
Tuesday, November 5th, 2024

5:30 p.m.

Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

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 a Zoning By-Law Amendment for the following application:

Burich

- 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.
- Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.
- If a specified 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 specified 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. A specified person or public body 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 Planning Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA24-10: Raymond Burich and Brenda Burich – *attached, page 4.***
600 Lampman Hill
Part Lot 4, Concession 9,
Geographic Township of Bathurst
 - 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

November 5, 2024

Noelle Reeve, Planner

APPLICATION ZA24-10 – Burich

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 4, Concession 9, geographic Township of Bathurst (Roll #0911-916-020-24431) known locally as 600 Lampman Hill, from Seasonal Residential (RS) to Residential Limited Services (RLS).”

BACKGROUND

The application applies to an approximately 4.5-ha (11.2-acre) lot with 106.7m (350 ft) frontage on Bennett Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential (RLS). The effect of the amendment is to allow a permanent residence to be built on a lot in the Bennett Lake Estates Subdivision.

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 dwelling exceeds the required 30m water setback and is located in a subdivision.

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”. There is regulated wetland on the property, but it is located north of Lampman Hill and, therefore, north of the proposed development. Section 2.1 Natural Heritage is satisfied as the development is not anticipated to affect the wetland or the lake as the 30m water setback is exceeded.

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 30m water setback from the lake has been exceeded for the dwelling.

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 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. This section is met as the developed area is more than 30m back from the lake.

Official Plan

The subject property is designated in the Official Plan as Rural and Wetlands – Non-Evaluated. Section 3.6 Rural designation permits residential uses. The proposed building site is outside of the Wetlands buffer.

Section 2.10.2 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the property.

Section 2.20.4.2 Natural Hazards Features requires appropriate setback from steep slopes. A slope stability analysis by Groundwork Engineering outlined a developable envelope and mitigation measures that will be included in a Site Plan Control Agreement.

Section 2.22.4 Natural Heritage Features Endangered and Threatened Species recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity. An Environmental Impact Statement by Hans Von Rosen confirmed that construction of the dwelling will not impact Grey Rat Snake or Blandings Turtle. He did note the presence of Whip-poor-will on adjacent properties and his recommendations will be included in the Site Plan Control Agreement.

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." The dwelling exceeds the 30m required water setback.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow a proposed dwelling to be used as a year-round residence. Lot coverage requirements are met as the lot coverage is 0.01%, and the Floor Space Index is 0.4%, both of which are significantly below the maximum of 10% and 12% respectively.

Planner

The Planner has no concerns since the proposed development is more than 30m from the shoreline, outside of the Wetland buffer, and a slope stability study and Environmental Impact Study identified mitigation measures. A Site Plan Control Agreement will implement the recommendations of the studies.

Mississippi Valley Conservation Authority (MVCA)

The application was not circulated to MVCA as the proposed development is more than 30m from the shoreline and a slope stability analysis has already been submitted.

Mississippi Rideau Septic System Office (MRSSO)

The applicant is installing a new septic system.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 9, Part Lot 7, 600 Lampman Hill, Geographic Township of Bathurst (Roll number 091191602024431) from Seasonal Residential RS to Residential Limited Services (RLS) and that the owners enter into a Site Plan Control Agreement prepared by the Township.

ATTACHMENTS

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

Prepared and Submitted By:

