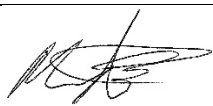


REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
Date of Report: July 16, 2024	Date of Meeting: July 24, 2024
Subject of Report: Section 45 Application A-14-2024 & Site Plan Control Application SP-26-2024 COURVILLE	
Recommendation: Staff recommend that the Section 45 application A-14-2024 be deferred for the following reasons: <ol style="list-style-type: none"> 1. To provide more time to examine alternative dwelling layouts and sizing with the applicants that result in a maximized water setback; 2. To allow for more time for staff to work with the preparers of the submitted EIS to address the significance of adjacent woodland designations and any potential impacts to the woodlands resulting from the proposed development, and a determination of the water setback from the proposed dwelling to the unevaluated wetland on site. Should the setback be less than 6m which was included in the notice, a re-notice or amendment to the application is required; 3. That the amended EIS receive a peer review that is completed by a qualified firm to the satisfaction of the Manager of Development Services. The cost associated to the peer review shall be recovered by the Township from the applicant; 4. That an amended shoreline buffer planting plan be submitted that identifies additional plantings along the shoreline area; and 5. To allow for more time to receive formal comments from the CRCA and Parks Canada 	
Decision: Site Plan application SP-26-2024 is also deferred pending the above for the Section 45(1) application.	
Report Prepared By:	 Foster Elliott, Associate Planner
Departmental Approval:	 Malcolm Norwood, Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 Shellee Fournier, CAO

1.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183605116729
Owner Name	COURVILLE, DAVID & ADELE
Location	Indian Lake Rd (no civic address)
Area	0.39 acres

Frontage	308.00 ft
Depth	67.00 ft
Description	CON 8 PT LOT 21 RP 28R5 PART;68

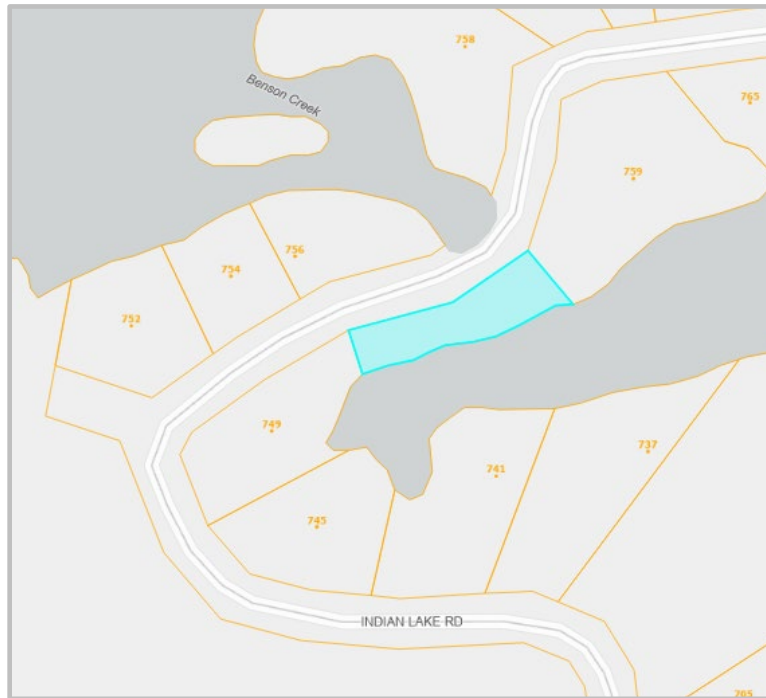


Figure 1 – Context Map

2.0 PROPOSAL

2.1 Purpose of the Application

This is an application under Section 45 of the Ontario Planning Act requesting minor variances from the provisions of the Township of Rideau Lakes' Zoning By-law #2023-50 as amended. The applicants are proposing to construct an 84.17sqm (906sqft) 1-storey dwelling, and an attached uncovered 3.96sqm (42.7sqft) entrance deck with associated stairs. The new dwelling is proposed to be serviced by a new sewage disposal system (holding tank). The following variances are requested:

- **Section 3.30.2** – Relief of 24m from the required minimum 30m water setback to allow for a 6m water setback for the proposed dwelling.
- **Section 5.2.2** – Relief of 3.8m from the required minimum 7.5m rear yard setback to allow for a 3.7m rear yard setback for the proposed dwelling.
- **Section 3.27** – Relief of 11.36m from the required minimum 17.5m centreline of a township street setback to allow for a 6.14m centreline of a township street setback for the proposed dwelling.
- **Section 3.30.2** – Relief of 24m from the required minimum 30m water setback to allow for a 6m water setback for the proposed sewage disposal system (holding tank).



Figure 2 – Aerial image of subject property and adjacent lands.

This property is also subject to a Site Plan Control Application (**SP-26-2024**) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.

This property was subject to previous planning application **A-26-2013** which was deferred at the January 8, 2014 meeting for the following reasons:

1. There appear to be inconsistencies in the measurements submitted through the site plan drawing as the applicants have acknowledged this possibility. A revised drawing provided through the re-measuring of the proposed may required slight differences in the requested variances that will require re-noticing of the application; and;
2. After confirming measurements, and updated report is requested from the Cataraqui Region Conservation Authority regarding flood plain concerns
3. That under the first reason that the resubmitted drawing shall be survey accurate
4. That the EIS comments from the CRCA and the EIS be submitted to the MNR (Ministry of Natural Resources) to review and comment.

