

CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE
March 19, 2013
PUBLIC MEETING UNDER THE PLANNING ACT

A Public Meeting under the Planning Act was held at 6:30 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 of the Planning Act, 1990.

The Public Meeting under the Planning Act, 1990 was declared open on a motion moved by Councillor Campbell, seconded by Councillor McIlquham. **CARRIED.**

All members of Council were in attendance for the meeting this evening with the exception of Councillor Aldene Styles.

Also in attendance was Mr. Michael Fadock, Planner - Jp2g Consultants Inc.- agent for the applicant

Members were asked to state any pecuniary interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Councillor Campbell, seconded by Councillor McIlquham, **THAT** the Public Meeting agenda dated March 19, 2013 be adopted as submitted and circulated. **CARRIED.**

The purpose of the proposed zoning by-law amendment is to rezone an existing 0.61 hectare vacant lot and a proposed vacant 0.67 hectare lot, immediately to the west, to be developed as residential lots. The purpose of the zoning by-law amendment is to rezone the lands from Rural (RU) to Rural-Exception-Twenty-Eight (RU-E28) to reduce the required setback from a PSW from 120 metres to 35 metres and to require a minimum 20 metre setback from the rear lot line. Within the 20 metre rear yard setback no buildings or structures are permitted and it is to remain in natural vegetation and be used only for open space and for passive recreation. All other provisions of the Zoning By-law shall apply.

Additional information regarding the Zoning By-Law amendment was available for inspection at the Township of McNab/Braeside Municipal Office during regular office hours.

The lands affected by this amendment is Part of Lot 12 Concession 2, geographic Township of McNab, in the Township of McNab/Braeside, and are located on Burnstown Road (Cty Rd 52).

The notice of the public meeting was read by the Clerk. The Clerk advised that the notice of the public meeting was circulated to all property owners within 120m of the subject property as well as all of the applicable agencies. The notice of the proposed amendment and public meeting was also posted on the Township website. The Clerk advised that verification was received that the notice of the proposed amendment was posted on the subject property as required.

The Clerk read correspondence received from Ontario Power Generation advising that they have no comments or concerns regarding the proposed application.

The Clerk read correspondence received from Hydro One Distribution advising that they have no comments or concerns regarding the proposed application.

The Clerk read correspondence received from the Township Chief Building Official Mr. Murray Gahan advising that he had no comments or concerns regarding the proposed application.

The Clerk read correspondence received from Mr. Nathan Kuiack of the County of Renfrew Public Works and Engineering Department advising of the following comments:

1. Any new structures must be setback a minimum of 7.62 metres (25ft.) from the limit of the road allowance, as per County By-Law No. 1611.
2. An entrance permit will be required for the proposed entrance and for any modifications to the existing entrance.

The Clerk read comments received from the County of Renfrew Planning Department stating that the subject land is designated Rural in the Township's Official Plan and zoned Rural (RU) in the Township's Zoning By-law 2010-49, both of which permit low density residential development, however, the lands are within close proximity to the Donnelly's Bay Provincially Significant Wetland (PSW).

The Planning report stated that the Provincial Policy Statement (PPS) protects both Provincially Significant Wetlands (PSWs) and lands adjacent to PSWs. The PPS defines adjacent lands as those lands within 120 metres of the boundary of a PSW. Section 2.1.6 of the PPS will permit development and site alteration within adjacent lands if it has been demonstrated that the natural features and their ecological functions will not be negatively impacted by the proposed development. Section 9.4(5) of the Township's Official Plan reflects the requirements of the PPS regarding development in and adjacent to PSWs. It states that Council shall require an Environmental Impact Study (EIS) for development proposed on lands adjacent to a PSW.

Section 3.23(e) of the Township's Zoning By-law implements both the PPS and Official Plan policies for lands adjacent to PSWs by requiring a minimum 120 metre setback from the boundary of a PSW.

The applicant has submitted an Environmental Impact Study (EIS), prepared by Ontario Resource Management Group, and dated October 24, 2012, in support of the zoning by-law amendment application.

The study determined that the terrain around the property slopes towards the PSW to the south and that the boundary of the PSW is 35 metres from the south limit of the existing and proposed lot. It concludes that development on the existing and proposed lot could proceed without negatively impacting the PSW, providing the following:

- At the time of a building permit, best management practices are implemented during construction of a new dwelling. This includes the use of sedimentation barriers, careful felling of trees on site, the use of eavestroughing that drains to loose substrate and the use of environmentally-friendly fertilizers, pesticides.
- Site-specific zoning is implemented under Section 34 of the Planning Act that protects a 20 metre wide strip along the south side of the existing and proposed lot. The 20 metre strip is to remain in undisturbed natural vegetation to be used only as open space and for passive recreation. No buildings or structures are to be permitted.

As a result, it is recommended that the lands be rezoned from RU to RU-E28 to reduce the required setback from a PSW from 120 metres to 35 metres and to require a minimum 20 metre setback from the rear lot line. Within the 20 metre setback no buildings or structures are permitted. It is to remain in a natural vegetated state and be used only for open space and for passive recreation. Lastly, both the Official Plan and Zoning By-law recognize that development adjacent to County roads is to meet the requirements of the County road authority. It was also recommended that the County of Renfrew Public Works & Engineering Department be circulated for comment and review. Favourable comments will be required.

In conclusion, the Planner did not identify any concerns in his report and recommended that the amendment, be approved if supported by the circulated agencies.

The Clerk advised there was no other correspondence received either to object or to support the proposed application.

Mayor Campbell inquired if Council members had any questions or concerns at this point. Councillor McIlquham inquired if an entrance permit had been issued yet. Mr. Michael Fadock, Planner with Jp2g and agent for the applicant was present and advised that they were still awaiting comments from the County associated with the severance application and depending on such an entrance permit might be required, however, this will be applied for at the building permit stage.

Councillor McIlquham inquired if the applicant had to do a "Species At Risk" study. Mr. Fadock advised an evaluation had been done for "Species at Risk" for this application which was a huge job.

Mayor Campbell inquired if any restrictions to the property identified in this regard are put on title to advise future buyers. Mr. Fadock advised they would just be incorporated through the zoning by-law at this stage and not put on title.

Mayor Campbell inquired if the members of the public in attendance this evening had any questions or comments at this time, which there were none.

The CAO advised that should the zoning amendment by-law be passed a notice of passing would

then be circulated as required under the Planning Act. There would then be an appeal period of 20 days from date of the notice of passing and should no appeals be received during this period the by-law would then come into effect.

The Clerk advised that should there be any members of the public in attendance who wished to receive further notification with regards to these amendments to please leave their name, address and phone number on the list at the back of the Council Chambers.

Mayor Campbell thanked everyone for their attendance.

The meeting adjourned at 6:50 p.m. on a motion moved by Deputy Mayor Blimkie, seconded by Councillor McIlquham **CARRIED.**

MAYOR

CAO/CLERK

(Original signed by Mayor Mary M. Campbell and CAO/Clerk Noreen C. Mellema)