
**Tuesday, October 10th, 2023
5:30 p.m.
Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

*5:30 p.m. Public Meeting - Zoning By-Law Amendments
Following Committee of the Whole Meeting*

Chair, Deputy Reeve Fred Dobbie

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for a Zoning By-Law Amendment for the following application:

Brook and McCarney

- 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 #ZA23-07: Calvin Brook and Patricia McCarney – *attached, page 4.***
506 Cherie Hill Lane
Concession 6, Part Lot 3,
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

October 10, 2023

Noelle Reeve, Planner

APPLICATION ZA22-07 Brook and McCarney

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 3, Concession 6, in the geographic Township of North Burgess, municipally known as 506 Cherie Hill Lane, from Limited Services Residential (RLS) to Limited Services Residential Special Exception-194 (RLS-194).”

BACKGROUND

The application applies to an approximately 0.89-ha (2.21-acre) lot with 101m (331 feet) frontage on Adam Lake. The purpose of this application is to change the zoning from Limited Services Residential (RLS) to Limited Services Residential Special Exception-194 (RLS-194). The effect of the amendment is to allow the construction of a house, on a peninsula, at a reduced water setback of 15m, instead of the required 30m.

DISCUSSION

Provincial Policy Statement (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 as the applicant is proposing to locate the dwelling at the setback farthest from the water possible given the constraints of the property due to the peninsula and hydro and private road right of ways.

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. Adam Lake water quality is rated Poor by the Rideau Valley Conservation Authority (RVCA). The RVCA Rideau Lakes Subwatershed Report 2014 noted that “a proactive cautionary program of best management practices is important to ensure the protection of the lake environment.” To date vegetation has been retained on the site and through a Site Plan Control Agreement, water quality can be maintained and perhaps improved by ensuring that

vegetation remains on site with some additional plantings on the east side of the peninsula.

Lanark County Sustainable Communities Official Plan (SCOP)

Section 3 Rural Land designation permits a variety of uses including residential uses.

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, Provincially Significant Wetland buffer and Abandoned Mine Hazard buffer. Section 3.6 Rural designation permits residential uses. The site for development is proposed outside of the area designated as Provincially Significant Wetland. There is no abandoned mine on the site so the buffer is not an issue for the proposed development.

In addition, Official Plan Amendments 4 and 5 identified Farren and Adam Lakes as requiring a phosphorus removal component for a septic system that does not meet the 30m setback from water.

Zoning By-Law

The lot is currently zoned Residential Limited Services (RLS). The exception is required to permit the dwelling to be built at a water setback of 15m rather than the 30m required.

Planner

Following a site visit conducted with the Rideau Valley Conservation Authority, the Planner determined that the proposed location for the dwelling would cause the least impact. Pulling the development envelope back from the water on the south of the lot would push the development closer than 15m to the water on the east side of the lot.

The owners should be aware that while the proposed dwelling is located beyond the Provincially Significant Wetland buffer, any work on the hill at the West of the property is within the buffer and would require a permit from the conservation authority.

Most of Tay Valley Township has been identified as a highly vulnerable aquifer as stated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are properly maintained,
- avoid use of pesticides, herbicides and fertilizers.

Rideau Water Development Review Team (RWDRT)

The RWDRT has no objection to the proposal. The RWDRT noted that the 1:100-year flood level of Adam Lake has been determined to be 124.51 meters above sea level (masl). Map contours indicate the proposed location for construction is 125 masl. The 1:100-year flood elevation should be considered in the design of the dwelling and drainage system. With regard to the slope hazard, there is no concern given the proposed location of the dwelling.

This property partially falls within the regulated area of the North Shore Big Rideau Lake Provincially Significant Wetland (PSW) as such prior written permission is required from the RVCA for any development within the 120-metre regulatory buffer in accordance with its regulation (Development, Interference with Wetlands, Alteration to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

Additionally, RVCA regulates the shoreline and area 15 m inland of Adam Lake under the aforementioned regulation. Should any development be proposed within this area (including, but not limited to, grading, site alteration, dock installation or erosion protection works) prior written permission is required from the RVCA office in accordance with its regulations.

Adam Lake is part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological, and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal [Parks Canada, Rideau Canal Commemorative Integrity Statement, 2000].

