

Tuesday, January 17th, 2023

5:30 p.m.

Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting*

Chair, Deputy Reeve Fred Dobbie

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for a Zoning By-Law Amendment for the following application:

Lee

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA22-15: Regan and Sheila Lee – *attached, page 4.***
912 Slack Way and 364 Blair Pool Farm
Concession 6, Part Lots 4, 5, and 6,
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATION

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

January 17, 2023

Noelle Reeve, Planner

APPLICATION ZA22-15 REGAN AND SHEILA LEE

STAFF RECOMMENDATION

It is recommended:

“**THAT**, amendments to Zoning By-Law No. 02-121 be approved for the proposed rezoning of the following lands as conditions of severances:

- 0.3 ha (0.7 acres) at 152 Blair Poole Farm (Roll Number 91102525000) Part Lot 4 Concession 6, in the geographic Township of North Burgess (as a lot addition to 912 Slack Way) from Rural (RU) to Limited Services Residential (RLS);
- 30 ha (73.1 acre) at 364 Blair Poole Farm (Roll Number 91101000100) at Part Lots 5 and 6, Concession 6, in the geographic Township of North Burgess (as a lot addition to the above addition to 912 Slack Way) from Limited Services Residential Special Exception-75 (RLS-75) to 28 ha Open Space Special Exception-8 (OS-8) and 2 ha Residential Limited Services (RLS); and
- 1.13 ha (acre) at 364 Blair Poole Farm (Roll Number 91101000100) at Part Lots 5 and 6, Concession 6, in the geographic Township of North Burgess (retained lands) from Limited Services Residential Special Exception-75 (RLS-75) to Limited Services Residential Special Exception-191 (RLS-191).”

BACKGROUND

The applications apply to severances granted conditional approval by the County of Lanark for two lot additions and one retained lot all located on the western end of Blair Poole Farm Road.

Severance application B22/046 creates an approximately 0.3-ha (0.7-acre) proposed lot at 152 Blair Poole Farm Road (Part Lot 4 Concession 6, in the geographic Township of North Burgess) to be added to 912 Slack Way. This lot is proposed to be rezoned from Rural (RU) to Limited Services Residential (RLS). The RLS zoning requires a 30m setback from water.

Severance application B22/047, creates an approximately 31.6-ha (78.1-acre) proposed lot at 364 Blair Poole Farm Road (Part Lots 5 and 6, Concession 6, in the geographic Township of North Burgess) to be added to the lot addition to 912 Slack Way. This lot is proposed to be rezoned from Limited Services Residential Special Exception-75 (RLS-75) to Open Space Special Exception-8 (OS-8), with a an approximately 2.02-ha (5-acre) portion to be rezoned as Limited Services Residential (RLS). The OS-8 zoning protects the natural heritage features on the property. (The original RLS-75 zoning required a setback from the wetland to

the west that is no longer required because the Open Space zone does not allow development.)

Severance application B22/04 also creates a 1.13-ha (acre) proposed retained lot 364 Blair Poole Farm Road (Part Lots 5, and 6, Concession 6, in the geographic Township of North Burgess). This lot is proposed to be rezoned from Limited Services Residential Special Exception-75 (RLS-75) to Limited Services Residential Special Exception-191 (RLS-191). The RLS-191 zoning requires a 50m setback from Otty Lake (30m for water setback and an additional 20m due to thin soils and steep slopes).

The effect of the amendments is to satisfy conditions of severance applications.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the rezonings protect the water quality of Otty Lake and surrounding natural features through the Open Space -8 zone and increased setbacks from the lake.

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Section 2.1 Natural Heritage is satisfied as the rezonings protect the natural features on the lots (wetlands and forests) through the Open Space-8 zone and increased setbacks from the lake.

Section 2.2.2 Water states, “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored”. The 50m water setback for a developable envelope from the lake for the retained land and 30m water setback for the lot additions protects lake water quality.

