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Planning Report
Pt. Lots 18, 19, 20, Concession s 11 & 12,
Geographic Township of Machar
Township of Machar
Polsinelli/Nguyer

Prepared by John P Gallagher & Associates

May 2023

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1.0 Introduction

This planning report has been prepared by John P. Gallagher & Associates in support of applications for plan of subdivision and zoning amendment. The subject applications are submitted in tandem with this report together with the appropriate fees and supporting reports. The legal description is Part of Lots 18, 19, 20, Concessions 11 & 12, Machar.

The subject property has approximately 3,154 metres frontage on the west side of Bray Lake, approximately 1,000 metres on Riding Ranch Road. The large lot comprises approximately 151.5 ha lot area. The property has a seasonal dwellings and accessory structures located on it. This is in the area of Proposed Lot 10. The land is well treed with wetlands along the western boundary. The topography of the site generally grades down from the road to the water. All access driveways have been reviewed by the Engineer.

The land has a varied terrain. There are flat sections and hills on the lands. The area of the building sites have less than 30% grades across the envelopes. This building envelope identification has been done as part of the design process, to ensure areas of steep slopes are avoided and designed around, so as to minimize landscape alteration.

2.0 Proposed Development

The Owners, propose to obtain Draft Plan of Subdivision approval for the 20 lots. The proposal includes sixteen waterfront lots, with lot sizes ranging from 1 ha to 68 ha. All the lots would meet the 60 metre frontage requirement. There are also four rural lots proposed, with road frontages of 150m and lot sizes

ranging from 12.2 ha to 23.7 2ha. Prior commencing on the project, a preconsultation (April 27, 2020) was undertaken with the Township of Machar Planner, (MHBC). A significant number of supporting studies were required for the development. Given the workload of consultants over the last couple of years, it has taken this long to redesign the current plan to incorporate the findings of the studies, prior to submission. We had originally proposed 31 lots, which has now been reduced significantly by 11 lots. There was a single lot severance of the land on the north west side of the Bray Lake.

A single detached dwelling and associated accessory structures are proposed for each of the lots. All the building sites will be located a minimum of 23 metres setback from the water and well above the flood elevation for Bray Lake. The location of the building sites have been determined through detailed mapping, engineering and site visits using G.P.S. This was undertaken to determine the best location for building envelopes and access points in accordance with the approved policies of the Official Plan. As this is in the waterfront and rural areas, lake or well water and septic systems are proposed for each of the lots.

The surrounding area is comprised of single family dwellings on the eastern waterfront lots across the lake. The land to the north, south and west is generally rural lands with limited development.

A number of studies have been submitted with the application. These reports are to be read in conjunction with the Planning review, application and plans.

3.0 Machar Official Plan

The subject lands are designated as Rural, Shoreline and Natural Heritage Protection on Schedule A-Land Use of the Machar Official Plan. Below are Official Plan policies (italicized) with commentary on each policy.

B4.3 PERMITTED USES

Permitted uses in areas designated Shoreline on Schedule A shall include single dwellings, tourist commercial uses, marinas and recreational uses which existed on the date of approval of this Plan.

B4.4 GENERAL DEVELOPMENT POLICIES

All development on lands designated Shoreline and within 300 metres of the high water mark of the lake shall be deemed to have an impact on the lake unless it can be demonstrated otherwise.

Development may be subject to a Tree Cutting By-law passed by Council in accordance with Section 4 of the Trees Act. Council may also require that an Environmental Impact Report be prepared in accordance with Section B5.14.

The lands and waters have been evaluated by Riverstone Environmental and appropriate recommendations for the environmental features have been suggested. The EIS report recommendations can be incorporated into a 51-26 Agreement, registered on title to the lands and by

the site specific zoning bylaw. This will include requirements for vegetation retention, especially in the near shore area.

B4.4.1 Preservation of Vegetation

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.

