



Corporation of the
Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705)534-4493

COMMITTEE OF ADJUSTMENT -AGENDA
Wednesday, March 20th, 2019 – 5:30 p.m.
Township of Tay Municipal Building – Council Chamber
450 Park Street, Victoria Harbour

- 1. Call To Order**
- 2. Appointment Of Deputy Chair**
- 3. Adoption Of Agenda**
- 4. Declaration Of Pecuniary Interest**
- 5. Adoption Of Minutes From February 20th 2019**
- 6. Public Meeting**
 - 6.2 2019-A-01, 326 Robins Point Road**
 - 6.3 2019-A-02, 99 Hoyt Avenue**
 - 6.4 2019-B-01, 365 Robins Point Road**
 - 6.5 2019-B-02, 244 First Avenue**
- 7. Decisions**
- 8. Other Business**
- 10. Next Meeting – April 17th 2019**
- 11. Adjournment**



Corporation of the
Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0
(705) 534-7248
FAX (705)534-4493

COMMITTEE OF ADJUSTMENT

MINUTES OF MEETING Wednesday, February 20th, 2019 – 5:30 PM

Township of Tay Municipal Office – Council Chambers

Members Present: Member: Andy Ott
 Member: Stephen Stone
 Member: Matthew Heffer

Staff Present: L. O'Toole, Planner, Secretary-Treasurer
 S. Farquharson, Planning and Development Director

1.0 CALL TO ORDER

L. O'Toole called the meeting to order at 5:30 p.m.

2.0 APPOINTMENT OF CHAIR

MOTION: Moved by: Member Stone

Seconded by: Member Heffer

That Committee appoint Andy Ott as Chair.

CARRIED.

3.0 Appointment of Secretary Treasurer and Deputy Secretary Treasurer

MOTION: Moved by: Member Stone

Seconded by: Member Heffer

That Committee appoint Liam O'Toole as Secretary Treasurer, and Steve Farquharson as Deputy Secretary Treasurer.

CARRIED.

4.0 ADOPTION OF THE AGENDA

MOTION: Moved by: Member Stone

Seconded by: Member Heffer

THAT Committee adopted the agenda as prepared.

CARRIED.

5.0 DECLARATION OF PECUNIARY INTEREST

None were presented

6.0 Adoption of Minutes

MOTION: Moved by: Member Heffer

Seconded by: Member Stone

THAT the minutes of Public Hearing held November 21st, 2018 be adopted as circulated.

CARRIED.

7.0 Public Hearing

7.1 Minor Variance Application 2019-A-01- Applicant Molenda

Attending

Applicant/Agent: None

Written Comments Received at the Hearing:

None.

Public Audience:

None.

Committee Members: L. O'Toole gave an overview of the application, and explained the outstanding zoning items that would need to be addressed, and recommended deferral.

8.0 OTHER BUSINESS

8.1 Pictures were taken for ID badges for members present.

9.0 NEXT MEETING

The next meeting of the Committee of Adjustment is to on March 20th 2019.

9.0 ADJOURNMENT

The Committee adjourned at 6:07 p.m.

MOTION: Moved by: Member Heffer

Seconded by: Member Ruf

Respectfully Submitted:

A. Ott, Chair

L. O'Toole, Secretary Treasurer



**Corporation of the
Township of Tay**

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

PLANNING & DEVELOPMENT DEPARTMENT

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	March 20 th , 2019
<u>Subject:</u>	Minor Variance Application 2019-A-01
<u>Applicant:</u>	Susan Molenda, Agent IHD Design Build
<u>Location:</u>	326 Robins Point Road

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Variance Application **2019-A-01** be denied.

FOR THE FOLLOWING REASONS;

The proposed variance does not meet the intent of the Zoning By-law, is not minor in nature, or appropriate and desirable to the surrounding neighborhood.

INTRODUCTION/BACKGROUND:

The applicant is requesting a Minor Variance from **Section 12.4.2** of the Township of Tay Zoning By-law 2000-57 as amended, which limits the front yard setback in the "SR-2" zone to 7.5 metres. The applicant requires the variance in order to construct an attached garage with a front yard setback of 4.39 metres.

	Permitted	Proposed
Front Yard Setback	7.5 metres (24.6 feet)	4.39 metres (14.4 feet)

ANALYSIS:

The subject property is located on the shoreline of Sturgeon Bay, along the North side of Robins Point Road. A copy of the proposed site plan which shows the proposed location of the attached garage has been included in this staff report as attachment #1.

The variance was first submitted with two zoning deficiencies, which have been addressed in the revised site plan. Staff have concerns over the term “permeable surface” in the site plan. Section 5.1.2 of the Zoning By-law outlines the permitted surface types for parking spaces. Any “permeable surface” used for this part of the front yard cannot be used for parking, and cannot include any of the permitted surface types, including gravel. The detached accessory building will also be removed, if the variance is successful.

Can the proposed variance be considered minor in nature?

Minor is not always considered as a numeric value, and each variance must be considered on a case to case basis. Usually, the travelled portion of the road allowance is set back from the front property line, allowing for an additional buffer area. On this portion of Robins Point Road, the travelled portion of the road is not centered, and is close to the front lot line of 326 Robins Point Road. In this case, reducing the front yard setback to 4.3 metres has a larger impact on the separation between attached garage and roadway that would normally be the case. For this reason, reducing the setback by 3.11 metres (10.2 feet) cannot be considered minor in nature.

Is the proposed development appropriate and desirable for the surrounding area?

There are a few properties along Robins Point Road with attached and detached garages within the 7.5 metre required yard. These instances occur when a structure was erected prior to the Zoning By-law coming into effect, or when a Legal Non-Conforming structure is rebuilt to the policies and requirements of Section 4.12 and 4.13 of the Zoning By-law. While owners may take advantage of these non-complying opportunities, they are still not appropriate or desirable for the neighbourhood. Permitting a non-complying structure that meets the requirements of the zoning by-law, and allowing for a new building that does not meet the requirement of the zoning by-law are not the same. The 7.5 metre setback functions as a way to stop the encroachment of buildings, and over time encourage dwellings to be further

away from the road. Allowing for a new building to have such a decreased setback is a step in the wrong direction, and is not desirable or appropriate for the surrounding area.

Does the proposed variance meet the intent of the Zoning By-law?

The property is zoned SR-2 "Shoreline Residential Exception 2" in the Zoning By-law. Attached garages are a permitted use under this Zone. Pending a proper entrance, all other zoning provisions would be satisfied through this variance. The intent of the front yard setback is to ensure an adequate separation is provided between the dwelling and the roadway, for privacy, and for the protection of the road and dwelling. As mentioned above, reducing the front yard setback to 4.3 metres has a larger impact on this portion of Robins Point Road, due to the location of the travelled portion of the road. The reduced setback may also create potential issues with winter maintenance operations, as noted by the Manager of Roads and Fleet. For these reasons, the intent of the 7.5 metre setback will not be met.

Does the proposed variance conform to the Official Plan?

The property is designated as Shoreline Residential in the Township of Tay Official Plan. Section 4.1.2.2.1 states that Shoreline Residential designated areas allow for seasonal and permanent single detached dwellings, with attached garages being a permitted use. Section 4.1.2.1.1 states that the "Shoreline Residential" designation is intended to protect the low-density shoreline residential character of these areas. The proposed variance would not damage the residential character of the area, and can be considered to be in conformity with the Official Plan.

Outside Agency, Internal Department and Public Comments:

County of Simcoe – No comments received to date

Newmarket-Tay Power Distribution Ltd. - No comments received

Bell Canada Right of Way - No comments received

Simcoe County District School Board- No comments received.

Chief Administrative Officer – No issues or concerns.

Clerk- No concerns

Director of Finance – No issues or concerns.

Director of Public Works – Setback reduction not recommended, especially with travelled portion of road being close to property line.

Water/ Sanitary Wastewater Superintendent – Have owner verify building will not be constructed over the existing sewer lateral or the water service tie in.

Manager of Roads and Fleet – Do not support due to roadway being close proximity to property line. This may cause issues with Winter Maintenance operations. Permeable space be utilized for parking which will also cause issues.

Chief Building Official- No concerns at this time.

Fire Chief – No comments received.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

The Planning and Development Department recommends that Variance Application **2019-A-01** be denied. The proposed variance does not meet the intent of the Zoning By-law, is not minor in nature, or appropriate and desirable to the surrounding neighborhood.

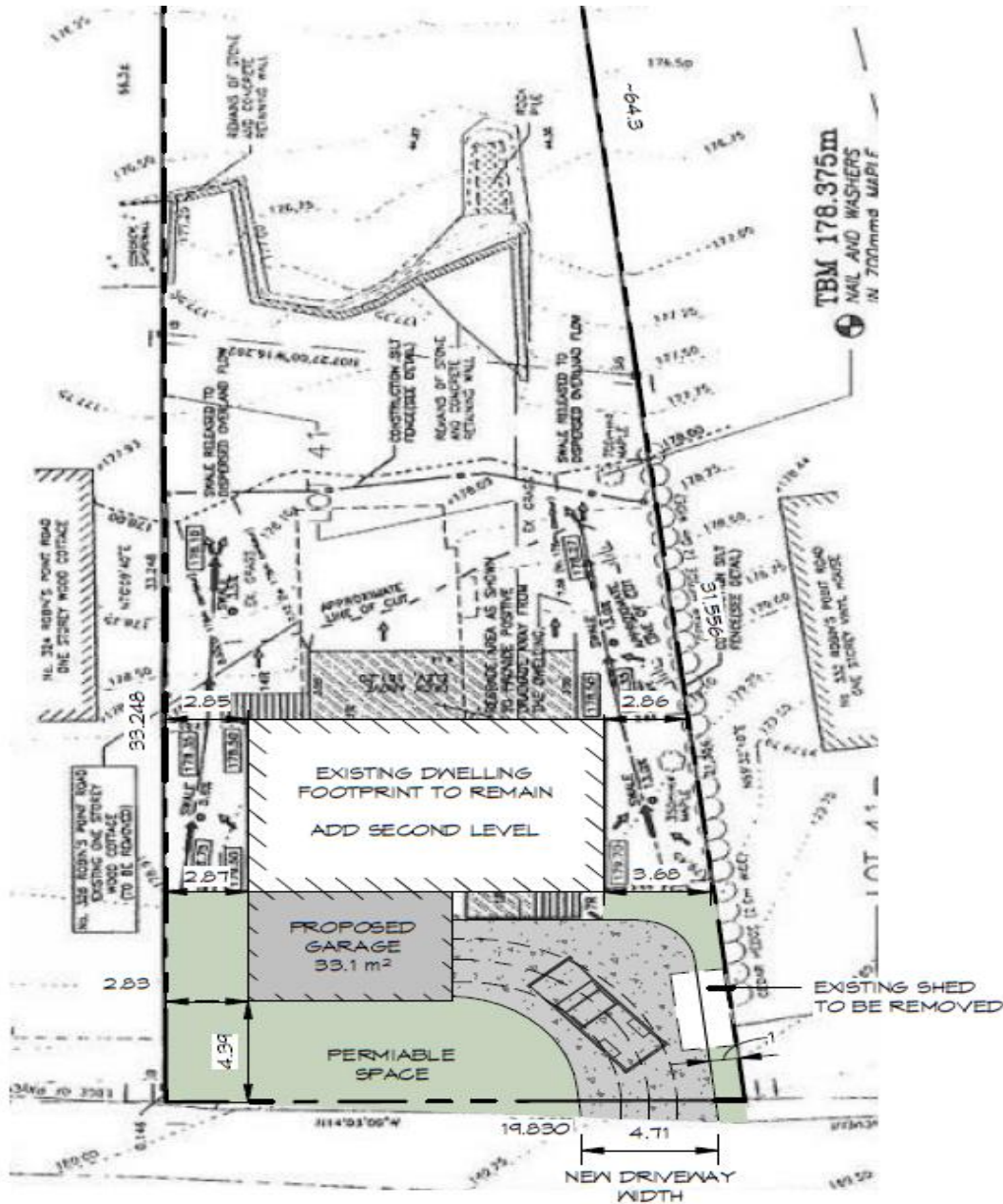
Prepared and Recommended by;

Reviewed by;

Liam O'Toole, B.URPL, B.A
Planner
Date: March 11th, 2019

Steven Farquharson, B.URPL, MCIP, RPP
Director of Planning and Development
Date: March 11th, 2019

Attachment 1: Applicant Site Plan





Corporation of the Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

PLANNING & DEVELOPMENT DEPARTMENT

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	March 20 th 2019
<u>Subject:</u>	Minor Variance Applicant 2019-A-02
<u>Applicant:</u>	Rae Reynolds
<u>Location:</u>	99 Hoyt Avenue

RECOMMENDATION:

THAT,

Minor Variance Application 2019-A-02 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the Front Yard setback of the detached accessory building be no less than 7.5 metres.
2. That the applicant obtains the required Zoning Certificate and Building Permit from the Township of Tay for the approved Variance Request.
3. That all municipal taxes be paid in full.

FOR THE FOLLOWING REASONS,

The proposed variance is appropriate and is in keeping with the general purpose and intent of the Official Plan and Zoning By-law. The deficiency

would not appear to create any adverse impacts for the adjoining residential properties, and the variance can be considered minor in nature.

INTRODUCTION/BACKGROUND:

The applicant has requested a variance to Section 4.1.9 (b) "Accessory Buildings, Uses and Structures" of the Township of Tay Zoning By-law 2000-57 as amended.

Section 4.1.9 (b): *"No detached accessory building shall be permitted in the front yard, except in the A and RU Zones, where they are permitted in the front yard, but not in the required front yard"*

The applicant is requesting the variance in order to construct a detached accessory building in the front yard.

ANALYSIS:

The subject property is located on the Southern side of Hoyt Avenue in Victoria Harbour. The subject land is legally described as CON 7 PT LT 15, Township of Tay, County of Simcoe.

Does the proposed Minor Variance meet the intent of the Official Plan?

The property is designated Village Residential within the Township's Official Plan. Section 4.1.1.3.5 requires development proposals to be reviewed with regard to their compatibility within the existing character of the settlement area. There are a number of attached and detached accessory buildings along Hoyt Avenue with detached and attached garages and accessory buildings in the Front Yard. The proposed accessory structure would be compatible with the existing character the settlement area.

Does the proposed Minor Variance meeting the intent of the Zoning By-law?

The property is zoned Village Residential "R2" within the Township's Zoning By-law. Section 4.1.9 (b) does not permit any detached accessory buildings within the front yard of the property. The intent of this provision is to keep detached accessory buildings out of the Front Yard, and away from the road. The Front Yard is defined under Section 3.2.232 as: *a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.* The main building of 99 Hoyt is set much further back from the Front lot line than the surrounding

properties. By definition, this makes the “front yard” cover nearly 75% of the property. The proposed setback of the detached accessory building would exceed the 7.5 meter Front Yard setback in the “R2” zone, and not be in the required front yard. Though by definition the proposed accessory building would be in the front yard, it would maintain the intent of the Zoning By-law by being outside of the required front yard, and away from the road.

Is the proposed Minor Variance desirable and appropriate for the lot?

The Southern side of Hoyt Avenue has a number of attached garages, and multiple Legal Non-Conforming detached accessory buildings in the Front Yard. There are also many detached accessory buildings in the front yard on the northern side of Hoyt Avenue, as detached accessory buildings are permitted in the front yard of properties abutting Georgian Bay. The proposed detached accessory building would not be inappropriate for the lot and would be in keeping with the character of the neighbourhood.

Is the proposed Variance Minor in Nature?

The proposed accessory building will conform to all other Zoning Provisions in the “R2” zone, including front, rear and side yard setbacks, lot coverage and height. A detached accessory building is a permitted use under the “R2” Zone and in the absence of an adequate back yard, allowing for the structure to be built in what would be the side yard on almost any other property along Hoyt Avenue can be considered a minor request.

Outside Agency, Internal Department and Public Comments:

County of Simcoe – No comments received to date.

Bell Canada, Right of Way – No comments received to date.

Chief Administrative Officer – No issues or concerns.

Clerk – No issues or concerns.

Director of Finance – No issues or concerns.

Director of Public Works – No issues or concerns.

Water/Sanitary Wastewater Superintendent – No issues. Owner should be aware of the location of the underground water service line.

Manager of Roads and Fleet – No issues or concerns.

Chief Building Official – No issues or concerns.

