

**Thursday, August 12th, 2021
5:30 p.m.
Via GoToMeeting**

GoToMeeting: <https://global.gotomeeting.com/join/151958053>

Members of the Public:

Meetings are being held using GoToMeeting - Video Conferencing. By clicking the link above (allow extra time for downloading the program if it is the first time you have used GoToMeeting on your device), you will be able to see the agenda, see Members of Council and hear the proceedings of the meeting. Please ensure the volume on your device is **on** and **turned up** to hear the meeting. The Public is asked to ensure that their mic and camera buttons are off for the entire meeting.

As the province of Ontario continues to take significant steps to limit the transmission of the COVID-19 virus, the Township continues to protect the health and safety of the public, Council, Committee and Board Members, and employees while at the same time processing *Planning Act* applications. Therefore, the Township is holding an electronic public meeting, as per the Procedural By-Law, in accordance with the *Planning Act*, Section 34.

There will **NOT** be any ability to attend the public meeting in person to help prevent the spread of COVID-19. The public may participate by alternate means. The Township strongly encourages written comments to be submitted prior to the public meeting to adminassistant@tayvalleytwp.ca. A video conference link will be available during the public meeting to enable the public to participate and make oral representations. There will also be the ability to view the meeting agenda and materials on an electronic device. The details to join the video conference and view the materials are located above.

Video Conference Participation Etiquette

- a meeting via video conference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
 - we ask that all public attendees mute their cameras and mics; doing so will eliminate any background noise and create a much more seamless process
 - the Chair will call the meeting to order at the time indicated on the agenda;
 - roll call will be completed visually by the Chair;
 - the Chair will then remind all attendees to place their devices on mute
 - as the Chair moves through the agenda, he will call on the Planner to speak to each Application;
 - for Members, we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
 - just as during an in-person meeting, Members will be required to raise their hand and the Chair will call on you to speak;
 - the same process will be used when the Applicant and the Public are asked for comments, anyone wishing to speak will need to unmute their mic and state their name and upon completion of your comment, re-mute your device
-

5:30 p.m. *Public Meeting - Zoning By-Law Amendment*

Chair, Reeve Brian Campbell

1. CALL TO ORDER

2. INTRODUCTION

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

**Sinclair & Stewart
The Rideau Group Inc.
Beange
Scheuneman
Whyte
Ennis**

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.

- If a person or public body does not make oral submissions at a public meeting, or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATIONS

- i) **FILE #ZA21-11: Sinclair & Stewart – *attached, page 7.***
480 Star Hill Road
Part Lot 21, Concession 6
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA21-13: The Rideau Group Inc. – *attached, page 21.***
Sproule Road
Part Lot 27, Concession 3
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

- iii) **FILE #ZA21-14: Beange – *attached, page 33.***
954 Pike Lake Route 9
Part Lot 21, Concession 8
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

- iv) **FILE #ZA21-15: Scheuneman – *attached, page 48.***
1776 Old Brooke Road
Part Lot 2 & 3, Concession 6
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

- v) **FILE #ZA21-16: Whyte – *attached, page 63.***
4177 Bolingbroke Road
Part Lot 12, Concession 5
Geographic Township of South Sherbrooke
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

vi) **FILE #ZA21-17: Ennis – *attached, page 80.***
2022 Beach Road
Part Lot 10, Concession 10
Geographic Township of Bathurst

- a) PLANNER FILE REVIEW & PROPOSED BY-LAW
- b) APPLICANT COMMENTS
- c) PUBLIC COMMENTS
- d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-11 SINCLAIR AND STEWART

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at Star Hill Road, Part Lot 21, Concession 6, Geographic Township of North Burgess (Roll #091191102048035) from Seasonal Residential (RS) to Residential Limited Services (RLS).”

BACKGROUND

The application applies to an approximately 0.8ha (2.05 acre) vacant lot with water frontage of 70m (230ft) on Black Lake.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services (RLS) to permit a year-round primary residence.

The effect of the amendment is to allow a year-round dwelling on a private road. The new dwelling will be setback 30m from Black Lake.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met because the new proposed dwelling, garage and septic system exceed the 30m water setback.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The 30m setback will be met. Much of the heavily forested lot will remain forested.

Section 3.1 Natural Hazards does not appear to be applicable for the proposed development.

County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

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

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

A water setback of 30m is proposed for the new dwelling with a greater setback for the septic and garage.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS). Section 3.4 requires lots where year-round development is proposed on a private road to be rezoned to Limited Services Residential.

Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will be met.

Planner

The applicants are proposing a permanent residence on a vacant lot. The 30m water setback will be met. The property must be rezoned to Residential Limited Services as the permanent dwelling is proposed on a private road.

Rideau Valley Conservation Authority (RVCA)

The RVCA has no objection to the application.

RVCA noted the water quality of Black Lake is fair and that retention of the forest and shoreline vegetation will help to protect Lake quality. RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

Regular Site Plan Control Agreement requirements were suggested by the RVCA.

Mississippi Rideau Septic System Office (MRSSO)

A Septic Permit application has been submitted.

Public

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Star Hill Road, Part Lot 21, Concession 6, Geographic Township of North Burgess (Roll #091191102048035) from Seasonal Residential (RS) to Residential Limited Services (RLS).

ATTACHMENTS

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

Prepared and Submitted By:

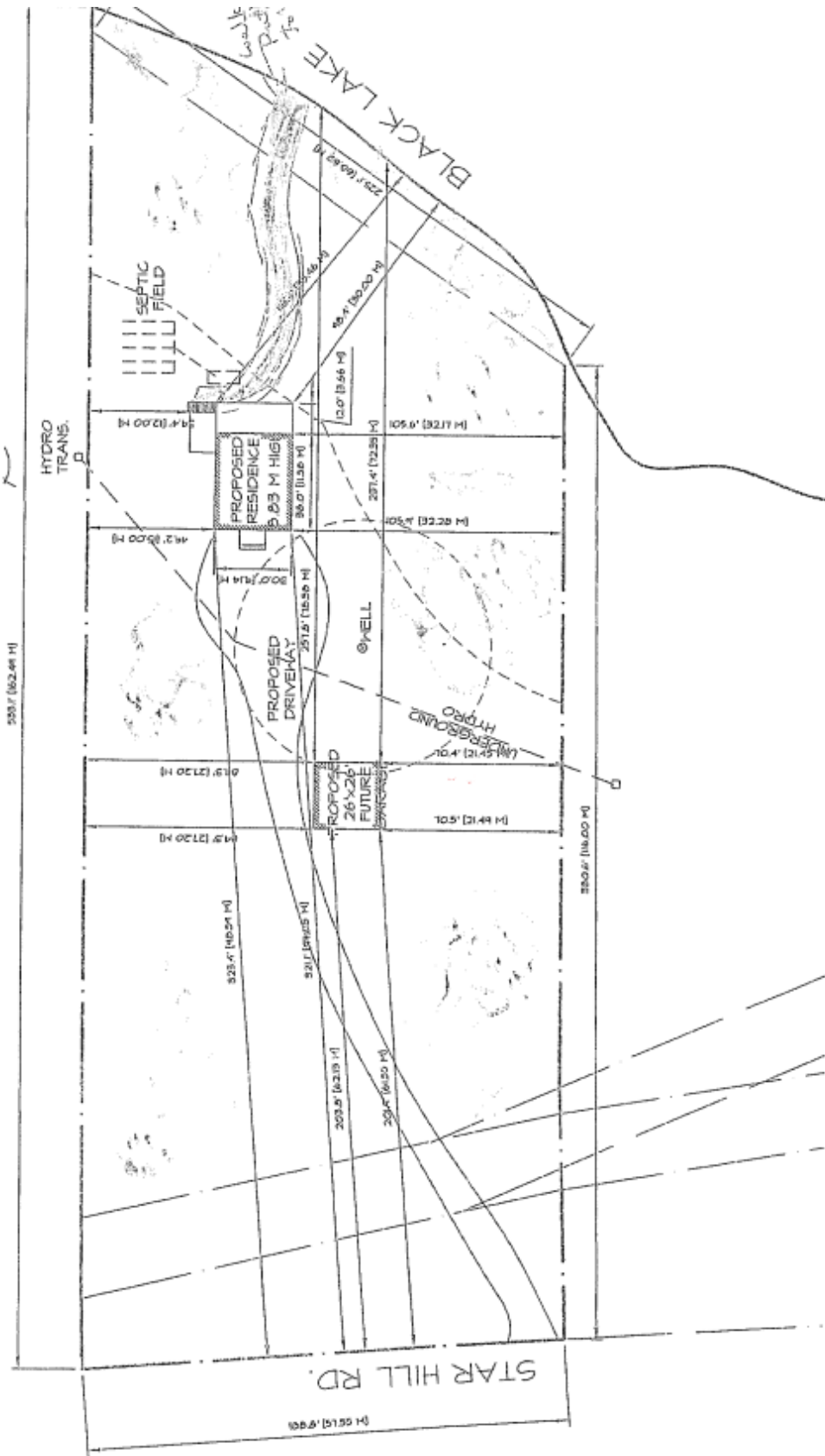
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (SINCLAIR and STEWART – 480 STAR HILL ROAD) (LOT 21, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

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

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

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

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

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

1.0 GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services (RLS) on the lands legally described as Lot 21, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #)091191102048035, in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.
- 1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

SINCLAIR and STEWART – 480 Star Hill Road
Lot 21 Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Seasonal Residential (RS) to Residential Limited Services (RLS)

Certificate of Authentication

This is Schedule "A" to By-Law 2021-0xx passed this 24th day of August 2021.

Reeve

Clerk

Sinclair and Stewart Zoning By-law Amendment

Public Notice

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

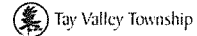
Ontario Land Tribunal

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

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

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

1



1

Sinclair and Stewart

480 Star Hill Road

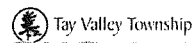
Part Lot 21, Concession 6, Geographic Township of North Burgess

The application applies to an approximately 0.8ha (2.05 acre) vacant lot with water frontage of 70m (230ft) on Black Lake.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services (RLS) to permit a year-round primary residence.

