



**“SPECIAL” COUNCIL MEETING  
AGENDA**

Thursday, August 10<sup>th</sup>, 2023  
5:30 p.m.

Municipal Office – Council Chambers – 217 Harper Road

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5:30 p.m. *“Special” Council Meeting*

***Chair, Reeve Rob Rainer***

1. **CALL TO ORDER**
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
3. **CLOSED SESSION**
  - i) **CONFIDENTIAL: Litigation - Building Permit #115-2017.**

*Suggested Motion by Councillor Greg Hallam:*

*“THAT, Council move “in camera” at \_\_\_ p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding Building Permit #115-2017;*

***AND THAT,** the Chief Administrative Officer/Clerk, Planner, Deputy Clerk and Tony Fleming, Legal Counsel remain in the room.”*

*Suggested Motion by Councillor Greg Hallam:*

*“THAT, Council return to open session at \_\_\_\_\_p.m.”*

- *Chair’s Rise and Report.*

#### 4. NEW/OTHER BUSINESS

- i) **Report #PD-2023-19 - Comments on Caivan Development of Perth Golf Course Lands – attached, page 4.**

*Suggested Motion by Councillor Korrine Jordan:*

*“THAT, the Corporation of Tay Valley Township submit its comments on the Proposed Town of Perth Official Plan Amendment-01-2023 and Zoning By-Law Amendment-03-2023 Owner: Caivan Ltd. (Perth Golf Course lands) to the Town as outlined in Report #PD-2023-17 – Comments on Caivan Development of Perth Golf Course Lands.”*

#### 5. CONFIRMATION BY-LAW

- i) **By-Law No. 2023-033 - Confirmation By-Law – August 10<sup>th</sup>, 2023 – attached, page 12.**

*Suggested Motion by Deputy Reeve Fred Dobbie:*

*“THAT, By-Law No. 2023-033, being a by-law to confirm the proceedings of the Council meeting held on August 10<sup>th</sup>, 2023, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”*

#### 6. ADJOURNMENT

# **NEW/OTHER BUSINESS**

**COMMITTEE OF THE WHOLE**  
**August 10, 2023**

**Report #PD-2023-19**  
**Noelle Reeve, Planner**

**COMMENTS ON CAIVAN DEVELOPMENT OF PERTH GOLF COURSE LANDS**

**STAFF RECOMMENDATION**

It is recommended:

**“THAT**, the Corporation of Tay Valley Township submit its comments on the Proposed Town of Perth Official Plan Amendment-01-2023 and Zoning By-Law Amendment-03-2023 Owner: Caivan Ltd. (Perth Golf Course lands) to the Town as outlined in Report #PD-2023-17 – Comments on Caivan Development of Perth Golf Course Lands.”

**BACKGROUND**

The subject property is located within the Western Annex Lands of the Town of Perth and is located within the urban settlement area boundary. The subject property is approximately 300 hectares in size and is currently used as the Perth Golf Course Lands. Surrounding lands include residential uses, golf course uses and some vacant lands. The Tay River and Grants Creek are found throughout and surrounding the property. Access to the property is via the Peter Street bridge.

The proposed amendments to the Town of Perth Official Plan and Zoning By-Law are to prepare the lands to be developed for a plan of subdivision of approximately 940 homes, currently proposed as single-family and townhouse units, parkland, stormwater management ponds, open space and contemplates additional functions for the existing clubhouse.

The purpose of the Official Plan Amendment is to introduce a new policy section for the Western Annex Lands and to establish a detailed policy framework for the development of the lands. The amendment would also remove the Special Study Area designation and modify the boundaries of the current Residential, Environmental Protection, Parks and Open Space designations within the subject lands.

The effect of the Official Plan Amendment would be to accommodate the future development of the lands.

The purpose of the Zoning By-Law Amendment is to create a new Residential zone for the Western Annex Lands and establish a range of permitted land uses and related performance standards that would apply to the development of the Western Annex Lands.

The effect of the amendment would be to accommodate a residential plan of subdivision.

Tay Valley Township was provided notice of the proposed amendments to the Town of Perth's Official Plan and Zoning By-Law because the property is bordered to the west and south by Tay Valley Township. To review all of the plans and studies submitted with the application, please visit the Town of Perth's website at [Perth.ca/Planning](http://Perth.ca/Planning).

The Open House for these applications is Thursday, August 10, 2023, at 5:30 pm, at Algonquin College. A number of residents of Tay Valley Township have asked if the Township will be commenting on the applications for environmental and social reasons.

