

COUNCIL MEETING MINUTES

Tuesday, April 22nd, 2025 6:00 p.m. Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer

Deputy Reeve Fred Dobbie Councillor Wayne Baker Councillor Greg Hallam Councillor Korrine Jordan Councillor Keith Kerr

Councillor Angela Pierman Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk

Aaron Watt, Deputy Clerk Noelle Reeve, Planner

Others Present: Chris Clarke, Planning Technician, Egis Inc.

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) Council Meeting – March 25th, 2025.

RESOLUTION #C-2025-04-03

MOVED BY: Greg Hallam

SECONDED BY: Korrine Jordan

"THAT, the minutes of the Council Meeting held on March 25th, 2025, be approved as circulated."

ADOPTED

ii) Committee of the Whole Meeting – April 8th, 2025.

RESOLUTION #C-2025-04-04

MOVED BY: Korrine Jordan SECONDED BY: Keith Kerr

"**THAT**, the minutes of the Committee of the Whole Meeting held on April 8th, 2025, be approved as circulated."

ADOPTED

iii) "Special" Council Meeting – April 15th, 2025.

RESOLUTION #C-2025-04-05

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

"THAT, the minutes of the "Special" Council Meeting held on April 15th, 2025, be approved as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

i) 2024 Septic System Re-Inspection Program Annual Report.

RESOLUTION #C-2025-04-06

MOVED BY: Marilyn Thomas **SECONDED BY:** Fred Dobbie

"THAT, the 2024 Septic System Re-Inspection Program Annual Report be received for information."

ADOPTED

ii) Report #PD-2025-06 – Lanark County Official Plan Update – Aggregates.

RESOLUTION #C-2025-04-07

MOVED BY: Angela Pierman **SECONDED BY:** Wayne Baker

"THAT, the Council of Tay Valley Township submits the following feedback to Lanark County regarding the Lanark County Official Plan Update – Aggregates:

Q1 – Recommendation:

Alternative 1 - Because extraction is of such significance, decisions on new pits should remain at the level of the County for approval and definitely not simply require a rezoning amendment. However, closing a pit could be delegated to the lower tier for an Official Plan amendment to remove the designation.

Q2 – Recommendation:

No. The County should not identify tertiary resources at this time as this mapping could impede development by requiring individuals to undertake expensive studies for areas that do not appear to have high value if they want to obtain a building permit.

Q3 – Recommendation:

The County should identify additional bedrock areas with less than 8m of drift over them, through local knowledge.

Q4 – Recommendation:

Option 5 (modified) – In addition to the lands identified in Option 4, remove lands a certain distance from major lakes, rivers and from settlement areas.

Q5 – Recommendation:

Options 2 and 3 be permitted."

iii) Report #PD-2025-07 – Better Homes Lanark Program - Funding For Energy Audit.

RESOLUTION #C-2025-04-08

MOVED BY: Wayne Baker SECONDED BY: Angela Pierman

"THAT, a loan of up to \$600 to assist property owners with low income or energy poverty to cover the upfront cost of the energy audit for the Better Homes Lanark Program be provided by the Township:

AND THAT, this amount be payable back to the Township once the property owner's application for the Better Homes Lanark Program is approved."

ADOPTED

iv) Report #FIN-2025-07 - 10-Year Capital Plan.

RESOLUTION #C-2025-04-09

MOVED BY: Keith Kerr SECONDED BY: Korrine Jordan

"THAT, staff launch a survey with respect to levels of service to provide feedback for the Asset Management Plan update to meet the requirements of Ontario Regulation 588/17."

ADOPTED

v) Report #FIN-2025-06 – 2025 Tax Rates.

RESOLUTION #C-2025-04-10

MOVED BY: Greg Hallam
SECONDED BY: Korrine Jordan

"THAT, Report #FIN-2025-06 – 2025 Tax Rates, be received for information."

ADOPTED

vi) Report #PW-2025-07 - Drainage Superintendent.

RESOLUTION #C-2025-04-11

MOVED BY: Korrine Jordan **SECONDED BY:** Keith Kerr

"THAT, Request for Proposal (RFP) #2025-PW-003 - Engineering Services for Municipal Drainage & Drainage Superintendent be awarded to Robinson Consultants:

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation."

vii) Report #PW-2025-07 - Drainage Superintendent.