Natural features shall dominate the shoreline, with the Township generally requiring that up to 90 percent of the front 15 metres of a lot be maintained in a natural vegetative buffer. Site alteration and disturbance of vegetation within 15 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work. Performance standards respecting the protection of the vegetative buffer and the amount and type of development permitted to encroach within the buffer shall be set out in the implementing Zoning By-law and through Site Plan Control. Approvals for new development or re-development will include requirements for landscape naturalization, improved on-site retention and treatment of wastewater and stormwater and improved compatibility with the natural environment.

The proposed plan incorporates the retention of vegetation on the site to create a low impact design. Building placement on the lot respects the 23 metre setback. Docking locations in Type 2 habitats (where docking structures are permitted) have been shown on the plan.

B4.4.4 Sewage Systems

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, unless it is not physically possible (due to terrain features or lot depth) to locate the sewage system at such a distance, in which case the system shall be located as far back as possible and in accordance with current legislated minimum setback requirements.

Where sewage systems cannot be set back 30 metres from the shoreline tertiary treatment systems shall be utilized. Tertiary treatment systems shall not be used as a means through which to permit new development on any at-capacity lake.

All septic systems will be located a minimum 30 metres from the present high water mark. The Tulloch report identifies the locations proposed for the septic and buildings.

B4.7 SHORELINE RESIDENTIAL DEVELOPMENT POLICIES

B4.7.1

New lots shall have a minimum frontage of 60 metres (200 feet) and generally be 1.0 ha (2.47 acres) unless a smaller lot size can otherwise be supported by technical information pertaining to the physical

characteristics and hydrogeology of the site in accordance with the MOE D-Series guidelines or their successor documents.

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.

All the lots would meet or exceed the requirements of the Machar Official Plan. Tulloch Engineering has reviewed the proposed septic system location for each lot and ensuring that both building and septic system can be placed on the lots.

B4.7.4 Private Roads

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. The conversion of an existing recreational residence on such roads into a permanent residence or the construction of a residence which will be used year round, will require Council to pass a By-law in accordance with Section D1.1.2 of this Plan.

Private rights of way are proposed for the lots within plan of subdivision. The existing driveway coming into the site will continue to be the main entrance. Tulloch has reviewed the access driveways throughout the land and provided direction for the location and construction of such driveways. This has been incorporated into the plan.

C1.2.2 Fish Habitat

Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. New development may be permitted within fish habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature and the Department of Fisheries has authorized such development or works in accordance with the Fisheries Act. Type 1 Fish Habitat is identified on the Schedules to this Official Plan, areas that are not identified as Type 1 fish habitat are of "unknown" significance; therefore applicants must consult with the appropriate authority (the Federal Department of Fisheries and Oceans) when proposing any development on lands adjacent to water. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 150 metres of a fish habitat area. "Type 1" fish habitat, unless a study shows that they would be located in Type 2 habitat.

Riverstone Environmental has reviewed the shoreline fish habitat and carrying capacity of the lake. The lots have Type 1 and Type 2 Fish Habitat shown, so that dock placement can occur in the appropriate area. Some of the lots had been reconfigured and lost, due to the presence of Class 1 Fish Habitat.

C1.5 FLOOD PLAINS AND EROSION HAZARDS

Development and site alteration within a floodplain is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodplain. A floodplain consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards. Schedule B to this Plan identifies flood plain areas that were identified based on interpretation of aerial photographs, and represent the best information available at the time that this Plan was prepared.

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.

No development/site alteration is permitted within the flooding hazard limit, as defined by the 100 year flood, Regional Flood, or within the 100 year Erosion Hazard limit, as defined by a qualified person and sealed /stamped by a professional engineer in accordance with the provincial guidelines outlined in the Ministry of Natural Resources Guide to Understanding Natural Hazards (2001). The top of bank shall be determined by an Engineer and/or Surveyor

The location of the proposed dwellings and associated access is above the flood elevation for Bray Lake. The lake level for Bray Lake is controlled by a dam on the south end of the lake. The contours on the draft plan identify the flood elevation.

