
Tuesday, June 25th, 2019

5:30 p.m.

**Tay Valley Township Municipal Office – 217 Harper Road, Tay Valley, Ontario
Council Chambers**

*5:30 p.m. Public Meeting – Official Plan Amendment and Zoning By-Law Amendment
Following Council Meeting*

Chair, Reeve Brian Campbell

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to present the details of the Official Plan Amendment and General Zoning By-Law Amendment for changes to rules governing development on Farren and Adam Lakes.
- The Planner will explain the need for the Official Plan Amendment and Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour to the application, will be heard.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the Official Plan Amendment and Zoning By-Law Amendment are passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting, or make written submissions to Tay Valley Township before the Official Plan Amendment and Zoning By-Law are passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the Official Plan Amendment and Zoning By-Law Amendment is passed.
- An appeal to the Local Planning Appeal Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the Official Plan Amendment and Zoning By-Law Amendment are passed and the reasons in support of the objection, accompanied by the required fee.

**3. FILE #OPA-05: Official Plan Amendment No. 5 – *attached, page 4.*
Farren and Adam Lakes**

- a) PLANNER FILE REVIEW & PROPOSED AMENDMENT
- b) PUBLIC COMMENTS
- c) RECOMMENDATION

**4. FILE #ZA19-03: General Amendment – OPA No. 5 – *attached, page 28.*
Farren and Adam Lakes**

- a) PLANNER FILE REVIEW & PROPOSED BY-LAW
- b) PUBLIC COMMENTS
- c) RECOMMENDATION

5. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING
June 25, 2019

Report #PD-2019-26
Noelle Reeve, Planner

**OFFICIAL PLAN AMENDMENT NO. 5 AND ZONING BY-LAW AMENDMENT FOR
FARREN AND ADAM LAKES**

STAFF RECOMMENDATION

It is recommended:

“THAT, Official Plan Amendment No. 5 for Farren and Adam Lakes be adopted;

THAT, the necessary by-law come forward at the Council meeting immediately following the Public Meeting;

AND THAT, the Planner be authorized to submit the Official Plan Amendment to Lanark County for final approval.”

It is recommended:

“THAT, upon approval of Official Plan Amendment No. 5 by the County of Lanark, Council amend Zoning By-law No. 2002-121 to implement the Official Plan Amendment No. 5.”

BACKGROUND

On December 11, 2018 Resolution #C-2018-12-11 was passed to allow an extension to the interim control by-law for Farren and Adam Lakes. The purpose of the extension was to allow staff to begin the public consultation process for an Official Plan Amendment (OPA) proposed by the Interagency Working Group as described in Report #PD-2018-39.

Two Public Information Centres (PIC) were held by the Township on May 25, 2019 at the municipal building to inform residents about the draft Official Plan Amendments for Farren Lake and Adam Lake.

Over 30 people attended the PIC for Farren Lake. In addition, over 60 people had attended the Farren Lake Property Owners Association (FLPOA) meeting the week before on May 19, 2019, where the Planner made a presentation on the OPA and answered questions. The

FLPOA also created a survey for all residents on the lake and obtained a very high response rate in favour of the three OPA proposals: to increase lot water frontage from 60m to 91m (300 ft); increase lot area from 4,050m² to 0.8-ha (2 acres); and to require the addition of phosphorous removing technology to a new or replacement septic system.

A smaller turn-out of 6 people attended the PIC for Adam Lake to comment on the proposal to increase lot area from 4,050m² to 0.8-ha (2 acres); and to require the addition of phosphorous removing technology to a new or replacement septic system. Adam Lake already has a frontage requirement of 91m based on studies of its water quality over a decade ago. The Adam Lake Property Owners Association AGM will not take place until July.

DISCUSSION

The attached Planning Justification Report, in Schedule A, details the content of the proposed Official Plan Amendment. OPA No. 5 conforms to the Provincial Policy Statement, and both the County Official Plan and Tay Valley's Official Plan principles.

