



**“SPECIAL” COMMITTEE OF THE WHOLE
MINUTES**

Tuesday, May 3rd, 2022

5:30 p.m.

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

ATTENDANCE:

Members Present: Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor RoxAnne Darling
Councillor Rob Rainer
Councillor Gene Richardson
Councillor Mick Wicklum
Councillor Beverley Phillips

Staff Present: Amanda Mabo, Acting Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner

Regrets: Councillor Fred Dobbie

1. CALL TO ORDER

The meeting was called to order at 5:32 p.m.
A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**

None at this time.

3. PRIORITY ISSUES

i) **DRAFT Section 1.4 Indigenous History and Relationship with the Land**

The Committee agreed to discuss the draft Indigenous History and Relationship with the Land proposed section first as Chief Lalande was at the meeting.

The Consultant explained the obligation of the Federal and Provincial governments to consult with indigenous communities and as a creature of the Province, municipalities have a Duty to Consult as well. The Consultant reviewed the information that was attached the agenda and suggested that it would be a new Section 1.8.

It was suggested that rather than all being in one section, that the information on the history go with the historical information on the European settlement as Section 1.1.1 and the part about land use planning, might go in section 6.1 that speaks to implementation.

A Member asked about the use of the word “unique”, when describing the Indigenous community’s relationship to the land, but it is not unique to only indigenous communities, others have a similar sacred perspective with the land. Chief Lalande acknowledged and agreed and suggested maybe the word was too strong and suggested the word “shared”.

A Member asked about the use of the term First Nation Indigenous and that it seems redundant. Chief Lalande explained that it is the pride in their ancestors that the word First Nations recognizes. The Inuit share a northern way of life, the Metis people are a mix of Indigenous and European cultures, and they are both First Nations. The third group of First Nations are Indigenous. If Indigenous people where asked how they refer to themselves most would say their ancestors were First Nation people.

The Planner explained that the paper is draft from Chief Lalande. The Township is waiting to hear from the Algonquins of Ontario. The Consultant wanted to have something bring to Council and the public to start the education discussion.

A Member asked Chief Lalande how they would answer a question about what efforts have been made to reflect the interest of all the First Nation Indigenous citizens in the relevant polices of the Draft Official Plan. Chief Lalande explained that they do not have a religion, they have truth and there can be no reconciliation until there is truth. Truth means to know the truth of their history. The history was not written by the Indigenous people but by the colonizers, more of the truth needs to be shared. It is not a pretty history, but it is the history. The Consultant mentioned that the Plan does mention throughout the Cultural and Natural features how consultations with the First Nations will be taken. The polices in these sections will protect the natural heritage features and the water. It was suggested to link that statement to those polices that speak about protecting culture, environment and water.

A Member expressed that they would like to see the Official Plan mention protecting and sharing what we have, healthy lands, water and wildlife for the next seven (7) generations. In order to heal there needs to be an understanding of the history and acceptance of that history from the general population but we are not there yet and is proud that Tay Valley Township is working towards that.

A Member mentioned that the City of Ottawa has appointed an Indigenous person to sit at the Council table. They do not have a vote, but can sit at the table, and asked Chief Lalande what he thought of that. He felt Indigenous people may be a little shy, but thinks it is an idea to discuss. The Acting CAO/Clerk explained that Indigenous consultations is with the Community Services Coordinator and she will be looking at that next year. Chief Lalande had heard from the Association of Municipalities of Ontario that some Councils have standing committees that report back to Council. The Acting CAO/Clerk mentioned that there are many ideas such as a few times a year staff could sit with the Indigenous groups to communicate some of the planning issues and public works projects. The municipality wants to hear how they would like to engage with the municipality as they may have other ideas and we need to find something that also works for this small rural municipality.

ii) **Official Plan Review and Update – Council Working Session to Review the Red-Line Version of the Official Plan.**

The Consultant explained that the Waterfront Development section was needed to manage the large volume of redevelopment on the waterfront properties. There needs to be clear policies. The Courts and Land Tribunal cases suggest that robust policies are needed. Section 3.2.5 is new for development and redevelopment. Legal Non-Conforming rights need to be mentioned. The rights are supported by the Supreme Court of Canada and the Official Plan needs to clearly articulate those legal rights. The Consultant further explained that the concept making a change to a legal non-conforming property is to expand to the back of the property and not along the waterfront and that there should be a net environmental gain, Tay Valley is already doing that, this policy gives context to that practice.

A Member asked under section 3.2.3 Water Setback – No. 8 – Where a majority of residents around a lake have indicated support, a mandatory shoreline buffer of a minimum of 3 meters will be required where topography permits. How would this happen? The Planner explained that this was added in the last 5 year review and it gets addressed with a planning application, not when something already exists. The Mississippi Valley Conservation Authority recommends a 15m buffer and the Rideau Valley Conservation Authority recommends a 3m buffer, the science supports the 15m buffer. The Committee requested that the Planner consult with the lake associations that wanted this clause in and possibly after consultation with them, it be removed.