The application did not return to a subsequent meeting after the January 8, 2014 meeting.

The application form identified a setback of 12.6m from the water for the proposed sewage disposal system, and an 8.4m water setback for the dwelling, however, upon further review staff understood the setback of the sewage disposal system and dwelling to be approximately 6m, based on the blue contour line noted on the submitted site plan which represents the maximum recorded water of Indian Lake. Therefore, staff noticed the anticipated 6m setback for the proposed sewage disposal system and dwelling in the public notice of the application.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections so long as a Class 4 septic system cannot be installed as determined by the Ontario Building Code (OBC) Part 8. Building permits will be required for the proposed development.

3.2 Rideau Waterway Development Review Team (RWDRT)

No comments have been received from the RWDRT. Preliminary comments have been received from the CRCA. These comments detailed the scope of CRCA's review regarding Natural Heritage and Natural Hazards. Previously the CRCA would comment on Natural Heritage features and areas, and complete reviews of Environmental Impact Studies (EIS). In late 2022 Bill 23 was passed that removed this ability, effective January 1st, 2023. The CRCA strived to support the Township through the Bill 23 transition, and continued to comment and review the EIS in September of 2023. As the application has now been submitted over a year since Bill 23 came into effect, the CRCA's approach to the review of this application is now focused on Natural Hazards. These preliminary comments also included a general review of the EIS, which indicates that the submitted EIS has some minor items to address, but in general the CRCA believes that the EIS has been completed appropriately. Natural Hazards were also reviewed, and the proposal is compliant with the CRCA natural hazards avoidance policies, as the dwelling and septic holding tank are appropriately located and can be elevated to be outside the extent of flooding and erosion risk. Further, the CRCA outlines that Parks Canada have not provided input at this time, and that likely Parks Canada and the CRCA will be providing separate comments on this application.

3.3 Fire Chief

No concerns with fire services.

3.4 Manager of Roads and Drainage

No concerns regarding Township Roads. An absolute minimum of a 5m centreline of the road setback is required, and 6.14m is proposed. The Manager of Roads and Drainage does not believe the wing of the snowplow will impact the building, however the snowbank will be very close to the building.

3.5 Hydro One

No comments or concerns at this time.

4.0 STAFF REVIEW – SECTION 45 and SITE PLAN CONTROL

4.1 Minor in Nature

The proposal is for a new 84.17 (906sqft) single family dwelling on a very narrow lot that is approximately 15.5m at its narrowest, and maintains a general average of 18-20m in depth according to a submitted survey of the property. The proposal requests reduced setbacks to the water for the dwelling and sewage disposal system, as well as reduced setbacks to the rear yard and centreline of the Township street. Potential impacts from any development on this lot are environmental, which include but are not limited to the abutting lake and the nearby provincially significant wetland, impacts on neighbours, and impacts to the abutting improved street, Indian Lake Road.

The applicants have submitted an Environmental Impact Study (EIS), which details the proposal and assesses the development for potential environmental impacts. The submitted Environmental Impact Study concludes that through the implementation of the proposed mitigation measures that impacts to the environment are considered negligible. The proposal also

includes the installation of a new holding tank as the sewage disposal system that is proposed to service the dwelling. For constrained properties such as this one, a holding tank that is permitted under the Ontario Building Code (OBC) assists in reducing environmental impacts from a reduced water setback, as suggested in formal comments submitted by a licensed septic installer. The environmental impacts are minimal as all discharge from the dwelling is collected into the holding tank and then pumped out and hauled to an adequate sewage treatment facility. While the submitted EIS has a supportive conclusion for the development that there are no impacts to the wetland to the north and Indian Lake to the south, there is no discussion on adjacent potentially significant woodlands which bears upon the assessment of impacts resulting from the proposed development. Staff are recommending that the EIS preparer amend the EIS to include a discussion on the potential impacts to the adjacent potentially significant woodlands so that impacts can be properly assessed.

The proposal also includes a reduction in the rear yard setback and centreline of the Township street located abutting the rear of the property. Impacts related to the roadway traffic, sight lines, maintenance, and operations have been discussed with the Manager of Roads and Drainage. The Manager of Roads has identified no concerns with the proposal as it relates to the Township Road, provided an absolute minimum setback of 5m from the centreline of the road is maintained at all times. The proposal is for a 6.14m centreline setback, which meets this requirement, but also presents an opportunity for a slightly enhanced water setback for the dwelling to be situated on the lot. The owners should be aware that snowbanks will be in very close proximity to the proposed dwelling and this is recommended to be included as a condition of any future Site Plan Agreement that is to be registered on title to the property.

Impacts to neighbouring properties are also considered. The 2 abutting properties to the east and west are residentially developed. The proposal does not include any side yard setback reductions. Real distance separation through side yard setbacks are considered appropriate in mitigating potential negative impacts to neighbours. Through the Planning Act application process, public consultation is also important in identifying potential impacts. A summary of public comments are outlined at the end of this report, and no comments identify any potential negative impacts to other properties. However, one comment does outline the potential impact to the streetscape resulting from the reduced rear yard setback and centreline of the Township street setback. The Manager of Roads and Drainage has considered impacts on the abutting Township street and has indicated no concerns with the proposal, and requests an absolute minimum 5m to the centreline of the road setback for future development on this lot. Any potential approval of development on this lot would incorporate aspects that mitigate potential impacts to the roadway such as: exterior lighting, colour/design of the exterior of the building as to fit in with the built and natural environment. Considering the adherence to side lot line setbacks, and mitigation measures that can be incorporated to minimize land use compatibility impacts noted in public comments, staff are confident that impacts to neighbouring properties are minor. Overall, the proposal is minor in nature when considering impacts to the environment, the abutting Township road, and neighbouring properties, however further investigation is required into the potentially significant woodlands to fully assess potential impacts.