## **DISCUSSION**

The Town of Perth's Planner, their Public Works Manager, consulting engineers Jp2g, and Planning Committee members prepared a thorough analysis (18 pages in total) of the original Caivan proposal which can be found here, along with Caivan's responses: <https://www.perth.ca/en/do-business/resources/Documents/1st-Submission-Comment-Response-Matrix.pdf>

When submitting a planning proposal, it is the responsibility of the developer to prove that the plan for the property is appropriate and represents good land use planning. The applicant must prove the "principle of development". In this case, there are three main topics to be reviewed:

- Provision of affordable housing;
- Energy efficiency/mitigation of climate change;
- Environmental impacts.

These topics are discussed in the documents that guide land use planning in Ontario – the Provincial Policy Statement (PPS) 2020, County and local Official Plans, and the local Zoning By-Law. The Planner offers the following comments on the requirements of these documents under the topic areas.

### **Provincial Policy Statement (PPS) 2020**

#### **Housing**

The Town of Perth identified PPS Section 1.1.1.b) as relevant to their review of the application. This section states "Healthy, liveable and safe communities are sustained by: "Accommodating an appropriate affordable and market-based range and mix of residential types including single detached, additional residential units, multiunit housing, affordable housing, and housing for older persons...".

Caivan Ltd responded to the Town's concern that there was no affordable housing identified in their application by stating that by allowing rough-in for future accessory dwelling units (ADUs) they meet this requirement.

The Planner disagrees. One question that does not seem to be answered is, has the Town of Perth approved the sewer and water capacity associated with these potential ADUs being built? But a more important consideration is that a future potential choice by individual

homeowners does not meet the developer's obligation to provide affordable housing now and there is no guarantee that the ARU's will be built.

### **Climate Change/Energy Efficiency**

Section 1.1.1 c) states "Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns".

Caivan Ltd. states that through the Hydrogeological study by Gemtec and the Environmental Impact Study by Kilgour, "No environmental, public health, or safety concerns shall be created."

However, the World Health Organization and Canadian Association of Physicians for the Environment "call climate change the biggest health threat facing humanity". Heating the proposed subdivision with fossil fuels (natural gas) will, therefore, contribute to a public health concern.

Section 1.7.1 k) states, "Long-term economic prosperity should be supported by: minimizing negative impacts from a changing climate and considering the economic benefit provided by nature".

Caivan Ltd. points to their engineering studies to assure that the development will not suffer from increased flooding due to climate change.

But that is not the requirement the PPS 2020 is making which is further emphasized in Section 1.8.1 f) which states that, "Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which: promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure".

Using fossil fuels to heat a proposed subdivision is not consistent with the requirement that "Planning authorities **shall** support energy conservation and efficiency, improve air quality, and reduce greenhouse gas emissions".

The Watercolour development by Land Ark Homes in nearby Westport proposes a net-zero subdivision that Ontario Minister of Municipal Affairs and Housing, Steve Clark, is quoted as saying "is the future of development for small communities".

### **Environment**

Section 1.1.1.h) states "Healthy, liveable, and safe communities are sustained by promoting development and land use patterns that conserve biodiversity".

New information has been provided to support the application, including a detailed Environmental Impact Assessment <https://www.perth.ca/en/town-hall/resources/Documents/Planning/Caivan/230223---Kilgour---Environmental-Impact-Statement.pdf>

While the assessment does indicate some impacts will occur, mitigation by creating new habitat has been proposed. Permits for development will be required both from the Rideau Valley Conservation Authority and the Ministry of Natural Resources. The Town should assure itself that the compensating wetlands are sufficient for the damage.

### **County Sustainable Community Plan**

This plan essentially repeats the requirements of the PPS while allowing for some interpretation by lower tier municipalities so will not be discussed.

### **Town of Perth Official Plan**

#### **Housing**

The Town of Perth Official Plan Section 8.1.3.9.2 states, "Ensure creation of affordable housing when approving new residential development and redevelopment to meet targets of... 25% of all new ownership housing to be affordable to households up to the 60th income percentile for the Count of Lanark regional market area."

Caivan Ltd's response to the Town of Perth is, "No affordable housing is proposed. Houses will be priced at market rates however Caivan plans to rough-in fixtures to allow for additional dwelling units within single detached dwellings and townhomes which provides rental housing options and can offset mortgages costs".

This approach is a concern given the recent Perth and District Community Foundation's *Vital Signs Report* on Lanark County determined that, "24 percent of households found themselves in dwellings that were not suitable, required major repairs or were costing them more than 30 percent of their income".

Leaving affordable housing up to individual homeowners rather than it being directly provided by the developer does not appear to meet the requirements of the Perth Official Plan.

