

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2014-039

OFFICIAL PLAN - AMENDMENT NO. 4

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, not less frequently than every five years after the plan comes into effect as an official plan or after that part of a plan comes into effect as a part of an official plan, if the only outstanding appeals relate to those parts of the plan that propose to specifically designate land uses,

- (a) revise the official plan as required to ensure that it,
 - (i) conforms with provincial plans or does not conflict with them, as the case may be,
 - (ii) has regard to the matters of provincial interest listed in section 2, and
 - (iii) is consistent with policy statements issued under subsection 3 (1); and
- (b) revise the official plan, if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the official plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended;

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 it 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**, the attached document, Tay Valley Township Official Plan Amendment No. 4, dated September 23rd, 2014 and attached schedules are hereby adopted as Official Plan Amendment No. 4;
- 1.2 **THAT**, the Clerk is hereby authorized and directed to make application to the County of Lanark for approval of the Official Plan Amendment No. 4 according to Section 17(23) of the *Planning Act*, as amended;

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2014-039**

2. ULTRA VIRES

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


3. BY-LAWS TO BE AMENDED

3.1 THAT, By-Laws No. 2000-026, 2002-099, 2005-079 and 2007-022 are hereby amended.

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. 4, dated September 23rd, 2014, by the County of Lanark.

4.2 ENACTED AND PASSED this 23rd day of September, 2014.



Keith Kerr, Reeve





Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2014-039**

**AMENDMENT NO. 4
TO THE OFFICIAL PLAN OF
TAY VALLEY TOWNSHIP**

This amendment was adopted on the 23rd day of September, 2014 by the Corporation of Tay Valley Township by By-Law 2014-039.

Prepared By:

Noelle Reeve, Planner MCIP, RPP
Tay Valley Township

CGIS Spatial Solutions
52 South St.
Perth ON K7H 2G7

September 23, 2014
Adopted

**AMENDMENT NO. 4 TO THE OFFICIAL PLAN
OF TAY VALLEY TOWNSHIP**

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**AMENDMENT NO. 4 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 and schedules, constitutes Amendment No. 4 to the Official Plan of Tay Valley Township.

PART A - THE PREAMBLE

1. Purpose

The purpose of this Amendment is three-fold:

1. To revise policies of the Plan to comply with recent changes to provincial legislation including the *Strong Communities Act*, *Clean Water Act*, and Ontario Regulation 174-06, to recognize existing Aboriginal and treaty rights in the *Constitution Act 1982* and to reference the *Ontario Human Rights Code* and *Canadian Charter of Rights and Freedoms*, and;
2. To revise policies of the Plan to be consistent with the policies of the *2014 Provincial Policy Statement*;
3. 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. In 2012, the province introduced the *Strong Communities and Affordable Communities Act* which required municipalities to permit accessory dwelling units everywhere except where prohibited by the *Official Plan*. The Township proposes to prohibit secondary suites in seasonal dwellings on water bodies, recognizing that seasonal dwellings are not used year round. The *Clean Water Act* mandated the development of *Source Water Protection Plans*, therefore, the amendment references the new *Mississippi Rideau Source Water Protection Plan* and the intake protection zones on the Tay River near the Town of Perth. New wetland mapping and regulations are identified in the amendment as per O. R. 174-06. Finally, municipalities are now required to recognize Aboriginal rights and the Ontario Human Rights Code and Canadian Charter in their Official Plans.
2. In April of 2014, a new *Provincial Policy Statement* came into effect. The *Provincial Policy Statement* introduced a number of significant policy changes affecting land use planning, including: a requirement for consideration of climate change, identification of shoreline areas and consideration of cumulative impacts, protection of Significant Woodlands in Ecoregion 6, the requirement for a Natural Heritage Systems map, the requirement to include archaeological resource screening criteria, encouragement of low impact development, consideration of lake capacity where applicable, and removal of the five lot limit for development on private servicing. Accordingly, this amendment to the *Official Plan* includes various changes to ensure that the policies of the *Official Plan* are consistent with the *2014 Provincial Policy Statement*. In addition, new provincial mapping is presented in the amendment for: significant woodlands, abandoned mines, floodplains

and a reduction in the amount of land covered by Mineral Designation.

3. During the course of the past five years, and through consultation with the public, Council developed 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:
 - The amendment describes the Township vision, developed through its recent strategic planning process, and expands the sections on economic development and agriculture to include a greater emphasis on tourism and local food, and identifies employment lands on the serviced portion of the Township along Highway 7 and Christie Lake Road.
 - This amendment modifies consent (severance) policies to bring the date forward by five years to allow consents from a land holding that existed on January 1, 1991.
 - The amendment recognizes the lake management plans for Adam, Farren, Long, Otty and Pike Lakes and the sub-watershed reports produced by the Conservation Authorities. The amendment also introduces a new policy to protect Narrow Channels and Shallow Waters on lakes and proposes to limit back lot development. The amendment also recognizes the requirements of the management plan for the UNESCO Rideau Canal Heritage designation along Big Rideau Lake. Encouragement of low impact development is proposed to protect water quality and quantity throughout the Township.
 - To encourage housing in the Township, the amendment proposes that co-housing as well as innovative tenure arrangements be acceptable and permits the creation of new private roads and communal septic and water systems through a plan of condominium.
 - The amendment introduces a new section on protection of Night Skies by encouraging landowners to consider retrofitting existing lights when replacing them and requiring new outdoor lights to be shielded to cast light downwards - to prevent upward light pollution to retain the ability to see stars in the night time rural sky and increase safety.
 - The amendment proposes to promote active transportation (bicycling and walking) in the Transportation Section of the Official Plan.

PART B - THE AMENDMENT

1. Introduction

All of this part of the document entitled **PART B - THE AMENDMENT** which consists of the following text and schedules, constitutes Amendment No. 4 to the Official Plan of Tay Valley Township.

2. Details of the Amendment

The Official Plan is amended as follows:

Section 1

Item No. 1

Section 1.1 is renamed **Background**. Section 1.1 is amended by moving the *Planning Act* Context text to Section 1.2 Context and Contents.

Item No. 2

Section 1.1.1 is amended by inserting the following new text:

“Tay Valley Township is a rural municipality in Lanark County, eastern Ontario. Ottawa is 80 km to the northeast while Kingston and the US border are 70 km to the south and Peterborough is 98 km to the west. The Township represents a land area of approximately 549 square kilometres and contains 31 lakes and 8 rivers. Forests and agricultural lands also contribute to the landscape. A permanent population of 5,571 (2011 Census) increases by one third as cottagers return to the lakes in the summer months.

“Wood products, farming and maple syrup have been staple industries in the area since early settlement and are still important economic activities for many residents. The largest industry in the Township is Swiss-based Omya Canada Inc., the world’s largest calcite producer. Their plant at Glen Tay is their largest Canadian processing centre and already one of Eastern Ontario’s largest industrial complexes.

“Over 200 small businesses are also found in the Township. Small contracting, haulage and seasonal support businesses are based in the Township as are professional artists and craftspeople who have found a supportive community in which to base their creative businesses. The Township boasts two artist studio tours throughout the year, one in Brooke Valley and one in Maberly, as well as Art in the Garden, located near Harper, which combines music and art with perennial gardens.

“The influx of cottage vacationers over the past half-century has influenced the demographic makeup and the local service industries. There is a slow but steady trend for these cottagers, along with retirees from urban areas, to take advantage of the natural beauty of the Township landscape by transforming cottages into permanent residences.

