



Staff Report PL2021-079

Title of Report: PL2021-032-Wilders Lake Subdivision
Department: Clerks
Branch: Planning Services
Council Date: April 21, 2021

Recommendation:

Be it resolved that Council receive Staff Report PL2021-079 for information; and
That Council consider approval of Zoning By-law 2021-137 at the next Council meeting; and

That Council direct staff to prepare a report regarding a mandatory inspection program and how it might be implemented to inspect pre-existing septic systems conditions as future safeguards to protect Wilder Lake; and

That Council direct staff to investigate limiting motorized boats on the lake, if we have those enforcement powers; and

That Council direct staff to investigate preparing a Township wide illumination by-law to address Dark Sky policies for future development.

Property Location: 263512 Southgate Road 26



Subject Lands:

The subject lands are described as Con 21 Pt lots 2,3 and 4 RP 16R6386 Pts 1,2 & 3 in the Geographic Township of Egremont, Township of Southgate. The lands are approximately 48.96 ha (121 acres) in size. The lot has proposed accesses from Southgate Road 26. The lands are further described as 263512 Sg Road 26. The section proposed for development is approximately 21.10 hectares (52 acres±).

The Proposal:

Twenty-nine (29) estate residential lots are proposed to be developed along both sides of the road frontage with an average lot area of .4 hectares (1 acre). A lot which includes the golf course buildings will also be created and included as part of the draft plan of subdivision. The remaining 27.86 ha will be the golf course lands and will continue to be used as a golf course. The proposed development will include three open space blocks and grassed swales for stormwater management purposes. The open space blocks 30,31,32 will contain three stormwater retention ponds, two new ponds and one existing wet pond). The swales will provide for preliminary infiltration and filtration of stormwater.

(Figure 1 from Cuesta Planning Report)



Each lot will be serviced individually via drilled wells and septic systems. The large lots will ensure the services can be accommodated adequately.

Development setbacks have been established in accordance with the findings of the Environmental Impact Assessment (EIA). The EIA also includes a planting plan for trees and special vegetation species to enhance protection of on-site natural heritage features.

The site is intended to be developed in two phases. The first phase will include the internal road from the entrance to the site, east to the lake and the portion of road parallel to the lake. The lots along this portion of frontage will be included in the first phase along with all stormwater features. Phase two will complete the looped roadway and include the remainder of the lots.

Background:

In 2018 and 2019 the applicant pre-consulted with the Township of Southgate and County of Grey regarding studies that would be required. In January of 2020 application C1-20 was received and deemed complete. Studies that accompanied the Draft Plan of Subdivision include and Archeological study stage 1 and 2, An Aggregate Potential Opinion letter, An Environmental Impact Assessment, a Stormwater Management Report, a Visual Impact Study, a Planning Justification Report, a Hydrogeological Report and Servicing Study.

A virtual public meeting was held on September 23, 2020.

The Hydro Geological Report was also peer reviewed on behalf of the Township and County by Burnside Engineering.

Supporting documents and comments received are posted on the website and are available at:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C1-20-H-Bye-Construction-Wilder-Lake-Subdivision>

Planning Report PL2021-032 was presented to Council on April 21st with recommended draft plan conditions. (Attachment #2)

On July 8th, 2021 the County of Grey granted draft plan approval (Attachment #3) in early August the County issued a notice that no appeals had been received.

Discussion:

The draft plan conditions are included with Attachment #3. Some important conditions that have been included to address comments received at the public meeting include condition # 3 which requires the subdivision agreement to be registered on title of each lot within the draft plan.

Condition #7 requires that the ownership and maintenance of the Stormwater management blocks and the dock block be established as common elements through a condominium exemption process with the lots being parcels of tied land.

This will also be recognized in the subdivision agreement, with the Township retaining function maintenance easements on the storm ponds.

Condition #9 requires that the subdivision be zoned appropriately and that the zoning have a holding provision, to be removed upon entering into the subdivision agreement and registration of said agreement.

Condition #12 spells out certain provisions that are to be included in the subdivision agreement. These provisions include inclusion of the recommendations of the Environmental Impact Assessment, the Visual Impact Study and the provision of a landscaped plan including a tree planting and retention plan using tree species that are natural to Ontario.

One of the important provisions to addressing neighbouring concerns is 12(i) which requires the subdivision agreement to include an Environmental Management Plan (EMP) which will serve as a land stewardship document for future landowners. It includes provisions such as limiting or prohibiting fertilizers to limitations/setbacks on shoreline clearing adjacent to the lake. It also speaks to minimizing any potential impacts to the lake associated with using the lake for recreational purposes. For a full list see the condition in Attachment 3.

Condition 15 (c) also requires that the subdivision agreement include a provision that all outdoor lighting and streetlights be designed to minimize the impact on dark skies.

County of Grey Official Plan

The County of Grey has approved the draft plan with conditions, within the Inland Lakes and Shoreline designation.

Township Official Plan

The Township of Southgate Official Plan designates the subject lands as "Inland Lakes and shoreline" area. The proposal is consistent with this designation and the required studies have been provided.

