

• *Municipal Planning Services Ltd.* •

**MEMORANDUM**

**To:** Mayor Hall and Members of Committee  
**Copy:** Ms. Nancy Austin, Clerk  
**From:** Chris Jones MCIP, RPP  
**Date:** July 16, 2019  
**Re:** Consent Application (Bray)

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**CONSENT APPLICATION**

Mr. and Mrs. Bray have submitted an application for consent for a shoreline lot located in Part Lot 25, Concession 10. According to the application, the applicant's lot has an area of 3.8 hectares (9.4 acres) with a frontage of approximately 106 metres (347 feet) on Lake Bernard.

The applicant's lot is currently occupied by a dwelling located near the water's edge with access from Union Street. The subject lands also have frontage on Main Street.

The applicant wishes to sever a lot that would include the existing dwelling. The severed lot would have a lot area of approximately 6,300 m<sup>2</sup> (68,000 ft<sup>2</sup>), with a shoreline frontage of approximately 60 metres.

The retained, vacant lot would have a lot area of approximately 3.2 ha (7.9 acres) and a shoreline frontage of 42 metres (138 feet).

**LAKE BERNARD**

Lake Bernard is a "Lake Designated for Lake Trout Management" by the Ministry of Natural Resources and Forestry (2015). The reason for this designation is that the Lake Trout species depend on a special habitat found only in cold-water "Lake Trout" lakes (i.e. low nutrients, high dissolved oxygen, cold water).

The Provincial publication further explains that Lake Trout lakes are rare and only 1% of Ontario's lakes contain Lake Trout.

The implication of this designation is that planning policies regarding the creation of new lots or to intensify land use in shoreline areas are typically more restrictive and/or prohibitive. For example, the Township of Strong has policy restrictions regarding the creation of new lots on Lake Bernard in its Official Plan.

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**Chris D. Jones BES, MCIP, RPP**  
**51 Churchill Drive, Unit 1**  
**Barrie, Ontario**  
**L4N 8Z5**

## **PROVINCIAL POLICY STATEMENT (PPS 2014)**

Given that the Village does not have an Official Plan, the PPS is the primary policy document guiding planning decisions in the Village. There are two relevant policy sections for Council to consider given the status of Lake Bernard as a Lake Trout lake:

Section 2.1.5 d) states that development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.2.1 e) states that planning authorities shall protect.....water by implementing necessary restrictions on site alteration to protect, improve or restore sensitive surface water features.

Item g) of Section 2.2.1 also requires planning authorities to ensure the consideration of environmental lake capacity, where applicable.

## **ZONING BY-LAW**

The subject lands are zoned Residential Single Family (R1). The lot area and frontage of the severed and retained lots is compliant with the R1 Zone standards however it is recommended that the lot proposed to be severed identify the building location, the location of the on-site stream and topographic elevations to determine if any matters of non-compliance exist and would need to be remedied by a zoning by-law amendment as a condition of consent.

## **ANALYSIS**

The subject lands are quite large and there is a prospect that the new development on the retained lot could be serviced by the Village's sanitary sewer system. On this basis, it could be reasoned that the proposed severance will not be impactful on or detrimental to lake health or the lake ecosystem. Notwithstanding, it is not the role of Council or staff to justify matters of Provincial policy on behalf of an applicant.

It will be recommended that Council require the applicant to retain a qualified professional to review the MNRF Lake Trout Management policies against the proposed severance and provide an opinion together with any appropriate recommendations for consideration by Council and the CAPB.

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**RECOMMENDATION**

If Council is in agreement with the findings and analysis of this report the following recommendation is provided for consideration:

1. That CAPB require the applicant to prepare and submit a report by a qualified professional to review applicable provincial policy and guidelines pertinent to development on Lake Trout lakes and assess such policies in light of the application prior to rendering a final decision on the application; and,
2. That in the event CAPB approves the consent, that the applicant be required to submit a reference plan of the severed lot illustrating the location of buildings, the location of the stream as well as topographic elevations and that the applicant be required to remedy any area of non-compliance identified by the reference plan through a zoning by-law amendment.

Respectfully Submitted,



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Chris Jones MCIP, RPP