

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO: Mayor & Members of Council**  
**FROM: Stefan Szczerbak, Planner**  
**DATE: September 22, 2009**  
**RE: By-law Amendment Application:**  
**Z 26/09 LOB (Betula Forests Limited)**  
**Applicants: Betula Forests Limited**  
**Agent: List Planning**  
**Part Lot 14, Con. 4, Sinclair Ward**  
**Roll No. 020-005-00400**  
**1500 Limberlost Road**

**RECOMMENDATION:**

That Application **Z 26/09 LOB (Betula Forests Limited)** for an amendment to the Development Permit By-law No. 04-180, to fulfill a condition of Consent Applications **B 03, B 04 & B 05/08 LOB**, for the purpose of creating two new waterfront residential lots, be **APPROVED** and that By-law 09-112 be given three readings.

**ORIGIN:**

The applicant received approval to sever this property under Consent Applications **B 03, 04 & 05/08 LOB**, for the purpose of creating two new waterfront residential building lots. One of the conditions of the approval was that each of the severed lots be re-designated in order to implement the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited dated February 2009, including the preservation of the identified wetland areas, a 30 metre development setback from the edge of wetlands, and limiting the location of applicable shoreline structures. In addition, the amendment will specify that the only permitted shoreline structure will be docks not more than 8 feet wide, and to recognize the deficient water frontage of the severed lots of **B 04 & 05/08 LOB**. In order to fulfill these conditions of consent, it is necessary to amend By-law 04-180.

Accordingly, the purpose and effect of this by-law amendment is to re-designate the subject lands from the Waterfront Residential "(WR)" and Waterfront Environmental Protection "(WR)" Development Permit Areas as follows:

1. Re-designate the severed lot of **B 03/08 LOB** to the Waterfront Residential with an Exception "**WR-E215**" Development Permit Area to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (WEP-1) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and to revise the actual location of the identified wetland feature (Waterfront Environmental Protection (WEP) Development Permit Area);

2. Re-designate the severed lot of **B 04/08 LOB** to the Waterfront Residential with an Exception **"WR-E216"** Development Permit Area to permit a reduced water frontage of 145.3 metres (476 ft) and to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (WEP-1) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and finally to revise the actual location of the wetland feature (Waterfront Environmental Protection (WEP) Development Permit Area); and
3. Re-designate the severed lot of **B 05/08 LOB** to the Waterfront Residential with an Exception **"WR-E217"** Development Permit Area to permit a reduced water frontage of 145.1 metres (476 ft), and to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (WEP-1) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and finally to revise the actual location of the wetland feature (Waterfront Environmental Protection (WEP) Development Permit Area).

Application Z 26/09 LOB was received on August 5, 2009 and deemed to be complete on September 2, 2009.

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• B 03, B 04 &amp; B 05/09 LOB</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Pell Lake is classified as a Category 3 lake (7 to 69 ha)</li> <li>• "Type 1" &amp; "unknown" fish habitat - the direction to the Township from the Ministry of Natural Resources is that "unknown" fish habitat should be treated as "Type 1" habitat</li> <li>• Locally significant wetlands</li> </ul>
<b>Lake Phosphorous Sensitivity</b>	<ul style="list-style-type: none"> <li>• Moderate sensitivity to phosphorous</li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• Waterfront Residential "(WR)" Development Permit Area</li> <li>• Waterfront Environmental Protection "(WEP)" Development Permit Area</li> <li>• Waterfront Environmental Protection "(WEP1)" Development Permit Area One</li> </ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"> <li>• None present</li> </ul>

**Site Characteristics:**

The subject lands are vacant and are comprised of mature, natural vegetation. As a site visit was conducted in snow-pack conditions, it was difficult to determine the extent of the wetland areas as identified in the proposal. However, it was confirmed that several large wetland areas exist on these lands. It would appear that the lands also contain several rock outcrops and some steep slopes.

The lands generally slope in a southerly direction towards Pell Lake.

### **Surrounding Uses:**

The surrounding lands contain low density residential uses.

### **ANALYSIS:**

Members of Council may be familiar with this property and will recall that staff were supportive of the proposal to create two new residential building lots by way of Consent Applications **B 03, B 04 & B 05/08 LOB** (a copy of our staff report has not been included to avoid unnecessary printing). These amendment applications have been submitted to fulfil a condition of the approval for this related consent file.


Within the conditions for the provisional decision pertaining to Consent Application **B 03/08 LOB**, Condition Nos. 4 and 5 require that this lot be re-designated to the Waterfront Residential with an Exception "**WR-E215**" Development Permit Area to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (**WEP-1**) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and to revise the actual location of the identified wetland feature (Waterfront Environmental Protection (**WEP**) Development Permit Area).

Within the conditions of provisional approval pertaining to Consent Application **B 04/08 LOB**, Condition Nos. 3 and 4 require that this lot be re-designated to the Waterfront Residential with an Exception "**WR-E216**" Development Permit Area to permit a reduced water frontage of 145.3 metres (477 ft) and to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (**WEP-1**) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and finally to revise the actual location of the wetland feature (Waterfront Environmental Protection (**WEP**) Development Permit Area).

Finally, within the conditions of provisional approval pertaining to Consent Application **B 05/08 LOB**, Condition Nos. 3 and 4 require that this lot be re-designated to the Waterfront Residential with an Exception "**WR-E217**" Development Permit Area to permit a reduced water frontage of 145.1 metres (476 ft), and to address development restrictions along the shoreline areas (Waterfront Environmental Protection One (**WEP-1**) Development Permit Area) and wetland features as per the recommendations of the report entitled "Scoped Environmental Impact Study - Pell Lake" prepared by Michalski Nielson Associates Limited and finally to revise the actual location of the wetland feature (Waterfront Environmental Protection (**WEP**) Development Permit Area); and

Accordingly, as this application has been submitted to fulfill a condition of provisional approval for the related consent files and as this application generally meet the intent of the Township Official Plan, staff have no concerns with the approval of this application and it is recommended that By-law 09-112 be given three readings.

Respectfully submitted by:

  
\_\_\_\_\_  
Stefan Szczerbak, M.Sc., RPP, MCIP  
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-112**

BEING A BY-LAW TO AMEND BY-LAW 04-180 KNOWN AS THE DEVELOPMENT  
PERMIT BY-LAW (Betula Forests Ltd.)

**WHEREAS** it is deemed expedient to amend By-law 04-180.

**NOW THEREFORE** the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. Schedule "A" to By-law 04-180 is hereby amended by revising the limits of the Waterfront Environmental Protection (WEP) Development Permit Area boundaries and the Waterfront Environmental Protection One (WEP1) Development Permit Area boundaries located on **Part of Lot 14, Concession 4, Sinclair Ward**, now in the Township of Lake of Bays, and that the "**Waterfront Residential (WR)**" Development Permit Area be amended to the "**Waterfront Residential with an Exception (WR-E215)**", "**Waterfront Residential with an Exception (WR-E216)**" and "**Waterfront Residential with an Exception (WR-E217)**" Development Permit Areas, as shown on the attached Schedule "B".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

**"WR-E215:**

On lands designated "WR-E215", as shown on Schedule "B" attached to By-law 09-112, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Residential (WR) Development Permit Area designation permitted uses and amended by the following:

- a) Notwithstanding any provisions within Development Permit By-law No. 04-180, shoreline structures will not be permitted within the identified "Waterfront Environmental Protection One (WEP1)" Development Permit Area located adjacent to these lands.
- b) Notwithstanding any provision within Development Permit By-law No. 04-180, the only permitted shoreline activity area structure will be a dock not to exceed a width of 2.44 metres (8 feet) and a length of 2.44 metres (8 feet).
- c) Notwithstanding any provision within Development Permit By-law No. 04-180 any development (including the removal of vegetation) will be setback 30 metres from the identified Waterfront Environmental Protection (WEP) Development Permit Area boundaries and the Waterfront Environmental Protection One (WEP1) Development Permit Area boundaries.

**WR-E216:**

On lands designated "WR-E216", as shown on Schedule "B" attached to By-law 09-112, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Residential (WR) Development Permit Area designation permitted uses and amended by the following:

- a) Notwithstanding any provisions within Development Permit By-law No. 04-180, shoreline structures will not be permitted within the identified "Waterfront Environmental Protection One (WEP1)" Development Permit Area located adjacent to these lands.
- b) Notwithstanding any provision within Development Permit By-law No. 04-180, the only permitted shoreline activity area structure will be a dock not to exceed a width of 2.44 metres (8 feet) and a length of 2.44 metres (8 feet).
- c) Notwithstanding any provision within Development Permit By-law No. 04-180 any development (including the removal of vegetation) will be setback 30 metres from the identified Waterfront Environmental Protection (WEP) Development Permit Area boundaries and the Waterfront Environmental Protection One (WEP1) Development Permit Area boundaries.
- d) Substituted Development Permit Designation Provisions:

**i) MINIMUM WATER FRONTAGE FOR NEW LOTS**

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
On a Category 3 lake	145.3 metres	None	Any

**WR-E217:**

On lands designated "WR-E217", as shown on Schedule "B" attached to By-law 09-112, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Residential (WR) Development Permit Area designation permitted uses and amended by the following:

- a) Notwithstanding any provisions within Development Permit By-law No. 04-180, shoreline structures will not be permitted within the identified "Waterfront Environmental Protection One (WEP1)" Development Permit Area located adjacent to these lands.
- b) Notwithstanding any provision within Development Permit By-law No. 04-180, the only permitted shoreline activity area structure will be a dock not to exceed a width of 2.44 metres (8 feet) and a length of 2.44 metres (8 feet).
- c) Notwithstanding any provision within Development Permit By-law No. 04-180 any development (including the removal of vegetation) will be setback 30 metres from the identified Waterfront Environmental Protection (WEP) Development Permit Area boundaries and the Waterfront Environmental Protection One (WEP1) Development Permit Area boundaries.
- d) Substituted Development Permit Designation Provisions:

**i) MINIMUM WATER FRONTAGE FOR NEW LOTS**

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
On a Category 3 lake	145.1 metres	None	Any

- 3. Schedules "A" and "B" hereby form part of this By-law.
- 4. All other provisions of By-law 04-180, as amended, shall apply.

**READ a FIRST and SECOND time this 22<sup>nd</sup> day of September, 2009.**

\_\_\_\_\_  
Mayor

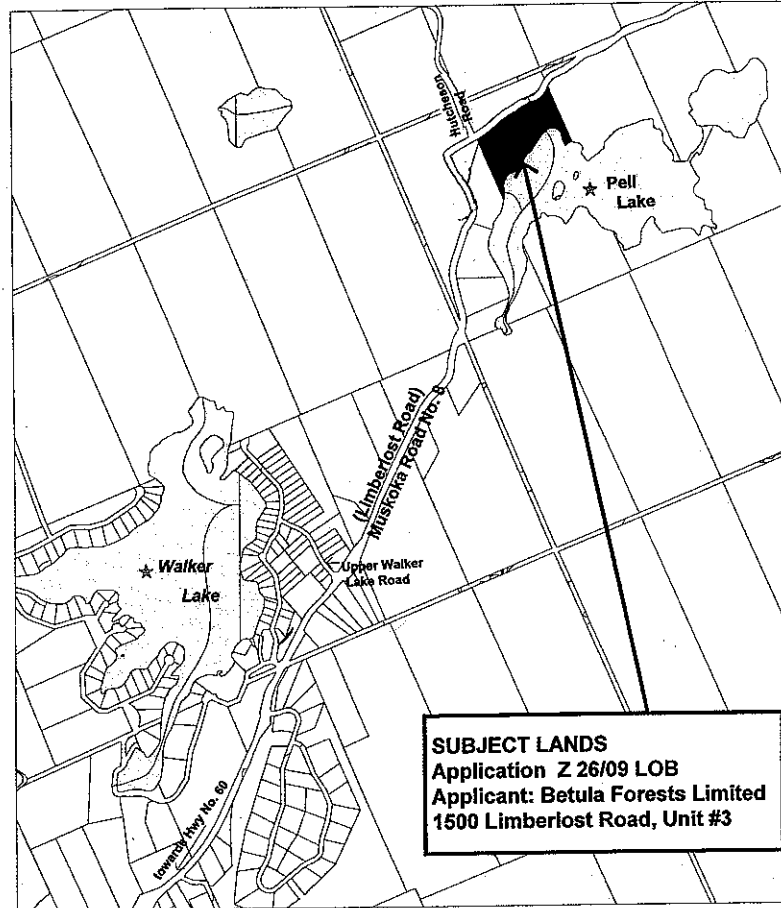
\_\_\_\_\_  
Deputy Clerk

**READ a THIRD time and finally passed 22<sup>nd</sup> day of September, 2009.**

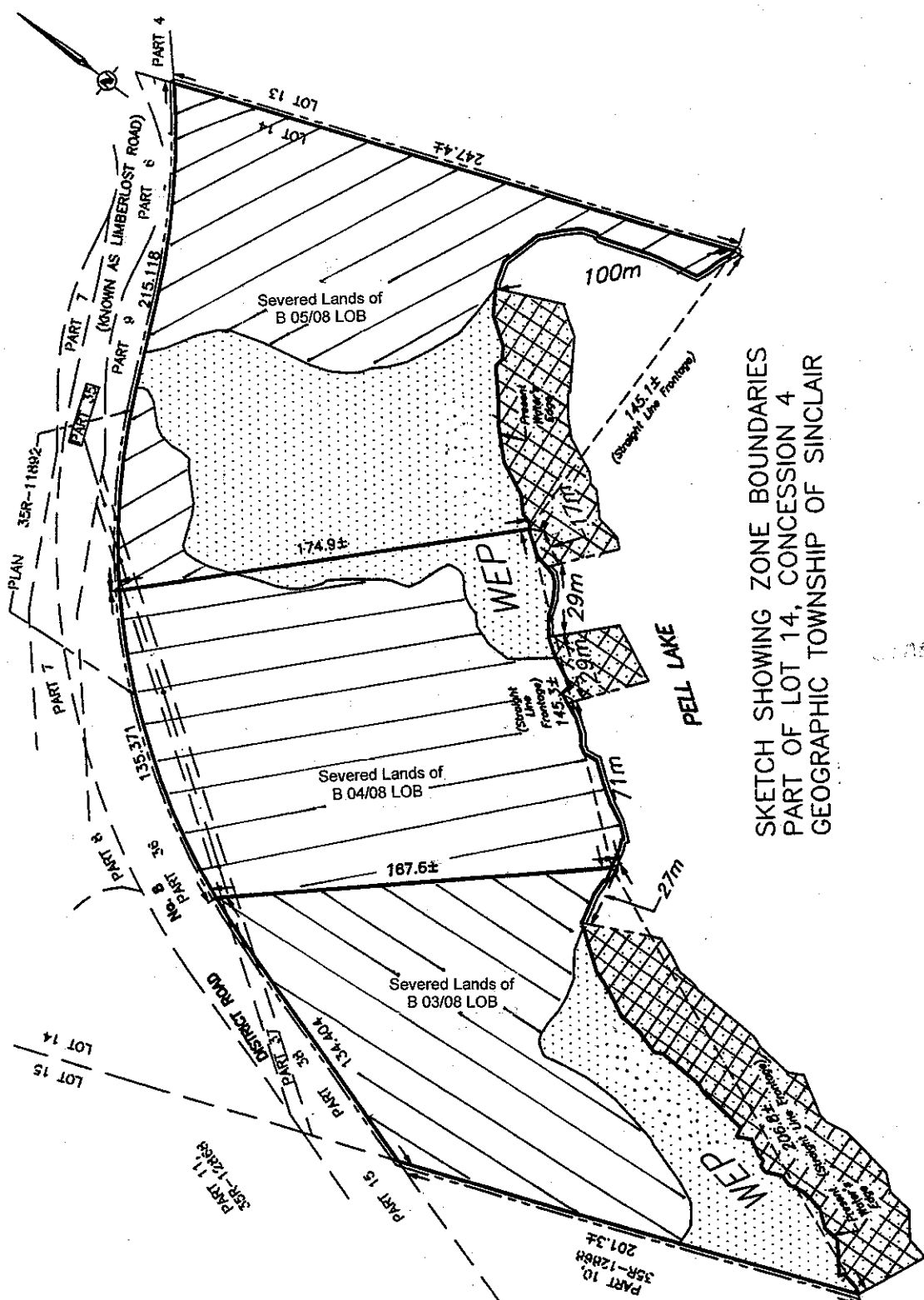
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk


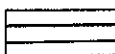

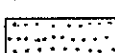

**SCHEDULE "A"**  
**By-law Amendment No. 09-112**



**SCHEDULE "B"**  
**By-law Amendment No. 09-112**



SKETCH SHOWING ZONE BOUNDARIES  
 PART OF LOT 14, CONCESSION 4  
 GEOGRAPHIC TOWNSHIP OF SINCLAIR

	SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E215)" Development Permit Area
	SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E216)" Development Permit Area
	SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E217)" Development Permit Area
	SUBJECT LANDS to be included within the Waterfront Environmental Protection "(WEP)" Development Permit Area
	SUBJECT LANDS to be included within the Waterfront Environmental Protection One "(WEP4)" Development Permit Area