
Tuesday, April 8th, 2025
5:30 p.m.
Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

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

Chair, Councillor Keith Kerr

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:

**Schacht
Tayler
We the Shermans Inc.**

- 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.
- 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 #ZA24-12: Thies Schacht – *attached, page 5.***
3129 Narrows Locks Road
Part Lot 17, Concession 6,
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA24-13 &: Rosemary Tayler – *attached, page 30.***
ZA25-02 160,1,2 MacKay Line Road
109, 141, 155 and Vacant Lot MacKay Laine Road
Part Lot 25&26, Concession 11,
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

iii) **FILE #ZA25-01: We the Shermans Inc. – *attached, page 54.***
750/761 Christie Lake Lane 32D
Part Lot 20-22, Concession 3,
Geographic Township of South Sherbrooke

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

April 8, 2025

Noelle Reeve, Planner

APPLICATION ZA24-12 - Schacht

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of a portion of the lands at Part Lot 17, Concession 6, in the geographic Township of North Burgess, municipally known as 3129 Narrows Lock Road from Rural (RU) to Residential R5 Special Exception-1 (R5-1).”

BACKGROUND

The application applies to an approximately 1.56-ha (3.20-acre) lot with 65m (213 feet) frontage on Narrows Lock Road.

The purpose of this application is to change the zoning of a portion of the lot from Rural (RU) to Residential - 5 Special Exception-1 (R5-1).

The effect of the amendment is to allow the construction of a five-plex (a multi-family dwelling with five side-by-side, 1-bedroom units), under the minimum dwelling size.

This is the first application the Township has received under the new zone R5 zone and the Building and Planning Department is learning from this application that some changes to the Zoning By-Law may be needed to meet the requirements of the definition of affordable housing in Lanark County.

DISCUSSION

Provincial Policy Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities

Section 2.1.6 Planning for People and Homes states, “Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options, employment, public service facilities, and other institutional uses, recreation, parks and open space and other uses to meet long-term needs:

c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups”.

Section 2.2 Housing requires planning authorities to, “provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) “establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities”.

The application proposes to construct one-bedroom units that meet the Lanark County criterion for affordable rental housing which is \$1,385 for a bachelor or one-bedroom unit.

Section 2.6.4 requires planning authorities to protect, “agricultural or other resource-related uses” in Rural Lands. As the area where the development is proposed consists of one residential property and wetlands on the other sides and across the road, no impact will occur on agricultural or other resources use.

Section 2.9.1 Energy Conservation, Air Quality and Climate Change states, “Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: c) support energy conservation and efficiency”.

Multi-unit dwellings reduce energy requirements through shared wall construction and allow for the possibility of car-pooling. Both attributes can reduce greenhouse gas emissions.

Chapter 3: Infrastructure and Facilities Section 3.6.4 directs planning authorities as follows, “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 on-site 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*.”

According to the Provincial Planning Statement Definitions section, “Negative impacts: means a) in regard to policy 3.6.4 and 3.6.5, potential risks to human health and safety and degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to

single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards”.

As per the Ministry of Environment D-5-4 requirements for private septic systems, because the proposal will generate less than 4,500 l/day of wastewater, a hydrogeological assessment is not required. The well to be drilled for the development will conform to the Ministry of Environment D-5-5 requirements including Provincial Water Quality Objectives (PWQOs) and the Ontario Drinking Water Objectives (ODWOs). The nearest dwelling is over 80m away from the proposed development.

Chapter 4: Wise Use and Management of Resources Section 4.1. Natural Heritage states that, “Natural features and areas shall be protected for the long term”.

Section 4.1.2 states that “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features”.

The location of the proposal is outside of the buffer areas for two Provincially Significant Wetlands located on the property. A Site Plan Control Agreement will be executed that will ensure the location of the septic system, well and the five-plex will protect the Provincially Significant Wetland and the Buffers.

Section 4.2.1 Water states, “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations”. There is a stream on the east side of the property close to Narrows Lock Road. The Site Plan Control Agreement for this property will also protect the stream.

Section 4.2.1e)2) Water further requires planning authorities to “protect, improve or restore vulnerable surface and groundwater, and their hydrologic functions”.

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 (e.g., spilling gas on the ground).

Chapter 5 Protecting Public Health and Safety requires development to locate outside of natural (floodplains, steep slopes with erosion hazard) or human-made (brownfields) hazards. Neither exist on the site.

The application conforms to the requirements of the Provincial Planning Statement by encouraging affordable housing, addressing climate change, and meeting requirements for protection of natural heritage features.

Lanark County Sustainable Communities Official Plan (SCOP)

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

Section 5.4.4 states, “The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource”.

Section 5.5.1 Provincially Significant Wetlands (PSW) states local municipalities must protect PSWs.

Section 5.5.8 Surface and Ground Water Protection and Enhancement states, “The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on surface water and ground water in order to ensure the long-term viability of this resource. Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater recharge Areas in the Source Protection Plan”.

Section 8.2.9, Affordable Housing, encourages a full range of housing types and densities to meet the needs of current and future residents.

The application for rezoning to Residential 5 Special Exception -1 (R5-1) meets the requirements of the Lanark County Sustainable Communities Plan by providing an additional housing type (multi-unit) in the Township and by protecting natural heritage resources (PSW Buffer) and water resources through a Site Plan Control Agreement.

Official Plan

The subject property is designated in the Official Plan as Rural and Provincially Significant Wetland Buffer.

Section 1.6.1.3 Environmental Objectives includes, “To promote biodiversity and conserve natural heritage systems and features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding”. Development is proposed beyond the Provincially Significant Wetland Buffers.

Section 2.3.3.1 Rural states, “The intent of the Plan is to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities”. “Generally, development should be screened from view from the abutting road through the use of vegetation and tree cover or by topography.” The proposed development will be located set back from the road and screened by mature trees.

Section 2.3.3.2 Permitted Uses Within the Rural Area, states that a variety of land uses shall be permitted including residential uses.

Section 2.2.3.1 Housing states that, “Access to affordable housing is recognized as a human right and provision of affordable housing in the market is an investment that benefits the greater community. Discrimination is prohibited against proponents or occupants of affordable housing units by various Acts beyond this Official Plan”.

“Affordable Rental Housing will mean either one of the following:

a). A unit for which the rent does not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or

b). A unit for which the rent is at or below the average market rent of a unit in the regional market area”.

Lanark County Social Services department informed the applicant what the affordable rent would be in our area. Therefore, he adjusted the size of the units to be able to be constructed at a rate of return that would allow them to meet the affordable rental price set by the County.

Section 2.2.5.1 states, “The Township is committed to ensuring healthy, liveable and safe communities are sustained by promoting... land use patterns that maintain resilience to climate change”. “The Township will also promote mitigation of climate change by protecting wetlands for their carbon sequestration capacity (greater than trees)”. The Provincially Significant Wetland Buffers will be protected through Site Plan Control Agreement.

3.1.7.1 Environmental Impact Assessment states, “Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development”.

The site for the proposed development is located to the south of one Provincially Significant Wetland Buffer and to the north of another. Therefore, no Environmental Impact Assessment was required.

Section 3.2.1.1 Waterfront Development states, “the Township has a direct concern with the issue of water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township’s lakes and rivers, or adjacent to these water bodies”.

Section 3.2.3.3 Water Setback states, “This Plan is committed to the establishment of a “30 metre setback” from water and a “15 metre vegetated buffer” along shorelines as the key planning tools to minimize negative development impacts on waterfronts”.

“Commonly referred to as a “ribbon of life”, this 30m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest

shoreline access path through this area. Within the 30m setback, the first 15m abutting the shoreline is to be a natural, vegetative buffer of land” of native vegetation.

The proposed development will occur well over 30m from the stream running north south through the property (on its eastern edge near Narrows Lock Road). A Site Plan Control Agreement is required for the development and will ensure protection of the stream.

Section 3.4 Provincially Significant Wetlands (PSW) states that, “Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating”. The Township encourages residents to take advantage of incentives offered by the province that apply to Provincially Significant Wetlands (PSW) including the Conservation Land Tax Incentive Program.

A Site Plan Control Agreement is required for the development and will ensure no encroachment into the PSW buffer occurs.

The application conforms to the Township Official Plan by providing an additional housing type (affordable, rental, multi-units) compared to the predominant single-family dwellings in the Township. The application also conforms to the Natural Heritage sections of the Official Plan and a Site Plan Control Agreement will ensure their protection. Climate change mitigation is promoted by the multi-unit form of development. There are no Natural Hazards identified on the property. No conflicts with Agriculture or Mineral Resources on surrounding properties have been identified.

Zoning By-Law

The lot is currently zoned Rural (RU).

The applicant has applied to rezone the lot to Residential 5 - Special Exception-1 (R5-1) to allow the construction of a five-plex (a one-storey, multi-family home with five 1-bedroom, affordable, side-by-side units).

One exception is required; relief from the size requirements of the units. The Zoning By-Law currently requires multi-unit residential buildings in the R5 zone to be a minimum of 231m² (2,486 sq ft) yielding units that are 46m² (500 sq ft). However, to be able to build the units at a cost that can be rented at the affordable rate determined by the County, the units must be smaller than the minimum in the Zoning By-Law. The proposed building size is 167m² (1,800 sq ft) yielding units that are 33m² (360 sq ft) in size.

Planner

The Planner is in support of the application. The requirements of the Provincial Planning Statement, County Official Plan and Township Official Plan are met.

The relief sought for the unit size is reasonable. The initial zone standards were developed with a consultant, Rural Development Network, and are suitable for market rate units. However, they are too restrictive for smaller, affordable, rental units.

Providing the requested relief from the Zoning By-Law will allow the applicant to increase the amount of affordable rental units in the Township. Therefore, the rezoning would support the Township's efforts to encourage a wide range of housing choices to meet the needs of its various residents.

Rideau Valley Conservation Authority (RVCA)

There are no natural hazards on the property (floodplain or steep slopes) and the development is proposed on the part of the property outside of the Provincially Significant Wetland, so the RVCA was not circulated for comments. Standard comments about groundwater and vegetation buffers that RVCA has supplied in the past, when their mandate included those topics, will be included in the Site Plan Control Agreement.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO had no objections to the proposed rezoning. The applicant is applying for a new septic system to be installed on the proposed lands to be rezoned.

Tay Valley Township Public Works

The applicant has an address from Tay Valley Township and a road entrance permit from Lanark County for the lot proposed to be rezoned. Further details regarding addressing for the units will be determined when a building permit is received.

Public Comments

The Planner received a call with the following questions. What would stop the property from being used as a motel? The Planner responded, the property would have to be rezoned to Tourist Commercial to be used as a motel and other steps like a Small Drinking Water Operator licence would be required.

Shouldn't this development be located in a Hamlet? The Planner responded, yes, ideally but some development (up to a 25 lot subdivision, is permitted as of right in the Rural area. Also encouraging affordable housing is a goal of the Township Official Plan.

Would this allow back-lot development (in other words, water access)? The Planner responded, no, the lot does not front onto a lake.

