

COMMITTEE OF THE WHOLE

December 4, 2018

Report #PD-2018-39
Noelle Reeve, Planner

PROPOSED OFFICIAL PLAN AMENDMENT FOR FARREN AND ADAM LAKES

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Staff be directed to apply to the County of Lanark to undertake an Official Plan Amendment for Farren and Adam Lakes. The amendment process will include at least one Public Meeting as required by the *Planning Act*,

AND THAT, the Interim Control By-Law be extended for a final six month period.”

It is recommended:

“**THAT**, Staff be directed to prepare a Site Alteration By-Law to prevent the stripping of vegetation and changing of grades on waterfront lots in consultation with Lake Associations.”

It is recommended:

“**THAT**, as an incentive to the creation of Site Plan Control Agreements for properties that are not required to have one, the Township undertake the process to amend its Fees and Charges By-Law to waive the associated fee and deposit.”

BACKGROUND

In 2011, at the request of Lake Associations in the Township, the Ministry of Environment, Conservation and Parks (MOECP) used their *Lake Capacity Handbook* methodology to assess the capacity of seven lakes for further development. Farren Lake was found to be the most sensitive to future development impacts from nutrient loading (i.e., phosphorus). Adam Lake was also found to be sensitive to phosphorous loading.

Section 2.2.2 (g) of the *Provincial Policy Statement* requires that, “Planning authorities shall protect, improve or restore the quality and quantity of water by ensuring consideration of environmental lake capacity, where applicable.” In response to severance enquiries on

Farren and Adam Lakes, and concern expressed by the Lake Associations, Council enacted an Interim Control By-Law in 2017 freezing new severances and new development on the two lakes. The freeze will expire December 19, 2018.

As required under the *Planning Act*, an Interagency Advisory Group was organized to study the implications of the high phosphorus levels in the two lakes. The Planner has used the information provided by the Group to provide recommendations to Council.

The Interagency Group consists of representatives from the Ministry of the Environment Conservation and Parks; Ministry of Natural Resources and Forests; Rideau Valley Conservation Authority; Mississippi Valley Conservation Authority; Mississippi Rideau Septic System Office; and Tay Valley Township with participation from the Adam and Farren Lake Associations.

DISCUSSION

MOECP suggested that based on its results of its studies, both lakes could be declared at capacity for development (in the same way cold water trout lakes are declared at capacity) with no further development permitted. Tay Valley Township has one at capacity cold water trout lake – Silver Lake. However, Council indicated that they would like to be presented with other options besides MOECP declaring both lakes at capacity.

Therefore the Interagency Group developed five proposals that would permit development but reduce phosphorous loading in Adam and Farren Lakes:

- Increase lot size for new severances on both lakes to 0.8 ha (2 acres);
- Increase lot frontage on Farren to match Adam Lake's 91m frontage;
- Require new or replacement septic systems on both lakes to achieve maximum phosphorus removal (either by an added treatment unit for a septic system or by using soils high in iron and aluminum and low in calcium that bind phosphorous);
- Require a scoped Environmental Impact Assessment (EIA) for lots proposed for redevelopment or new development; and
- Incentivize the creation of Site Plan Control Agreements for properties that are not required to have one (as a result of a *Planning Act* application) by waiving the associated fee and deposit.

According to data provided by the Municipal Property Assessment Corporation (MPAC), Adam Lake currently has 78 lots with frontage along the lake. Twelve (12) of these lots are identified by MPAC as vacant. Eleven (11) lots have the potential for severances that would create 26 new lots. Therefore, a total of 38 new cottages/permanent homes could be added to the lake (i.e., a 49% increase in new dwellings). If the lot size for severances were to be increased to 0.8 ha from the current 0.4 ha there would be five (5) fewer lots created for a total of 33 new cottages/permanent homes (a 42% increase over the number of dwellings currently on the lake).