Fire Chief – No issues or concerns.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

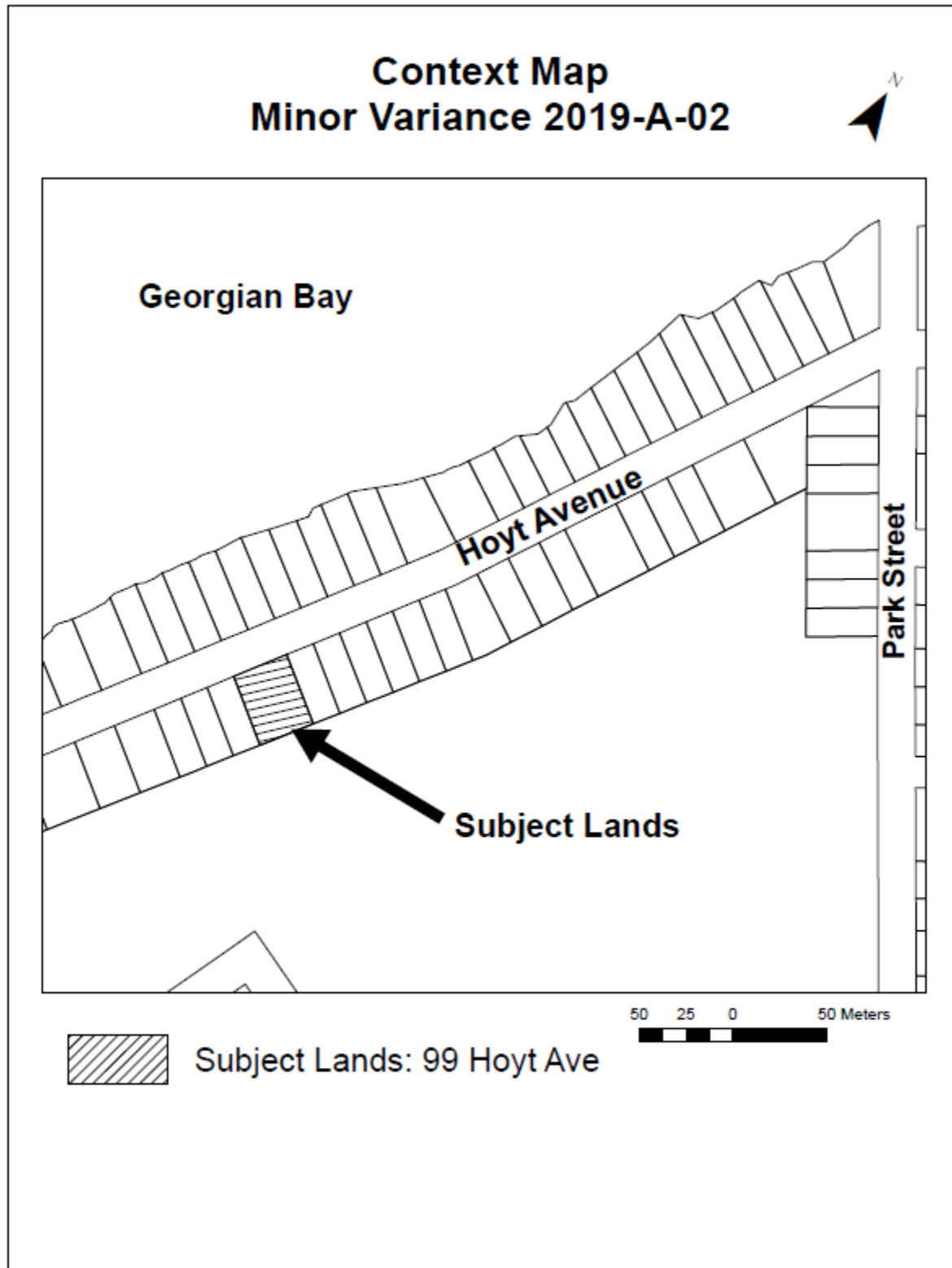
Planning Staff are satisfied that the proposed variances are appropriate and would be in keeping with the general purpose and intent of the Official Plan and Zoning By-law. The deficiencies identified above would not appear to create any adverse impacts for the adjoining residential properties. Staff are of the opinion that the variance, as requested, is appropriate and can be considered to be minor.

Prepared by;

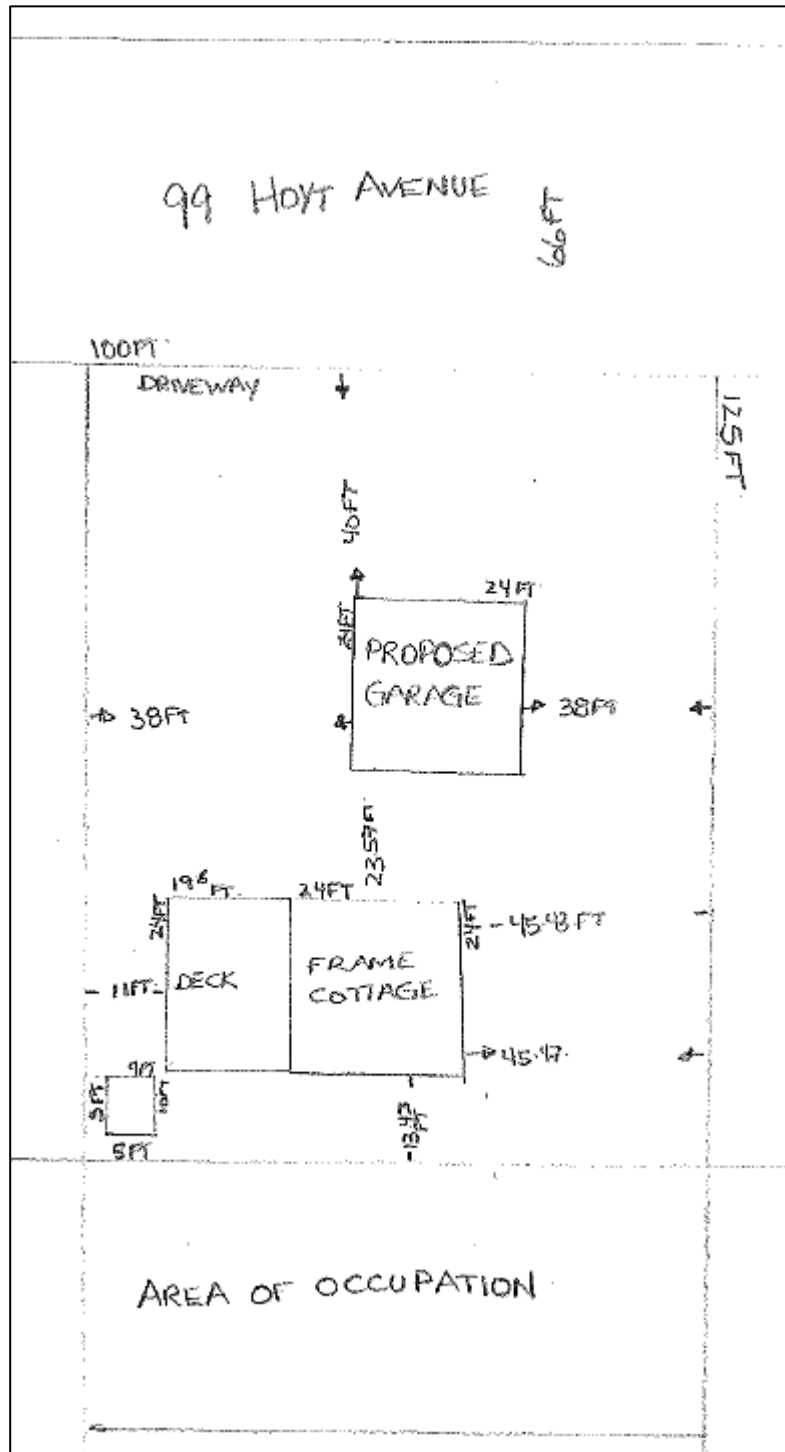
Reviewed by;

Liam O'Toole, B.URPL, B.A
Planner
Date: March 11th, 2019

Steven Farquharson, B.URPL, MCIP, RPP
Director of Planning and Development
Date: March 11th, 2019



Attachment 2: Applicant Site Plan





**Corporation of the
Township of Tay**

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

PLANNING & DEVELOPMENT DEPARTMENT

Staff Report

Department/Function: Committee of Adjustment

Chair: Andy Ott

Meeting Date: Wednesday, March 20th 2019

Subject: Consent Application 2019-B-01

Applicant: Innovative Planning Solutions on Behalf of
Rafal Nabialek

Location: 365 Robins Point Road

RECOMMENDATION:

THAT,

Consent Application **2019-B-01** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That the Township receives cash in lieu of parkland dedication of 5% of the appraised value of the area of the severed lands. The value of the land to be determined as of the day before the granting of provisional consent.
2. That a copy of a registered reference plan for the subject land indicating the severed and retained parcels be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
3. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
4. That all municipal taxes be paid in full to the Township of Tay;

5. That lot area of the severed parcel be no greater than approximately 1084.60 square metres, with a minimum lot frontage of approximately 22.24 metres;
6. That the lot area of the retained parcel be no greater than approximately 1085.02 square metres, with a minimum lot frontage of approximately 22.24 metres;
7. That the existing driveway be removed, and two new entrance permits be obtained within one year from the date of the Committee's decision;
8. That a water service with a curb stop and a sewer lateral to the newly created lot be installed within one year of the Committee's decision at the owner's expense, consistent with the Township's design standards;
9. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

ANALYSIS:

The subject property is located along the western side of Robins Point Road, approximately 300 metres south of Osbourne Street in Victoria Harbour. The subject lands associated with the consent application are legally described as CON 9 PLAN 664 LOT 117 TO; 119.

The applicant is proposing a severance from 365 Robins Point Road, in order to create a new residential lot, resulting in two even sized parcels. The applicant is proposing to demolish all existing structures, in order to construct two new single detached dwellings on the proposed lots.

Provincial Policy Statement 2014 (PPS):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The intent of the PPS is to build strong and healthy communities while at the same time, promoting efficient land use and development patterns.

Per section 1.1.5.1, when directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Section 1.1.5 "Rural Lands" of the P.P.S recognizes limited residential development as a permitted use outside of the settlement boundary, provided that development is compatible with the rural landscape, and can be sustained by rural service levels. Both municipal sewer and water services are available along Robins Point Road, and would be able to sustain a new building lot at 365 Robins Point Road. Staff agree that the nature of the severance is appropriate and consistent with the existing infrastructure and lot fabric of the surrounding area.

The proposed severance is not located within the Natural Heritage System, or within Prime Agricultural Areas. There are no human-made or natural hazards where there is an unacceptable risk to public health or safety or of property damage, and the proposed development will not create new or aggravate existing hazards. As a result, the proposed severance remains consistent with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

It is the opinion of the Planning staff that the proposed consent is consistent with the policies as outlined in the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017):

The Growth Plan place the focus of new growth and development towards settlement areas and encourage efficient land use patterns by utilizing existing infrastructure to avoid the need for unjustified and/or uneconomical expansion.

The subject lands are located outside of the Victoria Harbour Settlement Area Boundary, and outside of the Natural Heritage System and Prime Agricultural Lands designations.

Section 2.2.9 of the Growth Plan states that development outside of settlement areas may be permitted on rural lands for: the management or use of resources; resource-based recreational uses; and other rural land uses that are not appropriate in settlement areas provided they:

- are compatible with the rural landscape and surrounding local land uses;
- will be sustained by rural service levels;
- and will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

The applicant is proposing to create a new residential lot, which will result in the construction of two new single detached dwellings. These uses are

compatible with the surrounding local land uses, all of which are exclusively single detached, residential uses. Robins Point Road is serviced by both municipal sewers and water, and will be able to sustain the proposed uses on the subject lands.

There are no agricultural uses or other resource based uses in proximity to the subject lands, and none will be adversely affected by the proposed development.

It is the opinion of Staff that the proposed consent is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

County of Simcoe Official Plan (2016):

The subject lands are designated as "Rural" per the County of Simcoe Official Plan.

Section 3.7.4 of the Plan recognizes limited residential development as a permitted use, subject to the policies of 3.7.11. Section 3.7.11 states that new lots may be allowed in rural areas, in site specific locations with approved zoning or designation that permits this type of development in local official plans as of June 16th 2006. The use is consistent with the type of use approved in the Zoning By-law 2000-57, and the Township of Tay Official Plan, written prior to 2006.

3.7.8 Limited residential development may be created by consent provided the following are satisfied:

- a) Lots should be restricted in size in order to conserve other lands in larger blocks for agricultural uses or environmental purposes. Consent lots should be developed to an approximate maximum size of one hectare, except where larger sizes may be suitable because of environmental constraints or design considerations; and
- b) The number of lots on the grid road system shall be restricted in order to maintain the rural character and road function and to avoid strip development.

Both the severed and retain lot will not be larger than one hectare in size, and will not disturb the rural character and function of Robins Point Road. The severed lot will not result in strip development.

It is the opinion of Staff that the proposed consent is consistent with the policies of the County of Simcoe Official Plan.

Township of Tay Official Plan and Zoning By-law:

The subject lands are designated Shoreline Residential and Environment Protection Area 2 per the Township Official Plan. The EP-2 designation triggers the requirement for an Environmental Impact Assessment to be completed prior to development being permitted in the area. BIRKS Natural Heritage Consultants completed an addendum to an existing Environmental impact Assessment completed by R.J Burnside in 2017. The study concluded with 5 recommendations and mitigation measures (Appendix 1). This includes restricting construction activities involving the removal of trees between the beginning of April and end of October, in order to ensure that no bats actively roosting in trees will be harmed or killed. Tree cutting should be timed to occur during the calendar months of November 1 to March 31.

BIRKS concluded that the proposed severance will not result in negative ecological impact to the surrounding natural heritage features or habitat for species at risk. The Severn Sound Environmental Association (S.S.E.A) provided the following comments on the addendum on March 14th 2019:

"The proposal is in keeping with the residential nature of the existing lot (365 Robins Point Road) and other lots in the vicinity of the subject property. With the implementation of the recommended mitigation measures in the EIS Addendum, including tree cutting restrictions to protect birds and bats as above, the SSEA is satisfied that the proposal will not have negative impact on natural heritage features or adjacent Environmental Protection Lands".

Section 4.1.2.1.4 states that new development within the waterfront area and in the "Shoreline Residential" designations shall not be permitted where it will contribute to the demand for public services which are uneconomic to provide improve or maintain. There subject lands are capable of being serviced by existing municipal services, and will not result in any negative economic consequences. The cost of extending services to a new dwelling on the severed lot will exceed the amount generally required, due to the existing bedrock in the area. The Township will require that a water service with a curb stop and a sewer lateral to the newly created lot be installed within one year of the Committee's decision, at the owner's expense, as the

cost of the required blasting will exceed the amount normally taken as a deposit from the Township.

Section 3.11.2.1 states: The proposed lot and the lot to be retained shall be of an appropriate size, and have adequate frontage for the existing and proposed uses, and the severed and retained lots shall comply with the provisions of the implementing zoning by-law. Both the retained parcel and the severed will have adequate frontage and size for the SR-2 zone. The zone requires lots have a minimum lot size of 557 square metres, and a minimum lot frontage of 18 metres. Both lots will exceed the required lot frontage and lot area required by the Zoning By-law (1085 square metres and 22.24 metres).

The proposed use of both lots is for residential use, single detached dwellings, which are permitted under the SR-2 Zone. Any new buildings will be required to conform to the policies of the zone, including setbacks, height and lot coverage provisions.

It is the opinion of Staff that the proposed severance will conform to the policies as set out in the Township Zoning By-law and Official Plan. Township Staff, along with the S.S.E.A, agree with the findings from the BIRKS EIS Addendum, and confirm they satisfy the provisions required under the EP2 Zone.

Outside Agency, Internal Department:

County of Simcoe – No comments received to date.

Newmarket-Tay Power Distribution Ltd. – No comments received to date.

Bell Canada – No comments received.

Ministry of Transportation – No comments received to date.

Chief Administrative Officer – No issues or concerns.

Clerk – No comments received to date.

Director of Finance – No comments received to date.

Director of Public Works – No issues or concerns, due to rock in the area servicing may be expensive.

Water/ Sanitary Wastewater Superintendent – Please note the cost to connect to the existing water and sewer lateral will exceed the current 12,000 dollar retainer, due to the depth of the sewage collection main and the blasting of the rock in this area. We therefore offer the following as a condition for the severance: Provided that any new lot created will be required to install both a water service with a curb stop and a sewer lateral to the newly created lot within one year at the proponents expense, appropriate sewage and water services based on the township of Tay's design standards.