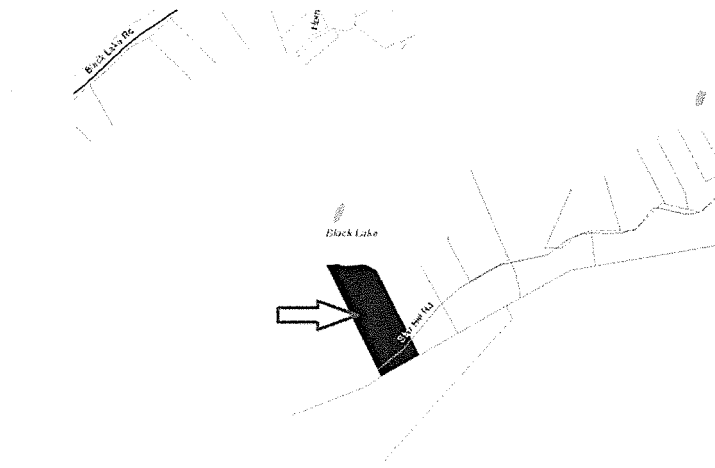
The effect of the amendment is to allow a year-round dwelling on a private road. The new dwelling will be setback 30m from Black Lake.

2



2

Sinclair and Stewart Location

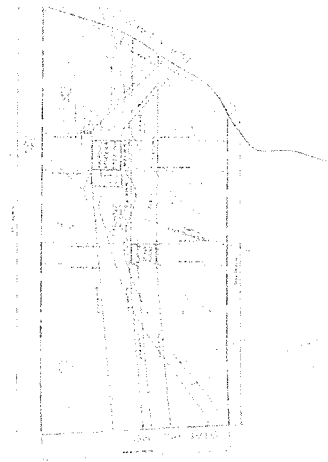


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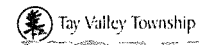


3

Sinclair and Stewart Site Sketch



4

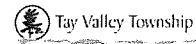


4

Sinclair and Stewart
Planner's Comments
Provincial Policy Statement

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met because the new proposed dwelling, garage and septic system exceed the 30m water setback.

5

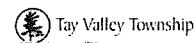


5

Sinclair and Stewart
Planner's Comments
Provincial Policy Statement

- Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The 30m setback will be met. Much of the heavily forested lot will remain forested.
- Section 3.1 Natural Hazards does not appear to be applicable for the proposed development.

6

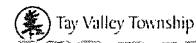


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Sinclair and Stewart County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

7

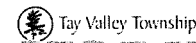


7

Sinclair and Stewart Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- A water setback of 30m is proposed for the new dwelling with a greater setback for the septic and garage.

8

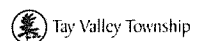


8

Sinclair and Stewart Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS). Section 3.4 requires lots where year-round development is proposed on a private road to be rezoned to Limited Services Residential.
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will be met

9

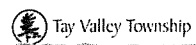


9

Sinclair and Stewart Planner's Comments

- The applicants are proposing a permanent residence on a vacant lot. The 30m water setback will be met. The property must be rezoned to Residential Limited Services as the permanent dwelling is proposed on a private road.

10



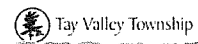
10

Sinclair and Stewart Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA has no objection to the application.
- RVCA noted the water quality of Black Lake is fair and that retention of the forest and shoreline vegetation will help to protect Lake quality. RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.
- Regular Site Plan Control Agreement requirements were suggested by the RVCA.

11



11

Sinclair and Stewart Comments Continued

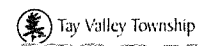
Mississippi-Rideau Septic System Office (MRSSO)

- A septic permit application has been submitted.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

12



12

Sinclair and Stewart Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Star Hill Road, Part Lot 21, Concession 6, Geographic Township of North Burgess (Roll #091191102048035) from Seasonal Residential (RS) to Residential Limited Services (RLS)."

13



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-13 – THE RIDEAU GROUP INC.

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-121 be amended to rezone the lands at Concession 3, Part Lot 27, Sproule Road, Geographic Township of Bathurst (Roll #091191601543810) from Residential (R-21) to General Industrial (M).”

BACKGROUND

The application applies to an approximately 0.41ha (1.01 acre) vacant lot with 118.5m frontage on Sproule Rd.

The purpose of this application is to change the zoning of the property from Residential (R-21) to General Industrial (M). The effect of the amendment is to permit the lot to be used as a contractor’s yard.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the proposed use is in keeping with other employment uses along County Road 511.

County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses.

Official Plan

The subject property is designated in the Official Plan as Rural, Organic Soils, and Source Water Protection Intake Zone 8. Section 3.6 Rural designation permits industrial and commercial uses.

Zoning By-Law

The lot is currently zoned Residential Exception -12 (R-12) as the previous owner had planned to build a duplex on the property. However, the property has been sold as vacant land and the new owners wish to rezone it to General Industrial for use as a contractor's yard.

Planner

The applicants, the Rideau Group, have purchased the property to the west to serve as their business headquarters. They propose to use the subject lot to store plastic pipes and containers similar to their lot at 38 Highway 511. The area for storage is proposed to be located closer to the west of the lot than to the rear yard of the dwelling on the east border of the lot.

The use proposed is in keeping with the Commercial and Industrial zoning of the lots in the area.

A Site Plan Control Agreement is required for a Commercial or Industrial use to delineate any landscaping or other requirements.

Rideau Valley Conservation Authority (RVCA)

The RVCA was not circulated as there are no bodies of water on the subject lot or in the area.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO was not circulated because no development is proposed.

Public

A neighbour had questions about the location and type of the development.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 3, Part Lot 27, Sproule Road, Geographic Township of Bathurst (Roll #091191601543810) from Residential Exception-21(R-21) to General Industrial (M).

ATTACHMENTS

- i) Zoning By-Law

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (THE RIDEAU GROUP INC – SPROULE ROAD) (LOT 27, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BATHURST)

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

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

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

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

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

1.0 GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Residential Exception-21 (R-21) to General Industrial (M) on the lands legally described as Part Lot 27, Concession 3, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191601543810), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.
- 1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

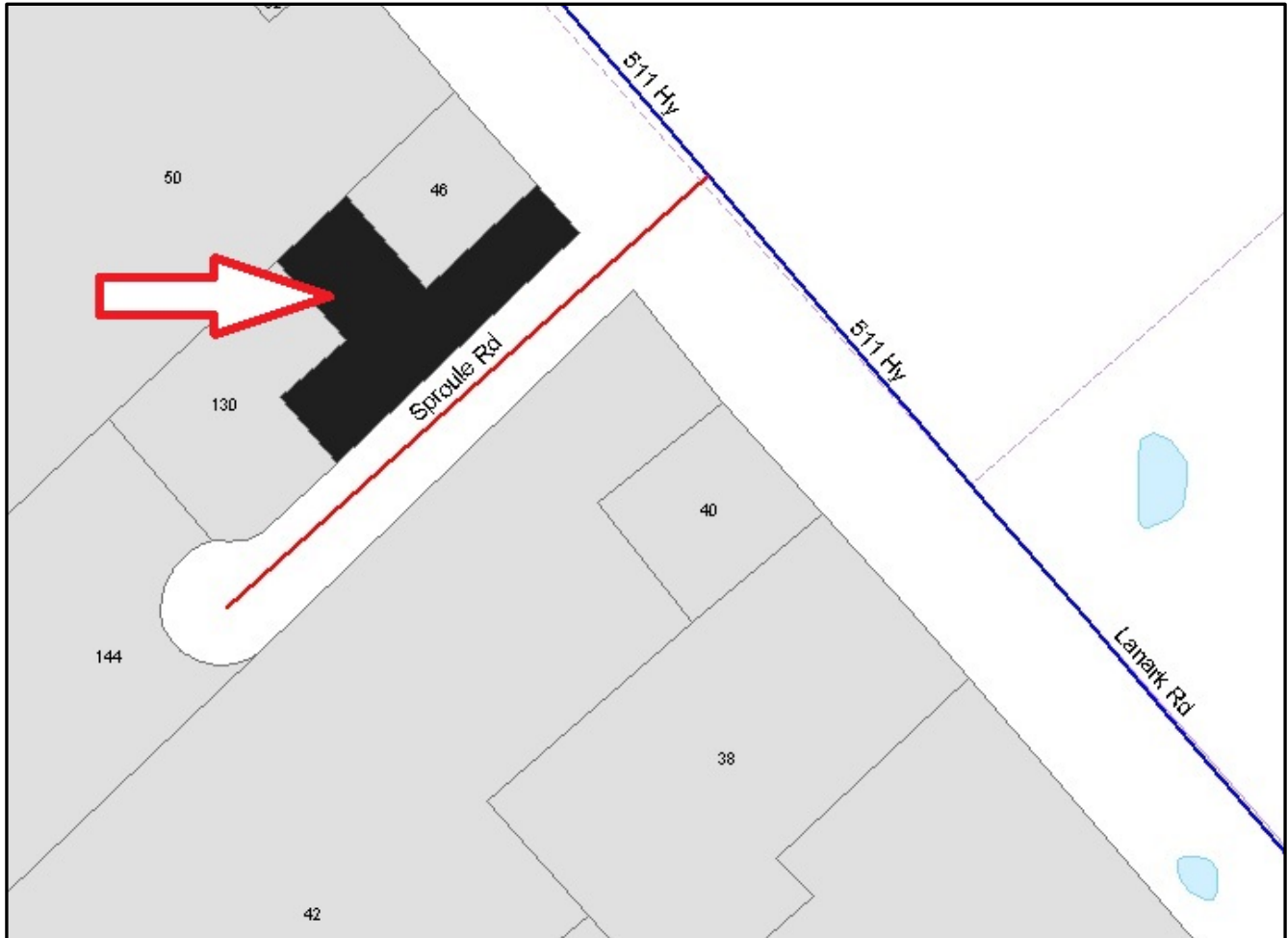
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

The Rideau Group Inc. – Sproule Road
Part Lot 27, Concession 3
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Residential Exception-21 (R-21) to
General Industrial (M)

Certificate of Authentication

This is Schedule "A" to By-Law 2021-0xx
passed this 24th day of August 2021.