According to MPAC data, Farren Lake has 144 lots with frontage along the lake. Twenty five (25) of these lots are identified by MPAC as vacant. Twelve (12) lots have the potential for severances that would create 20 new lots. Therefore, a total of 45 new cottages/permanent

homes could be added to the lake (i.e., a 30% increase). If the lot size for severances were to be increased to 0.8 ha and the frontage increased to 91m there would be fourteen (14) fewer lots created for a total of 31 new cottages/permanent homes (a 22% increase over the number of dwellings currently on the lake).

To deal with the potential for redevelopment on currently developed lots, the Official Plan Amendment proposes that phosphorous removal systems or iron rich soil be used when septic systems need to be replaced. The phosphorous removal system add-on to a septic system that is proposed by the Official Plan Amendment meets the national certification standard CAN/BNQ 3680-600 and has been used in Quebec and Ontario.

An amendment to the *Official Plan* would be required to implement the first four requirements for the two lakes. A draft Official Plan Amendment (OPA) is attached that covers Farren and Adam Lakes individually. If Council decides to pursue the Official Plan Amendment, the Township would apply to the County of Lanark for approval of the amendment. At least one Public Meeting for an OPA is required under the *Planning Act*.

Both the Farren and Adam Lake Associations had asked for modifications to a previous draft of the proposed Official Plan Amendment attached to this report. These modifications have been made.

As the *Official Plan* is required under the *Planning Act* to be updated every 5 years, the revision process would begin in 2021. This timeframe would allow for the effect of the proposed OPA to be assessed and modified if necessary.

Previous work by the Interagency Working Group identified vegetation preservation and septic maintenance as key factors in protecting lake water quality. The Township already has a Septic Re-inspection program, however, a Site Alteration By-Law was recommended as some landowners' clear vegetation and change grades before applying for a building permit. This would be a separate by-law prepared under the *Municipal Act* if Council wished the Township to adopt one. Public consultation would be required before adoption and the by-law could be limited in scope to waterfront properties.

The Working Group also recommended education efforts by the Township and the Conservation Authorities should continue.

If Council chooses to direct the Planner to apply to the County for an Official Plan Amendment, the Planner recommends the Interim Control By-law (currently protecting the two lakes) be extended for a final 6 months beyond its expiry on December 19, 2018.

OPTIONS CONSIDERED

Option #1 – (Recommended) Council direct staff to prepare an Official Plan Amendment application to the County of Lanark to implement the recommendations of the Inter-Agency Working Group for Farren and Adam Lakes. A by-law providing for a final six month extension to the *Interim Control By-Law* should also be prepared to provide protection to the lakes during the time it will take to consult the public on the proposed Official Plan Amendment. A Site Alteration By-Law could be prepared by staff in consultation with Lake Associations to prevent the stripping of vegetation and changing of grades on waterfront lots throughout the Township.

Option #2 – Council direct staff to prepare an Official Plan Amendment application to the County of Lanark to implement the recommendations of the Inter-Agency Working Group for Farren and Adam Lakes. A by-law providing for a final six month extension to the *Interim Control By-Law* should also be prepared to provide protection to the lakes during the time it will take to consult the public on the proposed Official Plan Amendment.

Option #3 – Council does not wish to proceed with the Official Plan Amendment.

STRATEGIC PLAN LINK

Guiding principle 8 states that the Township, “considers climate change and the environment in all decisions and operations”. Climate change causes warming of lake water which will exacerbate the effects of phosphorous on these sensitive lakes. Recognizing the sensitivity of the lakes and providing mitigation measures through an Official Plan Amendment is consistent with the Strategic Plan.

FINANCIAL CONSIDERATIONS

If Council agrees to waive the fee for property owners who volunteer to place Site Plan Control Agreements on their properties it could cost \$3,600 a year based on the assumption that no more than 6 property owners per year would make a request. Currently fees for registration and staff time are included in the charges for a Site Plan Control Agreement. If these fees are waived, then the Township will be required to pay the fees instead.