Manager of Roads and Fleet – No issues or concerns.

Chief Building Official – No concerns at this time.

Fire Chief – No comments received

Public Comments: Letter received by neighbour, see attachment 3.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

Planning staff are recommending that Consent Application **2019-B-01** be granted approval by the Committee of Adjustment.

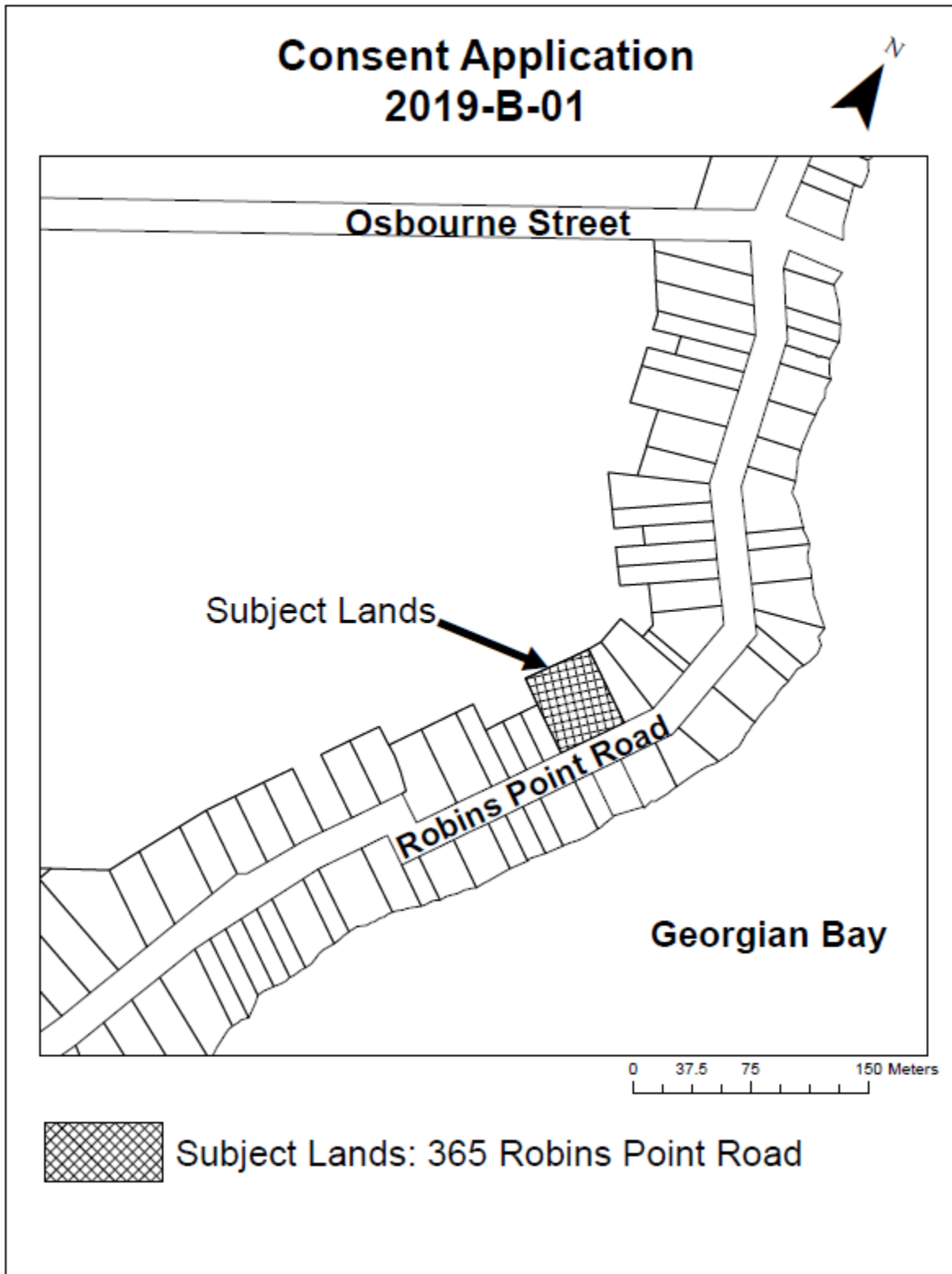
Prepared and Recommended by;

Reviewed By;

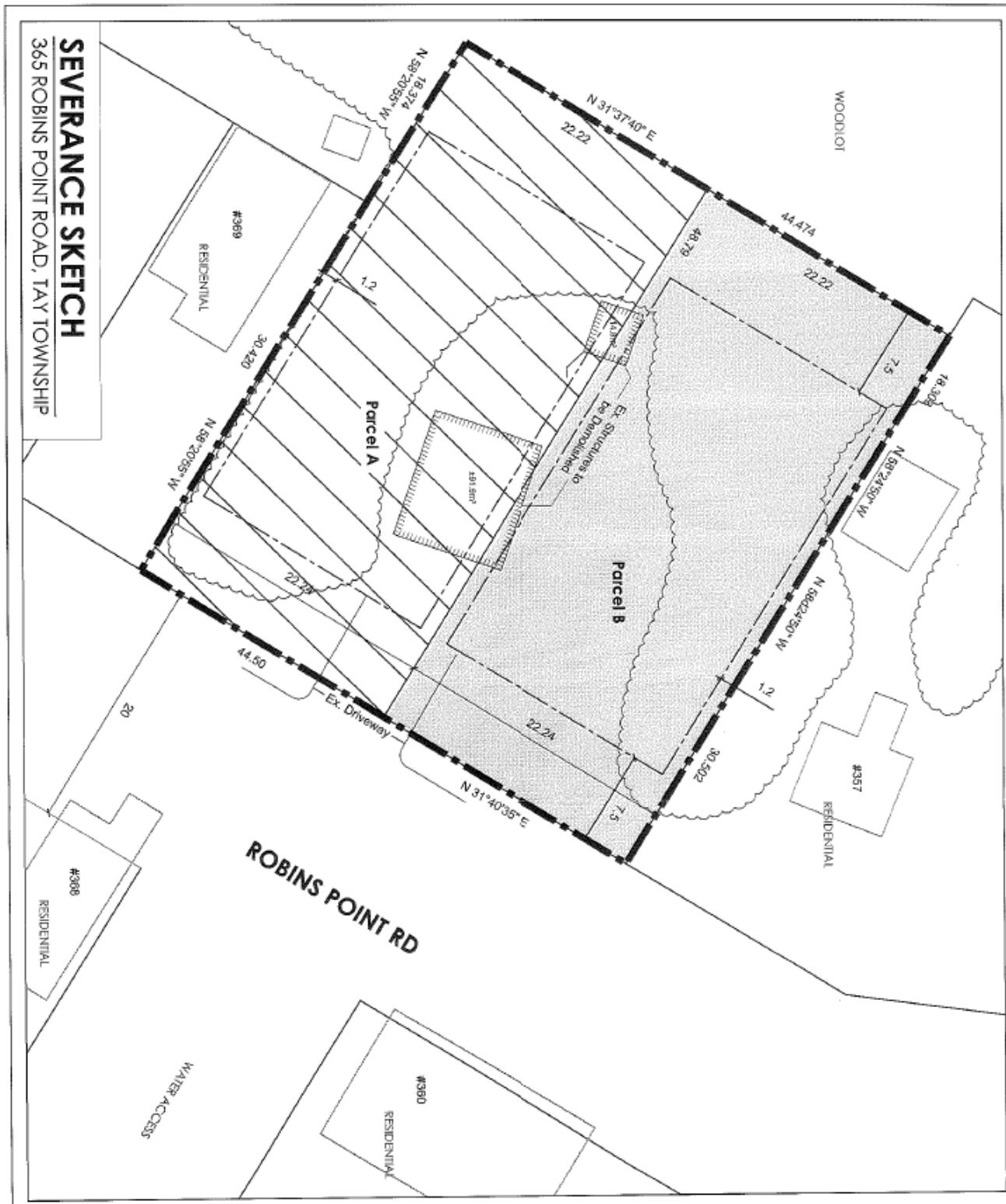
Liam O'Toole, B.URPL, B.A
Planner
Date: March 15th, 2019

Robert Lamb, Ec.D, CEcD
Chief Administrative Officer
Date: March 15th 2019

Attachment 1: Key Maps



Attachment 2: Applicant Site Plan



Attachment 3: Letter from Resident

March 11, 2019

Director of Planning and Development
Corporation of the Township of Tay
450 Park St.,
Victoria Harbour, Ont
L0K 2A0

Re: Committee of Adjustment Notice for the property at 365 Robins Point Rd.

Dear Sir/Ms

Thank you for the notice related to the Severance Sketch for 365 Robins Point Road. I am the owner of 368 Robins Point Rd.

I have some comments related to the proposal for severance:

1. The Severance Sketch does not accurately show the location of the property lines as related to existing structures. I had my property surveyed in 1981 by H.L.Mellish Ontario Land Surveyor. The road allowance begins 6.9M from the front corner of my house, and there is a 20.1M road allowance. That places the existing principle structure of 365 very close to the edge of the road allowance. (Not as shown in the sketch.)
2. This neighborhood has been peaceful and natural for many of the 38 years my family has lived here; however recently, there has been excessive development. New houses are built to the maximum size lots will allow, and all vegetation is stripped from lots including mature trees on the road allowances.
3. The proposal is to place two houses where previously there was one. This will raise the density of the local neighborhood, and negatively impact the existing residents with increased noise and traffic.

My request is, that prior to any demolition of existing structures, and/or construction of new structures, that the lot lines be clearly identified in the field, and further: that the Township enforces all setback requirements.

Also, please protect the existing mature trees on the public road allowance. These trees should be marked in some way before the construction begins to prevent accidental damage/removal.

Thank you for the consideration of my requests, and I look forward to hearing the outcome of your meeting. (I would have liked to attend and hear comments in person; however, I have a previous commitment.)

Yours truly

A handwritten signature in blue ink, appearing to read "Terrence Walsh".

Terrence Walsh



INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

February 1, 2019

The Corporation of the Township of Tay
450 Park Street, PO Box 100
Victoria Harbour, ON L0K 2A0

Attention: Liam O'Toole
Secretary – Treasurer, Committee of Adjustment
Re: Planning Justification Report (Consent Application)
365 Robins Point Road, Tay

1.0 INTRODUCTION

Innovative Planning Solutions has been retained by the applicant to complete a Planning Justification Report in relation to an application for Consent on lands known municipally as 365 Robins Point Road, Tay (Legal Desc. PT LT 15 CO 8 & PT LT 15 CO 9). The subject property is 2,169.6 m² (0.5 acre) in size and is located approximately 350 metres south of the intersection of Robins Point Road and Osborne Street, Tay. Figure 1 identifies the location of the subject property.

The purpose of this application is to obtain approval for the creation of one new residential lot, approximately 1,085 m² (0.27 acre) in size, from the subject property. The existing dwelling on site would be removed to accommodate the consent application, as would the accessory structure. This report will review the applicable policies found within the documents noted below to justify the applications based upon good planning principles:

- Provincial Policy Statement (PPS)
- Growth Plan for the Greater Golden Horseshoe (GGH)
- County of Simcoe Official Plan
- Township of Tay Official Plan
- Township of Tay Zoning By-law



2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject property is located at 365 Robins Point Road, Tay Township. The lands are approximately 2,169.6 m² in size and possess approximately 44.5 m of frontage on the west side of Robins Point Road. One (1) single detached (2-storey) dwelling currently exists on the subject lands, as well as one (1) accessory structure. The land slopes gently eastward, away from Georgian Bay. Considerable tree cover exists on the subject lands and all efforts will be made to retain existing vegetation through future construction, should the application be approved. Municipal sanitary and water services are currently provided to the subject lands.

The property is designated 'Shoreline Residential' and 'Environmental Protection 2' as per Schedule 'A' of the Official Plan of the Township of Tay; see Figure 2. Zoning is 'Shoreline Residential 2 (SR-2)' as per the Township of Tay General Zoning By-law No. 2000-57; see Figure 3. The following uses make up the fabric of the surrounding area:

North: Single family detached (shoreline) residential. Environmentally Protected lands to the northwest.

East: Single family detached (shoreline) residential, and a public access to Georgian Bay, and Georgian Bay.

South: Single family detached (shoreline) residential and Georgian Bay.

West: Environmentally Protected lands.

3.0 DESCRIPTION OF APPLICATION

This proposal aims to create one (1) new (shoreline) residential lot by way of severance. Both the severed and retained parcels would have areas of approximately 1,085 m² (0.27 acre) and lot frontages of 22.24 m along Robins Point Road; a copy of the proposed Severance Sketch is provided under Appendix A. The subject land is proposed to be divided as evenly as possible into two lots to ensure compliance with applicable zoning provisions. All existing structures will be demolished in order to accommodate future development of new single detached dwellings on the proposed lots should the application be approved.

The proposed severance would introduce one (1) new residential lot (2 lots total), capable of consisting of one (1) single-detached dwelling each, in an area where such development is both permitted and characteristic. Municipal sanitary and water services would be utilized for servicing. A future entrance permit(s) will be obtained should the application be approved to the satisfaction of the Municipality. It is also noted that no development is permitted, nor proposed, within the area of land designated as Environmental Protection 2.

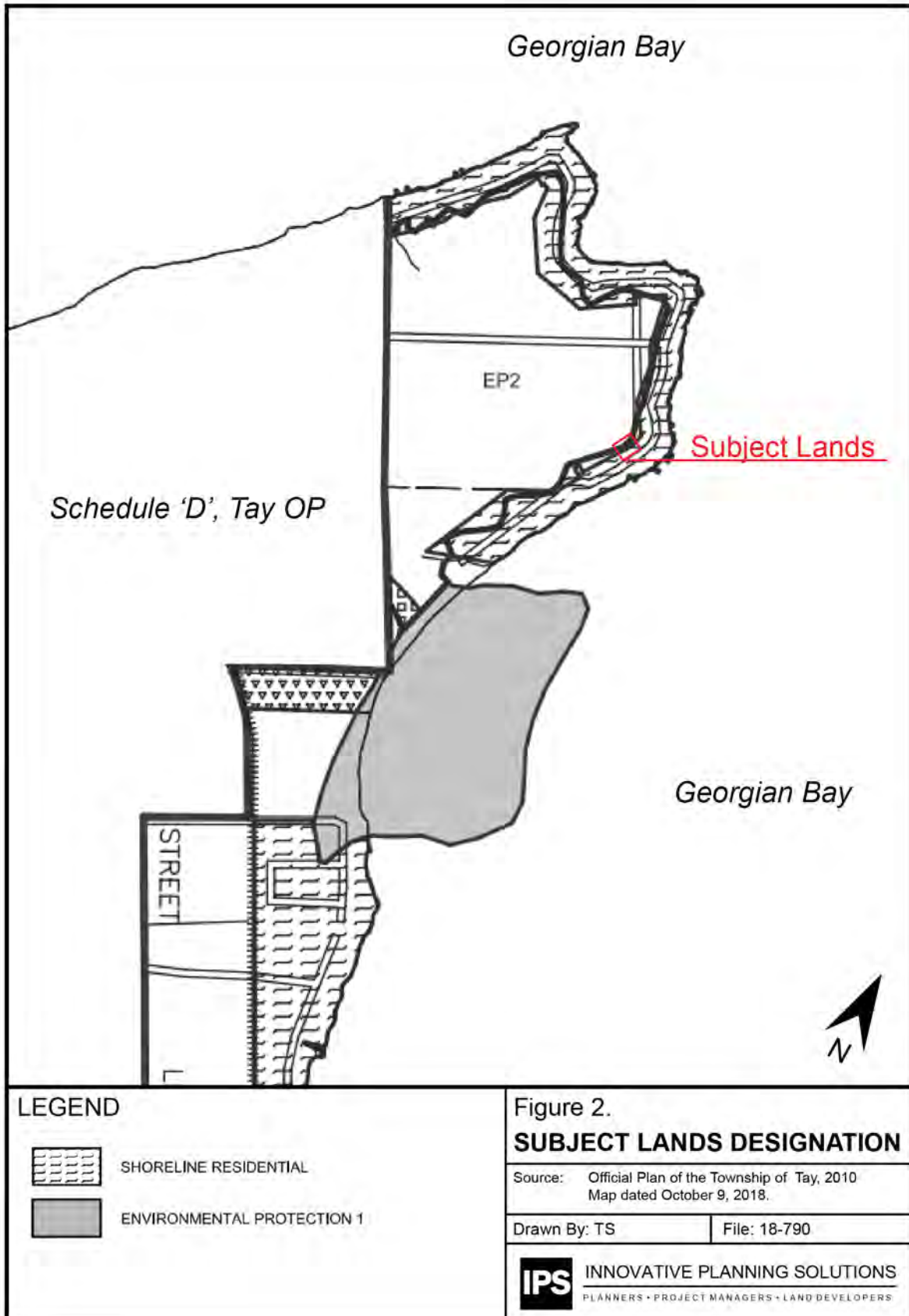
Table 1: Shoreline Residential Two (SR-2) zoning matrix

PROVISION	REQUIRED	PROPOSED SEVERED	PROPOSED RETAINED
LOT AREA (MIN.)	557.00 m ²	1,084.60 m ²	1,085.02 m ²
LOT FRONTAGE (MIN.)	18.00 m	22.24 m	22.24 m
LOT COVERAGE (MAX.)	35%	35%	≤ 35%
BUILDING HEIGHT (MAX.)	9.00 m	9.00 m	≤ 9.00 m
SETBACKS			
FRONT YARD (MIN.)	7.50 m	7.50 m	≥ 7.50 m
EXTERIOR SIDE YARD (MIN.)	4.50 m	4.50 m	≥ 4.50 m
INTERIOR SIDE YARD (MIN.)	1.20 m	1.20 m	≥ 1.20 m
REAR YARD (MIN.)	7.50 m	7.50 m	≥ 7.50 m

3.1 EIS & ENVIRONMENTAL PROTECTION POLICY AREA 2

In 2005, R.J. Burnside & Associated Ltd. completed an Environmental Impact Study (EIS) in support of severance of residential lots along the western side of Robins Point Road in the Township of Tay. More recently, a number of private landowners have utilized this original EIS by means of addendum to support the extension of private rear yards into the lands designated as Environmental Protection 2. In July of 2017, the owners of 365 Robins Point Road undertook this exercise to extend the rear yard lot line by means of consent (application 2017-B-13) which was approved by the Committee of Adjustment. The municipality has requested another EIS addendum to support the proposed one (1) new lot as required by the Official Plan. This addendum has been submitted under separate cover.

