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**Tuesday, June 4<sup>th</sup>, 2024**

**5:30 p.m.**

**Municipal Office – 217 Harper Road, Perth, Ontario**

**Council Chambers**

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*5:30 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 an application for a Zoning By-Law Amendment for the following applications:

**Avery**

**Oddy and Shenkman**

- 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](mailto:adminassistant@tayvalleytwp.ca).

### 3. APPLICATIONS

- i) **FILE #ZA24-05: William Avery and Jeanette Avery – *attached, page 4.***  
**Bennett Lake Road**  
**Part Lot 5, Concession 11,**  
**Geographic Township of Bathurst**
  - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
  - b) APPLICANT COMMENTS
  - c) PUBLIC COMMENTS
  - d) RECOMMENDATION
- ii) **FILE #ZA24-06: Nicola Oddy and Charles Shenkman – *attached, page 17.***  
**1140 Elm Grove Road**  
**Part Lot 3, Concession 7,**  
**Geographic Township of North Burgess**
  - 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**

June 4, 2024

**Noelle Reeve, Planner**

**APPLICATION ZA24-05 – AVERY**

**STAFF RECOMMENDATION**

It is recommended:

**“THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 5, Concession 11, in the geographic Township of Bathurst, municipally known as Bennett Lake Road from Rural (RU) to Open Space Special Exception-9 (OS-9).

**BACKGROUND**

The application applies to an approximately 12.5-ha (30.9-acre) retained lot with frontage on Bennett Lake Road.

The purpose of the amendment is to change the zoning of the proposed retained lot from Rural (RU) to Open Space Special Exception-9 (OS-9). The amendment would satisfy a condition of three separate severances, that no dwelling be constructed on the retained lot. The retained lot is almost entirely covered by Provincially Significant Woodlands Rare Tree, Old Growth and Deep Interior Forest) and Mississippi Valley Conservation Authority (MVCA)-regulated wetlands.

**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. Parts “c) avoiding development and land use patterns which may cause environmental or public health and safety concerns, h) promoting development and land use patterns that conserve biodiversity, and i) preparing for the regional and local impacts of a changing climate” are also relevant to this application. These sections are met as the Open Space Exception-9 (OS-9) zone only permits a conservation use.

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Section 2.1.5d) states that “Development and site alteration shall not be permitted in Significant Wildlife Habitat unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions”. Precluding development through the Open Space Exception -9 zone ensures there will be no negative impacts on the ecological function of the Significant Wildlife Habitat, and Significant Woodlands (Rare Trees, Deep Interior Forest, and Old Growth) located on the retained parcel.

Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The retained lot contains an MVCA regulated wetland and stream. Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the wetland and stream.

The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

### **Lanark County Sustainable Communities Official Plan**

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

Section 5.5.2.1 Endangered or Threatened Species Habitat states "Development and/or site alteration is prohibited in significant habitat of endangered or threatened species as may be identified from time to time".

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. This section is met as there will not be any development to affect the stream and wetland.

### **Official Plan**

The subject property is designated in the Official Plan as Rural. Section 3.6 states "the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas".

Threatened and Endangered Section Species are not identified in either the County or Township Official Plan schedules in order to protect their habitat. Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands requires protection of Endangered and Threatened Species...

Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and specifically protects the ecological function of the wetland and forested areas as significant wildlife habitat.

## **Zoning By-Law**

The lot is currently zoned Rural (Ru) and requires rezoning of the retained parcel to Open Space Special Exception-9 (OS-9) to satisfy a condition of severance that precludes the construction of a dwelling on the retained lot. The OS-9 zone permits zero (0) dwellings per lot. It permits a conservation use but precludes a golf course, park, or an agricultural use. An outbuilding is permitted for storage of equipment.

## **Planner**

An environmental gain will be achieved through the rezoning as no development will be permitted on the retained lot.

## **Public Comments**

No comments were received at the time of the report.

