

THIS IS HEREBY CERTIFIED AS THE ORIGINAL
COPY/DUPLICATE COPY OF OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP

TAY VALLEY TOWNSHIP

BY-LAW NO. 07-022

**Being an Adoption By-law for Amendment No. 3 to the
Official Plan of Tay Valley Township**

The Council of Tay Valley Township, pursuant to Section 17(15) of the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended, hereby enacts as follows:

1. Amendment No. 3 to the Official Plan of Tay Valley Township, consisting of the attached text, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment No. 3 to the Official Plan of Tay Valley Township.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

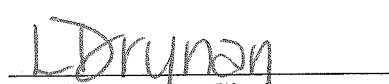
This By-law read a first time this 24 day of April, 2007.

This By-law read a second time this 24 day of April, 2007.

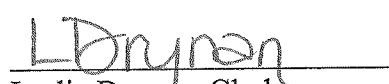
This By-law read a third time and finally passed this 24 day of April, 2007.


Keith Kerr, Reeve

CORPORATE SEAL
OF TOWNSHIP


Leslie Drynan, Clerk

Certified that the above is a true copy of By-law No. 07-022 as enacted and passed by the Council of Tay Valley Township on the 24 day of April, 2007.


Leslie Drynan, Clerk

Kathy Coulthart-Dewey

Company: Municipal Affairs and Housing, Ministry of
Business Address: Rockwood House
8 Estate Lane
Kingston, ON K7M 9A8
Business: +1 (800) 267-9438
Business Fax: (613) 548-6822
E-mail: matt.macdonald@ontario.ca
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Ross L. Fair, Director Municipal Services Office - Eastern Region email: Ross.Fair@mah.gov.on.ca
Direct Line - 1 613 548 4304 x 33

Mike Elms - Planning Ext 32 mike.elms@mah.gov.on.ca

Warren Sleeth - Manager, Local Government - Municipal Services Office - Eastern Region

Matt MacDonald - Municipal Advisor
613-545-2106

*left message w/
John MacDonald Aug 17
as Vince is out till Thurs*

*Senior - Vince Fabicci
Ext ? 133
Vince.Fabicii@ontario.ca.*

CONTACT FOR OPA #3

Municipal Services Office
Eastern Region
8 Estate Lane
Rockwood House
Kingston ON K7M 9A8
Phone: (613) 545-2100
Fax: (613) 548-6822
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Bureau des services aux municipalités
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Kingston ON K7M 9A8
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Télécopieur: (613) 548-6822
Sans frais: 1-800-267-9438

RECEIVED
PAYMENT

MAY 21 2008

WE
TAY VALLEY T

*Comptroller
As per SA for
Municipal Services*

May 16, 2008

Ms. Kathy Coulthart-Dewey
Chief Administrative Officer
Tay Valley Township
217 Harper Road, R.R. #4
Perth, ON K7H 3C6

**Subject: Status of Decision on Amendment No. 03 – Township of Tay Valley Official Plan
MMAH File No.: 09-OP-0134-003**

Dear Ms. Coulthart-Dewey,

Please find enclosed a Notice of Decision given on May 14, 2008 under Subsection 17(34) of the *Planning Act* with respect to Amendment No.3 to amend the Official Plan for the Township of Tay Valley.

Please note that this decision is given in part, and does not apply to Item Numbers 27 and 30, which deal with permitting development on extensions to existing private roads. As conveyed to you in our telephone conversation today, further information and justification is required prior to making a decision on these outstanding items. My staff will be contacting you shortly to discuss this matter in greater detail.

You will receive final confirmation on the status of the decision of the Official Plan Amendment following the 20 day appeal period.

Should you have any questions regarding the above information, please feel free to contact Joe Gallivan, Senior Planner, at (613) 545-2116.

Sincerely,

Vincent Fabillii
Regional Director
Municipal Services Office-Eastern

cc. Mike Elms, Manager, Community Planning & Development, MMAH
Steve Pentz, Novatech Engineering (Ottawa)

Visit us at www.mah.gov.on.ca/OnRAMP
Veuillez nous visiter à www.mah.gov.on.ca/OnRAMP



File No.: 09-OP-0134-003
Municipality: Township of Tay Valley
Subject Lands: All lands within the Township of
Tay Valley

Date of Decision:
Date of Notice:
Last Date of Appeal:

May 16, 2008
May 16, 2008
June 5, 2008

NOTICE OF DECISION

With respect to an Official Plan Amendment
Subsection 17(35) and 26 of the Planning Act

A decision was made on the date noted above to **approve** part of Official Plan Amendment No.3 to the Official Plan for the Township of Tay Valley as adopted by By-law 07-022.

Purpose and Effect of the Official Plan Amendment

The purpose of the proposed amendment to the Official Plan for the Township of Tay Valley is to revise policies of the Plan to comply with recent changes to the Planning Act; to revise policies of the Plan to be consistent with the 2005 Provincial Policy Statement; to revise policies of the Plan to reflect the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation (Generic Regulation); and to revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township's experience working with the Plan.

When and How to File an Appeal

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Area Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group.

When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Other Related Applications:

N/A

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the Township of Tay Valley.

Mailing Address for Filing a Notice of Appeal

Ministry of Municipal Affairs & Housing
Municipal Services Office - Eastern
8 Estate Lane, Rockwood House
Kingston, ON K7M 9A8

Submit notice of appeal to the attention of John Macdonald, Municipal Advisor/Planner.

Tele: (613) 545-2100
Toll Free: (800) 267-9438
Fax: (613) 548-6822

AMENDMENT NO. 3

TO THE OFFICIAL PLAN OF

TAY VALLEY TOWNSHIP

Prepared By:

NOVATECH ENGINEERING CONSULTANTS LTD.

Planners and Engineers

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April 20, 2007

File: 106156

**AMENDMENT NO. 3 TO THE OFFICIAL PLAN
OF TAY VALLEY TOWNSHIP**

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**AMENDMENT NO. 3 TO THE OFFICIAL PLAN
OF TAY VALLEY TOWNSHIP**

PART A The Preamble does not constitute part of this Amendment.

PART B The Amendment, consisting of a text, constitutes Amendment No. 3 to the Official Plan of Tay Valley Township.

PART C The Appendices which are attached do not constitute part of this Amendment. These appendices contain the notice of the public meeting, the minutes of the public meeting and various other items forming part of the record to be forwarded to the approval authority.

PART A - THE PREAMBLE

1. Purpose

The purpose of this Amendment is four-fold:

1. To revise policies of the Plan to comply with recent changes to the Planning Act;
2. To revise policies of the Plan to be consistent with the policies of the 2005 Provincial Policy Statement;
3. To revise policies of the Plan to reflect the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulations (Generic Regulation); and,
4. To revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township’s experience in working with the Plan.

2. Location

This amendment is of general application to all lands in Tay Valley Township.

3. Basis of the Amendment

The basis of the amendment is as follows:

1. Bill 51 introduced a number of changes to the Planning Act. Among those changes are provisions relating to the use of municipal financial tools for the remediation of brownfields. This amendment to the Plan incorporates a policy to enable the Township to utilize financial tools to encourage the remediation of contaminated former industrial, commercial and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act*, S.O. 2001.
2. In March of 2005, a new Provincial Policy Statement came into effect. The Policy Statement introduced a number of significant policy changes affecting land use planning, the most significant of which is a requirement that Municipal decisions affecting planning matters be consistent with policy statements issued under the Act. Accordingly, this amendment to the Plan includes various changes to ensure that the policies of the Official Plan are consistent with the 2005 Provincial Policy Statement. These changes are summarized as follows:
 - The amendment overhauls residential lot creation policies in the Agriculture land use designation and, in particular, eliminates retirement lots. The amendment also introduces a 40 ha minimum for agriculture uses.