RESOLUTION #C-2025-04-12

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

"THAT, Eldon Hutchins be appointed as Tay Valley Township's Drainage Superintendent,

AND THAT, the necessary by-law be brought forward for approval."

ADOPTED

viii) Report #PW-2025-08 - Maintenance Gravel - Tender Award.

RESOLUTION #C-2025-04-13

MOVED BY: Marilyn Thomas **SECONDED BY:** Fred Dobbie

"THAT, Tender #2025-PW-005 for Maintenance Gravel be awarded to Thomas Cavanagh Construction Limited for the amount of \$760,690.43 for 2025 and 2026;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation."

ADOPTED

ix) Report #CAO-2025-12 - Recreation Activities, Programs and Services Overview.

RESOLUTION #C-2025-04-14

MOVED BY: Angela Pierman SECONDED BY: Wayne Baker

"THAT, Report #CAO-2025-12 – Recreation Activities, Programs and Services Overview, be received as information."

ADOPTED

x) Report #CAO-2024-10 – 2024 Municipal Report Card.

RESOLUTION #C-2025-04-15

MOVED BY: Wayne Baker **SECONDED BY:** Angela Pierman

"THAT, Report #CAO-2025-10 – 2024 Municipal Report Card, be received for information."

xi) Report #CAO-2025-11 - Mid-Term Strategic Plan Update.

RESOLUTION #C-2025-04-16

MOVED BY: Greg Hallam SECONDED BY: Korrine Jordan

"THAT, Report #CAO-2025-11 – Mid-Term Strategic Plan Update, be received for information."

ADOPTED

xii) Report #CAO-2025-13 – Lanark County OPP Detachment Police Services Board – Council Appointee.

RESOLUTION #C-2025-04-17

MOVED BY: Keith Kerr

SECONDED BY: Korrine Jordan

"THAT, Greg Hallam for Tay Valley Township be appointed as the Council representative to the Lanark County OPP Detachment Police Services Board for the remainder of the term of Council."

ADOPTED

xiii) 25-04-02 - Council Communication Package.

RESOLUTION #C-2025-04-18

MOVED BY: Korrine Jordan SECONDED BY: Keith Kerr

"THAT, the 25-04-02 Council Communication Package be received for information"

ADOPTED

8. BY-LAWS

i) By-Law No. 2025-018 – Restrict the Common Law Right of Passage Over A Highway – Elliot Road.

RESOLUTION #C-2025-04-19

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

"THAT, By-Law No. 2025-018, being a by-law to restrict the common law right of passage over a highway (Elliot Road), be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

ii) By-Law No. 2025-019 – Appoint a Drainage Superintendent and Authorized Drainage Representative (Robinson Consultants Inc & Eldon Hutchins).

RESOLUTION #C-2025-04-20

MOVED BY: Marilyn Thomas **SECONDED BY:** Fred Dobbie

"THAT, By-Law No. 2025-019, being a by-law for the appointment of Drainage Superintendent (Robinson Consultants) and Authorized Drainage Representative (Eldon Hutchins) be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

ADOPTED

iii) By-Law No. 2025-020 – Zoning Amendment – Schacht.

RESOLUTION #C-2025-04-21

MOVED BY: Angela Pierman SECONDED BY: Wayne Baker

"THAT, By-Law No. 2025-020, being a by-law to amend Zoning By-Law No. 2002-12 (3129 Narrows Lock Road, Part lot 17, Concession 6, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark), be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

ADOPTED

iv) By-Law No. 2025-021 – Zoning Amendment – Tayler.

RESOLUTION #C-2025-04-22

MOVED BY: Wayne Baker SECONDED BY: Angela Pierman

"THAT, By-Law No. 2025-021, being a by-law to amend Zoning By-Law No. 2002-12 (160,1,2, and Vacant Lot MacKay Line Road, Part lots 25 and 26, Concession 11, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark), be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

v) By-Law No. 2025-022 – Zoning Amendment – Tayler.