In addition, when the Rideau Canal was inscribed on the World Heritage List in 2007, the World Heritage Committee recognized a 30-metre buffer zone surrounding the inscribed property and recommended that consideration be given to strengthening the canal's visual protection outside the buffer zone, in order to ensure that the visual values of the setting are protected alongside environmental values. In this sector of the Canal the buffer zone extends back from the high-water mark of Lower Rideau Lake.

Per the *Operational Guidelines for the Implementation of the World Heritage Convention*, effective management of a world heritage site goes beyond the property to include any buffer zone(s), as well as the broader setting. Ways this can be achieved are through limiting development within the 30-metre buffer zone, and by designing development to be unobtrusive, visually screened and integrated within the vegetation and topography.

Parks Canada supports developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape is supported. The earth tones and neutral colours proposed for the finished exterior are supported. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, would be discouraged.

The Parks Canada Rideau Canal Office is an approval authority for in-water and shoreline works along the waterway. If the landowner wishes to carry out any new in-water and shoreline works for shoreline access, including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to the Rideau Canal's *Policies for In-water and Shoreline Works and Related Activities*. Parks Canada/Rideau Canal permitting staff can be reached at on-rc-cr.permits-permis@pc.gc.ca.

The RWDRT did provide suggestions for inclusion in a Site Plan Control Agreement.

Mississippi Rideau Septic System Office (MRSSO)

The applicant applied for a septic comment. While there is the potential for a septic system to be located on the property, because of the property constraints, the MRSSO understands the septic system will be placed on a plateau at the top of the hill behind the private road with only a pump chamber located behind the dwelling. The owners should be aware that the right of way and Hydro easement on the plateau will impact the location of the septic system and that a permit will be needed from the RVCA as this area is included in the 120m buffer from the Provincially Significant Wetland.

If the septic tank as well as the pump chamber is located at the bottom of the hill and is less than 30m from the lake, the septic system would also require an additional phosphorus removal component because Adam Lake has been identified by the Ministry of Environment, Conservation and Parks as being particularly sensitive to phosphorus.

Public Comments

One resident called with questions, but no formal concerns were expressed.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 6, Part Lot 3, 506 Cherie Hill Lane, Geographic Township of North Burgess (Roll number 091191102524008) from Limited Services Residential (RLS) to Limited Services Residential Special Exception-194 (RLS-194) and that a Site Plan Control Agreement be prepared.

ATTACHMENTS

- i) Site Sketch
- ii) Zoning By-law

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (BROOK AND McCARNEY – 506 CHERIE HILL LANE) (PART LOT 3, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

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 Limited Services Residential (RLS) to Limited Services Residential Special Exception-194 (RLS-194), on the lands legally described as Part Lot 3, Concession 6, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191102524008), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 THAT, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones).

194. RLS-194 (Part Lot 3, Concession 6, North Burgess)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-194 the following provisions shall prevail:

- Water Setback dwelling (minimum) 15m

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0xx**

1.3 THAT, all other applicable standards and requirements 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.

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 XX day of XX, 2023.