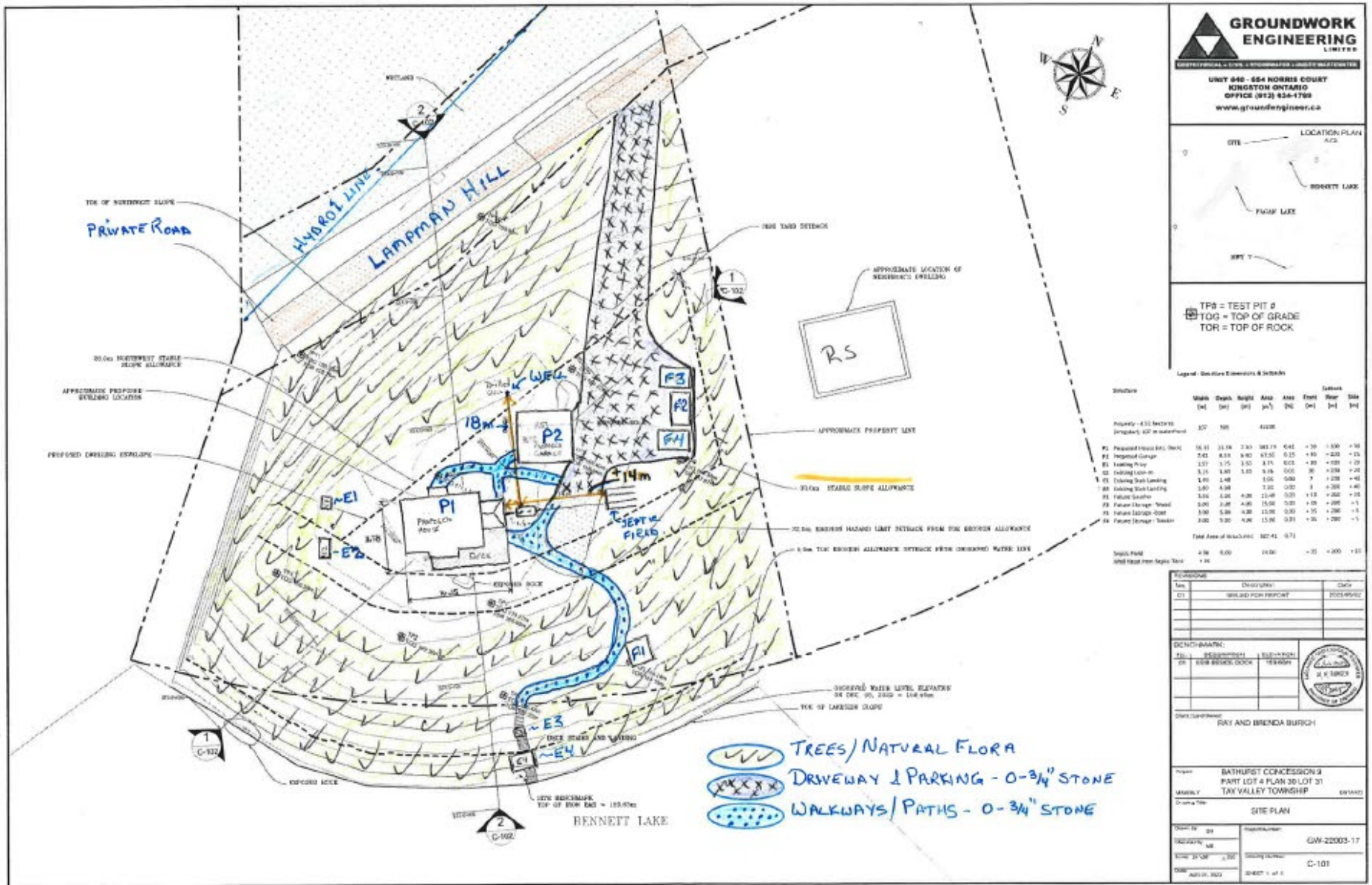
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (BURICH – 600 LAMPMAN HILL) (PART LOT 4, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF BATHURST)

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 Seasonal Residential (RS) to Residential Limited Services (RLS) on the lands legally described as Part Lot 4, Concession 9, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191602024431), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-0XX**

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. BY-LAWS RESCINDED

3.1 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

4. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2024.

Robert Rainer, Reeve

Amanda Mabo, Clerk

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

SCHEDULE "A"

Burich – 600 Lampman Hill
Part Lot 4, Concession 9
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law
To amend the Zoning from
Seasonal Residential (RS) to
Residential Limited Services (RLS)

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

Reeve

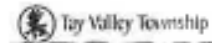
Clerk

Burich 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.

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Burich Zoning By-law Amendment

Ontario Land Tribunal

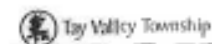
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land 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.

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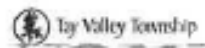
Burich

600 Lampman Hill

Part Lot 4, Concession 9, Geographic Township of Bathurst

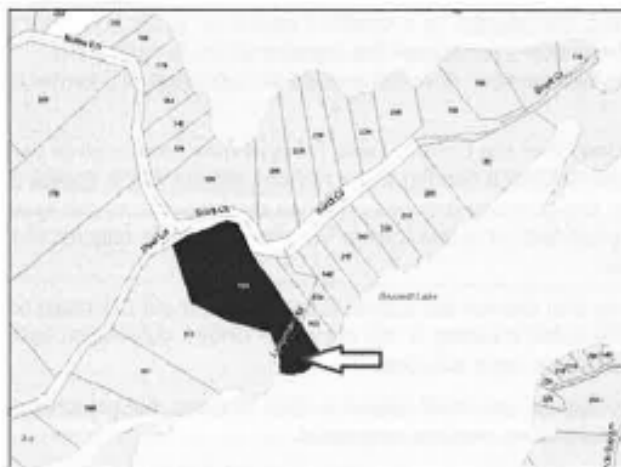
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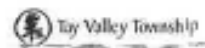


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Burich Location



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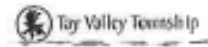


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Burich Photos



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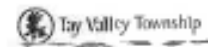


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Burich Photos



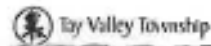
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Burich Planner's Comments Provincial Policy Statement (PPS)

- 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 dwelling exceeds the required 30m water setback and is located in a subdivision.
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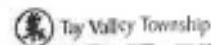


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- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The 30m water setback from the lake has been exceeded for the dwelling.
- 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.



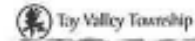
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Burich County Sustainable Communities Official Plan

- 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. This section is met as the developed area is more than 30m back from the lake.

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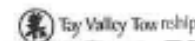


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Burich Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural and Wetlands – Non-Evaluated. Section 3.6 Rural designation permits residential uses. The proposed building site is outside of the Wetlands buffer.
- Section 2.10.2 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the property.

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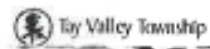


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Burich Planner's Comments Official Plan

- Section 2.20.4.2 Natural Hazards Features requires appropriate setback from steep slopes. A slope stability analysis by Groundwork Engineering outlined a developable envelope and mitigation measures that will be included in a Site Plan Control Agreement.
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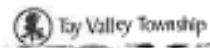


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Burich Planner's Comments Official Plan

- 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."
- The dwelling exceeds the 30m required water setback.

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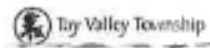


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Burich Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow a proposed dwelling to be used as a year-round residence. Lot coverage requirements are met as the lot coverage is 0.01%, and the Floor Space Index is 0.4%, both of which are significantly below the maximum of 10% and 12% respectively.

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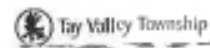


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Burich Planner's Comments

- The Planner has no concerns since the proposed development is more than 30m from the shoreline, outside of the Wetland buffer, and a Slope Stability Study and Environmental Impact Study identified mitigation measures. A Site Plan Control Agreement will implement the recommendations of the studies.

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Burich Comments

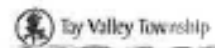
Mississippi Valley Conservation Authority (MVCA)

- The application was not circulated to MVCA as the proposed development is more than 30m from the shoreline and a slope stability analysis has already been submitted.

Mississippi Rideau Septic System Office (MRSSO)

- The applicant is installing a new septic system.

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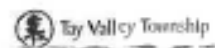
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Burich Comments Continued

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.

16



16

Burich Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 9, Part Lot 7, 600 Lampman Hill, Geographic Township of Bathurst (Roll #0911-916-020-24431) from Seasonal Residential (RS) to Residential Limited Services (RLS);

AND THAT, the owners enter into a Site Plan Control Agreement prepared by the Township."