4.2 Intent and Purpose of the Zoning By-Law (ZBL)

The property is zoned Waterfront Residential (RW). The intent of the provisions for waterfront properties as outlined in this zone are to regulate the intensity and form of development to ensure that the Township's water and lake resources are protected long-term in terms of both ecology and as a recreational, economic and cultural resource. The proposed residential use of the property is permitted in the RW zone.

The subject property is approximately 0.39 acres in size, with approximately 91m of waterfrontage along Indian Lake. The 0.39 acre property size is non-conforming with the minimum 1-acre property size, and the 91m of frontage complies with the minimum 60m of frontage requirement in the RW zone. Section 3.6 of the ZBL states that existing lots of record, such as this one, that do not meet the minimum lot area or frontage are permitted to be developed with a building or structure for the purpose of a permitted use within the zone in which the lot is located on the date of the passing of the By-law without the requirement to obtain relief from the applicable lot area or frontage provisions. However Section 3.6 also states that this provision shall not be construed as granting relief from any other provisions of the Zoning By-law. The proposal for the dwelling meets or exceeds the requirements of the Township's ZBL other than those where relief is requested for the development parameters outlined in Section 5.2 which include: 6m minimum side yard setback, 10m maximum building height, 10% maximum lot coverage, and 15% maximum floor space index. The proposal also meets the required minimum 30m setback outlined in Section 3.22.1 to a Natural Heritage A designation, as an EIS was submitted that recommended a lesser than 120m Natural Heritage A setback.

The proposal does not meet the required minimum 30m water setback for either the dwelling or the sewage disposal system (holding tank) and has requested relief of 24m to permit a 6m water setback for the dwelling and sewage disposal system. The intent of the 30m water setback is to ensure adequate separation between development and the sensitive surface water features to mitigate impacts that development can cause. Part of this review is to determine whether the water setback has been maximized. In this proposal, and with consideration for the comments received from the Manager of Roads and Drainage regarding the Township road centreline setback, staff believe there is an ability to move the dwelling further back on the property, which will subsequently increase the water setback. This can result in a maximum increase of 1.14m to the water setback for the dwelling only. Further, the submitted Environmental Impact Study (EIS) that is supplemental to the application outlines an unevaluated wetland along the upland side of the shoreline of this property. As defined in the ZBL, a "water setback" is in reference to a "waterbody". A "waterbody" is defined as:

"any bay, lake, river, unevaluated wetland, watercourse or canal, but excluding a drainage swale or irrigation channel"

The provided site plan and dimensions to the water did not account for the identified unevaluated wetland in the submitted EIS. As such, staff recommend that the application be deferred so that the water setback can be properly evaluated when accounting for the unevaluated wetland identified in the EIS, and an updated water setback is provided accordingly. Should the revised proposal result in a setback of less than 6m for either the sewage disposal system or dwelling, the application would require a re-notice. In addition to the above measures, staff are also recommending that the applicant re-evaluate the proposed dwelling size and layout to further demonstrate a maximized setback. The proposed dwelling is an approximate 30ft x 30ft structure that maintains an approximate 50ft setback to the western lot line, and the submitted sketch identifies an envelope that has more land to the west that some of the dwelling area could occupy that is further than 6m from the water. Staff believe that this area should be examined for some of the dwelling to be located, in order to increase the dwelling's setback to the water. As a result of the comments from the Roads Manager, as well as the potential ability to explore alternative dwelling designs to maximize the setback on the lot, staff are recommending deferral in order to achieve a maximized water setback in order to meet the intent of the Zoning By-law.

Further, the proposal also does not meet the rear yard setback requirement of 7.5m, which is proposed to be 3.7m. The intent of rear yard setbacks is to enable real separation distances on

properties between buildings to mitigate land use compatibility. In the case of waterfront properties, the rear yard setback typically aligns to the road in which access is gained, in this case a Township street. For this proposal the centreline of the Township street as required in Section 3.27 of 17.5m is proposed to be reduced to 6.14m. The intent of the centreline of the Township street setback is to allow adequate separation for buildings and structures from the roadway to ensure that traffic, sight lines, maintenance and other road operations are not impeded or hindered by development. The Manager of Roads and Drainage has indicated no concerns with the proposed 6.14m setback, and has also indicated for this property that an absolute minimum 5m centreline setback can be permitted. The Manager of Roads and Drainage has also stated that either with the proposed 6.14m centreline setback, or a 5m centreline setback that the snowbank will be in very close proximity to the dwelling. The Township Fire Chief has also commented on the application for the reduced setbacks to the rear lot line and Township street, which he has indicated no concerns regarding fire and emergency services. The revised proposal should have consideration for a 5m centreline of the Township street setback to attempt to maximize the water setback for the proposed development while still maintaining the recommended clearance by the Township's Manager of Roads.



Figure 3 – Zoning map of the subject property and surrounding area.