Reeve

Clerk

The Rideau Group Inc. Zoning By-law Amendment

Public Notice

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

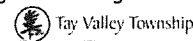
Ontario Land Tribunal

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

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

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

1



1

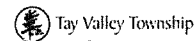
The Rideau Group Inc.

Sproule Road
Part Lot 27, Concession 3, Geographic Township of Bathurst

The application applies to an approximately 0.41ha (1.01 acre) vacant lot with 118.5m frontage on Sproule Rd.

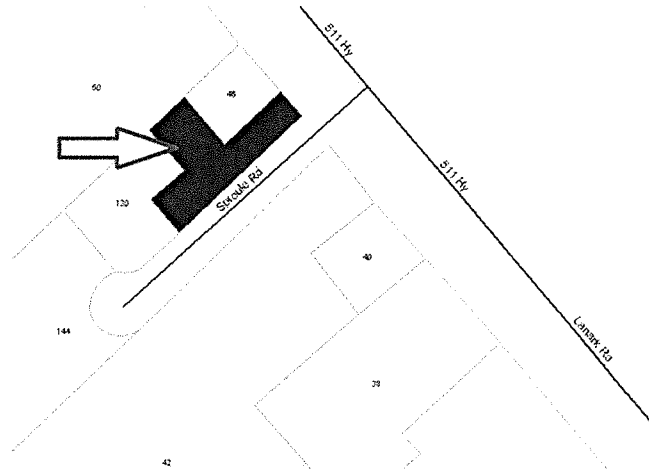
The purpose of this application is to change the zoning of the property from Residential (R-21) to General Industrial (M). The effect of the amendment is to permit the lot to be used as a contractor's yard.

2



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The Rideau Group Inc. Location



3

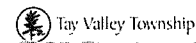


3

The Rideau Group Inc. Planner's Comments Provincial Policy Statement

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the proposed use is in keeping with other employment uses along County Road 511.

4



4

The Rideau Group Inc. County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses.

5

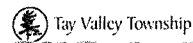


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The Rideau Group Inc. Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, Organic Soils, and Source Water Protection Intake Zone 8. Section 3.6 Rural designation permits industrial and commercial uses.

6

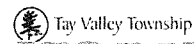


6

The Rideau Group Inc. Planner's Comments Zoning

- The lot is currently zoned Residential Exception-12 (R-12) as the previous owner had planned to build a duplex on the property. However, the property has been sold as vacant land and the new owners wish to rezone it to General Industrial for use as a contractor's yard.

7

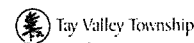


7

The Rideau Group Inc. Planner's Comments

- The applicants , the Rideau Group Inc., have purchased the property to the west to serve as their business headquarters. They propose to use the subject lot to store plastic pipes and containers similar to their lot at 38 Highway 511. The area for storage is proposed to be located closer to the west of the lot than to the rear yard of the dwelling on the east border of the lot.
- The use proposed is in keeping with the Commercial and Industrial zoning of the lots in the area.
- A Site Plan Control Agreement is required for a Commercial or Industrial use to delineate any landscaping or other requirements.

8



8

The Rideau Group Inc. Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA was not circulated as there are no bodies of water on the subject lot or in the area.

9



9

The Rideau Group Inc. Comments Continued

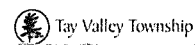
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO was not circulated because no development is proposed.

Public Comments

- A neighbour had questions about the location and type of the development.

10



10

The Rideau Group Inc. Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Sproule Road, Concession 3, Part Lot 27, Geographic Township of Bathurst (Roll #091191601543810) from Residential Exception-21 (R-21) to General Industrial (M)."

11



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-14 BEANGE

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at 954 Pike Lake Route 9, Part Lot 21, Concession 8, Geographic Township of North Burgess (Roll #091191101525000) from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187).”

BACKGROUND

The application applies to an approximately 0.26 ha (0.64 acre) lot with water frontage of 94m (310 ft) on Pike Lake. The property had received approval through a minor variance two years ago to rebuild the cottage at an increased setback from the lake. With the pandemic, the owners have decided they would like to be able to live year-round in the dwelling.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187) in keeping with Section 3.4 of the Zoning By-law which requires residential development on a private road to occur in the Residential Limited Services zone.

The effect of the amendment is to permit a new dwelling on a private road to be used as a year-round residence, at a water setback of 4.6 m which is 1.5m farther from the lake than the original cottage.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met because the new proposed dwelling is farther from the lake than the original cottage, a new septic system has been installed farther from the lake, and a Site Plan Control Agreement has been executed on the property.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The new dwelling is farther from the lake, and the bulk of the property will be left in a forested state through the Site Plan Control Agreement.

Section 3.1 Natural Hazards is not applicable for the proposed development.

County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

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

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

However, exceptions to the 30m are permitted where existing development or physical constraints preclude the setback from being met. In this case the cottage is being demolished and rebuilt slightly farther from the water. The location of the new septic system (farther from the lake) and existing garage preclude the cottage from being set farther back on the property.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS).

Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will not be met. However, the cottage will be rebuilt at a setback of 4.62m, 1.5m farther from the lake than it was located previously. Section 3.4 requires the property to be rezoned to Residential Limited Services to permit a year-round dwelling.

Planner

The applicants are proposing a permanent residence on a lot containing a seasonal cottage and garage. The property must be rezoned to Residential Limited Services as the permanent dwelling is proposed on a private road.

The cottage cannot be moved farther back from the lake because of the location of the new septic system and the existing garage.

The increase in water setback, in combination with the new septic system (farther from the lake) and Site Plan Control Agreement, should result in an environmental net gain.

Rideau Valley Conservation Authority (RVCA)

The RVCA had no objection to the previous minor variance and recommended clauses for the Site Plan Control Agreement that have been implemented, including protecting the forest and forested shoreline that makes up the bulk of the property.

Mississippi Rideau Septic System Office (MRSSO)

A new septic system has been installed.

Public

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at 954 Pike Lake Route 9, Part Lot 21, Concession 8, Geographic Township of North Burgess (Roll #091191101525000) from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187).

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

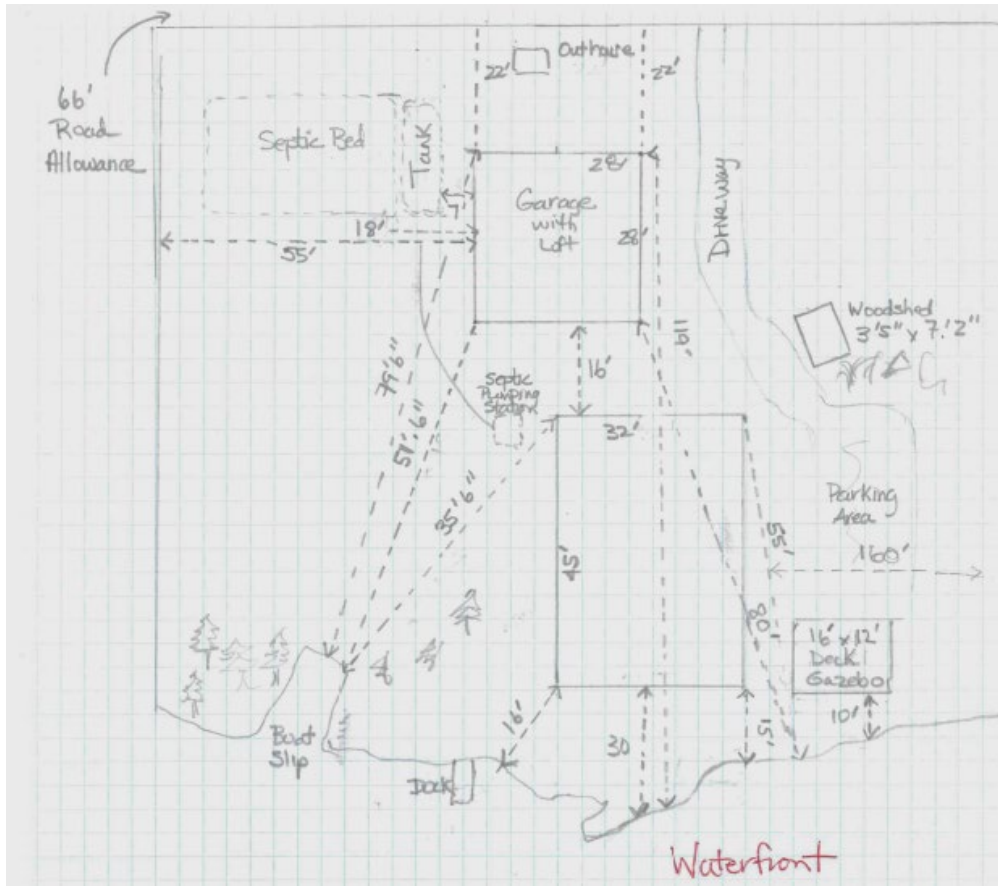
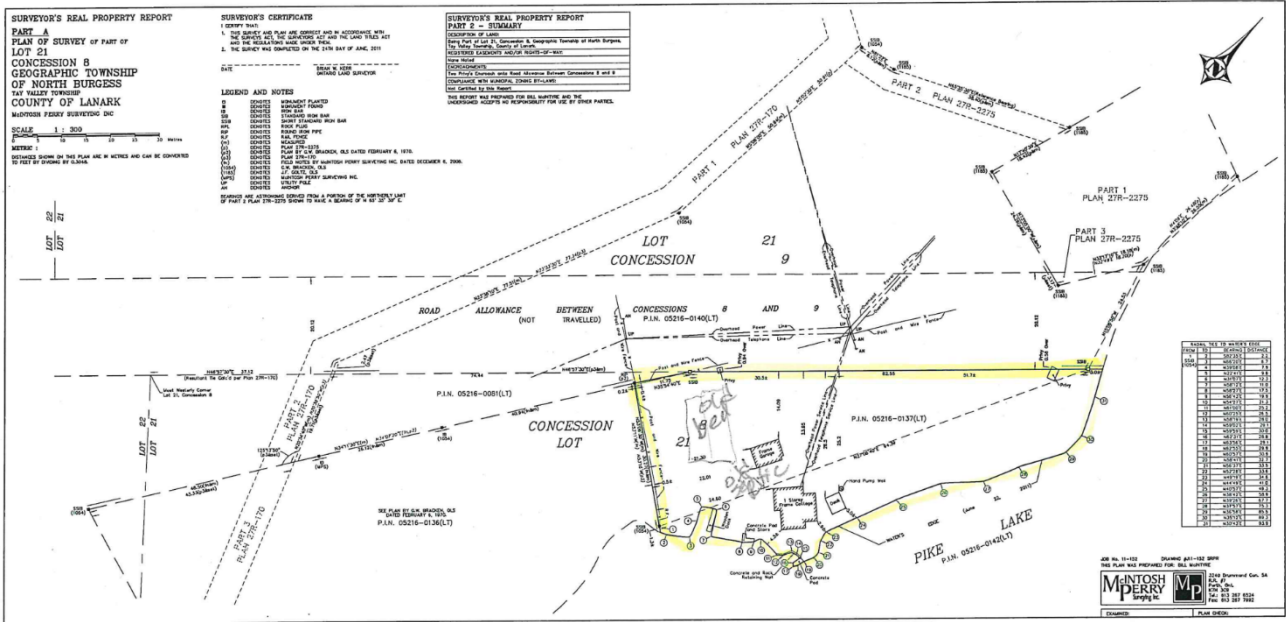
Original signed