#### **Climate Change/Energy Efficiency**

Section 3.10 Healthy and Sustainable Communities, of Perth's Official Plan states that, "Building a strong, healthy and sustainable community is a key objective of the Official Plan and the basis for good land use planning over the long-term. Section 5.9 sets out an extensive menu of policies designed to promote energy conservation, sensitive urban design and the development of a high-quality urban environment. Section 5.9 further states that, "Consideration will be given to best practices in energy and water conservation, green infrastructure and the conservation of the natural environment in making future land use decisions."

While a peer review of the infrastructure plan (which to its credit includes Low Impact Development (LID) green infrastructure) and a peer review of the Environmental Impact Study are proposed by the Town, no peer review of the energy proposal (natural gas vs heat pumps) has been proposed by the Town.

The Town of Perth review of the Caivan Ltd. application identified Section 5.9.1.b) under Objectives for Energy Conservation and Community Sustainability for Caivan Ltd. to respond to, "Individuals and representatives of the development industry when filing planning applications will be expected to demonstrate how their development proposals have taken into account the applicable principles of this plan with regard to community sustainability, energy conservation and environmental protection".

Caivan Ltd. stated that the southern exposure of a number of the dwellings (for heating) and street trees (for cooling) would address energy conservation. They also pointed to their energy-conserving construction process. However, fossil fuel use for heating does not support sustainability. Air source heat pumps provide both heating and cooling and do not emit the level of GHG emissions that natural gas (methane) does.

The Town could also include 5.9.1.c) in their review which contains a strong statement about energy use. "The underlying objective for energy and resource efficiency is to minimize the consumption of non-renewable energy sources, to reuse and recycle manufactured or human-made materials and to reduce the amount of waste generated by individuals, households, businesses and institutions. The extent to which energy may be saved will depend on an integrated approach which involves municipal planning approvals, building and site design, consumer behavior and lifestyle changes. The municipality in playing a leadership role will influence change in the pattern of energy consumption through pre-consultation, through ongoing grant, refund and incentive programs that encourage energy and resource efficient building components and designs, and by providing information that influences the decisions made during the design and development process."

The Town could also include Section 5.9.2.1 Principles for Energy Conservation in its review which states, "Reducing the dependence on non-renewable energy sources by: • supporting increased use of innovative, renewable energy sources such as: solar, geothermal and wind power when approving new development or redevelopment; • Building and site design undertaken with the intent to minimize the amount of non-renewable energy that is needed to service the structure in terms of efficient heating, hot water, cooling, lighting and other sources of power demand and ventilation".

The Town could also include Section 5.9.2.2, "Optimizing energy use through: • supporting energy efficiency in building and infrastructure design by encouraging use of innovative technologies such as passive solar, wind and geothermal energy sources, energy efficient appliances, and more durable and reusable building materials (example is construction of LEED - Leadership in Energy and Environmental Design buildings).

The Town could also include the powerful Section 5.9.2.7, "Building in a life-cycle costing analysis of energy use, including maintenance cost, into planning approvals, particularly, but not exclusively, with regard to services being assumed by the Town.

Finally on the topic of energy, the Town could also include Section "8.1.3.1 Residential Area Designation Objectives b) To provide for compact, energy efficient development that is fully serviced."



## **OPTIONS TO BE CONSIDERED**

Option #1 (Recommended) – The Township forward this report to the Town of Perth.

Option #2 – Council receives the report for information.

## **FINANCIAL CONSIDERATIONS**

Compact development on sewer and water services is the most efficient form of development. This development in Perth could alleviate the cost of scattered development that would otherwise occur in Tay Valley Township, thereby reducing cost on the Township related to roads and other assets.

## **STRATEGIC PLAN LINK**

**Housing:** Residents have access to a wide range of affordable and healthy housing options.

**Environment:** Our residents have access to clean lakes and a healthy, sustainable environment.

## **CLIMATE CONSIDERATIONS**

The Township asks that the Towns of Perth analyze the impact of the proposed 940 new homes fuelled by natural gas on its ability to meet its Climate Action Plan targets because climate change is an issue that impacts Tay Valley residents and others beyond the Town of Perth's borders.

## **CONCLUSIONS**

The Planner recommends that the Township should comment on the proposed changes to the Town of Perth's Official Plan and Zoning By-law as the type of housing approved, the impact on the Tay River and Grants Creek Provincially Significant Wetland, and the type of energy use in the subdivision have effects on its residents.