4.3 Intent and Purpose of the Official Plan

The subject property is designated Rural in the OP. The intent of the Rural designation is outlined in Section 3.8 of the OP and seeks to maintain the rural and recreational flavor of the Township. Accordingly, a modest amount of compatible and orderly development is permitted. The proposed residential use of the property is considered consistent with this section of the Official Plan.

The Waterfront Development Policies outlined in Section 2.2 of the OP are reviewed. Section 2.2.2 highlights the importance and policies regarding the water setback. The proposed will not meet the minimum required 30m setback as noted in this section along with Section 3.30.2 of the ZBL. Section 2.2.2.C of the OP states that development and site alteration may be permitted less than 30m from a waterbody in situations where existing lots or existing developments preclude the reasonable possibility of achieving this setback, and will be subject to other policies in the OP. The proposal is to construct a new dwelling and sewage disposal system, which due

to the lack of depth existing on the property is required to be completed within the 30m setback. The submitted EIS concludes no negative impact to the wetlands and Indian Lake. Section 2.2.2.E states that minimum disturbances of native soils and very limited removal of vegetation occur beyond that required for development, which the Township can utilize Site Plan Control to incorporate into development proposals.

The proposal must also be consistent with the Environmentally Sensitive Development section of the OP with the policies outlined in Section 2.6. Development shall be undertaken in a manner that is sympathetic and complementary to the natural and build contextual environment in which it is to occur. Massing of buildings and structures are to not dominate the natural landscape, particularly in areas of high potential impact such as the Rideau Canal system. Parks Canada has been circulated on the application, however no comments have been received at the time of this report. This section further calls for retaining as much natural vegetation as possible and reinstating vegetative buffers that are disturbed or destroyed where they abut shorelines, wetlands, and roads, and priority shall be given to using native species of vegetation. Maintenance of a minimum 30m strip of substantially undisturbed and naturally vegetated area abutting the length of the shoreline on waterfront properties should be required as it is intended to ensure the protection of the most environmentally sensitive portion of the water setback area. Through this proposal, a 30m width of substantially undisturbed and naturally vegetated area is not feasible, as the entire lot is within 30m of the water. However, Section 2.2.2.C of the OP contemplates development within the 30m water setback in specific circumstances which include existing lots of record or existing developments. Therefore, staff believe that the proposal for a new dwelling and septic system maintains the intent of the official plan in this regard, so long as the remaining portion of the lot remains substantially undisturbed and naturally vegetated. The applicants have submitted a shoreline buffer planting plan in support of this proposal. The plan identifies existing mature vegetation to remain, and some new perennials. Due to the proximity to the shoreline of the proposed development, a revised shoreline buffer planting plan shall be submitted identifying a more robust plan which includes greater depth of planting along the shoreline with particular regard for woody vegetation to assist with erosion and stormwater in the areas of proximity to the driveway and proposed dwelling. The Shoreline Buffer Planting Plan will assist in maintaining the intent the Environmentally Sensitive Development section of the OP while recognizing that the existing lot of record in the subject application is a scenario contemplated under Section 2.2.2C where a water setback can be reduced.

The size of the proposed dwelling and the shape of the dwelling should also be considered in the context of the environment. Staff believe that on a constrained lot such as this, a tiny dwelling, or a dwelling of smaller footprint should be considered. It is policy of Section 2.4.5.C of the OP that the Township will encourage the development of tiny dwellings on existing non-complying lots that are deficient in the lot size requirements outlined in the Zoning By-law. This OP policy is appropriate for this lot considering its small size and narrow depth and is recommended to be considered by the owner. Additionally, the Environmentally Sensitive Development section states that development should preserve natural land forms and contours particularly when undertaking grading or site alteration, as well as attempting to implement a 'dark skies' in relation to light pollution and spill-over from the development, and implementing storm water management approaches and best practices. Due to the constrained site, roof runoff shall be collected through eaves troughing and directed to the side or rear of the dwelling into leaching pits (French Drains). Colour and architectural style of the building should also be sensitive to the surrounding environment. The development is encouraged to use natural materials or colours reflective of the environment for the exterior of the dwelling. Erosion control measures shall be utilized during construction while any bare soil exists to minimize any sediments from entering the lake.

Land use compatibility has been reviewed in light of this application under Section 2.16 of the OP. The proposal is for a residential use in a residential area, and through the use of real separation distances by adhering to side lot line setbacks, no land use compatibility concerns have been identified to the directly abutting neighbouring properties to the east and the west. Further, the Manager of Roads and Drainage has identified that a minimum 5m centreline of the Township street setback is required for development, and through mitigation measures that can be implemented on an approval that minimize potential impacts to the abutting Township street such as lighting and streetscape, staff anticipate no land use compatibility concerns.

Section 2.17 Cultural Heritage, Rideau Canal and Archaeological Resources has been reviewed. Parks Canada comments on cultural heritage impacts to the Rideau Canal system. As no comments have been received from Parks Canada at the time of writing this report, through the adherence to Section 2.6, Environmentally Sensitive Development of the OP discussed above, and the use of colours or natural materials reflective of the surrounding environment, the proposal would complement the natural and scenic values of the cultural heritage landscape. However, staff would recommend obtaining formal comments from Parks Canada prior to providing a decision on the application. The subject property is within an area of archaeological potential. The Township does not have record of any archaeological resource identified on or adjacent to the subject lands. As such, any development within an area of archaeological potential shall in the event of an accidental discovery of items of archaeological significance, construction activities must be halted immediately and a licensed consultant archaeologist must be contacted to carry out the fieldwork in compliance with the Ontario Heritage Act [s.48(1)]. Further that if a burial site is unearthed, the appropriate authorities must be contacted (police, coroners office, Bereavement Authority of Ontario) and the Funeral, Burial and Cremation Services Act must be complied with. Future comments from Parks Canada and Site Plan Control can assist in ensuring that potential significant cultural heritage resources are appropriately conserved.