The *Provincial Policy Statement* sections related to sewage, water and wastewater (Section 1.6.6.4), natural heritage (Section 2.1), and water (Section 2.2) are relevant to this OPA.

Section 1.6.6.4 states that, "individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long term provision of such services with no negative impacts. Negative impacts in this case are defined as, "degradation to the quality and quantity of water, sensitive surface features... due to single, multiple or successive development".

Section 2.1.2 states that, "the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of natural heritage systems, should be maintained, restored or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features".

Section 2.2 of the PPS, addresses how planning authorities shall protect, improve or restore the quality and quantity of water. OPA No. 5 is consistent with the PPS as it:

- uses the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- minimizes potential negative impacts through restrictions on lot frontage and lot size;
- proposes restrictions on development to protect, improve or restore vulnerable surface and ground water, sensitive surface water features and their hydrologic functions;
- considers environmental lake capacity; and,
- restricts development near sensitive surface water features to protect, improve or restore their related hydrologic function.

The *Lanark County Sustainable Community Official Plan* contains provisions related to surface water protection. Specifically, Section 5.4.4 states that, "the County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on water bodies throughout the County in order to ensure the long term viability of this

important natural and economic resource”. Section 5.3.2 states that, “The County’s natural heritage features, including non-significant features, should be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve”.

The *Tay Valley Township Official Plan* provides guidance on water quality (2.24.1), sewage disposal (Section 2.23.1.1), lake capacity and water frontage (2.24.1.2), and lake management plans (Section 2.24.2). Section 2.24.1 states that, “...the Township has a direct concern with the issue of water quality impacts related to water-oriented development”.

Finally, Section 2.24.2.1 states that, “when considering development proposals within the Lake Management Plan areas specified in Appendix A, the Council shall have regard to the planning recommendations and policies contained in the Lake Management Plans which are consistent with the policies of the Tay Valley Township Official Plan”. Both Farren’s and Adam’s *Lake Management Plans* (LMP) are included in Appendix A of the *Official Plan*. Farren Lake’s (LMP) calls for lake capacity to be considered in development decisions.

The process for County approval requires the lower-tier municipality to pass the Official Plan Amendment prior to consideration by the County. Specifically, the County Economic Development Committee must have an opportunity to review and create a recommendation for County Council prior to the Township’s OPA being placed on the County Council agenda.

When approved by County Council, the Official Plan Amendment will be considered to have been in full force and effect on the day it was passed by the lower-tier municipality.

Because the Official Plan holds limited legal grounds on its own, a Zoning By-law amendment will be required to ensure enforcement of the conditions identified in the OPA. Therefore, for the Zoning By-law Amendment to occur following County approval the Official Plan Amendment, the required Public Meetings for the Township OPA No. 5 and the Zoning By-law Amendment under the *Planning Act* are occurring concurrently.

OPTIONS CONSIDERED

Option #1 – (Recommended) Council direct staff to proceed with OPA No. 5 as proposed.

Option #2 – Council direct staff to proceed with OPA No. 5 as it pertains to Farren Lake only.

Option #3 – Council can direct staff not to proceed with proposed OPA No. 5 at this time.

STRATEGIC PLAN LINK

Environmental protection, financial sustainability.

FINANCIAL CONSIDERATIONS

No immediate financial implications, however if the lakes are not protected and their water quality degrades, assessment values will drop and the amount of taxation collected by the Township will be diminished.

CONCLUSIONS

The Lake Associations for Farren and Adam Lake have expressed a desire for the Township to protect their lakes from degradation due to phosphorous loading because their lakes are the most and second most susceptible to phosphorus in the Township, according to studies by the Ministry of Environment, Parks and Conservation. The Farren Lake Association has undertaken extensive consultation and are confident that the majority of residents support OPA No. 5. While Adam Lake faces similar challenges to lake quality, their residents have been less engaged. It is not clear at the time of this report whether their silence indicates agreement with OPA No. 5 or lack of awareness, despite being individually mailed letters from the Township, and the Adam Lake Association using email and its Facebook page to solicit feedback.

