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**Tuesday, May 2<sup>nd</sup>, 2017**

**6:30 p.m.**

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

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*6:30 p.m. Public Meeting: Zoning By-Law Amendment  
Following Committee of the Whole Meeting*

**Chair, Councillor Greg Hallam**

**1. CALL TO ORDER**

**2. INTRODUCTION**

- The purpose of this public meeting is to hear applications for Zoning By-Law Amendments for the following applications:
  - **2386274 Ontario Inc.**
- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour, to the application will be heard.
- If a person or public body does not make oral or written 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 to the hearing of an appeal before the Ontario Municipal Board (OMB) unless, in the opinion of the Board, there are reasonable grounds to do so.
- If you wish to be notified of the decision of Council in respect to any of the below listed applications, you must submit a written request to the Clerk or you must sign the attendance list provided at today's meeting. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Council of Tay Valley Township's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

- 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 OMB by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Ontario Municipal Board 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.

### **3. APPLICATIONS**

- i) **FILE #ZA17-04: 2386274 Ontario Inc. – *attached, page 4.*  
Part Lot 27, Concession 3  
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**  
MAY 2, 2017

**Noelle Reeve, Planner**

**APPLICATION ZA17-04 2386274 Ontario Inc.**

**STAFF RECOMMENDATION**

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 27, Concession 3, Geographic Township of Bathurst (Roll #0911-916-015-44000) from Rural (RU) to Commercial Exception-3 (C-3) and Flood Plain (FP).”

**BACKGROUND**

The application applies to 4.1876 ha of a larger 11.65 ha parcel located on Highway 511 south of Clarchris Road.

*The purpose* of this amendment is to change the zoning of the property from Rural (RU) to Commercial Exception-3 (C-3) as well as to recognize the Flood Plain identified in the Official Plan.

*The effect* of the amendment is to permit general commercial use as a veterinary clinic.

**DISCUSSION**

**OFFICIAL PLAN**

Section 3.6 Rural: The Rural designation includes Commercial use.

Section 3.5 Floodplain: The property includes part of Blueberry Creek and its floodplain. A portion of the area proposed for Commercial zoning is in the floodplain and will need to be rezoned appropriately (to reflect the current RVCA flood plain mapping). However, the area proposed for actual commercial development is located in the regulation limit, not the floodplain.

Section 3.4 Provincially Significant Wetlands: A portion of the Blueberry Marsh Provincially Significant Wetland (PSW) is located in the middle of the property. Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, and wildlife habitat.

Section 3.4.3.2 states that for Provincially Significant Wetlands (PSW), development or site alteration within 120 meters of a designated wetland may be permitted, if it can be demonstrated that there are no negative impacts on the wetland's natural features or ecological functions. An Environmental Impact Statement (EIS) was required as the use

proposed is not exempt on the basis of being an established agricultural use. A scoped Environmental Impact Statement was prepared by Geofirma Engineering for the property.

Section 2.20 Organic Soils precludes development without studies. No development is proposed in the area of organic soils so no studies were required.

Section 2.24.1.2a) Water Quality states that development or site alteration such as filling, grading and excavating shall occur a minimum distance of 30 meters from the high water mark of any water body. There is open water in the wetland and a 30 m setback will be achievable.

Section 2.23.2 Source Water Protection: The proposed commercial area is in Intake Protection Zone 8 (IPZ8). The existing veterinary clinic has operated for several years on the other side of the highway, also in IPZ8, and the owner is aware of the requirements for risk management. The new clinic will ensure that required safeguards are in place and good stewardship actions are maintained. The Township undertook a review of potential water quality threats and none were identified.

A number of Natural Heritage Features required consideration including: Section 2.22.2 Fish Habitat and Adjacent Lands, Section 2.22.4 Threatened and Endangered Species; and Section 2.22.6 Significant Valleylands. These features were assessed by the Environmental Impact Statement.

Section 5.4 Site Plan Control is required for commercial development to address such issues as lighting, parking, drainage, landscaping, etc.