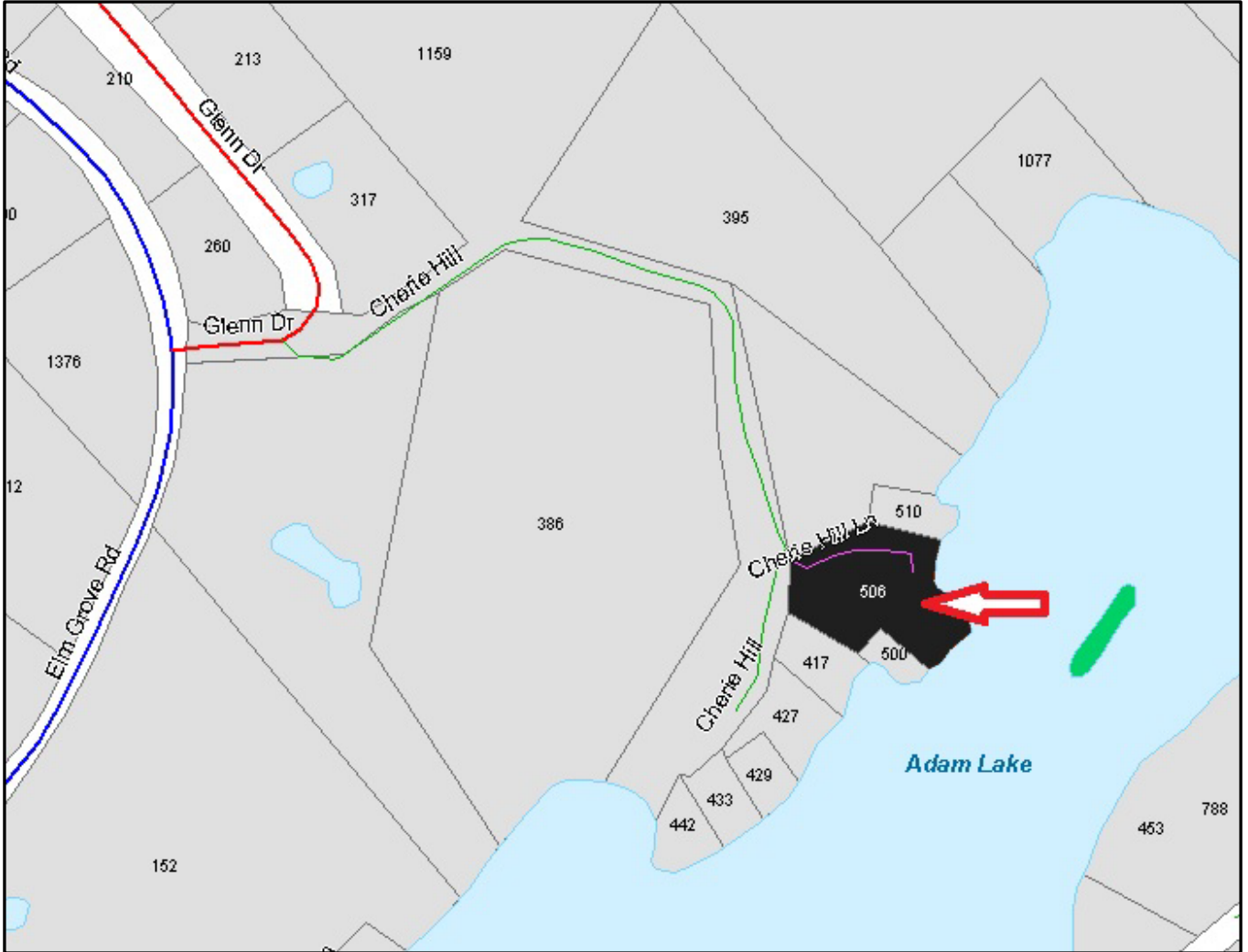
Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0xx**

SCHEDULE "A"

Brook and McCarney – 506 Cherie Hill Lane
Part Lot 3, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Residential Limited Services (RLS) to
Residential Limited Services Special Exception-194 (RLS-194)

Certificate of Authentication

This is Schedule "A" to By-Law 2023-XX
passed this XX day of XX 2023.

Reeve

Clerk

Brook and McCarney 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.

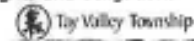
Ontario Land Tribunal

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.

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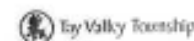
Brook and McCarney

506 Cherie Hill Lane

Part Lot 3, Concession 6, Geographic Township of North Burgess

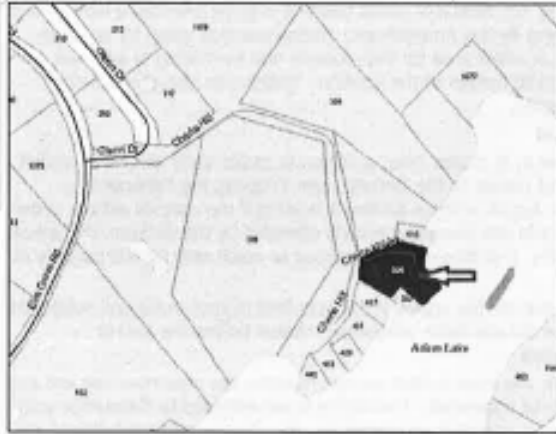
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- The purpose of this application is to change the zoning from Limited Services Residential (RLS) to Limited Services Residential Special Exception-194 (RLS-194).
- The effect of the amendment is to allow the construction of a house, on a peninsula, at a reduced water setback of 15m, instead of the required 30m.