“Recently, enhanced communication capacity has resulted in more people moving to the area to work in the “creative economy” in such things as software design, architecture, and consulting businesses. Our main trade areas are adjacent to Perth on Highways 7 and 511, along the Scotch Line corridor and at Maberly.

“The Township contains two Provincial Parks, Silver Lake and Murphys Point, as well as a number of private campgrounds. For the aboriginal peoples, the rivers and lakes of the Township were the highways of this land abundant with game, wild rice, maple sap and wild fruits. Traditional seasonal resting and gathering places were located along rivers and lakes. In local stories the early Algonquin name for Silver Lake meant “Paradise” and was the site of traditional summer gatherings. A powwow continues to be held on the lake in August.

“European history begins with settlement in the early 1800s, when several hundred Scottish and Irish settlers and soldiers established early communities in Allan’s Mills, Althorpe, Bolingbroke, Brooke, DeWitt’s Corners, Fallbrook, Feldspar, Glen Tay, Harper, Maberly, Playfairville, Rokeby, Stanleyville, and Wemyss. Many historical cheese factories, mills, schools and cemeteries can still be seen, as well as the ruins of the 19th century Silver Queen Mine, which produced mica and feldspar. The Maberly Agricultural Fair, founded in 1882, continues to be held annually in August.

“Tay Valley Township was formed in 1998 by the amalgamation of the former Townships of North Burgess, Bathurst, and South Sherbrooke. The Town of Perth is located on the south eastern border of the Township with Sharbot Lake as the nearest village to the west. Lanark Village is located to the north and Westport to the south.”

Item No. 3

Section 1.1.2 is amended by inserting the following new text:

“The Council of Tay Valley Township undertook a Strategic Planning process guided by a Steering Committee made up of council members and residents representing different sectors of the community including aboriginal peoples, agriculture, arts, business, lake associations, environment, and youth. Four community visioning sessions were held and the Strategic Plan was completed in 2012. The following vision was developed for the Township as a result of that process:

Tay Valley Township is a rural community that honours our culture and heritage, whose citizens and leaders strive to improve the quality of life for all residents and visitors in a sustainable, adaptable and secure environment.”

Item No. 4

Section 1.2 is renamed **Context and Contents**; Section 1.2.1 is renamed *Planning Act Context* with subsequent sections renumbered in sequential order.

Item No. 8

Section 1.2.2 is amended by deleting the following text: “This Plan replaces the Official Plans of the Former Township of Bathurst, the former Township of North Burgess and the former Township of South Sherbrooke.”

Item No. 9

Section 1.2.3 is renamed **Purpose**.

Section 1.2.3.1.1 is amended by deleting “growth and”.

Section 1.2.3.1.2 is deleted and replaced with the following:

“To protect those significant environmental features and resources that give the Township its unique character in recognition of the environmental, economic and cultural values of these resources.”

Section 1.2.3.1.3 is amended by replacing “risks” with “hazards” and adding at the end of the sentence the following:

“and to protect existing development from the adverse effects which may arise from incompatible development.”

Section 1.2.3.2 is amended by adding the following after the last sentence:

“The Council of the day recognizes the diversity of opinions in the Township on an acceptable balance between interests of landowners and public good or benefit.”

Item No. 10

Section 1.2.4 is amended by replacing the current text with the following:

“The Official Plan is a legal document but does not, by itself, control or regulate development. Rather, it contains policies which are intended to guide public and private interests. In addition, the Official Plan sets out guidelines for the preparation of municipal regulations, e.g. Zoning By-Law, which implement the Plan and establishes policies to govern both the division and development of land.”

Item No. 11

Section 1.2.5 is amended by replacing the date “2020” with “2033”.

Item No. 12

Section 1.3.1 is amended to include the following:

“embarked on a Strategic Plan and community visioning exercise” in the first sentence and replace “Council’s” with “the community” in the last sentence of that paragraph.

Item No. 13

Section 1.3.2.1 is amended by replacing: “2020” with “2033”; “7,300” with “6,401”; “1996” with “2011” ; “5,180” with “5, 571”; “100” with “42”; “2.97” with “2.64”; “(1996)” with “(2011)”; “2.7” with “2.6” ; “2020” with “2033”. And adding the following after the last sentence:

“The census population for 2011 showed a 1% decrease in population between 2006 and 2011 resulting in the modest forecast for population growth outlined above. A dramatic decline in young adults and children and a corresponding increase in elderly residents is projected. Policies to support an aging population and affordable housing should be encouraged, such as permitting secondary suites in permanent homes or their detached garages, co-housing, innovative land tenure, etc.”

Section 1.3.2.3 is amended by deleting the word “dramatic” and by replacing “20” with “16”.

Section 1.3.2.4 is amended by replacing the text with the following:

“Notwithstanding the fact that the Township anticipates that local regional centres will likely continue to play a significant role, the historical role of the Township’s various hamlets as residential, social and cultural communities and local service centres will be supported and encouraged.”

Section 1.3.2.6 is amended by replacing “many” with “31 lakes and 8 rivers” in the first sentence and adding the following to the second sentence “lakes and rivers are a valuable natural, recreational and tourism resource and” and deleting “for” and “purposes”.

Section 1.3.2.9 is amended by inserting “most” before “development” in the last sentence.

Item No. 14

Section 1.3.3 is amended by adding “the community’s and” before “the Council’s” in the last sentence of the first paragraph and replacing “into the next century” with “over the coming twenty years”.

Section 1.3.3.2 is amended by deleting: the words following “community” and replacing them with the following:

“including the rich landscape of lakes, forest, and wetlands, shorelines and natural habitat”.

Section 1.3.3.3 is amended by replacing the given text with the following:

“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 and having regard for the environmental goals and objectives of existing watershed and subwatershed plans. (See Section 2.24.2) The municipality will also work with other municipalities and agencies to achieve a coordinated approach to address issues which cross municipal boundaries, such as ecosystem and watershed planning.”

Section 1.3.3.5 is amended by replacing “maintain” with “promote” and adding “with a more equitable balance between residential and non-residential assessments” after “assessment base”.

Section 1.3.3.11 is amended by adding “recognition and” before “conservation” and deleting “promote” and replacing it with “manage” and adding the following after “UNESCO World Heritage Site,”:

“Canadian Heritage River, and National Historic Site.”

Section 1.3.3.13 is amended by adding “traditional and non-traditional” before “housing types”

Section 1.3.3.15 is amended by adding “and trails” after “parkland”.

Section 1.3.3.17 is amended by deleting “and energy conservation practices”.

Section 1.3.3.18 is amended by adding:

“thereby maintaining the natural capital they provide through services such as filtering water, flood abatement, and carbon sequestration”.

Section 1.3.3 is amended by adding three new subsections immediately after 1.3.3.18 and renumbering the subsections that follow:

“19. To promote low impact development and land use patterns that mitigate and maintain resilience to climate change including energy efficient and water conserving building and landscape design practices and the use and development of alternative and renewable energy systems where appropriate.

20. To ensure Tay Valley Township is a healthy, liveable community by promoting recreation, active transportation (walking, biking trails, and routes) and carpooling, access to healthy local food, and supporting residents to be engaged and connected in their community.