## ZONING BY-LAW

Current Zone – RU Rural

Required Zone – C-3 Commercial, FP Flood Plain

## PLANNER

The proposed Commercial use is in keeping with other land uses in the area on Highway 511. The land uses to the south include General Industrial and General Commercial. To the north is a residence and to the east across the highway is a multi-unit residential building (the Shamrock). To the west is vacant land.

With respect to the Blueberry Marsh PSW, a 50m setback was recommended by the Environmental Impact Statement (EIS) to protect biodiversity and water quality. The 50m recommendation is less than the 120m required by the Zoning By-Law Section 3.19 Setbacks from Environmental Protection (EP) Zones and therefore will be specified in the Zoning By-law Amendment as a Commercial zone with a special exception to identify the 50m setback from the Blueberry Marsh PSW.

Additional studies in the late spring/early summer will be required to determine if there are any species at risk on the property such as Bobolink, Blandings turtle, or Butternut. If these

species were found they would not prevent the rezoning, but development activities would require mitigation via timing (animals) or location (Butternut) of construction.

As well as rezoning the property from Rural to Commercial, some Flood Plain zoning will also be identified south of the current Environmental Protection Zone and northwest of the proposed development location (shown on Attachment 1 as a green rectangle). This area is currently designated Flood Plain in the Official Plan.

## LANARK COUNTY

The County Public Works Department has issued an entrance permit for the property, located south of 52 Highway 511 (see Attachment 2).

## CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA) - In accordance with provincial regulation, approval from the applicable Conservation Authority is required for all development and site alteration on lands within 120 meters of a wetland designated in Township Official Plan. The RVCA concurs with the recommendation of the EIS for a 50m setback from the Blueberry Marsh PSW. They have identified standard requirements for inclusion in the Site Plan.

## MISSISSIPPI RIDEAU SEPTIC SYSTEM OFFICE

Mississippi Rideau Septic System Office (MRSSO) stated that the proximity to regulatory features may require specific design considerations; otherwise MRSSO supports the application.

## PUBLIC COMMENTS

A residential neighbour requested that the entrance and traffic be kept as far as possible from the residential property to minimize noise and lights.

## SITE PLAN CONTROL

A Site Plan Control Agreement (SPCA) will be required to implement the recommendations of the EIS including drainage swales to be directed toward Highway 511, silt fencing, etc. Further Natural Heritage protection details for the Site Plan Control Agreement will be identified following fieldwork to identify if Bobolink, Canada Warbler, Eastern Meadowlark, Whip-poor-will, Blandings's Turtle or Butternut are present on the site. In addition, the Site Plan Control Agreement will include details on parking, landscaping, etc.

## **CONCLUSION**

The Planner recommends that Zoning By-Law No. 02-021 be amended by changing the zoning of the lands affected by this By-Law from Rural (RU) to Commercial Exception-3 (C-3) and Flood Plain (FP).