The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Section 2.6.2 Archeological Resources requires an archeological assessment be undertaken in areas identified by the Ministry as being of archeological potential. Development within 300m of waterbodies is considered to trigger an archaeological assessment. However, the proposed location for development has already been disturbed so no study was required. Section 3.1 Protecting Public Health and Safety - Natural Hazards is satisfied as although there are steep slopes on the property, the Rideau Valley Conservation Authority (RVCA) believes there is a buildable envelope for the lot 50m from the waterfront.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses.

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as there is a developable area 50 m back from the lake on the retained land; the Open Space -8 zone protects the water quality of Otty Lake and surrounding natural features; and the regular 30m water setback is in place through the Residential Limited Services rezoning.

Section 7.4 Public Health and Safety – Hazardous Geological formations states, "Development and site alteration in areas designated as having unstable slopes, unstable bedrock, organic soils, Leda clay or Karst topography is generally prohibited unless sufficient engineering information indicates the site can be made suitable". There is an area beyond the steep slope that is buildable.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

Section 2.24.2 Waterfront Development states that a 30m setback is required to protect water quality. A 50m setback for a dwelling is required on the retained land and the 30m water setback is upheld on the lot addition rezoning to RLS. No development will occur on the lands to be zoned Open Space.

Section 2.20.4 Steep Slopes states that an appropriate setback from steep slopes is the minimum of: the Stable Slope Allowance plus the Toe Erosion Allowance, plus the Erosion Allowance. The RVCA determined a 50m setback from the lake would include an appropriate steep slope setback.

Zoning By-Law

The lots are currently zoned Rural (RU) and Residential Limited Services – 75 (RLS-75). The Open Space-8 (OS-8), RLS and RLS-191 (50m water setback) zones are required to satisfy conditions of severance application to meet the requirements of the Official Plan.

Planner

The applicants are proposing to rezone the lots to RLS, RLS -191, and OS-8 to: allow a lot addition to 912 Slack Way with the standard water setback of 30m; allow a dwelling to be located on the retained lot on a private road at a setback of 50m to protect the water quality of Otty Lake; and allow the protection of the woodlands and wetlands on the large lot addition to 912 Slack Way.

Rideau Valley Conservation Authority (RVCA)

The RVCA stated they had no objection.

The RVCA noted the water quality of Otty Lake is rated Fair to Good. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate.

Should any work be proposed along the shoreline of Otty Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

Please note that only one dock per lot is permitted.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO does not object to the proposal. The septic systems must be located greater than 30m from a waterbody and be setback from the steep slope as per the requirements of the Building Code.

Public Comments

The Planner received a number of inquiries but no objections to the proposed rezonings. The Otty Lake Association had commented previously on the proposed severances stating that they were looking for assurance that there would be no negative impact to the lake environment.

CONCLUSION

The Planner recommends that the proposed amendments to rezone a portion of the lands at 152 Blair Poole Farm Road and the lands at 364 Blair Poole Farm Road from Rural (RU) to Residential Limited Services (RLS); from RLS-75 to OS-8 and RLS; and from RLS-75 to RLS-191 be approved.

ATTACHMENTS

- i) Site Sketch
- ii) Zoning By-laws

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (LEE- 152 BLAIR POOLE FARM) (PT LOT 4 CONCESSION 6 GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

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

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (RU) to Residential Limited Services (RLS) on a portion of the lands legally described as Part Lot 4, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191102525000), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

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

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

3. EFFECTIVE DATE

ENACTED AND PASSED this 31st day of January 2023.