21. To promote and encourage a wide range and scale of agricultural activities, including community gardening and value-added agricultural industries that are directly related to and compatible with surrounding agricultural operations. To promote and encourage organic and non-traditional farming as well as conventional farming and to support the sale and availability of locally produced food. Access to local food also includes food security. ”

Section 2

Item No. 15

Section 2.2.1 is amended to precede the three existing paragraphs with the following:

“Tay Valley Township has a strong local economy with over 200 small businesses in the community ranging from motels, lodges and restaurants to building contractors, software developers, and artisans. Larger employers in the Township include Omya Canada Inc., Lanark Lodge, Perth Community Care, Lanark County, Glen Tay Public School, and Murphys Point Provincial Park. Agriculture continues to play an important role in the Township’s economy and rural landscape.

Tay Valley Township provides a recreational, heritage, arts and cultural destination, with colourful Hamlets, festivals, 31 lakes and 8 rivers. Event coordination and tourism marketing will help to promote the Township’s tourism sector year-round. Protecting the environmental health of the lakes and rivers and the viability of the rural landscape are key to the Township’s economic strength.

In addition,”

Item No. 16

Section 2.2 is amended by adding three new subsections following Section 2.2.2 as follows:

“2.2.3 Business Park

According to the Provincial Policy Statement 2014, municipalities are to designate Employment Lands in their Official Plans. Employment Areas are those areas designated for clusters of businesses and economic activities. Tay Valley Township has a limited area of lands along Highway 7 and Christie Lake Road at the eastern end of the Township where sewer and water services are provided. This area is proposed for Employment Lands.”

“2.2.4 Arts and Culture

The Tay Valley Township arts and culture sector is an important part of the Municipality’s local economy and contributes to the area’s overall quality of life and health of the community. This Plan defines arts and culture in the broadest sense.

Cultural activities are defined to include activities ranging from outdoor sculpture gardens to museums, community festivals and fairs, musical and visual performances, literary arts, media arts, arts education, cultural heritage events, sporting events and the celebration of many diverse interests. Public art is broadly defined to include art as landscape, site-specific art, art incorporated into buildings and structures, art as infrastructure, art as temporary art and art as performance.

It is a goal of this Plan to promote and foster the arts and culture sector as a major contributor to the area's economy and quality of life.

The Municipality shall encourage coordinating bodies, community groups, businesses and individuals that promote and organize a diverse balance of arts and cultural activities, including festivals, which contribute to the overall quality of life of the community and/or attract visitors and new residents to the community.

The Municipality shall promote and provide opportunities for public art in public spaces, buildings and civic structures and shall encourage proponents of private development to invest in and provide for public art.

The Municipality shall recognize small-scale arts and culture businesses as permitted home-based businesses.

“Section 2.2.5 Night Skies

The high quality of darkness of the night skies and the ability to see stars is a defining element of the rural character of Tay Valley Township. Lighting that protects the night sky from light pollution directs light downward and minimizes light trespass and blinding glare. This “Good Neighbour” lighting enhances the safety of citizens and increases the security of property. Outdoor lighting is used to illuminate roadways, parking lots, yards, sidewalks and pathways, public meeting areas, work sites, homes and building exteriors. Good Neighbour lighting increases the visibility of hazards, improves the safety of citizens and provides a sense of security in the community.

The Township benefits from responsible, well-designed lighting in the following ways:

- a) it minimizes energy use;
- b) it reduces operating and maintenance costs;
- c) it increases the safety of citizens;
- d) it maintains and enhances the quality of darkness of the night skies;
- e) it can enhance property values and promote tourism.

The following “dark skies” policies shall be implemented in all development and redevelopment approvals:

- a) All subdivision development applications will be required to include a photometric plan of the site showing the proposed design light levels, along with details of the exterior light fixtures proposed to be used at the site.
- b) Light spillage from new subdivision development projects onto adjacent properties and roads shall be avoided. The target light levels at the development property's boundaries shall be 0.0 foot-candles.
- c) All exterior light fixtures shall be properly shielded to prevent glare and to direct light downwards and onto a property.
- d) Light wattages may have to be reduced where reflective surfaces on the site may cause secondary (reflected) glare and light trespass.
- e) These policies will be implemented through the subdivision and/or site plan approval processes.

- f) The Municipality may enact a Dark Skies By-law in order to further implement these policies.

Item No. 17

Section 2.3 is amended by deleting “AND ENERGY POLICIES”

Section 2.3.2.1, 2.3.2.2, 2.3.2.3, 2.3.2.4 and moving them to a new Section 2.4.2 and renumbering subsequent sections.

Section 2.3.1 is amended by adding Section 2.3.1.4 as follows:

“Affordable Ownership Housing means either one of the following:

- a) Housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or
- b) Housing for which the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area.

Affordable Rental Housing will mean either one of the following:

- a) A unit for which the rent does not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or
- b) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

In the case of Affordable Ownership Housing, Low and Moderate Income Households will generally mean those households with incomes in the lowest 60% of the income distribution for the regional market area. Affordable Ownership Housing would be housing for which the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area.

In the case of Affordable Rental Housing, Low and Moderate Income Households will generally mean those households with incomes in the lowest 60% of the income distribution for renter households for the regional market area. Affordable Rental Housing would be rents at or below the average market rent of a unit in the regional market area.

Access to affordable housing is recognized as a human right and provision of affordable housing in the market is an investment that benefits the greater community. Discrimination against proponents or occupants of affordable housing units is an expression of intolerance that is not acceptable to Tay Valley Township.

Accessory apartments or secondary suites were permitted under the *Strong Communities Affordable Housing Act* as a means of providing additional opportunities for affordable housing. Accessory apartments shall be permitted in a single detached, semidetached or row house dwelling or over a garage subject to Section 16 (3) of the *Planning Act* and the following policies:

- a) An accessory apartment unit shall only be permitted in a four season single detached, semidetached, or row house dwelling, on a year round road, which is permitted as a principal use in the land use designation in which it is located. An accessory apartment unit shall not be permitted in a seasonal dwelling or accessory dwelling for a non-residential use.”

Section 2.3.1 is amended by adding Section 2.3.1.5 as follows:

“5. In keeping with the County of Lanark’s Housing and Homelessness Plan and the *Provincial Policy Statement* on housing, residential developments that offer innovative design features, construction techniques or tenure arrangements such as modular homes, flex home etc.; which are consistent with the objectives of the Plan, and which broaden the range of housing alternatives available to the Municipality’s residents, including affordable housing, shall be encouraged.”

Item No. 18

A new **Section 2.4 CLIMATE CHANGE AND ENERGY POLICIES** is proposed by adding the following:

“2.4.1 Climate Change Policies

The impacts of climate change in Tay Valley Township and globally, include: changes in warm weather growing seasons; unpredictable water levels in rivers and lakes and groundwater during droughts or floods; greater stress on public infrastructure from extreme weather events; heat stress and flooding impacts on vulnerable people; increased demand on emergency services and impacts on tourism and recreation.

In 2007, the provincial government established three greenhouse gas reduction targets:

- 6 per cent below 1990 levels by 2014 (to approximately 166 megatonnes or Mt);
- 15 per cent below 1990 levels by 2020 (to approximately 150 Mt); and
- 80 per cent below 1990 levels by 2050 (to approximately 35 Mt).

Tay Valley Township is committed to ensuring healthy, livable and safe communities are sustained by promoting development and land use patterns that maintain resilience to climate change. The Township also supports the use of energy and water efficient subdivision design, building and landscaping design practices and the use and development of alternative and renewable energy systems where appropriate. Such facilities are regulated by the *Green Energy and Green Economy Act, 2009* and are not subject to the policies of the Plan.