CONCLUSIONS

The Farren and Adam Lake Associations requested Council to undertake measures to protect their lakes from the negative impacts of overdevelopment, given their lakes are particularly sensitive to phosphorous loading. The recommendations of the Inter-Agency Working Group have been incorporated into the proposed Official Plan Amendment attached to this report. The Lake Associations urge Council to make an application to Lanark County to begin the public process of adopting an Official Plan Amendment.

ATTACHMENTS

- i) Draft Official Plan Amendment for Adam and Farren Lakes.

Prepared and Submitted By:



**Noelle Reeve,
Planner**

Approved for Submission By:



**Larry Donaldson,
Chief Administrative Officer**

AMENDMENT No. 1
to the
TAY VALLEY TOWNSHIP
OFFICIAL PLAN

**ADAM AND FARREN LAKES
SHORELINE DEVELOPMENT POLICIES**

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TAY VALLEY TOWNSHIP
NOTICE OF PUBLIC MEETING
for

PROPOSED
OFFICIAL PLAN AMENDMENT

(Adam and Farren Lakes)

TAKE NOTICE: The Council of the Corporation of Tay Valley Township will hold a public meeting on the ___ day of _____, 2018 at ___ PM. in the Council Chambers at 217 Harper Road to consider a proposed Official Plan Amendment under Section 17 of the Planning Act

TAKE NOTICE: The Township has initiated this proposed Official Plan Amendment, in consultation with various public agencies, property owner associations, and interested residents. The proposed Amendment is described in the Explanatory Note below.

TAKE NOTICE: If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of Tay Valley Township before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decisions of the Council of Tay Valley Township to the Local Planning Appeal Tribunal.

TAKE NOTICE: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of Tay Valley Township before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal, in the opinion of the Tribunal, there are reasonable grounds to do so.

TAKE NOTICE: if you wish to be notified of the adoption of the proposed Official Plan Amendment, you must make a written request to:

Amanda Mabo, Clerk, Tay Valley Township
217 Harper Road, Perth, Ontario K7H 3C6

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan Amendment.

ADDITIONAL INFORMATION: For more information regarding the proposed Official Plan Amendment, including information about preserving your appeal rights, contact the Clerk's Office during normal office hours at 217 Harper Road. (613- 267-5353)

DATED AT TAY VALLEY TOWNSHIP THIS ___ DAY OF _____, 2018.

Amanda Mabo, Clerk

EXPLANATORY NOTE

Location

The proposed Official Plan Amendment affects all properties which abut the shorelines of Adam Lake (located in the southeast portion of geographic Burgess) and Farren Lake (located in the southwest portion of geographic Sherbrooke), or that are located within 30 m of the shorelines.

Proposed Official Plan Amendment

The proposed Official Plan Amendment has been initiated by the Township in response to lake modelling analyses conducted by the Ministry of the Environment and Climate Change which identified both lakes as being at “overcapacity” in terms of phosphorus loading, based on the Ministry’s modelling criteria.

The proposed Amendment responds to these findings by re-inforcing existing Official Plan policies and introducing new policies that are aimed at reducing or minimizing phosphorous loading from existing and future development on these lakes. The Amendment has been prepared in consultation with various public agencies, property owner associations, and interested residents through an Inter-Agency Working Group which was established for this purpose.

KEY MAP

There is no Key Map for this proposed Official Plan Amendment. The proposed Amendment does not affect any particular property, but rather applies to a large number of properties on both lakes.

TAY VALLEY TOWNSHIP
NOTICE OF ADOPTION
of
AN OFFICIAL PLAN AMENDMENT
(Adam and Farren Lakes)

TAKE NOTICE that the Council of the Corporation of Tay Valley Township, having held a public meeting on the ____ day of _____, 2018 under Section 17 of the Planning Act, has passed By-law No. _____ to adopt Official Plan Amendment No. 1 to the Tay Valley Township Official Plan on the ____ day of _____, 2018.

TAKE NOTICE that any person or public body is entitled to receive notice of the decision of the approval authority regarding the Official Plan Amendment if a written request to be notified of the decision is made to the approval authority at the following address:

*County Planner, Lanark County
99 Christie Lake Road, Perth, Ontario, K7H 3C6.*

ADDITIONAL INFORMATION relating to the complete Official Plan Amendment is available for inspection during normal business hours at the Tay Valley Township municipal offices, 217 Harper Road.

