protection of water. The Township Official Plan includes policies regarding the protection of various lakes, including cold water lakes such as Bray Lake.

4. The EIS and FSR will be required to address the water quality and quantity policies of the PPS and Township OP.

Section 2.6 of the PPS includes policies regarding cultural heritage and archaeology.

5. An Archaeological Assessment for the subject lands will be required to confirm the presence of archaeological resources or areas of archaeological potential in accordance with Provincial standards.

In regards to Section 3.1 of the PPS, the subject lands does contain other wetlands and floodplain areas.

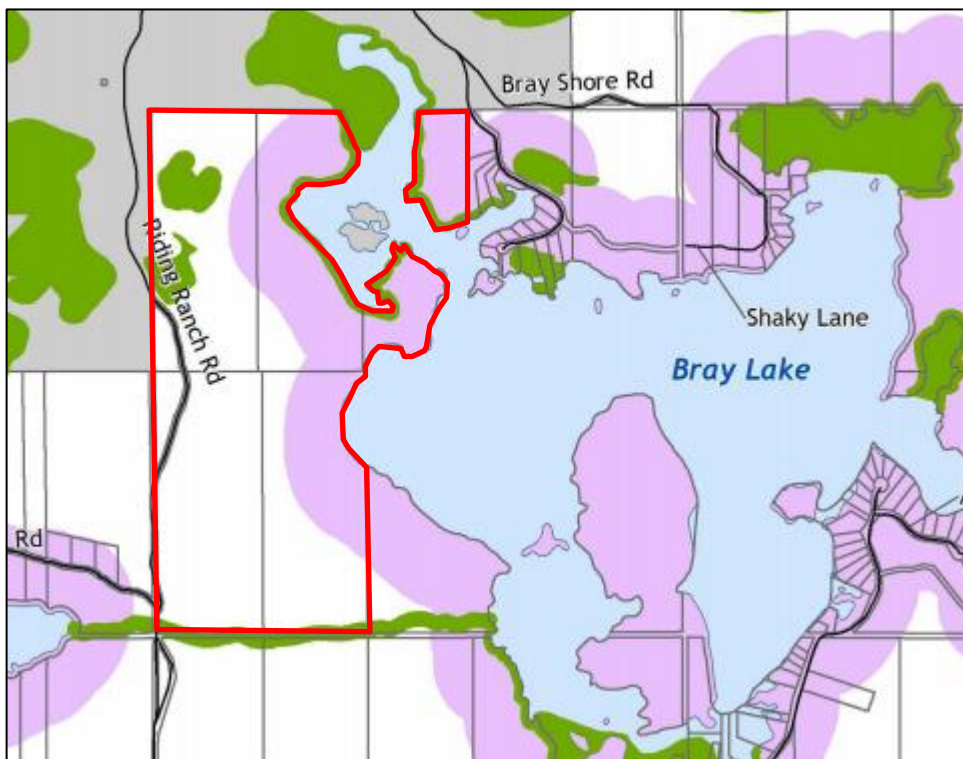
6. A Geotechnical Investigation will be required to confirm the soils can support the proposed development and the required septic systems.

7. Development shall also be located outside of any flood hazard. Building envelopes for each of the proposed lots will be required to demonstrate that there is a suitable building location outside of flood hazard areas.
8. A Wildland Fire Assessment and Mitigation Report will be required as a component of the EIS.
9. A Planning Justification Report will be required to provide a policy analysis to confirm the proposed development is consistent with the applicable policies of the PPS.

Official Plan

The subject lands are designated as Rural, Shoreline and Natural Heritage Protection on Schedule A of the Official Plan. The subject lands also contain areas identified as a watercourse, moose aquatic feeding area, other wetlands and floodplain on Schedule B of the Official Plan. Bray Lake is also identified as a cold water lake. An excerpt of Schedule A of the Official Plan is included as Figure 2.

Figure 2: Schedule A of Official Plan



Residential dwellings are permitted uses within the Rural and Shoreline designations in the Official Plan. The Natural Heritage Protection designation encompasses a number of natural heritage features and is identified to maintain and enhance the ecological integrity of the natural heritage system. Permitted uses are limited to conservation and passive recreational uses that do not require development or site alteration. These areas are to be protected on the subject lands, including the applicable adjacent lands for each of the features.

Based on the Official Plan Schedules, it appears that there are natural features on or adjacent to the shoreline of a significant portion of the subject lands. These areas and adjacent lands will be required to be evaluated for wetland characteristics, fish habitat and potential docking locations.

Section B1.5.10 of the Township Official Plan states that the approximate number of new lots permitted within the Rural Area per year will be eight (8).

Applications for subdivision of land shall be subject to the policies of Section C2.17. The lots proposed in the Rural designation will be required to be justified in accordance with this Policy as part of the Planning Justification Report.

Policies related to the Shoreline designation are included in Section B4 of the Township Official Plan. Section B4.4 of the Township Official Plan states that all development on lands designated Shoreline and within 300 metres of the high water mark of a lake shall be deemed to have an impact on the lake, unless it can be demonstrated otherwise.

Preservation of vegetation is referenced under Section B4.4.1 of the Township Official Plan, as new development in the shoreline shall be sensitive to the preservation of tree cover and vegetation wherever possible so as to prevent erosion, siltation and possible nutrient migration and help maintain wildlife habitat. Development shall be set back a minimum of 23 metres from the high water mark. A greater setback may be required where necessary to address water quality, wetland, fish habitat or similar issues. In general, 90% of the front 15 metres of a lot is to be maintained in a natural state. It is recommended that each lot be subject to Site Plan Control, or measures are included in the implementing Zoning By-law Amendment to ensure the shoreline area is protected, and buffer areas are established on Bray Lake.