The submitted addendum concludes that at a maximum, 0.1 ha (0.14%) of the greater Robins Point woodland may be lost as result of the low-density residential development proposed at 365 Robins Point Road. Wildlife habitat functions will be maintained within the larger contiguous woodland feature. Further, it was concluded there is no expectation that the loss of a small area of woodland (0.1 ha of the greater feature) would significantly impact wildlife habitat availability within the greater area. Certain mitigation measures associated with development practices are provided through the addendum report and will be abided to through the development process.



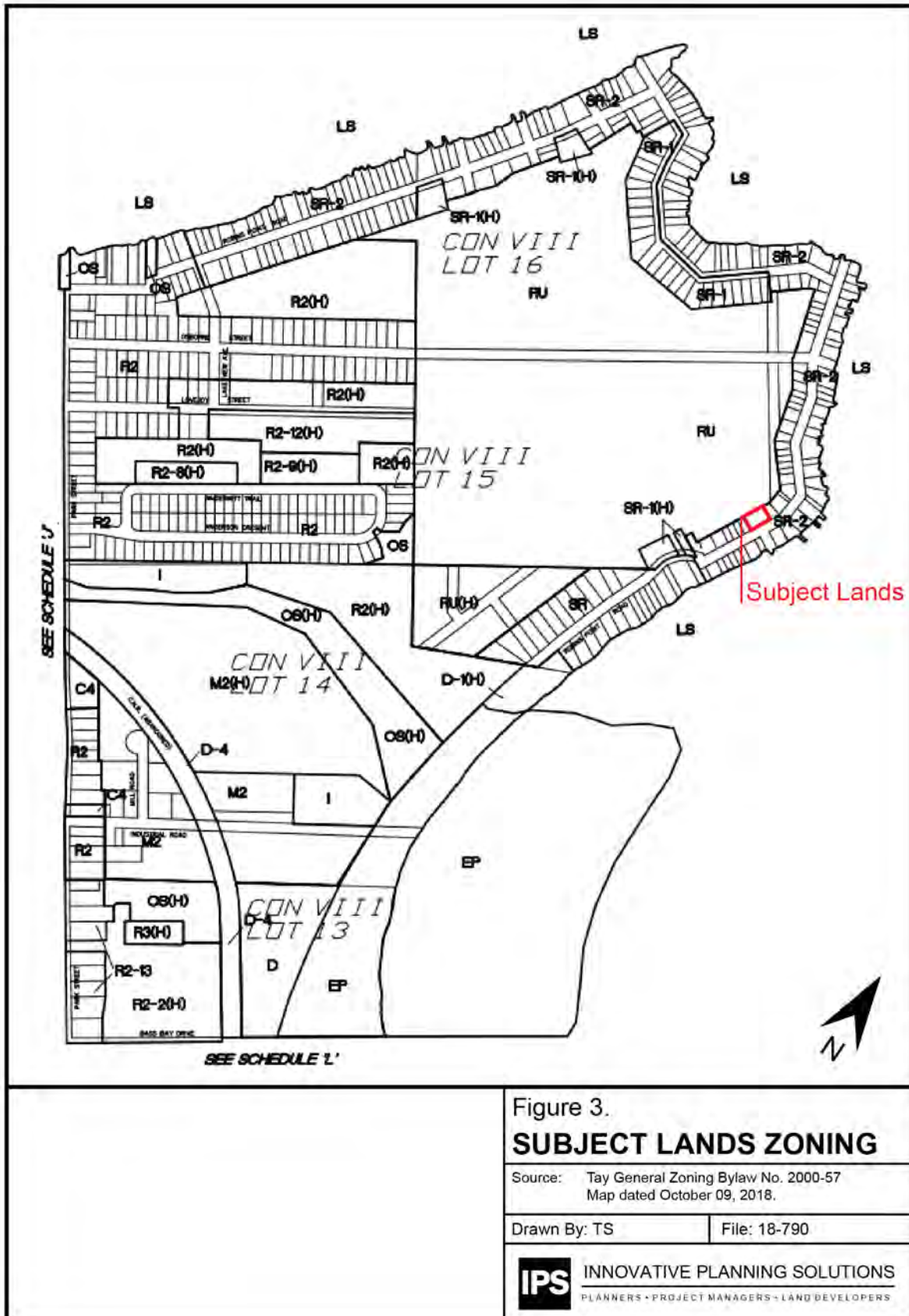


Figure 3.
SUBJECT LANDS ZONING

Source: Tay General Zoning Bylaw No. 2000-57
Map dated October 09, 2018.

Drawn By: TS

File: 18-790



INNOVATIVE PLANNING SOLUTIONS
PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS

Figure 5. 'Curbside' perspective of 365 Robins Point Rd., Tay



4.0 PLANNING POLICY AND ANALYSIS

Section 4.0 will outline the applicable planning and development policies applying to the subject application. Each subsection will provide a review of applicable policies and provide justification where needed to support the proposed severance.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) has been reviewed relative to this application with particular emphasis on the following section:

- 1.1.5. Rural Lands in Municipalities

The subject lands would meet the PPS definition of "Rural Lands" as defined under Section 6.0: *lands which are located outside settlement areas and which are outside prime agricultural areas*. As per 1.1.5.2. of the PPS, limited residential development is a permitted use on rural lands. Further, 1.1.5.4. and 1.1.5.5. assert that development compatible with the rural landscape, and that can be sustained by (existing) rural service levels should be promoted. The proposed severance would be compatible with the existing rural landscape given the surrounding lot fabric. Further, the proposed development is appropriate to the existing infrastructure including municipal sanitary and water services which can support the proposed development.

Based on the above, the proposed application is considered consistent with the Provincial Policy Statement.

4.2 GROWTH PLAN FOR THE GGH

The Growth Plan for the Greater Golden Horseshoe (GGH) has been reviewed relative to this application with particular emphasis on the following section:

- 2.2.9. Rural Areas

Aligned with the PPS, the Growth Plan for the GGH defines "Rural Lands" as *lands which are located outside settlement areas and which are outside prime agricultural areas*. (PPS, 2014) Under Section 2.2.9.3, "Rural Lands" are a suitable location for development not appropriate within settlement areas where they are compatible with the existing rural landscape and local land uses, can be sustained by rural service levels and which do not adversely affect the protection of agricultural and mineral aggregate operations. The proposed single detached development would occur on lots in excess of .25 acre in size which, as informed by provincial policy, would not be an appropriate development pattern in Settlement Areas. Settlements are poised for more compact and higher density development patterns through provincial policy. In addition, the proposed development is aligned with the existing lot fabric along Robins Point Road, can be sustained by the existing service levels and will not adversely impact on agricultural uses or other resource-based uses.

Based on the above, the proposed application is considered to conform to the Growth Plan for the GGH.

4.3 COUNTY OF SIMCOE OFFICIAL PLAN

The County of Simcoe Official Plan has been reviewed relative to this application with particular emphasis on the following sections:

- 3.3 General Development Policies
- 3.7 Rural Land Uses

The subject lands are designated as "Rural" in the County of Simcoe Official Plan, Schedule 5.1. The Official Plan recognizes that certain development will occur outside of settlement areas (3.2.5). As per 3.3.2, subdivision of land by consent are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies; the proposed development is in conformity with this. The created lots are serviced by a public right of way in conformity with 3.3.4. Under the provisions of subsection 3.7.4, limited residential development is permitted in rural designations. The proposed lot fabric will not adversely impact the surrounding rural landscape in conformity with 3.7.8(b). The EIS submitted under separate cover supports residential use on the lands without adverse impact to significant environmental features in conformity with 3.7.10. The lands do not contain any heritage features which form part of the core of the natural heritage system as per the

“Environmental Protection Policy Area 2” designation in the Township of Tay Official Plan.

The proposed Consent conforms to the County of Simcoe Official Plan.

4.4 TOWNSHIP OF TAY OFFICIAL PLAN

The current Official Plan for the Township of Tay has been reviewed relative to this application with particular emphasis on the following sections:

- 3.11 Consent Policies
- 4.1.2. Shoreline Residential Designation
- 4.8. Environmental Protection

As per the policies of Section 3.11, a consent is a suitable form of land division where the lots created and retained are of a suitable size to accommodate the proposed use (3.11.2.1), and where access to a public road is provided (3.11.2.4), and where services meet the requirements of Section 6 of the Plan (3.11.2.2). The proposed consent would satisfy these policies, particularly since the development is considered infill (as there are existing residential lots adjacent to the subject lands), has access to Robins Point Road, existing municipal service levels will be utilized for both the severed and retained lots and the lot fabric meets the applicable zoning standards including frontage and area.

The subject lands are designated “Shoreline Residential” and “Environmental Protection 2”. Section 4.1.2.2 of the Township of Tay Official Plan provides that single-detached dwellings are a permitted use within the “Shoreline Residential” designation (4.1.2.2). The proposed Consent applications would be serviced by existing municipal sanitary and water services (4.1.2.1.2, 4.1.2.1.4), will protect and maintain the low-density residential nature of the developed shoreline (4.1.2.1.1) with a proposed density of approximately 9.2 UPH, and will have frontage along an existing public road (3.11.2.4). Through correspondence with the municipality the following items have been requested to satisfy Section 4.1.2.4.4:

- (i) a concept plan (Appendix A),
- (ii) a 1 m contour mapping with 0.5 m interpolated intervals (Appendix B),
and
- (iii) a preliminary grading plan (Appendix C)

The above noted documents provide that a suitable building envelope exists to both the severed and retained lands and support the proposed application.

The “Environmental Protection 2” designation is an overlay which recognizes areas which are environmentally significant but do not form part of the core of the natural heritage system (4.8.3.1.1). As per 4.8.3.3.1, uses permitted by the underlying land use designation (Shoreline Residential) shall not be subject to the policies and/or requirements of the Environmental Protection 2 designation. Still, development within the Environmental Protection 2 designation, and lands within 50 metres of, requires an

EIA which demonstrates, to the satisfaction of the Township, that the proposed development can occur without having a negative impact on the features, functions, or linkage of the natural heritage system (4.8.3.3.1, 4.8.3.3.2, 4.8.3.4.1). Per Section 3.1 of this report, this EIS (addendum) has been completed and demonstrates the development will not have a negative impact.

Development within both the severed and retained lots would be sensitive to the existing residential aesthetic, scale and density of the Robins Point Road area (4.1.2.1.3) and would retain vegetation and natural surfaces where possible (4.1.2.1.3).

Based on the above, the proposed application is considered to conform to the Official Plan for the Township of Tay.

5.0 CONCLUSION

The proposed consent application aims to create one (1) new lot along Robins Point Road; the resulting lot fabric provides for two (2) even sized parcels with areas of approximately 1,085 m² and 22.24m of frontage. Servicing for both the severed and retained lots will continue to be provided through existing municipal sanitary and water services. The existing dwelling and accessory structure would be demolished to accommodate the proposed new lot.

The justification for the approval of this severance is based on conformity and consistency with the goals and objectives of the Provincial Policy Statement, Provincial Growth Plan, the County of Simcoe Official Plan, and the Township of Tay Official Plan as outlined in this Report. The proposal represents redevelopment of a scale reflective and characteristic of the surrounding neighbourhood and where site servicing is sufficient to support the additional lot. It is our professional opinion that the following consent application is appropriate, conforms to and is consistent with the applicable planning policies and represents good planning.

Respectfully submitted,

Innovative Planning Solutions

A handwritten signature in blue ink, appearing to read 'D. Vella'.

Darren Vella, MCIP, RPP
President & Director of Planning

A handwritten signature in blue ink, appearing to read 'Tyler Searls'.

Tyler Searls, BCD
Planner

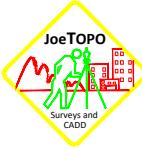
APPENDIX A

SEVERANCE SKETCH

APPENDIX B

1m CONTOUR MAPPING, 0.5m INTERPOLATED INTERVALS





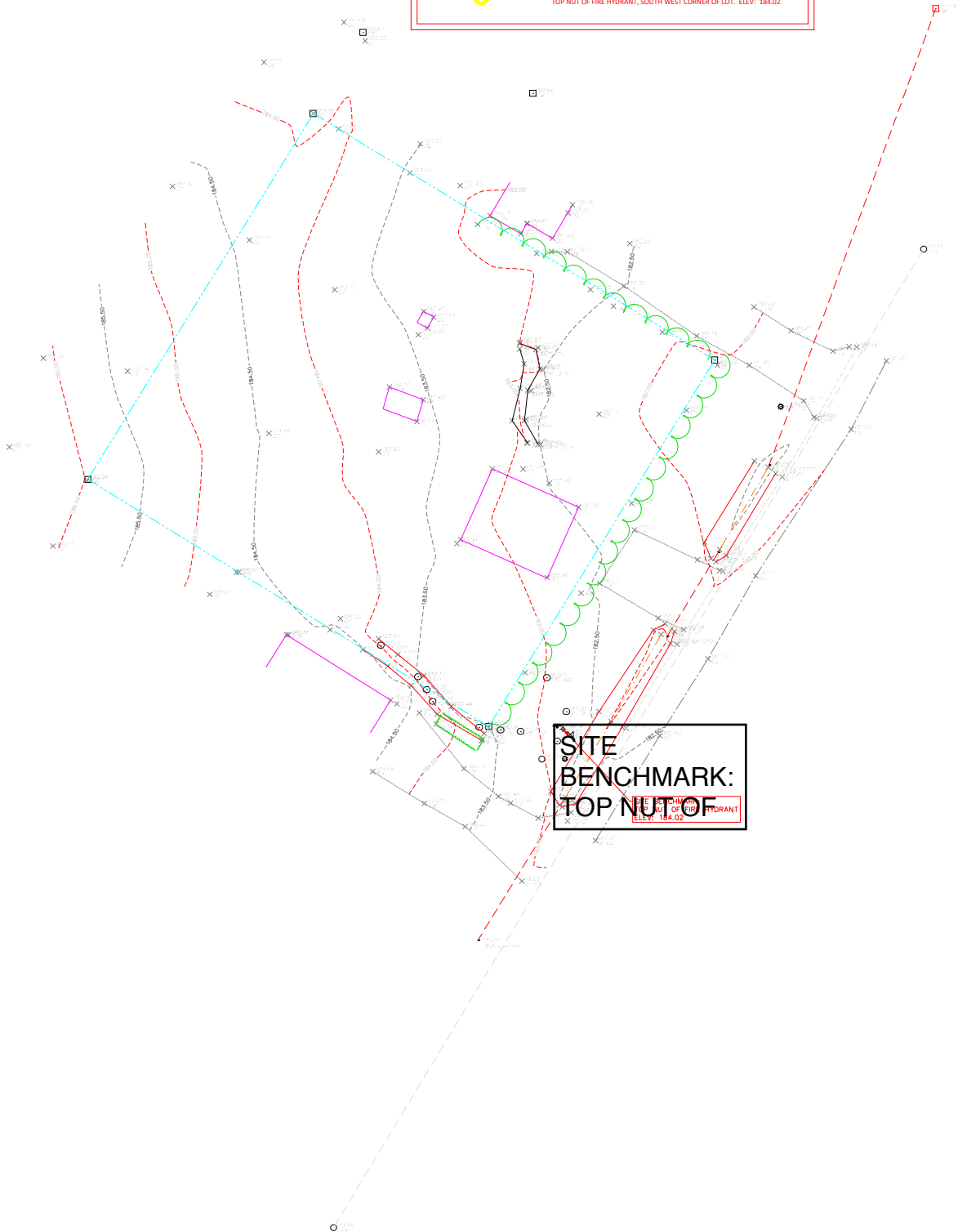
JOETOPO SURVEYS AND CADD INC.
86 TREVINO CIRCLE
BARRIE, ON L4M 6T8
705.817.8676 JoetoPO.com