DATED AT TAY VALLEY TOWNSHIP THIS ____ day of _____, 2018.

Amanda Mabo, Clerk

EXPLANATORY NOTE

Location

The proposed Official Plan Amendment affects all properties which abut the shorelines of Adam Lake (located in the southeast portion of the geographic township of North Burgess) and Farren Lake (located in the southwest portion of the geographic township of South Sherbrooke), or that are located within 30 m of the shorelines.

Proposed Official Plan Amendment

The proposed Official Plan Amendment has been initiated by the Township in response to lake modelling analyses conducted by the Ministry of the Environment, Conservation and Parks which identified both lakes as being at "overcapacity" in terms of phosphorus loading, based on the Ministry's modelling criteria.

The proposed Amendment responds to these findings by re-inforcing existing Official Plan policies and introducing new policies that are aimed at reducing or minimizing phosphorous loading from existing and future development on these lakes. The Amendment has been prepared in consultation with various public agencies, property owner associations, and interested residents through an Inter-Agency Working Group which was established for this purpose.

KEY MAP

There is no Key Map for this proposed Official Plan Amendment. The proposed Amendment does not affect any particular property, but rather applies to a large number of properties on both lakes.

**CERTIFIED COPY OF BY-LAW
ADOPTING OFFICIAL PLAN AMENDMENT**

**CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW No. _____**

The Council of the Corporation of Tay Valley Township, under Section 17(22) of the Planning Act, hereby enacts as follows:

1. The Amendment No. 1 to the Tay Valley Township Official Plan, consisting of the attached explanatory text is hereby adopted.
2. The Clerk is hereby authorized to notify persons or agencies requiring such notification under Section 17(23) of the Planning Act.
3. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this _____ day of _____, 2018.

Mayor

Clerk

CORPORATE SEAL OF THE MUNICIPALITY

Certified that the above is a true copy of By-law No. _____ as enacted and passed by the Council of the Corporation of Tay Valley Township on this _____ day of _____, 2018.

Clerk

**CERTIFICATE OF COMPLIANCE WITH THE REQUIREMENTS FOR
GIVING OF NOTICE
PUBLIC MEETING
AND
GIVING OF NOTICE OF ADOPTION**

I, Amanda Mabo, Clerk, hereby certify that Official Plan Amendment No. 1 has been adopted and processed in accordance with the notice, public meeting and notice of adoption requirements under Section 17 of the Planning Act, RSO 1990 as amended.

Clerk

AMENDMENT No. 1

to the

TAY VALLEY TOWNSHIP OFFICIAL PLAN

- PART A - THE PREAMBLE does not constitute part of this Amendment.
- PART B - THE AMENDMENT consisting of the following explanatory text constitutes Amendment No. 1 to the Tay Valley Township Official Plan.

DRAFT

PART A - THE PREAMBLE

LOCATION

The Official Plan Amendment affects all properties which abut the shorelines of:

- Adam Lake (southeast portion of the geographic township of North Burgess); and
- Farren Lake (southwest portion of the geographic township of South Sherbrooke).

PURPOSE AND EFFECT OF OFFICIAL PLAN AMENDMENT

The Official Plan Amendment was initiated by the Township in response to lake modelling analyses conducted by the (now) Ministry of the Environment, Conservation and Parks which identified both lakes as being "overcapacity" in terms of phosphorus loading, based on the Ministry's modelling criteria.

This Amendment responds to these findings by reinforcing existing Official Plan policies and introducing new policies that are aimed at reducing phosphorous loading from existing and future development on these lakes. The Amendment has been prepared in consultation with various public agencies, property owner associations, and interested residents through an Inter-Agency Working Group which was established by the Township for this purpose.

