

*Request for Decision United Townships of Head, Clara & Maria Council*

Type of Decision									
Meeting Date	Tuesday, March 20, 2018				Report Date	Thursday, March 15, 2018			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

**County Official Plan Review Report - #20/03/2018/1103**

**Subject: Opportunity for Comment on County of Renfrew Official Plan 5 year Review**

**RECOMMENDATION:**

That Council consider the amendments to the plan and take the opportunity to submit concerns to the County prior to adoption. That Council express concern over the limits to property owner rights in reference to severance on private roads not on water front and property owner rights near “multi-use” trails.

**WHEREAS** Council has had the opportunity to review the proposed amendments to the County of Renfrew Official Plan review;

**AND WHEREAS** it commends the County staff for work to date and amendments which help to protect property owner rights especially those in proximity to at capacity or sensitive lakes;

**AND WHEREAS** Council feels there are still steps which could be taken to lighten the restrictions on rural Ontario property owners;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby reiterate its concern with the limitations imposed on landowners specifically that:

1. Section 14.3 (2) be reconsidered to allow severance, on a case by case basis, on large tracts of land which will require private roads but do not front on water;
2. Section 13.3 (13) be reconsidered so private property owners retain priority rights over any recreation trail rights-of-way and that proposed building and development restrictions be removed.

**BACKGROUND/EXECUTIVE SUMMARY:**

The Official Plan (OP) was circulated for comments in 2016 where this Council took the opportunity to pass the attached resolution. County staff then took steps to amend its proposed document and is circulating it again with changes. The document may be located on the County of Renfrew website by following this link.

<http://www.countyofrenfrew.on.ca/departments/development-and-property/planning-and-land-division/official-plans-and-amendments/>

Upon review of the updated document notable changes which directly affect HCM include:

1. Section 14 – wording changed – now reads “Section 14 states the policies and criteria to be followed considered when applications for consent (severance) ...are reviewed.” The word considered is an improvement, now no longer mandatory.

2. Section 2 – General Development Policies
  - a. When indicating restrictions, define development as “creation of more than 5 residential lots” so excludes a large number of property changes in HCM as development is normally for less than 3 lots at a time.
  - b. P. 34-36 defines more clearly the differentiation between high water mark and normal water’s edge as it relates to set backs and shoreline activity making it easier to staff and property owners to understand, explain and implement.
  - c. The new plan includes suggestions to update and amend local zoning by-laws to address the changes in the OP. Will be time intensive but a necessary requirement.
  - d. P. 37 – definitions and description of “shoreline activity areas” to include docks, gazebos etc. Again, provides a clearer explanation for all users.
  - e. P. 38 – puts management of shorelines in the local municipality’s hands.
  - f. P. 55 – secondary units – definition now expanded. Includes separate detached on same lot. Allows for more than one building on one lot based on specific conditions. Assists in infilling and providing accommodation and privacy for family members.
  
3. Section 5 – Rural
  - a. No changes specific to HCM
  
4. Section 9 – At Capacity Lakes
  - a. P. 127 – speaks to site development maintained at 300m from shore **UNLESS**...new conditions have been implemented which include the need for professional reports and municipal site plan controls. Minimum lot size is not 1 hectare. Still quite restrictive but a little better for our residents with property around these lakes.
  
5. Section 13 – Transportation
  - a. P. 148 - For new construction on lots fronting on provincial highways – require MTO approval prior to construction beginning.
  - b. P. 149 – as to new access to Highway 17 – “direct access will be discouraged and often prohibited.”
  - c. P. 150 – speaks to private road standards – HCM already has such a policy in place
  - d. P. 153 – Trails – the term “multi-use” has been added
    - i. S. 13.3 (13) – limits development near trails. New lot creation and new development should not negatively impact on trail right-of-way.
    - ii. Municipalities will require a new zoning by-law amendment to prohibit buildings at least 7.5 metres from the limits of trail rights-of-way.
    - iii. “The creation of a new lot that would require access across a trail will generally not be supported.”
  
6. Section 14 – Land Division Policies
  - a. P. 157 – changes have been made to allow development of residential year round residences on private roads so long as the development is on water front.
  - b. Still no change to the request to allow development on private roads, no matter their location.
  - c. P. 159 – this section allows for consent approval to sever lots which have inadvertently been merged – this happens a lot.

The new plan amends the challenges faced by local property owners adjacent to at capacity or sensitive lakes and have relaxed the rules for severance and setbacks. That is a huge positive change.

Additionally they have amended the OP to allow full time residential builds on private roads – IF, the properties affected front on water.

What further is required is a relaxation of the restriction of severance of large tracts of land on private road with no water. This is a situation which affects a number of HCM residents who have purchased their properties years ago, hoping to subdivide and sell to finance their retirements or provide land for their kids. They are no longer allowed to do this. Staff feel council should stand up for those property owners.

A new section limits development adjacent to the Algonquin and other rail trails. Property owner's rights are being limited based on a recreation trail.

**Options/Discussion:**

**Policy Impact:**

As per policy.

**Financial Considerations/Budget Impact:**

None.

**Others Consulted:**

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