## **CONCLUSION**

The Planner recommends that the proposed amendment be approved to rezone the lands at Part Lot 5, Concession 11, in the geographic Township of Bathurst, municipally known as Bennett Lake Road from Rural (RU) to Open Space Special Exception-9 (OS-9).

## **ATTACHMENTS**

- i) Draft Zoning By-Law Amendment

**Prepared and Submitted By:**

*Original signed*

**Noelle Reeve,  
Planner**

**Approved for Submission By:**

*Original signed*

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

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2024-0XX

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (AVERY) (PART LOT 5, CONCESSION 11, 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, as amended, is further amended by adding the following new subsection at the end of Section 9.4 (Exception Zones) in accordance with Schedule "A" attached hereto and forming part of this By-Law .

9. **OS-9** (Part Lot 5, Concession 11, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark, Roll #091191603033101)

Notwithstanding the provisions of Section 9.1, on the lands zoned OS-9 the following provisions shall prevail:

- Conservation use
- Dwellings 0

1.2 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.

1.3 **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, 2024.

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**Robert Rainer, Reeve**

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**Amanda Mabo, Clerk**



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

**SCHEDULE "A"**

Avery – Bennett Lake Road  
Part Lot 5, Concession 11  
Geographic Township of Bathurst  
Tay Valley Township



Area(s) Subject to the By-Law  
To amend the Zoning from Rural (RU)  
to Open Space Special Exception-9 (OS-9)

Certificate of Authentication  
This is Schedule "A" to By-Law 2024-XX  
passed this XX day of XX 2024.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

# Avery

## 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.

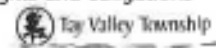
### Ontario Land Tribunal

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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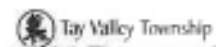
# Avery

## Bennett Lake Road

Part Lot 5, Concession 11, Geographic Township of Bathurst

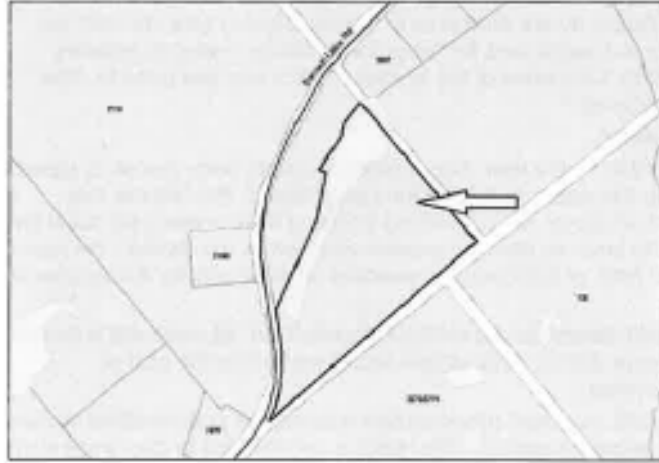
- The application applies to an approximately 12.5-ha (30.9-acre) retained lot with frontage on Bennett Lake Road.
- The purpose of the amendment is to change the zoning of the proposed retained parcel from Rural (RU) to Open Space Special Exception-9 (OS-9). The amendment would satisfy a condition of three separate severances, that no dwelling be constructed on the retained lot. The retained lot is almost entirely covered by Provincially Significant Woodlands (Rare Tree, Old Growth, and Deep Interior Forest) and Mississippi Valley Conservation Authority (MVCA)-regulated wetlands.

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## Avery Location



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## Avery Photos



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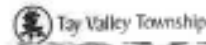


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## Avery Planner's Comments Provincial Policy Statement (PPS)

- 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. Parts "c) avoiding development and land use patterns which may cause environmental or public health and safety concerns, h) promoting development and land use patterns that conserve biodiversity, and i) preparing for the regional and local impacts of a changing climate" are also relevant to this application. These sections are met as the Open Space Exception 9 (OS-9) zone only permits a conservation use.