BASIS OF OFFICIAL PLAN AMENDMENT

1. Background

The (now) Ministry of the Environment, Conservation and Parks (MOECP) conducted the above noted modelling on various lakes throughout the Township in 2011 at the request of Lake Associations in the Township. In response to the Ministry's findings, the Township passed an Interim Control By-law in 2012, for a period of one year, on all properties abutting the shorelines of both lakes, and initiated a planning study to determine how to address the problem of phosphorus overloading in the lakes. The intent of the study was to identify planning mechanisms to improve existing conditions arising from previous development and to prevent further deterioration arising from future development. The Interim Control By-law was subsequently extended for an additional one-year period.

The Township initially formed an Inter-Agency Working Group to consider available planning mechanisms/measures that could be introduced to address the phosphorus "overcapacity" of the lakes. The Group met on October 12, 2012 (see Meeting Notes in Appendix A). This meeting was followed by: (1) collecting existing lot data for each lake, including total number of lots, number of seasonal dwellings, number of permanent dwellings and number of vacant lots; and (2) further consultations with MOECP. Ultimately, no clearly defined, comprehensive solution to the phosphorous "overcapacity" of the lakes was identified. Recommendations were to continue the Site Plan Control Agreement requirements, continue the mandatory septic re-inspection program and continue to educate lake residents about the importance of shoreline buffers and reducing phosphorus loading.

Following the foregoing initial process, the Township instituted an Official Plan Review to update its Plan to be consistent with the Provincial Policy Statement 2014, and to conform with the (then) recently approved first Official Plan for Lanark County (Lanark County Sustainable Communities Official Plan). The issue of the phosphorous "overcapacity" in Adam and Farren Lakes was again raised as an important planning issue during the Official Plan Review process and wording was inserted into the new Official Plan requiring planning staff to have regard for Lake Association Management Plans listed in a new Appendix to the Official Plan.

The Township's new Official Plan was approved in 2016, following which the Township re-visited the issue of phosphorous "overcapacity" in both lakes. MOECP's Handbook on Lake Capacity was now part of the updated Provincial Policy Statement, 2014 and the Township's Official Plan referenced both Farren and Adam Lake's Management Plans. A new policy context was, therefore, in play.

Township staff had additional consultations with MOECP staff and the Township's lawyer, and a staff report was submitted to Council recommending that a new Interim Control By-law be passed. The staff report included a review of the legislative tools that are available under the Planning Act (as provided by the Township's lawyer), and alternative development control restrictions related to new lot creation (as provided by the MOECP representative on the Inter-Agency Working Group). The staff report is attached in Appendix A.

Council passed a new Interim Control By-law in 2017 (pursuant to the legislative advice provided by the Township's lawyer), and initiated a new planning study on which this Official Plan Amendment is based.

2. Planning Rationale

This Official Plan Amendment is based on:

- a review of the recommendations/suggestions and discussions of the Inter-Agency Working Group, including follow-up discussions with MOECP staff regarding septic systems with capacity for phosphorus removal;
- an overview review of existing development and future development on both lakes; and
- a detailed review of the Township's new Official Plan to determine if it includes the appropriate policies to implement development and re-development approval processes which mitigate potential adverse impacts on the lakes.

2.1 Overview of Current Policy and Regulatory Regime

It has been approximately twenty five years since the current policy and regulatory regime for waterfront development was first introduced throughout Eastern Ontario as the means to protect the natural heritage features of lakes and rivers. This policy and regulatory regime was meant to mitigate the potential adverse impacts of such development, based on the recommendations of the "Michalski" report. More recently (2014), the "Hutchison" peer review of the original "Michalski" report concluded that this policy and regulatory regime has been effective in mitigating the potential adverse impacts of new shoreline development for most warm water lakes.

However, Farren Lake is the most sensitive lake in the Township to phosphorous loading, followed by Adam Lake. Therefore, changes to protect these lakes are warranted.

2.2 Existing Development and Future Development Potential

The shorelines of both lakes are primarily developed in seasonal dwellings, with some past conversions (re-development) to permanent occupancy, and a small number of relatively new permanent dwellings. There are also a small number of existing vacant lots which could be developed.