RESOLUTION #C-2025-04-23

MOVED BY: Keith Kerr

SECONDED BY: Korrine Jordan

"THAT, By-Law No. 2025-022, being a by-law to amend Zoning By-Law No. 2002-12 (109,141,155 and Vacant Lot MacKay Line Road, Part lots 24 to 26, Concession 10, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark), be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

ADOPTED

vi) **By-Law No. 2025-024 – Set Tax Rates – 2025.**

RESOLUTION #C-2025-04-24

MOVED BY: Greg Hallam
SECONDED BY: Korrine Jordan

"THAT, By-Law No. 2025-024, being a by-law to set the Tax Rates for the Year 2025, be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

ADOPTED

9. NEW/OTHER BUSINESS

i) Report #PD-2025-08 – ZA25-01 We The Shermans – Additional Information.

The Planner reminded Members that at this point in the process, only the approval of a building envelope is being sought and that applications can only be rejected if they do not comply with the Provincial Policy Statement, the County Official Plan, and Tay Valley's Official Plan.

The Planner distributed the response to the email from P. Nault received on April 22nd, 2025 – *attached, page 14*.

The Planner overviewed the Report as attached to the agenda and the Presentation – *attached*, *page 17*.

The Planner noted that relief was sought from the west side lot line and height because of the topography of the lot with a steep slope on the east side. The Planner also noted that other local municipalities allow residential lake front heights of 11m and 10 m (Lanark Highlands and Rideau Lakes respectively), and that the Township of Muskoka distinguishes between remote lakes (with a 9m residential height) and all other lakes (with a 10.7m height permitted).

C. Clarke, Egis Inc, reviewed the shadow analysis as attached to the agenda.

Members discussed the projected results in the shadow analysis. Questions were raised regarding:

- the impact of illumination on the area from the proposed building
- if the proposed building was shorter in height, if shadowing would not occur

C. Clarke explained that:

- the software used for the shadow analysis does not have the ability to project illumination impacts from a building
- there is sun exposure through the trees on neighbouring properties
- many trees on neighbouring properties are coniferous, which already shade the property and do so year round as the leaves do not fall off
- shadowing will occur from any proposed building
- the proposed floors of this building get smaller as it gets taller, allowing more light exposure

Members discussed the required setbacks, the Planner noted that:

- the application is seeking a relief of 2.2 m from the required west side yard setback of 6m and permission for a 2.67m increase in height
- the property does not abut the Nault property
- only specified agencies or the owner can appeal the decision on the Zoning application

RESOLUTION #C-2025-04-25

MOVED BY: Korrine Jordan **SECONDED BY:** Keith Kerr

"THAT, Report #PD-2025-08 – ZA25-01 We The Shermans – Additional Information, be received for information."

ADOPTED

ii) By-Law No. 2025-023 – Zoning Amendment - We the Shermans Inc.

Members discussed the current Zoning By-Law, noting that:

- when the Zoning By-Law was drafted, it was done with the best information that the Township had to work with at the time
- the Township does not own an aerial ladder fire truck, citing concerns for safety during a fire

The Chief Administrative Officer/Clerk noted that the Township does have an agreement with the Town of Perth for use of an aerial ladder fire truck.

Members discussed concerns, including:

- height of the proposed building, four (4) stories from the water side
- the visual impact of a large structure on the lake and area
- the perception of fairness of allowing the exception for height

- different approaches used when approving exceptions for previous minor variance applications
- lack of good reason for the need for the height variance
- the impact on neighbouring wells
- the importance of maintaining the nine (9) meter height maximum as required in the Zoning By-Law
- concern over the cost of an appeal of a defeated motion at a potential hearing through the Ontario Land Tribunal (OLT)
- if the application for height exception is for a want or a need regarding the use of the property

The Planner noted that:

- septic approval, a slope stability study, stormwater management plan, and confirmation from an engineer that neighbouring wells will not be impacted are all required as part of the Site Plan Control Agreement.
- the only approvals at this stage are for zoning
- other matters Council has raised get addressed through the site plan
- applicants have the right to ask for relief in Zoning regulations
- the OLT gives no judicial weight to opinions on esthetics or design if you don't have guidelines in place
- the OLT assesses cases based on the Provincial Planning Statement, the County Official Plan, and the Township's Official Plan
- the Planning Act makes allowances that not all sites will adhere to Zoning By-Laws because of topographical features, shape of existing lots of record, etc.
- much of Council's concerns are on site plan related issues, not Zoning

C. Clarke explained that:

- there are physical features that make building difficult
- the proposed building site cannot be moved closer to the water
- the proposed building site cannot be moved to the east due to the ravine
- the property does not have much water frontage so the orientation of the proposed dwelling is constrained
- the only available area to build is what was proposed in the application

A Member asked if the 11-meter height could be reduced. It was indicated that doing so is not without considerable work and time required, and is not desirable to the applicants.