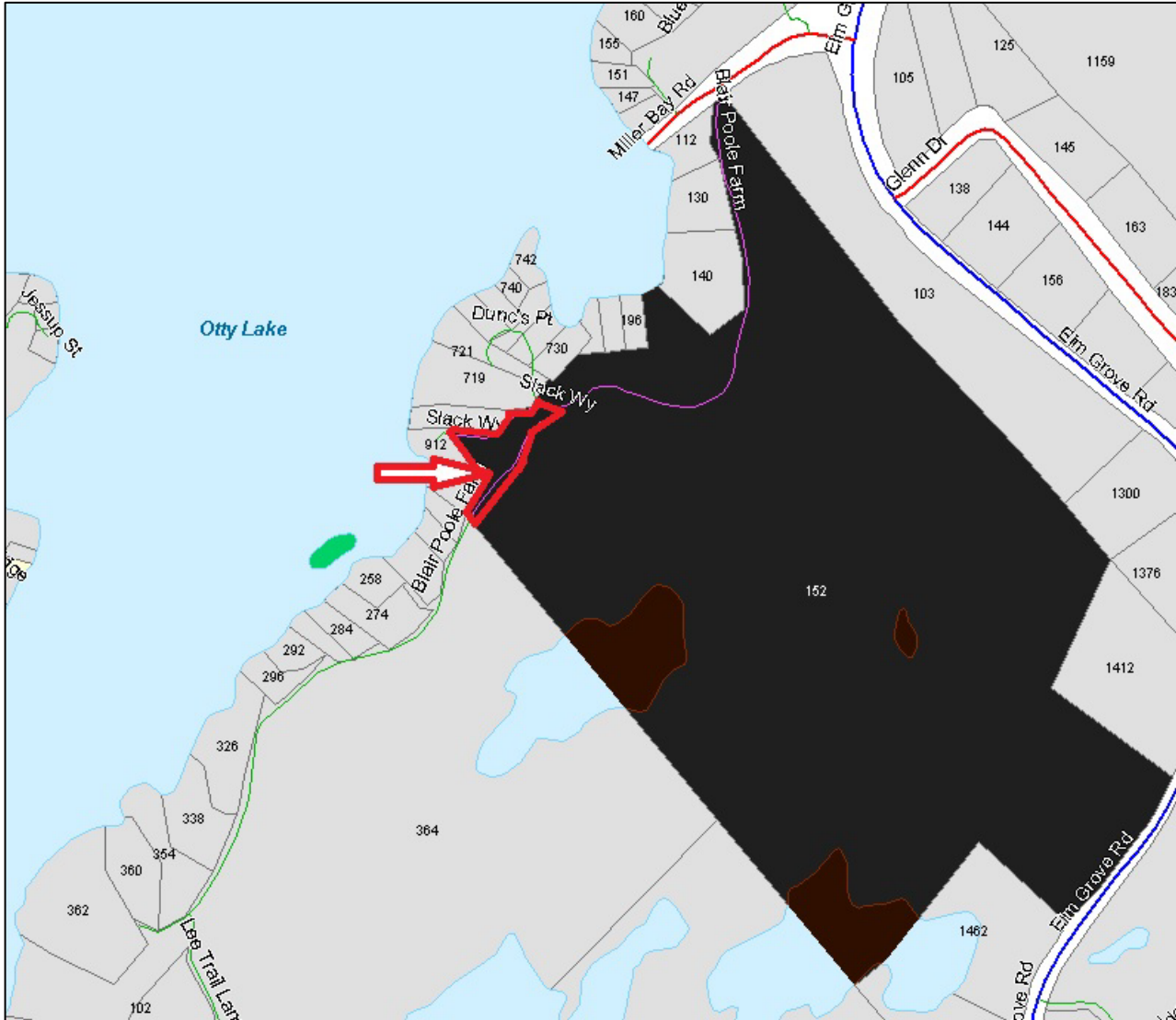
Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

SCHEDULE "A"

Lee – 152 Blair Poole Farm
Pt Lot 4 Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from Rural (RU) to Residential Limited Services (RLS).

Certificate of Authentication

This is Schedule "A" to By-Law 2023-0XX

Reeve

Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (LEE- 364 BLAIR POOLE FARM) (PT LOTS 5 and 6, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

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

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 9.1.4 Open Space (Exception Zones) on a portion of the lands legally described as Part Lots 5 and 6, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191101000100), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

8. OS-8 (Part Lots 5,6, Concession 6, North Burgess)

Notwithstanding the provisions of Section 9.1, on the lands zoned OS-8 the following uses are permitted:

- Agricultural use excluding buildings
- Conservation use
- Park use excluding buildings

1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

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. EFFECTIVE DATE

ENACTED AND PASSED this 31st day of January 2023.