Many of the existing shoreline lots, including both developed and vacant lots, are legal non-conforming (undersized) lots under current zoning regulations. As a consequence, existing uses often do not meet all of the regulatory requirements of the Zoning By-law. Additionally, potential future uses on existing vacant lots are also not likely to meet all the regulatory requirements of the Zoning By-law and will, therefore, require minor variances in order to be developed.

There is little opportunity for new lot creation, unless existing properties are large enough to be severed as infill lots in conformity with existing zoning regulations. Any remaining large properties along the shorelines which do not front on existing private roads will not likely be developed because the Official Plan policies do not permit extensions to existing private roads or new private roads. Under these policies, any future development of these large vacant properties would have to be undertaken by plan of subdivision, where the subdivision has direct access to an existing public road, and this is not considered likely in most instances.

Based on the foregoing, it has been determined that there are few opportunities for new development along the shorelines of both lakes, either by developing existing vacant lots or by creating new lots through the consent process. It has also been determined that re-development of existing uses (alterations, extensions and/or replacements) will predominate along the shorelines of both lakes in terms of future development activity.

2.3 Review of Current Official Plan Policies

A detailed review of the new Official Plan was undertaken based on the foregoing in order to identify any policy shortcomings that potentially inhibit implementation measures designed to mitigate against phosphorus over-loading in the lakes, both for new development and for re-development.

This review confirmed that the two principal planning "tools" that are best suited to addressing the phosphorus "overcapacity" issue are contained in the Official Plan policies related to Site Plan Control (Section 5.4) and Environmental Impact Assessment (Section 2.22.7), but that the Plan might not contain a clearly defined process by which these "tools" can/should be used to address the issue.

To be most effective, these tools would be used in tandem. Site Plan Control requires that certain measures be taken to protect the natural heritage features of the lakes, including the measures that are required to improve existing conditions arising from previous development and to prevent further deterioration arising from future development. The Environmental Impact Assessment identifies what those measures are to be.

Site Plan Control

Site Plan Control is the legal instrument by which uses and activities on a property can be controlled to address the phosphorus "overcapacity" issue, as well as other potential adverse impacts on the

natural heritage features of the lakes. Specifically, Section 41 of the Planning Act provides the authority for the following:

1. Municipal approval of plans or drawings that address many of the matters raised by the Inter-Agency Working Group, notably:
 - size and location of all buildings, structures and parking on the property (subject to any required permits for shoreline buildings and structures)
 - pedestrian circulation (which would include shoreline access)
 - landscaping, including walls, fences, hedges, trees, shrubs or other groundcover (which would include retention of natural landscape features and restoration/re-naturalization of previously disturbed areas on the property.
 - servicing (subject to obtaining a septic system permit from the Mississippi Rideau Septic System Office)
 - runoff/stormwater management (including erosion control)
 - grading and site alteration
2. An agreement to be executed between the municipality and property owner to ensure that development and/or redevelopment occurs in conformity with the approved plans or drawings; and
3. An agreement to be executed between the municipality and property owner to ensure that property is maintained in conformity with the approved plans or drawings

Site Plan Control applies to all development and re-development applications for all shoreline properties throughout the Township, and it applies to the entire property, and not just to the construction that is proposed through the development or re-development on the property. In other words, all of the matters listed in the bulleted list above can be addressed under in the Site Plan Agreement that is required for shoreline development or re-development proposals on both lakes.

Environmental Impact Assessment

Section 2.22.7 of the Official Plan sets out the policy framework for preparing Environmental Impact Assessments, where required by the Township. This Official Plan Amendment makes the preparation of such Assessments (checklist or environmental impact study) mandatory for all development and re-development proposals on both lakes. Further, this Amendment also requires that these Assessments provide recommendations to be included in the Site Plan Agreement that address potential adverse impacts on the natural heritage features of the lakes, including the issue of phosphorus "overcapacity".

