
**Tuesday, July 20th, 2021
5:30 p.m.
Via GoToMeeting**

GoToMeeting: <https://global.gotomeeting.com/join/429190101>

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*
Following *“Special” Council Meeting*

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 application:

Kerr
- 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. APPLICATION

- i) **FILE #ZA21-12: Kerr – *attached, page 5.***
142 Fall Crescent
Part Lots 22 & 23, Concession 10
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATION

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

July 20th, 2021

Noelle Reeve, Planner

APPLICATION ZA21-12 KERR

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at 142 Fall Crescent, Part Lots 22 and 23, Concession 10, Geographic Township of Bathurst (Roll #091191603031210) from Rural (Ru) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP).”

BACKGROUND

The application applies to an approximately 2.7 ha (6.7 acre) lot with water frontage of over 600m (2,000ft) on the Fall River.

The purpose of this application is to change the zoning of the property from Rural (Ru) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP) as a condition of severance on a private road.

The effect of the amendment is to allow a lot to be created on a private road with an existing residential dwelling.

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 right of way exists and the existing dwelling and septic system exceed the 30m water setback and are located beyond the EP zone.

Section 2.2 of the Provincial Policy Statement (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. A 60m setback exists for the dwelling and an Environmental Impact Assessment (EIA) was conducted for the dwelling resulting in a Site Plan Control Agreement (SPCA) for it and a Development Agreement on the retained lot to implement the findings of the EIA.

County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses. The Provincially Significant Wetland has been protected by the SPCA and Development Agreement.

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 and Provincially Significant Wetland (PSW). 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 setback of over 60m is in place for the dwelling.

Section 3.4 Provincially Significant Wetlands states that proposals for development (including severances) within 120m of a Provincially Significant Wetland require an Environmental Impact Assessment, which was undertaken.

Zoning By-Law

The lot is currently zoned Rural (Ru) and Environmental Protection (EP). Section 3.4 Frontage on an Improved street requires rezoning to Residential Limited Services to permit a severance on a private road.

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

Planner

The applicant has received conditional approval for a severance from Lanark County Land Division Committee. However, the severance is proposed on a private road and a condition of severance is that the lot must be rezoned to Residential Limited Services.

Mississippi Valley Conservation Authority (MVCA)

The MVCA had no concerns with the severance as the recommendations of the EIS have been placed on title through a Site Plan Control Agreement.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO had no concerns with the severance but required the location of the septic system to be verified by a surveyor.

Public

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at 142 Fall Crescent, Part Lots 22 and 23, Concession 10, Geographic Township of Bathurst (Roll #091191603031210) from Rural (Ru) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP).

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 (KERR – 142 FALL CRESCENT) (PART LOTS 22 & 23, 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. GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (RU) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP) on the lands legally described as Lots 22 and 23, Concession 10, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191603031210) 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. 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. EFFECTIVE DATE

ENACTED AND PASSED this 20th day of July 2021.

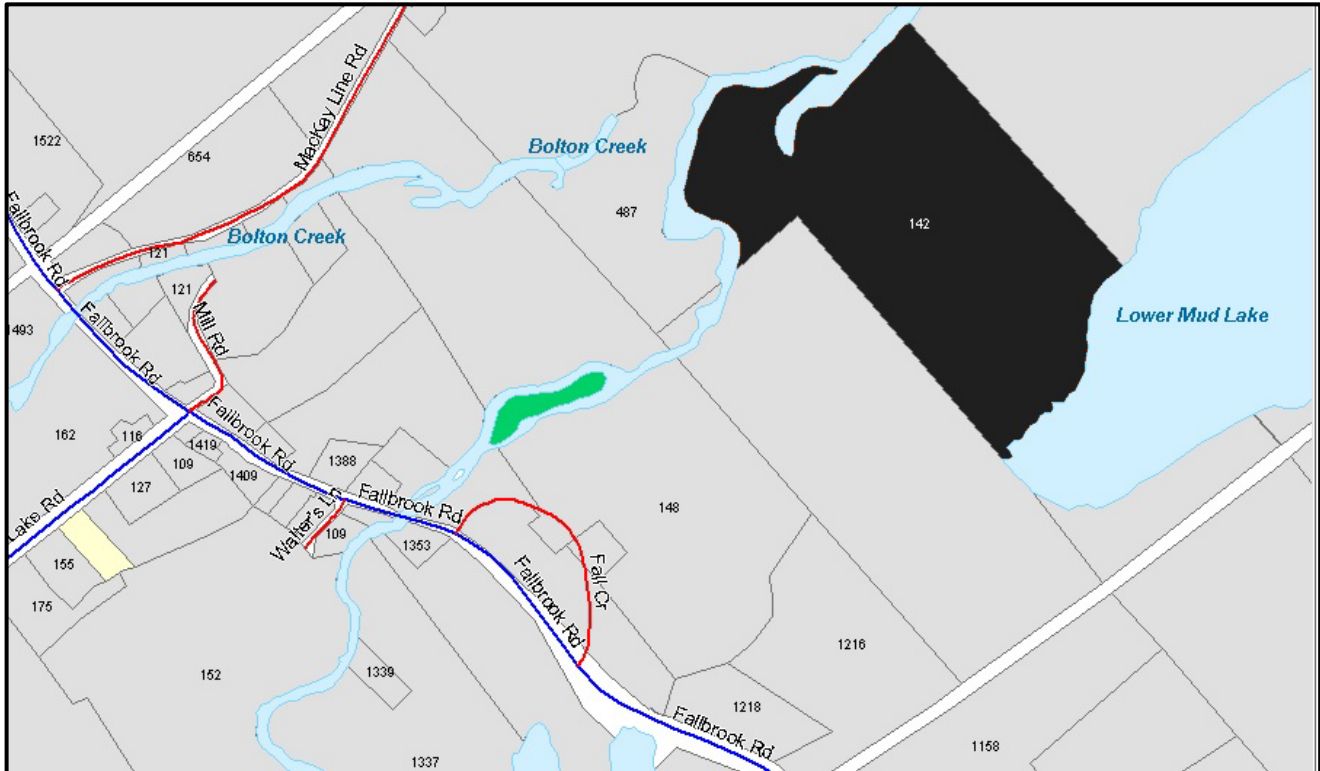
Brian Campbell, Reeve

Amanda Mabo, Clerk

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

SCHEDULE "A"

KERR – 142 Fall Crescent
Part Lots 22 and 23, Concession 10
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Rural (RU) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP)

Certificate of Authentication

This is Schedule "A" to By-Law 2021-0xx passed this 20th day of July 2021.

Reeve

Clerk

Kerr

Zoning By-law Amendment

Public Notice

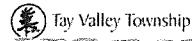
Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice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

Kerr

142 Fall Crescent

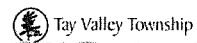
Part Lot 3, Concession 10, Geographic Township of Bathurst

The application applies to an approximately 2.7 ha (6.7 acre) lot with water frontage of over 600m (2,000ft) on the Fall River.

The purpose of this application is to change the zoning of the property from Rural (Ru) and Environmental Protection (EP) Residential to Residential Limited Services (RLS) and Environmental Protection (EP) as a condition of severance on a private road.

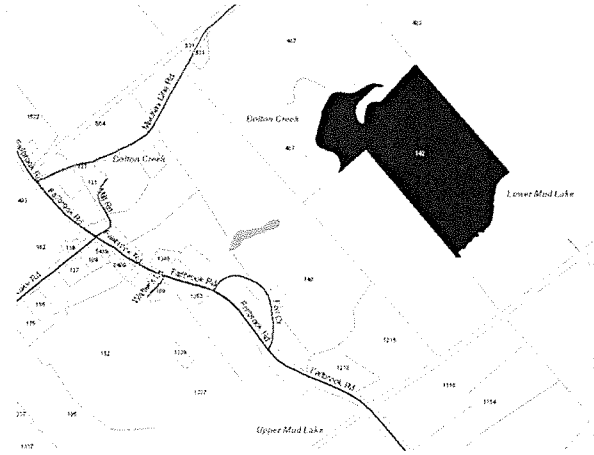
The effect of the amendment is to allow a lot to be created on a private road with an existing residential dwelling.

2

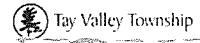


2

Kerr Location

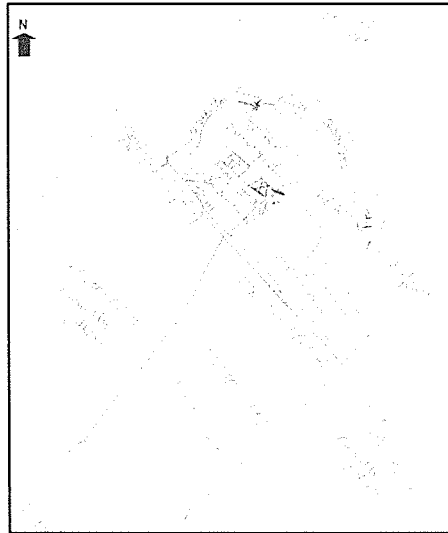


3

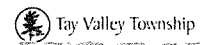


3

Kerr Site Sketch



4



4

Kerr Planner's Comments 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 because the existing dwelling and septic system exceed the 30m water setback and are located beyond the EP zone.

5



5

Kerr Planner's Comments 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. A 60m setback exists for the dwelling and an Environmental Impact Assessment (EIA) was conducted for the dwelling resulting in a Site Plan Control Agreement (SPCA) for it and a Development Agreement on the retained lot to implement the findings of the EIA.

6

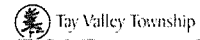


6

Kerr County Sustainable Community Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses. The Provincially Significant Wetland has been protected by the SPCA and Development Agreement.
- 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

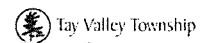


7

Kerr Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural and Provincially Significant Wetland (PSW). 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."

8

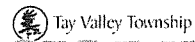


8

Kerr Planner's Comments Official Plan

- A setback of over 60m is in place for the dwelling.
- Section 3.4 Provincially Significant Wetlands states that proposals for development (including severances) within 120m of a Provincially Significant Wetland require an Environmental Impact Assessment, which was undertaken.

9

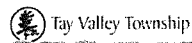


9

Kerr Planner's Comments Zoning

- The lot is currently zoned Rural (Ru) and Environmental Protection (EP). Residential Limited Services is required to permit a severance on a private road.
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which is met.

10



10

Kerr Planner's Comments

- The applicant has received conditional approval for a severance. However, the severance is located on a private road so a condition of severance is that the lot must be rezoned to Residential Limited Services.

11



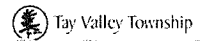
11

Kerr Comments

Mississippi Valley Conservation Authority (MVCA)

- The MVCA had no concerns with the severance as the recommendations of the EIS have been placed on title through a Site Plan Control Agreement.

12



12

Kerr Comments

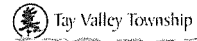
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO had no concerns with the severance but required the location of the septic system to be verified by a surveyor.

Public Comments

- No inquiry or comment at the time of writing the report.

13

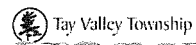


13

Kerr Recommendation

"THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at 142 Fall Crescent, Part Lots 22 & 23, Concession 10, Geographic Township of Bathurst (Roll #091191603031210) from Rural (RU) and Environmental Protection (EP) to Residential Limited Services (RLS) and Environmental Protection (EP).

14



14