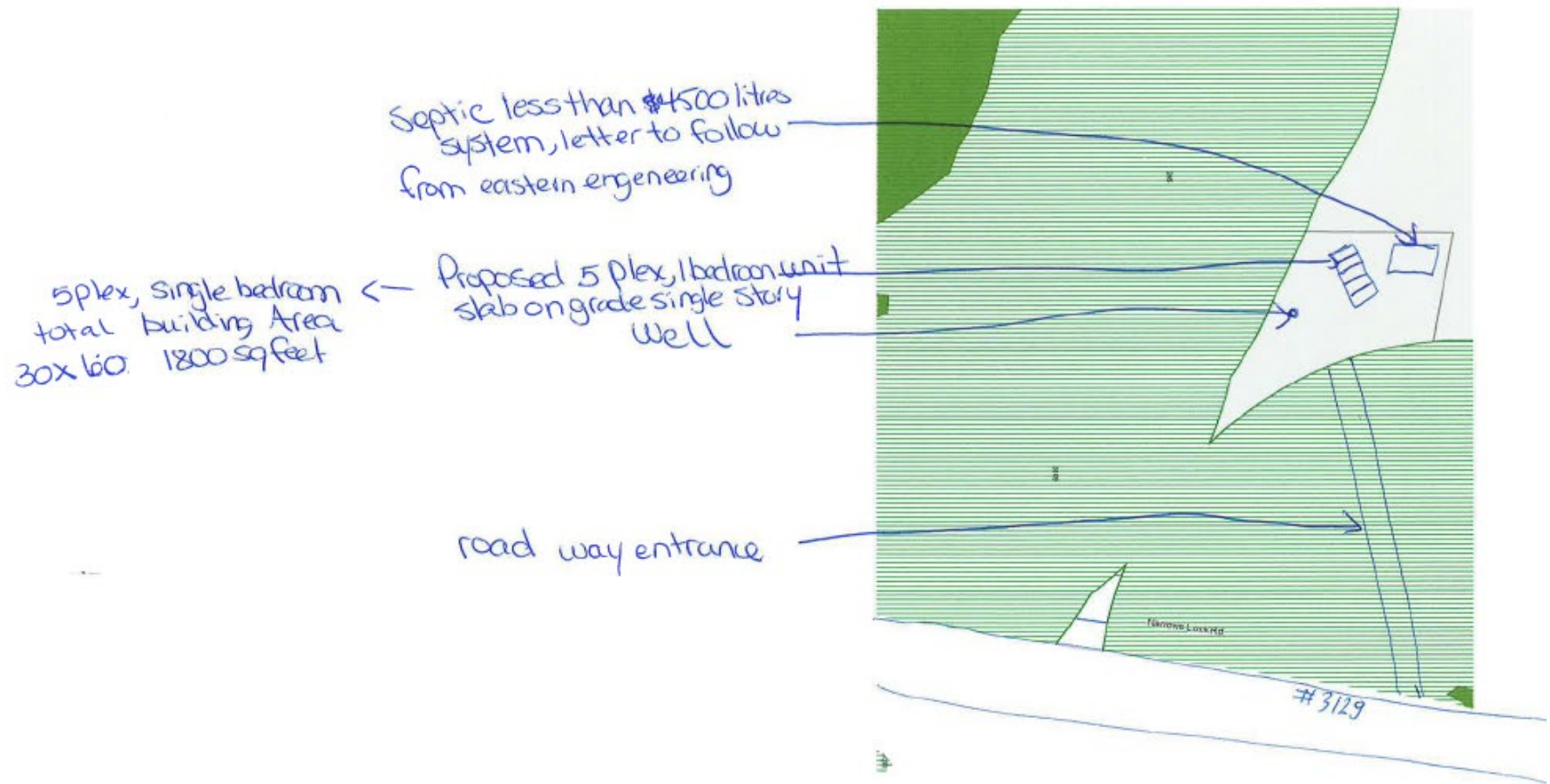
How much would the Development Charges be for this building? The Planner responded, because the units will be rented at an affordable rent for 25 years, there are no Development Charges as the Township and County want to encourage affordable housing.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone a portion of the lands at Concession 6, Part Lot 17, 3129 Narrows Lock Road, geographic Township of North Burgess (Roll number 091191102043920) from Rural (RU) to Residential 5 - Special Exception 1 (R5-1).

ATTACHMENTS

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (SCHACHT – 3129 NARROWS LOCK ROAD) (PART LOT 17, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121 regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

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

1. GENERAL REGULATIONS

1.1 THAT, By-Law No. 2002-121 is hereby amended by amending the zoning from Rural (RU) to Residential 5 – Special Exception 1 (R5-1) on a portion of the lands legally described as Part Lot 17, Concession 6, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191102043920), in accordance with Schedule “A” attached hereto and forming part of this By-Law.

1.2 THAT By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.5.4 (Exception Zones):

1. R5-1 (Part Lot 17, Concession 6, North Burgess)

Notwithstanding the provisions of Section 5.5.2, on the lands zoned R5-1 the following provisions shall prevail:

- Dwelling Unit Area (minimum) 33m²

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0XX**

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

1.4 THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2025.

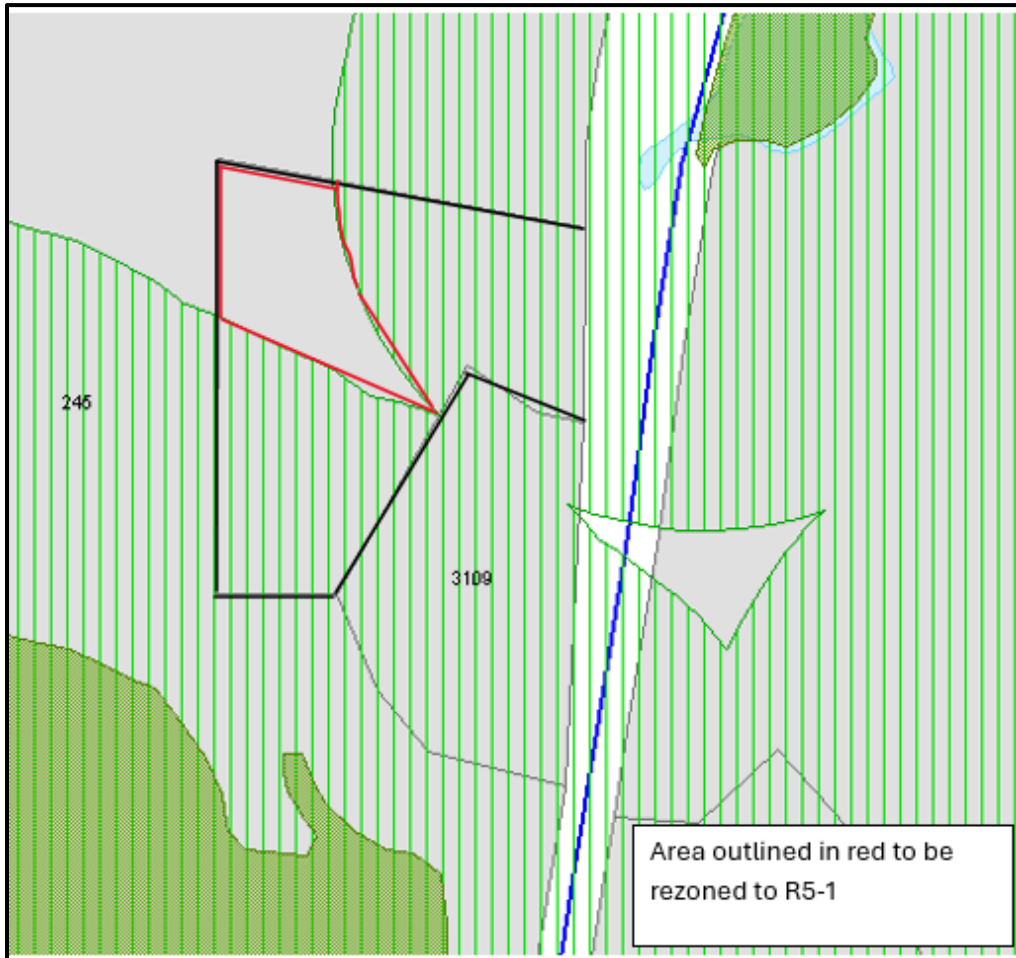
Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

SCHEDULE “A”

Schacht – 3129 Narrows Lock Road
Part Lot 17, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from Rural (RU)
to Residential 5 Special Exception-1 (R5-1)

Certificate of Authentication

This is Schedule “A” to By-Law 2025-0xx
passed this 22nd day of April 2025.

Reeve

Clerk

Schact 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



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Schact 3129 Narrows Lock Road Part Lot 17, Concession 6, Geographic Township of North Burgess

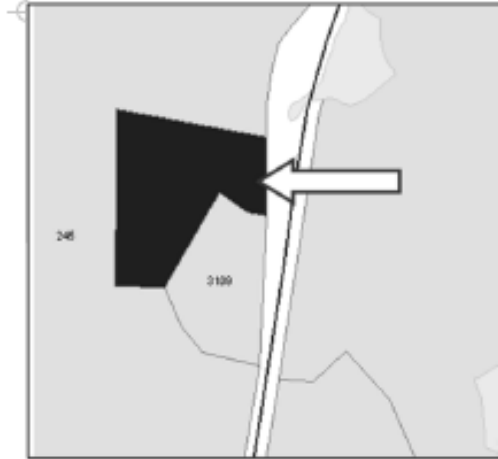
- The application applies to an approximately 1.56-ha (3.20-acre) lot with 65m (213 feet) frontage on Narrows Lock Road.
- The purpose of this application is to change the zoning of a portion of the lot from Rural (RU) to Residential - 5 Special Exception-1 (R5-1).
- The effect of the amendment is to allow the construction of a five-plex (a multi-family dwelling with five side-by-side, 1-bedroom units), under the minimum dwelling size.
- This is the first application the Township has received under the new zone R5 zone and the Building and Planning Department is learning from this application that some changes to the Zoning By-Law may be needed to meet the requirements of the definition of affordable housing in Lanark County.

2



2

Schacht Location



3129 Narrows Lock Road

3



3

Schacht Photos



4



4

Schacht Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities

- Section 2.1.6 Planning for People and Homes states, "Planning authorities should support the achievement of complete communities by:
 - a) accommodating an appropriate range and mix of land uses, housing options, transportation options, employment, public service facilities, and other institutional uses, recreation, parks and open space and other uses to meet long-term needs;
 - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups".

5



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Schacht Planner's Comments Provincial Planning Statement (PPS)

- Section 2.2 Housing requires planning authorities to, "provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
 - a) "establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
 - b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities".

The application proposes to construct one-bedroom units that meet the Lanark County criterion for affordable rental housing which is \$1,385 for a bachelor or one-bedroom unit.

6



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Schacht Planner's Comments Provincial Planning Statement (PPS)

- Section 2.6.4 requires planning authorities to protect, "agricultural or other resource-related uses" in Rural Lands. As the area where the development is proposed consists of one residential property and wetlands on the other sides and across the road, no impact will occur on agricultural or other resources use.
- Section 2.9.1 Energy Conservation, Air Quality and Climate Change states, "Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: c) support energy conservation and efficiency".
- Multi-unit dwellings reduce energy requirements through shared wall construction and allow for the possibility of car-pooling. Both attributes can reduce greenhouse gas emissions.

7



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Schacht Planner's Comments Provincial Planning Statement (PPS)

Chapter 3: Infrastructure and Facilities

- Section 3.6.4 directs planning authorities as follows, "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 on-site 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."
- According to the Provincial Planning Statement Definitions section, "Negative impacts: means a) in regard to policy 3.6.4 and 3.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards".

8



8

Schacht Planner's Comments Provincial Planning Statement (PPS)

- As per the Ministry of Environment D-5-4 requirements for private septic systems, because the proposal will generate less than 4,500 l/day of wastewater, a hydrogeological assessment is not required.
- The well to be drilled for the development will conform to the Ministry of Environment D-5-5 requirements including Provincial Water Quality Objectives (PWQOs) and the Ontario Drinking Water Objectives (ODWOs). The nearest dwelling is over 80m away from the proposed development.

9



9

Schacht Planner's Comments Provincial Planning Statement (PPS)

Chapter 4: Wise Use and Management of Resources

- Section 4.1.2 states that "The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features".
- The location of the proposal is outside of the buffer areas for two Provincially Significant Wetlands located on the property. A Site Plan Control Agreement will be executed that will ensure the location of the septic system, well and the five-plex will protect the Provincially Significant Wetland and the Buffers.

10



10

Schacht

Planner's Comments

Provincial Planning Statement (PPS)

- Section 4.2.1 Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations".
- There is a stream on the east side of the property close to Narrows Lock Road. The Site Plan Control Agreement for this property will also protect the stream.
- Section 4.2.1e)2) Water further requires planners to "protect, improve or restore vulnerable surface and groundwater, and hydrologic functions".
- 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 (e.g., spilling gas on the ground).