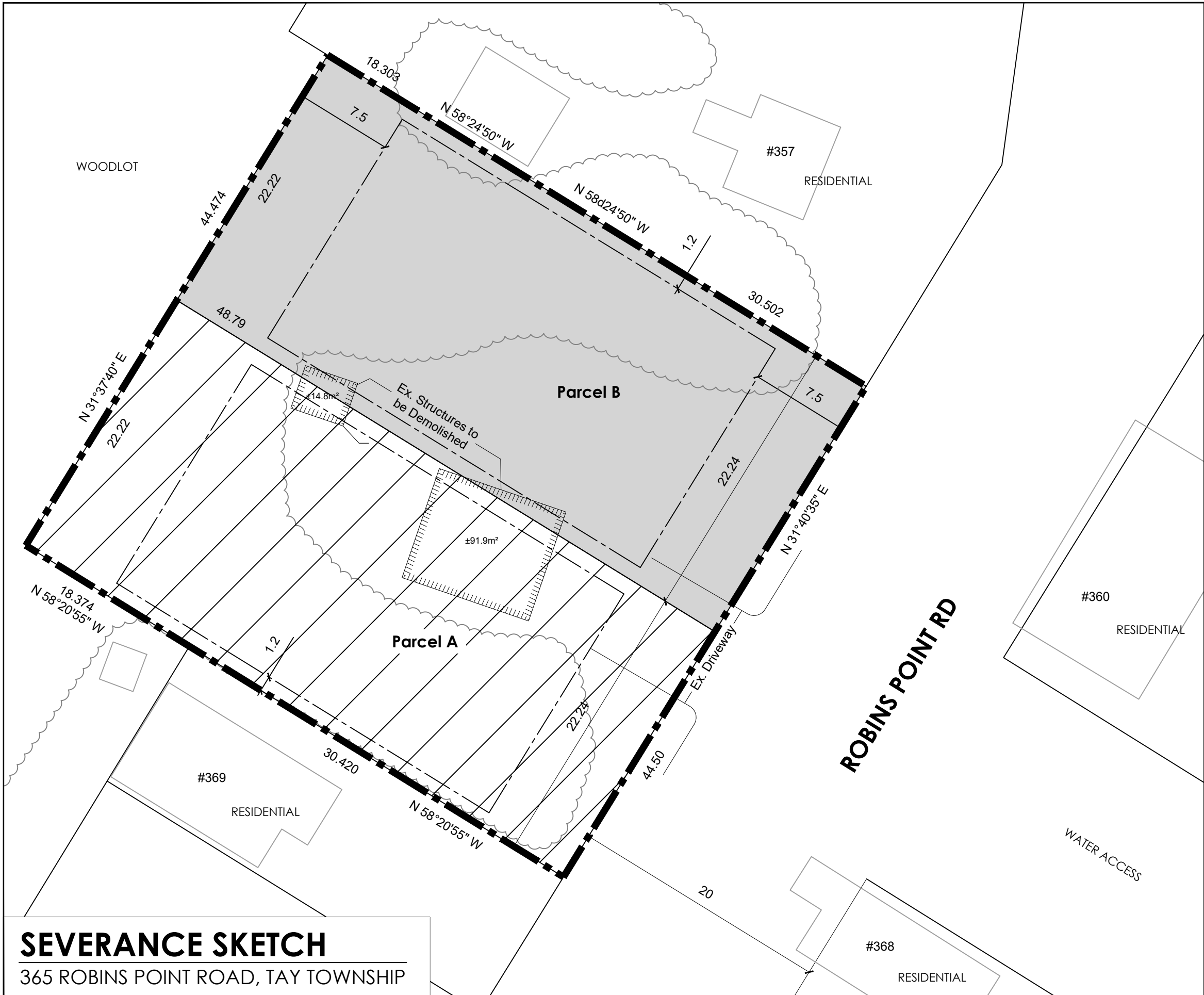
FIELD WORK COMPLETED: 08-JAN-2019

ELEVATIONS SHOWN HEREON ARE GEODETIC BASED ON NAD83(CSRS) AND ARE DERIVED FROM GPS REAL TIME NETWORK OBSERVATIONS USING THE CAN-NET VRS NETWORK, IN UTM 17N.

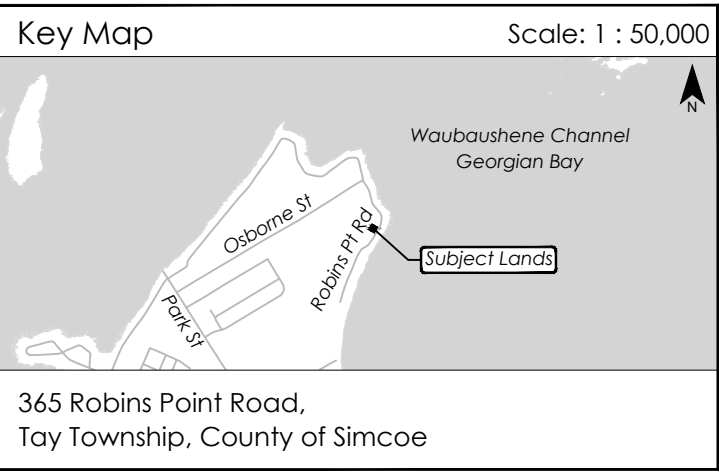
LEGAL BOUNDARIES ARE APPROXIMATE.

SITE BENCHMARK:
TOP NUT OF FIRE HYDRANT, SOUTH WEST CORNER OF LOT. ELEV: 184.02





SEVERANCE SKETCH
365 ROBINS POINT ROAD, TAY TOWNSHIP



LEGEND

	SUBJECT LANDS Lot Area: 2,169.61m ² (0.54ac) Lot Frontage: 44.49m
	LANDS TO BE SEVERED (Parcel A) Lot Area: 1,084.60m ² (0.27 ac) Lot Frontage: 22.24m
	LANDS TO BE RETAINED (Parcel B) Lot Area: 1,085.02m ² (0.27 ac) Lot Frontage: 22.24m
	POTENTIAL BUILDING ENVELOPE

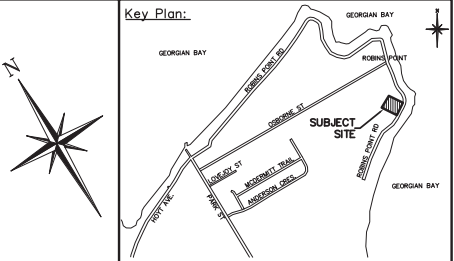
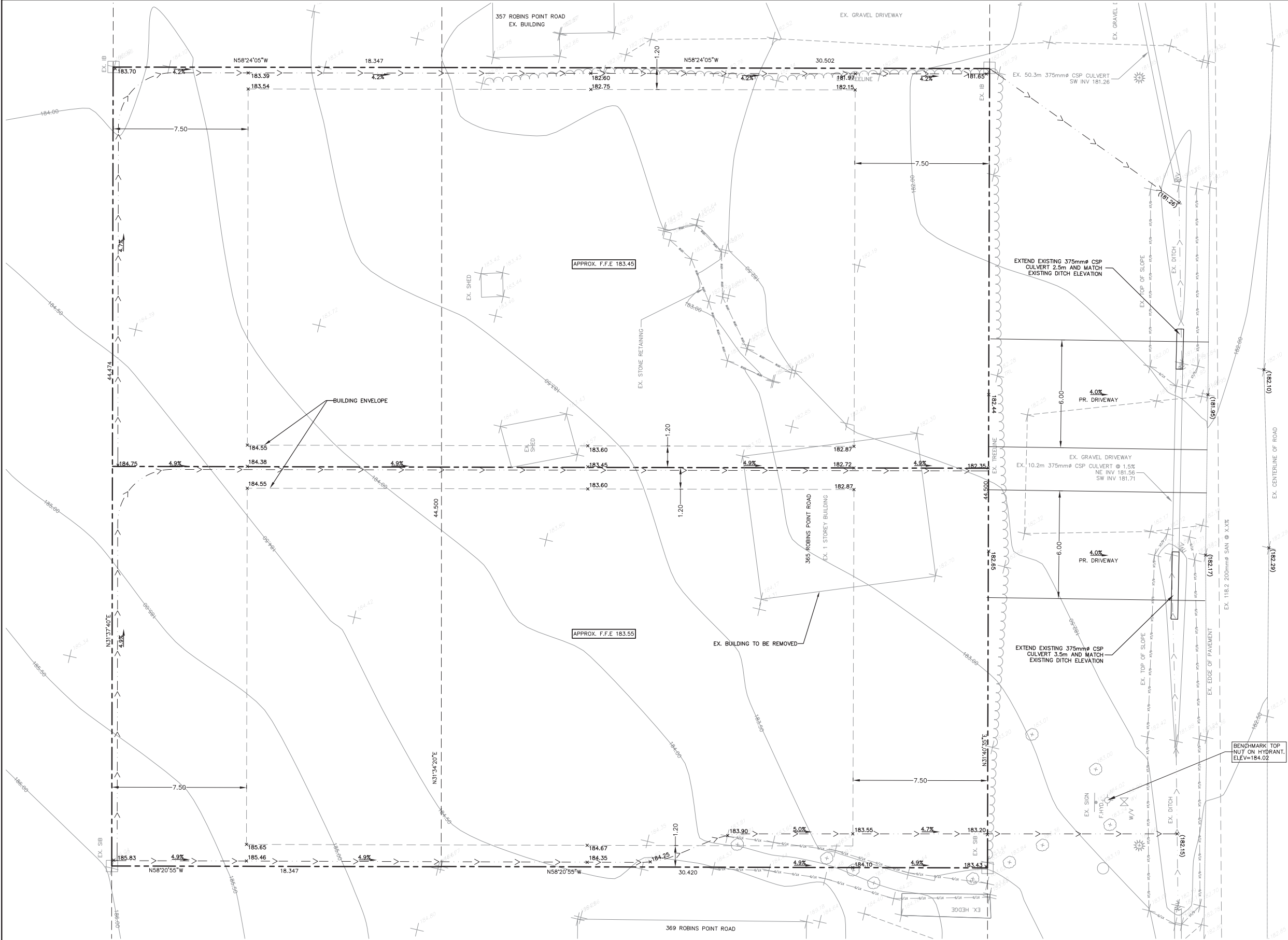
Sources: County of Simcoe Interactive Map.
Note: The information shown is approximate and subject to change.

0 5 10 15m

Date: January 3, 2019 Scale: 1:300
File: 18-790 Drawn By: AM

IPS INNOVATIVE PLANNING SOLUTIONS
PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS
150 DUNLOP STREET EAST, SUITE 201, BARRIE, ONTARIO L4M 1B1
tel: 705 • 812 • 3281 fax: 705 • 812 • 3438 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

APPENDIX C
PRELIMINARY GRADING PLAN



- Legend:**
- EXISTING FEATURES (EX)**
- EX SIB EX STD IRON BAR
 - EX IB EX IRON BAR
 - EX UP EX UTILITY POLE
 - EX BELL PED
 - EX HYDRO TRANSFORMER
 - EX SAN 0.0%
 - EX STM 0.0%
 - EX WS EX WATER SERVICE
 - EX HYD EX FIRE HYD.
 - EX ST NAME SIGN
 - EX STOP SIGN
 - EX ELEVATION
 - EX FENCE
 - EX U/G GASMAIN
 - EX U/G BELL
 - EX WV EX WATERMAIN & VALVE
 - EX SAN SEWER & MH
 - EX STM SEWER & MH
- PROPOSED FEATURES (PR)**
- NS PR STREET NAME SIGN
 - SS PR STOP SIGN
 - SF PR SILT FENCE
 - PR STREET LIGHT
 - PR WATER SERVICE
 - PR SAN SERVICE
 - PR STM SERVICE
 - PR HYDRO TRANSFORMER
 - PR WATERMAIN
 - PR FIRE HYDRANT
 - PR WATER VALVE
 - PR SAN SEWER
 - PR SANITARY MANHOLE
 - PR STM SEWER
 - PR CATCHBASIN MANHOLE
 - PR MANHOLE
 - PR CATCHBASIN
 - PROPOSED ELEVATION
 - PR MATCH EXISTING ELEVATION (INTERPOLATED)
 - PR SWALE
 - EX TREE
 - PR FINISHED FLOOR ELEVATION

THIS DRAWING IS A FUNCTIONAL GRADING PLAN ONLY AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION. THIS DRAWING IS CONSIDERED DRAFT UNTIL SUCH TIME THAT THE MUNICIPALITY APPROVES IT AND IT IS ISSUED BY WMI AS A FOR CONSTRUCTION DRAWING.

DRAWING REFERENCES:

- TOPOGRAPHIC INFORMATION IS FROM THE SURVEY COMPLETED BY JOETOPO SURVEYS AND CADD INC ON JANUARY 8, 2019. (JOETOPO - ROBINS POINT ROAD.dwg DATED JANUARY 8 2016).
- LEGAL PLAN INFORMATION TAKEN FROM DEARDEN AND STANTON LIMITED PLAN OF SURVEY, 51R-41435 COMPLETED ON FEBRUARY 13, 2018.

NOTES:

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL DRAWINGS PREPARED FOR THIS SITE.
- CONTRACTOR TO ENSURE POSITIVE GRADE IS PROVIDED AWAY FROM THE BUILDING. 0.15m (MIN.) FREEBOARD IS PROVIDED BETWEEN ADJACENT GROUND GRADE AND TOP OF FOUNDATION WALL AND 1.2m (MIN.) OF COVER IS PROVIDED ABOVE THE U/S OF FOOTING.
- PROVIDE TREE PROTECTION WHERE POSSIBLE.
- WATER SERVICE TO BE CONSTRUCTED IN ACCORDANCE WITH OBC AND CURB STOP NOT LOCATED IN DRIVEWAY.
- SANITARY SERVICE TO BE CONSTRUCTED IN ACCORDANCE WITH OBC
- PROVIDE SANITARY CLEANOUTS PER OBC
- IF REQUIRED CONNECT HOUSE SLUMP DISCHARGE WITH 150mm SUBRAIN TO LANDSCAPE CATCHBASIN. MUST HAVE AIR BREAK AND NOT BE DIRECTLY CONNECTED.

CAUTION
CONTRACTOR TO DETERMINE
LOCATION OF EXISTING UTILITIES
PRIOR TO CONSTRUCTION.

Notes:

- Unless noted otherwise, the measurements and distances shown on this drawing are shown in meters.
- Do not scale drawings.
- It is the contractor's responsibility to verify all dimensions, levels and datums on site and report any discrepancies or omissions to WMI & Associates Ltd. prior to construction.
- This drawing is to be read and understood in conjunction with all other relevant documents applicable to this project.
- This drawing is the exclusive property of WMI & Associates Ltd. and the reproduction of any part of this document without prior written consent is strictly prohibited.