- The amendment includes new and revised policies relating to natural hazards associated with flood plains, steep slopes and organic soils.
 - The amendment introduces a new policy section on energy. The policies within this section support renewable alternative energy systems and encourage energy conservation through the design of subdivisions and site plans. The policy also contemplates that impediments to alternative and renewable energy systems will be removed through provisions set out in the zoning by-law, as appropriate.
3. The current Plan makes reference to “*Fill, Construction and Alterations to Waterways Regulations*”, administered by the relevant Conservation Authority. This regulation has since been replaced by the Generic Regulation, formally known as the “*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*” regulation. Accordingly, this amendment to the Plan reflects the necessary changes as a result of introduction of the Generic Regulation.
4. During the course of the past five years, and through consultation with the public, Council holds the view that certain policy changes are necessary. This amendment includes the following policy changes to reflect local interest in the development of the Township:
- Residential development in Tay Valley Township is primarily related to its many lakes that are accessed by existing private roads. The redevelopment and future development of waterfront properties will continue to rely on access by private roads. As this type of development is locally important to the economic prosperity of the Township, the amendment introduces a policy that would permit minor extensions to private roads up to 180 metres in length, in order to provide access to undeveloped waterfront lands. This policy change would have the effect of allowing up to three new lots to be created as an extension to existing private roads.
 - It has become apparent that the current consent policies are too restrictive and do not support the intended direction of development in the Township. For example, the Plan intends that the Hamlet designation be the primary focus of growth, yet this has not occurred to the extent desired. Accordingly, this amendment modifies consent policies to encourage development within the Hamlet designation, as well as across the Township. The amendment increases the number of lots that can be created by consent from a land holding that existed on January 1, 1986, from two (2) to three (3), excluding the retained parcel. The amendment also eliminates the current three (3) lot restriction for lot creation by consent within the Hamlet designation, in order to provide a greater incentive to lot creation in Hamlets.

- The Plan currently designates only lands within the Hamlet designation as a Community Improvement Policy Area. This amendment changes the Community Improvement Area to include the entire municipality. The reason for this amendment is to allow programs such as brownfields remediation to be applied Township-wide rather than just within the Hamlet areas.
- The amendment recognizes the importance of lake management plans and watershed management plans. The amendment introduces an additional Official Plan objective of fostering environmental sustainability through cooperation with Federal and Provincial agencies, as well as watershed management plans such as the Tay River Watershed Management Plan and Rideau Canal Management Plan.
- The amendment introduces an additional Official Plan objective of fostering site and building design that incorporates features and amenities for those with disabilities, particularly where the sites and buildings serve the general public.
- The amendment updates references to Local Architectural Conservation Advisory Committees (LACAC), which are now referred to as Municipal Heritage Committees.
- The amendment adds a policy to encourage proponents of development by plan of subdivision within 1 kilometre of the boundary with the Town of Perth to undertake preconsultation processes with the Town prior to the preparation of development applications.

PART B - THE AMENDMENT

1. Introduction

All of this part of the document entitled **PART B - THE AMENDMENT** which consists of the following text, constitutes Amendment No. 3 to the Official Plan of Tay Valley Township.

2. Details of the Amendment

The Official Plan is hereby amended as follows:

Item No. 1

Section 1.1.3 is hereby amended by deleting the text “the Township has regard for the *1997 Provincial Policy Statement*” and replacing it with “that Township decisions affecting planning matters are consistent with the *2005 Provincial Policy Statement*”.

Item No. 2

Section 1.3.2.6 is hereby amended by adding the following new sentence immediately following the last sentence in the paragraph:

It is recognized that lake management and watershed management planning are important activities in support of the environmental sustainability of the Township’s lake resources.

Item No. 3

Section 1.3.3 is hereby amended by inserting the following new subsection immediately after subsection 2, and renumbering the subsections that follow:

3. To foster the environmental sustainability of watersheds in the Township through co-operating with relevant Federal and Provincial agencies that have regulatory powers in natural resources management, as well as through supporting the environmental goals and objectives of watershed management plans such as the Tay River Watershed Management Plan and the Rideau Canal Management Plan.

Item No. 4

Section 1.3.3 is hereby further amended by inserting the following new subsection immediately after existing subsection 11, and renumbering the subsections that follow:

12. To foster site and building design that incorporates features and amenities for those with disabilities, particularly where such sites or buildings are intended to serve the general public.

Item No. 5

Section 2.3 is hereby amended by renaming the section to “**HOUSING AND ENERGY POLICIES**” and inserting the new subheading “**2.3.1 Housing Policies**” immediately before the existing text.

Item No. 6

Section 2.3 is hereby amended by inserting the following new subsection and text:

2.3.2 Energy Policies

1. In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as building design or orientation, lot orientation and the use of vegetation.
2. The use of alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements for the purpose of protecting the environment, as well as respect land use compatibility and natural and cultural heritage considerations.
3. The comprehensive Zoning By-law that implements this Plan shall include regulations that minimize impediments to the use of alternative and renewable energy systems.

Item No. 7

Section 2.6.3 is hereby amended by deleting the first two paragraphs in their entirety, and replacing them with the following:

This plan designates the entire Tay Valley Township as a Community Improvement Policy Area.

Section 2.6.3 is hereby further amended by deleting the “s” from the word “Areas” in the existing third paragraph.

Item No. 8

Section 2.6.4 is hereby amended by replacing the words “Areas were” in the first sentence with the following:

Area was

Section 2.6.4 is hereby further amended by replacing the words “areas require” in the second sentence with the following:

Area requires

Item No. 9

Section 2.6.6.4 is hereby amended by deleting the “(s)” from the word “area(s)”.

Item No. 10

Section 2.6.6 is hereby amended by inserting the following new subsection immediately after subsection 6, and renumbering the subsections that follow:

7. Utilization of financial tools to encourage the remediation of contaminated former industrial, commercial, and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act, S.O., 2001*.

Item No. 11

Section 2.18.1.4 is hereby amended by deleting the text “Local Architectural Conservation Advisory Committee (LACAC)” and “LACAC” and replacing it with the following:

Municipal Heritage Committee.

Item No. 12

Section 2.19.1 is hereby amended by deleting the subheading text in its entirety and replacing it with the following:

Flood Plains

Flooding is a natural occurrence along all water bodies and watercourses in the Township. It becomes a hazard when buildings and structures are placed where there is a risk of inundation. Minor flooding occurs on a seasonal basis. The 1:100 year event is used for planning purposes in this area of the Province. Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to the use of land and the management of water.

1. The areas within existing mapped 1:100 year flood lines are designated as Natural Hazard on Schedules A1, A1 and A3 and are subject to the policies of the associated **Natural Hazard** section of this Plan.
2. Lands within and adjacent to lands affected by natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. While such adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authorities in accordance with the Section 28 Regulation, as well as the approval of Parks Canada and the Ministry of Natural Resources, where applicable.
3. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor. Where such setbacks are required, they shall typically range from 5 to 15 metres.

Item No. 13

Section 2.19.2 is hereby amended by deleting the text in its entirety and replacing it with the following:

1. Lands with the potential for organic soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability, as shown on Schedules A1, A2 and A3 to this Plan. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
2. Development and site alteration in areas containing organic soils shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
 1. Such development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards, as applicable;
 2. New hazards are not created and existing hazards are not aggravated;
 3. No adverse environmental impacts will result;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

Item No. 14

Section 2.19 is hereby amended by adding the following new subsection:

2.19.3 Steep Slopes and Erosion Hazards

1. Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and ANSIs, and other resources discussed in the **Natural Heritage Features** section of the Plan.

2. Appropriate setbacks from steep slopes are important to minimizing risks to persons and property. In the absence of detailed mapping, a general standard of a 3:1 (horizontal:vertical) stable slope allowance shall apply, plus a 6-metre erosion allowance or 10 metres from the top of the slope, whichever is greater. In certain cases, such as along watercourses with active erosion or a meander belt, additional setbacks may be necessary. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified expert.
3. Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation or development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the relevant Conservation Authority. Development and site alteration shall only be permitted on lands affected by steep slopes or erosion hazards where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
 1. Such development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards, as applicable;
 2. New hazards are not created and existing hazards are not aggravated;
 3. No adverse environmental impacts will result;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.
4. It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and necessitate more complex storm water

management techniques than might ordinarily be required. In general, the greater the slope, the more emphasis shall be placed on these elements of site development.

Item No. 15

Section 2.21.2.2 is hereby amended by adding the following new text to the end of the last sentence:

when the approval authority, in consultation with other agencies such as the relevant Conservation Authority, Department of Fisheries and Oceans, or Parks Canada determines that it is necessary. This determination shall be made after a review of existing information and inventories and/or a site inspection by a qualified professional from a relevant agency that has identified significant fisheries values or fish habitat.

Item No. 16

Section 2.23.1.2.2.1 is hereby amended by deleting the words “1:100 year flood line, where mapped, or” from the second last sentence.

Item No. 17

Section 2.23.2.1 is hereby amended by deleting the first sentence of the second paragraph and replacing it with the following:

The Rideau Valley Conservation Authority, in co-operation with other government agencies and citizen organizations, has produced the Tay River Watershed Management Plan, a report which documents the condition of the watershed and pinpoints issues and priorities for action.