The Township will consider mitigation of climate change through energy conservation in its facilities and fleets as well as adaptation to climate change through water conservation and promotion of alternatives to single occupant vehicles for transportation including active transportation (bicycling, walking) and carpooling. The Township will also promote adaptation to climate change by protecting the water

infiltration capacity of wetlands to provide water for streams during droughts and by reducing risks to residents from floods by discouraging construction in floodplains.

2.4.2 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. Wind turbine projects require a Certificate of Approval (Noise) from the Ministry of the Environment under Section 9 of the *Environmental Protection Act*. Proponents of wind turbine projects greater than or equal to 2 megawatts must also conduct an environmental screening according to MOE “Guide to Environmental Assessment Requirements for Electricity Projects” as per the Environmental Assessment Act (Electricity Projects Regulation O.Reg 116/01).
4. 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. 19

Section 2.7.1 is amended by adding the following at the end of the second paragraph:

“uses and accessory apartments (secondary suites) accessory to residential uses. (See section 3.6.4)”

Section 2.7.2 is amended by adding the following final sentence:

“The amount of water and type of quantity of waste produced should be taken into account also.”

Item No. 20

Section 2.8.1 Garden Suites is amended by deleting everything after the word “intended” in the second sentence of the first paragraph and adding the following:

“as a temporary residence to fulfill a specific need”.

Item No. 21

Section 2.10.1 is amended by deleting “Schedules A1, A2, A3” and replacing the words with “Schedule A”.

Item No. 22

Section 2.11.4 is amended by deleting the word “recreational” in the first sentence adding the words “bicycle lane and” before “and trail systems” in the second sentence.

Item No. 23

Section 2.15 is amended by adding “NON-CONFORMING” to the title before “Existing Land Uses” and by deleting the rest of the section to be replaced by the following:

“Any existing use which does not comply with the relevant policies contained in this Official Plan will be deemed non-conforming in terms of this Plan. Such uses may be zoned in any implementing Zoning By-law in accordance with their present use provided that:

1. The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
2. They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic flow they generate;
3. They do not pollute the air, water or soil to the detriment of health, comfort and property; and
4. They do not interfere with the development of adjacent areas in accordance with this Plan.

Where an existing use does not meet with the criteria set out above, it may not be zoned in accordance with its present use. Furthermore, the Municipality may seek means to eliminate the use and may acquire it when sufficient funds are available or assist in whatever way possible in the relocation of the use.

Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Official Plan.

Where an existing use has been zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use, either within the lands held in ownership or on adjacent properties, the Municipality may amend the Zoning By-law to permit such extension or enlargement without the necessity of amending the Official Plan if it complies with the general intent and purpose of this Plan. The Committee of Adjustment also may, based on merit, permit the extension or enlargement of a non-conforming use on lands owned at the time of passing of the By-law, provided that the intent and purpose of the Official Plan are maintained.

The Municipality or the Committee of Adjustment shall use the following guidelines when assessing any application for an extension or enlargement of a use which is zoned as a non-conforming use:

1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.

2. The extension or enlargement should be in reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension or enlargement involving land boundaries should be minor in relation to the total property. Any major change shall require an amendment to the Plan.
4. The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights and traffic generation will be examined carefully.
5. Adequate buffering, setbacks and any other measures necessary to reduce the nuisance will be required and, where possible, shall be extended to the existing use.
6. Proper access to the site will be provided to ensure that no traffic hazards are created.
7. Adequate on-site parking and loading space will be provided.
8. Applicable services, such as storm drainage, water supply, sewage disposal and roads, etc. are adequate or will be made adequate.
9. Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
10. The Committee of Adjustment may permit a change in use to a similar use or more compatible use.
11. Where an existing building or structure which has been zoned as a non-conforming use is destroyed, such building or structure may be reconstructed to its former dimensions and location, provided work is commenced within twelve months of the date of destruction.
12. An existing building or structure which is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed, leave a smaller footprint, or require the same square footage.”

Item No. 24

Section 2.17 LAND USE COMPATIBILITY is amended by adding “AND INFLUENCE AREAS” and by adding the following text:

“Schedule B shows areas of the Township where development may be restricted, including Land Adjacent to a Provincially Significant Wetland, Significant Wildlife Habitat, Land Adjacent to Pits and Quarries, Abandoned Mine and areas that are potentially Significant Woodlands in Ecoregion 6E.

While not designated on Schedule B, there are other Influence Areas which are referred to in various policies of this Plan. These include, but are not necessarily limited to Fish Habitat, Habitat of Endangered and Threatened Species, steep slopes, unmapped floodplains, and potentially Significant Valleylands. Other influence areas include all land which is adjacent to a site or area that exhibits archaeological potential and all land within 30 m of a waterbody.

Development within these influence areas may be permitted in accordance with the land use designations shown on Schedule A, subject to any policy requirements of this Plan for supporting studies. In determining whether such studies are required the Township

shall consult with the appropriate public authority (such as a Conservation Authority, Parks Canada, Department of Fisheries and Oceans, etc.)”

Section 2.17.2 shall be amended by adding “Nothing in this Official Plan shall conflict with the Farming and Food Production Protection Act (FFPPA). In the event of a conflict between this Plan and the FFPPA, the FFPPA shall take precedence.”

Section 2.17.3.1 shall be amended by deleting “Schedules A1, A2, A3” and replacing them with “Schedule A”.

Item No. 25

Section 2.18.1.2 is amended by adding “the Tay River, Christie Lake, the Bolingbroke Dam, and Bob’s Lake” after “Big Rideau Lake”.

Section 2.18.1.3 is amended by deleting all the text following the first sentence.

A new subsection 2.19.5 is inserted as follows with subsequent renumbering of following subsections:

“Council shall maintain a register of all properties which are designated pursuant to the above policy. Where development or site alteration is proposed within 30 m of a designated property, Council may require the applicant to undertake a Heritage Impact Assessment, in accordance with the Ontario Heritage Act, prior to the approval of any such development or site alteration.

The retention, renewal and conservation of commercial built resources of historic and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The effects of such development plans on the character of the surrounding area will also be considered and a statement of impact to significant built and cultural heritage landscapes may be required. The impact of such development plans on the character of the surrounding area will also be considered.

The Municipality may utilize available government or non-government funding assistance programs to assist in the implementation of cultural heritage conservation policies. The Municipality, where appropriate, shall co-operate with other levels of government, as well as private agencies and individuals in the conservation of cultural heritage resources in the Municipality. The Municipality shall co-ordinate its heritage plans and programs with heritage plans and programs of senior levels of government.

Where heritage resource buildings are designated under the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the Ontario Heritage Act.

Where a heritage building is protected under Parts IV, V or VI of the Ontario Heritage Act, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement, and demonstrated to

the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained.”

Item No. 26

Section 2.18.2.1 is amended by deleting all the text following the second sentence and replacing it with the following:

“The Municipality may require archaeological assessments conducted by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Culture (MCL), as well as licensing requirements developed under the Ontario Heritage Act.