Benchmark: 184.02m
TOP NUT OF FIRE HYDRANT LOCATED EAST OF THE SOUTH EAST PROPERTY CORNER OF LOT 365.



DRAFT

No.	Issue / Revision	Date
1	CLIENT REVIEW	JAN. 30, 2019
2	ISSUED TO MUNICIPALITY	JAN. 30, 2019

365 ROBINS POINT ROAD
PRELIMINARY GRADING PLAN

Client:
Karolina Nabialek
360 Robins Point Road
Victoria Harbour, ON
L0K2A0



WMI & Associates Limited
119 Collier Street
Burlington, Ontario
L4M 1H5
Ph 705-797-2027
www.wmiengineering.ca

Drawn By	TG	Checked By	SM	Drawing No.
Scale	1:100	Project No.	18-531	LGR



23 Herrell Avenue
Barrie, Ontario
L4N 6T5

January 24, 2019

Karolina Nabialek
360 Robins Point Road
Victoria Harbour, Ontario
L0K 2A0

RE: BIRKS NHC 04-001-2018
Environmental Impact Study Addendum
365 Robins Point Road

Dear Ms. Nabialek:

Birks Natural Heritage Consultants, Inc. (Birks NHC) was retained to undertake an Environmental Impact Study (EIS) Addendum for 365 Robins Point Road (the property) in the Township of Tay (the Township). It is our understanding that the property owner is moving forward with an application for the severance of the existing lot into two separate lots. Due to the presence of an environmentally sensitive (EP2) woodland feature within the study area, and EIS is required to assess for the potential ecological impacts to that feature, including potential habitat for Species at Risk.

This letter is intended to provide an overview of the work undertaken by Birks NHC and to provide an evaluation of potential impacts to the identified natural heritage features from the proposed lot severance.

BACKGROUND INFORMATION REVIEW

While the focus of this letter is based on a Site assessment completed by Birks NHC ecologists, for the purpose of this EIS, the following sources were also considered:



- Aerial images (Google);
- Atlas of the Breeding Birds of Ontario [website - <http://www.birdsontario.org/atlas/index.jsp>] (Bird Studies Canada, 2006));
- Atlas of the Mammals of Ontario - [Dobbyn J., (1994)];
- Environmental Impact Study. Gibbs Property Severance Application. Part of Lots 1, 2, 3, and 4, Lot 15, Concession 8. R.J. Burnside & Associates Limited (2005);
- Environmental Impact Study Addendum (Revised). Gibbs Property Part Lots 1, 2, 3, and 4, Lot 15, Concession 8 Township of Tay. R.J. Burnside & Associates (2017);
- MNRF Natural Heritage Information Centre [website - <https://www.ontario.ca/page/make-natural-heritage-area-map>] (MNRF, 2018);
- MNRF's Species at Risk in Ontario list [website - <http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html>] (MNRF, 2018);
- Ontario Nature – Ontario Reptile and Amphibian Atlas [website - https://www.ontarionature.org/protect/species/reptiles_and_amphibians/index.php] (Ontario Nature, 2018) Simcoe County Interactive Maps [website - <https://maps.simcoe.ca/public/>];
- Simcoe County Official Plan (2012) and maps; and,
- Township of Tay Official Plan (1998) and maps.

In addition, the Terms of Reference (TOR) for this study was submitted to the Severn Sound Environmental Association (SSEA) for approval and is provided as an attachment to this letter.

SITE ASSESSMENT

Birks NHC staff attended the property on January 9, 2019 to evaluate the existing conditions for the study area. The evaluation was focused on natural heritage features including potential habitat for species listed under the *Endangered Species Act*, 2007 (ESA), Significant Wildlife Habitat, and Significant Woodland. Photos are included as an attachment.

Study Area

For the purpose of this study, the study area is focussed on an area approximately 120 metres surrounding the property boundary. The Ministry of Natural Resources and Forestry (MNRF) published the Natural Heritage Reference Manual (MNR, 2010) to provide technical guidance for the implementation of the natural heritage policies of the PPS which outlines a distance of 120 metres for use in consideration of impacts to adjacent features. To allow for the consideration of any other natural heritage features in the area, a landscape level assessment was also undertaken through a review of air photos within approximately one kilometre (km) surrounding the study area.



The property is currently developed with a single residential dwelling. At the time of the site visit, no occupancy of the dwelling was noted. The property is generally comprised of maintained areas associated with the dwelling, and naturalized portions which are part of a larger contiguous woodland feature, extending to the west of the property limits. Georgian Bay is located across from Robins Point Road, approximately 80 metres from the property limits.

Ecological Land Classification

Vegetation communities were assessed using ELC system for Southern Ontario (Lee *et al.*, 1998) (ELC) as a first step in identifying and assessing for potential natural heritage features within the property. Birks NHC conducted one site visit to confirm the vegetation communities as defined by Burnside in 2005. The ELC completed by R.J Burnside & Associates in 2005 was verified during the site visit, including their delineation of Significant Woodland present within the property.

In early 2007, the MNRF refined their original vegetation type codes to more fully encompass the vast range of natural and cultural communities across Southern Ontario. Through this process new codes have been added while some have changed slightly. These updated ELC codes have also been used for reporting purposes in this study in areas where they are more representative of the vegetation communities within the property.

A single vegetation community was identified within the property limits, characterized as a Dry-Fresh Sugar Maple Deciduous Forest (FODM5).

PROPOSED DEVELOPMENT

The proposed severance of the property into two separate lots is intended to allow for the future construction of two residential dwellings. The existing dwelling and accessory buildings would be removed in order to permit for the new construction. The property is fully serviced through municipal infrastructure and therefore septic and well systems would not be required. Details of the proposed severance can be found as an attachment.



NATURAL HERITAGE FEATURES

Significant Woodland

As discussed within the Burnside 2005 EIS report, naturalized portions of the property are within a contiguous woodland unit deemed to be significant according to the Township's Official Plan.

The Provincial Policy Statement affords ultimate responsibility for the designations of natural features as "significant" to the Municipality and/or the Province. Woodland present within the study area is identified as EP2 within the Township's Official Plan. The approximate size of the woodland unit was measured at 71 hectares (ha).

According to criteria defined by the NHRM (MNR, 2010), it is expected that the woodland unit meet the following criteria to be considered significant under the Province:

- Woodland size;
- Woodland Interior;
- Proximity to Other Woodlands or Other Habitats; and
- Woodland Diversity.

Species at Risk

Ontario's *Endangered Species Act*, 2007 (ESA) provides regulatory protection for Endangered and Threatened species. This legislation prohibits harassment, harm and/or killing of individuals and destruction of their habitats of species listed as Threatened or Endangered. Ontario Regulation (O. Reg.) 230/08 of the ESA identifies Species at Risk in Ontario providing a listing of species and their rankings (Extirpated, Endangered, Threatened, or Special Concern).

Through a habitat screening, potential species listed as Threatened or Endangered were considered and compared to the habitat present within the study area. The list in Table 1 below was scoped to include species for which suitable habitat is present and excluded those for which no habitat opportunities occur within the area or are historical in nature (*i.e.*, greater than 40 years). Table 1 includes a summary of relevance to the proposed development.



Table 1. Species at Risk Assessment

Common Name	Scientific Name	Designation ¹	Habitat Affinities Present Within Study Area
Mammals			
¹ Little Brown Myotis	<i>Myotis lucifugus</i>	Endangered	Yes – suitable forest communities present
¹ Northern Myotis	<i>Myotis septentrionalis</i>	Endangered	Yes – suitable forest communities present
¹ Tri-colored Bat	<i>Perimyotis subflavus</i>	Endangered	Yes – suitable forest communities present
¹ Eastern Small-footed Myotis	<i>Myotis leibii</i>	Endangered	No – Typically found in areas where rock structure occurs (<i>i.e.</i> , escarpment, alvars, quarries).
Birds			
¹ Barn Swallow	<i>Hirundo rustica</i>	Threatened	Yes – Structures may provide suitable nesting habitat however no nests were observed.
¹ Cerulean Warbler	<i>Setophaga cerulea</i>	Threatened	Yes – Deciduous forest unit may provide suitable nesting habitat.
Vegetation			
¹ Butternut	<i>Juglans cinerea</i>	Endangered	No – Species not identified within 50 metres of the property limits.

Source: (1) MNRF SARO List, Birks NHC expertise; (2) NHIC (2018)

Designation Status

Provincial Status – Species at Risk in Ontario list maintained by the Ministry of Natural Resources and Forestry, O. Reg. 230/08. *Endangered Species Act*, 2007

Of the species identified in the table above, the following are relevant to the study area and proposed development:

- Endangered Bats Species (Little Brown Myotis, Northern Myotis, and Tri-colored Bat);
- Barn Swallow; and
- Cerulean Warbler.

In addition to the assessment above, the MNRF Midhurst District was contacted in order to obtain recent information regarding the potential presence of Species at Risk within the study area. Correspondence with the MNRF Biologist can be found as an attachment.



Significant Wildlife Habitat

As noted within the Burnside 2005 EIS report, there appears to be no designated Significant Wildlife Habitat areas within the study area. Notwithstanding, there is an expectation that the study area provides various functions for wildlife habitat given the presence of Georgian Bay and woodland habitat. According to the Significant Wildlife Habitat Technical Guide (MNR, 2000), Ecoregion 6E Criterion Schedules (MNRF, 2015), the following could be considered candidate Significant Wildlife Habitat within the study area:

- Seasonal Concentrations of Areas of Animals
 - Waterfowl Stopover and Staging Areas (Aquatic)
 - Bat Maternity Colonies;
 - Deer Yarding Areas.
- Specialized Habitat for Wildlife
 - Bald Eagle and Osprey Nesting, Foraging, and Perching Habitat;
 - Woodland Raptor Nesting Habitat;
 - Woodland Area-Sensitive Bird Breeding Habitat.
- Habitat for Species of Conservation Concern (Not including Endangered or Threatened Species)
 - Special Concern and Rare Wildlife Species.

It is ultimately the responsibility of the Province and/or the Municipality to designate areas identified as potential candidate Significant Wildlife Habitat as significant.

IMPACT ASSESSMENT

Significant Woodland

As previously discussed, the woodland unit is expected to meet four criteria defined by the NHRM (MNR, 2010) to be considered significant by the Province. The proposed lot severance and associated building envelopes would result in the loss of approximately 0.1 ha, which represents 0.14% of the contiguous woodland feature. The minimal loss of woodland cover will not impact the form or function of the overall woodland unit, including interior habitat or woodland diversity. Functions associated with the form of the woodland will be maintained through the protection of the woodland unit off-property.

Potential indirect impacts, such as the introduction of invasive species can be avoided through appropriate mitigation measures, provided in the sections below.



Species at Risk

Threatened Birds

As discussed, the study area contains suitable habitat for Barn Swallow and Cerulean Warbler, both of which are listed as Threatened under the ESA. Barn Swallow habitat is directly associated with the existing structures present within the property and adjacent neighbouring lots. An inspection of the structures within the property was conducted and no nests were observed.

Cerulean warbler habitat is associated with the FODM5 woodland community. This species breeds in relatively large tracts of deciduous forest. The limited loss of woodland cover within the property is not expected to impact the form and function of the woodland unit and therefore will not impact potential breeding habitat for this species.

Provided that the provided mitigation measures provided in the section below are applied accordingly, there is no expectation that the proposed lot severance and future residential development will have a negative ecological impact on these species and thus there is no potential for accidental contraventions of the ESA.

Endangered Bat Species

The mature woodland present in part within the property limits may provide suitable roosting habitat for bats, including Little Brown Myotis, Northern Myotis, and Tri-colored Bat, all of which are listed as Endangered under the ESA. Although all three species are known to utilize wooded areas for roosting, Little Brown Myotis in Ontario has generally been restricted to anthropogenic structures.

The designation of Endangered is due to the introduction of a fungal pathogen, White Nose Syndrome, to North America which has resulted in a significant decline of these bat species. This emergency listing of the species put into place a requirement through the ESA for all proponents to protect individuals of the species and important habitat features/functions. This has resulted in a focus on maternity roost sites where congregation of female bats gather during the summer to raise offspring. The majority of trees have some potential to provide roost habitat for individual day roosting. It is not the intent of the ESA to prohibit the removal of all trees because they have potential to be used by an individual for day roosting as long as suitable habitat remains in the nearby areas. Within the study area, it is possible for wooded areas to be utilized by Endangered bats.

The removal of select trees to allow for future development of the lots is not expected to result in any negative ecological impacts to maternity roost sites. The remaining woodland unit, measured at approximately 71 ha, will continue to provide suitable habitat for female bats. The



existing dwelling was inspected to assess for potential suitable anthropogenic roosting habitat. Although the overall condition of the structure is in decline, there was no evidence that an attic of appropriate size and shape is present in the structure. Specific mitigation measures to avoid any accidental contravention of the ESA are provided in the section below

Significant Wildlife Habitat

Potential candidate Significant Wildlife Habitat functions are attributable to the presence of both Georgian Bay and woodland within the study area. No development or site alteration will occur within 30 metres of Georgian Bay as the property itself is approximately 80 metres from the shoreline, across Robins Point Road. There is no expectation that wildlife habitat functions associated with Georgian Bay will be negatively affected by the proposed lot severance and future residential development.

As discussed above, approximately 0.14% of woodland loss would occur as result of future development. Wildlife habitat functions such as Habitat for Special Concern and Rare Wildlife Species, Bat Maternity Colonies, Woodland Area-Sensitive Bird Breeding Habitat will be maintained within the contiguous woodland feature. Raptor stick nests, including Bald Eagle or Osprey nests were not observed within 120 metres of the property. There is no expectation that the proposed small area of woodland removal will significantly impact wildlife habitat availability within the area. Mitigation measures are provided below to further avoid any potential indirect impacts to candidate Significant Wildlife Habitat.

RECOMMENDATIONS AND MITIGATION MEASURES

Mitigation refers to the avoidance or reduction of impacts associated with the proposed works through best construction practices. The impact assessment identified four potential direct impacts to the identified natural heritage features, including tree and vegetation removal, removal of areas containing potential SAR habitat, loss of or disturbance to wildlife and wildlife habitat, and erosion and sedimentation into natural heritage features.

The following recommended mitigation measures are recommended to minimize the above listed potential impacts.

- Construction activities involving the removal of trees should be restricted between the beginnings of April to the end of October. This will ensure that no bats actively roosting in trees will be killed or harmed as a result of clearing activities and is outside of the breeding bird season. Tree cutting should be timed to occur during the calendar months of November 1 to March 31 and no cutting activity in forested areas should occur outside that period;



- Inspection of the structures should occur prior to demolition to ensure no Barn Swallow nests are present. Should a nest be encountered, potential registration and compensation under Section 23.5 made under O. Reg. 242/08 of the ESA will be required;
- Removal of the existing structures should be completed outside of the active roosting season for bats. Demolition activities should be timed to occur during the calendar months of November 1 to March 31;
- Care must be taken by the contractor when removing trees adjacent to areas where healthy trees are being preserved. It is recommended that a protective barrier (*e.g.*, 3-foot page wire silt fence) be constructed around the perimeter of all treed areas to be preserved during construction activities; and
- Where feasible, establish a setback to the limit of the Significant Woodland unit. The setback shall be established and delineated in the field prior to construction related activities.

CLOSURE

We trust the information provides sufficient rationalization as to why the proposed lot severance is not expected to result in negative ecological impacts to the identified natural heritage features, including potential habitat for Species at Risk. We request that the information outlined herein be considered in conjunction with reports and background information submitted to date.

If you have any questions regarding this project, please do not hesitate to contact the undersigned.

Yours truly,
Birks Natural Heritage Consultants Inc.

Stephanie Brady, H.B.E.S.
Ecologist



Attach:

- 1) Photographic Appendix
- 2) Agency Correspondence (SSEA, MNRF)
- 3) Severance Sketch

cc: Tyler Searls, Innovative Planning Solutions



REFERENCES

County of Simcoe. Official Plan of the County of Simcoe. Adopted November 25, 2008.
Proposed Modifications January 22, 2013.

Endangered Species Act, Ontario. 2007. An Act to protect species at risk and to make
related changes to other Acts. Bill 184 Chapter 6, Statutes of Ontario 2007.