The Planner referred to Section 3.2.4 Water Frontage No. 2 and explained it and also suggested that the word subdivision be inserted to resolve the

contradiction with the prohibition on backlot development. This was previously discussed at the last working session.

Section 3.2.5 – Waterfront Development Criteria, the Planner explained that the two Official Plan Amendments, Official Plan Amendment # 5 and #6 for Farren and Adam Lakes had been included in the Draft Official Plan and the Draft might also include similar criteria for Little Silver and Rainbow Lakes. The Planner asked if Council was interested in adopting a minimum severed lot size of 0.8ha (2 acres) for all Tay Valley Township lakes. The Committee agreed.

A Member suggested that the major new things or changes should be outlined for the public to look at, otherwise the document is overwhelming, feels would get better feedback from the public. The Acting CAO/Clerk explained that was the intention for the Open Houses.

A Member asked if there are things being added to the Official Plan that belongs in the Zoning By-Law? The Consultant explained that these two documents should stay separate and does not see anything in the Official Plan that is a zoning regulation. Some things need to be mentioned in the Official Plan in order to be able to regulate them in the Zoning By-Law. When going to the Land Tribunal a municipality cannot rely on the Zoning By-Law alone, you need the Official Plan polices as well.

A Member referred to the current Official Plan and that the Waterfront section is very high level and is putting in more detail a bad thing? The Planner explained that there was a case lost at the Ontario Land Tribunal because the wording in the Official Plan policy was not strong enough. The Consultant feels the Official Plan needs more robust polices, but if Council is not comfortable with that it can be changed.

It was asked if the Planning Act requires that the Official Plan should have better polices? The Consultant explained that the Provincial Policy Statement have not changed for waterfront properties and states we must protect them. The experience from similar Townships is to have more robust polices. It is not a requirement, but will help staff in defending them based on current case law.

A few Members feel there is lots of duplication and redundancy in the section and therefore it will be looked at for rewording.

Referring back to section 3.2.3 Water Setback – No. 8 – Where a majority of residents around a lake have indicated support, a mandatory shoreline buffer of a minimum of 3 meters will be required where topography permits. A Member asked how this would fare at the Ontario Land Tribunal? The Consultant would not recommend this clause. The Committee discussed whether to remove it or not, it was suggested to find out which lakes wanted it in the Official Plan and to discuss it with them before removing it.

Section 3.2.8 No. 2 should add the words “or Engineer” since sometimes the systems need an engineer design.

Section 3.2.9 Lake Stewardship No. 2 it was suggested to remove the terms short term and long term parking, not clear what they mean.

The Reeve asked that given the time, if Committee would agree to move to the Severance section for discussion as there are Members of the public present that would like to hear that discussion.

The Committee recessed at 6:57 p.m.

The Committee returned to session at 7:04 p.m.

Section 6.3.3 Consent Policies

The Consultant reviewed the section and explained the only new paragraph addressed strip development. There is no proposal to change the date or the number of severances allowed. As identified in the Growth Management Plan, the Township has over 600 vacant lots which greatly exceeds the lots required to accommodate the Township's projected growth numbers from the County, the goal would be that eventually it would get to the point where there are not many properties eligible for severance and that would direct severances to either subdivisions and or cluster lot development.

A Member asked what land holding means? For example, Township of Drummond North Elmsley allows severances based on number of roads, not based per property. The Committee discussed the impact of allowing severances in that scenario, which essentially creates strip development and you lose the rural character.

A Member discussed the concern about the impact on the rural character of the Township and the impact on the finances, the more scattered the development the more it costs to service them. The other concern is affordable housing. What about thinking about the size of the lot and the type of development and is it visually appealing, realizing that what is appealing differs between people. Would like to know what the public would like.

The Planner reminded the Committee that the Growth Management Report that was presented showed that the Township has 600 vacant lots, Provincial Policy Statement requires that there be a 25 year supply of lots. Based 600 lots there is no need to create more new lots in the Township. The question is why would Council want to move the date or increase the number of severances or allow them based on roads rather than land holdings? There is no urban growth pressure here. Council and the residents need to decide what they want the Township to look like in 25 years. Does Council want the changes in the last 25 years to be amplified?

The Consultant explained that those properties that are not eligible for a severance could do a cluster lot development.

Councillor Phillips expressed that Council should listen to the Planners. While the date changing is beneficial to some landowners, in the beginning of the

Official Plan, Tay Valley is described as having a rural atmosphere and it should stay that way. Strip development will alter that, and the result will not be positive. Tay Valley has a surplus of vacant land so she is in favour of the status quo.