A Member asked if the proposed Zoning By-Law could be separated from the height exception and approval given for the side yard setback and for the second unit exceptions. Other Members agreed.

The Planner said that was a possibility. But there would still be the outstanding issue of the height.

The Planner explained in response to a question that:

- while mediation is an option with the OLT, it can be declined by the other party
- a notice of decision will be issued.

RESOLUTION #C-2025-04-26

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

"THAT, By-Law No. 2025-023, being a by-law to amend Zoning By-Law No. 2002-12 (750/761 Christie Lake Lane 32D, Part lot 20-22, Concession 3, Geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark), be read a first, second, and third time short and passed and signed by the Reeve and Clerk."

DEFEATED

iii) Additional Meeting with Representatives from Little Silver Lake Road, Silvery Lane, Rainbow Lane.

Members met with a group of representatives from Little Silver Lake Road, Silvery Lane, and Rainbow Lane. Discussions focused on:

- the desire to improve communications between the Township and residents regarding specific roads within the Township
- a desire to examine the details of Private Unassumed Road requirements for each road

10. CALENDARING

Meeting	Date	Time	Location
Public Meeting – Zoning By-Law Amendments	May 6 th	5:30 p.m.	Municipal Office
Committee of the Whole Meeting	May 6 th	Following	Municipal Office
MVCA Board of Directions Meeting	May 7 th	1:00 p.m.	MVCA Offices
Library Board Meeting	May 12 th	4:30 p.m.	Perth & District Library
"Special" Committee of the Whole Meeting	May 13 th	5:30 p.m.	Municipal Office
Council Meeting	May 20 th	6:00 p.m.	Municipal Office

11. CLOSED SESSIONS

None.

12. CONFIRMATION BY-LAW

i) By-Law No. 2025-025 - Confirmation By-Law - April 22nd, 2025.

RESOLUTION #C-2025-04-27

MOVED BY: Angela Pierman SECONDED BY: Wayne Baker

"THAT, By-Law No. 2025-025, being a by-law to confirm the proceedings of the Council meeting held on April 22nd, 2025, be read a first, second and third time short and passed and signed by the Reeve and Clerk."

ADOPTED

13. ADJOURNMENT

Council adjourned at 7:56 p.m.

Rob Rainer, Reeve

Aaron Watt, Deputy Clerk

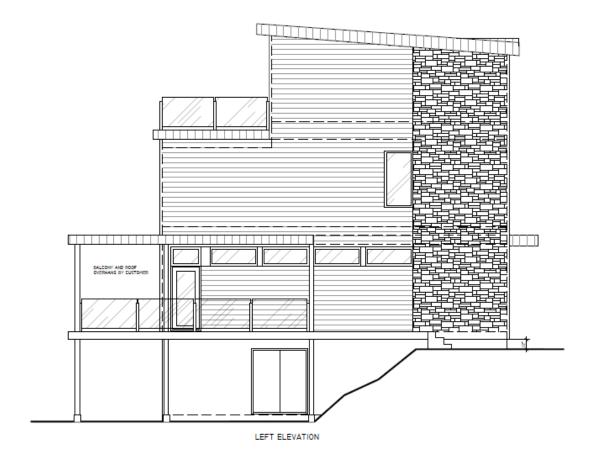
NEW/OTHER BUSINESS

Rather than do a back-and-forth, he-said she-said response to the previous comments and responses, I offer the following for Council's consideration:

• An apology to the staff of the Planning Department with regard to my 'broad stroked' negative comments is in order. My angst on this application has no bearing on the fine work and professional service all the staff provide to the residents of this township. I will communicate that to them independently. Thank you.