The property is not subject to human hazards. The submitted topographical survey identified potential steep slopes which were identified on site by staff on the eastern portion of the property. No development is proposed on or near the top of the potentially steep slope. Through the pre-consultation and preliminary comments from the CRCA, the subject property contains an area of potential flooding. As mentioned in the preliminary comments from the CRCA, the proposal is outside of the flooding area, and the dwelling and septic system can be elevated to be outside of the flooding and erosion risk.

In regards to Natural Heritage, the subject property is within the adjacent lands (120m) of a Natural Heritage A designation (Provincially Significant Wetland). Section 3.4 of the OP sets out the policy regarding the Natural Heritage A (NHA) designation. Development and site alteration are not permitted within the NHA designation, and may only be permitted within the adjacent lands where it is demonstrated through the submission of an Environmental Impact Assessment that there will be no negative impacts on the wetlands natural features or their ecological functions. Further, the property is adjacent to potential fish habitat (no data available for Indian Lake). Section 2.20.3 of the OP requires that an Environmental Impact Assessment is required that demonstrates no negative impacts on the potential fish habitat will occur for development to occur within the adjacent lands (120m) of the potential fish habitat. Further the property is also within the adjacent lands (120m) of a woodland designation. The intent of the woodland designation is to identify wooded areas that have the potential to be significant. Section 2.20.6 of the OP states that no development or site alteration shall occur within any significant woodland or within their adjacent lands unless an Environmental Impact Assessment has been completed that demonstrates that no negative impacts from the proposed development will occur on the woodlands natural features or ecological function.

An Environmental Impact Assessment was submitted with the application completed by LRL Engineering dated May 29, 2024. The assessment is required to be completed to the requirements of Section 2.20.7 of the OP. The submitted Environmental Impact Assessment reviewed in the context of the proposal the identified Provincially Significant Wetland (Natural Heritage A designation), Potential Fish Habitat (Indian Lake), Species at Risk, and identified an unevaluated wetland on the subject property along the shoreline. The Environmental Impact Assessment did not review the woodland designation nearby to determine significance or impacts. The EIS should be revised to include the review of the woodland designation. Further, the Environmental Impact Assessment concludes that the development impacts on the provincially significant wetland and Indian Lake are negligible, although the OP policies strictly require the EIS to demonstrate no negative impacts. Staff recommend that a peer-review of the revised EIS is completed to review the proposal to confirm the methodology, mitigation measures and conclusions of the submitted study, as well as detail the setback to the unevaluated wetland identified to the development, which the Township would then recover the cost of the peer review from the applicants as per Section 2.20.7 of the OP. At this time, staff are unable to confirm conformity with the Natural Heritage Section of the OP until the peer review has been completed.

Section 2.21 Water Resources and Waste Water Treatment has also been considered. This section recognizes the issue of surface water quality impacts related to water-oriented development, and that there is a relationship between surface water and groundwater quality. Stormwater management is also an important interest of the Township as development affects the quality and quantity of storm run-off, and the Township shall endeavor to implement best practices related to storm water management such as low impact development (LID) techniques and other sustainable drainage best practices. The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request a design be created, the determination of impact of the development on the receiving watercourse during and after construction, and mitigation measures for any adverse impacts from the development. In this case where development is proposed on a non-complying lot, within 30m of the water, a grading and drainage plan can assist with reducing any potential negative impacts from the development in terms of flooding, pollution, erosion and sedimentation due to the proximity to the lake and roadway of the development, which could be incorporated into a potential approval.

Overall, staff are recommending deferral to provide for more time to examine the size and layout of the dwelling to assist with meeting Section 2.4.5C and 2.6 of the OP, as well as more time to update and peer review the EIS to ensure the application meets sections 2.20 and 3.4 of the OP, and it is recommended that an updated shoreline buffer planting plan be submitted that shows a more robust natural vegetative state on the remainder of the property to meet the intent of sections 2.2 and 2.6 of the OP, and lastly to allow for more time for formal comments to be received from the CRCA and Parks Canada to meet section 2.17 and 2.18 of the OP.



Figure 4 – Official Plan schedule of the property and surrounding area.

4.4 Appropriate Use and Development of the Property

The existing non-complying property is very narrow and therefore the proposed development requests relief from water setbacks, the rear yard setback, and the centreline of the Township street setback. The property was also subject to a minor variance application in 2013 that requested similar variances. The 2013 application was deferred to update the site plan inconsistencies and be survey accurate, an amendment to the EIS as requested by the CRCA, and to circulate the amended EIS and CRCA comments to the Ministry of Natural Resources for review and comment. Since this previous application in 2013, new owners of the property have worked with the Township and CRCA to develop a new proposal and to provide new supporting documentation. This new proposal was accompanied by a survey, an updated EIS for the property, as well as the description and elevation drawings of the proposed new dwelling. The applicants have developed a design that works within the parameters of the supportive EIS, while also being sympathetic to the environment. In the context of the surrounding properties, the proposal to construct a dwelling on this lot is appropriate use and development of the property.