ATTACHMENTS

- i) *Draft* By-Law No. 2019-xx – Official Plan Amendment No. 5 – Farren and Adam Lakes
- ii) *Draft* By-Law No. 2019-xx – Zoning By-Law Amendment – Farren and Adam Lakes

Prepared and Submitted By:

Approved for Submission By:

Original Signed

Original Signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Acting Chief Administrative Officer**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2019-0xx

OFFICIAL PLAN - AMENDMENT NO. 5 FARREN AND ADAM LAKES

WHEREAS, *Section 26 (1) of the Planning Act, R.S.O. 1990, Chapter P.13*, provides that if an Official Plan is in effect in a municipality, the Council of the municipality that adopted the official plan shall, in accordance with subsection (1.1), revise the official plan as required to ensure that it;

- a) conforms with provincial plans or does not conflict with them, as the case may be;
- b) has regard to the matters of provincial interest listed in section 2; and
- c) is consistent with policy statements issued under subsection 3 (1).

AND WHEREAS, *Section 17 (22) of the Planning Act, R.S.O. 1990, Chapter P.13*, states that when the requirements of subsections (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may by By-Law adopt all or part of the plan and, unless the plan is exempt from approval, submit for approval;

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

1. GENERAL REGULATIONS

1.1 **THAT**, Official Plan Amendment No. 5, attached hereto as Schedule "A", be adopted.

2. BY-LAWS TO BE AMENDED

2.1 **THAT**, By-Law No. 2014-039 is hereby amended.

3. 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-xx**

4. EFFECTIVE DATE

4.1 THAT, this By-Law shall come into force and take effect upon the approval of Tay Valley Township Official Plan Amendment No. 5, dated June 25th, 2019, by the County of Lanark.

4.2 ENACTED AND PASSED this 25th day of June, 2019.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-xx**

SCHEDULE "A"

AMENDMENT No. 5

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. 5 to the Tay Valley Township Official Plan.

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 Ministry of Environment, Conservation and Parks which identified both Farren and Adam 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 Ministry of 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 Tay Valley 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 over-loading in the Farren and Adam 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. 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 as at that time MOECP had not tested its Lake Capacity Model at the Ontario Municipal Board. (It has subsequently and been successful.)

Recommendations from the Inter-Agency Working Group 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 to the first approved Official Plan for Lanark County (Lanark County Sustainable Communities Official Plan – Lanark County SCOP). The issue of the phosphorous "overcapacity" in Farren and Adam 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 (Farren and Adam Lakes requested to be listed in that Appendix).

The Township's new Official Plan was approved in February 2016. MOECP's Handbook on Lake Capacity was now part of the updated Provincial Policy Statement, 2014 and the

Township's Official Plan referenced both it and 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).

Council passed a new Interim Control By-law in June 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, in 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 Tay Valley 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 Farren and Adam 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.

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. 5 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 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 Lake 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. 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 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.

3. 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 Lake is 0.8-ha (2 acres). The proposed minimum frontage for new lots on Farren Lake is 91m.
 4. 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 re-development 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.
 5. 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.
- e) Adam Lake has been identified as being sensitive to phosphorus loading, based on modelling conducted by the Ministry of 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, 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.
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