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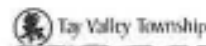


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## Avery Planner's Comments Provincial Policy Statement (PPS)

- Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, "Natural features and areas shall be protected for the long term". Section 2.1.5d) states that "Development and site alteration shall not be permitted in Significant Wildlife Habitat unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions".
- Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the Significant Wildlife Habitat, and Significant Woodlands (Rare Trees, Deep Interior Forest, and Old Growth) located on the retained parcel.

6



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## Avery Planner's Comments Provincial Policy Statement (PPS)

- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The retained lot contains an MVCA regulated wetland and stream. Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the wetland and stream.
- The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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## Avery County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including conservation uses.
- Section 5.5.2.1 Endangered or Threatened Species Habitat states "Development and/or site alteration is prohibited in significant habitat of endangered or threatened species as may be identified from time to time".
- 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. This section is met as there will not be any development to affect the stream and wetland.

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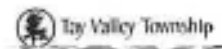


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## Avery Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 states "the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas".
- Threatened and Endangered Species are not identified in either the County or Township Official Plan schedules in order to protect their habitat. Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands requires protection of Endangered and Threatened Species.

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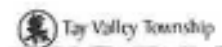


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## Avery Planner's Comments Official Plan

- Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and specifically protects the ecological function of the wetland and forested areas as significant wildlife habitat.

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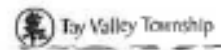


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## Avery Planner's Comments Zoning

- The lot is currently zoned Rural (Ru) and requires rezoning of the retained parcel to Open Space Special Exception-9 (OS-9) to satisfy a condition of severance that precludes the construction of a dwelling on the retained lot. The OS-9 zone permits zero (0) dwellings per lot. It permits a conservation use but precludes a golf course, park, or an agricultural use. An outbuilding is permitted for storage of equipment.

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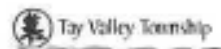


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## Avery Planner's Comments

- An environmental gain will be achieved through the rezoning as no development will be permitted on the retained lot.

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## Avery Comments Continued

### Public Comments

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

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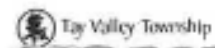


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## Avery Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 11, Part Lot 5, Bennett Lake Road, Geographic Township of Bathurst (Roll #0911-916-030-33101) Rural (RU) to Open Space Special Exception-9 (OS-9)."

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**PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT**

June 4, 2024

**Noelle Reeve, Planner**

**APPLICATION ZA24-06 – ODDY AND SHENKMAN**

**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 7, in the geographic Township of North Burgess, municipally known as 1140 Elm Grove Road from Rural (RU) to Open Space Special Exception-9 (OS-9).

**BACKGROUND**

The application applies to an approximately 20-ha (49.4-acre) retained lot at 1140 Elm Grove Road with approximately 300m frontage on Elm Grove Road.

The purpose of the amendment is to change the zoning of the property from Rural (RU) to Open Space Special Exception-9 (OS-9). The amendment would satisfy a condition of severance that no dwelling be constructed on the retained lot. Permitted uses shall be restricted to conservation use. The retained lot is almost entirely covered by forest which contains Provincially Significant Woodlands (Old Growth and Other). The owners had indicated their desire to protect the forest as their motivation for purchasing the property.

**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. Parts “c) avoiding development and land use patterns which may cause environmental or public health and safety concerns, h) promoting development and land use patterns that conserve biodiversity, and i) preparing for the regional and local impacts of a changing climate” are also relevant to this application. These sections are met as the Open Space Exception 9 (OS-9) zone only permits a conservation use.

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Section 2.1.5b) states that “Development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions”. Precluding development through the Open Space Exception -9 zone ensures there will be no negative impacts on the ecological function of the Significant Woodlands.

Section 2.2.2 Water states, “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored”. The retained lot has a small frontage on Otty Lake. Precluding development through the Open Space Exception -9 zone ensures there will be no negative impacts on the ecological function of the lake. The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

## **Lanark County Sustainable Communities Official Plan**

Section 3 Rural Land designation permits a variety of uses including conservation 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. This section is met as there will not be any development to affect the lake.

Section 5.5.4 Significant Woodlands requires County forests to be protected and provides that lower tier municipalities may identify significant woodlands using Ministry of Natural Resources and Forestry (MNR) data and provide protection to those significant woodlands.

## **Official Plan**

The subject property is designated in the Official Plan as Rural. Section 3.6 states “the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas”.

Section 2.22 Natural Heritage Features states “these features are important to the unique rural character and diversity of the natural environment found in Tay Valley and possess or perform ecological functions”. Section 2.22.5 recognizes the importance of Significant Woodlands.

Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and specifically protects the ecological function of the Significant Woodlands.

Section 2.24.1 Waterfront Development states that “An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation.” Precluding

development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the lake.

**Zoning By-Law**

The lot is currently zoned Rural (Ru) and requires rezoning to Open Space Special Exception-9 (OS-9) to satisfy a condition of severance that precludes the construction of a dwelling on the retained lot. The OS-9 zone permits zero (0) dwellings per lot. It permits a conservation use but precludes a golf course, park, or an agricultural use. An outbuilding is permitted for storage of equipment.

**Planner**

An environmental gain will be achieved through the rezoning as no development will be permitted on the retained lot.

**Public Comments**

No comments were received at the time of the report.

**CONCLUSION**

The Planner recommends that the proposed amendment be approved to rezone the lands at Part Lot 3, Concession 7, in the geographic Township of North Burgess, municipally known as 1140 Elm Grove Road from Rural (RU) to Open Space Special Exception-9 (OS-9).

**ATTACHMENTS**

- i) Draft Zoning By-Law Amendment

**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

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## BY-LAW NO. 2024-0XX

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (ODDY AND SHENKMAN) (PART LOT 3, CONCESSION 7, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

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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, as amended, is further amended by adding the following new subsection at the end of Section 9.4 (Exception Zones) in accordance with Schedule "A" attached hereto and forming part of this By-Law .

9. **OS-9** (Part Lot 3, Concession 7, in the geographic Township of North Burgess, Roll#091191102535500)

Notwithstanding the provisions of Section 9.1, on the lands zoned OS-9 the following provisions shall prevail:

- Conservation use
- Dwellings

0

1.2 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (Ru) to Open Space Special Exception-8 (OS-8) on the retained lands legally described as Part Lot 3, Concession 7, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191102535500), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

**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, 2024.

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**Robert Rainer, Reeve**

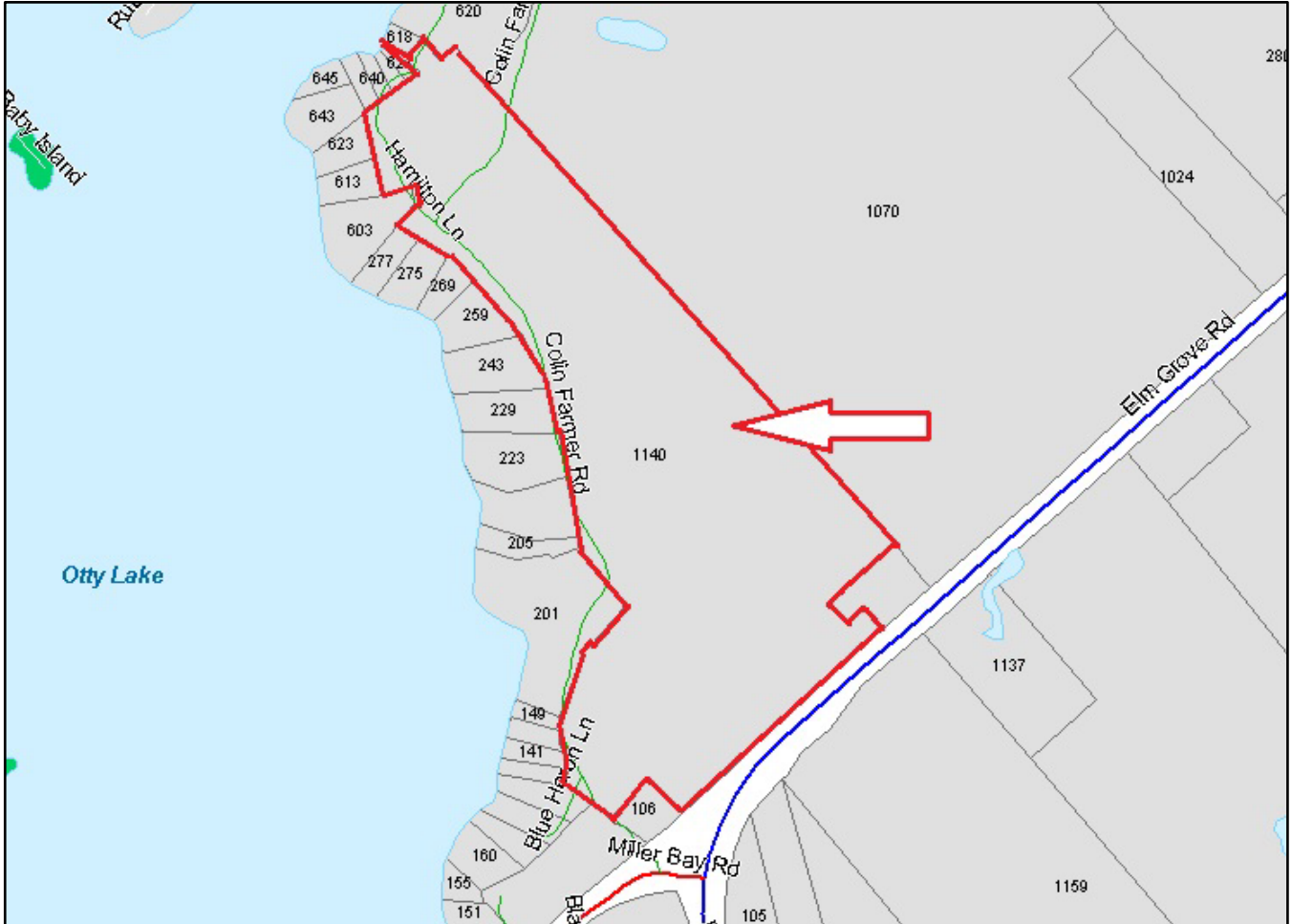
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**Amanda Mabo, Clerk**

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

**SCHEDULE "A"**

Oddy and Shenkman – 1140 Elm Grove Road  
Part Lot 3, Concession 7  
Geographic Township of North Burgess  
Tay Valley Township



Area(s) Subject to the By-Law  
To amend the Zoning from Rural (RU)  
to Open Space Special Exception-9 (OS-9)

Certificate of Authentication  
This is Schedule "A" to By-Law 2024-XX  
passed this XX day of XX 2024.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

## Oddy and Shenkman 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.

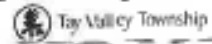
### **Ontario Land Tribunal**

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.

1



1

## Oddy and Shenkman Elm Grove Road

Part Lot 3, Concession 7, Geographic Township of North Burgess

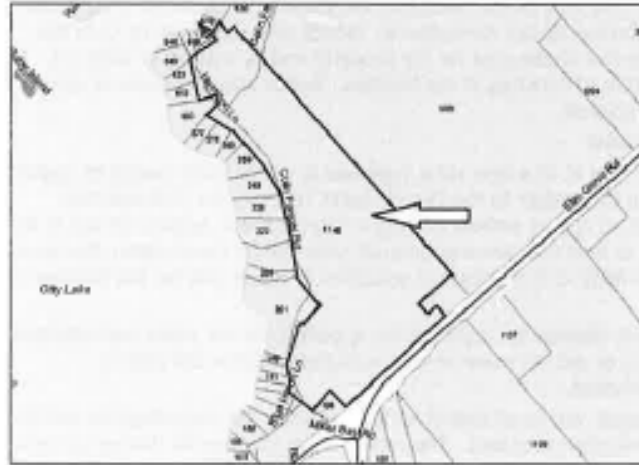
- The application applies to an approximately 20-ha (49.4-acre) retained lot at 1140 Elm Grove Road.
- The purpose of the amendment is to change the zoning of the property from Rural (RU) to Open Space Special Exception-9 (OS-9). The amendment would satisfy a condition of severance that no dwelling be constructed on the retained lot. Permitted uses shall be restricted to conservation use.
- The retained lot is almost entirely covered by forest which contains Provincially Significant Woodlands (Old Growth and Other). The owners had indicated their desire to protect the forest as their motivation for purchasing the property.