Original signed

**Noelle Reeve,
Planner**

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

Existing



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (BEANGE – 954 PIKE LAKE ROUTE 9) (LOT 21, CONCESSION 8, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

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

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

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

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

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

1.0 GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187) on the lands legally described as Part Lot 21, Concession 8, Geographic Township of North Burgess (Roll #091191101525000), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

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

187. RLS-187 (Part Lot 21, Concession 8, North Burgess)

Notwithstanding the provisions of Section 3.29, on the lands zoned RLS-187 the following provisions shall prevail:

- Water Setback dwelling east corner (minimum) 4.5m
- Water setback garage(minimum) 23.2 m
- Water setback septic (minimum) 24 m

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

- 1.3** THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.4** THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with the Planning Act, as amended.

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

BEANGE – 954 Pike Lake Route 9
Part Lot 21, Concession 8
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Seasonal Residential (RS) to Residential Limited Services Special Exception (RLS-187)

Certificate of Authentication

This is Schedule "A" to By-Law 2021-0xx passed this 24th day of August 2021.

Reeve

Clerk

Beange Zoning By-law Amendment

Public Notice

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

Ontario Land Tribunal

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

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

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

1



1

Beange

954 Pike Lake Route 9

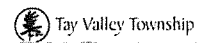
Part Lot 21, Concession 8, Geographic Township of North Burgess

The application applies to an approximately 0.26 ha (0.64 acre) lot with water frontage of 94m (310 ft) on Pike Lake. The property had received approval through a minor variance two years ago to rebuild the cottage at an increased setback from the lake. With the pandemic, the owners have decided they would like to be able to live year-round in the dwelling.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187) in keeping with Section 3.4 of the Zoning By-law which requires residential development on a private road to occur in the Residential Limited Services zone.

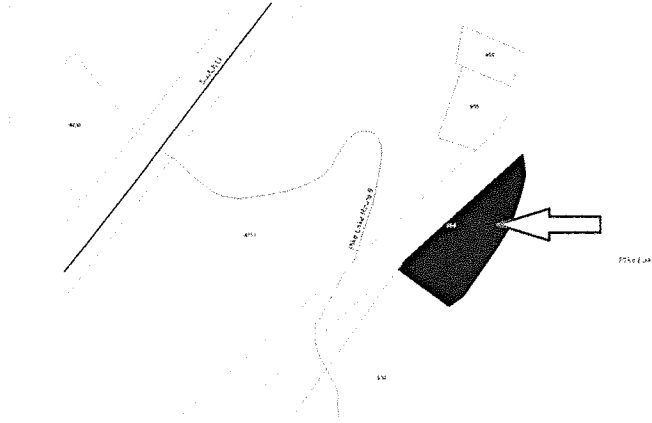
The effect of the amendment is to permit a new dwelling on a private road to be used as a year-round residence, at a water setback of 4.6 m which is 1.5m farther from the lake than the original cottage.

2



2

Beange Location

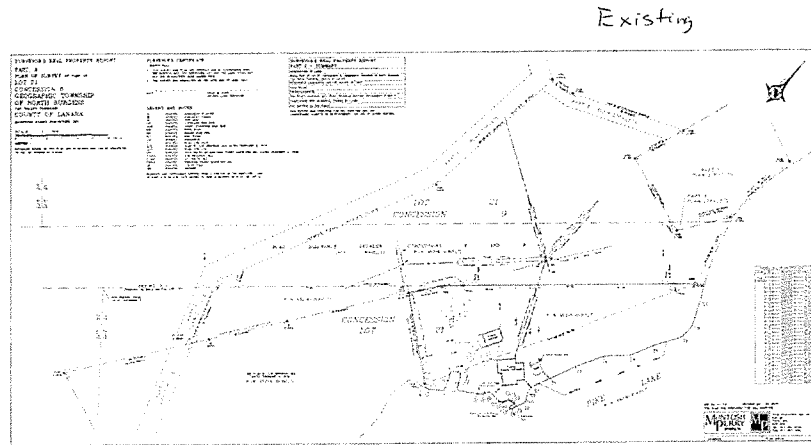


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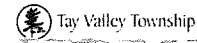


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Beange Site Sketch

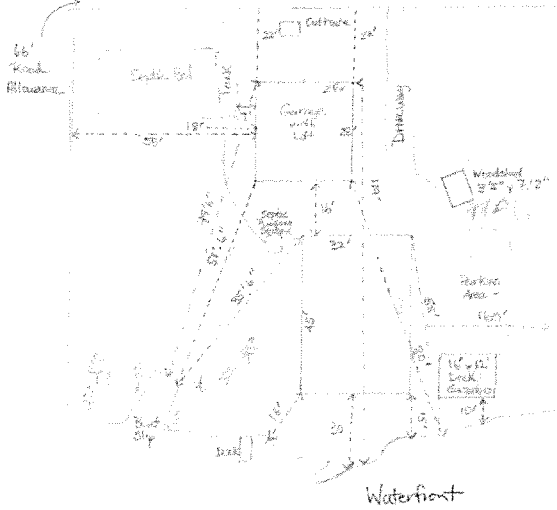


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Beange Site Sketch

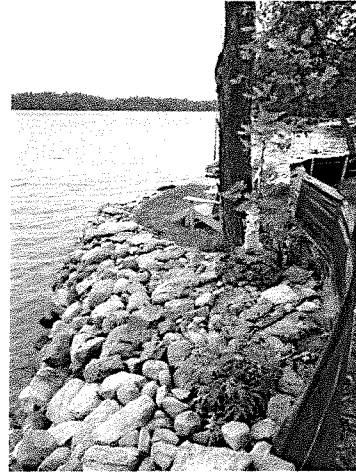


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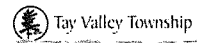


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Beange Photos

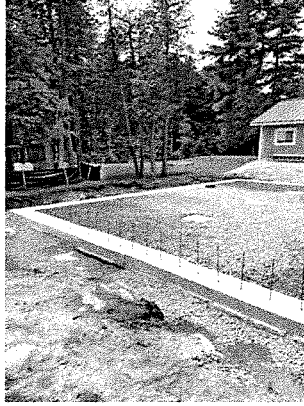


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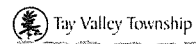


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Beange Photos



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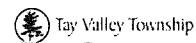


7

Beange Planner's Comments Provincial Policy Statement

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met because the new proposed dwelling is farther from the lake than the original cottage, a new septic system has been installed farther from the lake, and a Site Plan Control Agreement has been executed on the property.

8



8

Beange County Sustainable Communities Official Plan

- Section 3.3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

9

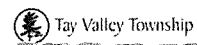


9

Beange Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

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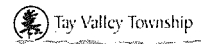


10

Beange Planner's Comments Official Plan

- However, exceptions to the 30m are permitted where existing development or physical constraints preclude the setback from being met. In this case the cottage is being demolished and rebuilt slightly farther from the water. The location of the new septic system (farther from the lake) and existing garage preclude the cottage from being set farther back on the property.

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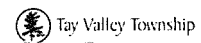


11

Beange Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS).
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will not be met. However, the cottage will be rebuilt at a setback of 4.62m, 1.5m farther from the lake than it was located previously. Section 3.4 requires the property to be rezoned to Residential Limited Services to permit a year-round dwelling

12

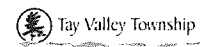


12

Beange Planner's Comments

- The applicants are proposing a permanent residence on a lot containing a seasonal cottage and garage. The property must be rezoned to Residential Limited Services as the permanent dwelling is proposed on a private road.
- The cottage cannot be moved farther back from the lake because of the location of the new septic system and the existing garage.
- The increase in water setback, in combination with the new septic system (farther from the lake) and Site Plan Control Agreement, should result in an environmental net gain.

13



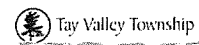
13

Beange Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA had no objection to the previous minor variance and recommended clauses for the Site Plan Control Agreement that have been implemented, including protecting the forest and forested shoreline that makes up the bulk of the property.

14



14

Beange Comments Continued

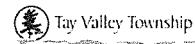
Mississippi-Rideau Septic System Office (MRSSO)

- A new septic system has been installed.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

15

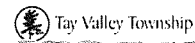


15

Beange Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at 954 Pike Lake Route 9, Part Lot 21, Concession 8, Geographic Township of North Burgess (Roll #091191101525000) from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187)."

16



16

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-15 SCHEUNEMAN

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone the eastern portion of the lands at Concession 6, Part Lots 2 and 3, 1776 Old Brooke Road, Geographic Township of Bathurst (Roll #091191602009600) from Rural (Ru) to Residential Exception-29 (R-29).”

BACKGROUND

The application applies to an approximately 0.68ha (1.68 acre) proposed severed lot with road frontage of 114m.

The purpose of this application is to change the zoning of the eastern portion of the property from Rural (Ru) to Residential Exception-29 (R-29) as a condition of severance for B21-001.

The effect of the amendment is to permit a residential lot to be created with a setback of 15m from the top of a steep slope at the north of the property.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the lot is proposed on a Township road and is in keeping with the fabric of the lots in the area.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The area proposed for development is well over 30m from the stream along the south of the property.

Section 3.1 Natural Hazards will be met if development is built closer to Old Brooke Road than to the cliff at the northern end of the proposed severance where RVCA identified a steep slope. RVCA also noted that the eastern portion of Old Brooke Road is known to flood during the spring freshet, although the exact height of flooding is unknown. Safe access can, however, be provided from the west end of Old Brooke Road.

County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

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

Section 2.20.4 Natural Hazard Features - steep slopes applies to the rear of the proposed severed lot.

The provisions of Sections 5.2.2 General Policies and 5.2.3 Consent Policies for Land Division require rezoning the proposed severed lot to Residential Exception-29 (R-29).

Zoning By-Law

The lot is currently zoned Rural (Ru). A minimum lot area of 1.0 ha and 60 m of road frontage are required for lots within the Rural zone.

The proposed severed lot meets frontage requirements but requires rezoning to Residential as it does not meet the 1.0 ha minimum for the Rural zone but does exceed the 4,050 m² requirement for a lot in the Residential zone.

The exception is required to indicate that development may not occur within 15m of the top of the steep slope at the rear of the proposed lot.

Planner

The severance has received conditional approval and the rezoning is needed to clear one of the conditions of severance required by the Lanark County Land Division Committee.

Rideau Valley Conservation Authority (RVCA)

The RVCA had no objection to the previous minor variance and recommended clauses for the Site Plan Control Agreement that have been implemented, including protecting the forest and forested shoreline that makes up the bulk of the property.

Mississippi Rideau Septic System Office (MRSSO)

A new septic system has been installed.

Public

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at 954 Pike Lake Route 9, Part Lot 21, Concession 8, Geographic Township of North Burgess (Roll #091191101525000) from Seasonal Residential (RS) to Residential Limited Services Special Exception-187 (RLS-187).

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (SCHEUNEMAN – 1776 OLD BROOKE ROAD) (PART LOTS 2 and 3, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF BATHURST)

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

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

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

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

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

1.0 GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (Ru) to Residential Exception (R-29) on the lands legally described as Part Lots 2 and 3, Concession 6, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191602009600), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

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

29. R-29 (Part Lots 2 and 3, Concession 6, Bathurst)

Notwithstanding the provisions of Section 5.1.2, on the lands zoned R-29 the following provisions shall prevail:

- Rear yard setback (minimum) 15 m from the top of slope

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

1.3 THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.

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

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

SCHEUNEMAN – 1776 Old Brooke Rd
Part Lots 2 and 3, Concession 6
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Rural (Ru) to Residential
Special Exception-29 (R-29) on the east corner
of the property

Certificate of Authentication

This is Schedule "A" to By-Law 2020-0xx
passed this 23rd day of August 2021.

Reeve

Clerk

Scheuneman Zoning By-law Amendment

Public Notice

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

Ontario Land Tribunal

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

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

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

1



1

Scheuneman

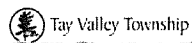
1776 Old Brooke Road
Part Lot 2 & 3, Concession 6, Geographic Township of Bathurst

The application applies to an approximately 0.68ha (1.68 acre) proposed severed lot with road frontage of 114m.

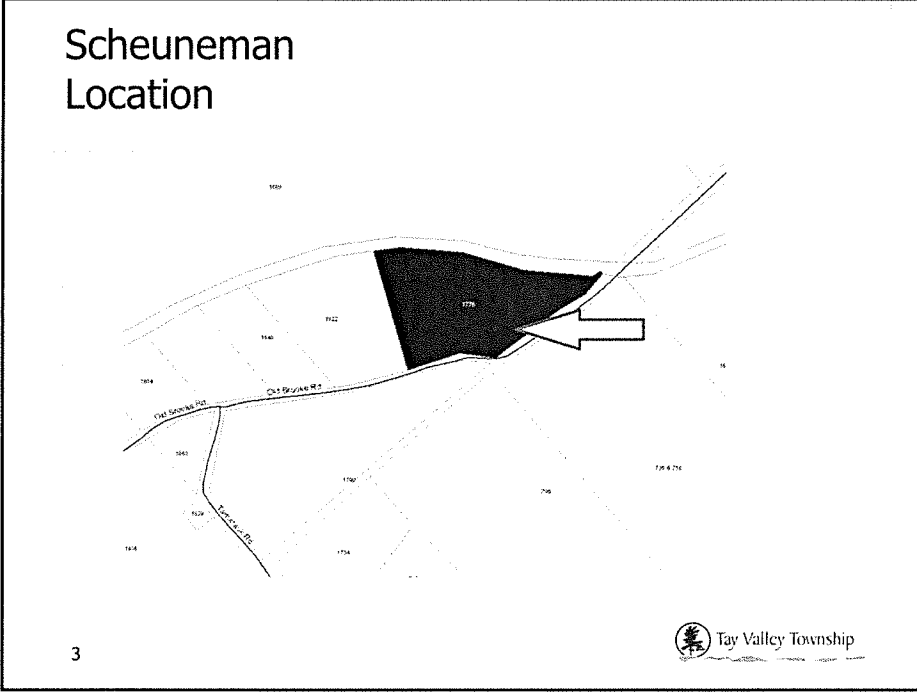
The purpose of this application is to change the zoning of the eastern portion of the property from Rural (Ru) to Residential Exception-29 (R-29) as a condition of severance for B21-001.

The effect of the amendment is to permit a residential lot to be created with a setback of 15m from the top of a steep slope at the north of the property

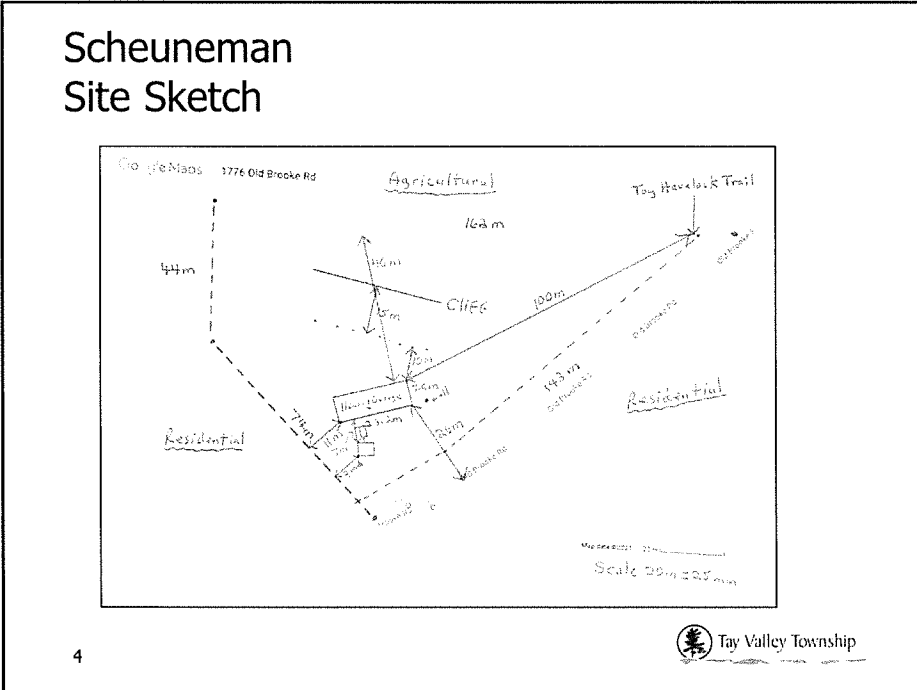
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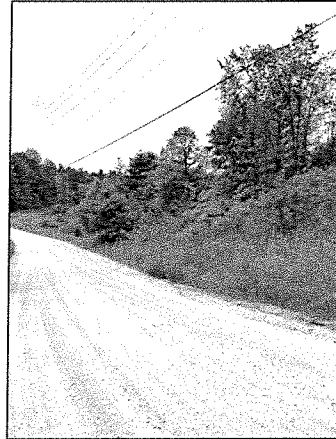
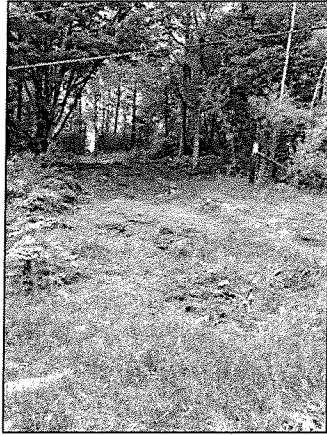


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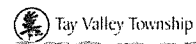


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Scheuneman Photos



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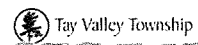


5

Scheuneman Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the lot is proposed on a Township road and is in keeping with the fabric of the lots in the area.

6



6

Scheuneman Planner's Comments Provincial Policy Statement (PPS)

- Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The area proposed for development is well over 30m from the stream along the south of the property.
- Section 3.1 Natural Hazards will be met if development is built closer to Old Brooke Road than to the cliff at the northern end of the proposed severance where RVCA identified a steep slope. RVCA also noted that the eastern portion of Old Brooke Road is known to flood during the spring freshet, although the exact height of flooding is unknown. Safe access can, however, be provided from the west end of Old Brooke Road.