11



11

Schacht

Provincial Planning Statement (PPS)

- **Chapter 5 Protecting Public Health and Safety** requires development to locate outside of natural (floodplains, steep slopes with erosion hazard) or human-made (brownfields) hazards. Neither exist on the site.
- The application conforms to the requirements of the Provincial Planning Statement by encouraging affordable housing, addressing climate change, and meeting requirements for protection of natural heritage features.

12



12

Schacht

County Sustainable Communities Official Plan

- Section 3, Rural Area Policies, permits a variety of uses including residential uses.
- Section 5.4.4 states, "The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource".
- Section 5.5.1 Provincially Significant Wetlands (PSW) states local municipalities must protect PSWs.
- Section 5.5.8 Surface and Ground Water Protection and Enhancement states, "The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on surface water and ground water in order to ensure the long-term viability of this resource. Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater recharge Areas in the Source Protection Plan".

13



13

Schacht

County Sustainable Communities Official Plan

- Section 8.2.9, Affordable Housing, encourages a full range of housing types and densities to meet the needs of current and future residents.
- The application for rezoning to Residential 5 Special Exception -1 (R5-1) meets the requirements of the Lanark County Sustainable Communities Plan by providing an additional housing type (multi-unit) in the Township and by protecting natural heritage resources (PSW Buffer) and water resources through a Site Plan Control Agreement.

14



14

Schacht Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural and Provincially Significant Wetland Buffer.
- Section 1.6.1.3 Environmental Objectives includes, "To promote biodiversity and conserve natural heritage systems and features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding". Development is proposed beyond the Provincially Significant Wetland Buffers.
- Section 2.3.3.1 Rural states, "The intent of the Plan is to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities". "Generally, development should be screened from view from the abutting road through the use of vegetation and tree cover or by topography." The proposed development will be located set back from the road and screened by mature trees.

15



15

Schacht Planner's Comments Official Plan

- Section 2.3.3.2 Permitted Uses Within the Rural Area, states that a variety of land uses shall be permitted including residential uses.
- Section 2.2.3.1 Housing states that, "Access to affordable housing is recognized as a human right and provision of affordable housing in the market is an investment that benefits the greater community. Discrimination is prohibited against proponents or occupants of affordable housing units by various Acts beyond this Official Plan".
- "Affordable Rental Housing will mean either one of the following:
 - a). A unit for which the rent does not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or
 - b). A unit for which the rent is at or below the average market rent of a unit in the regional market area".

16



16

Schacht Planner's Comments Official Plan

- Lanark County Social Services department informed the applicant what the affordable rent would be in our area. Therefore, he adjusted the size of the units to be able to be constructed at a rate of return that would allow them to meet the affordable rental price set by the County.
- Section 2.2.5.1 states, "The Township is committed to ensuring healthy, livable and safe communities are sustained by promoting... land use patterns that maintain resilience to climate change". "The Township will also promote mitigation of climate change by protecting wetlands for their carbon sequestration capacity (greater than trees)". The Provincially Significant Wetland Buffers will be protected through Site Plan Control Agreement.
- 3.1.7.1 Environmental Impact Assessment states, "Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development".

17



17

Schacht Planner's Comments Official Plan

- The site for the proposed development is located to the south of one Provincially Significant Wetland Buffer and to the north of another. Therefore, no Environmental Impact Assessment was required.
- Section 3.2.1.1 Waterfront Development states, "the Township has a direct concern with the issue of water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes and rivers, or adjacent to these water bodies".
- Section 3.2.3.3 Water Setback states, "This Plan is committed to the establishment of a "30m setback" from water and a "15m vegetated buffer" along shorelines as the key planning tools to minimize negative development impacts on waterfronts".

18



18

Schacht

Planner's Comments Official Plan

- Commonly referred to as a "ribbon of life", this 30m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest shoreline access path through this area. Within the 30m setback, the first 15m abutting the shoreline is to be a natural, vegetative buffer of land of native vegetation.
- The proposed development will occur well over 30m from the stream running north south through the property (on its eastern edge near Narrows Lock Road). A Site Plan Control Agreement is required for the development and will ensure protection of the stream.
- Section 3.4 Provincially Significant Wetlands (PSW) states that, "Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating". The Township encourages residents to take advantage of incentives offered by the province that apply to Provincially Significant Wetlands (PSW) including the Conservation Land Tax Incentive Program.

19



19

Schacht

Planner's Comments Official Plan

- A Site Plan Control Agreement is required for the development and will ensure no encroachment into the PSW buffer occurs.
- The application conforms to the Township Official Plan by providing an additional housing type (affordable, rental, multi-units) compared to the predominant single-family dwellings in the Township.
- The application also conforms to the Natural Heritage sections of the Official Plan and a Site Plan Control Agreement will ensure their protection.
- Climate change mitigation is promoted by the multi-unit form of development.
- There are no Natural Hazards identified on the property. No conflicts with Agriculture or Mineral Resources on surrounding properties have been identified.

20



20

Schacht Planner's Comments Zoning

- The lot is zoned Rural (RU)
- One exception is required; relief from the size requirements of the units.
- The Zoning By-Law currently requires multi-unit residential buildings in the R5 zone to be a minimum of 231m² (2,486 sq ft) yielding units that are 46m² (500 sq ft).
- However, to be able to build the units at a cost that can be rented at the affordable rate determined by the County, the units must be smaller than the minimum in the Zoning By-Law. The proposed building size is 167m² (1,800 sq ft) yielding units that are 33m² (360 sq ft) in size.

21



21

Schacht Planner's Comments

- The Planner is in support of the application. The requirements of the Provincial Planning Statement, County Official Plan and Township Official Plan are met.
- The relief sought for the unit size is reasonable. The initial zone standards are suitable for market rate units. However, they are too restrictive for smaller, affordable, rental units.
- Providing the requested relief from the Zoning By-Law will allow the applicant to increase the amount of affordable rental units in the Township.
- Therefore, the rezoning would support the Township's efforts to encourage a wide range of housing choices to meet the needs of its various residents.

22



22

Schacht RVCA Comments

Rideau Valley Conservation Authority

- There are no natural hazards on the property (floodplain or steep slopes) and the development is proposed on the part of the property outside of the Provincially Significant Wetland, so the RVCA was not circulated for comments.
- Standard comments about groundwater and vegetation buffers that RVCA has supplied in the past, when their mandate included those topics, will be included in the Site Plan Control Agreement.

23



23

Schacht MRSSO Comments

Mississippi Rideau Septic System Office

- The MRSSO had no objections to the proposed rezoning. The applicant is applying for a new septic system to be installed on the proposed lands to be rezoned.

24



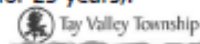
24

Schacht Comments

Public Comments

- The Planner received a call with the following questions. What would stop the property from being used as a motel? The property would have to be rezoned to Tourist Commercial to be used as a motel and other steps like a Small Drinking Water Operator license would be required.
- Shouldn't this development be located in a Hamlet? Yes, ideally but some development (up to a 25 lot subdivision, is permitted as of right in the Rural area. Also encouraging affordable housing is a goal of the Township.
- Would this allow back-lot development (in other words, water access)? No, the lot does not front onto a lake.
- How much would the Development Charges be for this building? Nothing, because the units will be rented at an affordable rent for 25 years..

25



25

Schacht Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 6, Part Lot 17, 3129 Narrows Lock Road, geographic Township of North Burgess (Roll number 091191102043920) from Rural (RU) to Residential 5 - Special Exception 1 (R5-1)."

26



26

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

April 8, 2025

Noelle Reeve, Planner

APPLICATIONS ZA24-13 and ZA25-02 - TAYLER

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lots 25 and 26, Concession 11, in the geographic Township of Bathurst, municipally known as 160,1,2, and vacant lot Mackay Line Road and the lands at Part Lots 24 to 26, Concession 10, in the geographic Township of Bathurst, municipally known as 109,141,155 and vacant lot Mackay Line Road from Rural (RU) to Open Space Special Exception-9 (OS-9).”

BACKGROUND

The applicant has owned multiple lots on MacKay Line Road. The lots have recently been consolidated on title into two (2) large properties (on opposite sides of the road) to allow for the preservation of their natural heritage features. (See Attachment 1.)

Therefore, this application applies to an approximately 39.9-ha (98.77-acre) parcel of land to the north of Mackay Line Road with approximately 283m road frontage and to an approximately 43.6-ha (107.95-acre) parcel of land to the south of Mackay Line Road with 1,139m of road frontage.

The purpose of the amendment is to change the zoning of the properties from Rural (RU) to Open Space Special Exception-9 (OS-9). The effect of the amendment is to ensure the Significant Woodlands, Provincially Significant Wetlands, Mississippi Valley Conservation Authority (MVCA) unevaluated wetlands, rivers, and Species at Risk on the properties are protected in perpetuity.

Permitted uses shall be restricted to conservation use.

DISCUSSION

Provincial Policy Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities Section 2.5.1 Rural Areas in Municipalities states, “Healthy, integrated and viable rural areas should be supported by:

g) conserving biodiversity and considering the ecological benefits provided by nature”.

Section 2.9.1 Energy Conservation, Air Quality and Climate Change states, “Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- d) protect the environment and improve air quality; and
- e) build resiliency to the impacts of a changing climate”.

Chapter 4: Wise Use and Management of Resources Section 4.1. Natural Heritage states that, “Natural features and areas shall be protected for the long term”.

Section 4.1.2 states “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features”. Bolton Creek is the border of the southern property and the Mississippi River borders the northern property.

Sections 4.1.4, 4.1.5, 4.1.6, and 4.1.7 identify Significant Wetlands, Significant Woodlands, fish habitat, and habitat of endangered species and threatened species as requiring protection.

There are Natural Heritage features on both properties including Provincially Significant Wetlands and Buffers, MVCA unevaluated wetlands. There are also Significant Woodlands - Deep Interior Forest and Buffer on the southern lot and Old Growth Forest identified on both properties. Both properties also have Species at Risk including birds, turtles and a fish.

Section 4.2.1 Water states, “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations to: 2) protect, improve or restore vulnerable surface and groundwater, and their hydrologic functions”.

The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured.

The application conforms to the requirements of the Provincial Planning Statement. The rezoning of the lands to Open Space – Special Exception 9 (OS-9) will protect the biodiversity on the properties and through re-naturalization, the properties will provide carbon sequestration and improve resiliency to climate change impacts. Natural heritage features on the properties and their ecological functions include: Significant Wetlands Buffers, MVCA unevaluated wetlands, Species at Risk habitat, and Significant Woodlands will be protected by the rezoning to OS-9. Finally, precluding development will ensure that the aquifer below the properties is not harmed and the rivers are not impacted by runoff.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Area Policies permits a variety of uses including conservation uses.

Section 5.4.4 states, “The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic

resource”. Section 5.5.8 Surface and Ground Water Protection and Enhancement further states, “Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater recharge Areas in the Source Protection Plan”.

Section 5.5.1 Provincially Significant Wetlands (PSW) states that PSW “are to be protected from development and site alteration”.

Section 5.5.2 Endangered or Threatened Species Habitat states, “It is important to protect the significant habitat of endangered and threatened species found within the County”.

Section 5.5.4.1 Provincially Significant Woodlands states, “Development may be permitted in Significant Woodlands, or within 120 metres on adjacent lands, only if it has been demonstrated through an Environmental Impact Statement (EIS) that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified”.

Section 5.5.5 Significant Wildlife Habitat states, “Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species”. The Ministry of Natural Resources has identified a bird migration area on the Mississippi River along the boundary of the northern property.

Section 5.5.7 Fish Habitat states, “Local Official Plans shall not permit development and site alteration on lands within 120 metres of fish habitat unless it has been demonstrated through the preparation of an Environmental Impact Statement that there will be no negative impact”.

