

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-052

OFFICIAL PLAN - AMENDMENT NO. 8 (1551 BENNETT LAKE ROAD)

(PART LOTS 9 AND 10, CONCESSION 11, GEOGRAPHIC TOWNSHIP OF BATHURST)

WHEREAS, Section 22 (1) of the *Planning Act, R.S.O. 1990, Chapter P.13*, states that if a person or public body requests a Council to amend its official plan, the Council shall, forward a copy of the request and the information and material required under subsections (4) and (5) of the *Planning Act*, if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval, and hold a public meeting under subsection 17 (15) of the *Planning Act* or comply with the alternative measures set out in the official plan;

AND WHEREAS, Section 17 (22) of the *Planning Act, R.S.O. 1990, Chapter P.13*, states that when the requirements of subsections (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may by by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit for approval;

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

1. GENERAL REGULATIONS

1.1 **THAT**, Official Plan Amendment No. 8 (1551 Bennett Lake Road), attached hereto as Schedule "A", be adopted.

2. BY-LAWS TO BE AMENDED

2.1 **THAT**, By-Law No. 2022-033 is hereby amended.

3. 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-052**

4. EFFECTIVE DATE

4.1 THAT, this By-Law shall come into force and take effect upon the approval of Tay Valley Township Official Plan Amendment No. 8, dated November 19th, 2024, by the County of Lanark.

4.2 ENACTED AND PASSED this 10th day of December, 2024.



Robert Rainer, Reeve





Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-052**

SCHEDULE "A"

AMENDMENT No. 8

to the

TAY VALLEY TOWNSHIP OFFICIAL PLAN

- PART A** THE PREAMBLE does not constitute part of this Amendment.
- PART B** THE AMENDMENT consisting of the following explanatory text
constitutes Amendment No. 8 to the Tay Valley Township Official Plan.

PART A - THE PREAMBLE

LOCATION

Official Plan Amendment No. 8 affects 1551 Bennett Lake Road, Part Lots 9 and 10, Concession 11, geographic Township of Bathurst.

PURPOSE AND EFFECT OF OFFICIAL PLAN AMENDMENT

Official Plan Amendment No. 8 was initiated by the property owners in response to information received by the County of Lanark that they did not have one severance available on the property at 1551 Bennett Lake Road after they had previously been told there was a severance available. The applicants had paid for the required archeological assessment to support the proposed severance and had paid for preliminary legal work regarding a condominium road.

The purpose of the Official Plan Amendment No. 8 is a site-specific amendment to permit the creation of an additional lot on a property that has exceeded the permitted number of severances.

The Amendment has been prepared in consultation with various public agencies, Bennett Lake Property Owners Association, and interested residents.

BASIS OF OFFICIAL PLAN AMENDMENT

1. Background

Early in 2021, the applicant's agent (Zanderplan) was informed by the Lanark County Planning Department that there was one severance available on the subject property at 1551 Bennett Lake Road (Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst). Zanderplan staff corresponded and met with the County Planner and the Township Planner on a number of occasions for a year and one half between March 2021 and November 2022 to discuss the studies and information needed to submit a complete application (e.g., an archaeological assessment, clarification of access to the proposed lot, etc.). An archaeological assessment was undertaken, and lawyers were consulted about the potential creation of a condominium road.

After receiving a formal application for severance, on November 24, 2022, the Senior Planner for the County informed Zanderplan that there were no more severances available on the property.

To address the situation that had arisen from the conflicting information, an Official Plan Amendment was suggested as a possible solution.

2. Planning Rationale

This Official Plan Amendment is based on:

- a review of the ecological health of Bennett Lake;
- a review of the policies of the *Provincial Planning Statement 2024*;
- a review of the policies of the *Lanark County Sustainable Communities Official Plan*;
- a review of the policies of the *2017 Township Official Plan*;
- a review of the requirements of the *Township Zoning By-Law*.

2.1 Bennett Lake Water Quality

The Mississippi Valley Conservation Authority (MVCA) *2023 Watershed Report Card* indicates that surface water quality in the Fall River watershed, which contains Bennett Lake, is excellent. Bennett Lake is categorized as a mesotrophic/oligotrophic lake (which is to be expected due to its shallow depth). This category indicates the lake has phosphorus, nitrogen and oxygen levels that allow sports fish to thrive and it does not produce the excessive algae and weeds associated with eutrophic lakes that have more phosphorus and less oxygen in them.

The proposed severed lot will have a developable area at least 100m from the lake due to the presence of MVCA regulated wetlands along the shore. This setback in combination with the excellent health of the lake will ensure no negative impact on the lake.

2.2 Review of Provincial Planning Statement (PPS) 2024

Section 2.5 Rural Areas in Municipalities refers to rural settlement areas, rural lands (located outside of rural settlement areas) agricultural lands, natural heritage features and resource areas.

Section 2.5.1 states that, "Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) using rural infrastructure and public service facilities efficiently;
- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- g) conserving biodiversity and considering the ecological benefits provided by nature;
- h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.

The relevant clauses are met by the proposed OPA No. 8. With respect to a) building upon rural character, no appearance of strip development will occur along the road as the lot will share an entrance with the two other lots in existence on Bennett Lake Road and proposed development will not be visible from the road (as is the case with the two existing dwellings on the two existing lots which are located south of Bennett Lake Road, closer to the lake). With regard to d) using rural infrastructure efficiently, the existing hydro line on the property and driveway entrance will be shared.

With respect to g) conserving biodiversity and considering the ecological benefits provided by nature the water quality of Bennett Lake is rated excellent by the MVCA and the proposed development will be at least 100m from the lake due to the presence of MVCA regulated wetlands along the shore of the retained lot, and an existing site plan control agreement will maintain vegetation on the proposed severed lot.

Section 3.1.2. states that "Before consideration is given to developing new infrastructure and public service facilities:

- a) the use of existing infrastructure and public service facilities should be optimized." This is the case for this proposal.

Section 3.6.1.4 states “Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.” An individual septic system and well would be used.

Section 4.2.1 states, “Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross-jurisdictional and cross watershed impacts.” A site plan control agreement on the proposed severed lot and the MVCA regulated wetland on the retained lot will ensure the lake water quality is protected.

Section 4.6.2. states “Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.” An archaeological stage 1 study was undertaken and no artifacts were identified.

Section 5.1.1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. No floodplain or steep slope exists on the severed or retained lands.

Section 5.2.4. Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. Vegetation retention and location of the any dwelling upslope of the lake should help to ensure the development will not result in damage from natural hazards exacerbated by the changing climate.

Section 5.2.9. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. This area is not identified as a wildland fire risk.

2.3 Review of Lanark County Sustainable Communities Official Plan Policies

The subject property falls in the Rural Area under the Lanark County Sustainable Communities Official Plan. This designation applies to rural and agricultural areas outside of established settlement areas in the County. In the rural areas, development is permitted subject to appropriate levels of servicing, while maintaining the rural character of the County and compatibility with and protection for natural heritage features and functions.

The proposed lot creation will meet the intent of the policies of Section 3.3.4 of the Plan by creating severed and retained parcels which comply with the Township Zoning By-Law, serviced with private wells and septic systems, and providing appropriate protection for natural heritage areas. Access to the severed and retained lots has been approved in principle by the Lanark County Roads Department. Overall, the proposed severances meet the intent of the policies of the *Lanark County Sustainable Communities Official Plan*.

2.4 Review of Tay Valley Township Official Plan Policies

A detailed review of the multiple relevant Official Plan policies was undertaken. The subject property falls under the Rural designation in the Township's Official Plan. The Rural designation permits a range of land uses including residential dwellings on private services.

Section 3.6.4 of the Plan provides the Residential policies, noting that development is based on single dwellings at a low density. The minimum lot size is 0.8 hectares outside of settlement areas. Lot creation by consent is permitted in the rural area. The proposed lots are approximately 2.3 hectares and 5.9 hectares in size, far exceeding the minimum required by this policy.

Section 2.19 of the Plan speaks to the cultural heritage and archaeological policies. The policies require the completion of an archaeological assessment due to the presence of the abutting water body. As noted, a Stage 1 archaeological assessment has been completed to consider the presence of anything of archaeological significance. The report, completed by Past Recovery Archaeological Services, concluded that there was nothing of archaeological significance on the subject property and no further assessment was required.

Section 2.22 of the Plan speaks to Natural Heritage. MVCA mapping shows an area of regulated wetland along the waterfront of Bennett Lake. There is ample room on the large retained lot to establish a future dwelling on private servicing that is appropriately set back from the regulated wetland. The existing and future development will also far exceed a 30-metre setback from the high water mark of Bennett Lake. There are no natural heritage impacts that are anticipated to result from the proposed severance or future development on the retained parcel.

Section 4.3 of the Plan speaks to the County Road policies. The subject property abuts County Road 19 / Bennett Lake Road, and the lots are proposed to share the existing entrance to the County Road. The proposed shared entrance has been reviewed by the Lanark County Roads Department with no concerns raised.

Section 5.2 of the Plan provides the Land Division policies, noting that lot creation can take place by consent (severance) or by plan of subdivision. Section 5.2.2 of the Plan provides general policies related to lot creation.

In reviewing these policies, the proposed lot meets: the provisions of the Township's Zoning By-Law (1), no parcels will be land locked as a result of the severance (2), safe vehicle access to the County Road has been demonstrated in consultation with the relevant road authority (3), there is no negative financial impact on the municipality that is anticipated from the severance (4), a cash in lieu of parkland fee can be included as a condition of consent approval (5), there are no land use compatibility issues related to the surrounding rural and residential land uses (6), the proposed severance will not result in the creation of lots which are restricted by flooding or organic soils (7), there are no known soil contamination issues associated with the subject property (8), there is sufficient room to develop on the severed and retained lots without negatively affecting any natural heritage features or functions (9), an archaeological assessment has been completed to consider any cultural heritage impacts (10), there is sufficient room on the large severed and retained lots to accommodate the required private servicing (11), the minimum water setback and water frontage requirements

can be exceeded on the severed and retained lots (12), and any road widening requirement can be accommodated as a condition of severance approval if needed (13).

Section 5.2.3 provides policies that are specific to lot creation by consent. The policies note that “a maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1991.” When the property owners reached out to Lanark County several years ago to inquire about the feasibility of severing a lot, staff advised that the owners would be eligible for the creation of an additional lot. The owners undertook survey, archaeological and planning work towards the proposed consent; however, it was later determined by County staff that the maximum number of eligible severances from 1991 had already been exceeded and that no further lot creation would be permitted. However,

Township Council determined at their meeting on August 27, 2024 that they would be open to considering the creation of an additional lot, subject to the owners obtaining a successful site-specific Official Plan Amendment.

The owners are therefore seeking a site-specific Official Plan Amendment to Section 5.2.3 of the Township’s Official Plan, to permit the creation of an additional lot for residential purposes, to support the second generation of family to live on abutting properties. The proposed severance meets the intent of the other policies of the Township’s Official Plan.

2.5 Review of *Tay Valley Township Zoning By-Law*

The subject property falls within the Rural (RU) zone under the Township’s Zoning By-Law 2002-121. The Rural zone permits a range of land uses including single dwellings and associated accessory uses. The minimum lot area in the Rural zone for a single dwelling is 1 ha, while the minimum lot frontage is 60 metres. The proposed severed lot will have a lot area of approximately 2.3 ha while the retained lot will have a lot area of approximately 5.9 hectares. Upon completion of the small lot addition, the retained lot will have more than 60 metres of frontage on Bennett Lake Road as well as far in excess of 60 metres of frontage on Bennett Lake. The severed lot will have approximately 8m of frontage on the County road, and will have far in excess of 60 metres of frontage on Bennett Lake, which is considered the Front Lot Line for a waterfront lot. Overall, the severed and retained lots will both comply with the relevant Zoning provisions.

OVERALL CONCLUSIONS

It is concluded that this Amendment is consistent with the *Provincial Planning Statement 2024 (PPS 2024)*, and that it conforms to the *Lanark County Sustainable Communities Official Plan*, *Tay Valley Township Official Plan*, and *Tay Valley Township Zoning By-Law*. Based on the foregoing conclusions, Council has deemed it advisable to amend the Official Plan as described in Part B of this Amendment.

PART B - THE AMENDMENT

All of this part of the document entitled PART B - THE AMENDMENT, consisting of the following map and explanatory text constitutes Amendment No. 8 to the Tay Valley Township Official Plan.

Details of the Amendment

Section 6.3.3 Consent Policies, is hereby amended by adding new subsection "7" as follows:

7. Notwithstanding section 6.3.3.1, one additional new lot shall be permitted to be created by consent on the following land:
 - a) Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst, municipally known as 1551 Bennett Lake Road.

PART C - APPENDICES

APPENDIX A

Notice was posted at the property and circulated to property owners within 120m.

PART C - APPENDICES

APPENDIX B

- No persons or public bodies made oral submissions at the Public Meeting on November 5, 2024.

PART C - APPENDICES

APPENDIX C

**PUBLIC MEETING
OFFICIAL PLAN AMENDMENT
MINUTES**

Tuesday, November 5th, 2024

5:30 p.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present:

Chair, Councillor Wayne Baker
Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Keith Kerr
Councillor Marilyn Thomas

Staff Present:

Amanda Mabo, Chief Administrative Officer/Clerk
Aaron Watt, Deputy Clerk
Noelle Reeve, Planner
Sean Ervin, Public Works Manager

Public Present:

Catherine Anderson
Fred Barrett
Brenda Burich
Mike Champagne
Lucien Cleroux

1. CALL TO ORDER

The public meeting was called to order at 5:39 p.m.

2. INTRODUCTION

The Chair provided an overview of the Official Plan Amendment application review process to be followed, including:

- the purpose of the meeting
- the process of the meeting
- all persons and public bodies attending were encouraged to make comments in order to preserve their right to comment should the application(s) be referred to the Local Planning Appeal Tribunal
- the flow and timing of documentation and the process that follows this meeting
- any person or public body wanting a copy of the decision regarding the applications on the agenda was advised to email adminassistant@tayvalleytwp.ca

The Chair asked if anyone had any questions regarding the meeting and the process to be followed. Given that there were no questions, the meeting proceeded.

3. APPLICATION

- i) **FILE #OPA-8: Official Plan Amendment No. 8 – Site-Specific Amendment**
1551 Bennett Lake Road, Ennis
Part Lots 9 and 10, Concession 11
Geographic Township of Bathurst

a) PLANNER FILE REVIEW & PROPOSED AMENDMENT

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

The Planner presented additional maps in order to provide a detailed history of severances on the subject property – *attached page 5*.

Map 1 shows the parent property prior to 1994 severances.

Map 2 shows the property as defined by the County as the subject of the 2010 severance.

Map 3 shows the severance proposed requiring site-specific Official Plan Amendments.

b) APPLICANT COMMENTS

The applicant was present.

c) PUBLIC COMMENTS

None.

d) RECOMMENDATION

That the proposed amendments to the Official Plan be moved forward to the November 19th, 2024, Council Meeting.

4. ADJOURNMENT

The public meeting adjourned at 5:59 p.m.

PART C - APPENDICES

APPENDIX D

The following written submission was received from Enbridge Gas on October 22, 2024:

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Tuesday, October 22, 2024 11:00 AM
To: TVT Admin Assistant <adminassistant@tayvalleytwp.ca>
Subject: RE: Notice of Public Meeting for Proposed Official Plan Amendment - OPA-8 - Ennis

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

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