7

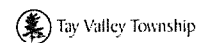


7

Scheuneman County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

8



8

Scheuneman Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural with some Organic soil. Section 3.6 Rural designation permits residential uses.
- Section 2.20.4 Natural Hazard Features - steep slopes applies to the rear of the proposed severed lot.
- The provisions of Sections 5.2.2 General Policies and 5.2.3 Consent Policies for Land Division require rezoning the proposed severed lot to Residential Exception-29 (R-29)

9

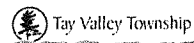


9

Scheuneman Planner's Comments Zoning

- The lot is currently zoned Rural (Ru). A minimum lot area of 1.0 ha and 60 m of road frontage are required for lots within the Rural zone.
- The proposed severed lot meets frontage requirements but requires rezoning to Residential as it does not meet the 1.0 ha minimum for the Rural zone but does exceed the 4,050 m² requirement for a lot in the Residential zone.
- The exception is required to indicate that development may not occur within 15m of the top of the steep slope at the rear of the proposed lot.

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Scheuneman Planner's Comments

- The severance has received conditional approval and the rezoning is needed to clear one of the conditions of severance required by the Lanark County Land Division Committee.

11



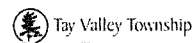
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Scheuneman Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA has no objection to the requested amendment. The RVCA requested the site-specific Zoning By-law Amendment as the cliff at the rear of the proposed parcel should not have any buildings or structures located within 15m of its edge.
- The watercourse on the property is a tributary to Rudsdale Creek. Rudsdale Creek has a water quality rating being predominantly "fair" but lately trending towards "good" over the 2006-2017 monitoring period. Rudsdale Creek is still classified as a cool water system, one of the few within this part of the watershed. Efforts should be undertaken to protect the Creek from possible pollution sources.

12



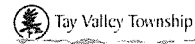
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Scheuneman Comments

Rideau Valley Conservation Authority (RVCA)

- The stream on the subject property is a wetland type headwater with perennial flow. The RVCA commends the landowner for maintaining it as an unaltered headwater with most of the natural vegetation remaining on either side of the watercourse.
- This property, as are most in Tay Valley, is located over a highly vulnerable aquifer so care should be taken to avoid practices that would have a negative effect on groundwater e.g., changing motor oil straight onto the ground, etc.

13



13

Scheuneman Comments Continued

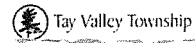
Mississippi-Rideau Septic System Office (MRSSO)

- MRSSO has no objections.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

14



14

Scheuneman Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 6, Part Lots 2 and 3, 1776 Old Brooke Road, Geographic Township of Bathurst (Roll #091191602009600) from Rural (Ru) to Residential Special Exception 29 (R-29)."

15



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-16 WHYTE

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone a portion of the lands at Concession 5, Part Lots 12 and 13, Bolingbroke Road, Geographic Township of South Sherbrooke (Roll #091191402080200) from Rural (Ru) to Residential Limited Services (RLS).”

BACKGROUND

The application applies to two proposed severed lots on Bolingbroke Road. One lot is approximately 1.01 ha (2.5 acre) located along the north side of Rancier Road and one lot is approximately 0.97ha (2.4 acre) located along the south side of Rancier Road.

The purpose of this application is to change the zoning of the two proposed properties from Rural to Residential Limited Services.

The effect of the amendment is to fulfil a condition of severance for applications B21/059 and B21/060 for two residential lots proposed on a private road.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the lots are proposed between two subdivisions on a main County Road (36).

Section 2.1.1 Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Although there are headwaters of tributaries to Rainbow Lake, a pond and wetlands on the property, Section 2.1 Natural Heritage is satisfied as the development is not anticipated to affect these features since the recommendations of the Environmental Impact Statement (EIS) prepared by Pinegrove Environmental (and reviewed by the RVCA’s biologists) are included in a Development Agreement.

Section 2.2.2 Water states, “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored”.

The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. The EIS for B20/60 specifically mentions groundwater breakthrough on the surface and the need for extra care to be taken has been included in the Development Agreement.

Section 3.1 Protecting Public Health and Safety – Natural Hazards is met as there is no floodplain hazard identified for the watercourses.

County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage features.

Section 5.5.8 Surface and Ground Water Protection and Enhancement states that, “the ground water resource is crucial in the County of Lanark as it is the source of drinking water for the vast majority of our communities and our rural population. In addition to residential uses, ground water is crucial for the watering of livestock, farm irrigation and commercial and industrial uses. The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on surface water and ground water in order to ensure the long term viability of this resource.

The applicant drilled a test well to ensure there is sufficient water quantity and quality for the lots. While hardness, iron and manganese were present in the well water, they can be treated to meet Provincial Water Quality requirements. More than adequate quantity of water was determined to be available.

Official Plan

The proposed severed lots are designated Rural under Section 3.6 of the Township Official Plan. The use is proposed to be residential which is permitted in the Rural designation.

Under Section 2.22.5 Natural Heritage Features, the wetlands on the property were evaluated through the Pinegrove EIS and are protected through the Development Agreement. The wetlands on the properties provide hydrological benefits including a groundwater recharge/discharge area, providing a more stable source of water during low water conditions; filtering drinking water; and attenuation of flood water.

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

Section 5.2.3.4 requires lots created by consent on existing private roads to be zoned Limited Residential Services. The provisions of Sections 5.2.7 and 5.2.9 Land Division are met through implementing the requirements of the EIS in the Development Agreement for each lot).

Zoning By-Law

The proposed severed parcels are currently zoned Rural (RU). However, to comply with Section 3.4 of the Zoning By-law, the proposed severed lots must be rezoned to Residential Limited Services because the lots will take their frontage from a private road – Rancier Road

Planner

The severances have received conditional approval and the rezoning is needed to clear one of the conditions of severance required by the Lanark County Land Division Committee.

Rideau Valley Conservation Authority (RVCA)

The RVCA has no objection to the requested amendment because the recommendations in Section 5 of the Pinegrove Environmental Impact Statement have been incorporated into Development Agreements.

The property overlies a highly vulnerable aquifer as does most of Tay Valley Township. In these cases, the RVCA recommends increased well-casing depths, increased distances from septic systems to wells, and ensuring septic systems are down gradient from wells.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO has no objections. The septic systems must be located greater than 30m from a waterbody.

Public

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the two proposed severed lots at the south end of Part Lots 12 and 13, Concession 5, Bolingbroke Road, Geographic Township of South Sherbrooke (Roll #091191402080200) from Rural (Ru) to Residential Limited Services (RLS).

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (WHYTE – 4177 BOLINGBROKE ROAD) (PART LOT 12, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

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

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

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

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

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

1.0 GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (Ru) to Residential Limited Services (RLS) on the southern part of the lands legally described as Part Lots 12 and 13, Concession 5, Geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll #091191402080200), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

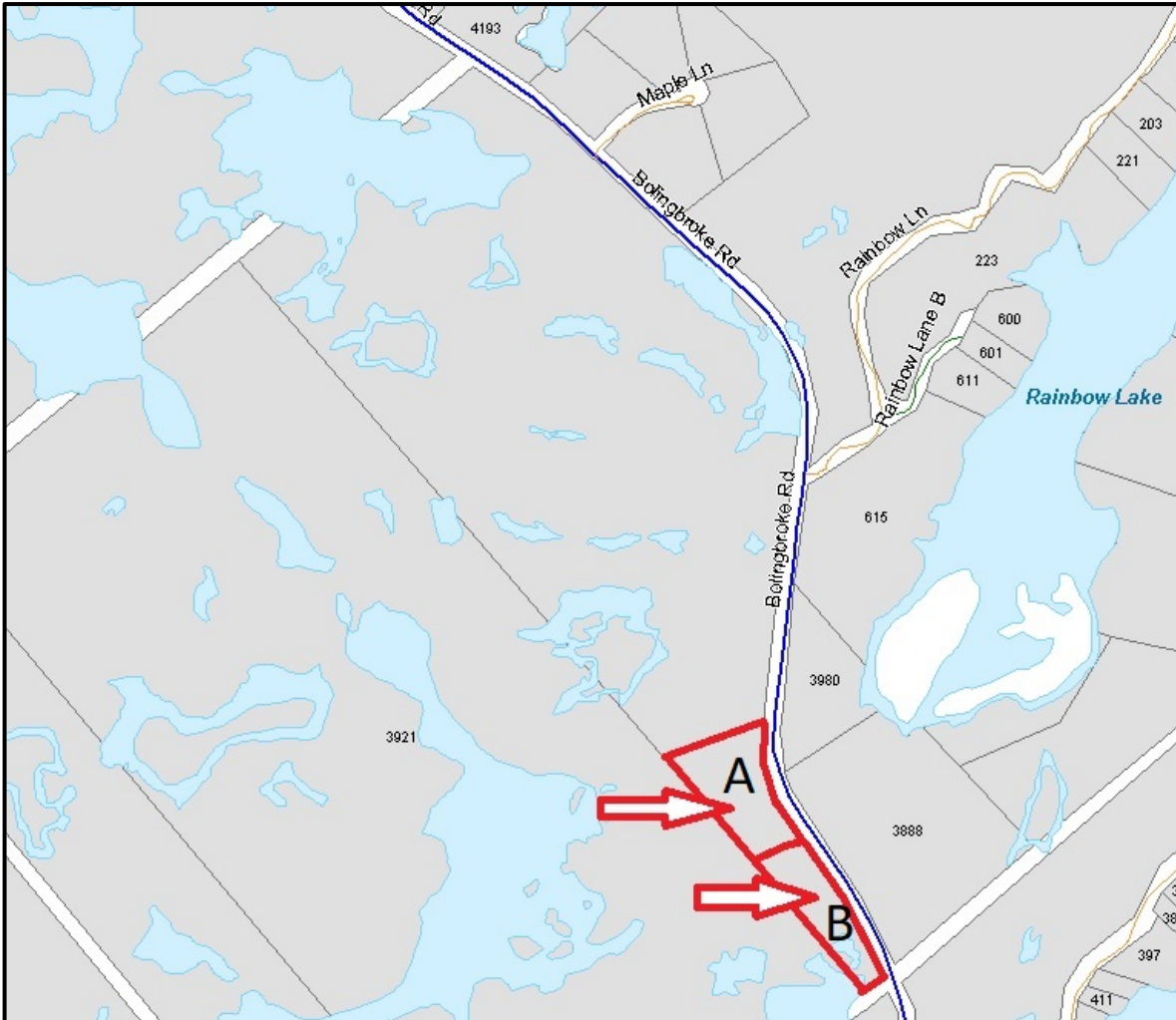
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

WHYTE – 4177 Bolingbroke Road
Part Lots 12 and 13, Concession 5
Geographic Township of South Sherbrooke
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Rural (Ru) to Residential Limited Services (RLS)

Certificate of Authentication

This is Schedule "A" to By-Law 2020-0xx passed this 24th day of August 2021.