With regard to tonight's Agenda material:

• None of the sketches in this application include the East elevation, the side that includes decking and stairs at the edge of a steep slope. I am unclear on the decking and stairs referred to?



- The Site Rendering from the Water (pg 58) appears to show all 4 levels fully exposed on the east elevation. If this is true, then the height may actually measure higher than the requested relief for 11.67m (38 ft) height that is indicated on the west elevation (mislabelled as East on one sketch, pg 60). Elevation is taken from the mid-point of the grade.
- The front elevation (Lane 32D) (pg 59) with the lowest height indicates a proposed height of 10.5m (34.5 feet). That's 3.5m (11.5 feet) per story. If all 4 stories are equal in height and are

all exposed on the east side, that's a potential height of 14m (46 feet). They are not equal in height. The height needs to be verified on the east elevation so that Council can make an informed decision.

- It should also be noted that the front elevation grade (main level) is proposed to be on the elevated driveway, not the grade of the existing cottage. This is not a construction drawing. This is a conceptual proposal. That's a difference of approximately 4-5 feet. The proposed 10.5m (34.5 feet) side will now stand much taller than originally thought.
- Another consideration is the amount of bedrock in this area. What happens if they can't reach the desired depth for the foundation/basement? I myself have a good chunk of exposed bedrock in my basement. As I understand it, so does 763. They change the proposal.

The simulated aerial Shadow Assessment is missing a few things:

- There is no mention of the existing early morning sun pattern that I now enjoy.
- The assessment should be focussed between the hours of 8:00am and 9:30am only, the time when I will lose the early morning sun. This is the standard practice of how shadow analysis is done. It includes 9:00 a.m. The rest of the material, I feel, is TMI.
- The existing tree canopy on my property is comprised of 200+ year old trees. While I expect they will be around for some time yet, they are nature's gift on loan.
- There is an erroneous statement with regard to the location of my main outdoor amenity area. It is NOT on the west (water) side of the property as the assessment states. While I do enjoy the dock on occasion, my main amenity area is on the east side of the property adjacent to the main entry for easy access to the dwelling and BBQ patio. So yes, my early morning sun in this area will be lost as well. With the change in the orientation of the proposed build (and the request for relief in the yard setback on the west side), my sitting area, BBQ patio and main entry door will be in full view and ear-shot from the windows and covered porch on the front elevation. They will be able to listen in on our conversations in the kitchen (open windows), the BBQ patio and our outdoor sitting area. The further they are from my place (ie, no less than the allowable 6m from their lot line) the more privacy we will have. We would like to maintain our quality of life in this regard. The current buildings on Randi Sherman's property are closer to the Nault property than the proposal. In closing, two questions:
- 1. will revegetating 15m of the shoreline have an impact on the existing vehicular roadway (deeded easement) and waterfront access currently used by 750, 757 (Long Island) and 741?; No and

2. years ago, I asked a previous TVT CBO for a copy of an old building permit for myself. He told me that all S. Sherbrooke building permit records (housed at the Maberly office) were destroyed at amalgamation (2002). Is that true or false? I have never heard this and have found old building permits for South Sherbrooke properties. I ask this is in reference to 741's legal non-conforming accessory structure which existed at the time of their purchase in 1990. The legality of the accessory structure is not determined by whether it existed before the current owners purchased it. Building permits were required since the early 1970s. Also, in reference to 761's addition which resulted in a reduced west side yard setback. The reduced setback is not considered legally non-conforming. If it was, no Zoning Amendment for relief from the zone standard would be needed.

Thank you for your time and consideration.

Kind regards,

Penny Nault

767 Christie Lake Lane 32D

We the Shermans Inc. Zoning By-law Amendment - ZA25-01

- A zoning amendment creates a development envelope.
- Do not assume the proposal is final. A steep slope study, septic approval, letter of opinion from an engineer on water sufficiency and nitrate dilution sufficiency, stormwater management design, and the location of the well and final designof the proposal will be dealt with at Site Plan.
- Council can only reject a ZBLA if it does not comply with the PPS, the County OP, Township OP.

Tay Valley Township

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We the Shermans Inc. Zoning By-law Amendment - ZA25-01 Area to Be Rezoned Shown in Grey Tay Valley Township

