



Tay Valley Township

# REPORT

## COMMITTEE OF THE WHOLE June 20<sup>th</sup>, 2017

Report #PD-2017-18  
Noelle Reeve, Planner

### OPTIONS FOR SEVERANCES ON FARREN AND ADAM LAKES

#### **STAFF RECOMMENDATION(S)**

It is recommended:

**“THAT**, Council provide direction to staff to enact an Interim Control By-Law to freeze lot creation on Farren and Adam Lakes;

**THAT** an Official Plan Amendment be drafted to propose an increase in the size of lots that may be severed on Farren and Adam Lakes as well as other water quality protective measures;

**AND THAT** staff amend the Zoning By-Law at the same time as the Official Plan Amendments.

#### **BACKGROUND**

The Planner has recently received a preliminary enquiry about the possibility of one or more severances on Farren Lake. In 2011, lake associations in Tay Valley initiated a pilot project with the Ministry of Environment to undertake Lake Capacity studies. While most of the lakes were not determined to be at capacity for phosphorus loading, both Adam and Farren Lakes were found to be at capacity. Farren Lake was further found to be more sensitive to future phosphorus loading than Adam Lake.

Council, therefore, passed an Interim Control By-Law under Section 38(7) of the *Planning Act* freezing lot creation on Adam and Farren Lakes for one year. That By-Law was subsequently extended for six months to provide time for recommendations to be agreed.

An Interagency Group was organized by the Planner to study the implications of the high phosphorus levels in the two lakes. The Interagency Group consisted of Ministry of the Environment, Ministry of Natural Resources, Rideau Valley Conservation Authority, Mississippi Conservation Authority and Tay Valley Township with participation from the Adam, Farren and Otty Lake Associations, as well as the Lake Network Association.

A subset of the Interagency Group looked at tools that have been used elsewhere in Ontario and could be used by Tay Valley Township to implement lake protection based on the biological criteria for warm water lake health. These tools include:

- a) Site Plan Control Agreements for new development or renovations and Development Agreements for new lot creation;
- b) Mandatory Septic Re-inspection program;
- c) Lake Capacity Study undertaken by the applicant for individual development applications, severances or subdivision applications;
- d) Site Alteration Control By-Law for all properties on Farren and Adam Lakes;
- e) Increasing lot size through an Official Plan Amendment;
- f) Requiring the best phosphorus removal septic systems to be used when a cottage is built or renovated (e.g., propane system).

Of the six tools proposed above, Tay Valley Township was already using a) Site Plan Control and Development Agreements as well as b) Mandatory septic Re-inspection program.

The other tools were either unavailable (at the time the Ministry of the Environment (MOE) had not accredited septic systems for phosphorus removal) or not supported by MOE or not supported by Council.

Since 2012, however, the Lake Capacity Model has been adopted by the province as part of the *2014 Provincial Policy Statement* and, therefore, given standing in the review of planning applications.

## **DISCUSSION**

Victor Castro, Ministry of the Environment and Climate Change (MOECC), stated in a recent email to the Planner that he saw two alternatives for the Township:

- i) amend the Official Plan to state the lakes are at capacity and no more severances will be permitted (as is the case with Silver Lake), or
- ii) amend the Official Plan to increase the lot size and frontage (as is the case already for Adam for frontage and in Central Frontenac for lot size) and require increased septic design to mitigate phosphorus migration into the lake. Identify studies needed (e.g., related to soil depths and types) and review whether site alteration or tree cutting By-Laws are needed or if these issues can be covered through Site Plan Control Agreements.

The Township lawyer recommended amending the Official Plan to create an overlay/designation identifying the lands affected by a policy developed by the MOECC and the Township for lakes sensitive to phosphorus loading e.g, any studies needed. She also suggested that the Zoning By-Law be amended at the same time to establish minimum lot size, minimum lot frontage, setbacks required, and the size of vegetated buffer.

She advised that three years must have elapsed between a previous Interim Control By-Law for an area before a new Interim Control By-Law can be introduced for the same area. More than three years have elapsed since the previous Interim Control By-Law.

While these options would address new development, the Farren and Adam Lake Associations (and other lake associations) recognize that the impact of existing development patterns has a more significant impact on the lake. That is why many municipalities have Site Alteration By-Laws (as in the Muskokas) which are intended to maintain the area between a dwelling and the shoreline in a natural state to protect lake quality.

The Township lawyer also suggested a Site Alteration By-Law may be appropriate to address existing as well as new development.

### **OPTIONS CONSIDERED**

Option 1 (recommended): That Council provide direction to staff to enact an Interim Control By-Law to freeze lot creation on Farren and Adam Lakes and that an Official Plan Amendment be drafted to propose an increase in the size of lots that may be severed on Farren and Adam Lakes as well as other water quality protective measures and that staff amend the Zoning By-Law at the same time as the Official Plan Amendment.

Option 2: Council provide direction as to whether an Official Plan Amendment be drafted to identify Farren and Adam Lakes as at capacity lakes (as Silver Lake currently is) and, therefore, no further lot creation will be permitted for those lakes.

Option 3: Council direct staff to point out in the Township municipal reply to the severance application that Farren Lake has Lake Capacity issues and leave it to the Lanark County Land Division Committee to order a study on appropriate lot size, frontage and other measures to protect the lake or leave it to for them to deny the severances. This would only deal with one application at a time and may trigger a rush of applications depending on their decision.

### **STRATEGIC PLAN LINK**

Not applicable.

### **FINANCIAL CONSIDERATIONS**

Possible appeal of the Official Plan Amendment. However, unlike previously, MOECC staff are willing to support an Official Plan Amendment based on the Lake Capacity Model.

### **CONCLUSIONS**

The Lake Associations for Adam and Farren lakes have sought higher protection for the water quality of their lakes because of the results of a Lake Capacity Study showing them to be at risk. A number of measures were authorized by Council in the past to protect these lakes –Site Plan Control, Mandatory Septic Re-inspection, and inclusion of their Lake Management Plans in the recent update to the Township Official Plan. However, the

Township lawyer recommends protecting Farren and Adam lake water quality through an Official Plan Amendment developed while an Interim Control By-Law is in effect for the lakes.

**ATTACHMENTS**

None

**Prepared and Submitted By:**

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