The Lanark County Sustainable Communities Plan requirements will be met through the rezoning of the lands to Open Space – Special Exception 9 (OS-9) which precludes development on the properties.

Official Plan

Both subject properties are designated Rural, Provincially Significant Wetlands Buffer, and Provincially Significant Woodlands – Old Growth in the Township Official Plan. Species at Risk are also found on both properties. The southern property also has MVCA unevaluated wetlands on it.

Section 1.6.1.3 Environmental Objectives includes, “To promote biodiversity and conserve natural heritage systems and features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding”.

Section 2.2.5.1 states, “The Township is committed to ensuring healthy, liveable and safe communities are sustained by promoting... land use patterns that maintain resilience to climate change”. “The Township will also promote mitigation of climate change by protecting wetlands for their carbon sequestration capacity (greater than trees)”.

Section 2.3.3.1 Rural states, “The intent of the Plan is to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities”. Section 2.3.3.2 Permitted Uses, states, “Within the Rural Area a variety of land uses shall be permitted” including conservation.

Section 3 Environmental Stewardship states, “Environmental stewardship of the Township’s natural heritage features is key to a sustainable future. Environmental stewardship conserves, protects, restores and improves the natural environment for current and future generations”.

Section 3.1.2 Fish Habitat and Adjacent Lands states, “...the Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction”.

Section 3.1.3.1 Wildlife Habitat and Adjacent Lands states, “The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity”. The habitats of Species At Risk (SAR) are not identified on either the County or Township Official Plan maps in order to protect them. However, the Ministry of Natural Resources provides information on SAR at a 1km grid level and a number of birds, turtles and one fish were identified on the subject properties.

Section 3.1.5.6 Significant Woodlands states, “Where a forested area is identified as being potentially Significant, development and site alteration may be permitted on Significant Woodlands and within 120 meters of the Woodland, if it is demonstrated through an Environmental Screening Checklist or Environmental Impact Study, that there will be no negative impacts on the natural features or functions for which the forested area is considered significant”.

Section 3.2.11.2 Mississippi River Watershed Plan “describes the planning process, provides an overview of the watershed, and presents a strategic plan, structured around eight broad themes and program areas: Integration and Collaboration, Climate Change, Growth and Development, Water Management, Natural Hazards, Water Quality, Natural Systems; and Education and Outreach”. “The Township will have regard to the Watershed Plan in reviewing applications.”

Section 3.4.1 Provincially Significant Wetlands states that, “Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating”. “The Township encourages residents to take advantage of incentives offered by the province that apply to Provincially Significant Wetlands (PSW) including the Conservation Land Tax Incentive Program.”

The requirements of the Township Official Plan are met by precluding development through the Open Space Exception-9 (OS-9) zone. The rezoning ensures there will be no negative impacts on the natural heritage features of the properties and specifically protects the ecological function of the Significant Woodlands, Significant Wetlands Buffer, MVCA unevaluated wetlands, Species at Risk, and surface and groundwater features.

As well as protecting biodiversity on the properties, the rezoning will allow for carbon sequestration and improve resiliency to climate change impacts through re-naturalization.

Finally, precluding development will contribute to meeting three of the eight themes of the Mississippi River Watershed Plan (Water Quality, Natural Systems, and Climate Change).

Zoning By-Law

The lots are currently zoned Rural (RU) with some Environmental Protection (EP) zoning along the northern part of the northern lot. The application requests rezoning of the Rural zones to Open Space Special Exception-9 (OS-9) to preclude the construction of any dwelling or development on the consolidated lands. 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.

Planner

The Planner is in support of the rezoning. An environmental gain for the Township will be achieved through the rezoning as no development will be permitted on the consolidated lands. Instead, biodiversity on the property will increase as will its capacity to sequester carbon.

Mississippi Valley Conservation Authority (MVCA)

Not circulated as no development is proposed.

Mississippi Rideau Septic System Office (MRSSO)

Not circulated as no development is proposed.

Tay Valley Township Public Works

Addresses for the two new lots will be confirmed now that lot consolidation of the eight pre-existing lots is complete.

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 Lots 25 and 26, Concession 11, in the geographic Township of Bathurst, municipally known as 160,1,2, and vacant lot Mackay Line Road and Part Lots 24 to 26, Concession 10, in the geographic Township of Bathurst, municipally known as 109,141,155 and vacant lot Mackay Line Road from Rural (RU) to Open Space Special Exception-9 (OS-9).

ATTACHMENTS

- iii) Lot locations
- iv) 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**

Attachment 1 Lot Locations



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (TAYLER) (160,1,2 and vacant lot MACKAY LINE ROAD, PART LOT 25&26, CONCESSION 11, 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, 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 25&26, Concession 11, in the geographic Township of Bathurst, Roll#091191603031608, 091191603031609, 91191603031610 and 091191603031500)

Notwithstanding the provisions of Section 9.1, on the lands zoned OS-9 permitted uses shall be restricted to:

- Conservation use
- Dwellings

0

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx

- 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-9 (OS-9) on the consolidated lands legally described as Part Lot 25&26, Concession 11, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191603031608, 091191603031609, 91191603031610 and 091191603031500), 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 22nd day of April 2025.

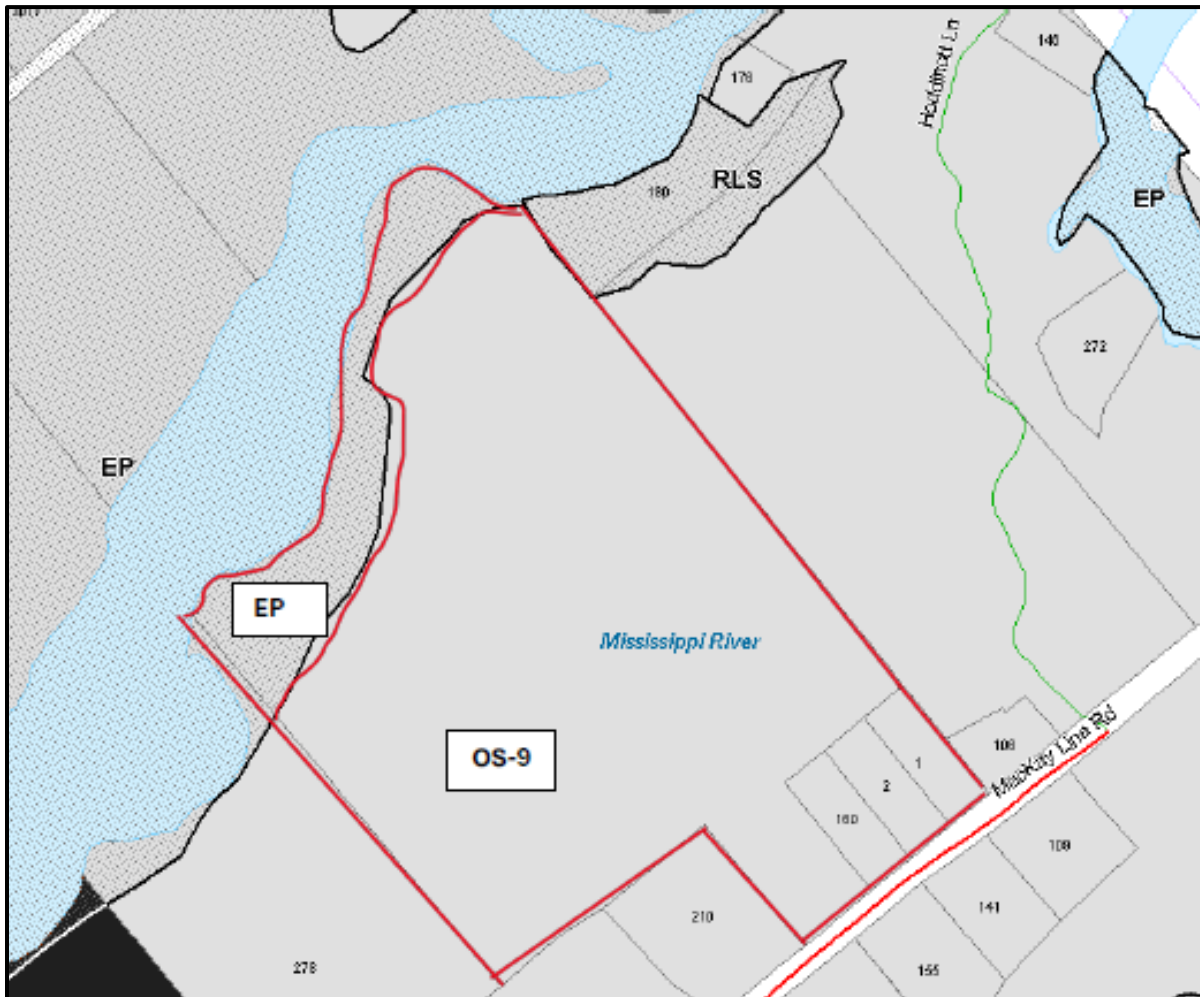
Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

SCHEDULE "A"

Tayler – McKay Line
Part Lot 25&26, 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 2025-XX
passed this 22nd day of April 2025

Reeve

Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (TAYLER) (109, 141, 155 and VACANT LOT, PART LOT 24 to 26, CONCESSION 10, 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, 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 24 to 26, Concession 10, in the geographic Township of Bathurst, Roll#091191603031608, 091191603031609, 91191603031610 and 091191603031500)

Notwithstanding the provisions of Section 9.1, on the lands zoned OS-9 permitted uses shall be restricted to:

- Conservation use
- Dwellings

0

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx

- 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-9 (OS-9) on the consolidated lands legally described as Part Lot 24 to 26, Concession 10, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191603031608, 091191603031609, 91191603031610 and 091191603031500), 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 22nd day of April, 2025.

Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

SCHEDULE “A”

Taylor – McKay Line
Part Lot 24 to 26, Concession 10
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 2025-0XX
passed this 22nd day of April 2025.

Reeve

Clerk

Tayler 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

Tayler

160, 1, 2 and Vacant lot MacKay Line Road

Part Lots 25/26, Concession 11, Geographic Township of Bathurst

109, 141, 155 and Vacant Lot MacKay Line Road

Part Lots 24-26, Concession 10, Geographic Township of Bathurst

- The applicant has owned multiple lots on MacKay Line Road. The lots have recently been consolidated on title into two (2) large properties (on opposite sides of the road) to allow for the preservation of their natural heritage features.
- Therefore, this application applies to an approximately 39.9-ha (98.77-acre) parcel of land to the north of Mackay Line Road with approximately 283m road frontage and to an approximately 43.6-ha (107.95-acre) parcel of land to the south of Mackay Line Road with 1,139m of road frontage.

2



2

Tayler

160, 1,2 MacKay Line Road

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

109, 141, 155 and Vacant Lot MacKay Line Road

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

- The purpose of the amendment is to change the zoning of the properties from Rural (RU) to Open Space Special Exception-9 (OS-9). The effect of the amendment is to ensure the Significant Woodlands, Provincially Significant Wetlands, Mississippi Valley Conservation Authority (MVCA) unevaluated wetlands, rivers, and Species at Risk on the properties are protected in perpetuity.
- Permitted uses shall be restricted to conservation use.

3



3

Tayler Locations



160, 1, 2 and vacant lot MacKay Line Road

4



4

Tayler Locations



109, 141, 155 and Vacant Lot MacKay Line Road

5



5

Tayler Planner's Comments Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities

- Section 2.5.1 Rural Areas in Municipalities states, "Healthy, integrated and viable rural areas should be supported by:
 - g) conserving biodiversity and considering the ecological benefits provided by nature".
- Section 2.9.1 Energy Conservation, Air Quality and Climate Change states, "Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
 - d) protect the environment and improve air quality; and
 - e) build resiliency to the impacts of a changing climate".