Section B4.4.4 notes that new sewage systems are encouraged to be located as far back from the shoreline as possible, and shall be located a minimum of 30 metres from the shoreline.

New lots in the Shoreline designation shall have a minimum lot frontage of 60 metres and generally be a minimum of 1 hectare. Smaller lots may be supported if appropriate technical information is provided. Section B4.7.1 also states that:

New lots should be created only when it can be shown to the satisfaction of the approval authority that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal. Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property and to impacts to neighbouring properties, and to the cumulative impacts of development on the sustainability of water resources.

Section B4.7.4 of the Township Official Plan states that new recreational residential development may be permitted on roads which are not maintained year round by the Township provided that an agreement is registered on title acknowledging municipal services such as snowplowing, road maintenance, emergency services, garbage pick-up and school bussing may not be provided by the municipality.

10. It is recommended that a condominium road(s) be established due to the private road component of the proposed development. The private road potentially could be a common element to the proposed lots that require access on the proposed private right-of-way.

11. A Traffic Brief will be required to demonstrate there are no traffic concerns and to provide details of the proposed private road will be maintained.

Bray Lake is considered to have unique characteristics and limited carrying capacities with respect to the amount of shoreline development they can accommodate. For Bray Lake, in addition to the requirement that new development shall not raise the phosphorus levels by greater than 50% above its natural level, development shall not cause the level of phosphorus in any of the lakes to exceed 20mg/L over the lifetime of this plan, even if such a level would be less than a 50% increase to the natural level of the lake. Section B4.11 of the Township Official Plan includes specific policies for Bray Lake. Section B4.11.1 states:

In order to limit the lake's further water quality deterioration, new development shall not raise the phosphorus level on Bray Lake over the life of this Plan by more than 50% above its natural level. The creation of new lots shall be supported by lake capacity modeling in accordance with the guidelines of the Ministry of the Environment.

12. A Lake Carrying Capacity Study will need to address water quality, carrying capacity and phosphorus levels on Bray Lake, in order to demonstrate conformity to the policies in the Township Official Plan. Furthermore, the Environmental Impact Study also needs to address the environmental policies included in Section B5 of the Township Official Plan. Specific policies are also included in Section C1 of the Township Official Plan that need to be addressed, including policies regarding fish habitat, woodlands, areas of significant wildlife habitat, and stormwater.

Portions of the shoreline are identified as a floodplain area. Section C1.5 of the Township Official Plan states:

Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodplain.

13. Justification will be required that demonstrates proposed development will not be located within the floodplain.

In accordance with Section C2.17.1 of the Official Plan, a Plan of Subdivision(s) will be required to support the proposed development. A Plan of Condominium(s) will also be required as accesses are proposed on private roads.

A Planning Justification Report shall be required to demonstrate how the proposed development conforms to Section C2.17.3 of the Official Plan.

Section C2.19 of the Township Official Plan states that Council will accept cash in lieu of parkland where appropriate.

Zoning By-law

The subject lands are located within the Rural (RU) Zone, the Shoreline (SR) and Environmental Protection (EP) Zone. A Zoning By-law Amendment application will be required to establish zone boundaries on the subject lands for the proposed lots, and also to administer any required minimum setbacks from Bray Lake or identified environmental features. Minimum lot areas and minimum lot frontages should also be established for the proposed lots to ensure the character of the shoreline area is maintained. The findings of the required supporting studies and reports may form the basis for the site specific zoning for the subject lands.

Summary

The planning documents provided a number of applicable policies and regulations that apply to development of the subject lands. The key issues for consideration include:

- 1) Private road access (condominium road)
- 2) Appropriate amount of lot creation in the rural designation
- 3) Carrying Capacity of Bray Lake
- 4) Natural Heritage Feature Review
- 5) Flood plain considerations
- 6) Functional Servicing Review and Hydrogeological
- 7) Traffic Brief

The proposed development requires a Plan of Subdivision and/or Plan of Condominium application and a Zoning By-law Amendment application. In order to demonstrate consistency with the PPS and conformity to the applicable policies of the Official Plan. The Official Plan policies also recommend Site Plan Control. The details and requirements for Site Plan Control could be considered through the review of the other applications. The following technical reports and studies are required to form a complete application:

- 1) Planning Justification Report – To demonstrate consistency with the PPS and conformity to the Township Official Plan.
- 2) Environmental Impact Study – Inclusive of a Lakeshore Capacity Assessment and Wildland Fire Assessment and Mitigation Report.
- 3) Archaeological Assessment - Required to confirm that there are no impacts to archaeological resources or areas of archaeological potential on the subject lands.
- 4) Traffic Brief – To confirm no traffic hazards and to address how the proposed private road will be maintained.
- 5) Geotechnical Investigation – To ensure that the soils are suitable on the subject lands for the proposed foundations, wells and septic systems.
- 6) Functional Servicing Report – Inclusive of Hydrogeological Study and Stormwater Management Report to demonstrate lots can be appropriately serviced.
- 7) Confirmation that the proposed development (dwellings) are not subject to flood hazards.

8) Confirmation of Hauled Sewage / Septage Capacity Report.

9) Ontario Land Survey.

The approval authority for the Plan of Subdivision or Plan of Condominium application is the Planning Board. Additional approvals may also be required from the Conservation Authority. A Plan of Condominium is recommended for the private road component of the proposed development.

This memorandum was prepared using the best available information, and we note that additional information may be required through the application process. This memorandum also provides no guarantee that the required applications will be approved.

In summary, the proposed development on the subject lands requires supporting information in order for the Plan of Subdivision or Plan of Condominium and Zoning By-law Amendment to be recommended for approval.

If you would like to discuss the proposed development, we would be pleased to set-up a call to review the findings of our initial review.