C2.17.3 Subdivision/Condominium Development Policies

This section is intended to contain general Plan of Subdivision/ Plan of Condominium policies that are to be considered with every application for Plan of Subdivision / Plan of Condominium. Each Plan of Subdivision / Plan of Condominium shall comply with the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision /Plan of Condominium, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;*
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;*
- c) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services;*
- d) the density of the development is appropriate for the area;*

- e) the subdivision/condominium, when developed, will be integrated with other development in the area;*
- f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan;*
- g) the proposal conforms to Section 51 (24) of the Planning Act, as amended; and,*
- h) where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline. Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Township will be required.*

The residential plan of subdivision is not premature. There is a housing crisis occurring in Ontario and the creation of lots, supports people in need of housing. The economic policies of the Official Plan support tourism and recreational opportunities. The scale of the project is low with only 20 lots on 375 acres of land, so the density is quite insignificant. It would take a few years for the homes to be built on the lands. The subject lands benefit from the existing services provided by the Township. Additional tax revenue would be generated for the municipality. Ample room exists in sanitary treatment facilities for disposal of hauled sewage. The draft plan is in accordance with the recommendations from the EIS respecting the Environmental policies of the Official Plan. The recommendations will be implemented through a zoning amendment and a 51-26 agreement registered on title to the lands.

4.0 Provincial Policy Statement 2020

In the context of the PPS, the lands would be considered Rural Lands. The permitted uses include limited residential development and resource based recreational uses.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

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

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

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

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure

The permitted uses in the rural lands support both limited residential development and recreational dwellings. The Municipality has provided policy supporting the creation of the waterfront and rural lots. Within the plan, there are only four rural lots. These lots have been created with extensive frontage and lot area with lots ranging from 12 ha to 23.7 ha. The Official Plan supports economic growth and tourism and the benefits of allowing same. The creation of the rural lots provides additional tax revenue to the municipality, without having to extend services.

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

A Functional Servicing Report has been submitted together with the application. Private services are the preferred type of servicing in this area. Each of the lots have ample room for the placement of a dwelling, well and septic system.

The applications are consistent with the Provincial Policy Statements, 2020 by allowing proper use of the existing infrastructure, providing employment opportunities and housing, while meeting the servicing policies of the statements. Implementation of the recommendations of the Riverstone Environmental Impact Study and FSR will ensure protection of the environment. The Environmental Impact Study has identified environmental constraints onsite and provided buffers to address same. The plan has shown the flood elevation and the building envelopes and access will be above that elevation.

An Archaeological Assessment has been submitted to address PPS 2.6. No items of archaeological potential were encountered.

The new dwellings proposed on each of the lots will meet the current Ontario Building Code and Fire Code in their construction. This approach supports impacts of Climate Change.

5.0 Zoning

In reviewing the zoning on the subject lands, the property is currently zoned Rural (RU), Shoreline (SR) and Environmental Protection (EP). It is proposed to rezone the waterfront lots Shoreline (SR) with exceptions to identify docking facilities, vegetation retention, setbacks. The wetlands and associated buffers will be rezoned to Environmental Protection (EP).

The rural lots/back lots will be zoned Rural One (RU1). The wetlands and buffers on these lands will be zoned Natural Resource (NR).

The background report recommendations and studies will be incorporated in to the Site Specific Zoning Bylaw for the lands, as well the 51-26 Agreement.

6.0 Conclusion

It is my professional opinion the proposed draft plan of subdivision and zoning application are consistent with the Provincial Policy Statement 2020, conforms to the Machar Official Plan and will meet the requirements of the Machar Zoning Bylaw. The applications as submitted are appropriate and represent good planning.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'John P. Gallagher', with a stylized, flowing script.

John P. Gallagher, CPT, MCIP, RPP

Professional Planning Consultant