6



6

Tayler Planner's Comments Provincial Planning Statement (PPS)

Chapter 4: Wise Use and Management of Resources

- Section 4.1. Natural Heritage states that, "Natural features and areas shall be protected for the long term".
- Section 4.1.2 states "The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features".
- Bolton Creek is the border of the southern property and the Mississippi River borders the northern property.
- Sections 4.1.4, 4.1.5, 4.1.6, and 4.1.7 identify Significant Wetlands, Significant Woodlands, fish habitat, and habitat of endangered species and threatened species as requiring protection.

7



7

Tayler Planner's Comments Provincial Planning Statement (PPS)

- There are Natural Heritage features on both properties including Provincially Significant Wetlands and Buffers, MVCA unevaluated wetlands. There are also Significant Woodlands - Old Growth Forest identified on both properties. Both properties also have Species at Risk including birds, turtles and a fish.
- Section 4.2.1 Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations to: 2) protect, improve or restore vulnerable surface and groundwater, and their hydrologic functions".
- The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured.

8



8

Tayler Planner's Comments - Provincial Planning Statement (PPS)

- The application conforms to the requirements of the Provincial Planning Statement. The rezoning of the lands to Open Space – Special Exception 9 (OS-9) will protect the biodiversity on the properties and through re-naturalization, the properties will provide carbon sequestration and improve resiliency to climate change impacts.
- Natural heritage features on the properties and their ecological functions include: Significant Wetlands Buffers, MVCA unevaluated wetlands, Species at Risk habitat, and Significant Woodlands that will be protected by the rezoning to OS-9.
- Finally, precluding development will ensure that the aquifer below the properties is not harmed and the rivers are not impacted by runoff.

9



9

Tayler County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including conservation uses.
- Section 5.4.4 states, "The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource".
- Section 5.5.8 Surface and Ground Water Protection and Enhancement further states, "Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater recharge Areas in the Source Protection Plan".
- Section 5.5.1 Provincially Significant Wetlands (PSW) states that PSW "are to be protected from development and site alteration".

10



10

Tayler County Sustainable Communities Official Plan

- Section 5.5.2 Endangered or Threatened Species Habitat states, "It is important to protect the significant habitat of endangered and threatened species found within the County".
- Section 5.5.4.1 Provincially Significant Woodlands states, "Development may be permitted in Significant Woodlands, or within 120 metres on adjacent lands, only if it has been demonstrated through an Environmental Impact Statement (EIS) that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified".

11



11

Tayler County Sustainable Communities Official Plan

- Section 5.5.5 Significant Wildlife Habitat states, "Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species".
- The Ministry of Natural Resources has identified a bird migration area on the Mississippi River along the boundary of the northern property.
- Section 5.5.7 Fish Habitat states, "Local Official Plans shall not permit development and site alteration on lands within 120 metres of fish habitat unless it has been demonstrated through the preparation of an Environmental Impact Statement that there will be no negative impact".
- The Lanark County Sustainable Communities Plan requirements will be met through the rezoning of the lands to Open Space – Special Exception 9 (OS-9) which precludes development on the properties.

12



12

Tayler Planner's Comments Official Plan

- Both subject properties are designated Rural, Provincially Significant Wetlands Buffer, and Provincially Significant Woodlands – Old Growth in the Township Official Plan. Species at Risk are also found on both properties. The southern property also has MVCA unevaluated wetlands on it.
- Section 1.6.1.3 Environmental Objectives includes, "To promote biodiversity and conserve natural heritage systems and features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding".
- Section 2.2.5.1 states, "The Township is committed to ensuring healthy, liveable and safe communities are sustained by promoting... land use patterns that maintain resilience to climate change". "The Township will also promote mitigation of climate change by protecting wetlands for their carbon sequestration capacity (greater than trees)".

13



13

Tayler Planner's Comments Official Plan

- Section 2.3.3.1 Rural states, "The intent of the Plan is to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities".
- Section 2.3.3.2 Permitted Uses, states, "Within the Rural Area a variety of land uses shall be permitted" including conservation.
- Section 3 Environmental Stewardship states, "Environmental stewardship of the Township's natural heritage features is key to a sustainable future. Environmental stewardship conserves, protects, restores and improves the natural environment for current and future generations".
- Section 3.1.2 Fish Habitat and Adjacent Lands states, "...the Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction".

14



14

Tayler Planner's Comments Official Plan

- Section 3.1.3.1 Wildlife Habitat and Adjacent Lands states, "The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity".
- The habitats of Species At Risk (SAR) are not identified on either the County or Township Official Plan maps in order to protect them. However, the Ministry of Natural Resources provides information on SAR at a 1km grid level and a number of birds, turtles and one fish were identified on the subject properties.
- Section 3.1.5.6 Significant Woodlands states, "Where a forested area is identified as being potentially Significant, development and site alteration may be permitted on Significant Woodlands and within 120 meters of the Woodland, if it is demonstrated through an Environmental Screening Checklist or Environmental Impact Study, that there will be no negative impacts on the natural features or functions for which the forested area is considered significant".

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Tayler Planner's Comments Official Plan

- Section 3.2.11.2 Mississippi River Watershed Plan "describes the planning process, provides an overview of the watershed, and presents a strategic plan, structured around eight broad themes and program areas: Integration and Collaboration, Climate Change, Growth and Development, Water Management, Natural Hazards, Water Quality, Natural Systems; and Education and Outreach". "The Township will have regard to the Watershed Plan in reviewing applications."
- Section 3.4.1 Provincially Significant Wetlands states that, "Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating".
- "The Township encourages residents to take advantage of incentives offered by the province that apply to Provincially Significant Wetlands (PSW) including the Conservation Land Tax Incentive Program."

16



16

Tayler Planner's Comments Official Plan

- The requirements of the Township Official Plan are met by precluding development through the Open Space Exception-9 (OS-9) zone. The rezoning ensures there will be no negative impacts on the natural heritage features of the properties and specifically protects the ecological function of the Significant Woodlands, Significant Wetlands Buffer, MVCA unevaluated wetlands, Species at Risk, and surface and groundwater features.
- As well as protecting biodiversity on the properties, the rezoning will allow for carbon sequestration and improve resiliency to climate change impacts through re-naturalization.
- Finally, precluding development will contribute to meeting three of the eight themes of the Mississippi River Watershed Plan (Water Quality, Natural Systems, and Climate Change).

17



17

Tayler Planner's Comments Zoning

- The lots are currently zoned Rural (RU) with some Environmental Protection (EP) zoning along the northern part of the northern lot.
- The application requests rezoning of the Rural zones to Open Space Special Exception-9 (OS-9) to preclude the construction of any dwelling or development on the consolidated lands.
- 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.

18



18

Tayler Planner's Comments

- An environmental gain for the Township will be achieved through the rezoning as no development will be permitted on the consolidated lands.
- Instead, biodiversity on the property will increase as will its capacity to sequester carbon

19



19

Tayler 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.

20



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Tayler Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Part Lots 25 and 26, Concession 11, in the geographic Township of Bathurst, municipally known as 160,1,2, and vacant lot Mackay Line Road and Part Lots 24 to 26, Concession 10, in the geographic Township of Bathurst, municipally known as 109,141,155 and vacant lot Mackay Line Road from Rural (RU) to Open Space Special Exception-9 (OS-9)."

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

April 8th, 2025

Noelle Reeve, Planner

APPLICATION ZA25-01 – We the Shermans Inc.

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the southern part of the lands at Part Lot 20 and 21, Concession 3, Geographic Township of South Sherbrooke (Roll #0911-914-020-59801) known locally as 750/761 Christie Lake Lane 32D, from Seasonal Residential (RS) and Rural (RU) to Residential Limited Services - Special Exception 198 (RLS-198).”

BACKGROUND

The application applies to a small portion (4,347 m², 1.1 acres) of an approximately 9.38 ha (23.19 acre) lot with 29m (95.4 ft) frontage on Christie Lake. (See Attachments 1 and 2.)

The purpose of this application is to change the southern portion of the property from Seasonal Residential (RS) to Residential Limited Services – Special Exception 198 (RLS-198) with the majority of the property retaining its Rural (RU) zoning.

The effect of the amendment is to permit an existing cottage and garage at 761 Christie Lake Lane 32D to be demolished and replaced by a year-round dwelling with an east side yard setback of 3.8m (12.5 ft) rather than the 6m (20 ft) required and a height of 11.67m (38 ft) rather than the 9m (29.5 ft) permitted.

The new dwelling will be located 38m from Christie Lake.

The rezoning will also permit an existing cottage on the consolidated property located at 750 Christie Lake Lane 32D (119m from Christie Lake) to be used as a secondary dwelling despite being larger than the 95m² permitted, not sharing a septic system or driveway, and being located more than 12m from the primary dwelling.

DISCUSSION

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities Section 2.2.1b)1 Housing requires planners to permit and facilitate: “all *housing options* required to meet the social, health, economic and well-being requirements of current and future

residents...”. *Housing options*, as defined by the Provincial Planning Statement, include additional residential units.

The proposal is for a residential dwelling to replace an older cottage at the south end of the property. Consolidation of the properties at 750 and 761 Christie Lake Lane 32D results in the dwelling at 750 Christie Lake Lane 32D being considered a second dwelling (additional residential unit).

Section 2.6.1 Rural Lands in Municipalities permits: “c) residential development; including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services”.

Section 2.6.4 requires planning authorities to protect, “agricultural or other resource-related uses” in Rural Lands. As the area where the development is proposed consists of mainly residential and seasonal residential land uses, no impact will occur on agricultural or other resources uses.

Section 2.9.1 Energy Conservation, Air Quality and Climate Change states, “Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: c) support energy conservation and efficiency”. The applicants have indicated they are pursuing energy conservation as part of their HVAC design.

Chapter 3: Infrastructure and Facilities Section 3.6.4 directs planning authorities as follows, “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 on-site 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*.”

Negative impacts are defined by the PPS for section 3.6.4 as “potential risks to human health and safety and degradation to the *quality and quantity of water*, *sensitive water features* and *sensitive groundwater features*, and their related *hydrologic functions* due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.”

An engineer from egis has calculated the wastewater flow at 10,000 l/day which allows for approval from the MRSSO, rather than the Ministry of Environment. The engineer has also provided the Township with the well record for the existing well on the property as confirmation there will be sufficient water and water pressure for the dwelling. Further hydrogeological information will be confirmed before the Site Plan Control Agreement is complete as it is possible this well may need to be capped and a new well drilled, depending on the final location of the dwelling. The closest dwelling is located 20m from the proposed new dwelling.

Chapter 4 Wise Use and Management of Resources Section 4.1. Natural Heritage states that, “Natural features and areas shall be protected for the long term”.

Section 4.1.2 states that “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be

maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features". The west side of the Rural zoned part of the property contains a natural heritage corridor parallel to and containing the pond. No development is proposed in this area.

Section 4.1.6 Fish Habitat states, "Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements". Development is proposed 38m from Fish Habitat which is greater than the 30m requirement.

Section 4.2.1 Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations".

Portions of the property to be consolidated at 750 Christie Lake Lane contain a pond and the property is a waterfront lot on Christie Lake. Redevelopment will be located more than thirty metres from Christie Lake to ensure long term protection of the water feature and the protection of Fish Habitat within the lake. No development is proposed near the pond

Section 4.2.1e)2) Water further requires planning authorities to "protect, improve or restore vulnerable surface and groundwater, and their hydrologic functions".

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 (e.g., spilling gas on the ground).

Section 4.6.2 Cultural Heritage and Archaeology states, "Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved". Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek.

In this case, the proposed cottage is being rebuilt in the location of the existing cottage. If archaeological objects are uncovered during construction, an archaeologist must be informed.

Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states, "Development shall generally be directed to areas outside of hazards". Steep slopes have been identified on the eastern edge of the property where the rezoning is proposed. A letter of opinion from an engineer commenting on any mitigation requirements for construction will be required before a Site Plan Control Agreement can be created.

The application conforms to the requirements of the Provincial Planning Statement (PPS) because it is a permitted use in the Rural Area, addresses climate change, meets requirements for protection of water quality by exceeding the 30m water setback, and will be required to satisfy the sewer and water infrastructure requirements and natural hazards requirements of the PPS through a Site Plan Control Agreement.

Lanark County Sustainable Communities Official Plan

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

Section 5.4.4 states, “The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource”.

Section 5.5.7 Fish Habitat states, “Local Official Plans shall include specific policies to address significant fish habitat...”. No significant fish habitat has been identified along the subject property. Similarly, no Significant Valleylands, Woodlands or Wetlands are found on the property.

Section 5.5.8 Surface and Ground Water Protection and Enhancement states, “The County of Lanark and its constituent municipalities have an obligation to consider the impact of development and land use on surface water and ground water in order to ensure the long term viability of this resource. Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater recharge Areas in the Source Protection Plan”.

Section 7.4 Hazardous Geological Formations states, “Development and site alteration in areas designated as having unstable slopes, unstable bedrock, organic soils, areas where Leda clay is present or where there is evidence of Karst topography is generally prohibited”.

“Development may be permitted in areas with hazardous geological formations where sufficient soils and engineering information is made available to indicate that, although the site is identified as having hazardous conditions, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices.”

Section 8.2.11 Heritage Conservation states, “Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record. Local Official plans shall include policies to ensure that archaeological features and resources are conserved”.

The application for rezoning from RS to RLS-198 meets the requirements of the Lanark County Sustainable Communities Plan by protecting the lake and groundwater. A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline and the 15m between it and the dwelling to protect water quality. The Site Plan Control Agreement will also contain any requirements for maintaining slope stability and for the well and septic systems.

Official Plan

The subject property is designated in the Official Plan as Rural, Waste Disposal Influence Area – 500m and Natural Heritage System Linkages, Corridors and Waterways.

Section 1.6.1.3 Environmental Objectives includes, “To promote biodiversity and conserve natural heritage systems and features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding”.

Section 2.2.3.1.1 Additional Residential Units (ARU) states, “ARUs are an efficient and cost-effective means of increasing the supply of affordable accommodation for rental purposes and for providing alternative living arrangements for those, who by virtue of their personal circumstances, require the support of others to live on their own”. “No additional dwelling unit will be used as a short-term rental. The province permits ARUs to encourage affordable housing; not recreational cottages.”

Section 2.2.10.2 Residential Conversion from Seasonal to Principal Use states, “In considering applications for an amendment to the Zoning By-Law to a Limited Services zone and/or for an occupancy permit, the Township shall have regard to the following:

- b. The suitability of the lot for permanent occupancy from an environmental perspective with respect to matters such as size, shape, topography, vegetative characteristics, drainage, natural heritage features, and surface water quality protection;
- c. The adequacy of sanitary sewage and water supply services for permanent use;
- d. The existence of potentially hazardous conditions such as flooding, erosion or unstable slopes or subsidence”.

Section 2.3.3.1 Rural states, “The intent of this Plan is to retain the rural and recreational flavor of Rural lands while providing for a modest amount of compatible and orderly new development”.

The intent is further described as, “to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities”.

Section 2.3.3.2 Permitted Uses, states, “Within the Rural Area a variety of land uses shall be permitted” including residential uses.

Section 2.3.3.4.1 Residential Policies states, “Permitted residential uses shall generally be restricted to single dwellings developed on the basis of one dwelling per lot. An Additional Residential Unit is permitted in residential areas within...or separate from the dwelling... located on a road maintained year-round and accessible by emergency services, subject to considerations such as, septic and well capacity, carrying capacity of lakes to accommodate development without degrading water quality, and of hydrogeological capacity”.

One new dwelling is proposed to replace an existing cottage. An existing dwelling at 750 Christie Lake Lane 32D is proposed to be an Additional Residential Unit. The residential land use will continue.

Section 2.3.3.4.7 states, “Limited Services Residential (LSR) Development is defined as residential development that does not have frontage on and direct access to an opened public road which is maintained year round”. Subsection b) states LSR Development, “shall not be provided with such municipal services as road maintenance and snow removal”. No new LSR Development “shall be permitted unless other public services such as fire protection, police protection, etc. can be provided to the satisfaction of the responsible agencies and a Limited Services Agreement has been signed”.

Access to the property is from Christie Lake Lane 32D, a private road. Confirmation was received from the Fire Chief that access was adequate.

2.3.3.8.4 Waste Disposal Sites Policies states, “Development of lands adjacent to a closed or open waste disposal site shall be subject to the Land Use Compatibility section of this Plan”. The north part of the lot is partly within the Waste Disposal Site Buffer. However, no development is proposed in this location.

Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states “the Natural Heritage System shown on Schedule C also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback”. No development is proposed on the north part of the lot where the linkages and corridors are identified.

Section 3.2.1.1 Waterfront Development states, “...the Township has a direct concern with the issue of water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township’s lakes and rivers, or adjacent to these water bodies”.

Section 3.2.3.1 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”.

Section 3.2.3.3 states, “This Plan is committed to the establishment of a “30 metre setback” from water and a “15 metre vegetated buffer” along shorelines as the key planning tools to minimize negative development impacts on waterfronts”.

“Commonly referred to as a “ribbon of life”, this 30m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest shoreline access path through this area. Within the 30m setback, the first 15m abutting the shoreline is to be a natural, vegetative buffer of land” of native vegetation.

The location of the dwelling at 38m from Christie Lake is proposed to exceed the required 30m setback.

Section 3.2.7.3 Preservation of Vegetation states “As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.

Section 3.2.8 Waterfront Servicing states, “The Township may require specialized studies or reports from qualified professionals or licensed septic installers to identify all system-related options available to private land owners”.

Section 3.2.10 Net Environmental Gain states “Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat.”

Section 3.2.11.1 Tay River Watershed Plan states, “The Township will have regard to the Watershed Plan and Catchment Area Reports and relevant guidelines of the Ministry of Environment, Conservation and Parks (MECP) in reviewing development applications in the watershed”.

Section 4.4.1.2 Water Supply and Sewage Disposal states, “The protection of ground water quality and quantity, the determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development are important considerations in development. Any required servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority...and shall be consistent with the MECP D-Series Guidelines”.

Section 4.4.4.1 Storm Water Management states, “Through proper storm water management, the Township shall attempt to protect, improve or restore the quality and quantity of water and plan for the impacts of climate change. This may involve the promotion of the use of low impact development (LID) approaches and technologies, such as the use of green infrastructure to manage stormwater runoff, on-site natural features to protect water quality, use of best management practices and reducing hard surfaces to maximize site permeability.”

Section 4.6.3.1 Steep Slopes and Erosion Lands states, permits are required from the Conservation Authority “prior to any grade alteration or development”. Where “the Stable Slope Allowance (three times the height of the slope measured landward from the toe), plus the Toe Erosion Allowance (1 to 7 meters depending on soil type), plus the Erosion Allowance (6 meters)” is not met, re-development “shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development”.

Section 4.6.3.3 states, “site alteration shall be undertaken so that a fit into the natural contours of the land is achieved”. Steep slopes “necessitate more complex storm water management techniques than might ordinarily be required”. The applicants were requested to provide a rendering of the proposed dwelling from the water (see Attachment 3). The rendering seems to achieve the requirement to “fit into the contours of the land”.

Section 5.4.2.1 Archaeological Resources states, “The Township may require archaeological assessments conducted by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential”.

“Areas of archaeological potential include lands that contain or are located within at least one of the following: b.) 300 meters of a primary water source such as a lakeshore, river or large creek.”

Because the new dwelling will be constructed in the location of the existing cottage an archaeological study is not required. If archaeological objects are uncovered during construction, an archaeologist must be informed.

The application conforms to the Township Official Plan by constructing the dwelling more than 30m from the lake. The application also conforms to the Natural Heritage sections of the Official Plan. Climate change mitigation is promoted by commitment to an energy efficient building design. No conflicts with Agriculture or Mineral Resources on surrounding properties have been identified. Hydrogeological requirements, stormwater management, and the steep slope requirements will be addressed by including an engineer’s recommendations in the Site Plan Control Agreement.

A Site Plan Control Agreement will also require revegetation of the shoreline and the 15m toward the dwelling which will protect water quality.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 198 (RLS-198) to allow a proposed dwelling to be built with access from a private road.

Relief is sought from Section 5.3.2 zone performance standards for a west side yard setback of 3.8m instead of the required 6m and for a height of 11.67m instead of the 9m permitted.

Floor space index for the proposed RLS-198 zone of 11.93% meets the 12% permitted. Lot coverage for the RLS-198 zone of 3.6% is under the 10% permitted. The Rural zone lot coverage of 0.2% is well under the 20% permitted. There is no floor space index required in the Rural Zone.

All other setbacks are met from the side yards and rear yard.

Relief is also required from the requirements of Sections 3.19.1 and 3.19.3 Second Dwelling to permit the existing dwelling at 750 Christie Lake Lane 32D to be used as a second dwelling and:

- utilize its own well and septic;
- exceed the 95m² floor area maximum (at 205m²);
- utilize its own driveway entrance;

- be located more than 12m from the principle dwelling (at 155m).

Planner

The Planner supports the application as the requested exceptions are reasonable. The proposed reduction in the west side yard setback to 3.8m from the required 6m already exists for the current dwelling and will be maintained by the proposed dwelling. No relief is required for the deck encroachment as a 3m encroachment is permitted at a 30m water setback.

To assess the request for permission for a dwelling height of 11.67m rather than the 9m permitted, the Planner requested a site rendering from the water to gauge the impact on views. (See attachment 3). The proposed building appears to work within the landscape.

The Planner supports the relief sought from to Section 3.19. These sections will be amended in the upcoming Zoning By-law update based on the number of Minor Variances requested to these sections. They were developed by Novatech Engineers for a more urban setting.

Since the dwelling at 750 already exists it would be wasteful of the embodied carbon to reduce its size.

The Planner acknowledges that according to the Municipal Property Assessment Corporation (MPAC), the existing cottage was built before building permits were required. She also notes that the Township does not have a record of a building permit for the existing shoreline deck. And it is not identified on a Site Plan Control Agreement applied for by the previous owners. If the deck is illegally non-conforming, repairs would only be permitted for a 14m² deck, not the 44m² deck that currently exists.

The Planner believes a net environmental gain will occur as a result of the development as a new septic system is proposed and revegetation of the area between the shoreline and dwelling will be required.

A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer is created along the shore (and back 15m) and that runoff from the building is directed to the rear of the lot away from the lake.

Requirements before Site Plan can be completed include: additional hydrogeological, stormwater, and slope stability information from an engineer and confirmation of the location of the dwelling and the new well.

Rideau Valley Conservation Authority (RVCA)

The RVCA does not have any objections to the subject application provided the following mitigation measures are implemented:

1. With the exception of the existing clearing for water access, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 m. This effort will help to mitigate the effects of erosion on the shoreline.
2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is not directed towards the lake.

An RVCA permit is required for the development within 30 m of the pond or lake.

Further comments on slope will be provided for the Site Plan Control Agreement.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO had no objection. The applicant has prepared a septic design for a new tertiary treatment Elgen septic system in consultation with the MRSSO.

Public Comments

An email from Penny Nault (neighbour to the west) asked how tall the proposed dwelling would be viewed from the back of the dwelling. The elevation drawing of the proposed dwelling facing Christie Lake Lane 32D is shown in Attachment 4 and indicates the dwelling would appear to be three stories from the road. From the water it will appear to be four stories.

The email also asked for information on the other proposed setbacks that were not listed as requesting relief. The email also questioned the depiction of the lot on the Public Notice. The Planner responded by email to the questions raised.

An email from Claudia McKeen (property to the east) and a phone call from Brooke Briggs also expressed concern with the map used in the Notice of a Public Meeting. The map used is based on the MPAC layer in the Township's GIS system. It depicts the subject property as wider than it is. A lot addition from the property owned by Brooke Briggs to the property owned by Claudia McKeen is not accurately depicted.