Areas of archaeological potential include when the lands in question contain or are located within at least one of the following:

- a) 50 meters of a known archaeological site;
- b) 300 meters of a primary water source such as a lakeshore, river or large creek;
- c) 300 meters of an ancient water source identified by a beach ridge, river bed;
- d) 200 meters of a secondary water source such as a wetland, marsh, small creek, spring;
- e) 10 meters of a cemetery dating prior to 1945 (WWII);
- f) Elevated topography (knolls, drumlins, eskers, plateaus, etc.);
- g) Pockets of sandy soil in a clay or rocky area;
- h) Unusual land formations (mounds, caverns, waterfalls etc.);
- i) An extractive area (for food or scarce resources);
- j) Non-aboriginal settlement features (monuments, cemeteries);
- k) Historic transportation features (road, rail, portage);
- l) Designated property (refer to Municipal Heritage Committee);
- m) Local knowledge associated to property with historic events, activities or occupations.

The consultation Office of the Algonquins of Ontario shall be provided an opportunity to comment on all development proposals where a Stage 2 Archaeological Assessment has shown the potential for aboriginal artefacts to be encountered.

Council shall consult with appropriate government agencies, including the Ministry of Culture and Ministry of Consumer and Business Services when an identified historic human cemetery and marked or unmarked human burial site is affected by a proposed development. In such circumstances, the provisions of the Heritage Act and the Cemeteries Act shall apply.

Council may undertake the preparation of an Archaeological Management Plan. The Management Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database as well as areas within the municipality

having archaeological potential. The Management Plan may also outline policies, programs and strategies to protect significant archaeological sites.”

Item No. 27

Section 2.19.1.1 is amended by deleting “Schedules A1, A2, A3” and replacing those words with “Schedule A”. Additionally, “Natural Hazard” is replaced with “Floodplain” in the two situations where it occurs.

Section 2.19.2.1 is amended by deleting “Schedules A1, A2, A3” and replacing those words with “Schedule B”.

Item No. 28

Section 2.20.2.1 is amended by deleting “Schedules A1, A2, A3” and replacing those words with “Schedule B”.

Item No. 29

Section 2.21 is amended by adding the following at the end of the section:

“The Provincial policy statement 2014 requires a natural heritage system map be developed for Ecoregion 6E. (See Schedule C)”

Item No. 30

Section 2.21.1 is amended by deleting “Wetlands”.

Sections 2.21.1.1 is deleted and replaced by the following:

“Areas of Natural and Scientific Interest (ANSIs) represent high quality and unique life science and earth science features across a variety of landscapes throughout the Province. Life Science Areas of Natural and Scientific Interest are significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments. Earth Science Areas of Natural and Scientific Interest include the best representatives of bedrock, fossils and glacial landforms.

An Area of Natural and Scientific Interest (ANSI) is a natural heritage feature which has been identified and evaluated by the Ministry of Natural Resources based on specific natural functions and features which exist. There are currently no Provincially Significant Life Science Areas of Natural and Scientific Interest. ”

Item No. 31

Section 2.21.2 .2 is amended by deleting “Schedules A1, A2, A3” and replacing the words with “Schedule B” and by deleting “30 m” and replacing it with “120 m”.

Item No. 32

Section 2.21.3.2 is amended by deleting the words “Schedules A1, A2, A3” and replacing them with the words “Schedule B”.

Item No. 33

Section 2.21.4.1 is amended by deleting the text in its entirety and replacing it with the following:

“1. Tay Valley Township contains a wealth of natural features including habitat for endangered and threatened species. The Ministry of Natural Resources requires that where development is proposed within areas which are potential habitat of endangered or threatened species, or within 120 m of such areas, the following policies shall apply.

- a) An Environmental Impact Statement shall be undertaken in consultation with the Ministry of Natural Resources to determine whether the habitat of endangered and threatened species is present.
- b) Development and site alteration shall not be permitted in significant habitat of endangered or threatened species at certain times of the year.
- c) Development and site alteration may be permitted within 120 m of significant habitat of endangered or threatened species if it has been demonstrated through the Environmental Impact Assessment, that there will be no negative impacts on the natural features or ecological functions for which the area is identified.
- d) A site inventory for Butternut will be required prior to the disturbance or removal of tree(s). Where harm to (removal of branches, disturbance to roots, etc.) or removal of Butternut is proposed, prior assessment of the health of the tree(s) shall be undertaken by a qualified Butternut Health Assessor. If the Butternut is determined to be “not retainable”, a certificate will be issued by the Assessor and the tree(s) can then be removed or harmed. However, if the Butternut is “retainable”, a permit from the Ministry of Natural Resources and Forestry shall be required pursuant to the Endangered Species Act, 2007.

At least 30 days before any Butternut is killed or harmed, a qualified Butternut health assessor (BHA) must follow the “Butternut Health assessment Guidelines: Assessment of Butternut Tree Health for the Purposes of the Endangered Species Act, 2007” published by the Ministry of Natural Resources and Forestry to complete an assessment for each Butternut tree and designate it as Category 1, 2, or 3. The BHA must prepare a written report on the tree(s) assessment and submit it to the MNR.

After the 30-day period has passed, an individual or agency may carry out activities on any Category 1 trees identified in the report. If the activity affects Category 1 trees or 10 or fewer Category 2 trees, an individual or agency may register the activity online using the Notice of Butternut Impact form as per the Endangered Species Act (ESA). For Category 3 trees or when there are more than 10 Category 2 trees, an individual or agency is not eligible to register and must obtain an ESA authorization for the activity.

- e) Should additional species be added to the SARO List, the policies of this section of the Plan shall apply as may be required.”

Item No. 34

A new **Section 2.22.5 Significant Woodlands** is proposed as follows with the subsequent section on Environmental Impact Assessment to be renumbered:

“There are significant forest resources throughout Tay Valley Township. This Plan recognizes the importance of these resources for their economic, social, and environmental benefits, including linkages between significant woodlands as an ecological function. The Ministry of Natural Resources recommends the following policies.

1. Public and private landowners shall be encouraged to reforest idle lands and to maintain the forested appearance of the landscape. Forests should be managed to protect provincially, regionally, or locally significant wildlife habitat, as identified from time to time.
2. Landowners of properties identified as having a high forestry potential should be encouraged to enter into management programs with the appropriate authorities. (e.g., Eastern Ontario Model Forests)
3. Council shall not approve any development on lands that are subject to an agreement under the Forestry Act, unless the proposed development is acceptable to the County of Lanark as the appropriate authority for Agreement Forests.
4. In considering all development proposals, Council shall have regard to the County’s Tree Cutting By-law.
5. While Schedules B and C identify all potentially Significant Woodlands in Ecoregion 6E, these Woodlands require verification on the ground. Where a forested area is identified as being potentially Significant in Ecoregion 6E, development and site alteration may be permitted on Significant Woodlands and within 120 m of the Woodland in accordance with the policies of the land use designation shown on Schedule A, if it is demonstrated through an Environmental Screening Checklist or Environmental Impact Study, that is there will be no negative impacts on the natural features or functions for which the forested area is considered significant.”

Item No. 35

A new **Section 2.22.6 Significant Valleylands** is proposed as follows with the subsequent section on Environmental Impact Assessment to be renumbered:

“There are two major watersheds in the Township, the Mississippi River watershed in the north and the watershed of the Rideau Canal system in the south. There are two sub-watersheds in the Mississippi system: the Fall River and the Mississippi River, and on

the Rideau Canal System there are eight subwatersheds: Otty Lake, the Tay River, Grant Creek, Blueberry Creek, Ruddsdale Creek, Pike Lake, Christie Lake and Bob's Lake. However, the associated valleylands of these subwatersheds are not distinctly defined.

Nonetheless, MNR requires Council to recognize the importance of protecting the natural heritage characteristics of these valleylands. In this regard, it is anticipated that the natural heritage policies of the Official Plan will serve to protect many of the features which are considered significant in terms of valleyland planning. Additionally, MNR requires Council to adopt newly emerging initiatives in valleyland planning and, if necessary, amend this Plan accordingly.”