The applicants however should have regard for a smaller dwelling size, as the Township's Official Plan and Zoning By-law permit tiny dwellings, and encourage them on existing non-complying lots in terms of lot area such as the subject property. Further, the shape and design of the dwelling should be considered in a manner which elongates the dwelling east to west, to enable a larger water setback. The use of a holding tank as proposed would by design not permit any discharge into the environment that would occur through a traditional septic system, which is also an appropriate sewage disposal system for the lot.

The application does have merit in that the lot is an existing lot of record zoned for residential use. However, the combined 4 variances along with their extent of requested relief should be considered in terms of overall appropriateness for the development on the lot. The significant reviews of each aspect of the requested relief have been completed and suggest that the proposal is appropriate. The submitted EIS concludes no negative impacts to the adjacent wetlands or surface water features on the site, which has generally been supported by the CRCA. Natural Hazard reviews have been completed by the CRCA who have indicated that they believe the proposal complies with their policies for development adjacent to natural hazard features. The

Township's Manager of Roads has reviewed the potential impacts on the road and has identified a minimum setback which needs to be maintained to allow for proper functionality and maintenance of the road. Notwithstanding this, the CRCA's review of impacts to natural heritage features is more limited as a result of changes to the Conservation Authorities Act, which is reflected in the formal preliminary comments that have been submitted by the CRCA. Considering the extent of the relief requested from the water and the adjacent significant natural heritage features, it is prudent to ensure that the review of the EIS be confirmed by a peer review so that conclusions, methodology and overall veracity of the report can be confirmed. This level of review would have been completed by the CRCA in the past, however, under new legislation they are limited in their ability to formally comment on the EIS and so staff see it as in the public interest to ensure that all appropriate mitigation measures are in place prior to any approval of development on a highly constrained lot such as this. Overall, the additional recommended conditions such as obtaining a peer review, ensuring all formal agency comments are received, and exploring alternative options to maximize the water setback is to ensure all potential avenues at the Township's disposal are utilized to corroborate the applicant's notion that the development is appropriate for the lot.

5.0 OTHER MATTERS OF LOCAL/PROVINCIAL INTEREST

The policies of the *Ontario Provincial Policy Statement* (PPS) have been considered in reviewing this application. The protection of water resources as outlined in Section 1.6.6.7 and 2.2 have been considered. These sections call for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing stormwater management practices and maintaining or increasing vegetative and pervious surfaces. Section 2.1 (Natural Heritage) have been considered due to the identified natural heritage features and areas. As the submitted supportive EIS is recommended to be amended and then be peer reviewed, at this time staff cannot confirm consistency with the PPS Natural Heritage policies at this time. Section 3.1 Natural Hazards have also been reviewed. As noted by the CRCA comments, the proposal is adequately setback from any Natural Hazard, and the dwelling and septic holding tank can be elevated above any flooding elevations. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. This section calls for avoiding development and land use patterns which may cause environmental or public health and safety concerns. In this application, a potential public safety concern is identified due to a proposed reduced centreline of the Township road setback. The Manager of Roads and Drainage has reviewed the application and has identified no concerns to the public road from the proposed development.

The policies of the *United Counties of Leeds & Grenville Official Plan* have also been considered in reviewing this application. The subject property is designated as Rural Lands in Section 3.3 of the Counties OP. An objective of the Rural Lands designation is to promote development opportunities of recreational dwellings that have limited impact on infrastructure demands and other environmental resources. The Natural Heritage Section (4.2) has also been considered. Due to the submitted supportive EIS is recommended to be revised and peer reviewed, staff are unable to determine and confirm consistency with the Natural Heritage Section of the UCLG OP.

6.0 PUBLIC INPUT/COMMENTS

Ten public comments have been received from neighbours in opposition to this application. The applicants have also provided a response letter that addressed the first 7 of these comments received. The final 3 were received after this response letter. In general, the ten comments received generally grouped into the below concerns:

- Environmental Concerns
- The extent of the requests (minor vs major)
- Previous Township Building Official Letter (dated 2001)
- Septic system adequacy

The planning system in Ontario is designed to incorporate public input into the application review and decision process. Many of the neighbours have commented on the negative impact from the proposal on the environment which includes but is not limited to: lake water quality, animal habitat, and wetland impacts. Through the Township staff review, the Official Plan details requirements of an EIS to be submitted that is to the satisfaction of the Township and other approval authorities. In previous years, the CRCA would be able to review and provide comments on the EIS formally, however this was removed from their scope on planning applications through the passing of Bill 23 in November of 2022. With that said, the Township does not have qualified persons on staff who can review EIS's for adequacy. Thus, as potential environmental impacts from a development on a constrained site are of great interest to the Township, and have been a great concern of neighbours, a peer review of the EIS should be completed to confirm the conclusion that no negative impacts to the environment will occur from the development so long as the mitigation measures are adhered to. The peer review can also help to clarify the actual setbacks from the various environmental features on the lot, like the unevaluated wetland. Lastly, the peer review also serves as an additional opportunity to identify other mitigation measures that will assist in limiting impacts.