- Letter to property owners on Farren and Adam Lakes – brief explanation of the proposed changes to the Official Plan
- Creation of municipal webpage – explanation of proposed changes to the Official Plan
- Report #PD-2018-039 – Proposed Official Plan Amendment for Farren and Adam Lake – Provided on municipal website
- Report #PD-2018-034 – Proposed Official Plan Amendment for Farren and Adam Lake – Provided on municipal website
- Report #PD-2018-09 – Interim Control By-Law Extension – Farren & Adam Lakes – Provided on municipal website
- Report #PD-2017-18 – Options for Severances on Farren and Adam Lakes – Provided on municipal website
- By-Law No. 2017-043 – Interim Control By-Law – Provided on municipal website
- By-Law No. 2018-024 – Interim Control By-Law Amendment – Farren and Adam Lakes – Provided on municipal website
- By-Law No. 2018-057 – Interim Control By-Law Amendment – Farren and Adam Lakes – Provided on municipal website
- PowerPoint with explanation of proposed changes to Official Plan and Zoning By-Law as presented at the Public Information Centre held on May 25, 2019
- Farren Lake – Potential Severances – Before and After Official Plan Amendment – Map (available at Public Information Centre and on municipal website)
- Adam Lake – Potential Severances – Before and After Official Plan Amendment – Map (available at Public Information Centre and on municipal website)

PART C - APPENDICES

APPENDIX B

A certified list of all persons and public bodies that made oral submissions at the Public Meeting will be included after the Public Meeting on June 25, 2019.

PART C - APPENDICES

APPENDIX C

Minutes of the Public Meeting will be included after the Public Meeting on June 25, 2019.

PART C - APPENDICES

APPENDIX D

Written submissions received from June 17, 2019 to June 25, 2019 will be added after the Public Meeting on June 25, 2019.

From: Jennifer J Foster
Sent: May 3, 2019 5:20 PM
To: Kristi McDonald; TVT Planner
Cc: Tim O'Dacre
Subject: Re: Farren Lake Health

Thank you for this message. We are on Lane 32 and had not received the meeting notification letter.

I have a few questions:

- 1) how will the septic systems be monitored, and how will replacement be enforced? This seems like the most pertinent element of the strategy in terms of reducing phosphorous levels.
- 2) are there any maps accompanying the proposed OP amendments? It would be useful to visualize the scenarios under consideration.
- 3) Is it possible for FLPOA and/or Tay Valley Township to provide updates on adherence to the proposed amendments, should they go through? We are one of the properties that will not be able to sever should the proposed amendments go through, and we are fine with that as long as there is a strong commitments to all provisions of the strategy. The severance changes should be straightforward, but how will we know whether the septic upgrades are happening? Surely the Interagency Group has considered this, and records of inspections will be filed. Will all properties be inspected? Maybe regular reports on how many upgrades are complete or pending? Again, maps and visuals would be an effective way to communicate. I am hoping that there will be some assurance that the burden of reducing phosphorus levels will be shared, and all property owners will be required to comply (not just those whose opportunities for severance are restricted).

Thanks very much,
Jennifer Foster and Timothy O'Dacre

TVT Planning Assistant

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: June 11, 2019 10:29 AM
To: TVT Planning Assistant
Subject: RE: Notice of Public Hearing - OPA & ZBLA

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@enbridge.com.

Casey O'Neil

Sr Analyst Municipal Planning
Long Range Network Analysis

—
ENBRIDGE GAS INC.
TEL: 416-495-5180
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Safety. Integrity. Respect.



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

June, 14, 2019
19-TAY-ZBA-0034 (SS & NB)

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

Attention: Noelle Reeve, Planner

Subject: **Amendment to Tay Valley's Official Plan & Zoning By-law affecting:**

- Properties along Farren Lake;
- Properties along Adam Lake

Dear Ms. Reeve,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 1.6.6 Sewage, Water and Stormwater, 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Mississippi-Rideau Source Water Protection Plan

The Proposal

The RVCA understands that the purpose and intent of this amendment is to adopt recommendations proposed by the interagency working group to protect Farren and Adam Lakes from phosphorus loading. The effect of the amendments would be to increase the minimum required frontage and area on Farren Lake to 91 metres and 0.8 hectares, respectively. In addition, phosphorus removing add-on technology would be required for new development, redevelopment or replacement along Farren Lake. Adjacent Adams Lake, the effect of the amendments would be to increase the minimum required lot area to 0.8 hectares and require phosphorus removing add-on technology would be required for new development, redevelopment or replacement along Adam Lake.