Item No. 36

Section 2.22.1.1 is amended by deleting the third sentence and last sentence.

A new Section 2.23.1.2 is proposed as follows with subsequent subsections being renumbered:

“Communal water and sewage servicing options are potentially of some interest to the Township, as they would accommodate certain more intense forms of development that place heavier demands on sewage and water services, such as residential projects consisting of more than five units or lots served by common sewage and/or water systems.

It is recognized, however, that current technologies and implications for municipal responsibility for communal systems resulting from Provincial policy requirements render this servicing option problematic for both land owners and the Municipality. As a consequence, it is anticipated that most new development will continue to occur on the basis of private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction.

Finally, the Township may consider the approval of residential development proposals serviced with communal services, subject to the proponent fully satisfying all financial, technical and other requirements of the Township and other relevant approval authorities. These requirements shall include a responsibility agreement with the Township or other public body, as well as financial security to ensure that all capital and operational costs associated with the communal services will not create a financial burden for the Township in the event of default by the owner-operator of the services.”

Section 2.22.1.2 is amended by adding the following paragraph after the last sentence:

“Potential groundwater issues of special concern requiring hydrogeological assessment include development or redevelopment of undersized lots in Hamlets and the installation of open loop geothermal systems. Leakage from the unregulated storage of old vehicles or machinery is also a potential threat to groundwater.”

Item No. 37

A new **Section 2.23.2 Source Water Protection** is proposed as follows with the subsequent subsection being renumbered:

“With the adoption of the *Mississippi Rideau Source Water Protection Plan* by the province, all of the tributaries and the part of the Tay River leading to the Town of Perth have been designated a Source Water Protection Area. The area closest to the Town of Perth has been designated Intake Zones 8 and 9 and require higher levels of protection for the drinking water source for the Town of Perth. The Zoning By-law will set out the limitations for permitted uses, servicing requirements and any requirements for Risk Management Plans.”

Item No. 38

Section 2.23.1 is amended by adding “Waterfront” in front of “Development” and deleting “Adjacent to Waterbodies”.

Item No. 39

Section 2.23.1.2.2.3 is amended by deleting the second sentence.

Item No. 40

A new **Section 2.24.2 Watershed and Subwatershed Plans** is proposed with renumbering of the subsequent section.

A new subsection of 2.24.2 named **Tay River Watershed Plan** is proposed from text moved from the existing Storm Water Management section as follows:

“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. The Township will have regard to the Watershed Plan and relevant guidelines of the Ministry of the Environment in reviewing development applications in the watershed.”

A new subsection of 2.24.2 named **Subwatershed Plans** is created with the following text:

“In addition to subwatershed Catchment Area reports prepared by the RVCA, a number of Lake Associations have prepared Lake Management Plans in cooperation with Townships and Community Partners, as well as with Rideau Valley Conservation Authority, Ministry of Natural Resources, and the Ministry of the Environment. See Appendix A for a list of Lake Management Plans.

1. When considering development proposals within the Lake Management Plan Areas specified in Appendix A, the Council of Tay Valley Township will 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.

2. Should other similar subwatershed plans be prepared by qualified professionals and/or under the supervision of the appropriate public agencies, Council will also be guided by the planning recommendations and policies contained therein which are consistent with the policies of this Plan when considering development proposals.”

Item No. 41

A new Section 2.24.3 **Rideau Canal World Heritage Site** is proposed as follows, with following sections renumbered:

“The Official Plan acknowledges that the Rideau Canal is a National Historic Site, a Canadian Heritage River and also a World Heritage Site. The Rideau Canal was designated a national historic site in 1926 in recognition of its construction, survival of a high number of original structures and the unique historical environment of the canal system. In 2000, the Canal was designated a Canadian Heritage River for its outstanding human heritage and recreational values.

The Rideau Canal was designated a World Heritage Site in 2007, because of its construction technology and role in defending Canada. The Canal is the best preserved slackwater canal in North America and is the only canal from the great North American building era of the early 19th century that remains operational along its original line with most of its structures intact.

Conservation and sustainable use and development of the Canal and adjacent lands will ensure that it will contribute to the conservation of world heritage and to the quality of life for residents and visitors to the Municipality for generations to come.

Applications for Official Plan amendments, re-zoning, minor variance, severance, or subdivision of land (including plans of condominium) will be circulated to Parks Canada for comment, and will be reviewed in the context of the protection of the natural, cultural and scenic values of the Rideau Canal.

The buffer zone identified to protect the World Heritage Site corresponds to the 30 metre setback for all development and site alterations, including septic systems, adjacent to waterbodies. No development or site alteration will be allowed in the buffer zone other than that prescribed in this Plan. The 30 metre buffer zone adjacent to the World Heritage Site is to protect the integrity of the Canal shoreline.

For existing lots of record, retain, as a minimum, all natural vegetation 15 metres from the shoreline in its natural state and allow only 25% of the shoreline or 15 metres, whichever is less, to be developed for access to and use of the waterfront. For new lots created in accordance with the policies of this Plan, retain, as a minimum, all natural vegetation 30 metres from the shoreline in its natural state and only allow access to the waterfront by way of a natural path with minimal disturbance to the natural features.

All shoreline and in-water works require permits from Parks Canada.”

Item No. 42

A new section 2.24.4 **Narrow Channel Policies and Shallow Waters** is proposed as follows, with following sections renumbered:

“The confined nature of narrow channels can result in safety and compatibility issues for boaters and landowners. A narrow channel is defined as a waterbody where the distance from shore to shore is 150 m or less. Given the importance of ensuring public safety, the development of structures such as marine facilities will not be permitted in a narrow channel where a hazard to navigation would result as identified by the approval authority or Parks Canada as applicable.

New lot creation on narrow channels will be permitted in accordance with the following:

1. Where the distance of the narrow channel from shore to shore is 90 m or greater a minimum shoreline of 90 m is required. (from the 60m normally required)
2. Where the distance of the narrow channel from shore to shore is less than 90 m, a minimum shoreline frontage of 120 m will be required.

Waterfront lots which are proposed adjacent to a shallow waterbody (less than 3 metres (10 ft.) deep, 30 metres (100 ft.) offshore at low water) may be required to have a water frontage of 150 metres (492 ft.). Unless the property abuts a natural sand beach, shallow waterbodies tend to be more environmentally sensitive and less intensive usage is appropriate. Reductions to this requirement will only be considered if convincing environmental evidence prepared by a qualified professional is presented by the applicant demonstrating that no negative impacts will result.”

Item No. 43

A new section 2.24.5 **Back Lot Development** is proposed as follows, with following sections renumbered:

“Waterfront development shall consist of primarily single tier development.

The creation of new access to the water by right of way over existing waterfront properties to accommodate shoreline access by a residential back lot shall not be permitted.”

Item No. 44

Section 2.23.2.1 is amended by replacing the second paragraph with the following:

“Low Impact Development is a storm water strategy that uses site design and distributed storm water management practices (e.g., swales, pervious pavement, vegetation, pavers that allow grass to grow through holes, biofilters, etc.) that harvest, filter, evapotranspire, detain and infiltrate water. Tay Valley Township encourages the use of Low Impact Development throughout the Township.”

In addition, the second paragraph is deleted and “Tay River” is inserted in front of “Watershed Plan” in the last sentence of the last paragraph.