An email from Chris Dufour (uses Lane 32D to access his island property in Christie Lake) supported the application and expressed that he had no concerns with the requested relief from the height requirement.

The Planner assured Mrs. McKeen and Mr. Briggs that the map used for the Notice did not represent a legal document. The map for the Zoning Amendment schedule has legal standing the survey provided by the applicant will be used for the Zoning By-Law Amendment.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone a portion of the lands at 750/761 Christie Lake Lane 32D from Rural (RU) and Seasonal Residential (RS) to Residential Limited Services Special Exception-198 (RLS - 198). The owners will be required to enter into a Site Plan Control Agreement prepared by the Township.

ATTACHMENTS

- v) Site Sketch with Area to be Rezoned Shown in Grey
- vi) Proposed Location of Development
- vii) Site Rendering from the Water
- viii) Elevation from Christie Lake Lane 32D
- ix) Zoning By-law Amendment

Prepared and Submitted By:

Original signed

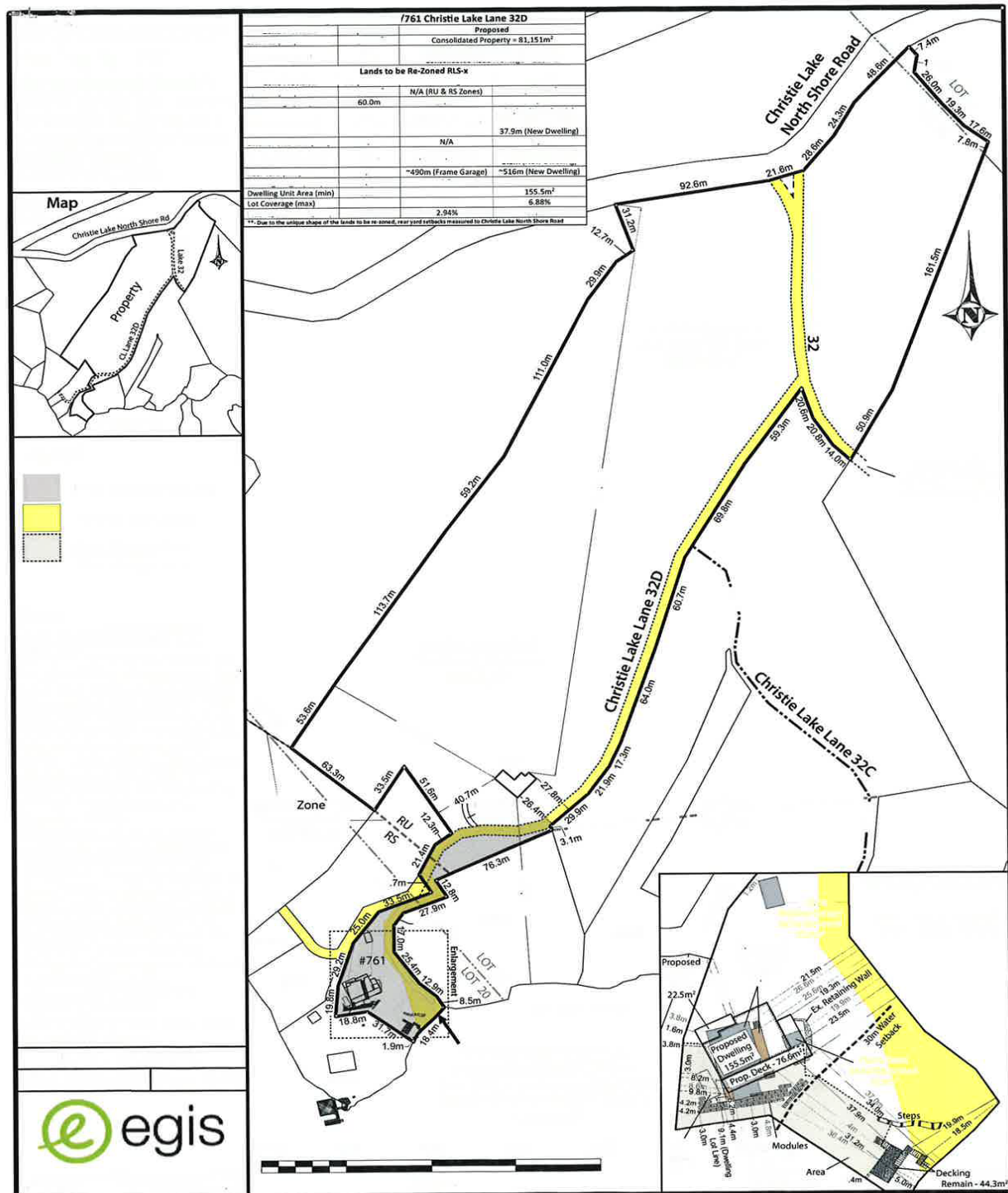
**Noelle Reeve,
Planner**

Approved for Submission By:

Original signed

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

Attachment 1 – Site Sketch with Area to Be Rezoned Shown in Grey



Enlargement 3:1

Bold DIMS = Proposed
Greyed DIMS = Existing

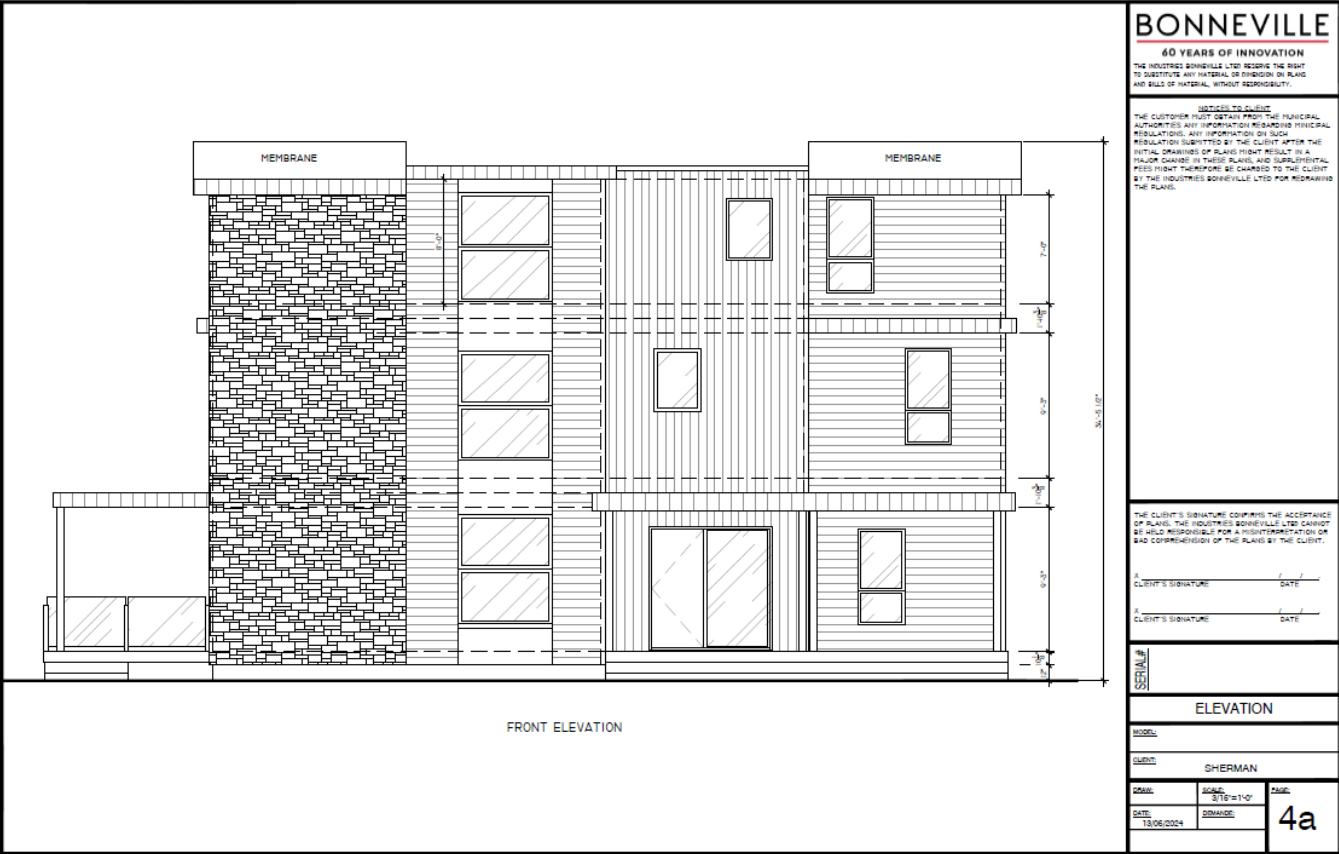
Site plan details include:

- Proposed Covered Porch:** 22.5m²
- Proposed Dwelling:** 155.5m²
- Prop. Deck:** 76.6m²
- Ex. Cottage & Decks to be Removed:** 151.1m²
- Existing Garage to be Removed:** 22.9m²
- Ex. Retaining Wall:** 21.5m
- Frame Shed to be ReLocated:** 10.5m²
- 30m Water Setback**
- Steps**
- Decking & Stairs to Remain:** 44.3m²
- Sand Contact Area for Septic:** 57.5m²
- 50 Eljen Modules (Proposed)**
- 12,200L Tank:** 15.7m²
- 9.1m (Dwelling to Lot Line)**
- Dimensions:** 12.7m, 12.3m, 13.3m, 21.5m, 26.5m, 25.5m, 19.2m, 19.9m, 23.5m, 21.0m, 37.9m, 31.2m, 30.1m, 1.4m, 5.0m, 19.5m, 19.8m, 4.2m, 4.2m, 3.0m, 8.2m, 9.8m, 4.2m, 3.0m, 4.4m, 3.0m, 4.3m, 5.0m, 4.8m, 1.6m, 3.8m, 12.3m.

Attachment 3 – Site Rendering from the Water



Attachment 4 – Elevation from Christie Lake Lane 32D



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (WE THE SHERMANS –750/761 CHRISTIE LAKE LANE 32D) (PART LOT 20-22, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

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, as amended, 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 amended, 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 amending the zoning from Rural (RU) and Seasonal Residential (RS) to Residential Limited Services Exception (RLS-198) on a portion of the lands legally described as Part Lot, Concession, geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll #091191402059720 & 091191402059801), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

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

198. RLS-198 (Part Lot 20-22, Concession 3, South Sherbrooke)

Notwithstanding the provisions of Sections 5.2.2, 3.19.1 and 3.19.3, on the lands zoned RLS-198 the following provisions shall prevail:

- | | |
|---|-------------------|
| • West Side Yard Setback | 3.8m |
| • Height | 11.67m |
| • Separation from Primary dwelling (maximum) | 155m |
| • Floor area second dwelling (maximum) | 205m ² |
| • One septic system, well, and driveway for each Dwelling | |

- 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 22nd day of April 2025

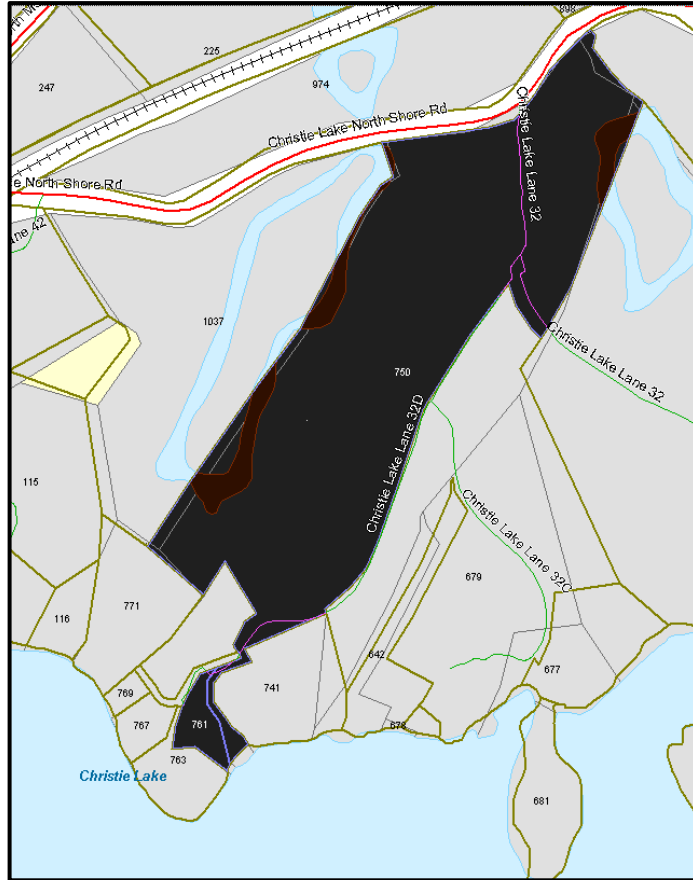
Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

SCHEDULE “A”

WE THE SHERMANS INC – 750&761 Christie Lake Lane 32D
Part Lot 20-22, Concession 3
Geographic Township of South Sherbrooke
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Rural (RU) Seasonal
Residential (RS) to Residential Limited Services
Special Exception (RLS-198)

Certificate of Authentication

This is Schedule “A” to By-Law 2025-xx
passed this 25th day of April 2025.