**Proudly working in partnership
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

The Area

Based on our review, properties surrounding both Farren and Adam Lake are the subject of this concurrent official plan and zoning by-law amendment.

Review Comments

Provincial Policy Statement

With respect to the PPS, the primary area of review for conservation authorities relates to sewage, water and wastewater (Section 1.6.6), natural heritage (Section 2.1), water (Section 2.2) and natural hazards (Section 3.0).

With respect to Section 1.6.6, 2.1 and 3.0 the reviewing planner has no concerns. Although Adam Lake, specifically, does have areas of provincially significant wetland and organic soils within its vicinity, and both Farren and Adam Lake have several watercourses entering into these waterbodies, our office would comment on these features during future applications. For the purposes of the OPA/ZBA, these are simply being noted.

With respect to 2.2 of the PPS, which primarily addresses how planning authorities shall protect, improve or restore the quality and quantity of water, our office is of the opinion that the proposed amendments are consistent with it in the following ways:

- They use the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- They minimize potential negative impacts through restrictions on lot frontage and lot size;
- They implement necessary restrictions on development to protect, improve or restore vulnerable surface and ground water, sensitive surface water features and their hydrologic functions;
- They have considered environmental lake capacity; and,
- They restrict development near sensitive surface water features to protect, improve or restore their related hydrologic function.

Conclusions

Through participation of the interagency working group, our office has viewed the draft official plan amendment and provided pre-consultation comments to the Township. The RVCA has appreciated the opportunity to be involved during pre-consultation of these amendments.

In conclusion, our offices have no objection to either the Official Plan or Zoning By-law amendment.

Please advise us on the status of these applications following the public meeting. Please circulate our office on all future public information in relation to this file.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 267-5353 x 131 should you have any questions.

Yours truly,

A handwritten signature in blue ink, appearing to read "Phil Mosher".

Phil Mosher
Planner

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2019-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED FARREN AND ADAM LAKES

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 policies 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**, Section 3 – GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended by deleting Subsection 3.21 and replacing it with the following:

“3.21 Sewage Disposal Systems and the Applicability of this By-Law

1. Except in relation to water setbacks, subsection 3.21.2 and subsection 3.21.3, sewage disposal systems shall not be subject to the provisions of this By-Law.
2. **Farren Lake**
 - 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 the existing septic systems or where replacement systems are required, and they are not able to be

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-xx

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.

- where the existing lot of record is undersized to the extent that the water Setback policy requirement cannot be met, owners are encouraged to obtain a lot addition consent so that the required water setback can be obtained for septic systems
- 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. Adam Lake

- 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 the existing septic systems or where replacement systems are require, 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.
- Where development is proposed on an existing vacant lot of record and where the 30m 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.”

1.2 THAT, Section 5.2 – Seasonal Residential (RS) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 5.2.2., Zone Provisions to include the following:

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-0xx**

“5.2.2. Zone Provisions

- Lot Area (minimum)
 - Lot with area on Farren or Adam Lakes 2 ha
- Lot Frontage (minimum)
 - Lot with frontage on Farren or Adam Lakes 91 m”

1.3 THAT, Section 5.3 – Limited Services Residential (RLS) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 5.3.2., Zone Provisions to include the following:

“5.2.2. Zone Provisions

- Lot Area (minimum)
 - Lot with area on Farren or Adam Lakes 2 ha
- Lot Frontage (minimum)
 - Lot with frontage on Farren or Adam Lakes 91 m”

1.4 THAT, Section 10.1 – Rural (RU) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 10.1.2., Zone Provisions to include the following:

“5.2.2. Zone Provisions

- Lot Frontage (minimum)
 - Lot with frontage on Farren Lake 91 m”

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

1.6 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-xx**

3. EFFECTIVE DATE

ENACTED AND PASSED this xxth day of xxx, 2019.

Brian Campbell, Reeve

Amanda Mabo, Clerk