Reeve

Clerk

Whyte

Zoning By-law Amendment

Public Notice

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

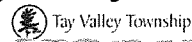
Ontario Land Tribunal

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1



1

Whyte

4177 Bolingbroke Road
Part Lot 12, Concession 5, Geographic Township of South Sherbrooke

The application applies to two proposed severed lots on Bolingbroke Road. One lot is approximately 1.01 ha (2.5 acre) located along the north side of Rancier Road and one lot is approximately 0.97ha (2.4 acre) located along the south side of Rancier Road.

The purpose of this application is to change the zoning of the two proposed properties from Rural to Residential Limited Services.

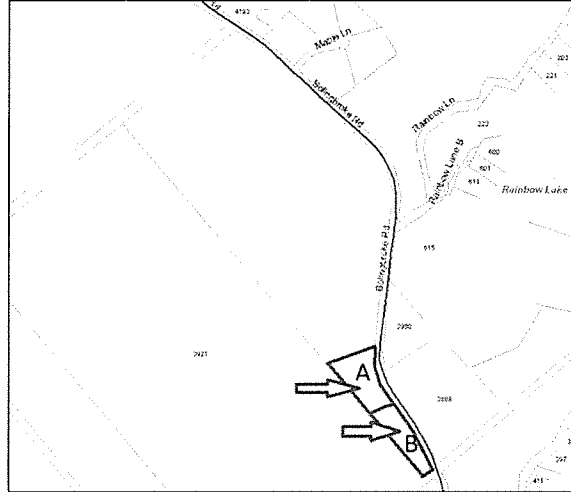
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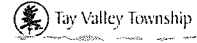


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Whyte Location

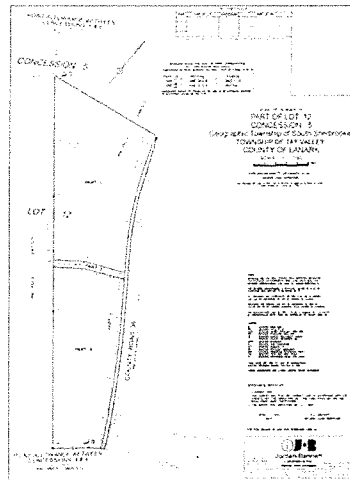


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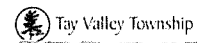


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Whyte Site Sketch



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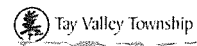


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Whyte Planner's Comments Provincial Policy Statement

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the lots are proposed between two subdivisions on a main County Road (36).

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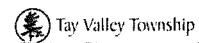


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Whyte Planner's Comments Provincial Policy Statement

- Section 2.1.1 Natural Heritage states that, "Natural features and areas shall be protected for the long term". Although there are headwaters of tributaries to Rainbow Lake, a pond and wetlands on the property, Section 2.1 Natural Heritage is satisfied as the development is not anticipated to affect these features since the recommendations of the Environmental Impact Statement (EIS) prepared by Pinegrove Environmental (and reviewed by the Rideau Valley Conservation Authority's biologists) are included in a Development Agreement.
- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored".

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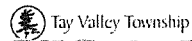


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Whyte Planner's Comments Provincial Policy Statement

- The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. The EIS for B20/60 specifically mentions groundwater breakthrough on the surface and the need for extra care to be taken has been included in the Development Agreement.
- Section 3.1 Protecting Public Health and Safety – Natural Hazards is met as there is no floodplain hazard identified for the watercourses.

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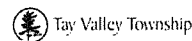


7

Whyte County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage features.

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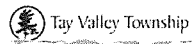


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Whyte County Sustainable Communities Official Plan

- Section 5.5.8 Surface and Ground Water Protection and Enhancement states that, "the ground water resource is crucial in the County of Lanark as it is the source of drinking water for the vast majority of our communities and our rural population. In addition to residential uses, ground water is crucial for the watering of livestock, farm irrigation and commercial and industrial uses. The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on surface water and ground water in order to ensure the long term viability of this resource.

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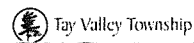


9

Whyte County Sustainable Communities Official Plan

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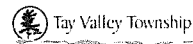


10

Whyte Planner's Comments Official Plan

- The proposed severed lots are designated Rural under Section 3.6 of the Township Official Plan. The use is proposed to be residential which is permitted in the Rural designation.
- Under Section 2.22.5 Natural Heritage Features, the wetlands on the property were evaluated through the Pinegrove EIS and are protected through the Development Agreement. The wetlands on the properties provide hydrological benefits including: a groundwater recharge/discharge area, providing a more stable source of water during low water conditions; filtering drinking water; and attenuation of flood water.

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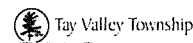


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Whyte Planner's Comments Official Plan

- The subject properties overlay a highly vulnerable aquifer. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.
- Section 5.2.3.4 requires lots created by consent on existing private roads to be zoned Limited Residential Services. The provisions of Sections 5.2.7 and 5.2.9 Land Division are met through implementing the requirements of the EIS in the Development Agreement for each lot.

12



12

Whyte Planner's Comments Zoning

- The proposed severed parcels are currently zoned Rural (RU). However, to comply with Section 3.4 of the Zoning By-law, the proposed severed lots must be rezoned to Residential Limited Services because the lots will take their frontage from a private road – Rancier Road.

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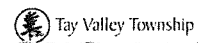


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Whyte Planner's Comments

- The severances have received conditional approval and the rezoning is needed to clear one of the conditions of severance required by the Lanark County Land Division Committee.

14



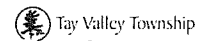
14

Whyte Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA has no objection to the requested amendment because the recommendations in Section 5 of the Pinegrove Environmental Impact Statement have been incorporated into Development Agreements.
- The property overlies a highly vulnerable aquifer as does most of Tay Valley Township. In these cases, the RVCA recommends increased well-casing depths, increased distances from septic systems to wells, and ensuring septic systems are down gradient from wells.

15



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Whyte Comments Continued

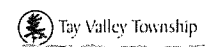
Mississippi-Rideau Septic System Office (MRSSO)

- MRSSO has no objections. The septic systems must be located greater than 30m from a waterbody.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

16



16

Whyte Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the two proposed severed lots at the south end of Part Lots 12 and 13, Concession 5, Bolingbroke Road, Geographic Township of South Sherbrooke (Roll #091191402080200) from Rural (Ru) to Residential Limited Services (RLS)."

17



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 12th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-17 ENNIS

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone a portion of the lands at Concession 10, Part Lot 10, 2022 Beach Road, Geographic Township of Bathurst (Roll #091191603016200) from Rural to Residential Limited Services (RLS).”

BACKGROUND

The application applies to the western portion of an approximately 30.4ha (75 acre) lot with over 500m of water frontage.

The purpose of this application is to change the zoning of approximately 2ha (5 acres) of the property from Rural (Ru) to Residential Limited Services (RLS). Other portions of the larger property are zoned Tourist Commercial, Rural and Seasonal Residential.

The effect of the amendment is to permit construction of a new dwelling on Beach Road, a private road.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the dwelling will be located close to existing development on Beach Road.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. Bennett Lake water quality is rated Good by the Mississippi Valley Conservation Authority (MVCA). The proposed location for the dwelling is separated from the lake by Beach Road and will be more than 30m from the lake.

County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses. The property is also designated Deer Yard under Section 2.22.3. The MVCA did not require an Environmental Impact Assessment (EIS) for a severance on the larger lot earlier this year nor did they require a Development Agreement. Therefore, no EIS was undertaken for the rezoning application.

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

A setback of greater than 30m will be met for the location of the dwelling.

Zoning By-Law

The portion of the lot to be rezoned is currently zoned Rural (Ru). Other parts of the lot are zoned Tourist Commercial (CT), Seasonal Residential (RS) and Rural (Ru).

Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will be met.

Section 3.4 requires development on a private road to be zoned Residential Limited Services.

There are two rental cabins on the property that are associated with the Ennis Campground. They will have to be rezoned to Commercial, closed or severed as a lot addition to the Campground, before the dwelling can be occupied.

Planner

The applicants have proposed construction at greater than located 30m from the lake. The rezoning is required because development is prosed on a private road.

Mississippi Valley Conservation Authority (MVCA)

The MVCA had no concerns regarding this portion of the property when a severance application was made on it in the previous year. This portion of the property is not affected by the MVCA regulated wetlands on other parts of the property.

The property overlies a highly vulnerable aquifer as does most of Tay Valley Township. In these cases, the MVCA recommends increased well-casing depths, increased distances from septic systems to wells, and ensuring septic systems are down gradient from wells.

Mississippi Rideau Septic System Office (MRSSO)

A septic permit application has been approved.

Public

No comments were received at the time of the writing of the report. The Planner had not heard from the Bennett Lake Association.

