

COMMITTEE OF THE WHOLE

December 6, 2022

Report #PD-2022-49
Noelle Reeve, Planner**REMOVAL OF HOLDING ZONE MABERLY PINES SUBDIVISION****STAFF RECOMMENDATION(S)**

It is recommended:

“THAT, the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines) be lifted as the Rideau Valley Conservation Authority has indicated they are satisfied with the revised Lot Servicing Report and Plan for the Maberly Pines Subdivision by BluMetric consultants.”

BACKGROUND

On June 22, 2021, Council placed a Holding Zone By-Law on the undeveloped lots in the Maberly Pines subdivision (see Attachment 1) because there had been a surge of interest in building on these lots as a result of Covid-19 and the Planner had determined there was no lot layout for septic, well, and house locations for the subdivision.

Council directed that a Request of Proposals be tendered to undertake the work of creating a lot layout plan.

In November 2021, BluMetric Environmental Inc. provided a Draft Hydrogeological Report on the Maberly Pines subdivision to the Township. The Report determined there was sufficient water quality and quantity for the lots and also that there was sufficient nitrate dilution capacity for septic systems for the lots if future development incorporates appropriate alternatives for wastewater treatment at lots that are not suitable for conventional systems.

The Township referred the draft report to the Rideau Valley Conservation Authority (RVCA) for comment and received formal comments in April 2022.

The RVCA and BluMetric held discussions to clarify what additional information would be required. RVCA requested that the final report recommend a maximum bedroom number based on the capability of the aquifer taking into considerations cumulative impacts. In addition, the RVCA requested that the bed and breakfast use currently permitted in the residential zoning be removed.

The RVCA also requested that further detail on the locations of the septic system mantles be provided. (The mantle is the area of sand on the edges of the tile beds of the septic systems

that require sand to be imported because the existing depth of soil is insufficient to dilute the nitrates from the septic systems).

DISCUSSION

Based on discussions with the RVCA, BluMetric has submitted a revised Lot Servicing Plan that provides more detail on which lots are capable of using conventional septic systems, which lots are recommended to use composting toilets, and which should use Tertiary Treatment Systems due to the steep slopes on the lot (see Attachment 2). Incinerating toilets would be acceptable on all lots.

The Township has received confirmation from the RVCA that the Lot Servicing Report and Plan is acceptable.

Therefore, Council is in a position to lift the first requirement of the Holding Zone and implement the Report's recommendations.

The second requirement to lift the Holding Zone on any individual lot is that the lot have a Site Plan Control Agreement developed for it that will be registered on title. The passage of Bill 23, however, may affect this requirement.

The Maberly Pines lots are located in the subwatershed for Little Silver and Rainbow Lakes. Mitigation methods may be needed for the ponds and stream in Maberly Pines to prevent that development from exacerbating the water quality situation for the two lakes to the south.

If mitigation measures are required, they would include maintenance of a vegetated buffer around the ponds and stream, eavestroughs that drain to soak away pits away from the ponds and additional phosphorous removal system requirements for septic systems that cannot meet the 30m setback from water.

OPTIONS TO BE CONSIDERED

Option #1 (Recommended) – Council lifts the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines).

Option #2 – Council suggests alternate action to be undertaken.

FINANCIAL CONSIDERATIONS

None, at this time.

STRATEGIC PLAN LINK

Economic Development: The Maberly Pines subdivision offers potential new economic development.

Environment - Tay Valley continues to be known for its environmental policies and practices. Our residents have access to clean lakes and a healthy, sustainable environment.

CLIMATE CONSIDERATIONS

Clustering development close to the Hamlet of Maberly will have less environmental impacts than allowing sprawling severances to occur. Mitigating the impacts of development on lakes and designing water and septic services to be resilient will contribute to protecting water quality in the face of increased heat, drought, flooding and other negative impacts due to climate change.

CONCLUSIONS

The RVCA has concluded that the additional work undertaken by BluMetric Inc. to address the RVCA comments on the original Hydrogeological Report has provided an affirmative answer to the question of whether the lots in the Maberly Pines subdivision can be developed safely (i.e., without impacting each other's wells and septic systems and without impacting the surrounding watershed).

ATTACHMENTS

1. By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines)
2. Restricted Lot Layout Servicing Plan (Figure 4)

Prepared and Submitted By:

Approved for Submission By:



**Noelle Reeve,
Planner**



**Amanda Mabo,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-033

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED
PLAN 21 LAKESIDE LIVING (MABERLY PINES)
(GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)**

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 THAT, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones):

the zoning of Residential (R) on the vacant lands legally described in PLAN 21 geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark be amended with the addition of a Holding symbol (h), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 THAT, the vacant properties in PLAN 21 are hereby placed into a holding designation. The holding designation requires:

- A supportive Hydrogeological Report as well as a Servicing Options Report before building permits can be issued;
- Site Plan Control Approval.

1.3 THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject properties.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-033**

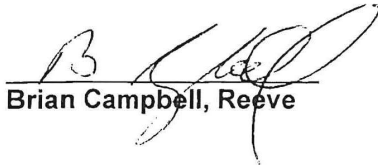
1.4 THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 22nd day of June 2021.


Brian Campbell, Reeve




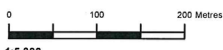

Amanda Mabo, Clerk



- LEGEND**
- ◆ Supply Well
 - Elevation Contour - 1 m (MNR)
 - Elevation Contour - 5 m (MNR)
 - ➔ Downslope Direction
 - Dwelling
 - Conventional Raised Septic Bed
 - Lot Boundary
 - Conventional Lot (no shading)
 - Developed Lot
 - Lot Likely Exceeds Maximum Allowable Gradient Listed in OBC for Septic Systems
 - Alternate System Recommended - Composting Toilet
 - Tertiary treatment system indicated. PLEASE NOTE: It is recommended that Tay Valley Township create and maintain a database of locations where tertiary treatment systems are indicated. The database should be used to ensure that the owners of tertiary treatment

REV.	DESCRIPTION	YY/MM/DD	BY	CHK
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REFERENCES
 PROPRIETARY INFORMATION MAY NOT BE REPRODUCED OR DIVULGED WITHOUT THE WRITTEN CONSENT OF BLUMETRIC ENVIRONMENTAL INC. DO NOT SCALE DRAWING. THIS DRAWING MAY HAVE BEEN REDUCED. ALL SCALE NOTATIONS INDICATED ARE BASED ON 1/4" = 1' POINT DRAWINGS.

1:5,000

CLIENT
 Tay Valley Township - Maberly Pines

PROJECT
 Hydrogeology Study

TITLE
 Conceptual Lot Development Plan B (Restricted Private Services)

The Tower - The Woolen Mill,
 4 Cataragui St.,
 Kingston, Ontario K7K 1Z7
BluMetric™ Environmental
 TEL: (613) 531-2725
 FAX: (613) 531-1852
 Email: info@blumetric.ca
 Web: http://www.blumetric.ca

PROJECT # 220037	DATE September 06, 2022		
DRAWN GM/IT	CHECKED RC	FIG NO. 04	REV 0

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