Lee, H., W. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig, and S. McMurray. 1998.
Ecological Land Classification for Southern Ontario.: First Approximation and its
Application. Ontario Ministry of Natural Resources. Southcentral Science Section,
Science Development and Transfer Branch. SCSS Field Guide FG-02. 225pp.

Ministry of Natural Resources and Forestry. 2018. Species at Risk in Ontario List.
<https://www.ontario.ca/environment-and-energy/species-risk-ontario-list>

MNRF. 2015. Significant Wildlife Habitat criterion schedules for Ecoregion 6E. MNRF Regional
Operations Division & Northeast Region Resources Section. 39pp.

Natural Heritage Information Centre (NHIC) internet web page. 2019. Government of Ontario,
Ministry of Natural Resources (www.mnr.on.ca/MNR/nhic).


Township of Tay. Official Plan of the Township of Tay. Adopted by Council on July 8th, 1998.
Consolidated December 2007.



Key Map



Legend

 Property Boundary (Approximate)

ELC	Description
FODM5	Dry-Fresh Sugar Maple Deciduous Forest

Source: Simcoe County Maps – maps.simcoe.ca



Project: 04-001-2018
365 Robins Point Road
Township of Tay

Figure 1
Existing Conditions



Photograph 1. View of lot and existing dwelling from Robins Point Road (facing west)





Photograph 2. Inspection of structures for Barn Swallow nests (inactive) and potential suitable habitat for bat species.





Photograph 3. Accessory building





Photograph 4. Deciduous Forest (FOD) in rear of lot and adjacent lands (EP2 feature).





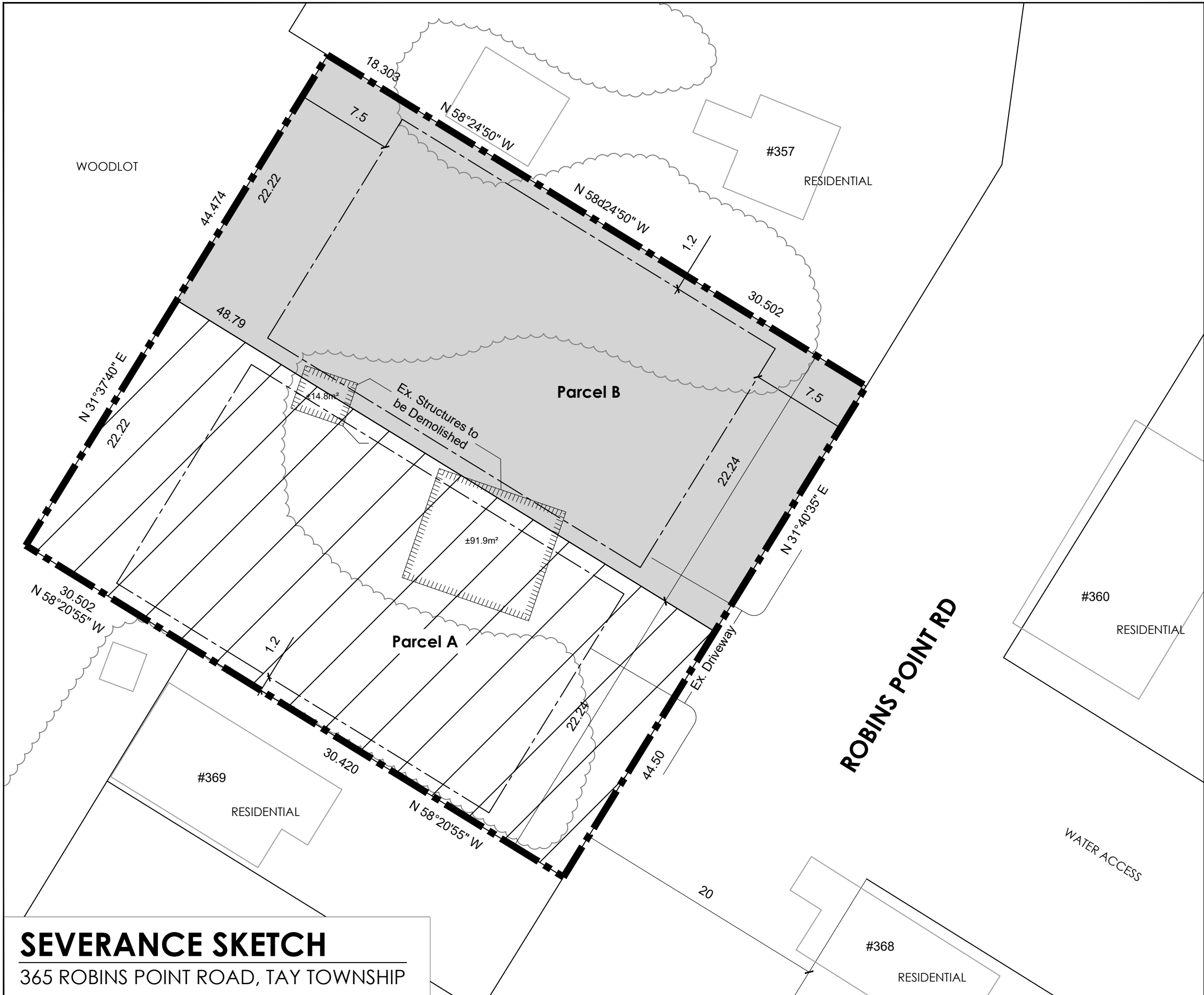
Photograph 4. Deciduous Forest (FOD) with view of rear lot marker (red) and neighbouring yards.





Photograph 4. Shoreline Right-of-way from property across Robins Point Road.





SEVERANCE SKETCH
365 ROBINS POINT ROAD, TAY TOWNSHIP

Key Map Scale: 1 : 50,000

365 Robins Point Road,
Tay Township, County of Simcoe

LEGEND

- SUBJECT LANDS**
Lot Area: 2,169.61m² (0.54ac)
Lot Frontage: 44.49m
- LANDS TO BE SEVERED (Parcel A)**
Lot Area: 1,084.60m² (0.27 ac)
Lot Frontage: 22.24m
- LANDS TO BE RETAINED (Parcel B)**
Lot Area: 1,085.02m² (0.27 ac)
Lot Frontage: 22.24m
- PROPOSED BUILDING ENVELOPE**

Sources: County of Simcoe Interactive Map.
Note: The information shown is approximate and subject to change.

0 5 10 15m

Date: January 3, 2019 Scale: 1:300
File: 18-790 Drawn By: AM

IPS INNOVATIVE PLANNING SOLUTIONS
PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS
150 DUNLOP STREET EAST, SUITE 201, BARRIE, ONTARIO L4M 1B1
tel: 705 • 812 • 3281 fax: 705 • 812 • 3438 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

Stephanie Brady

From: Michelle Hudolin <MHudolin@severnsound.ca>
Sent: January 18, 2019 3:00 PM
To: Stephanie Brady; LOTOole@tay.ca
Cc: Tyler Searls
Subject: RE: 365 Robins Point - Proposed Scope of Work for EIS Addendum

Hello Stephanie,

I offer the following comments/clarification on the proposed scope of work for the EIS Addendum for 365 Robins Point Road in Tay.

- The EIS must appropriately address any applicable policies of the current Provincial Policy Statement, County and/or Township of Tay Official Plan, Growth Plan for the Greater Golden Horseshoe, etc. This includes documenting the presence and location of any previously unknown natural heritage features [e.g., wetlands, watercourses, Species At Risk (SAR) critical habitat features, Significant Wildlife Habitat (SWH)], taking into consideration any applicable federal or provincial policies/legislation and guidance documents.
- The SAR assessment should include correspondence with Midhurst MNRF to confirm any relevant nearby SAR occurrences that are not already included in the Natural Heritage Information Centre database/mapping. Note: Information on the location of many federal and provincial SAR should be treated as sensitive data, and in these cases, information must be disclosed to the municipality and applicable agencies in a manner that does not make it part of public record (e.g., mapping/ information provided separate from the main report, subject to restricted access).
- Provide recommendations to avoid and/or mitigate the potential for negative environmental impacts on any features/ecological functions.

With the clarification noted above, the proposed scope of work for the EIS Addendum is acceptable to SSEA.

Please contact me with any questions.

Regards,
Michelle

Michelle Hudolin

Wetlands & Habitat Biologist
Severn Sound Environmental Association
489 Finlayson St
PO Box 460
Port McNicoll ON L0K 1R0
Tel: 705-534-7283 ext. 202
Fax: 705-534-7459
Email: MHudolin@severnsound.ca
Web-site: www.severnsound.ca

Twitter: [@SSEA_SSRAP](https://twitter.com/SSEA_SSRAP)

This message is intended for the individual to whom it is addressed and may contain information that is confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you are not the intended recipient, please do not forward, copy or disclose this message to anyone and delete all copies and attachments received. If you have received this communication in error, please notify the sender immediately.

Be Green! Read from the screen.

Please don't print this email or attachments unless you really need to.

From: Stephanie Brady [mailto:sbrady@birksnhc.ca]
Sent: December-13-18 9:58 AM
To: Michelle Hudolin; lotoole@tay.ca
Cc: Tyler Searls; SFarquharson@tay.ca
Subject: 365 Robins Point - Proposed Scope of Work for EIS Addendum

Liam O'Toole – Township of Tay
Michelle Hudolin – Severn Sound Environmental Association

Good Morning Michelle and Liam:

Birks Natural Heritage Consultants (Birks NHC) has been retained to undertake an Environmental Impact Study (EIS) Addendum for the property located at 365 Robins Point. The property is depicted in the attached figure.

It is our understanding that the property owner wishes to sever the property into three separate lots for future residential development. Due to the presence of natural heritage features (*i.e.*, significant woodland) designated as EP2 within the Township's Official Plan, an EIS Addendum is required to assess for potential impacts to that feature.

In order to complete the EIS Addendum, Birks NHC proposes to undertake the following tasks:

- Review available background information for the property and surrounding lands including the Burnside reports and available mapping from the Natural Heritage Information Centre;
- Review all applicable policies to the proposed severance and determine constraints and opportunities to future development;
- Complete a Species at Risk habitat assessment for the property and surrounding area;
- Attend the property in winter 2018/2019 to document the natural areas of the property and review potential habitat for Species at Risk including Endangered bat species;
- Map any key natural heritage feature (*i.e.*, Significant Woodland) within the property including characterization of vegetation communities utilizing the Ecological Land Classification system; and
- Following review and analysis of all data collected for the property, assess the potential impacts to natural heritage features including significant woodland and Species at Risk habitat; and
- Prepare a Draft EIS Addendum letter for submission.

Similar to other projects in the Township of Tay, policies of the Growth Plan for the Greater Golden Horseshoe would appear to be applicable to the property. The property and surrounding lands are not mapped as being within the Natural Heritage System of the Growth Plan, however since this isn't within a settlement area, policies 4.2.3 and 4.2.4 appear to be applicable. However, no encroachments outside of the property limits are proposed. Hoping you can provide some guidance on how the Township intends to implement those policies, should the Planning Act be triggered by this application.

If you have any questions, or wish to discuss this project, please do not hesitate to call.

Thank you,



Stephanie Brady, H.B.E.S

Birks Natural Heritage Consultants, Inc.

Ecologist

p. (705)305-9102

e. sbrady@birksnhc.ca

w. www.birksnhc.ca

a. 23 Herrell Avenue, Barrie ON L4N 6T5





23 Herrell Drive
Barrie, Ontario
L4N 6T5

January 2, 2019

Ministry of Natural Resources and Forestry
Midhurst District
2284 Nursery Road
Midhurst, Ontario
L0L 1X0

RE: BIRKS NHC 04-001-2018
365 Robins Point Road (Township of Tay) Species at Risk Information Request

Birks Natural Heritage Consultants Inc. (Birks NHC) has been retained by Innovative Planning Solutions and the property owner to prepare an Environmental Impact Study (EIS) Addendum for a proposed lot severance of the property identified as 365 Robins Point in the Township of Tay (Township). Background mapping of the property and adjacent lands has been provided as an attachment to this letter.

The purpose of this letter is to request additional information regarding Species at Risk (SAR) as well as any other sensitive areas associated with the property and adjacent lands that may be relevant to our study.

EXISTING CONDITIONS AND SAR ASSESSMENT

The property is currently designated "Shoreline Residential 2" with "Environment Protection 2" within adjacent lands as per the Township's Official Plan and Zoning By-Law. Previous environmental studies have been completed for this property (Burnside 2017 & 2005) which identified the property as containing "Dry to Fresh Sugar Maple Deciduous Type" associated with the naturalized portions as well as disturbed areas including an existing active residential dwelling.

Based on background mapping, review of previous reports, and knowledge of SAR habitat requirements, potential habitat for SAR was identified within the property and adjacent lands relevant to this study as follows:

- Woodland and naturalized portions: **Eastern Wood-pewee** (*Contopus virens*), **Wood Thrush** (*Hylocichla mustelina*), and **Cerulean Warbler** (*Setophaga cerulea*);
- Woodland and existing residential dwelling: **Little Brown Myotis** (*Myotis lucifugus*), **Northern Myotis** (*Myotis septentrionalis*), **Tri-colored Bat** (*Perimyotis subflavus*) and **Barn Swallow** (*Hirundo rustica*);

- Georgian Bay and shoreline: **Eastern Foxsnake** (*Pantherophis gloydi*), **Blanding's Turtle** (*Emydoidea blandingii*), **Northern Map Turtle** (*Graptemys geographica*), and **Snapping Turtle** (*Chelydra serpentina*).

If the District's files contain additional or contradictory information, we would appreciate your input at this time.

It is generally our intention to append this correspondence in the resulting report. If restricted species occur in the area and the MNRF determines that these need to be considered in our review, please provide two copies of the response - one with the species name replaced with (Restricted Species) for inclusion within the natural heritage review report, and the other retaining the identity of the species for internal use only.

Thank you very much for your assistance in this matter. If you have any questions regarding this project please do not hesitate to contact us.

Yours truly,

Birks Natural Heritage Consultants, Inc.

A handwritten signature in black ink that reads "SBrady". The signature is written in a cursive, flowing style. The "S" is large and loops around the "B", which is also large and loops around the "r". The "a", "d", and "y" are smaller and more straightforward.

Stephanie Brady, H.B.E.S.
Ecologist

Stephanie Brady

From: Shirley, Brent (MNRF) <brent.shirley@ontario.ca>
Sent: January 11, 2019 1:54 PM
To: Stephanie Brady
Subject: RE: 365 Robins Point (Township of Tay) Species at Risk Information Request
Attachments: InfoRequestGuide_2018-12-18-FINAL.pdf; TOWNSHIP_OF_TAY.xlsx;
Known_SAR_List_South_Simcoe_County.xlsx

Hi Stephanie,

Thank you for your request for information on natural heritage features. In order to provide the most efficient service possible, the attached *Natural Heritage Information Request Guide* has been developed to assist you with accessing natural heritage data and values from convenient online sources.

It remains the proponent's responsibility to complete a preliminary screening for each project, to obtain available information from multiple sources, to conduct any necessary field studies, and to consider any potential environmental impacts that may result from an activity. We wish to emphasize the need for the proponents of development activities to complete screenings prior to contacting the Ministry or other agencies for more detailed technical information and advice.

The Ministry continues to work on updating data housed by Lands Information Ontario and the Natural Heritage Information Centre, and ensuring this information is accessible through online resources. Species at risk data is regularly being updated. In order to ensure access to reliable and up to date information, the attached list provides a summary of species at risk that have been observed, or may potentially be present, at a geographic township / municipal level.

This information will assist in scoping the necessary field assessments for an area if development or site alteration is proposed. This information is not meant to circumvent the responsibility of the proponent to undertake species and / or habitat surveys. Surveys or additional site level assessment are often required to confirm presence or absence of natural heritage features and values. Environmental consulting firms have the professional and technical expertise to assess sites for natural heritage features and can gauge the potential for such features to exist.

Absence or lack of information for a given geographic area does not necessarily mean the absence of natural heritage features. Many areas in Ontario have never been surveyed and new plant and animal species records are still being discovered for many localities. In addition, new species may be listed and new natural heritage features may be defined over time. For these reasons, the Ministry cannot provide a definitive statement on the presence, absence or condition of natural heritage features in all parts of Ontario.

Thank you for your inquiry.