## **ATTACHMENTS**

- i) Geofirma Figure A5 Setbacks

- ii) Lanark County Entrance Approval
- iii) Draft By-Law

**Prepared and Submitted By:**

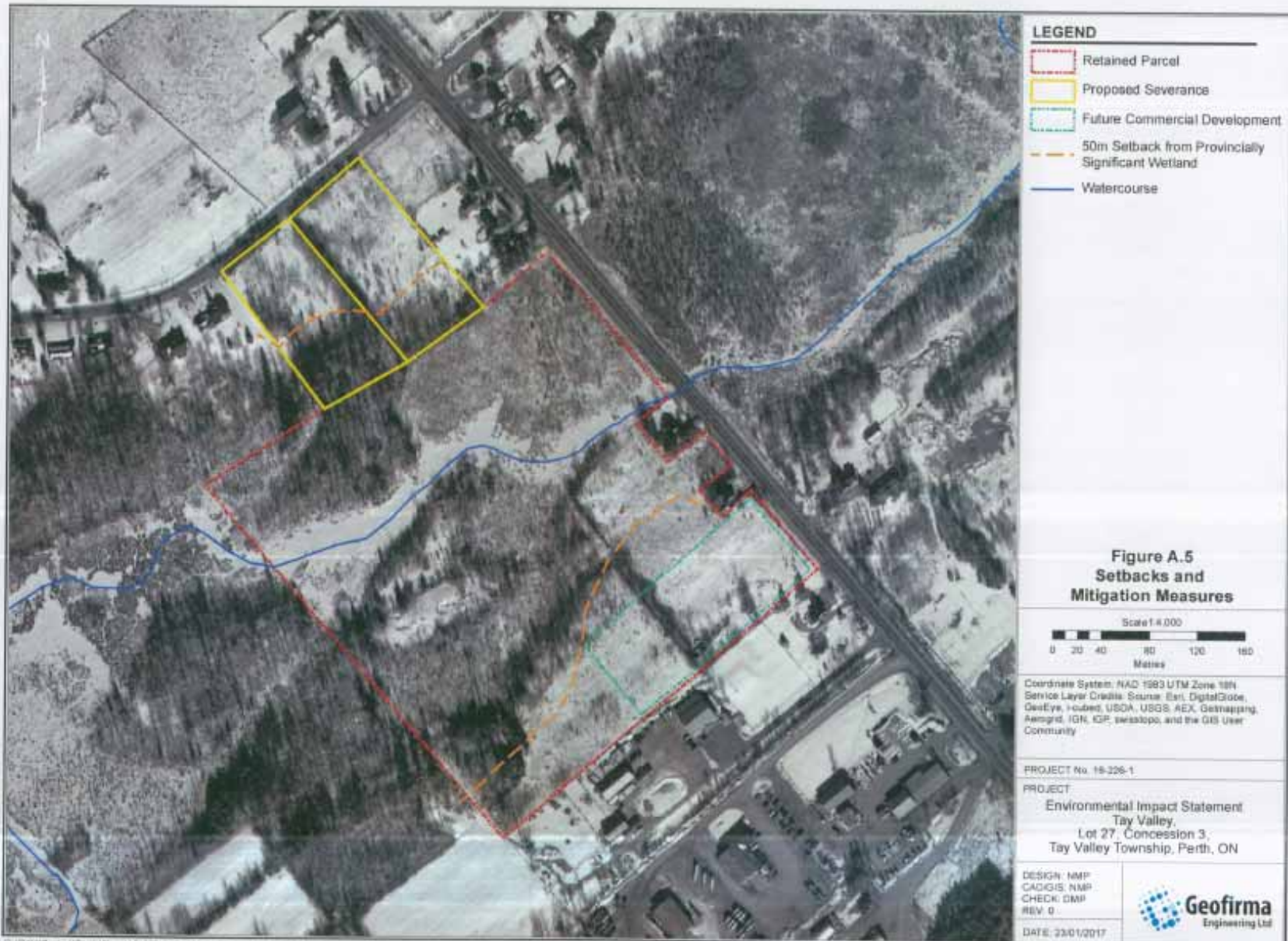
**Approved for Submission By:**

*Original signed*

*Original signed*

**Noelle Reeve,  
Planner**

**Larry Donaldson,  
Chief Administrative Officer**





# LANARK COUNTY

## PUBLIC WORKS DEPARTMENT

March 22, 2017

Greg Stevenson  
C/O Tracy Zander, ZanderPlan Inc.  
PO Box 20148  
Perth, ON K7H 3M6

Dear Tracy:

**Re: Application for Entrance Permit Number 2602- County Road # 511**

Concerning your inquiry relating to an entrance to a County road, we have inspected the site and are pleased to advise that an approved entrance could be permitted. The location approved for access is:

- ☒ the location as posted by you 41 metres South of PIN 52 and 82 metres North of PIN 46  
☐ an alternative location to your request

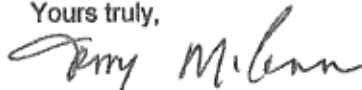
The type of entrance that can be approved is Commercial. This entrance will service the proposed retained lands.

