



Seguin Township

Report to Council

Prepared for: Township Council **Department:** Development and Protective Services

Agenda Date: October 1st, 2018 **Report No:** DPS-PL-2018-131

Application No: B-2018-0025-F
Owner(s): Nancy Johnston Covell & George Johnston
Agent: John Jackson Planner Inc.
Subject Lands: CON A PT LOT 131 RP 42R11500;PARTS 1-4
Civic Address 28 B & C Sterner Drive
Roll No.: 4903-030-008-02212 (28 C Sterner Dr.)
4903-030-008-02213 (28 B Sterner Dr.)

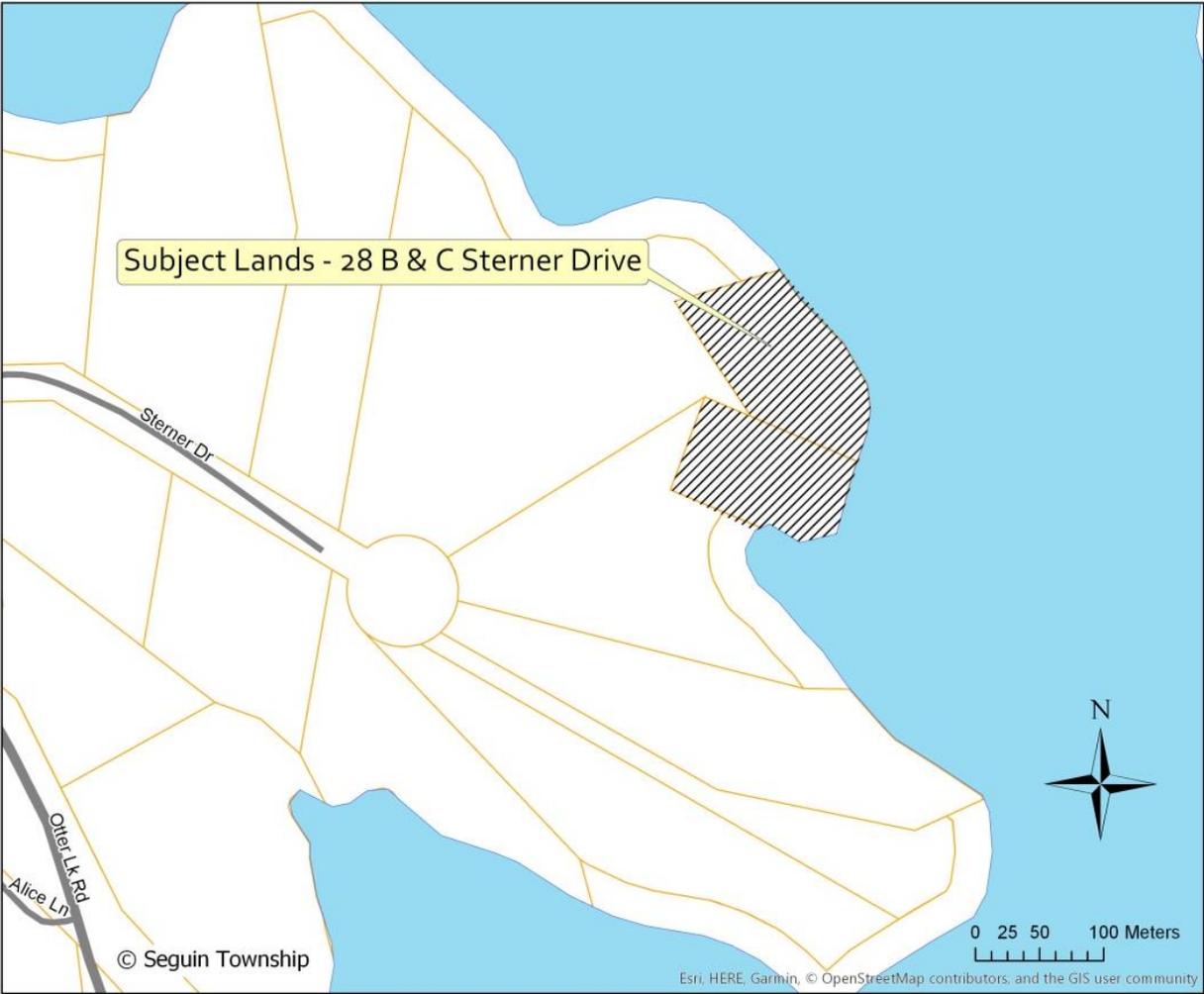
1.0 Recommendation

THAT Council receives this report for information, hear public and agency comments and direct staff to prepare a recommendation report for future Council consideration.

2.0 Background & Property Description

THE PURPOSE and EFFECT of the proposed Consent is to permit a "technical severance" to re-create a waterfront residential lot (28 B Sterner Drive) that has merged with an abutting waterfront residential lot (28 C Sterner Drive). The merged property contains 2 cottages, a boathouse, and a guest cabin. The subject lands currently have a by-law frontage of 139.5 metres and lot area of 1.23 hectares. As a result of the technical severance, the severed lot (28 B Sterner Drive) would have by-law frontage of 58.1 metres and a lot area of 0.53 hectares. The retained lot (28 C Sterner Drive) would have a by-law frontage of 112.5 metres and a lot area of 0.7 hectares.

Figure 1 – Key Map



Aerial Photo



4.0 Land Use Planning Policy & Analysis

4.1 Provincial Policy Statement (PPS) 2014

Pursuant to Section 3 of the Planning Act, all planning decisions must be “consistent with” the policies of the PPS. Section 1.1.4 of the PPS states that “In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses”.

Natural heritage features must also be protected (2.1) and development must not be permitted in significant habitat of endangered and threatened species, significant wetlands, and coastal wetlands. The Township must also protect, improve or restore the quality and quantity of water (2.2), including lake water, by using a watershed-based approach, minimizing potential negative impacts, implementing necessary restrictions on development and site alteration to protect sensitive lakes, and ensuring that stormwater management practices minimize stormwater volumes and contaminant loads.

4.2 Seguin Official Plan

The subject lands are designated SHORELINE AREA by the Official Plan. Permitted uses include “low density residential uses; recreational and tourist commercial uses; small scale industrial uses servicing the waterfront community; and parkland/natural areas”. For the purpose of development, there are several sections of the Official Plan that must be considered and read in conjunction during analysis of lot creation:

B.3.2.1 Lakes Trout Lakes at Capacity

- a) Appendix II to this Plan identifies the 11 lake trout lakes and four (4) upstream lakes where the amount of development has already reached or exceeded the lake's capacity as determined by the Province.
- b) New development, which shall include any development requiring a Planning Act application (excluding minor variances and site plan approvals) within 300 metres of the high water level of any lake trout lake identified in Appendix II shall not be permitted, except for development on existing lots of record where the existing zoning would permit the development. Zoning By-law amendments that may be permitted within 300 metres of these lakes could include an

amendment to permit shoreline structures or a change in zoning to permit fewer units or less intensive uses that will reduce phosphorus loading to the lake. Proposed zoning amendments must be accompanied by the required supporting studies as identified both in this Plan, and through preconsultation.

- c) New development on the four upstream lakes identified on Appendix II to this Plan may be permitted subject to modeling which confirms that there is a net reduction or no net increase in annual phosphorus loadings to the downstream lake.

If the modeling confirms no net increase, then development may be permitted subject to the submission of a Site Evaluation Report and the highest standards for development set out in this Plan, which may include the use of a sewage system with soils characteristics identified in Appendix B.

- d) If a cold water lake trout lake is identified by the Province as at capacity or no longer at capacity, Appendix II to this Plan shall be updated by Council without requiring an Amendment to this Plan.

Otter Lake is identified as a Lake Trout Lake at Capacity in Appendix II of the Official Plan.

B.3.3 – Recreational Carrying Capacity: Development shall not be permitted where a lake is “over capacity” with respect to recreational use. Otter Lake is a RCC over capacity lake.

B.12.2.1 – General Criteria (new lot creation): All new lot creation is subject to “good planning” with respect to minimum lot area, frontage, access, and servicing feasibility. Specifically, B.12.2.1 h) states that the retained and severed lot can be serviced with an appropriate water supply and means of sewage disposal and is generally a minimum lot size of 1 hectare or as approved in accordance with Section E5 of this Plan;

B.12.2.7 - Technical Severances: A consent application to correct a situation where two or more lots have merged on title may be considered, provided Council is satisfied that the new lot(s):

- a) was once a separate conveyable lot(s) in accordance with the Planning Act;
- b) merging was unintentional and was not merged as a requirement of a previous planning approval;

- c) is of the same shape and size as the lot which once existed as a separate conveyable lot;
- d) can be adequately serviced by on-site sewage and water systems;
- e) fronts on and will be directly accessed by a public road that is maintained year-round by a public authority;
- f) there is no public interest served by maintaining the entire property as a single conveyable parcel;
- g) conforms with the policies of B.12.2.1 of this Plan; and,
- h) is subject to the access policies of the relevant road authority.

C.3.1.3.1 – Residential Development Policies: New lots created through consent shall have a minimum area of 1 hectare and minimum lot frontage of 90 metres.

C.3.1.3.3 – Limits of Shoreline Development: Development applications shall include a Site Evaluation Report to identify significant natural features, and to prohibit development in areas that may present a negative environmental impact.

Section E – Transportation and Servicing contains policies with respect to the creation of rights-of-way, and that such permissions would not result in the creation of a situation where a driveway, laneway, or other private infrastructure requires the removal, modification, or other disruption of natural features and landscapes.

Section E.5.2, in part, states that, in the case of waterfront lots, a Hydrogeological Study supporting lot sizes of less than 1.0 hectares shall not be required where the proposed water supply will be treated lake source water. The Township will require in such cases an appropriate agreement ensuring that potable water supply shall be treated lake source water. Furthermore, all sewage treatment systems shall be set back a minimum of 20 metres from the shoreline. A greater setback may be imposed in order to address water quality issues.

Section F.3.1 states that, as a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the Implementing Zoning By-law. In some instances, it may be necessary and practical to allow the extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the Implementing Zoning By-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to another site.

4.3 Zoning By-law 2006-125

The subject lands are zoned Shoreline Residential Type 1 (SR1) Zone. Permitted uses in the SR1 Zone include cottages and single detached dwellings, and where permitted associated accessory structures such as boathouses, docks, gazebos, and guest cabins. The minimum standards for a lot in the SR1 Zone are as follows:

- i. Area (minimum): 1.0 hectares (Proposed Lot = 0.53 hectares / Retained Lot = 0.7 hectares)
- ii. Frontage (minimum): 90 metres (Proposed Lot = 58.1 metres / Retained Lot = 112.5 metres)

5.0 Analysis

As directed by Council, Staff will prepare a recommendation report wherein a thorough analysis of the merits of this proposal for their future consideration.

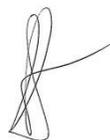
6.0 Conclusion

Recent changes to the Planning Act require Council to duly consider the comments received from agencies and the public during consideration of development applications. It is recommended that this report should be received and public comments be given consideration.

Respectfully submitted



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Reviewed



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