## **ATTACHMENTS**

- 1) Location of Subject Lands

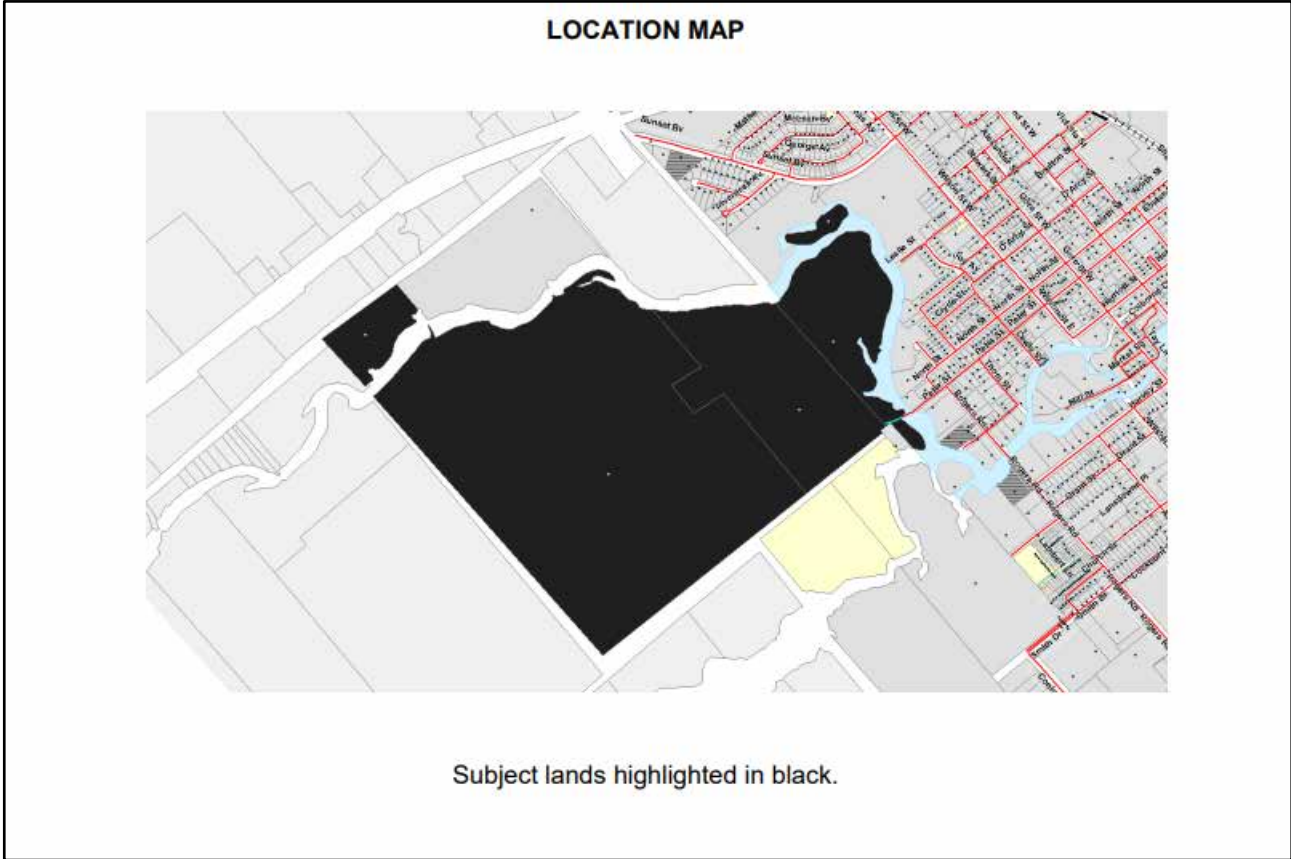
**Prepared and Submitted By:**

**Noelle Reeve,  
Planner**

**Approved for Submission By:**

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

Attachment 1 Location of Western Annex (Golf Course) Lands



# **BY-LAWS**

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2023-033

### A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF TAY VALLEY TOWNSHIP AT ITS MEETING HELD ON AUGUST 10<sup>TH</sup>, 2023

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**WHEREAS**, Section 5 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council;

**AND WHEREAS**, Section 9 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**AND WHEREAS**, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS**, it is deemed expedient that the proceedings of the Council of the Corporation of Tay Valley Township at its meeting be confirmed and adopted by By-Law;

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

#### 1. GENERAL REGULATIONS

- 1.1 **THAT**, the actions of the Council of the Corporation of Tay Valley Township at its meeting held on the 10<sup>th</sup> day of August, 2023 in respect of each motion and resolution passed and other action taken by the Council of the Corporation of Tay Valley Township at its meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 **THAT**, the Reeve and Proper Signing Official of the Corporation of Tay Valley Township are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of Tay Valley Township referred to in the preceding section hereof.
- 1.3 **THAT**, the Reeve and/or Deputy Reeve and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of Tay Valley Township.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2023-033**

**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 10<sup>th</sup> day of August 2023.

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**Rob Rainer, Reeve**

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**Amanda Mabo, Clerk**