Zoning By-law

The lands are currently zoned C5-45 and Environmental Protection (EP). The permitted uses of the C5 zone are below

"Section 19: Recreational Commercial Zone (C5)

19.1 Permitted Uses

- (a) Marinas, Outdoor Recreation Use, Place of Entertainment, Eating Establishment, Tourist Establishment, Private Park, Private Outdoor Recreational Use, Recreational Use, Private Boat Club Facility, Private Club, Clubhouse, Driving Range, Miniature Golf Course, Assembly Hall, Recreational Camp Facility.

(b) Uses, buildings and structures accessory to a permitted use.”

The permitted uses of the exception zone are as follows:

“C5-45 Lands within the Recreational Commercial (C5-45) Zone, being Part of Lots 2 and 3, Concession 21, (in the former Township of Egremont) and shown on Schedule “3”, shall, permit, in addition to the permitted uses of the “C5” Zone, a “Lodge, Retail Store accessory to a Golf Course and Eight Housekeeping Cottages” Any extension or enlargement of the “Lodge, Retail Store accessory to a Golf Course and Eight Housekeeping Cottages” shall require an amendment to this By-law.”

The subdivision has been designed so that most of the lots comply with the R5 zone provisions. There are three exceptions however which will require relief from the frontage provisions of the R5 zone. The three stormwater management blocks are proposed to be zoned as Open Space.

While it is suggested that the Environmental Protection Zone (EP) zone along the waterfront be modified to allow for small sheds and structures, Township staff are of the opinion that no buildings, structure or site alteration should occur within the EP zone along the waterfront. This is largely to comply with the recommendations of the visual impact study. Once the cabins have been removed tree planting is to occur to fill in the gaps in the tree screen.

Given the increased development on private services, it is recommended that the C5-45 exception zoning be amended to remove the cottages and lodge from the list of permitted uses.

To address some of the concerns of the residents and place limits on rural development on private services, it is also recommended that all of the residential lots be zoned to prohibit secondary units and short-term accommodation such as bed and breakfasts and Air BnB’s.

The draft plan conditions also require that all of the Residential Zones be zoned with a holding symbol to be removed upon registration of the agreement on title.

Discussion regarding health conditions of surrounding the lake:

Some of the residents have indicated that the lake is experiencing some distress even prior to development including some Golden Brown Algae.

While this current issue is not an issue as far as the new subdivision is concerned because of the environment impact mitigation requirements of the development to protect the lake, the Township can help to resolve it. To address this issue, it is staff’s opinion that the Township should consider a mandatory septic system inspection and pumping program for the existing residents on the lake, as well as the future inspections and pumping of all the new lots in the proposed subdivision.

This will assist in reducing any potential run off from septic systems and the deterioration of the lake water quality. If Council support this approach, staff will present a report on how such a program could be implemented and funded.

Night Lighting and Dark Sky preservation:

The Township Engineering Standards Require all newly installed development lighting to be Dark Sky compliant. This can be further enforced as a condition within the Subdivision Agreement and is a condition of the draft plan approval. In addition, to the proposed residential units to be constructed, it is staff's recommendation that the existing lighting around the Homestead clubhouse and dock lighting be examined for dark sky compliance and be required as part of the subdivision agreement to replace the lighting to reflect the Township and neighbours desire to preserve dark skies.

To further remove this issue as solely an issue for the Wilder Lake area, if Council so desires, an illumination by-law can be prepared and brought forward to cover the entire Township rather than just one specific area. Staff have included an example of such a by-law as Attachment #4.

Lake Recreation Use:

There has been concern about recreational boating and the potential increase of boaters on the lake. This may happen with the increase in the number of lots in the area. Some residents have requested that the Township designate the lake as a non-motorized lake. This would reduce noise from engines and jet skis as well as increase the safety on the lake. If Council desires to explore this option, to address this concern, staff would recommend that it be done as a separate process starting with finding out if we have the legal right to enforce, providing information signage to educate or do we want to have those enforcement powers when we do not have the equipment or training to operate on the water to enforce such a by-law or have the OPP take this responsibility. Prior to introducing a by-law we should complete a survey of all the present and future residents surrounding the lake regarding motorized vehicle use on Wilder Lake.

Conclusions

Based on the policy review conducted in the previous report (Attachment #2) and the information provided, and comments received, the proposal is consistent with the Policies of the Provincial Policy Statement, The County of Grey Official Plan and the Township of Southgate Official Plan and implements the conditions of the Draft Plan. It is therefore, recommended that the zoning by-law amendment be approved.

Respectfully Submitted,

Municipal Planner: Original Signed By
Clinton Stredwick, BES, MCIP, RPP



CAO Approval: ***Original Signed By***
Dave Milliner, CAO

Attachments:

- 1.** Draft Plan of Subdivision
- 2.** Staff Report PL2021-032
- 3.** Draft Plan approval from the County of Grey
- 4.** Lake of Bays illumination By-law