Section 2.23.2.2 is amended by adding the following after the last word of the paragraph:

“in accordance with the findings of an Environmental Impact Statement, where required by the policies of this Plan, and/or the recommendations of the Rideau Lakes Basin Carrying Capacities and Proposed Shoreline Development Policies Report.”

Item No. 45

A new subsection 2.24.2.4.4 is proposed as follows:

“The Township encourages residents to utilize programs that may be offered through Conservation Authorities, Lake or Watershed Associations to enhance riparian buffers on lakes or rivers.”

Section 3

Item No. 46

Section 3.1 shall be amended by deleting “Schedules A1, A2, A3” and replacing the words with “Schedule A” in two situations; adding an “es” to “establish” and replacing “Natural Heritage” with “Provincially Significant Wetlands” and “Natural Hazard” with “Floodplain”.

Item No. 47

Section 3.2.1 is amended by adding the following at the end of the first paragraph:

“Council may also designate locally significant agricultural lands as appropriate.”

Item No. 48

A new subsection 3.3.3.11 is proposed as follows with subsequent sections to be renumbered:

“11. Known abandoned mine sites are shown on Schedule B. Proposals for development within 1,000 m of these sites shall not be approved until the nature and extent of any potential hazards have been determined by enquiry to the Ministry of Mines and Northern Development. If necessary, hazards must be mitigated based on a technical report prepared by a qualified professional.”

Item No. 49

Section 3.4 is amended by replacing “NATURAL HERITAGE” with “WETLANDS”.

Section 3.4.1 is amended by deleting the first, third and fourth paragraphs. Also “2005” is replaced with “2014” and “Provincially Significant ANSIs as well as in” is deleted and “the Canadian Shield” is replaced with “Ecoregion 6E”.

Sections 3.4.3.1, 3.4.3.2, 3.4.3.3 and 3.4.3.4 are amended by replacing “Natural Heritage” with “Provincially Significant Wetland”.

Item No. 50

Section 3.5 is amended by replacing “NATURAL HAZARD” with “FLOODPLAIN”.

Section 3.5.1 is amended by replacing “Natural Hazard lands” with “Floodplains” and by replacing “Natural Hazard” with “Floodplain” and by replacing “Schedules A1, A2, and A3” with “Schedule A” and by deleting the last paragraph.

Section 3.5.2 is amended by replacing “Natural Hazard” with “Floodplain”.

Section 3.5.3.1 is amended by replacing “Natural Hazard” with “Floodplain” and “Schedules A1, A2, A3” with “Schedule A” and “Natural Hazard land” with “Floodplains”.

Section 3.5.3.2 is amended by replacing “natural hazards” with “Floodplains” and by replacing “Schedule A1, A2, A3” with “Schedule A”.

Section 3.5.3.3 is amended by replacing “Natural Hazard” with “Floodplain”.

Section 3.5.3.4 is deleted and subsequent subsections renumbered.

Section 3.5.3.6 is amended by replacing “Natural Hazard” with “Floodplain”.

Item No. 51

Section 3.6.4.1 is amended by adding the following sentence at the end of the first sentence:

“An accessory apartment (secondary suite) is permitted in residential areas within a four season single detached, semi-detached, row housing dwelling unit, or above a garage, located on a road maintained year round subject to considerations of carrying capacity of lakes and hydrogeological capacity.”

A new subsection 3.6.4.3 is created with the subsequent subsections renumbered and is proposed as follows:

“3. A cluster lot development is a grouping of five to seven lots (not including the retained parcel) created by consent for clustered rural non-farm residential development on a minimum 40 ha parcel. The main purpose of this alternative form of rural residential development is to direct housing away from public roads, reduce the visual impact of strip development, and increase the financial viability of scattered rural residential development.

The following policies shall apply to cluster lot development proposals:

- a) The single internal road serving the cluster lot development shall be a private road built and maintained to standards set by the Township in accordance with the private road policies.
- b) The access point to the development from the public road must be located so that no safety hazards are created at the intersection.
- c) Lots are to be serviced either by private individual water and sewage systems or by communal systems. A communal water and sewage system shall be built in accordance with the requirements of the Township and the province. Appropriate servicing studies, including a hydrogeological review, shall be required.
- d) The overall density of development shall be approximately one residential lot per hectare of land. The size of the individual building lots may be as small as 0.4 hectares provided sufficient common land is provided to meet the overall density of one residential lot per hectare of land. The minimum lot size shall not include lands within the “Flood Plain” designation.

Generally, the placement of dwellings within the cluster lot development shall be determined based on the following considerations:

- a) Houses should either be set back from the nearest public road a minimum of 100 meters or the dwellings must be screened from such road by topography or mature vegetation;
- b) The siting of dwellings shall take into consideration the significant landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
- c) Identifiable features of rural character are maintained or enhanced through the location of the dwellings;
- d) The siting of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed;
- e) When the 100 meter setback is waived due to a screen of mature vegetation, agreements must be entered into that ensure the screening effect of the vegetation is not compromised. The site plan control process shall be used to carry out this requirement.

Appropriate buffering, in accordance with Sections 3.3.3 or 3.3.4 of this Plan, shall be provided where a cluster lot development is in close proximity to an active agricultural operation.

The cluster lot development may include land held in common ownership to be used as open space for recreation, as a site for communal systems or for an access road right-of-way. Once common land is set aside, it cannot be developed further. Such land may be managed under a “common elements condominium”.

In the event that the lots are being proposed within significant natural features or lands adjacent to such features, an Environmental Impact Assessment shall be required in accordance with 3.1.2.7 of this Plan.

If the private road accessing the cluster lot development crosses private land, a deeded right-of-way adequate for right-of-use, road construction and maintenance must be provided, together with an agreement for the maintenance of the right-of-way by the benefiting owners.

Residential uses (including accessory structures), private or communal wells, sewage disposal facilities and access roads shall not be permitted on prime agricultural lands, or where there are aggregate resources, wetlands, flood plains, or significant habitat of endangered or threatened species. Where the development affects lands adjacent to natural heritage features, the appropriate policies of this Plan apply.

Proponents of cluster lot development proposals shall be required to submit an accurate site plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, natural features including treed areas, slopes, watercourses, drainage courses and low areas subject to ponding/flooding.”

Section 3.6.4.3 is amended by adding the following at the end of the paragraph:

“In designing residential subdivisions, attention should be given to the natural features, such as mature forests, to ensure that the existing vegetation and terrain is disturbed as little as possible.”

A new subsection 3.6.4.7 is proposed as follows:

“7. Limited Services Residential Development

Limited Services Residential Development is defined as not having frontage on and direct access to an opened public road which is maintained year round. Access to Limited Services Residential Development may be provided by private right-of-way or private road or lane or water. The residential uses include both seasonal dwellings and permanent dwellings.

Limited Services Residential Development may be permitted in the Rural designation in accordance with the following policies:

- a) Limited Services Residential Development shall generally be permitted by consent pursuant to the policies of Section 5.2, on existing lots of record. Notwithstanding the foregoing, larger-scale Limited Services Residential development shall also be permitted on private roads, undertaken by common element plans of condominium, where the condominium has frontage on a public road.
- b) Limited Services Residential Development shall not be provided with such municipal services as road maintenance and snow removal. (In addition, no new

Limited Services Residential Development shall be permitted unless other public services such as fire protection, police protection, etc. can be provided to the satisfaction of the responsible agencies or a Limited Services Agreement has been signed.)