Since this entrance is required for severance purposes, you should NOT proceed with the installation until you have made your severance application and received a favorable decision from the Land Division Committee and the appeal period has passed with no appeals. Following the appeal period you should proceed to make a full application for entrance at which time the entrance specification, which will identify the specific culvert requirements and any conditions, will be provided to you. We have provided you with a photocopy of this letter which should be submitted to the Planning Approvals Department when making your Severance Application.

If you proceed with an application prior to March 14, 2018, the fifty (\$50.00) inquiry fee will be deducted from your application fee.

I trust this is sufficient information for you to complete your decision relating to your pending property transaction. Should you have any questions please do not hesitate to contact our office.

Yours truly,



Terry McCann, C.E.T.  
Director, Public Works

TM/sr

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Public Works Building, 99 Christie Lake Road, Perth, ON. K7H 3C6  
Tel: 613-267-1353 Ext. 3190 Toll Free: 1-888-952-6275 Fax: 613-267-2793  
E-mail: [tmccann@lanarkcounty.ca](mailto:tmccann@lanarkcounty.ca)  
Visit: [www.lanarkcounty.ca](http://www.lanarkcounty.ca)

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2017-0xx

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121 (2386274 Ontario Inc. – HIGHWAY 511) (PART LOT 27, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BATHURST)

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**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 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 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 is hereby amended by amending the zoning from Rural (RU) to Commercial Exception-3 (C-3) on the lands legally described as Part Lot 27, Concession 3, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191601544000), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **NOTWITHSTANDING** the provisions of Section 3.19, on the lands zoned C-3 the following provisions shall prevail:
  - Setback from EP zone 50m
- 1.3 **THAT**, all other applicable standards and requirements of the Official Plan and 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2017-0xx**

**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 9<sup>th</sup> day of May, 2017.

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**Keith Kerr, Reeve**

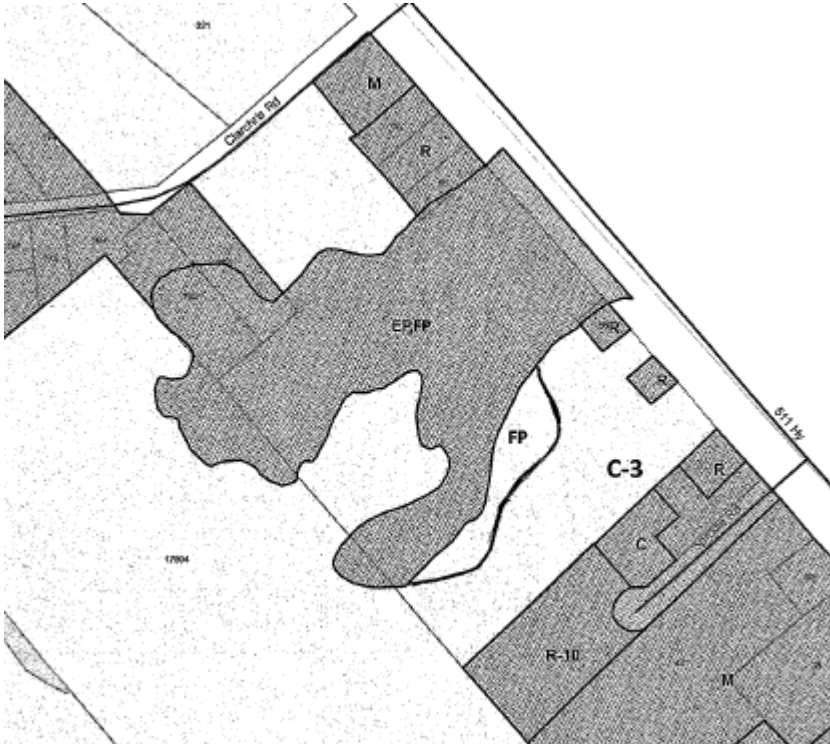
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**Amanda Mabo, Clerk**

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2017-0xx**

**SCHEDULE “A”**

2386274 Ontario Inc. – Highway 511  
Part Lot 27, Concession 3  
Geographic Township of Bathurst  
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from  
Rural (RU) to  
Commercial Exception-3 (C-3)

Certificate of Authentication

This is Schedule “A” to By-Law 2017-0xx  
passed this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk