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**Tuesday, November 5<sup>th</sup>, 2024**

**Immediately Following the Public Meeting at 5:30 p.m.**

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

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*5:30 p.m. Public Meeting – Zoning By-Law Amendment*

*Following Public Meeting – Official Plan Amendment*

*Following Committee of the Whole Meeting*

**Chair, Councillor Wayne Baker**

**1. CALL TO ORDER**

**2. INTRODUCTION**

- The purpose of this public meeting is to hear an application for an Official Plan Amendment for the following application:

**Ennis**

- 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.
- Pending feedback from this public meeting, at a future Committee of the Whole meeting, the Planner will provide a recommendation to the Council of the Corporation of Tay Valley Township or take the recommendation forward directly to a future Council meeting.
- The decision of the Council of the Corporation of Tay Valley Township will be forwarded to the Council of the Corporation of the County of Lanark for a final decision.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the County of Lanark 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 Official Plan Amendment 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 Official Plan Amendment 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 County Clerk must provide notice of County Council's decision to all those who request a copy within 15 days after the day the Official Plan Amendment is passed.
- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the County 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 Official Plan Amendment 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 Planning Administrative Assistant at [adminassistant@tayvalleytwp.ca](mailto:adminassistant@tayvalleytwp.ca).

### 3. APPLICATION

- i) **FILE #OPA-08: Official Plan Amendment No. 8 – Site-Specific Amendment – *attached, page 4.***  
**1551 Bennett Lake Road, Ennis**  
**Part Lots 9 and 10, Concession 11**  
**Geographic Township of Bathurst**
  - a) PLANNER FILE REVIEW & PROPOSED AMENDMENT
  - b) APPLICANT COMMENTS
  - c) PUBLIC COMMENTS
  - d) RECOMMENDATION

### 4. ADJOURNMENT

# **APPLICATION**

***PUBLIC MEETING***

**November 5, 2024**

**Report #PD-2024-XX  
Noelle Reeve, Planner**

**OFFICIAL PLAN AMENDMENT NO. 8  
1551 BENNETT LAKE ROAD  
ENNIS**

**STAFF RECOMMENDATION**

It is recommended:

“**THAT**, Official Plan Amendment No. 8 for 1551 Bennett Lake Road, Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst be adopted;

**THAT**, the necessary by-law come forward at the next Council meeting;

**AND THAT**, the Planner be authorized to submit Official Plan Amendment No. 8 to Lanark County for final approval.”

**BACKGROUND**

A site-specific amendment to the *Tay Valley Township Official Plan*, is proposed to permit a severance for an approximately 8.3-ha (20.5-acre) lot, located at Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst, municipally known as 1551 Bennett Lake Road.

The purpose of this site-specific amendment is to allow for an additional severance, beyond what is allowed under Section 5.2.3.1 Consent Policies of the Official Plan. The parent property had already been the subject of four historic consents due to lack of clarity arising from the previous ability of properties to have more than one retained lot. Despite one additional severance beyond the number permitted having been approved in 2010, the current property owners were informed by Lanark County in 2021 that one additional severance was available.

Based on the information initially provided by Lanark County to the property owners, they commissioned work required to support the severance application, including an archaeological study, and undertook legal costs for research to create a condominium road. However, the owners were subsequently informed by the County in 2022 that there were no severances available for the subject property.

Therefore, a site-specific amendment to the Official Plan is required to permit the creation of a 2.4-ha (6-acre) severed lot that would have access off Bennett Lake Road, a County road. (See Attachment 1 for the site location and Attachment 2 for a draft survey of the proposed severed lot).

A lot addition of 305m<sup>2</sup> (3,283 sq ft), which is not the subject of this report, is also proposed for access to the proposed retained lot of 59.4 ha (147 acres) off Bennett Lake Road (see blue triangle, off Bennett Lake Road, at the top of Attachment 3).

## **DISCUSSION**

Schedule A, of the attached By-Law details the content of the proposed Official Plan Amendment. OPA No. 8. Schedule A also provides detailed analysis showing that the proposed OPA No. 8 conforms to the *Provincial Planning Statement 2024*, and both the *Lanark County Sustainable Community Official Plan* and *Tay Valley Township's Official Plan* principles, as well as the *Township Zoning By-law*.

The following sections of the *Provincial Planning Statement 2024* are relevant to the proposal:

- Section 2.5 Rural Areas and Rural Lands,
- Section 3.1 General Policies for Infrastructure and Public Service Facilities,
- Section 3.6 Sewage, Water and Stormwater,
- Section 4.1 Natural Heritage,
- Section 4.2 Water,
- Section 4.6 Cultural Heritage and Archaeology, and
- Section 5.1 General Policies for Natural and Human-Made Hazards.

The following sections of the *Lanark County Sustainable Community Official Plan* are relevant to the proposal:

- Section 3.3.4 Rural Residential,
- Section 5.4.4 Water, and
- Section 5.3.2 Natural Heritage

The *Tay Valley Township Official Plan* provides direction on multiple relevant considerations including:

- cultural and archaeological heritage (Section 2.19),
- natural heritage (Section 2.22),
- water quality (2.24.1),
- sewage disposal (Section 2.23.1.1),
- lake capacity and water frontage (2.24.1.2),
- rural residential policies (Section 3.6.4),

- road policies (Section 4.3), and
- consent policies (Section 5.2).

The Mississippi Valley Conservation Authority was circulated and had no comments at the time of the report. They and the Mississippi Rideau Septic System Office will comment on the severance application, if OPA 8 is approved.

No public comments were received at the time of the Report.

The process for approval of an Official Plan Amendment, requires the lower-tier municipality to pass the Official Plan Amendment prior to consideration by the County. Specifically, the County Economic Development Committee must have an opportunity to review and create a recommendation for County Council prior to the Township's OPA being placed on the County Council agenda.

When approved by County Council, the Official Plan Amendment will be considered to have been in full force and effect on the day it was passed by the lower-tier municipality.

## **OPTIONS CONSIDERED**

Option #1 – (Recommended) Council direct staff to proceed with OPA No. 8 as proposed.

Option #2 – Council direct staff not to proceed with proposed OPA No. 8.

## **STRATEGIC PLAN LINK**

To focus on severance applications and the Township will be receiving information on severance histories from the County going forward to ensure Tay Valley's Official Plan policies are met with regard to the severance date of January 1, 1996.

## **FINANCIAL CONSIDERATIONS**

No financial implications.

## **CLIMATE CONSIDERATIONS**

It is recommended that any use of the land should prepare for the changing climate by taking into account mitigation measures (e.g., retention of vegetation, heating and cooling from air source heat pumps) and adaptation measures (to protect from flooding, wildfires, excessive heat, microbursts, etc.).

## **CONCLUSIONS**

Official Plan Amendment No.8 is a site-specific amendment for an approximately 8.3-ha (20.5-acre) lot, located at Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst, municipally known as 1551 Bennett Lake Road. It is required to permit an additional severance on a lot that has previously had four severances, exceeding the number of severances permitted by Section 5.3.2.1 of the *Tay Valley Township Official Plan*.

The proposal is consistent with the policies of the *Provincial Planning Statement 2024*, and both the *Lanark County Sustainable Community Official Plan* and other *Tay Valley Township's Official Plan* principles, as well as the *Township Zoning By-Law*.

## **ATTACHMENTS**

- i) Site Map
- ii) Draft Survey of Proposed Severed Lot
- iii) Proposed Lot Addition for Access to Retained Parcel
- iv) *Draft* By-Law No. 2024-xx – Official Plan Amendment No. 8 – Site-Specific Amendment for 1551 Bennett Lake Road

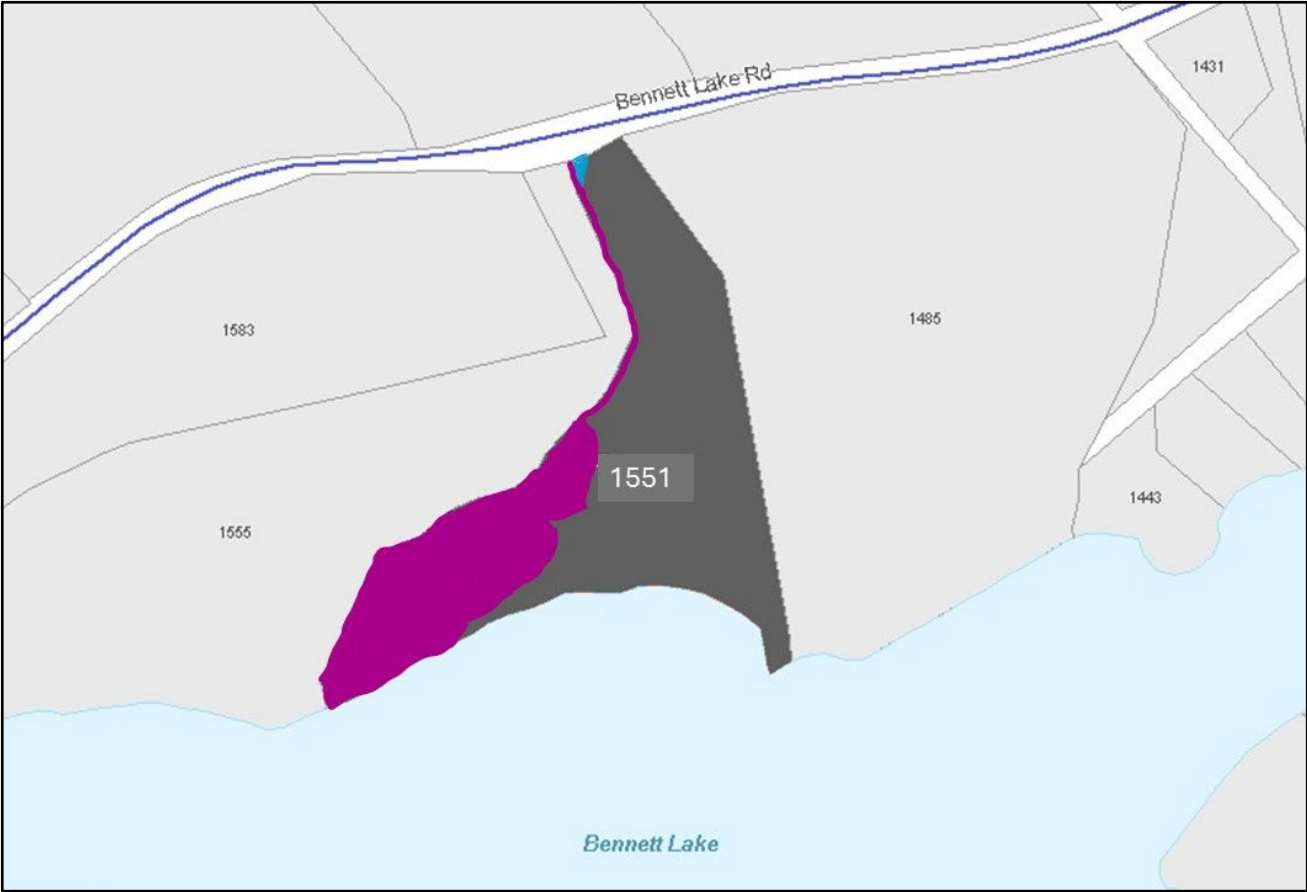
**Prepared and Submitted By:**

**Approved for Submission By:**

**Noelle Reeve,  
Planner**

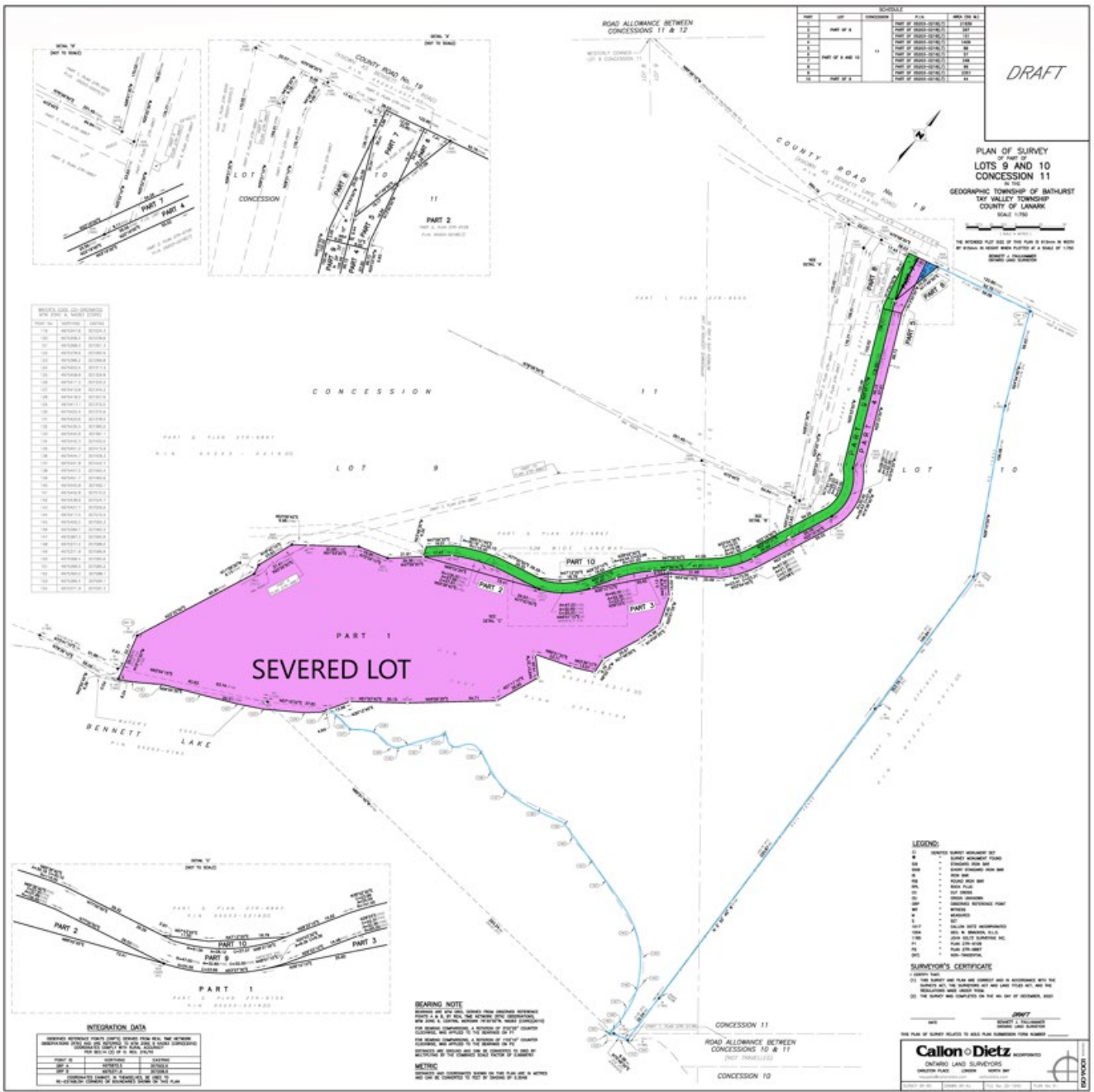
**Amanda Mabo,  
Clerk/Chief Administrative Officer**

**Attachment 1 Site Map**

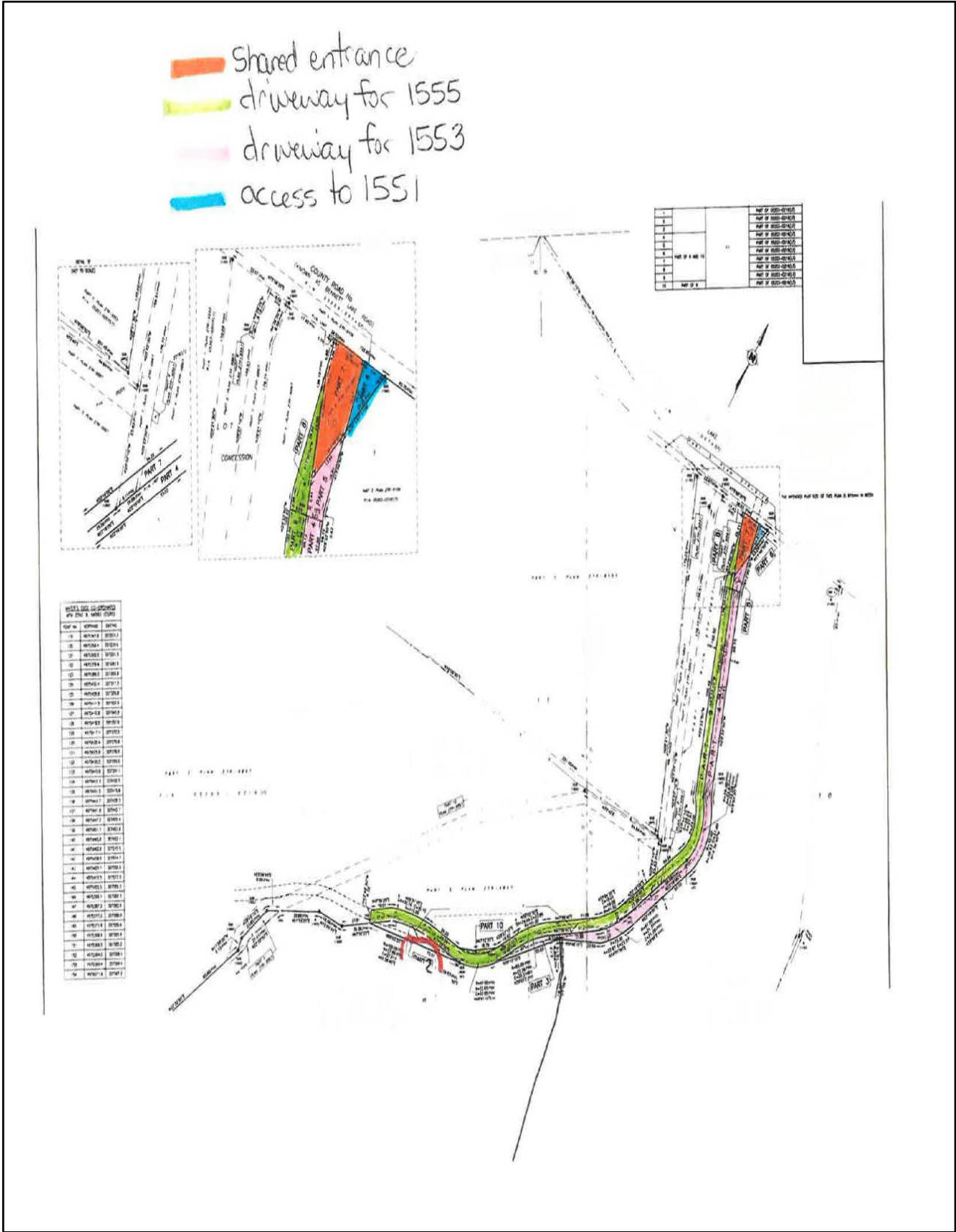




# Attachment 2 Draft Survey of Proposed Severed Lot



**Attachment 3 Proposed Lot Addition for Access to Retained Parcel**



# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2024-0xx OFFICIAL PLAN - AMENDMENT NO. 8 Site-Specific Amendment 1551 Bennett Lake Road

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**WHEREAS**, *Section 26 (1) of the Planning Act, R.S.O. 1990, Chapter P.13*, provides that if an Official Plan is in effect in a municipality, the Council of the municipality that adopted the official plan shall, in accordance with subsection (1.1), revise the official plan as required to ensure that it;

- a) conforms with provincial plans or does not conflict with them, as the case may be;
- b) has regard to the matters of provincial interest listed in section 2; and
- c) is consistent with policy statements issued under subsection 3 (1).

**AND WHEREAS**, *Section 17 (22) of the Planning Act, R.S.O. 1990, Chapter P.13*, states that when the requirements of subsections (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may by By-Law adopt all or part of the plan and, unless the plan is exempt from approval, submit for approval;

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

### 1. GENERAL REGULATIONS

1.1 **THAT**, Official Plan Amendment No. 8, attached hereto as Schedule "A", be adopted.

### 2. BY-LAWS TO BE AMENDED

2.1 **THAT**, By-Law No. 2016 – XX is hereby amended.

### 3. 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.

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

**4. EFFECTIVE DATE**

**4.1 THAT**, this By-Law shall come into force and take effect upon the approval of Tay Valley Township Official Plan Amendment No. 8, dated November 19<sup>th</sup>, 2024, by the County of Lanark.

**4.2 ENACTED AND PASSED** this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
**Rob Rainer, Reeve**

\_\_\_\_\_  
**Amanda Mabo, CAO/Clerk**

**THE CORPORATION OF TAY VALLEY TOWNSHIP**

**BY-LAW NO. 2024-xx**

**SCHEDULE "A"  
AMENDMENT No. 8**

**to the**

**TAY VALLEY TOWNSHIP OFFICIAL PLAN**

PART A THE PREAMBLE does not constitute part of this Amendment.

PART B THE AMENDMENT consisting of the following explanatory text constitutes Amendment No. 8 to the Tay Valley Township Official Plan.

## **PART A - THE PREAMBLE**

### **LOCATION**

Official Plan Amendment No. 8 affects 1551 Bennett Lake Road.

### **PURPOSE AND EFFECT OF OFFICIAL PLAN AMENDMENT**

Official Plan Amendment No. 8 was initiated by the property owners in response to information received by the County of Lanark that they did not have one severance available on the property at 1551 Bennett Lake Road after they had previously been told there was a severance available. The applicants had paid for the required archeological assessment to support the proposed severance and had paid for preliminary legal work regarding a condominium road.

The purpose of the Official Plan Amendment No. 8 is a site-specific amendment to permit the creation of an additional lot on a property that has exceeded the permitted number of severances.

The Amendment has been prepared in consultation with various public agencies, Bennett Lake property owners association, and interested residents.

## **BASIS OF OFFICIAL PLAN AMENDMENT**

### **1. Background**

Early in 2021, the applicant's agent (Zanderplan) was informed by the Lanark County Planning Department that there was one severance available on the subject property at 1551 Bennett Lake Road (Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst). Zanderplan staff corresponded and met with the County Planner and the Township Planner on a number of occasions for a year and one half between March 2021 and November 2022 to discuss the studies and information needed to submit a complete application (e.g., an archaeological assessment, clarification of access to the proposed lot, etc.). An archaeological assessment was undertaken, and lawyers were consulted about the potential creation of a condominium road.

After receiving a formal application for severance, on November 24, 2022, the Senior Planner for the County informed Zanderplan that there were no more severances available on the property.

To address the situation that had arisen from the conflicting information, an Official Plan Amendment was suggested as a possible solution.

### **2. Planning Rationale**

This Official Plan Amendment is based on:

- a review of the ecological health of Bennett Lake;
- a review of the policies of the *Provincial Planning Statement 2024*;
- a review of the policies of the *Lanark County Sustainable Communities Official Plan*;
- a review of the policies of the *2017 Township Official Plan*;
- a review of the requirements of the *Township Zoning by-law*.

#### **2.1 Bennett Lake Water Quality**

The Mississippi Valley Conservation Authority (MVCA) *2023 Watershed Report Card* indicates that surface water quality in the Fall River watershed, which contains Bennett Lake, is excellent. Bennett Lake is categorized as a mesotrophic/oligotrophic lake (which is to be expected due to its shallow depth). This category indicates the lake has phosphorus, nitrogen and oxygen levels that allow sports fish to thrive and it does not produce the excessive algae and weeds associated with eutrophic lakes that have more phosphorus and less oxygen in them.

The proposed severed lot will have a developable area at least 100m from the lake due to the presence of MVCA regulated wetlands along the shore. This setback in combination with the excellent health of the lake will ensure no negative impact on the lake.

## **2.2 Review of Provincial Planning Statement (PPS) 2024**

Section 2.5 Rural Areas in Municipalities refers to rural settlement areas, rural lands (located outside of rural settlement areas) agricultural lands, natural heritage features and resource areas.

Section 2.5.1 states that, “Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) using rural infrastructure and public service facilities efficiently;
- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- g) conserving biodiversity and considering the ecological benefits provided by nature;
- h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.

The relevant clauses are met by the proposed OPA No. 8. With respect to a) building upon rural character, no appearance of strip development will occur along the road as the lot will share an entrance with the two other lots in existence on Bennett Lake Road and proposed development will not be visible from the road (as is the case with the two existing dwellings on the two existing lots which are located south of Bennett Lake Road, closer to the lake).

With regard to d) using rural infrastructure efficiently, the existing hydro line on the property and driveway entrance will be shared.

With respect to g) conserving biodiversity and considering the ecological benefits provided by nature the water quality of Bennett Lake is rated excellent by the MVCA and the proposed development will be at least 100m from the lake due to the presence of MVCA regulated wetlands along the shore of the retained lot, and an existing site plan control agreement will maintain vegetation on the proposed severed lot.

Section 3.1.2. states that “Before consideration is given to developing new infrastructure and public service facilities:

- a) the use of existing infrastructure and public service facilities should be optimized.” This is the case for this proposal.



Section 3.6.1.4 states “Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.” An individual septic system and well would be used.

Section 4.2.1 states, “Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross-jurisdictional and cross watershed impacts.” A site plan control agreement on the proposed severed lot and the MVCA regulated wetland on the retained lot will ensure the lake water quality is protected.

Section 4.6.2. states “Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.” An archaeological stage 1 study was undertaken and no artifacts were identified.

Section 5.1.1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. No floodplain or steep slope exists on the severed or retained lands.

Section 5.2.4. Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. Vegetation retention and location of the any dwelling upslope of the lake should help to ensure the development will not result in damage from natural hazards exacerbated by the changing climate.

Section 5.2.9. Development shall generally be directed to areas outside of lands that are unsafe for

development due to the presence of hazardous forest types for wildland fire. This area is not identified as a wildland fire risk.

### **2.3 Review of *Lanark County Sustainable Communities Official Plan* Policies**

The subject property falls in the Rural Area under the Lanark County Sustainable Communities Official Plan. This designation applies to rural and agricultural areas outside of established settlement areas in the County. In the rural areas, development is permitted subject to appropriate levels of servicing, while maintaining the rural character of the County and compatibility with and protection for natural heritage features and functions.

The proposed lot creation will meet the intent of the policies of Section 3.3.4 of the Plan by creating severed and retained parcels which comply with the Township Zoning By-law,

serviced with private wells and septic systems, and providing appropriate protection for natural heritage areas. Access to the severed and retained lots has been approved in principle by the Lanark County Roads Department. Overall, the proposed severances meet the intent of the policies of the *Lanark County Sustainable Communities Official Plan*.

#### **2.4 Review of Tay Valley Township Official Plan Policies**

A detailed review of the multiple relevant Official Plan policies was undertaken. The subject property falls under the Rural designation in the Township's Official Plan. The Rural designation permits a range of land uses including residential dwellings on private services. Section 3.6.4 of the Plan provides the Residential policies, noting that development is based on single dwellings at a low density. The minimum lot size is 0.8 hectares outside of settlement areas. Lot creation by consent is permitted in the rural area. The proposed lots are approximately 2.3 hectares and 5.9 hectares in size, far exceeding the minimum required by this policy.

Section 2.19 of the Plan speaks to the cultural heritage and archaeological policies. The policies require the completion of an archaeological assessment due to the presence of the abutting water body. As noted, a Stage 1 archaeological assessment has been completed to consider the presence of anything of archaeological significance. The report, completed by Past Recovery Archaeological Services, concluded that there was nothing of archaeological significance on the subject property and no further assessment was required.

Section 2.22 of the Plan speaks to Natural Heritage. MVCA mapping shows an area of regulated wetland along the waterfront of Bennett Lake. There is ample room on the large retained lot to establish a future dwelling on private servicing that is appropriately set back from the regulated wetland. The existing and future development will also far exceed a 30-metre setback from the high water mark of Bennett Lake. There are no natural heritage impacts that are anticipated to result from the proposed severance or future development on the retained parcel.

Section 4.3 of the Plan speaks to the County Road policies. The subject property abuts County Road 19 / Bennett Lake Road, and the lots are proposed to share the existing entrance to the County Road. The proposed shared entrance has been reviewed by the Lanark County Roads Department with no concerns raised.

Section 5.2 of the Plan provides the Land Division policies, noting that lot creation can take place by consent (severance) or by plan of subdivision. Section 5.2.2 of the Plan provides general policies related to lot creation.

In reviewing these policies, the proposed lot meets: the provisions of the Township's Zoning By-law (1), no parcels will be land locked as a result of the severance (2), safe vehicle access to the County Road has been demonstrated in consultation with the relevant road authority (3), there is no negative financial impact on the municipality that is anticipated from the

severance (4), a cash in lieu of parkland fee can be included as a condition of consent approval (5), there are no land use compatibility issues related to the surrounding rural and residential land uses (6), the proposed severance will not result in the creation of lots which are restricted by flooding or organic soils (7), there are no known soil contamination issues associated with the subject property (8), there is sufficient room to develop on the severed and retained lots without negatively affecting any natural heritage features or functions (9), an archaeological assessment has been completed to consider any cultural heritage impacts (10), there is sufficient room on the large severed and retained lots to accommodate the required private servicing (11), the minimum water setback and water frontage requirements can be exceeded on the severed and retained lots (12), and any road widening requirement can be accommodated as a condition of severance approval if needed (13).

Section 5.2.3 provides policies that are specific to lot creation by consent. The policies note that “a maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1991.” When the property owners reached out to Lanark County several years ago to inquire about the feasibility of severing a lot, staff advised that the owners would be eligible for the creation of an additional lot. The owners undertook survey, archaeological and planning work towards the proposed consent; however, it was later determined by County staff that the maximum number of eligible severances from 1991 had already been exceeded and that no further lot creation would be permitted. However, Township Council determined at their meeting on August 27, 2024 that they would be open to considering the creation of an additional lot, subject to the owners obtaining a successful site-specific Official Plan Amendment.

The owners are therefore seeking a site-specific Official Plan Amendment to Section 5.2.3 of the Township’s Official Plan, to permit the creation of an additional lot for residential purposes, to support the second generation of family to live on abutting properties. The proposed severance meets the intent of the other policies of the Township’s Official Plan.

## **2.5 Review of *Tay Valley Township Zoning By-law***

The subject property falls within the Rural (RU) zone under the Township’s Zoning By-law 2002-121. The Rural zone permits a range of land uses including single dwellings and associated accessory uses. The minimum lot area in the Rural zone for a single dwelling is 1 ha, while the minimum lot frontage is 60 metres. The proposed severed lot will have a lot area of approximately 2.3 ha while the retained lot will have a lot area of approximately 5.9 hectares. Upon completion of the small lot addition, the retained lot will have more than 60 metres of frontage on Bennett Lake Road as well as far in excess of 60 metres of frontage on Bennett Lake. The severed lot will have approximately 8m of frontage on the County road, and will have far in excess of 60 metres of frontage on Bennett Lake, which is considered the Front Lot Line for a waterfront lot. Overall, the severed and retained lots will both comply with the relevant Zoning provisions.

## **OVERALL CONCLUSIONS**

It is concluded that this Amendment is consistent with the *Provincial Planning Statement 2024 (PPS 2024)*, and that it conforms to the *Lanark County Sustainable Communities Official Plan*, *Tay Valley Township Official Plan*, and *Tay Valley Township Zoning By-law*.

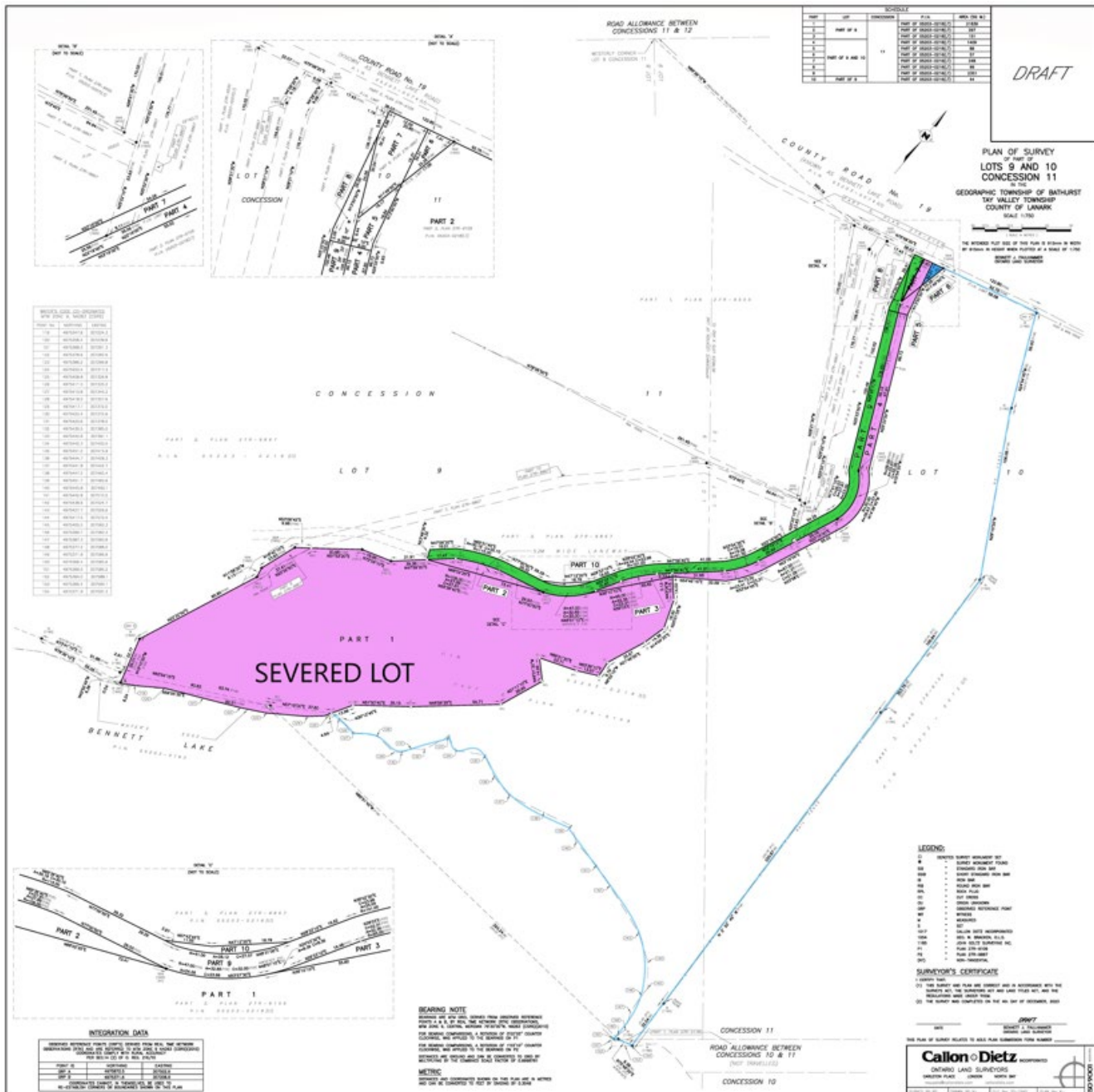
Based on the foregoing conclusions, Council has deemed it advisable to amend the Official Plan as described in Part B of this Amendment.

# PART B - THE AMENDMENT

All of this part of the document entitled PART B - THE AMENDMENT, consisting of the following map and explanatory text constitutes Amendment No. 8 to the Tay Valley Township Official Plan.

## Details of the Amendment

Section 5.2.3.1 Consent Policies, is hereby amended to allow an additional severance for Part Lots 9 and 10, Concession 11, in the geographic Township of Bathurst, municipally known as 1551 Bennett Lake Road:



## **PART C - APPENDICES**

### **APPENDIX A**

Notice was posted at the property and circulated to property owners within 120m.

- **PART C - APPENDICES**

APPENDIX B

A certified list of all persons and public bodies that made oral submissions at the Public Meeting will be included after the Public Meeting on November 5, 2024.

**PART C - APPENDICES**

APPENDIX C

Minutes of the Public Meeting will be included after the Public Meeting on November 5, 2024.



**PART C - APPENDICES**

APPENDIX D

Written submissions received will be added after the Public Meeting on November 5, 2024.