Reeve

Clerk

We the Shermans Inc. 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.

1



1

We the Shermans Inc. 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.

2



2

We the Shermans Inc.

750/761 Christie Lake Lane 32D

Part Lot 20 and 21, Concession 3, Geographic Township of Bathurst

- The application applies to a small portion (4,347 m², 1.1 acres) of an approximately 9.38 ha (23.19 acre) lot with 29m (95.4 ft) frontage on Christie Lake.
- The purpose of this application is to change the southern portion of the property from Seasonal Residential (RS) to Residential Limited Services – Special Exception 198 (RLS-198) with the majority of the property retaining its Rural (RU) zoning.
- The effect of the amendment is to permit an existing cottage and garage at 761 Christie Lake Lane 32D to be demolished and replaced by a year-round dwelling with an east side yard setback of 3.8m (12.5 ft) rather than the 6m (20 ft) required and a height of 11.67m (38 ft) rather than the 9m (29.5 ft) permitted.

3



3

We the Shermans Inc.

750/761 Christie Lake Lane 32D

Part Lot 20 and 21, Concession 3, Geographic Township of South Sherbrooke

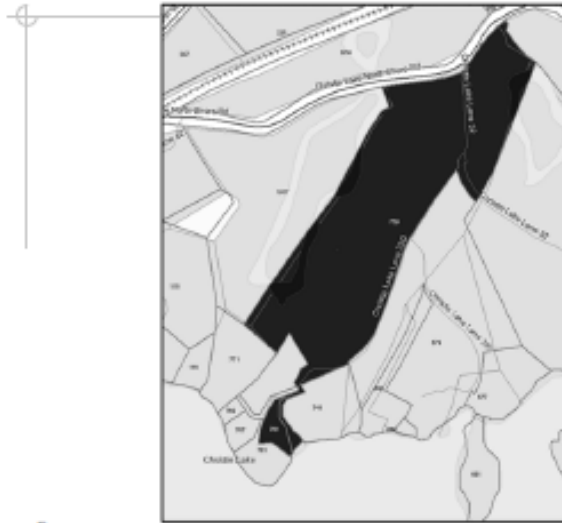
- The rezoning will also permit an existing cottage on the consolidated property located at 750 Christie Lake Lane 32D (119m from Christie Lake) to be used as a secondary dwelling despite being larger than the 95m² permitted, not sharing a septic system or driveway, and being located more than 12m from the primary dwelling.

4



4

**We the Shermans Inc.
750/761 Christie Lake Lane 32D**



5



5

We the Shermans Inc.



6

**Site Sketch
with Area to
Be Rezoned
Shown in Grey**



6

We the Shermans Inc.



Site Sketch of Proposed Development



7

We the Shermans Inc
Photos



8

We the Shermans Inc Photos



9



9

We the Shermans Inc. Planner's Comments

Provincial Planning Statement	Lanark County Official Plan	TVT Official Plan
Chapter 2 <u>Housing</u> <ul style="list-style-type: none"> • Section 2.2.1b) <u>Rural</u> <ul style="list-style-type: none"> • Section 2.6.1 • Section 2.6.4 <u>Energy Conservation</u> <ul style="list-style-type: none"> • Section 2.9.1 	<u>Rural</u> <ul style="list-style-type: none"> • Section 3 	<u>Housing</u> <ul style="list-style-type: none"> • Section 2.2.3.1.1 • Section 2.2.10.2 • b. c. d. <u>Rural</u> <ul style="list-style-type: none"> • Section 2.3.3.1 • Section 2.3.3.2 • Section 2.3.3.4.1 • Section 2.3.3.4.7

10



10

We the Shermans Inc. Planner's Comments

Provincial Planning Statement	Lanark County Official Plan	TVT Official Plan
Chapter 3 <u>Infrastructure and Facilities</u> <ul style="list-style-type: none"> Section 3.6.4 <ul style="list-style-type: none"> Negative Impact 3.6.4 	<u>Infrastructure and Facilities</u> <ul style="list-style-type: none"> Section 5.5.8 	<u>Infrastructure and Facilities</u> <ul style="list-style-type: none"> Section 2.3.3.8.4 Section 4.4.1.2 Section 4.4.4.1

11



11

We the Shermans Inc. Planner's Comments

Provincial Planning Statement	Lanark County Official Plan	TVT Official Plan
Chapter 4 <u>Natural Heritage</u> <ul style="list-style-type: none"> Section 4.1 Section 4.1.2 Section 4.1.6 Section 4.2.1 Section 4.2.1e)2 Section 4.6.2 	<u>Natural Heritage</u> <ul style="list-style-type: none"> Section 5.4.4 Section 5.5.7 Section 8.2.11 	<u>Natural Heritage</u> <ul style="list-style-type: none"> Section 1.6.1.3 Section 3.1.3.2 Section 3.2.1.1 Section 3.2.3.1 Section 3.2.3.3 Section 3.2.7.3

12



12

We the Shermans Inc. Planner's Comments

Provincial Planning Statement	Lanark County Official Plan	TVT Official Plan
Chapter 5 <u>Protecting Public Health and Safety</u> <u>Steep Slope</u> <ul style="list-style-type: none"> • Section 5.2.2b 	<u>Public Health and Safety</u> <u>Steep Slope</u> <ul style="list-style-type: none"> • Section 7.4 	<u>Public Health and Safety</u> <u>Steep Slope</u> <ul style="list-style-type: none"> • Section 4.6.3.1 • Section 4.6.3.3 <u>Environmental Gain</u> <ul style="list-style-type: none"> • Section 3.2.8 • Section 3.2.10 • Section 3.2.11.1 <u>Archaeological Resources</u> <ul style="list-style-type: none"> • Section 5.4.2.1

13

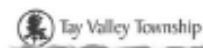


13

We the Shermans Inc. Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and Rural and the southern portion requires rezoning to Residential Limited Services - Special Exception 198 (RLS-198) to allow a proposed dwelling to be built with access from a private road.
- Relief is sought from Section 5.3.2 performance standards for a west side yard setback of 3.8m instead of the required 6m and for a height of 11.67m instead of the 9m permitted.
- Floor space index for the proposed RLS-198 zone of 11.93% meets the 12% permitted. Lot coverage for the RLS-198 zone of 3.6% is under the 10% permitted. The Rural zone lot coverage of 0.2% is well under the 20% permitted. There is no floor space index required in the Rural Zone.

14



14

We the Shermans Inc. Planner's Comments Zoning

- All other setbacks are met from the side yards and rear yard.
- Relief is also required from the requirements of Sections 3.19.1 and 3.19.3 Second Dwelling to permit the existing dwelling at 750 Christie Lake Lane 32D to be used as a second dwelling and:
 - utilize its own well and septic;
 - exceed the 95m² floor area maximum (at 205m²);
 - utilize its own driveway entrance;
 - be located more than 12m from the principal dwelling (at 155m).

15



15

We the Shermans Inc. Planner's Comments

- The application is supported as the requested exceptions are reasonable. The proposed reduction in the west side yard setback to 3.8m from the required 6m already exists for the current dwelling and will be maintained by the proposed dwelling. No relief is required for the deck encroachment as a 3m encroachment is permitted at a 30m water setback.
- To assess the request for permission for a dwelling height of 11.67m rather than the 9m permitted, the Planner requested a site rendering from the water to gauge the impact on views. The proposed building appears to work within the landscape.
- Rendering of the drawing is shown on slide 17.

16



16

We the Shermans Inc.

Rendering from the Water



17



17

We the Shermans Inc.

Planner's Comments

- The relief from section 3.19 is also supported. These sections will be amended in the upcoming Zoning By-law update based on the number of Minor Variances requested from these sections. They were developed by Novatech Engineers for a more urban setting.
- Since the dwelling at 750 Christie Lake Lane 32D already exists it would be wasteful of the embodied carbon to reduce its size.
- It should be noted for the future, that according to the Municipal Property Assessment Corporation (MPAC), the existing cottage at 761 was built before building permits were required. The Township does not have a record of a building permit for the existing shoreline deck. It is not identified on a Site Plan Control Agreement applied for by the previous owners. If the deck is illegally non-conforming, repairs would only be permitted for a 14m² deck, not the 44m² deck that currently exists.

18



18

We the Shermans Inc. Planner's Comments

- A net environmental gain will occur as a result of the proposed development as a new septic system is proposed and revegetation of the area between the shoreline and dwelling will be required.
- A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer is created along the shore (and back 15m) and that runoff from the building is directed to the rear of the lot away from the lake.
- Requirements before Site Plan can be completed include: additional hydrogeological, stormwater, and slope stability information from an engineer and confirmation of the location of the new well.

19



19

We the Shermans Inc. RVCA Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA does not have any objections to the subject application provided the following mitigation measures are implemented:
 - 1. With the exception of the existing clearing for water access, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 m. This effort will help to mitigate the effects of erosion on the shoreline.
 - 2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is not directed towards the lake.
- An RVCA permit is required for the development within 30 m of the pond or lake.
- Further comments on slope will be provided for the Site Plan Control Agreement.

20



20

We the Shermans Inc. MRSSO Comments

Mississippi Rideau Septic System Office (MRSSO)

- The MRSSO had no objection. The applicant has prepared a septic design for a new tertiary treatment Elgen septic system, in consultation with the MRSSO.

21



21

We the Shermans Inc. Comments Continued Public Comments

- An email from Penny Nault (neighbour to the west) asked how tall the proposed dwelling would be viewed from the back of the dwelling. The elevation drawing of the proposed dwelling facing Christie Lake Lane 32D is shown on slide 23 and indicates the dwelling will appear to be three stories from the road. From the water it will appear to be four stories.
- The email also asked for information on the other proposed setbacks that were not listed as requesting relief. The email also questioned the depiction of the lot on the Public Notice. The Planner responded by email to the questions raised.
- An email from Claudia McKeen (property to the east) and a phone call from Brooke Briggs also expressed concern with the map used in the Notice of a Public Meeting. The map used is based on the MPAC layer in the Township's GIS system. It depicts the subject property as wider than it is. A lot addition from the property owned by Brooke Briggs to the property owned by Claudia McKeen is not accurately depicted.

22



22

Recommendation

"THAT, Zoning By-Law No. 02-021 be amended by rezoning a portion of the lands at 750/761 Christie Lake Lane 32D from Rural (RU) and Seasonal Residential (RS) to Residential Limited Services Special Exception-198 (RLS - 198)."

The owners will be required to enter into a Site Plan Control Agreement prepared by the Township.