2

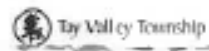


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## Oddy and Shenkman Location



3

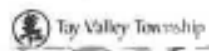


3

## Oddy and Shenkman Photos



4



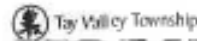
4



## Oddy and Shenkman 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. Parts "c) avoiding development and land use patterns which may cause environmental or public health and safety concerns, h) promoting development and land use patterns that conserve biodiversity, and i) preparing for the regional and local impacts of a changing climate" are also relevant to this application. These sections are met as the Open Space Exception-9 (OS-9) zone only permits a conservation use.

5

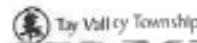


5

## Oddy and Shenkman Planner's Comments Provincial Policy Statement (PPS)

- Section 2.1.1 Wise Use and Management of Resources - Natural Heritage states that, "Natural features and areas shall be protected for the long term". Section 2.1.5b) states that "Development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions". Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the Significant Woodlands.

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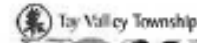


6

## Oddy and Shenkman Planner's Comments Provincial Policy Statement (PPS)

- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The retained lot has a small frontage on Otty Lake. Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the lake.
- The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

7

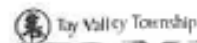


7

## Oddy and Shenkman County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including conservation 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. This section is met as there will not be any development to affect the lake.
- Section 5.5.4 Significant Woodlands requires County forests to be protected and provides that lower tier municipalities may identify significant woodlands using Ministry of Natural Resources and Forestry (MNRF) data and provide protection to those significant woodlands.

8

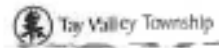


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## Oddy and Shenkman Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 states "the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas".

9

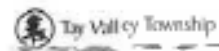


9

## Oddy and Shenkman Planner's Comments Official Plan

- Section 2.22 Natural Heritage Features states "these features are important to the unique rural character and diversity of the natural environment found in Tay Valley and possess or perform ecological functions". Section 2.22.5 recognizes the importance of protecting Significant Woodlands.
- Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and specifically protects the ecological function of the Significant Woodlands.

10

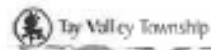


10

## Oddy and Shenkman Planner's Comments Official Plan

- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- Precluding development through the Open Space Exception-9 zone ensures there will be no negative impacts on the ecological function of the lake.

11



11

## Oddy and Shenkman Planner's Comments Zoning

- The lot is currently zoned Rural (Ru) and requires rezoning to Open Space Special Exception-9 (OS-9) to satisfy a condition of severance that precludes the construction of a dwelling on the retained lot.
- The OS-9 zone permits zero (0) dwellings per lot.
- It permits a conservation use but precludes a golf course, park, or an agricultural use. An outbuilding is permitted for storage of equipment.

12

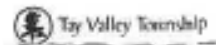


12

## Oddy and Shenkman Planner's Comments

- An environmental gain will be achieved through the rezoning as no development will be permitted on the retained lot.

13



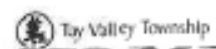
13

## Oddy and Shenkman Comments Continued

### **Public Comments**

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

14



14

## Oddy and Shenkman Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 7, Part Lot 3, 1140 Elm Grove Road, Geographic Township of North Burgess (Roll #0911-911-025-35500) from Rural (RU) to Open Space Special Exception-9 (OS-9)."

15



15