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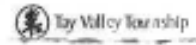


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Brook and McCarney Location



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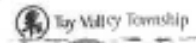


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Brook and McCarney Site Sketch



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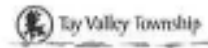


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Brook and McCarney Photos



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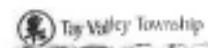


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Brook and McCarney Design Rendering



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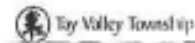


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Brook and McCarney Planner's Comments Provincial Policy Statement (PPS)

- 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 as the applicant is proposing to locate the dwelling at the setback farthest from the water possible given the constraints of the property due to the peninsula and hydro and private road right of ways.

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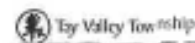


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Brook and McCarney Planner's Comments Provincial Policy Statement (PPS)

- 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. Adam Lake water quality is rated Poor by the Rideau Valley Conservation Authority (RVCA).
- The RVCA Rideau Lakes Subwatershed Report 2014 noted that "a proactive cautionary program of best management practices is important to ensure the protection of the lake environment." To date vegetation has been retained on the site and through a Site Plan Control Agreement, water quality can be maintained and perhaps improved by ensuring that vegetation remains on site with some additional plantings on the east side of the peninsula.

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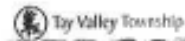


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Brook and McCarney County Sustainable Communities Official Plan

- Section 3, Rural Area Policies, permits a variety of uses including residential uses.
- 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.

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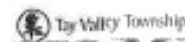


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Brook and McCarney Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, Provincially Significant Wetland buffer and Abandoned Mine Hazard buffer. Section 3.6 Rural designation permits residential uses. The site for the dwelling is proposed outside of the area designated as Provincially Significant Wetland. There is no abandoned mine on the site, so the buffer is not an issue for the proposed development.
- In addition, as a reminder, it should be noted that Official Plan Amendments 4 and 5 identified Farren and Adam Lakes as requiring a phosphorus removal component for a septic system that does not meet the 30m setback from water.

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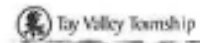


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Brook and McCarney Planner's Comments Zoning

- Following a site visit conducted with the Rideau Valley Conservation Authority, the Planner determined that the proposed location for the dwelling would cause the least impact.
- Pulling the development envelope back from the water on the south of the lot would push the development closer than 15m to the water on the east side of the lot.

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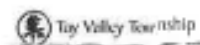


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Brook and McCarney Planner's Comments

- A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

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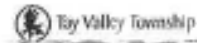
12

Brook and McCarney Comments

Rideau Waterfront Development Review Team (RWDRT)

- The RWDRT has no objection to the proposal or its location.
- The 1:100-year flood elevation should be considered.
- Prior written permission from RVCA is required for any development within the 120 m regulatory buffer of the Provincially Significant Wetland (PSW) or within 15m inland of Adam Lake.
- Adam Lake is part of the Rideau Canal Historic Site and UNESCO World Heritage Site, valued for historic, ecological and visual associations with the unique historic environment of the canal. Development within the 30m buffer zone is recommended to be visually screened and integrated with vegetation and topography.

13



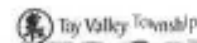
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Brook and McCarney Comments

Rideau Waterfront Development Review Team (RWDRT)

- Parks Canada supports development of the property that complements the visual character of the property, by using building materials and colours that blend in with the surrounding landscape.
- The Parks Canada Rideau Canal Office must be contacted prior to any new in water and shoreline works for shoreline access, such as docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices.
- The RWDRT did provide suggestions for inclusion in a Site Plan Control Agreement.

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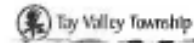
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Brook and McCarney Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The applicant applied for a septic comment. There is the potential for a septic system to be located on the property, but because of the property constraints, the MRSSO understands the septic system will be placed on a plateau at the top of the hill behind the private road with only a pump chamber located behind the dwelling. The owners should be aware that the right of way and Hydro easement on the plateau will impact the location of the septic system.
- If the septic tank as well as the pump chamber is located at the bottom of the hill and is less than 30m from the lake, the septic system would also require an additional phosphorus removal component because Adam Lake has been identified by the Ministry of Environment, Conservation and Parks as being particularly sensitive to phosphorus.

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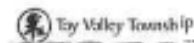
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Brook and McCarney Comments Continued

Public Comments

- One resident called with questions, but no formal concerns were expressed.
- Members of the public are welcome to speak to the application at this meeting.

16



16

Brook and McCarney Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 6, Part Lot 3, 506 Cherie Hill Lane, Geographic Township of North Burgess (Roll #0911-911-025-24008) from Residential Limited Services (RLS) to Residential Limited Services Special Exception-194 (RLS-194).