- c) Where it is proposed to convert a seasonal dwelling to permanent occupancy, a building permit shall not be issued unless;
 - i. Access is available via an existing private road;
 - ii. Confirmation is received from emergency access providers that adequate services can be provided to the dwelling (or a Limited Services Agreement has been signed).
 - iii. The proposed septic systems have been approved.”

Item No. 52

Section 3.6.8.1 is amended by replacing “Schedules A1, A2, A3” with “Schedule A”.

Section 3.6.10 is amended by replacing “Schedule A1” with “Schedule A”.

Item No. 53

Section 3.7.3.1 is amended by inserting “and secondary suites,” after “single detached dwellings”.

Section 4

Item No. 54

Section 4.1 is amended by adding “for multiple modes of travel including cars, bicycles and walking” following “network” in the first paragraph and by replacing “Schedules A1, A2, A3” with “Schedule A” in the first, second, and third paragraphs. In the third paragraph “including bicycle lanes” is proposed to be added after “traffic lanes” and the following is proposed as the last sentence of the paragraph:

“Cycling and walking are recognized as modes of transportation which can play a positive role in improving mobility and quality of life as part of a transportation system. Priority for bicycle lane construction will be given to identified trails in the Township, including the TransCanada, Rideau Trail, and connections to the Trillium Trail and work that may identify Safe Routes to School in the future. ”

Section 4.2 is amended by adding “(including consents, rezonings, minor variances as well as building permit applications)” after “proposals” and “or within 395 m of a public road intersection” after “adjacent to” and adding “Provincial” before “approval authority”.

Section 4.4 is amended by replacing “Schedules A1, A2, A3” with “Schedule A”.

Section 4.5 is amended by removing the first sentence of the first paragraph and adding the following paragraph after the first paragraph:

“Notwithstanding the policies contained in this section, the creation of a new private condominium road shall be permitted in the Township insofar as it is created under the *Condominium Act, 1998* as amended. A new private condominium road may only be permitted if the new road directly connects to a public road and where the subject land has legal road frontage on the same public road. The design and construction of a private condominium road shall be to a standard acceptable to the Township, and maintenance and ownership of such roads shall be governed and administered in accordance with the *Condominium Act 1998* as amended.”

Section 5

Item No. 55

Section 5.1 is amended by a second paragraph as follows:

“The Township supports educating property owners and residents as to the contents of the Official Plan and the Township’s land use goals, policies and procedures to increase understanding of the Official Plan.”

Item No. 56

Section 5.2.1 is amended by adding “or plan of condominium” at the end of the first paragraph.

Item No. 57

Section 5.2.2.6 is amended by adding “and Influence Areas” after “Land Use Compatibility”.

Section 5.2.2.12 is amended by inserting “Waterfront” before “Development” and deleting “Adjacent to Water Bodies”.

Item No. 58

Section 5.2.3.1 is amended by deleting “1986” and replacing it with “1991”.

5.2.3.5 is amended by adding at the end of the sentence “where the visual impact of the proposed development shall be assessed to determine if it is strip development. Where natural tree cover or rolling terrain prevent extensive views of development and the vegetation is retained, strip development will not be considered to have been undertaken.”

Section 5.2.3.5 is amended by adding “unless the road is created by way of a common elements plan of condominium” at the end of the sentence.

Section 5.2.3.7 “Consents for easements shall be preferred to consents for severances when their purpose is to provide linear right-of-way to an abutting property” is deleted.

Item No. 59

Section 5.2.4.7 is amended by inserting “Waterfront” before “Development” and deleting “Adjacent to Water Bodies”.

Section 5.2.4.8 is amended by adding “giving special regard to Low Impact Development standards”.

Item No. 60

Section 5.4.1 is amended by replacing “siting” with “location” and adding as the final sentence at the end of that section:

“For example, waterfront development and commercial or industrial development may require Site Plan Control Agreements to protect water quality or adjacent uses”.

Item No. 61

Section 5.5.4 is amended by replacing “ten years” with “twenty years”.

Item No. 62

Section 5.7.3 is amended by adding at the end of the final sentence:

“and utilizing electronic communication including posting on the Township website, Social Media, and other electronic communication modes as well encouraging residents to sign up for notices on the Township website. As part of this public notification process, consultation may include education and assistance in understanding development options and proposed limitations on options.”

Item No. 63*

A new subsection 5.8 is proposed to address reference to the Ontario Human Rights Code, Canadian Charter and Aboriginal treaties.

Item No. 64

Section 5.8 is amended by deleting the “s” from “Projects”, replacing “five year capital works program” with “ten year asset management plan” and adding “which is a public process” at the end of the last sentence of that section.

Section 6

Item No. 65

Section 6.1 is amended by replacing “Schedules A1, A2, A3” with “Schedules A, B and C”.

Section 6.3 is amended by replacing “2005” with “2014”.

Item no. 66

Section 6 is amended by adding a Definitions section which includes definitions from the Provincial Policy Statement and Additional Definitions

Section 7

Item No. 67

The following text is proposed as follows:

“Schedules A1, A2, A3 are deleted and are replaced by Schedules A, B, and C.

Schedule A: Land Use Plan of Bathurst, North Burgess, South Sherbrooke

Schedule A contains the following new or expanded designations:

- Floodplain
- Floodplain Regulation Limit
- Aggregate Resource Inactive
- Mineral Resource – Sand and Gravel
- Provincially Significant Wetlands

The agriculture designation is proposed to be removed along the east side of Harper Rd between the 5th and 7th Concession of Bathurst and the triangle bounded by Scotch Line, Upper Scotch Line, Kelford Rd.

Schedule B: Environmentally Sensitive Features of Bathurst, North Burgess, South Sherbrooke

Schedule B Environmentally Sensitive Features is a new map containing the following new designations:

- Abandoned Mine Hazard Site and 1km buffer
- Significant Woodlands in Ecoregion 6E
- Source Water Intake Protection Zones
- Lands Adjacent to Provincially Significant Wetlands
- Influence Areas of Pits and Quarries

Schedule C: Natural Heritage Systems Ecoregion 6E

Schedule C is a new schedule required by the *Provincial Policy Statement 2014* that identifies Natural Heritage Systems in Ecoregion 6E in the Township.”

Item No. 68

A new section: APPENDIX and following text are proposed as follows:

“APPENDIX A – LAKE MANAGEMENT PLANS

1. The Otty Lake Association prepared the Otty Lake Management Plan in 2008 in cooperation with the Townships of Tay Valley, Drummond/North Elmsley, Rideau Valley Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and other community partners.
2. The Pike Lake Community Association (PLCA) prepared a lake stewardship action plan in 2011 in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and other community partners.
3. The Adam Lake Property Owners Association prepared a lake stewardship action plan in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and other community partners.
4. The Farren Lake Cottage Association prepared a lake stewardship action plan in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and other community partners.
5. The Long Lake Cottage Association prepared a lake stewardship action plan in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and other community partners.”

SCHEDULE A - LAND USE

The Land Use Map is available for viewing at the Tay Valley Township Municipal Office

SCHEDULE B - ENVIRONMENTALLY SENSITIVE LANDS

*The Environmentally Sensitive Lands Map is available for viewing at the Tay Valley Township
Municipal Office*

SCHEDULE C - NATURAL HERITAGE SYSTEM ECOREGION 6E

*The Natural Heritage System Ecoregion 6E Map is available for viewing at the Tay Valley
Township Municipal Office*