Councillor Richardson asked what the date was before the last 5 year update. It was 1986 and now is 1991. Feels conflicted on this as there is a number of years of supply of vacant land. Would like to hear from the public.

Councillor Darling was in favour of leaving it status quo during the last discussion and would still prefer to leave it the same or roll it back. How would strip development be prevented if allowing three new lots plus the retained? The Consultant explained how the policy would stop the side by side lots. It was suggested that the Consultant look at having the policy require that the lot lines for the new severances must be 150 m from any neighbouring lot line. This way all properties are treated the same versus the first person to get their applications in (Section 6.3.3 – 3).

The Reeve would prefer to leave the number of severance but to move the date up by 5 years.

Councillor Rainer wants the rural character to be maintained, but is concerned about the equity. It does not seem fair based on the date that one property owner can sever but the lot beside them cannot. The Township of Lanark Highlands only allows one (1) lot to be created. Tay Valley could gradually phase down from three to one. Need to hear from the public.

The Planner feels there are two issues - the rural character and is it financially viable to have more severance? The answer is no, municipalities lose money on rural residential lot development.

The Consultant agreed that low density severances are a financial liability. The taxation received does not cover the costs for the service increase, many studies have demonstrated this.

Councillor Phillips expressed again that Council should listen to the Planners and retain the rural character.

Councillor Wicklum asked about cluster lots. The Consultant explained that they are a solution to a property that cannot sever any more lots.

Councillor Darling asked about larger lot sizes for severances would that be a good thing or not? It would result in less severances. She suggested that if severed lots are to have 300m between them then the lots should be located in the middle of the frontage of the retained lot with 150m of undeveloped land on either side of them that is part of the retained lot.

The Consultant suggested that you could also permit severances in stages. The one lot severed would have to be developed before the next severance would be allowed, along with the larger lot sizes.

The Planner addressed the concern about affordable housing. An option is to look at hamlets. Some may have lots that are vacant but how close to towns are they? Severances far from towns do not help affordable housing unless there is micro transit services, because you have burdened the household with additional transportation costs.

Section 4.2 Parks and Recreational Facilities, the information in that section was taken from the Recreation Master Plan.

4.4.1 Water Supply and Sewage Disposal

The Consultant reviewed the Hydrogeological policies. Having good water is important and the Plan was not clear when hydrogeological studies were needed, he also introduced a screening mechanism for them.

A Member suggested if lots were larger that it might help with not needing a hydrogeological study. Again, lot sizes should be increased for severances.

A Member asked about allowing a new lot to be created for a multi-residential building, similar to allowing a new lot for a cluster lot development when previous severances had been used up. The Consultant explained that servicing a four-plex is expensive and they are typically on town services but might work in hamlets on communal services.

A Member asked about the species at risk section, does the Township have a checklist to ensure that the mitigation is put in place to ensure it remains for years after and are they tied to a Site Plan Control Agreement to be registered on title. Is there a way to follow up years later? The Planner explained they are in the Site Plan Control Agreement and the goal is to have the Chief Building Official check on some site plans during the slower season, but there does not seem to be a slow time anymore. The possibility of hiring a summer student for this follow up was mentioned.

A Member asked about 6.12 - Maintenance and Occupancy By-Law No. 4 that indicates appointing a Property Standards Officer. The Acting CAO/Clerk explained that if that By-Law was in place that would happen.

iii) **DRAFT Official Plan Schedules**

- Schedule A – Land Use
- Schedule B – Development Constraints
- Schedule C – Natural Heritage Features

The Consultant reviewed the Schedules.

Schedule A is the Land Use Designations and does not have anything new added to it.

Schedule B is the Development Constraints and has new Bedrock layer and more abandoned mine sites than the last Official Plan.

Bedrock designation has similar restrictions as aggregates.

There are more mine hazards identified now, they show a 1 km buffer around them for development review. The Planner explained that often the Ministry is not concerned with development within the buffer. The abandoned mines sites generally do not pose restrictions, they are more of a warning to the landowner.

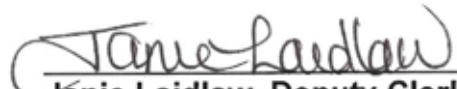
Schedule C is Natural Heritage Features and is the most updated schedule. The Eastern half of the Township had Natural Heritage System mapping. This time it was suggested to have Natural Heritage Systems mapping for the whole Township. The Significant Woodlands has been scaled back to Old Growth and rare tree species. This schedule shows the ANSI's, Wetlands, Provincial Significant Wetlands and watercourses. All the watercourses are mapped. There is no Deer Yards anymore as Significant Wildlife Habitat is throughout the Township.

The maps will be sent out digitally. Some wetlands may need to be ground truthed and the Conservation Authorities have committed to do this.

4. ADJOURNMENT

The Committee adjourned at 8:36 p.m.



Brian Campbell, Reeve

Janie Laidlaw, Deputy Clerk