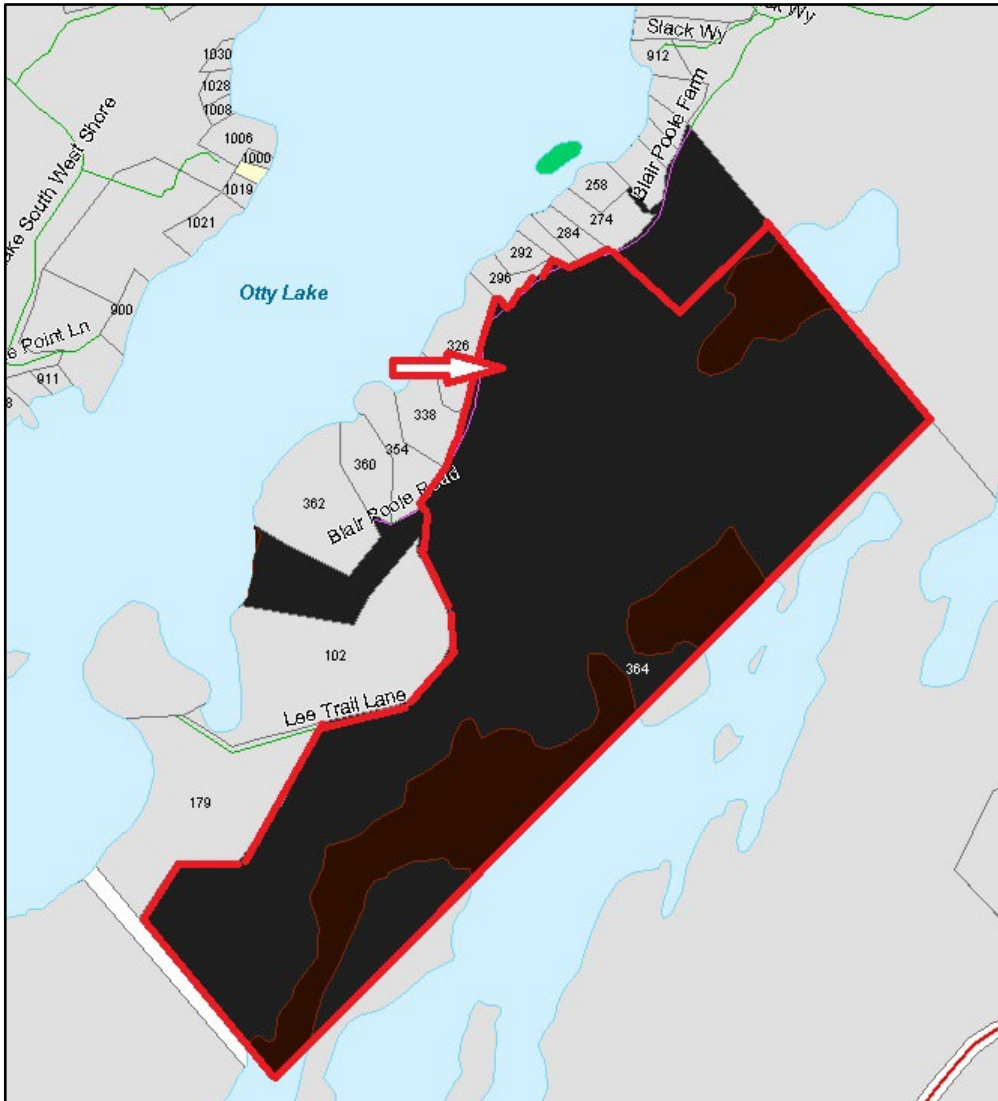
Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

SCHEDULE "A"

Lee – 364 Blair Poole Farm
Pt Lots 5 and 6, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Residential Limited Services-75 (RLS-75) to
Open Space - 8 (OS-8)

Certificate of Authentication

This is Schedule "A" to By-Law 2023-0XX

Reeve

Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (LEE- 364 BLAIR POOLE FARM) (PT LOTS 5, and 6, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

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

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Residential Limited Services – 75 (RLS -75) to Residential Limited Services (RLS) on a portion of the lands legally described as Part Lots 5 and 6, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191101000100), in accordance with Schedule “A” attached hereto and forming part of this By-Law.

1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

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

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

3. EFFECTIVE DATE

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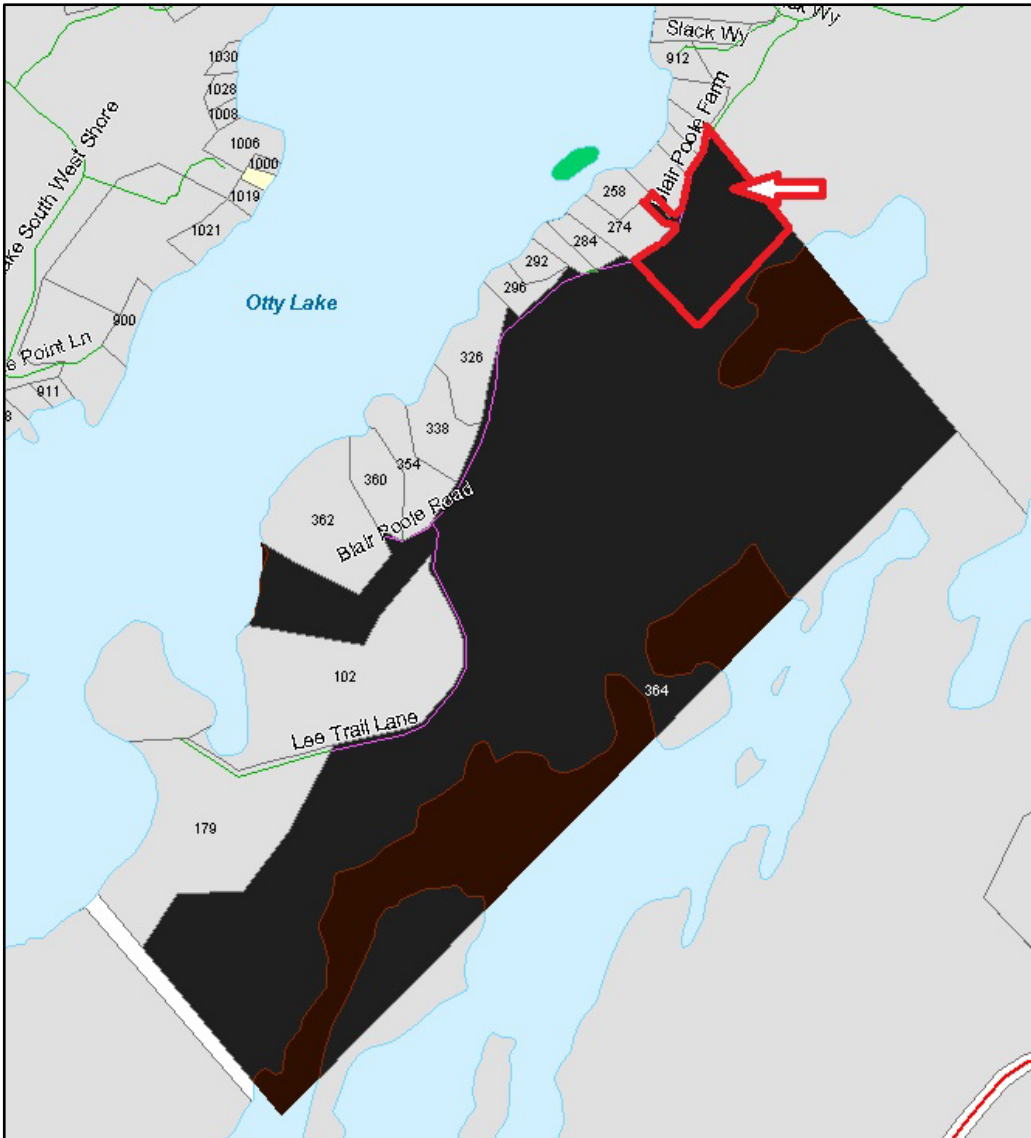
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**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

SCHEDULE "A"

Lee – 364 Blair Poole Farm
Pt Lots 5 and 6, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Residential Limited Services -75 (RLS -75) to
Residential Limited Services (RLS)

Reeve

Certificate of Authentication

This is Schedule "A" to By-Law 2023-0XX

Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (LEE- 364 BLAIR POOLE FARM) (PT LOTS 5, and 6, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

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

1. GENERAL REGULATIONS

1.1 THAT, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Residential Limited Services -75 (RLS-75) on a portion of the lands legally described as Part Lots 5 and 6, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191101000100), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 THAT, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones).

191. RLS-191 (Part Lots 5,6, Concession 6, North Burgess)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-191 the following provisions shall prevail:

- Water Setback (minimum) 50m

1.3 THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

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

3. EFFECTIVE DATE

ENACTED AND PASSED this 31st day of January 2023.

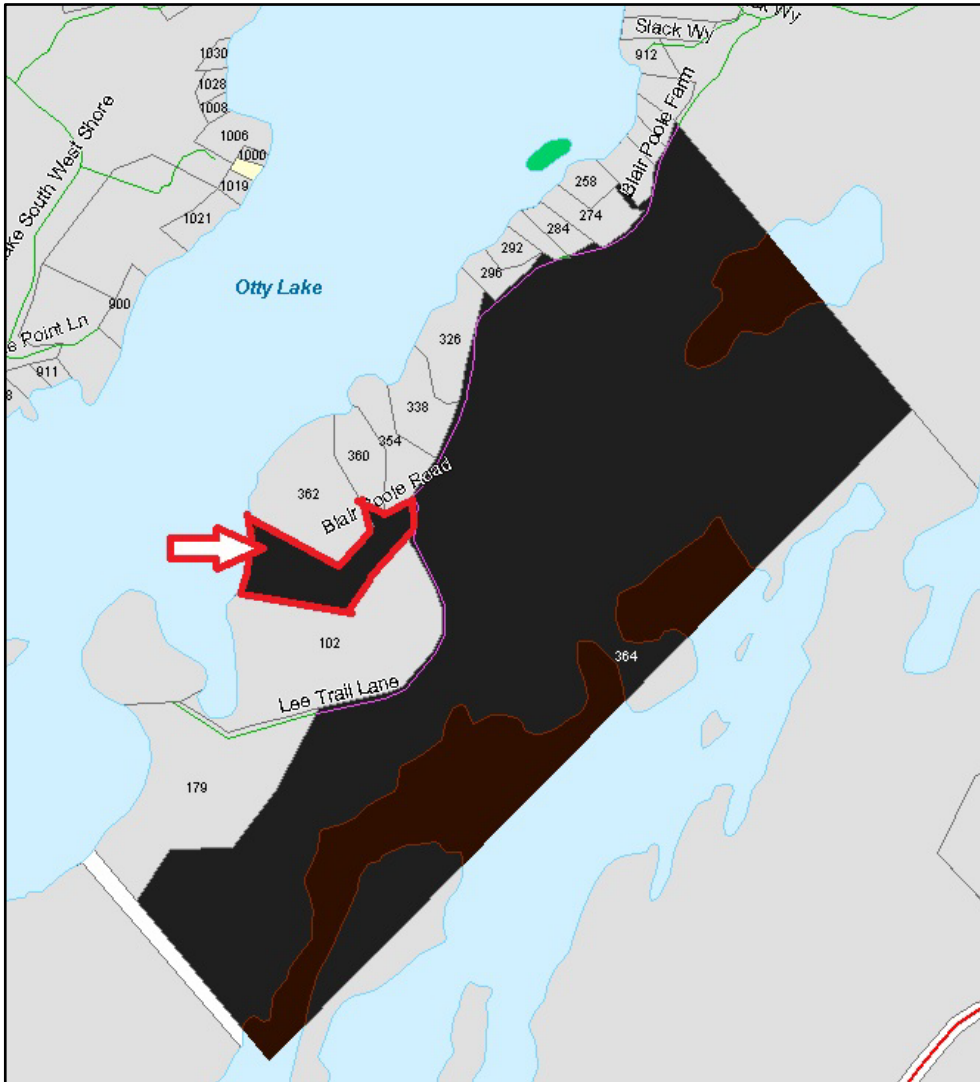
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**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0XX**

SCHEDULE "A"

Lee – 364 Blair Poole Farm
Pt Lots 5 and 6, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Residential Limited Services-75 (RLS -75); to
Residential Limited Services (RLS-191)

Certificate of Authentication

This is Schedule "A" to By-Law 2023-0XX
passed this XX day of XX. 2023.

Reeve

Clerk

Lee

Zoning By-law Amendment

Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in the newspaper and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

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Lee

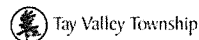
912 Slack Way and 364 Blair Pool Farm
Part Lots 4, 5, & 6, Concession 6,
Geographic Township of North Burgess

The application applies to an approximately 0.3-ha (0.7-acre) severed lot (addition), 31.6-ha (78.1-acre) severed lot (addition), and a 1.13-ha retained lot.

The purpose of this application is to change the zoning of the proposed lots to be added to 912 Slack Way, from Rural (RU) to Limited Services Residential (RLS), and from Limited Services Residential Special Exception-75 (RLS-75) to Open Space Special Exception-8 (OS-8) and Limited Services Residential (RLS), and for the zoning of the retained lands at 364 Blair Poole Farm to be changed from Limited Services Residential Special Exception-75 (RLS-75) to Limited Services Residential Special Exception-191 (RLS-191) for a water setback of 50m.

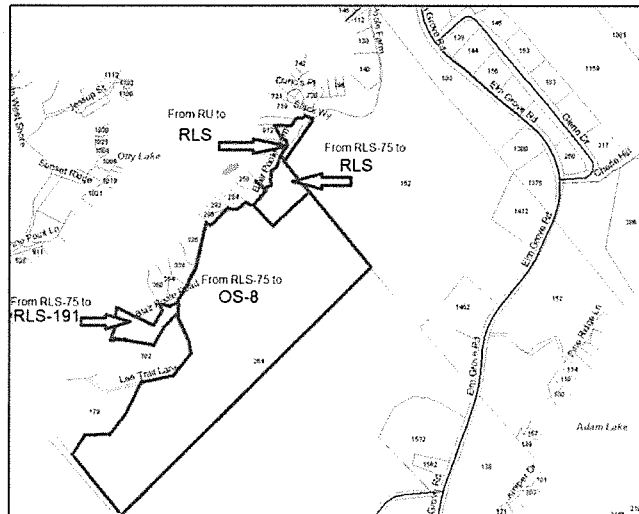
The effect of the amendment is to satisfy the conditions of severances for lot additions to 912 Slack Way.

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2

Lee Location



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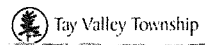


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Lee Aerial Photo (2019)



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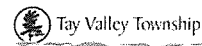


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Lee
Planner's Comments
Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the rezonings protect the water quality of Otty Lake and surrounding natural features through the Open Space -8 zone and increased setbacks from the lake via the RLS-191 zone.

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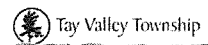


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Planner's Comments
Provincial Policy Statement (PPS)

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- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The 50m water setback for a developable envelope from the lake for the retained land and 30m water setback for the lot additions protects lake water quality.

6



6

Lee

Planner's Comments

Provincial Policy Statement (PPS)

- The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Care should be taken to avoid land uses and practices that may affect groundwater.
- Section 2.6.2 Archeological Resources requires an archeological assessment be undertaken in areas identified by the Ministry as being of archeological potential. However, the proposed location for development has already been disturbed so no study was required.
- Section 3.1 Protecting Public Health and Safety - Natural Hazards is satisfied as although there are steep slopes on the property, the Rideau Valley Conservation Authority (RVCA) believes there is a buildable envelope for the lot 50m from the waterfront.

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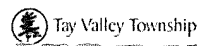
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Lee

County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as through the 50m setback from the lake on the retained land; the Open Space-8 zone protects the water quality of Otty Lake and surrounding natural features; and the regular 30m water setback is in place through the Residential Limited Services rezoning on the other lot additions.

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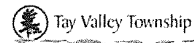


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Lee County Sustainable Communities Official Plan

- Section 7.4 Public Health and Safety – Hazardous Geological formations states, “Development and site alteration in areas designated as having unstable slopes, unstable bedrock, organic soils, Leda clay or Karst topography is generally prohibited unless sufficient engineering information indicates the site can be made suitable”. There is an area beyond the steep slope that is buildable at 50m from the water.

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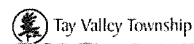


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Lee Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.2 Waterfront Development states that a minimum 30m setback is required to protect water quality. A 50m setback for a dwelling is required on the retained land and the 30m water setback is upheld on the lot additions rezoning to RLS. No development will occur on the lands to be zoned Open Space-8.
- Section 2.20.4 Steep Slopes states that an appropriate setback from steep slopes is the minimum of: the Stable Slope Allowance plus the Toe Erosion Allowance, plus the Erosion Allowance. The RVCA determined a 50m setback from the lake would include an appropriate steep slope setback.

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10

Lee Planner's Comments Zoning

- The lots are currently zoned Rural (RU) and Residential Limited Services – 75 (RLS-75). The RLS-75 zone was approved in 2009 to define a developable envelope west of the Provincially Significant Wetland on the large lot addition property being rezoned to Open Space-8.
- The Open Space-8 (OS-8), RLS and RLS-191 (50m water setback) zones are required to satisfy conditions of severance application to meet the requirements of the Official Plan.

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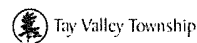


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Lee Planner's Comments

- The applicants are proposing to rezone the lots to RLS, RLS - 191, and OS-8 to: allow a lot addition to 912 Slack Way with the standard water setback of 30m; allow a dwelling to be located on the retained lot on a private road at a setback of 50m to protect the water quality of Otty Lake; and allow the protection of the woodlands and wetlands on the large lot addition to 912 Slack Way.

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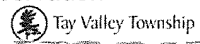
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Lee Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA stated they had no objection. The water quality of Otty Lake is rated Fair to Good. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake, minimizing the amount of hardened surface and considering shoreline revegetation where appropriate.
- Should any work be proposed along the shoreline of Otty Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

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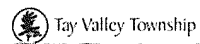
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Lee Comments

Rideau Valley Conservation Authority (RVCA)

- RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.
- Only one dock per lot is permitted.

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Lee Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO does not object to the proposal. The septic systems must be located greater than 30m from a waterbody and be set back from the steep slope as per the requirements of the Building Code.

Public Comments

- The Planner has received a number of inquiries about the proposed rezonings but no explicit objections. When the lot addition severance applications were circulated, the Otty Lake Association noted that they wished to ensure that any new development has a net positive impact on the water quality of Otty Lake.

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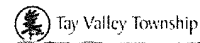


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Lee Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at 152 Blair Poole Farm Road and the lands at 364 Blair Poole Farm Road from Rural (RU) to Residential Limited Services (RLS); from RLS-75 to OS-8 and RLS; and from RLS-75 to RLS-191."

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