OVERALL CONCLUSIONS

It is concluded that the existing Official Plan policies provide the policy regime needed to address the issue of phosphorus "overcapacity" in Adam and Farren Lakes, but that the Official Plan should be amended, as described in Part B of this Amendment, to explicitly require that this policy regime be applied to both lakes, without precluding that this policy regime can also be applied to all other waterfront properties in the Township.

It is further concluded that this Amendment is consistent with the Provincial Policy Statement 2014 (PPS), and that it conforms to the Lanark County Sustainable Communities Official Plan.

Based on the foregoing conclusions, Council has deemed it advisable to amend the Official Plan as described in Part B of this Amendment.

DRAFT

PART B - THE AMENDMENT

All of this part of the document entitled PART B - THE AMENDMENT, consisting of the following map and explanatory text constitutes Amendment No. 1 to the Tay Valley Township Official Plan.

Details of the Amendment

Section 2.24.1 Lake Capacity, is hereby amended by adding new subsections "d" and "e", in alphabetical order, as follows:

- "d. Farren Lake has been identified as being overcapacity for phosphorus loading, based on modelling conducted by the Ministry of the Environment, Conservation and Parks (MOECP) using the Ministry's *Lake Capacity Handbook* criteria. Of the Lakes in Tay Valley Township studied by MOECP, Farren Lake has been identified as more sensitive in terms of future phosphorus loading.

This Plan contains a comprehensive policy regime intended to protect the natural heritage features of all lakes in the Township, and the application of these policies to future development and redevelopment proposals on Farren Lakes is considered important in terms of mitigating the phosphorus loading caused by existing development, and of reducing or eliminating additional phosphorus loading from future development and redevelopment.

The following additional policies apply to all future development and re-development on all properties abutting the shorelines, or within 30 m of the shoreline. These additional policies are meant primarily to establish the processes by which the Plan's existing policy regime is to be implemented, and are not meant to be interpreted such that they are not also applicable to other lakes in the Township.

1. All new development and re-development, including extensions to or replacement of existing buildings, shall be subject to the Site Plan Control policies of Section 5.4, with a particular emphasis on protecting the natural heritage features of Farren Lake, in general, and on reducing or eliminating phosphorous loading, in particular. To this end, all development and re-development applications, shall be supported by an Environmental Impact Assessment (checklist or environmental impact study), pursuant to Section 2.22.7, as determined in consultation with the Conservation Authority based on the Conservation Authority scoping tool. The Environmental Impact Assessment shall address the Water Setback and Water Frontage policy requirements below, and shall include recommendations to mitigate adverse impacts on the lake, including measures to reduce or eliminate phosphorous migration into the lake. These recommendations may include, but are not limited to, runoff control, shoreline restoration/re-vegetation to an appropriate lot depth, and defining the shoreline access area and the uses, buildings and structures to be permitted in it, all of which shall be included in the required Site Plan Control Agreement.
2. Where re-development is proposed, including extensions to, or replacement of existing buildings, septic system re-inspection shall be required. Where alterations (adding one or more runs or increasing size) are required to existing septic systems or where replacement systems are required, and they are not able to be located at least 30 m from the shoreline, phosphorus removal systems or soil attenuation through acidic non-

calcareous soils shall be required to achieve Phosphorus – 1.0mg/L as per the standards of CAN/BNQ 3680-600. The required Site Plan Control Agreement shall show the location of the repaired or replaced septic system.