Item No. 18

Section 3.2.3.5 is hereby amended by deleting the text in its entirety, and replacing it with the following:

Lot creation within the Agriculture designation shall be discouraged. In addition to complying with the policies of this Plan relating to **Land Division**, lot creation in the Agriculture designation shall be subject to the following provisions:

1. New lots for agricultural uses shall be of a size appropriate to the type of agriculture common in the area and to allow flexibility for future changes to the type of the agricultural operation. In general, lots shall be approximately 40 hectares in area.
2. New lots for agriculture-related uses shall be limited to the minimum size required to accommodate the use and the appropriate sewage and water services.
3. New lots for existing dwellings that are surplus to a farming operation as a result of farm consolidation, provided that no net increase in the number of existing or potential dwellings results from the lot creation. Such new lots shall generally be no more than 1 hectare in area, except where site-specific factors such as the setback of an existing dwelling from the adjacent public road requires the creation of a larger lot.
4. New lots for infrastructure related to public sewage and water systems, septage treatment facilities, waste management facilities, electrical power generation and transmission, pipelines and associated facilities, transportation corridors and facilities, communications and telecommunications, provided that such facilities or corridors cannot be accommodated through the establishment of easements or rights-of-way, rather than lot creation.

Item No. 19

Section 3.5.1 is hereby amended by deleting the second paragraph in its entirety and replacing it with the following:

Organic soils as identified in the Canada Land Inventory and steep slopes have the potential to constitute a natural hazard and policies are included in the **Natural Hazard Features** section of the Plan. Typically, lands exhibiting steep slopes or organic soils pose constraints to development which, with appropriate engineering, may be overcome. Accordingly, such lands will not normally be included in the Natural Hazard designation.

Item No. 20

Section 3.5.3.1 is hereby amended by deleting the words "*Fill, Construction and Alteration to Waterways Regulations*" and replacing them with the words "any regulations which may be adopted".

Item No. 21

Section 3.5.3.2 is hereby amended by deleting the text in its entirety and replacing it with the following:

Lands within and adjacent to lands affected by natural hazards as shown on Schedules A1, A2, and A3 are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authorities. While adjacent lands on Schedules A1, A2 and A3 are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.

Item No. 22

Section 3.5.3.3 is hereby amended by deleting the second sentence, as well as deleting subsections 1, 2 and 3 in their entirety and replacing it with the following:

An application for the redesignation of Natural Hazard lands to permit development shall only be considered if it can be demonstrated to the satisfaction of the Township and the relevant Conservation Authority that the lands are not subject to a natural hazard.

Item No. 23

Section 3.5.3 is hereby amended by adding the following new subsection immediately after subsection 3, and renumbering the subsections that follow from 4, 5 and 6 to 5, 6, and 7 respectively:

4. Although lands adjacent to the Natural Hazard designation are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur on lands within or adjacent to the Natural Hazard designation without the written permission of the relevant Conservation Authority, as set out in the **Natural Hazard Features** section of this Plan.

Item No. 24

Section 3.5.3.6, as renumbered, is hereby amended by adding the following new sentence to the end of the paragraph:

Specifically, buildings that are located within a 1:100 year flood plain should provide floodproofing protection for such buildings and any proposed additions in consultation with the relevant Conservation Authority.

Item No. 25

Section 3.5.3.7, as renumbered, is hereby amended by deleting the words “and fill”.

Item No. 26

Section 3.6.1 is hereby amended by inserting the following new text immediately following the last sentence of the second paragraph:

Where planning applications for major development are proposed for lands within one kilometre of the Town of Perth, the proponents are encouraged to consult with the Town prior to the preparation development applications.

Item No. 27

Section 4.5 is hereby amended by deleting the words “and the extension of existing private roads” from the second sentence of the first paragraph and by inserting the following new paragraph after the first paragraph:

Minor extensions, not exceeding a total of 180 metres from the last lot on the road, may be permitted to a private road as it existed on the date of adoption of this plan. Any extension to a private road shall be constructed to a standard acceptable by Council and such construction may be governed by an agreement (with one or more property owners) setting out the standards for construction and maintenance and which may be registered on title against the lands to which it applies. The design and construction of the road will be undertaken by a professional engineer or other person competent in road construction, as approved by Council.

Item No. 28

Section 5.2.1 is hereby amended by deleting the second and third sentences from the first paragraph, and replacing them with the following:

The division of land by the consent process is generally intended for the creation of not more than three new lots, and for situations not related to the creation of new lots such as lot line adjustments. Where the division of land results in the creation of more than three new lots, it will likely be necessary to proceed by plan of subdivision.

Item No. 29

Section 5.2.3.1 is hereby amended by deleting the text in its entirety, and replacing it with the following:

A maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1986. Where a land holding is situated partly or wholly within the Hamlet designation, the maximum number of lots shall not apply, provided that the new lots are situated within the Hamlet designation.

Item No. 30

Section 5.2.3.4 is hereby amended by adding the following text to the first sentence, immediately after the second instance of the word "roads":

or on minor extensions of such roads

Item No. 31

Section 5.2.3.5 is hereby amended by deleting the text in its entirety and replacing it with the following:

No consent shall be granted that would require the creation of a new private road.

Item No. 32

Section 5.4.2.2 is hereby amended by adding the following new text immediately after the word "considerations":

as well as address the needs of those with disabilities, as applicable

Item No. 33

Section 6.3 is hereby amended by deleting the date “1997” and replacing it with “2005”.

Item No. 34

The Table of Contents is hereby amended to reflect section numbering and title modifications associated with this amendment.

APPENDIX I - NOTICE OF THE OPEN HOUSE AND PUBLIC MEETING

TAY VALLEY TOWNSHIP

NOTICE OF OPEN HOUSE

&

NOTICE OF PUBLIC MEETING OF COUNCIL

CONCERNING A PROPOSED OFFICIAL PLAN AMENDMENT

TAKE NOTICE that the Corporation of Tay Valley Township will hold an Open House and a Public Meeting of Council in the Council Chambers of the Township Municipal Building at 217 Harper Road, regarding an Official Plan Amendment under the *Planning Act*, R.S.O., 1990, Chapter P.13, Section 17, as amended;

AND TAKE NOTICE that the Open House will be held from 4:00 p.m. - 6:00 p.m. on Monday, March 19, 2007 and that the Public Meeting of Council will be held at 6:00 p.m. on Tuesday, March 27th, 2007. Both forums are being held with respect to the following item:

- A proposed Official Plan amendment under the *Planning Act*, R.S.O., 1990, Chapter P.13, Section 17, as amended. The purpose and effect of the Amendment is four-fold:
 1. To revise policies of the Plan to comply with recent changes to the Planning Act;
 2. To revise policies of the Plan to be consistent with the policies of the 2005 Provincial Policy Statement;
 3. To revise policies of the Plan to reflect the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulations (Generic Regulation); and,
 4. To revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township's experience in working with the Plan.

The amendment is of general application to the entirety of the Township.

ANY PERSON may attend the Open House or Public Meeting and/or make written or verbal representation either in support of or in opposition to the above item. In the event that you are unable to attend the Public Meeting but wish to submit written comments, please ensure that your comments are delivered to the Clerk's office prior to the day of the meeting.

IF YOU WISH to be notified of the adoption of the proposed official plan amendment, or of the refusal of a request to amend the official plan, you must make a written request to the Clerk of the Corporation of Tay Valley Township, 217 Harper Road, R.R. No. 4, Perth, Ontario, K7H 3C6.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Corporation of Tay Valley Township before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Corporation 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 Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

THE SUBJECT LANDS are not the subject of related applications under the *Planning Act*.

ADDITIONAL INFORMATION relating to this item, including a copy of this notice and the proposed amendment, are available through the Clerk's office during regular business hours from Monday to Friday (800) 810-0161 or (613) 267-5353.

DATED AT TAY VALLEY TOWNSHIP
THIS 28th DAY OF FEBRUARY, 2007.