Brent Shirley

A/ Management Biologist
Midhurst District Ministry of Natural Resources & Forestry
2284 Nursery Rd
Midhurst, ON
L9X 1N8



Severn Sound Environmental Association

489 Finlayson St, PO Box 460, Port McNicoll ON L0K 1R0

Phone (705) 534-7283 | **Fax** (705) 534-7459

Email: mhudolin@severnsound.ca **Website:** www.severnsound.ca

March 14, 2019

Steve Farquharson, Director of Planning and Development
Township of Tay
450 Park Street
PO Box 100
Victoria Harbour ON L0K 2A0

Dear Mr. Farquharson,

RE: Environmental Impact Study Addendum for 365 Robins Point Rd, Township of Tay

In response to your request, the Severn Sound Environmental Association (SSEA) has reviewed the following reports for 365 Robins Point Road, which I received electronically and in hard-copy at the SSEA office on March 5, 2019:

- Environmental Impact Study (EIS) Addendum, prepared by Stephanie Brady of Birks Natural Heritage Consultants, dated January 24, 2019
- Planning Justification Report, prepared by Innovative Planning Solutions, dated February 1, 2019.

It is the SSEA's understanding that the proposal is to create one new residential lot through severance, resulting in two lots on the subject lands. The SSEA offers the following natural heritage comments.

1. SSEA mapping does not show any unevaluated wetland or streams in the immediate vicinity of the proposed boundary adjustment. The SSEA's [Evaluation of the Natural Heritage Conditions in the Township of Tay](#) identified several features in and around the larger subject property, including: significant woodlands, interior forest habitat, watercourses, and unevaluated wetlands. A block of mature forest extends onto the subject lands; the area is not part of the province's Regional Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe.
2. The EIS Addendum included a desktop assessment and field work (January 9, 2019) to investigate the site and adjacent lands for natural heritage features including Species At Risk (SAR) or SAR habitat. No butternut or other SAR were

directly observed on site. The forest community on and adjacent to the subject property has potential to provide habitat for some bird and bat SAR during their active season, which is generally April through October.

- a. The Planning Justification Report indicates that *"Considerable tree cover exists on the subject lands and all efforts will be made to retain existing vegetation through future construction"*. The SSEA supports the retention of as much existing vegetation and forest cover as possible with future development on the property, to limit the amount of woodland cover lost and any potential impacts to woodland functions.
- b. Recommendations and Mitigation Measures provided in the EIS Addendum include: *"Construction activities involving the removal of trees should be restricted between the beginnings of April to the end of October. This will ensure that no bats actively roosting in trees will be killed or harmed as a result of clearing activities and is outside of the breeding bird season"*. The SSEA supports tree cutting restrictions to avoid harming breeding birds or their nests, as well as bats and other wildlife that may be utilizing woodland habitat. It should be noted that, in addition to the Migratory Birds Convention Act that protects migrating birds, the Fish and Wildlife Conservation Act protects other species of wildlife, including early nesting, non-migratory birds such as owls and hawks that have critical breeding periods that start as early as February. Individuals/ property owners are responsible for ensuring that an activity being undertaken by them or for them does not contravene any applicable legislation (e.g., Endangered Species Act, Migratory Birds Convention Act, Fisheries Act, Fish and Wildlife Conservation Act).

The proposal is in keeping with the residential nature of the existing lot (365 Robins Point Rd) and other lots in the vicinity of the subject property. With the implementation of the recommended mitigation measures in the EIS Addendum, including tree cutting restrictions to protect birds and bats as above, the SSEA is satisfied that the proposal will not have negative impacts on natural heritage features or adjacent Environmental Protection lands.

If you have any questions, please contact me.

Sincerely,



Michelle Hudolin
Wetlands & Habitat Biologist



**Corporation of the
Township of Tay**

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

PLANNING & DEVELOPMENT DEPARTMENT

Staff Report

Department/Function: Committee of Adjustment

Chair: Andy Ott

Meeting Date: Wednesday, March 20th 2019

Subject: Consent Application 2019-B-02

Applicant: William P. Taws on Behalf of Allan Fike

Location: 244 First Avenue and 254 First Avenue

RECOMMENDATION:

THAT,

Consent Application **2019-B-02** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That a copy of a registered reference plan for the subject land indicating the severed parcel be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
2. That the applicant's solicitor prepare and submit a copy of the proposed conveyance for the parcel severed, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That Subsection 50 (3) and/or (5), of the *Planning Act* applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
5. That if the property is to change ownership prior to the conditions of consent imposed by the Committee are fulfilled, an authorization from the new owner(s) must be received by the Township acknowledging the request to proceed with the applications as approved by the Committee;

6. That the applicant's solicitor prepares a letter of undertaking that the severed lands from 244 First Avenue and the lands to be enhanced municipally known as 254 First Avenue will merge on title.
7. That the lands to be conveyed not exceed 766 m².
8. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

ANALYSIS:

The subject properties are located along the west side of First Avenue within the Port McNicoll settlement boundary area, 150 metres south of Paradise Point. All subject properties are designated as Village Residential within Schedule "C" of the Township's Official Plan and are zoned "R2-26 (H)" Village Residential Exception 26 Holding, in accordance with the Township's General Zoning By-law 2000-57.

The subject lands associated with the consent applications are legally described as CON 5 E PT LOT 18 & LOT 19; RP 51R11635 PART & PT OF; PART 2 (244 First Avenue) and CON 5 E PT LOT 18; RP 51R16782 PART 1 (254 First Avenue).

Provincial Policy Statement 2014 (PPS):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The intent of the PPS is to build strong and healthy communities while at the same time, promoting efficient land use and development patterns.

A lot adjustment may be permitted for legal or technical reasons (Section 2.3.4.2) including severances for purposes such as easements, corrections of deeds and minor boundary adjustments which do not result in the creation of a new lot.

It is the opinion of the Planning staff that the proposed consent can be considered a minor boundary adjustment, and therefore be consistent with the policies as outlined in the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017):

The Growth Plan places the focus of new growth and development towards settlement areas and encourages efficient land use patterns by utilizing

existing infrastructure to avoid the need for unjustified and/or uneconomical expansion.

The proposed lot adjustment is not considered to be development according to the growth plan, and does not require an Environmental Impact Assessment. The proposed boundary adjustment is located outside of any natural heritage features.

County of Simcoe Official Plan (2016):

Section 3.3.5 states consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies and legislation. This includes minor boundary adjustments that do not result in the creation of a new lot. The proposed lot adjustment will not result in the creation of a new lot, and can be considered minor.

Planning Staff are satisfied that the overall intent of the Official Plan is met and that the requested minor boundary adjustment would be appropriate on the subject lands.

Township of Tay Official Plan:

The subject lands are designated RURAL within Schedule "D" of the Township's Official Plan. Section 3.11.2.1 of the Plan states that "the proposed lot and the lot to be retained shall be of an appropriate size and have adequate frontage for the existing and proposed uses and the severed and retained lots shall comply with the provisions of the implementing zoning by-law". Both the retained lot and the enhanced lot will conform to the provisions of the zoning bylaw, as outlined in the following section.

3.11.2.7 States that consents may be permitted for technical or legal reasons such as boundary adjustments, easements, right-of-ways or other similar purposes that do not result in the creation of a new lot. The proposed boundary adjustment will not result in the creation of a new lot, and is considered to be minor.

Planning Staff are satisfied that the overall intent of the Official Plan is met and that the requested boundary adjustment would be appropriate on the subject lands.

Zoning By-Law 2000-57, as amended:

Both lots are zoned "R2-26 (H)" Village Residential Exception 26 Holding, in accordance with the Township's General Zoning By-law 2000-57. The Holding Provision relates to the expansion, alteration and construction of new buildings and structures within the zone. Both properties have existing buildings, and no new dwelling will be constructed as a result of this conveyance.

The proposed severed and retained lots have frontage on a public road, and comply with the provisions of the Zoning By-Law. On the basis of the above, the proposed consent for residential purposes, generally maintains the intent of the Zoning By-law.

Outside Agency, Internal Department:

County of Simcoe – No comments received to date.

Newmarket-Tay Power Distribution Ltd. – No comments received to date.

Bell Canada – No comments received.

Ministry of Transportation – No comments received to date.

Chief Administrative Officer – No issues or concerns.

Clerk – No comments received to date.

Director of Finance – No comments received to date.

Director of Public Works – No issues or concerns

Water/ Sanitary Wastewater Superintendent – No issues or concerns

Manager of Roads and Fleet – No issues or concerns.

Chief Building Official – No concerns at this time.

Fire Chief – No comments received

Public Comments: None received.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

Planning staff are recommending that Consent Application **2019-B-02** be granted approval by the Committee of Adjustment.

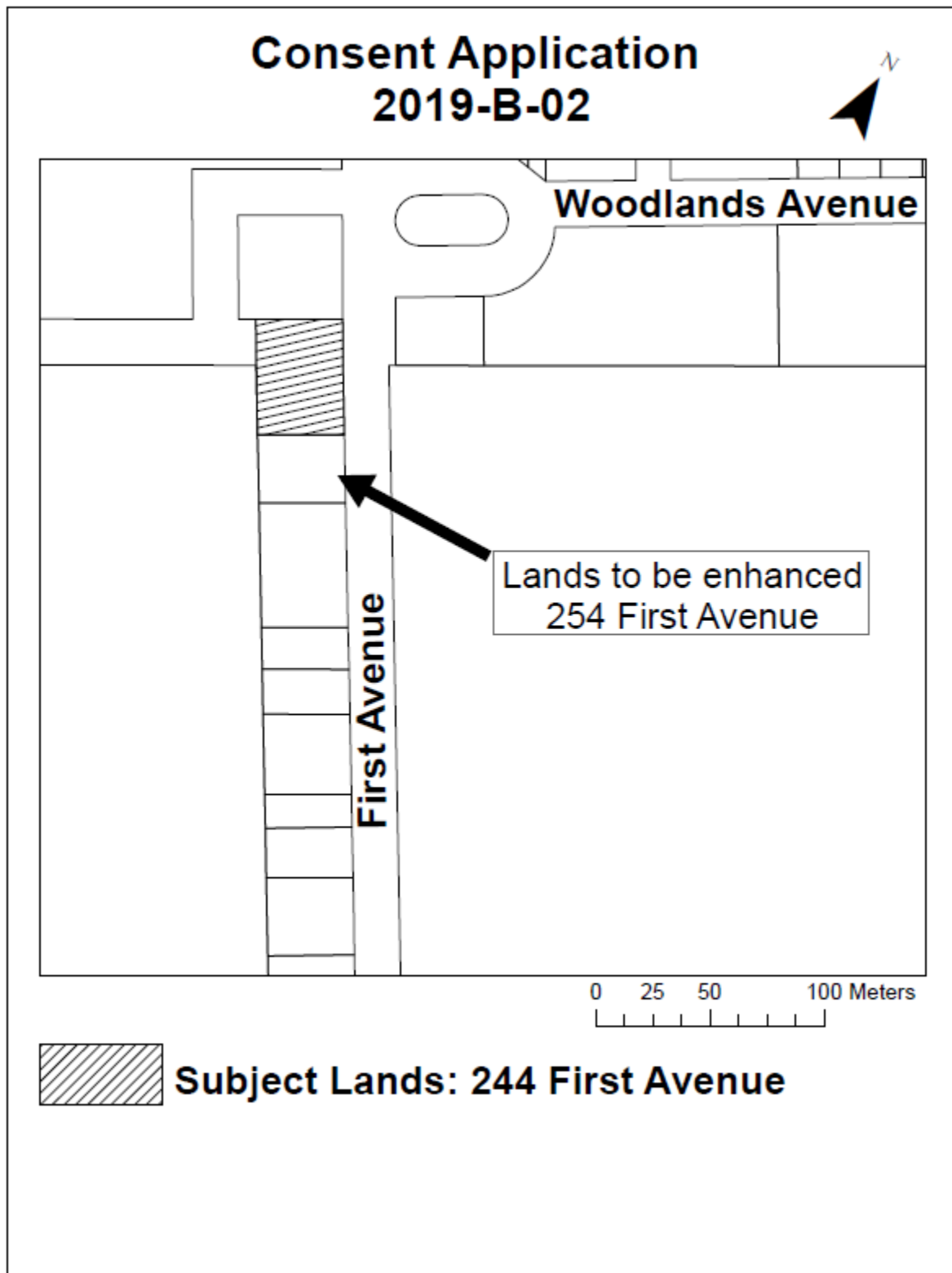
Prepared and Recommended by;

Reviewed By;

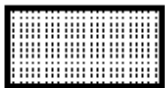
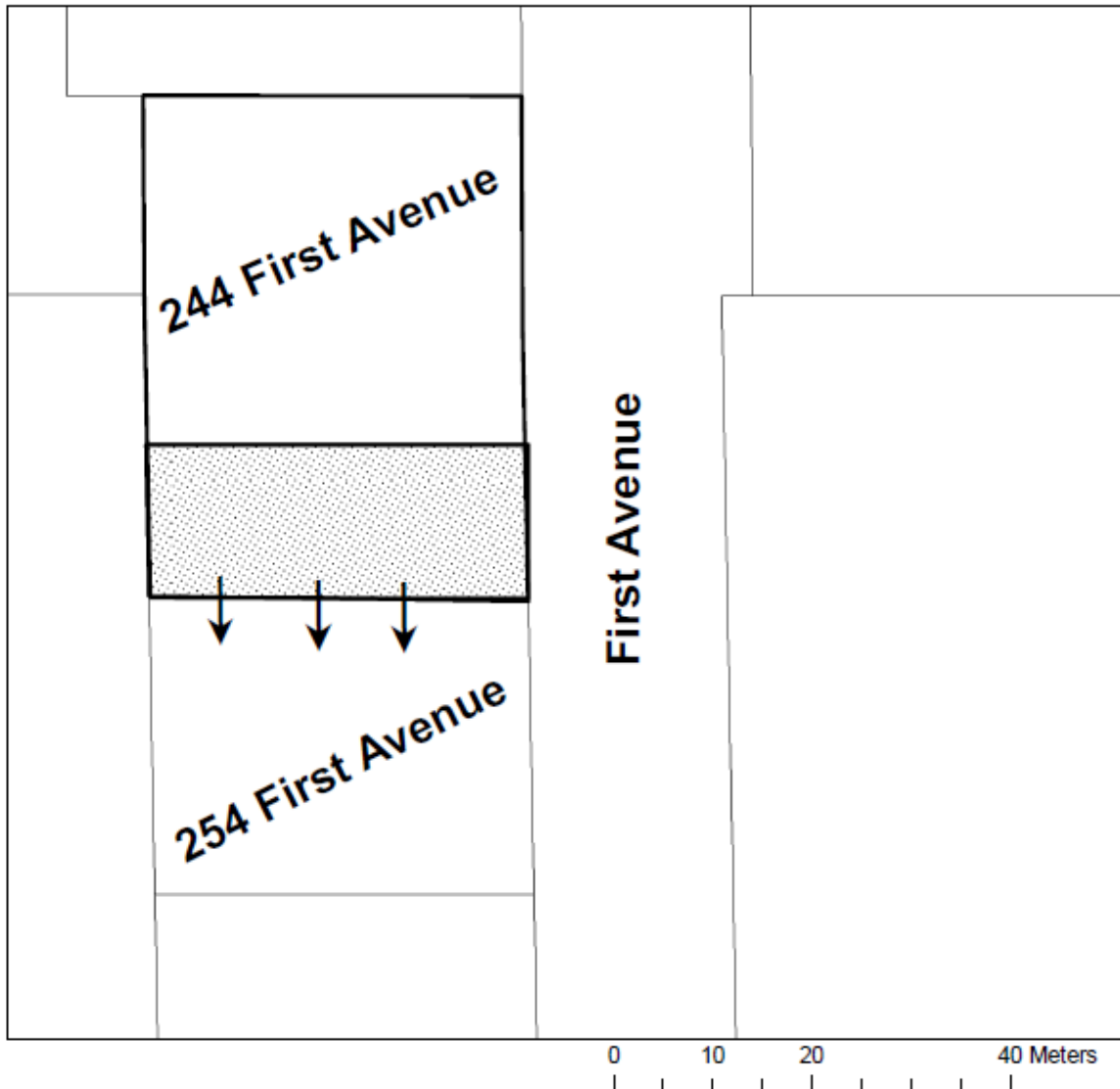
Liam O'Toole, B.URPL, B.A
Planner
Date: March 13th, 2019

Robert Lamb, Ec.d, CEcD
Chief Administrative Officer
Date: 15/03/2019

Attachment 1: Key Maps



Consent Application 2019-B-02



Land to be conveyed (766 sq m)