3. Where development is proposed on an existing vacant lot of record, the required site plan agreement shall be supported by an Environmental Impact Assessment (scoped or environmental impact assessment), as determined in consultation with the Conservation Authority. The Environmental Impact Assessment shall be undertaken in accordance with policy 1 above. Where the existing lot of record is undersized to the extent that the Water Setback policy requirements below cannot be met, owners are encouraged to obtain a lot addition consent so that the setbacks can be met, including the 30 m setback for septic systems. Where the 30 m setback for septic systems cannot be met phosphorous removal systems or soil attenuation using imported acidic non-calcareous soils shall be required to achieve Phosphorus – 1.0mg/L as per the standards of CAN/BNQ 3680-600.
 4. Where a new lot is to be created by consent (severance), the lot to be created (and the retained lot) shall be capable of conforming to the Water Setback policies below. However, increased setbacks, as well as lot depths, may be required based on site conditions such as slope, soil/bedrock characteristics, proximity to shoreline wetland areas, etc. The proposed minimum area for new lots on Farren and Adam lakes is 0.8 ha (2 acres). The frontage for Adam Lake is currently 91m. The frontage for Farren Lake is proposed to match that of Adam Lake. The consent application shall be supported by an Environmental Impact Assessment (scoped or full environmental impact study), as determined in consultation with the Conservation Authority. The Environmental Impact Assessment shall be undertaken in accordance with policy 1 above.
 5. Stewardship practices are considered to be an extremely important component in protecting and improving the natural heritage features of Farren Lake, including practices to reduce phosphorous migration into the lakes. Stewardship often includes property maintenance and management practices that are not directly regulated under Official Plan policies or Zoning By-law regulations, particularly in those circumstances where development or redevelopment approvals are not required. Stewardship practices are especially important on these lakes since much of the shorelines are already developed. Accordingly, the Township encourages property owner associations and individual land owners to consult with the Conservation Authority in order to identify shoreline vegetation replanting or retention management practices that can be implemented to improve the natural heritage features.
 6. Other Best Management Practices that landowners are encouraged to follow include using a septic system with nitrogen as well as phosphorous removal, re-naturalizing hardened surfaces, using Low Impact Development stormwater management tools such as rain gardens, etc. Land owners are also encouraged to enter into revised or new Site Plan Control Agreements with the Township which identify these maintenance and management practices. In such circumstances, the Township shall waive all fees associated with new or revised site plan agreements.
- "e". Adam Lake has been identified as being sensitive to phosphorus loading, based on modelling conducted by the Ministry of the Environment, Conservation and Parks using the

Ministry's *Lake Capacity Handbook* criteria, although likely to be stable in terms of future phosphorus loading so long as redevelopment and new development are conducted in a manner mindful of this sensitivity.

This Plan contains a comprehensive policy regime intended to protect the natural heritage features of all lakes in the Township, and the application of these policies to future development and redevelopment proposals on Adam Lake are considered important in terms of mitigating the phosphorus loading caused by existing development, and of reducing or eliminating additional phosphorus loading from future development and redevelopment.

The following additional policies apply to all future development and re-development on all properties abutting the shoreline, or within 30 m of the shoreline, of Adam Lake. These additional policies are meant primarily to establish the processes by which the Plan's existing policy regime is to be implemented, and are not meant to be interpreted such that they are not also applicable to other lakes in the Township.

1. Where re-development is proposed, including extensions to, or replacement of existing buildings, septic system re-inspection shall be required. Where alterations (adding one or more runs or increasing size) are required to existing septic systems or where replacement systems are required, and they are not able to be located at least 30 m from the shoreline, phosphorus removal systems or soil attenuation through acidic non-calcareous soils shall be required to achieve Phosphorus – 1.0mg/L as per the standards of CAN/BNQ 3680-600. The required Site Plan Control Agreement shall show the location of the repaired or replaced septic system.
2. Where development is proposed on an existing vacant lot of record and where the 30 m setback for septic systems cannot be met, phosphorus removal systems or soil attenuation using imported acidic non-calcareous soils shall be required to achieve Phosphorus – 1.0mg/L as per the standards of CAN/BNQ 3680-600.
3. Where a new lot is to be created by consent (severance), in addition to existing By-law requirements for all new severances in the Township, the proposed minimum area for new lots on Adam Lake is 0.8 ha (2 acres).

PART C - APPENDICES

APPENDIX A List describing the information that was made available to the public prior to the adoption of the Official Plan Amendment.

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PART C - APPENDICES

APPENDIX B Certified list of all persons and public bodies that made oral submissions at the public meeting.

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PART C - APPENDICES

APPENDIX C Minutes of the public meeting

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PART C - APPENDICES

APPENDIX D Written submissions and comments, date-stamped on day of receipt.

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