The extent of the requested relief and a perceived precedent has also been noted as a concern in some comments. Staff ultimately review each planning application on its own merit and unique context, and therefore precedent is not necessarily applicable to other applications. In this case the request for relief is typically higher than other proposals as a result of the constrained nature of the lot. However, like all other proposals reviewed by staff, maximizing the water setback is of high priority. Ultimately, any minor variance application is reviewed under the same 4 tests as prescribed by the Planning Act, with consideration for the specific property and any constraints present.

Many neighbours commented on a previous Township building official letter dated May 29, 2001. In this letter from the former Chief Building Official (CBO), it was claimed that the size of the property would not be big enough to build on or support a sewage system. However, the current Township CBO and the CBO in 2013 indicated no concerns with the proposed holding tank which has also been reviewed and supported by a licensed septic installer. Although a previous Township Chief Building Official made a determination in 2001, the current authority of the Ontario Building Code rests with the current Chief Building Official who is not beholden to a past official's opinion.

Other comments were received on the proposed septic system, and indicated that in the event of a failure of the system, all sewage will dispose of directly into the lake. By nature a holding tank does not discharge at all into the environment. As such, a holding tank is therefore pumped out frequently, and any of these pump outs can be checkpoints for the owners or sewage hauler to ensure the system is working properly. Although concerns have regard to a potential failure of the system, all septic systems that are installed are to be regularly inspected and maintained by the property owner. The Township would not be in a position to decline an application due to a hypothetical failure of a new sewage system, as any sewage system can fail for any number of reasons.

7.0 SKETCHES

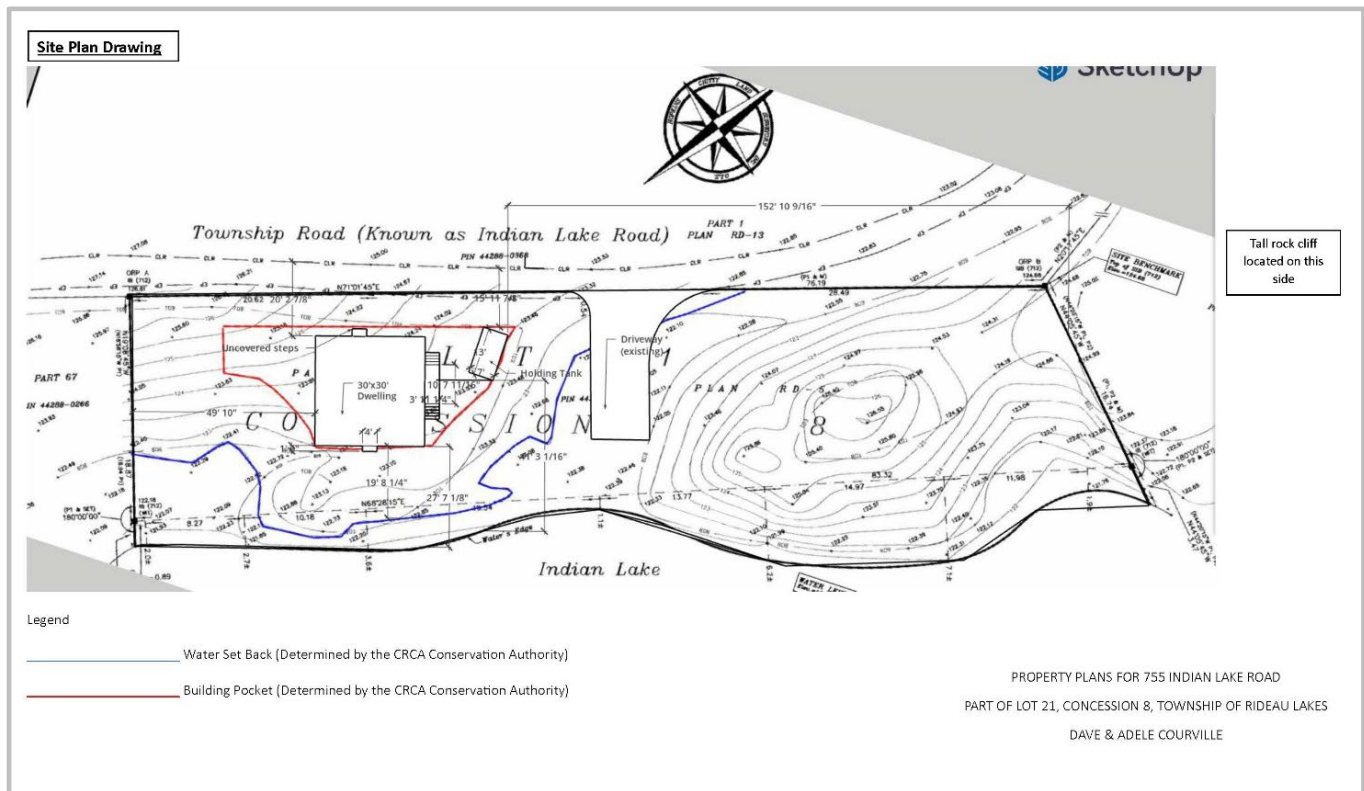
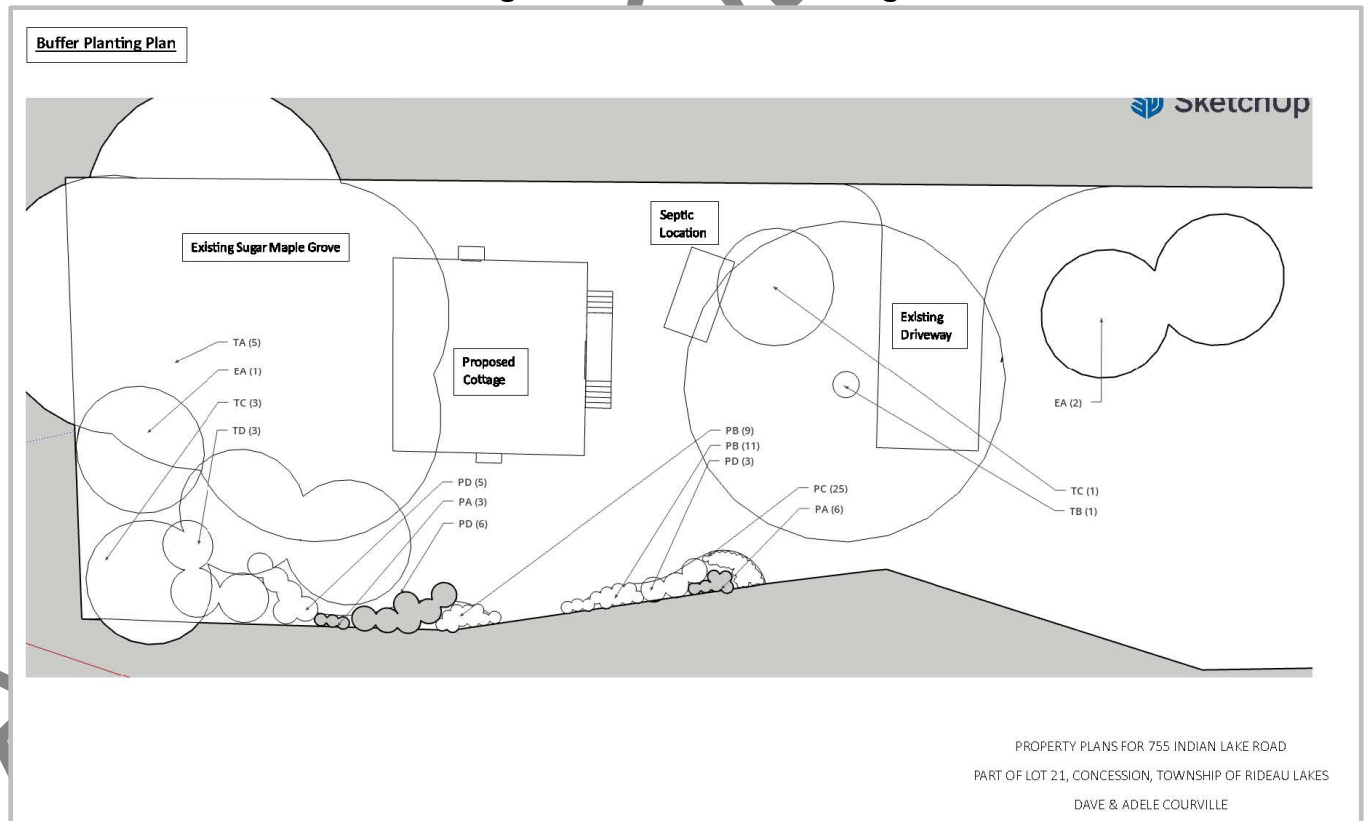