LESLIE DRYNAN, CLERK
TAY VALLEY TOWNSHIP

APPENDIX II – MINUTES OF THE PUBLIC MEETING

TAY VALLEY TOWNSHIP

MINUTES OF PUBLIC MEETING OFFICIAL PLAN – 5 YEAR REVIEW TUESDAY MARCH 27, 2007 6:00 P.M. MUNICIPAL OFFICES – 217 HARPER ROAD

Present: Reeve Keith Kerr, Councillors, Bill Avery, Brian Campbell, Wayne Jordan, Chris Rawling
Staff: Kathy Coulthart-Dewey- CAO, Leslie Drynan- Clerk, Greg Mignon-Senior Planner, Steve Pentz-Planner, Joanna Reed-Planning Administrative Assistant
Members of the Public: Mr and Mrs. Maynard Dokken, Jim Baxter, Dave Morrow, Michael Leibson, Karen Hunt, Orion Clark, John Miller, David Taylor.

Councillor B. Campbell called the meeting to order at 6:10 pm. He introduced S. Pentz and G. Mignon as the planning staff who had been dealing with the proposed Official Plan Amendment. He asked K. Coulthart-Dewey to give a brief introduction as to the general intent and purpose of the public meeting.

K. Coulthart- Dewey stated that Tay Valley Township had first held a public open house to discuss the various amendments to current Official Plan, as required by the Planning Act. The notice for the Open House and Public meeting was circulated February 28, 2007 as required by the Planning Act. K. Coulthart-Dewey stated that everyone should have the opportunity to speak and encouraged them to do so in order to preserve the right to appeal.

The purpose of the Official Plan Amendment is four-fold: 1. to revise policies of the Plan to comply with recent changes to the Planning Act; 2. To revise policies of the Plan to be consistent with the policies of the 2005 Provincial Policy Statement; 3. To revise the policies of the Plan to reflect the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations (Generic Regulation); and 4. To revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township's experience in working with the plan.

K. Coulthart-Dewey said that anyone wishing to receive a decision regarding the proposed amendment to the Official Plan should sign the sheet provided at the front of the room.

K. Coulthart- Dewey then asked G. Mignon to provide comments on the proposed changes to the current Official Plan. G. Mignon began by stating that the current Official Plan gained final approval in 2001. As required by law, Tay Valley Township began its review of the Official Plan in 2006. The amendments put forward at this public meeting stem from suggestions made by the public as well as by changes made to relation legislation within the past 5 years.

G. Mignon stated that in order to have the right to appeal any decision made regarding this Official Plan the public must either make a written or verbal submission at the public meeting.

G. Mignon continued by describing the purpose of an Official Plan as a municipal land use planning document which helps guide the preparation of the Comprehensive Zoning By-Law document. This document in turn guides decisions regarding public policy on planning matters for the public and helps the municipality make decisions regarding development proposals (such as minor variances, severances, zonings, site plan control agreements). The province, through the Ministry of Municipal Affairs and Housing (MMAH), has the final say on

whether or not the Official Plan Amendment will be passed. G. Mignon also mentioned that the mineral resource designation would be a topic dealt with separately from this Official Plan Amendment due to time constraints.

The first amendment is with respect to the Planning Act and associated regulations. Namely that municipal decisions be consistent with the Provincial Policy Statement (PPS). It is proposed that the wording of the Official Plan be changed to reflect the new direction of the PPS.

The second piece of legislation to affect the Tay Valley Official Plan is the Brownfields Act which allows the municipal government to provide incentives to landowners who wish to develop property which has been contaminated. In rural areas this tends to be old gas stations or wrecking yards.

The third amendment also stems from the PPS which directs that farmers no longer create farm retirement lots through severance. The amendment to the Official Plan removes the potential for farmers to create such lots in Tay Valley Township.

G. Mignon also said that policies with respect to floodplains, steep slopes and natural hazards currently in the Official Plan have been proposed for revision. This proposal has been made since Conservation Authorities have now been granted the ability to give permits out for development within floodplains, wetlands or any other natural hazard areas.

There have also been policies or directions added to the Official Plan allowing for energy conservation and alternative energy use. This change would be more likely to cause changes in the Comprehensive Zoning By-Law for issues such as height restrictions for wind turbines.

The current Official Plan does not allow for the creation or extension of private roads, and only allows up to 2 severances (2 new lots, 1 retained) as infill on existing private roads. The amendment to the Official Plan suggests the extension of up to 180 m of private road to accommodate a maximum of 3 severances (3 new lots, 1 retained) on private roads. It would also allow for 4 severances to create 5 lots in the rural area and would remove any restriction for the severing of lots in a hamlet.

The amendment has also taken comments by the Conservation Authorities and Lake Associations into consideration with respect to documents such as lake and watershed management plans. If passed, the Official Plan would recognize the importance of these plans and would attempt to support and cooperate with these agencies.

Lastly, the proposed changes to the Official Plan have tried to make a greater effort to recognize the needs of those people with disabilities and the need to promote site and building design to accommodate these needs.

The meeting was then turned over for public comment. M. Dokken stated that he commended the proposal to lift severance restrictions in hamlets but wondered specifically about how the number of severances to be permitted was reached. G. Mignon stated that the majority of surrounding Townships allowed for 3 severances (3 new lots, 1 retained) but that Tay Valley had decided to recommend less restrictive measures. M. Dokken then asked if it was true that a hydrogeological study must be done if there were more than 3 severances. G. Mignon stated that the majority of severances that occurred around the water would have to go through a hydrogeological study if required by the Conservation Authority or the Township; numbers of severances did not generally speaking, have an effect on that decision.

D. Taylor stated that he noticed that in the written comments submitted by the Conservation Authority they had suggested the hydrogeological studies be completed if there were going to be 4 or more severances. He also asked if source water protection could be added into the amendment. G. Mignon stated that in all likelihood source water protection would not be added to the amendment simply due to lack of information about what areas should be protected. He did state that at the time more studies were completed a further and more focussed amendment could be made to the Official Plan.

J. Baxter, owner of Links O'Tay asked a question about how the Official Plan would

affect his land if it was eventually annexed into the Town of Perth. G. Mignon stated that his land would remain under the Tay Valley Township Official Plan, and Zoning By-Law until such time as an Official Plan Amendment was made by the Town of Perth to include the annexed lands in the Town of Perth.

M. Leibson asked about the expansion of severances from 2- 4. He said that he understood the reasons for the suggested increase such as local economic benefits and an increase in the tax base, but he asked Council to examine the profound and long reaching environmental and especially the cultural impacts of severances on such an old rural community.

J. Miller and D. Morrow both declared that as farmers they supported the rural way of life, but said that there was a disturbing trend towards farmers selling their land to developers, or severing their land in order to be able to sustain themselves financially.

G. Mignon reviewed the next steps of the Official Plan Amendment process. He believed that comments would still be coming in from various agencies to whom the Plan had been circulated. Once all comments have been received another draft of the Official Plan would be written and brought before Council to adopt. If there were significant changes another public meeting would be held. If not, Council would adopt the Official Plan and forward it to the MMAH for review and approval. The MMAH can adopt the Official Plan, deny it, or change various sections of it. If they do grant the Official Plan there will be an appeal period at which point any member of the public may appeal the decision by taking it to the Ontario Municipal Board. If there are no appeals then the Official Plan will be deemed complete.

8:05 motion for adjournment.

APPENDIX III – OTHER ITEMS FORMING PART OF THE RECORD

OFFICIAL PLAN AMENDMENT NO. 3 OF TAY VALLEY TOWNSHIP

NOTICE OF ADOPTION

TAKE NOTICE that the Council of the Corporation of Tay Valley Township passed By-law No. 07-022 on the 24 day of April, 2007, to adopt Official Plan Amendment No. 3, pursuant to the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended.

The purpose and effect of the Amendment is four-fold:

1. To revise policies of the Plan to comply with recent changes to the Planning Act;
2. To revise policies of the Plan to be consistent with the policies of the 2005 Provincial Policy Statement;
3. To revise policies of the Plan to reflect the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulations (Generic Regulation); and,
4. To revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township's experience in working with the Plan.

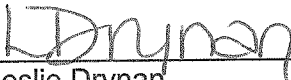
The amendment is of general application to the entirety of the Township.

No lands in the Township are the subject of related applications under the *Planning Act*.

Copies of Official Plan Amendment No. 3 are available for inspection at the Clerk's Office in the Township Municipal Offices at 217 Harper Road, RR # 4 Perth, Ontario, during regular business hours.

Official Plan Amendment No. 3 is being submitted to the Ministry of Municipal Affairs and Housing, which is the approval authority for the Amendment. Any person or public body is entitled to receive notice of the proposed decision of the Ministry by making a written request to the following address: Ministry of Municipal Affairs and Housing, Municipal Services Office - Eastern, Rockwood House, 8 Estate Lane, Kingston, Ontario K7M 9A8.

DATED AT TAY VALLEY TOWNSHIP
THIS 24 DAY OF April, 2007.



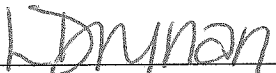
Leslie Drynan
Clerk
Tay Valley Township

OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP

CERTIFICATION OF COMPLIANCE
WITH NOTICE AND PUBLIC MEETING REQUIREMENTS

I, Leslie Drynan, Clerk of Tay Valley Township, hereby certify that Official Plan Amendment No. 3 of Tay Valley Township has been adopted and processed in accordance with the notice and public meeting requirements under Sections 17(15)-(23) of the *Planning Act*, R.S.O. 1990, Chapter P.13.

DATED AT TAY VALLEY TOWNSHIP
THIS 24 DAY OF April, 2007.



Leslie Drynan
Clerk
Tay Valley Township

OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP


RECORD OF ORAL SUBMISSIONS AT THE PUBLIC MEETING
OF MARCH 27, 2007

I, Leslie Drynan, Clerk of Tay Valley Township, hereby certify that the following persons made oral submissions at the public meeting of Tuesday, March 27, 2007:

- No persons made oral submissions; or
- The following persons made oral submissions:

Maynard Dokken
Jim Baxter
Dave Morrow
Michael Leibson
John Miller
David Taylor

DATED AT TAY VALLEY TOWNSHIP
THIS 24 DAY OF April, 2007.



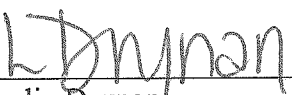
Leslie Drynan
Clerk
Tay Valley Township

OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP

INFORMATION AVAILABLE TO THE PUBLIC

Copies of the draft of Official Plan Amendment No. 3 were made available at the Tay Valley Township Municipal Offices, located at 217 Harper Road, R.R. #4, Perth, Ontario, K7H 3C6.

DATED AT TAY VALLEY TOWNSHIP
THIS 24 DAY OF April, 2007.



Leslie Drynan
Clerk
Tay Valley Township

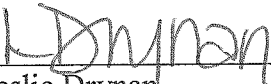
**OFFICIAL PLAN AMENDMENT NO. 3
OF THE TOWNSHIP OF RIDEAU LAKES**

DESCRIPTION OF SUBMISSION

I, Leslie Drynan, Clerk of Tay Valley Township, certify that:

1. The Council of the Corporation of Tay Valley Township is submitting an Official Plan Amendment for approval.
2. The proposed Amendment modifies the Official Plan as follows:
 - To revise policies of the Plan to comply with recent changes to the Planning Act;
 - To revise policies of the Plan to be consistent with the policies of the 2005 Provincial Policy Statement;
 - To revise policies of the Plan to reflect the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulations (Generic Regulation); and,
 - To revise the Plan with respect to various policy matters affecting local planning issues which have been deemed advisable as a result of the Township's experience in working with the Plan.
3. Lands which are subject to Official Plan Amendment No. 3 are not the subject of any related applications under the *Planning Act*.

DATED AT TAY VALLEY TOWNSHIP
THIS 24 DAY OF April, 2007.



Leslie Drynan
Clerk
Tay Valley Township

**OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP**

STATEMENT OF CONSISTENCY AND CONFORMITY

I, Gregory A. Mignon, consulting planner for Tay Valley Township, hereby state that, in my opinion, the decision of Council with respect to this amendment:

- Is consistent with the policy statements issued under Section 3(1) of the *Planning Act*; and
- Conforms to or does not conflict with any applicable provincial plan or plans.

DATED AT TAY VALLEY TOWNSHIP
THIS 27th DAY OF APRIL, 2007.



Gregory A. Mignon, MCIP, RPP
Senior Project Manager
Novatech Engineering Consultants Ltd.
Suite 200, 240 Michael Cowpland Drive
Ottawa, ON
K2M 1P6

**OFFICIAL PLAN AMENDMENT NO. 3
OF TAY VALLEY TOWNSHIP**

WRITTEN SUBMISSIONS

(Attached)

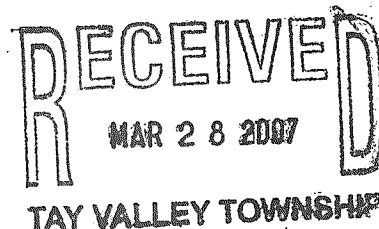
Ministry of
Municipal Affairs
and Housing

Ministre des
Affaires municipales
et du Logement



Municipal Services Office
Eastern Region
8 Estate Lane
Rockwood House
Kingston, ON K7M 9A8
Phone: (613) 548-4304
Fax: (613) 548-6822
Toll Free: 1-800-267-9438

Bureau des services aux municipalités
Région de l'Est
8 chemin Estate
Maison Rockwood
Kingston, ON K7M 9A8
Téléphone: (613) 548-4304
Télécopieur: (613) 548-6822
Sans frais: 1-800-267-9438



March 26, 2007

Ms. Kathy Coulthart-Dewey, CAO
Tay Valley Township
217 Harper Road, R.R. #4
Perth, ON K7H 3C6

**Re: Draft Official Plan Amendment No. 3 - Tay Valley Township Official Plan
MMAH File No. 09-DP-0158-06001**

Dear Ms. Coulthart-Dewey:

Thank you for providing the Ministry the opportunity to review and comment on Draft Amendment No. 3 to the Tay Valley Township Official Plan. As you know, our Ministry co-ordinates the provincial "One Window" planning review for Official Plans.

Please note that we are still awaiting response from various partner ministries as part of the one-window protocol. The comments included herein are preliminary at this time and further comments may be forthcoming as responses from partner ministries are received. Our preliminary comments are provided in the attached Appendix A.

If you have any questions or concerns regarding the attached information, please feel free to contact me at (613) 545-2120.

Sincerely,

A handwritten signature in black ink, appearing to read "John Macdonald".

John Macdonald, Planner
Municipal Services Office - Eastern
encl.

cc: Greg Mignon, Novatech

“Appendix A”
Provincial “One Window” Comments
Draft Official Plan Amendment No. 3 - Tay Valley Township
MMAH File No: 09-DP-0158-06001

GENERAL COMMENTS

- A. It is recommended that the text in Section 1.2.5 of the existing Plan be amended to include the *Planning Act* requirement that the Official Plan be amended not less than every five years.
 - B. It is also recommended that text be added to Section 5.5.1 indicating the requirement that the Zoning By-law be amended within three years of a five year Official Plan update to reflect any relevant changes in that update.
-

1. **ITEM NO. 7**

This item changes the Community Improvement Policy Areas (CIPAs) from the areas designated as Hamlet to the entire Township. Section 2.6.4 of the Plan provides the basis for designating the Hamlet areas as CIPAs. This section of the Plan should also be amended to provide the basis for designating the entire Township as a CIPA.

2. **ITEM NO. 9 Section 3**

This section indicates that the required setbacks to the regulatory flood plain will typically range from 5 to 15 metres. This is contrary to Section 2.32.1.2.2 of the Plan which states that development or site alteration shall occur a minimum of 30 metres from the 1:100 year flood line. It is recommended that section 3 of Item No. 9 of the amendment be changed to reflect the 30 metre setback requirement.

3. **ITEM NO. 10 Section 2**

It is recommended that wording be added stating that where opportunity exists, development shall occur outside of areas identified with organic soils. Reference should also be made to the Natural Hazards Reference Manual.

5. **ITEM NO. 12**

It is recommended that the following be added to the end of the amended wording:

“And determined by existing information and inventories or by a site inspection by a qualified professional from the relevant agencies that has identified significant fisheries values or fish habitat.”

6. ITEM NO. 22

It is recommended that wording be added to specify the date on which existing private roads were established in order to prevent further extensions to the same private road in the future.

7. ITEM NO. 23

It is not recommended that the number of lots permitted to be created from a single parcel exceed three without the requirement for additional studies (e.g. hydrogeological, environmental impact)

Conservation Partners Partenaires de conservation



Mississippi Valley
Conservation
de la vallée Mississippi

OFFICE DE
PROTECTION
DE LA NATURE DE
LA VALLÉE RIDEAU



RIDEAU
VALLEY
CONSERVATION
AUTHORITY



SOUTH NATION
CONSERVATION
DE LA NATION SUD

Date: June 11, 2006

Tay Valley Township
R.R.#4
Perth, Ontario
K7H 3C6
Attention: Kathy Coulthart-Dewey

Subject: **FIVE YEAR REVIEW OF OFFICIAL PLAN, TAY VALLEY TOWNSHIP**

Dear Ms. Coulthart-Dewey:

We understand that the five year review of the Official Plan is underway, we believe the plan is pro-active in regard to protecting and maintaining the terrestrial and aquatic environment within the watershed. Having worked with the Plan we wish to submit the following comments for your review and consideration for your update.

Natural Hazard Features- Steep Slopes

We suggest that the Township include policy to address development where slopes are equal to or greater than 30% from the horizontal. We understand that an update to the Zoning By-Law would be required. Generally we recommend a 15 metre setback from the top of bank.

We can provide specific examples that have been incorporated in the Official Plans of other municipalities within our watersheds.

Section 2.19

The Conservation Authorities new Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, also known as the "Generic Regulation," came into effect in May, 2006. This regulation is essentially an amendment to the Conservation Authority's previous "Fill, Construction and Alteration to Waterways Regulation" but additional hazard land mapping has been completed and development in adjacent to provincially significant wetlands is now subject to a similar development review process as flood plains. Development activities within 120 metres of a provincially significant wetland after May, 2006 will require the Conservation Authority's prior written approval. In addition, the former "fill line" has been replaced with a new "Regulation Limit" which is based on features associated with both flood and erosion hazards. Below are suggested changes to the wording under Section 2.19 to reflect these changes. We will also provide the Township with Regulation Limit mapping so that these changes can also be reflected on the OP schedules.

2.19.1 Flood Plains and Lands Within Fill-Lines Regulation Limits

1. Areas within existing mapped 1:100 year flood lines are designated as Natural Hazard on Schedules A1, A2 and A3 and are subject to the policies of the associated Natural Hazard section of this Plan.
2. Lands situated between the 1:100 year flood lines and the limits of fill-lines Regulation Limits shown on Schedules A1, A2 and A3 are subject to the ~~Fill, Construction and Alteration to Waterways Development~~.

Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations administered by the relevant Conservation Authorities. While these lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with its ~~Fill, Construction and Alteration to Waterways~~ Development. Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations, as well as the approval of Parks Canada and the Ministry of Natural Resources, where applicable.

3. Notwithstanding the foregoing, institutional uses, essential emergency services and disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands located within the Regulation Limits ~~limits of the fill-lines~~.

Environmental Impact Assessments

Section 2.21 of the Plan sets out the requirements for Environmental Impact Assessments (EIA) where development is proposed in or adjacent to a Natural Heritage feature. The policies under Section 2.1 of the Provincial Policy Statement are quite clear in this regard.

Having worked with the Official Plan for several years it has become apparent that there needs to be some clarification regarding when an Environmental Impact Assessment is required where a development is proposed adjacent to fish habitat. We would recommend that the wording under Section 2.21.2 be reviewed and revised, where necessary, to provide clarification for EIA triggers in instances where the Conservation Authority, Department of Fisheries and Oceans, or Parks Canada, where applicable, has identified a concern with respect to fish habitat/aquatic environment and the need for an Environmental Impact Assessment.

Lake Management Plans

As you are aware, the Otty Lake Management Plan is underway and it is expected that the plan will outline existing conditions and outline areas requiring further attention. We recommend that a section be added to include the implementation and recommendation of any Lake Plan once completed and approved. This is also an opportunity to recognize the goals and objectives of existing (Tay) and proposed Watershed Plans.

Source Water Protection

Mississippi Valley Conservation and the Rideau Valley Conservation Authority are currently working on technical studies as part of an initiative called source water protection which is being funded by the Province of Ontario. These studies will identify capture zones and intake protection zones for municipal water supplies including the Town of Perth's drinking water system, which is a surface water system that draws water from the Tay River. We recommend that a section be added to include any recommendations or the identification of any areas that result from this source water protection work in accordance with source water protection legislation and associated regulations.

Shoreline Vegetation

In support of Section 2.5 and *preservation of vegetation* it may be helpful to include a 'shoreline vegetation by-law' to regulate shoreline activity; again an update to the zoning By-Law would be required.

We can provide specific examples that have been incorporated in other municipalities within our watersheds.

Land Use Policies

We note the absence of policies regarding existing vacant undersized lots ('lots of record'), which are common throughout the Township. If inappropriate development were to occur on these lots, it would not maintain the intent of the Plan. We therefore recommend that the Plan include text to specify that the development of existing undersized lots must meet the intent of other policies in the Plan, as well as comply with the applicable performance standards in the implementing Zoning By-law.

Thank you for your consideration of the above comments. If you have any questions, please contact the undersigned.

Matt Craig
RVCA

Alyson Simon
MVC

Conservation Partners Partenaires de conservation



Mississippi Valley
Conservation
de la vallée Mississippi



SOUTH NATION
CONSERVATION
DE LA NATION SUD

Tay Valley Township
R.R.#4
Perth, Ontario
K7H 3C6
Attention: Kathy Coulthart-Dewey

Date: March 16, 2007

Subject: **PROPOSED OFFICIAL PLAN AMMENDMENT, TAY VALLEY
TOWNSHIP**

Dear Ms. Coulthart-Dewey:

Thank you for incorporating many of our recommendations from our letter of June 11, 2006, we have provided additional comments in regard to the protection of the aquatic and terrestrial environment while recognizing that the Township is planning for future growth.

Item 23

If four lots are permitted without a plan of subdivision (replacing maximum of two) we recommend that any new multiple lots that abut a waterbody or wetland be subject to and Environmental Impact Study including (hydrogeological and stormwater studies). The possibility of being able to create up to five new lots without associated studies is not supported by the Conservation Authorities. No other municipalities permit four lots within our shared watersheds.

Item 10 - Section 2

We recommend that following wording be included "where an opportunity exists development should be located outside of areas identified with organic soils". Please clarify what is "managed or mitigated in accordance to Provincial standards" or perhaps refer directly to the Natural Hazards Reference Manual.

Item 12

We recommend that this revision be further clarified by including "and determined by existing information and inventories or by a site inspection by a qualified professional from the relevant agencies that has identified significant fisheries values or fish habitat."

Item 15

The last two sentences contradict the policies in Item 11 and the opening statements of this section.

Thank you for your consideration of the above comments. If you have any questions, please contact the undersigned.


Matt Craig
RVCA

Alyson Symon
MVC

Cc - J. Macdonald - MMAH



Parks
Canada

Parcs
Canada

SUPERINTENDENT

Rideau Canal National Historic Site

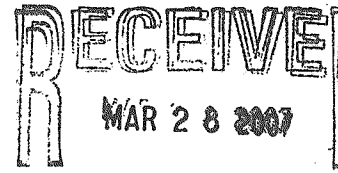
34A Beckwith Street S.

Smiths Falls, ON

K7A 2A8

PHONE: (613) 283-7199

FAX: (613) 283-0677



TAY VALLEY TOWNSHIP

March 23, 2007

Kathy Coulthart-Dewey
Tay Valley Township
217 Harper Road
R.R.#4
Perth, Ontario
K7H 3C6

Dear Ms. Coulthart-Dewey,

Re: Proposed Amendment No. 3 to the Official Plan of Tay Valley Township

As the operating authority for the Rideau Canal National Historic Site of Canada, Parks Canada has an interest in Official Plan policies as they affect the historic, natural and scenic character of the canal, its shoreline and the lockstations within the municipality. As well, we have an interest in policies that have the potential to affect boating activities on the canal. Our comments are based upon the direction in the *Rideau Canal Management Plan*.

Upon a review of the Proposed Amendment No. 3 to the Official Plan of Tay Valley Township, Parks Canada would like to offer the following comments:

Item No. 3

Include the *Rideau Canal Management Plan*, in the last line as one of the two key documents guiding environmental management in the township.

Item No. 15

The first and third sentences regarding organic soils and steep slopes appear contradictory.

Item No. 23

Parks Canada does not support the changes to the land severance policy to allow for the creation of up to four new lots by consent. Such a policy is not consistent with land division policies for other municipalities along the Rideau Canal and there are no requirements to determine the environmental impact of the development on the adjacent waterbody as is required by Subdivision Policy 5.2.4.7. A consent policy to allow for the creation of four lots will also inevitably result in creating or extending areas of strip development, which is contrary to consent policy 5.2.3.3.



Additional Comments:

Parks Canada requests that the Township consider modifying the *Development Adjacent to Water Bodies* Policies with the following modifications:

Remove policy 2.23.1.3.2 which provides for a user-in-common deeded waterfront parcel for the creation of three or more non-waterfront lots. This policy will result in applications for communal docking facilities which often have a greater impact on the aquatic environment than docks associated with individual cottages. Parks Canada generally discourages such facilities.

Include a policy in 2.23.1 to further protect natural waterfront vegetation by limiting the amount of disturbance on waterfront land for marine oriented facilities such as docks and boathouses to 25% of the frontage of the property to a maximum of 15 metres. This would complement the soon to be released *Policies for In-water and Shoreline Works and Related Activities* which has a similar requirement for the construction of these facilities on the bed of the Rideau Canal. By having consistent policies protection of the riparian zone will be greatly enhanced.

Section 2.18.1 *Cultural Heritage Resources* subsection 4 refers to Local Architectural Conservation Advisory Committee. Since the passage of the amended Ontario Heritage Act, these bodies are now referred to as Municipal Heritage Committees.

In order to preserve the cultural heritage features of the Township and achieve the Township's objectives for heritage conservation, I urge Council to appoint a Municipal Heritage Committee to provide advice on heritage matters. Parks Canada and the Ministry of Culture have joined with other municipalities to form the Rideau Heritage Network which is an umbrella heritage organization for the corridor. The Network steering committee would be pleased to make a presentation to Council on the mission and objectives of the Network. Please call Susan Millar, the Program Co-ordinator at 613-9385821 for further information.

I trust that Council will consider our comments in the preparation of revisions to the Amendment.



Gavin Liddy

Superintendent

Rideau Canal National Historic Site of Canada
Parks Canada

c.c. Rideau Valley Conservation Authority
attn, Matt Craig



RECEIVED
MAR 20 2007

TAY VALLEY TOWNSHIP

THE CORPORATION OF
THE TOWN OF PERTH

80 Gore Street East
Perth, Ontario K7H 1H9
Phone: (613) 267-3311
Fax: (613) 267-5635

Leslie Drynan, Clerk
Tay Valley Township
217 Harper Road, R.R. No 4
Perth, ON K7H 3C6

March 19, 2007

Dear Ms. Drynan

**Re: Tay Valley Township Official Plan Amendment No. 3
(amendment addressing 5 year review and the 2005 PPS)**

I confirm receipt of your recent Notice regarding Official Plan Amendment No.3. Thank you for providing a copy of the draft amendment for our consideration. Our comments, questions, and concerns regarding the proposed amendment are outlined below. In order for the Town to be aware of and better understand the context for some of the policy changes proposed in the amendment I request that copies of the supporting planning report or other studies be provided to the Town. If the reports are available in digital format, we would be more than willing to simply have them emailed to me in lieu of copies of the paper documents.

The issues of direct concern to the Town of Perth are as follows:

1. Source Water Protection is a critical issue for the Town of Perth and given the changing legislative and regulatory environment, we believe it would be appropriate for this issue to be recognized in the policies of the Township's Official Plan. Accordingly we suggest that a policy recognizing that the Tay River is the source of water for the Town of Perth, that the Tay River watershed and associated lands are an area that will be subject to source water protection efforts and that the Township will cooperate with other government agencies, the province and the Town with respect to source water protection efforts. Based on the structure of the Township's Official Plan it appears that Section 1.3.3 would be an appropriate section to add such a policy.
2. In keeping with our ongoing discussions around boundary adjustments, and considering Sections 1.1.1 d) and 1.2.1 of the PPS we were anticipating and request a new policy indicating that the Township intends to work with the Town of Perth to ensure development in proximity to the Town's boundaries proceeds in a manner consistent with these sections of the PPS. As suggested above, it appears that Section 1.3.3 would be an appropriate section to add such a policy.
3. Following from the above, comment, I note that the Town has concerns about the potential for privately serviced development, particularly privately serviced subdivisions in proximity to the serviced areas of the Town. The current policies in the Township's Official plan would permit a 25 unit subdivision in the rural designation within a kilometre of the Town. The Town is concerned that in the event of a servicing problem at that proximity, the potential solution would be to extend Town services with the resulting loss of servicing capacity. To address this situation Town would appreciate the Township considering an amendment to Section 5.2.4 3. of the Township's Official Plan to require an Official Plan Amendment for any privately serviced subdivision within a kilometre of Town in the Rural Designation.

Aged to Perfection!

www.perthcanada.com

The above approach is preferred by the Town as the existing policy means that the "principal of development" has already been established. We respectfully suggest that this is not consistent with sections 1.1.1 and 1.2.1 of the PPS.

If the Township determines that the Town's preferred approach is not acceptable, then we request that a new policy be added to section 5.2.4 of the Township's Official Plan with wording consistent with the following:

"Council recognizes that the Town of Perth has expressed concerns regarding the principle of subdivision development based on private services for lands in proximity to areas intended for full municipal services within the Town. In the interest of encouraging the efficient, coordinated use of municipal resources, proponents of development on lands within 1 kilometre of the Town's boundaries are encouraged to communicate with the Town of Perth when undertaking consultation processes prior to the preparation of development applications."

The Town's primary objective in making this request is to avoid situations where a developer might make a substantial investment in preparing a subdivision application and then find out during the application review process that the Town is concerned about the location or intensity of the development. We believe that both private development interests and public resource interests would be better served if the developer decided to proceed with projects fully aware of the issues that will come to bear on a development proposal.

I request that the Town of Perth be notified when the Township adopts Official Plan Amendment No. 3 and that the Town be provided with a copy of the minutes of the public meeting and the adopted amendment.

If you have any questions or require clarification of our submission, please contact me at your earliest convenience.

Sincerely,



Eric P. Cosens M.Sc.
Director of Planning

Cc Kelly Pender, CAO, Jorgen Hoeven Director of Finance and Corporate Services
Joe Gallivan MMAH

- PROTECTION OF RURAL WATER SUPPLIES- TAY VALLEY

- Natural Heritage Manual(1999) – Section 2.4: The quality and quantity of ground and surface water and the function of sensitive water recharge/discharge areas, aquifers and headwaters will be protected or enhanced.
- All the natural heritage features in TVT have not been inventoried(wetlands, wildlife habitat, woodlands, fish habitat....)
- In OP, natural heritage areas can be placed in a Zoning category where the list of permitted uses is limited to those that have no negative impact on the natural heritage features or areas and the ecological functions for which the area is identified

The direction from OMNR appears to be quite clear. Source Water Protection will focus on the Perth water supply. While there may be discussion about protective measures for the rest of the area, there will still be no protection unless nature's filters (wetlands, not just the provincially significant wetlands south and east of the Canadian Shield) are protected. Mike Robertson, Land Information Ontario, through the QuickBird imagery acquisition project in Eastern Ontario will be able to deliver the mapping which will make it possible to protect locally significant wetlands. Will Council proceed with this OP revision when the mapping is available?

In the meantime, the location of organic soils should not be considered for future development. Besides being a recharge area, a carbon sink, their habitat for wildlife and fish should not be overlooked. Connectivity of habitat is very important in the protection of species. On examining the SARO list (June, 2006), out of the 91 species that are at risk in our mixed forest habitat, 75 % of the total are represented by birds, fish and plants. The revision of the Endangered Species Act of 2007 is welcomed after a neglect of 36 years.

It is critical to the community that stewardship of resources is shown to be the most important task of the day.

Orion Clark, Concerned Resident
2007 03 27

HARMONY (??) IN THE OFFICIAL PLAN OF TAY VALLEY TOWNSHIP

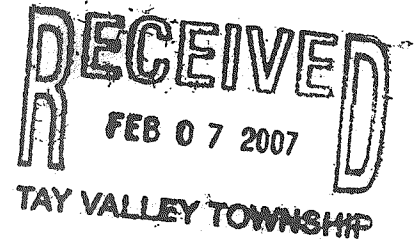
- Support for the Tay River Watershed Management Plan which includes in its Watershed Action List- item #19- 'Protect all wetlands in the watershed'
- Request RVCA- protect all locally significant wetlands –NOW
- Yet Section 2.19.2 in Proposed Amendment No. 3 to the Tay Valley Township O.P. – would allow consideration for development in an area of organic soils; soils typically found in wetlands [Permission where the effects & risk to public safety are minor so as to be managed or mitigated in accordance with Provincial Standards (what standards!!); no adverse environmental impacts will result- Disturbing statements which reflect a lack of the true value of organic soils and wetland area.....
- Consider the wetland-organic soil area:
 - (i) Organic soils, such as Muck, contain at least 30 % organic matter, valuable as a carbon sink in a time of climate change;
 - (ii) Valuable recharge areas- protect groundwater supplies; flood control
 - (iii) Wetland areas – nature's filter for pollutants...
 - (iv) Habitat- fish & wildlife; recreation

Under the Natural Spaces programme, MNR is developing an approach for identifying natural heritage systems in Southern Ontario. Natural Heritage systems support life & health for people, plants and wildlife. They clean our water, regulate flooding and drought & support our province's biodiversity, providing habitat for wildlife, including species at risk. Provincial Policy Statement (PPS) (2005) requires municipalities to make decisions which are consistent with the provincial objectives for the wise use & management of resources. The PPS directs that the long-term ecological function & biodiversity of natural heritage systems should be maintained, restored or where possible, improved. It is important for municipalities to identify natural heritage systems in their land use planning documents and decisions, and plan for sustainable long-term growth, not even considering development on organic soils.

While the maps from the Ontario Quick Bird Project have not been issued for our municipality, it is interesting to note Figure 4 (Valued Wetlands in the Study Area, which includes Lanark County) which forms part of the Technical Report- Eastern Ontario Wetland Valuation System Criteria- A First Approximation. It is time to stop wetland loss now. In Elizabeth Snell's report, "Wetland Distribution & Conversion in Southern Ontario, Working Paper No. 48, Inland Waters & Lands Directorate-Environment Canada", she notes the continual decline of wetlands in Lanark County; a loss of 35.1% of the original [presettlement~1800] wetland by 1982. Considering the thin overburden, particularly in Shield areas, it is critical that groundwater supplies are protected. Wetlands, nature's filter, are of prime importance in this regard.

Orion Clark, Concerned Resident,
Tay Valley Township

691 Christie Lake North Shore Road,
R.R. #4
Perth, ON
K7H 3C6
2007 02 06



Kathy Coulthart-Dewey, CAO
Tay Valley Township
217 Harper Road, R.R. #4
Perth, ON
K7H 3C6

RE: Protection of Rural Water Supplies

Dear Ms. Coulthart-Dewey:

As a concerned citizen living in the Tay Watershed, I have been increasingly concerned that there will be no additional protection of rural wells from impending legislation and regulations. Source Water Protection is only going to address municipal well head protection. Generic Regulation, at present, is only looking at provincially significant wetlands and riparian zones. While there are many existing programs [Community Fish & Wildlife Involvement program, Greencover program, Natural Spaces, Ontario Environmental Farm Plans, Ontario Land Care, Ontario Wetland Habitat Fund] that address the protection of water quality, their extent within the municipality is limited.

Since the opportunity now exists for municipalities to get current and more accurate mapping of all wetlands through the Quick Bird Project [Land Information Ontario-MNR], the opportunity for protection of our rural wells would be to recognize all locally significant wetlands, regardless of whether they are on shield or nonshield areas. [I realize that the Provincial Policy Statement (2005, 2.3.1.b) indicates that development and site alteration may be permitted in significant wetlands on the Canadian Shield if it has been demonstrated that there will be no negative impacts on the wetland features or the ecological functions for which the area is identified.] The Provincial Policy Statements and, in particular, the natural heritage policies (section 2.3) can be considered as statements of minimum standards and the Policy allows for planning authorities to go beyond these minimum standards(Brian Potter-MNR speaking on the monitoring the implementation of PPS 2.3). The need for protection of our groundwater (overburden and bedrock aquifers) was clearly shown in the recent groundwater study (Renfrew County-Mississippi-Rideau Groundwater Study, September 2003) which indicated that because of the shallow overburden over most of our watershed, aquifers could be easily contaminated by land use activities. The PPS of 2.4.1 states that the quality and quantity of groundwater and surface water and the location of sensitive groundwater recharge/discharge areas, aquifers and headwaters will be protected and enhanced. In an era of climate change, this mandate takes on increased significance.

The amount of information that is available on the water quality in aquifers in the watershed or municipality is limited. The Rural Water Quality Testing Program, administered by Ontario Federation of Agriculture is no longer active. While there are test wells associated with the Provincial Groundwater Monitoring program in the area, this will provide limited information, when available. The water testing program administered by the Ontario Ministry of Health and Long Term Care would provide current information on the status of water quality in the aquifers. I request that the municipality seek permission from the Ministry of Health for the list of participants in Tay Valley that are using this service. Subsequently, Tay Valley Township could contact this list of participants to seek permission for the release of their bacterial data which CGIS Spatial Solutions could incorporate into the municipal database. While the Groundwater study already reported potential areas of concern (landfill leachate from active or closed units, spill reports), the information from the Ministry of Health would give a current profile of water quality in aquifers and hence allow another layer of information to be carefully examined in planning decisions involving land use.

I strongly encourage the Council to show the necessary leadership to protect our vital rural resources that are being ignored, politically, at present. CPR for Wetlands (Conserve, Protect, Restore) is long overdue. At present, with my current understanding, wetlands can only be legally drained under the provincial Drainage Act, administered by OMAFRA.

Yours sincerely,



Orion Clark
Cc Jim Peden, CGIS Spatial Solutions



Received By
HAND IN
MAR 27, 2007

March 27, 2007

Tay Valley Township

Official Plan Review
Boundary Adjustment

Att: Cathy Colthart Dewey

Dear Ms. Dewey

With reference to the above subject and the Perth Golf Course Links O'Tay proposed development requiring a boundary adjustment. I would like to ensure that this will be addressed when the Official Plan Review takes place with council. I was of the understanding that Tay Valley would some how indicate the lands in question, Perth Golf Course would be on the plans and noted that they are for future consideration. I know that the Official Plan Reviews are every five years and I would like to ensure we have this subject addressed at this time.

Sincerely,
James Baxter

Signature

CC Keith Kerr
Kelly Pender



FRIENDS of the TAY WATERSHED
Association

RECEIVED
JAN 09 2007
TAY VALLEY TOWNSHIP
ORIGINAL TO
O. PLAN FILE

P.O. Box 2065
57 Foster Street
Perth, ON, K7H 3M9
www.tayriver.org
E-mail: info@tayriver.org
December 20, 2006

Kathy Coulhart-Dewey
Municipality of Tay Valley
217 Harper Road, R. R. 4
Perth, ON, K7H 3C6

Dear Ms. Coulhart-Dewey:

Subject: Recognition of Tay Watershed Management Plan in Official Plan

As you know, a watershed management plan has been developed, and in effect, since 2002, for the areas of your municipality that are located in the Tay watershed. The Tay Watershed Management Plan was produced over a three-year period by the Rideau Valley Conservation Authority (RVCA) in cooperation with a 75-member round table, that included representation from your municipality, local residents, the business and agriculture sector, lake associations, and resource-based federal and provincial ministries.

Our purpose in writing is to ask that Council consider taking the opportunity during the upcoming review of your municipality's Official Plan to include recognition of this document in your Official Plan.

The Tay Watershed Management Plan is a comprehensive document, based on technical reports and assessments by experts in all of the significant water indicator areas. It has been accepted by interested government and resource agencies as the authoritative umbrella document for water resources in this watershed. A copy is available for viewing or downloading from the RVCA web site at www.rvca.on.ca. We are also able to provide, in CD format, copies of the Plan and other watershed information including the consultant technical reports on which it is based.

As you know, the Ontario Government has recommended that municipalities take a watershed-based approach to water resource issues and, also, include in their official plans and by-laws recognition of any watershed management plans produced by conservation authorities in concert with other expert agencies. Further, given that the Tay watershed touches on and links no less than six municipalities, there is considerable potential benefit to municipal water resources (both ground and surface) in ensuring that common and high quality policies are in place throughout the watershed.

Through the cooperative efforts of the six municipalities and associated agencies, it can be expected that the Tay watershed health will be maintained, if not improved, even working against climate change and land use pressures.

If Council agrees, we would suggest including text in the OP with the following wording:

“To foster the environmental sustainability of watersheds in the Township through co-operating with relevant Federal and Provincial agencies that have regulatory powers in natural resources management, as well as through supporting the environmental goals and objectives of watershed management plans such as the Tay River Watershed Management Plan.”

We might suggest that a logical location for the text would be under an ‘Objectives’ section near the ‘Introduction’.

Thank you for your continued cooperation.

Yours sincerely,



David Taylor

Carol Dillon

Co-Presidents

Copy: Dell Hallett - Rideau Valley Conservation Authority
Mat Craig - Rideau Valley Conservation Authority