CONCLUSION

The Planner recommends that proposed amendment be approved to rezone a portion of the lands at Concession 10, Part Lot 10, 2022 Beach Road, Geographic Township of Bathurst (Roll #091191603016200) from Rural (Ru) to Residential Limited Services (RLS).

ATTACHMENTS

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

Prepared and Submitted By:

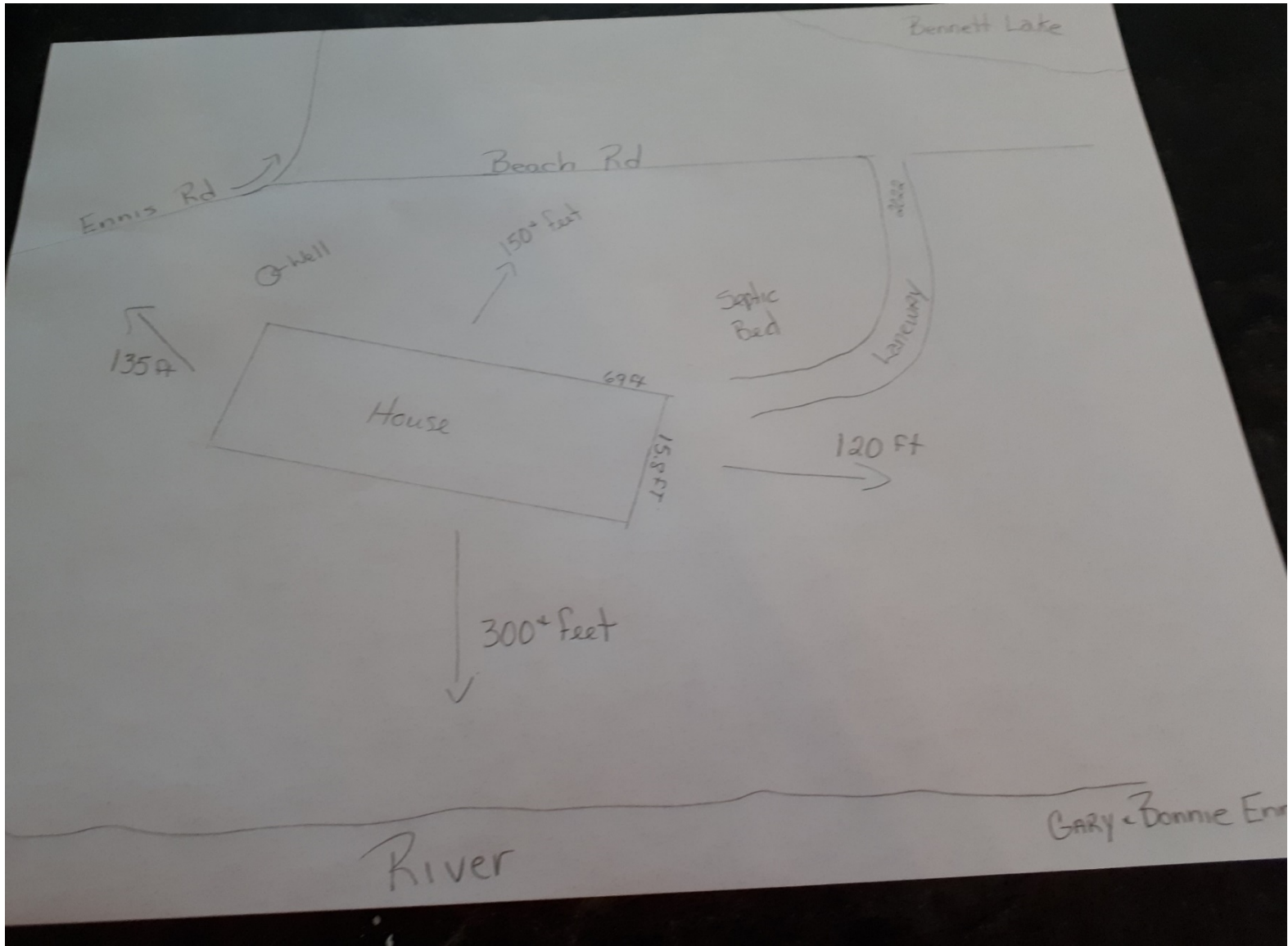
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (ENNIS – 2022 BEACH ROAD) (PART LOT 10, CONCESSION 10, GEOGRAPHIC TOWNSHIP OF BATHURST)

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

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

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

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

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

1.0 GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (Ru) to Residential Limited Services (RLS) on the lands legally described as Part Lot 10, Concession 10, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191603016200), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

2.0 ULTRA VIRES

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

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 24th day of August 2021.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0XX**

SCHEDULE "A"

ENNIS – 2022 Beach Road
Part Lot 10, Concession 10
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Rural (Ru) to Residential Limited Services (RLS)

Certificate of Authentication

This is Schedule "A" to By-Law 2020-0xx passed this 24th day of August 2021.

Reeve

Clerk

Ennis

Zoning By-law Amendment

Public Notice

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

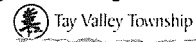
Ontario Land Tribunal

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

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

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

1



1

Ennis

2022 Beach Road

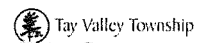
Part Lot 10, Concession 10, Geographic Township of Bathurst

The application applies to the western portion of an approximately 30.4ha (75 acre) lot with over 500m of water frontage.

The purpose of this application is to change the zoning of approximately 2ha (5 acres) of the property from Rural (Ru) to Residential Limited Services (RLS). Other portions of the larger property are zoned Tourist Commercial, Rural and Seasonal Residential.

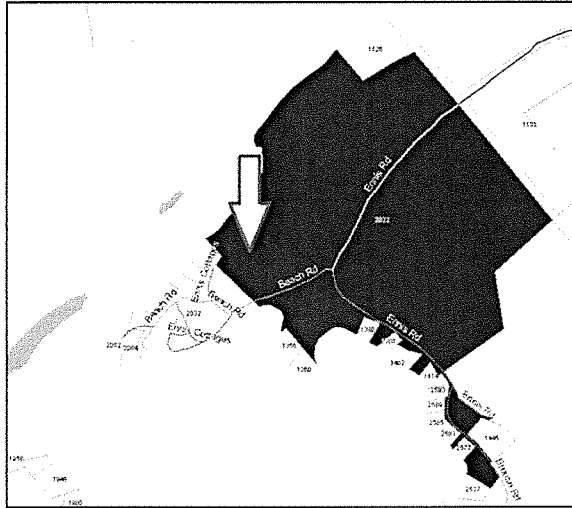
The effect of the amendment is to permit construction of a new dwelling on Beach Road, a private road.

2



2

Ennis Location

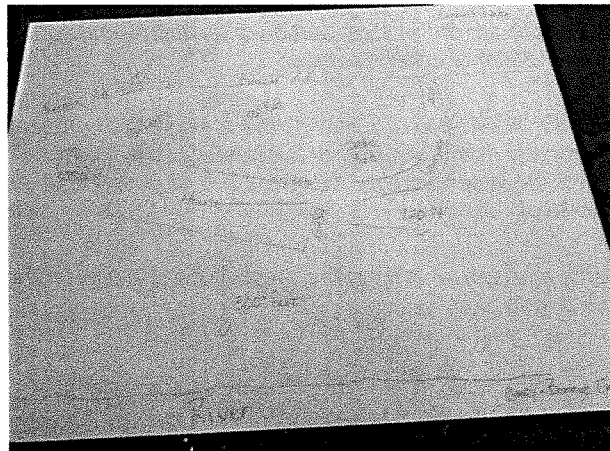


3



3

Ennis Site Sketch



4

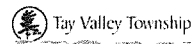


4

Ennis Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the dwelling will be located close to existing development on Beach Road.

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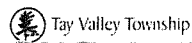


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6



6

Ennis County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

7

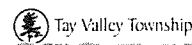


7

Ennis Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses. The property is also designated Deer Yard under Section 2.22.3. The MVCA did not require an Environmental Impact Assessment for a severance on the larger lot earlier this year nor did they require a Development Agreement. Therefore none was undertaken for the rezoning application.

8



8

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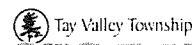


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Ennis Planner's Comments Official Plan

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8

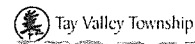


8

Ennis Planner's Comments Official Plan

- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- A setback of greater than 30m will be met for the location of the dwelling.

9

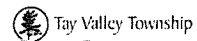


9

Ennis Planner's Comments Zoning

- The portion of the lot to be rezoned is currently zoned Rural (Ru). Other parts of the lot are zoned Tourist Commercial (CT), Seasonal Residential (RS) and Rural (Ru).
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will be met.
- Section 3.4 requires development on a private road to be zoned Residential Limited Services.
- There are two rental cabins on the property that are associated with the Ennis Campground. They will have to be rezoned to Commercial, closed or severed as a lot addition to the Campground, before the dwelling can be occupied.

10

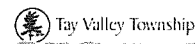


10

Ennis Planner's Comments

- The applicants have proposed construction at greater than located 30m from the lake. The rezoning is required because development is proposed on a private road.

11



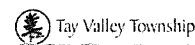
11

Ennis Comments

Mississippi Valley Conservation Authority (MVCA)

- The MVCA had no concerns regarding this portion of the property when a severance application was made on it in the previous year. This portion of the property is not affected by the MVCA regulated wetlands on other parts of the property.
- The property overlies a highly vulnerable aquifer as does most of Tay Valley Township. In these cases, the MVCA recommends increased well-casing depths, increased distances from septic systems to wells, and ensuring septic systems are down gradient from wells.

12



12

Ennis Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- A septic permit application has been approved.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.
- The Planner had not heard from the Bennett Lake Association.

13

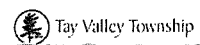


13

Ennis Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to to rezone a portion of the lands at Concession 10, Part Lot 10, 2022 Beach Road, Geographic Township of Bathurst (Roll #091191603016200) from Rural (Ru) to Residential Limited Services (RLS)."

14



14