Figure 5 – Site Plan Drawing



PLANTING LEGEND

TYPE	CODE	NAME	QTY	SIZE
Perennials				
	PA	Anemone canadensis – Canada Anemone	9	4 inch or plugs
	PB	Iris versicolor (white 'Versicle') – Blue Flag Iris	20	4 inch or plugs
	PC	Dryopteris marginalis – Wood Fern	25	4 inch or plugs
	PD	Eupatorium maculatum -Joe Pye-Weed	14	4 inch or plugs
Evergreen Trees and Shrubs				
	EA	Tsuga canadensis – Eastern Hemlock	3	5gal
Coniferous Trees & Shrubs				
To be planted amongst other sugar maples to replace existing trees that had to be removed.	TA	Acer saccharum – Sugar Maple	5	5gal
	TB	Acer rubrum – Red Maple	1	5gal
	TC	Betula papyrifera – White Birch	4	5gal
	TD	Amelanchier sp. – Serviceberry	3	2gal

Date planting will take place:

Unknown at this time

Plants to be installed by:

Landowner (I am a professional landscaper)

Site Preparation Plan:

Existing weeds will be removed.

Plants will be installed directly into existing conditions.

Maintenance Plan:

Plants will be watered as needed until roots are established.

Area will be monitored for invasive plants and unwanted invasive plants and weeds will be removed. Plants will be replaced as needed.

Additional Details:

Trees will be spaced at least 3 meters apart.

Shrubs and perennials will be planted in groups of like species.

Planting choices are derived from Example Native Species List.

PROPERTY PLANS FOR 755 INDIAN LAKE ROAD

PART OF LOT 21, CONCESSION 8, TOWNSHIP OF RIDEAU LAKES

DAVE & ADELE COURVILLE

Figure 6 – Shoreline Buffer Planting Plan

8.0 PHOTOS



Photo 1 – Area of Proposed Development (looking west)



Photo 2 – Area Between Water and Proposed Development



Photo 3 – Area of Development along the Road (looking west)



Photo 4 – Area of Development along the Road (looking east)



Photo 5 – Wetland on North side of Indian Lake Road