

**Tuesday, March 8th, 2022
5:30 p.m.
Via GoToMeeting**

GoToMeeting: <https://meet.goto.com/247402621>

Members of the Public:

Meetings are being held using GoToMeeting - Video Conferencing. By clicking the link above (allow extra time for downloading the program if it is the first time you have used GoToMeeting on your device), you will be able to see the agenda, see Members of Council and hear the proceedings of the meeting. Please ensure the volume on your device is **on** and **turned up** to hear the meeting. The Public is asked to ensure that their mic and camera buttons are off for the entire meeting.

As the province of Ontario continues to take significant steps to limit the transmission of the COVID-19 virus, the Township continues to protect the health and safety of the public, Council, Committee and Board Members, and employees while at the same time processing *Planning Act* applications. Therefore, the Township is holding an electronic public meeting, as per the Procedural By-Law, in accordance with the *Planning Act*, Section 34.

There will **NOT** be any ability to attend the public meeting in person to help prevent the spread of COVID-19. The public may participate by alternate means. The Township strongly encourages written comments to be submitted prior to the public meeting to adminassistant@tayvalleytwp.ca. A video conference link will be available during the public meeting to enable the public to participate and make oral representations. There will also be the ability to view the meeting agenda and materials on an electronic device. The details to join the video conference and view the materials are located above.

Video Conference Participation Etiquette

- a meeting via video conference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- we ask that all public attendees mute their cameras and mics; doing so will eliminate any background noise and create a much more seamless process
- the Chair will call the meeting to order at the time indicated on the agenda;
- roll call will be completed visually by the Chair;
- the Chair will then remind all attendees to place their devices on mute
- as the Chair moves through the agenda, he will call on the Planner to speak to each Application;
- for Members, we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
- just as during an in-person meeting, Members will be required to raise their hand and the Chair will call on you to speak;
- the same process will be used when the Applicant and the Public are asked for comments, anyone wishing to speak will need to unmute their mic and state their name and upon completion of your comment, re-mute your device

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

Chair, Reeve Brian Campbell

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for Zoning By-Law Amendment for the following applications:

2865539 Ontario Inc.

Mitchell

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.

- If a person or public body does not make oral submissions at a public meeting, or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytp.ca.

3. APPLICATIONS

- i) **FILE #ZA22-01: 2865539 Ontario Inc. – *attached, page 5.***
Stanley Road
Part Lot 13, Concession 8
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA22-02: Michael Mitchell – *attached, page 19.***
289 Christie Lake Lane 21
Part Lot 21, Concession 2
Geographic Township of South Sherbrooke
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

March 8th, 2022

Noelle Reeve, Planner

APPLICATION ZA22-01 2865539 Ontario Inc.

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at Concession 8, Part Lot 13, 659 Stanley Road, Geographic Township of North Burgess (Roll #091191101503502) from Rural (RU) to Commercial (C).”

BACKGROUND

The application applies to an approximately 0.74ha (1.82 acre) vacant lot with 120m (400 ft) frontage on Stanley Road (made up of 659 Stanley Road and the lot adjacent to the west).

The purpose of this amendment is to change the zoning of the property from Rural (RU) to Commercial (C).

The effect of the amendment is to permit general commercial use for an animal physiotherapy clinic at 659 Stanley Road and the lot adjacent to the west. These two lots have now been merged into one lot.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the proposed use is in keeping with other commercial, institutional and farm uses (Tay Valley Farm riding school) in the area and the nearby Hamlet and will not cause environmental or public health and safety concerns.

Other relevant sections of the *Provincial Policy Statement* (PPS) related to Rural Lands (Section 1), Wise Use and Management of Resources (Section 2) and natural or man-made hazards (Section 3) are also met. Rural Lands are those areas outside of Settlement Areas where farming, natural resource management/extraction, and limited residential development are to occur. The proposed animal physiotherapy clinic is in keeping with the Rural Lands designation.

There are no natural heritage features on the property nor any hazard lands. The proposal, therefore, is consistent with the policies of the Provincial Policy Statement.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including commercial uses. The proposal, therefore, meets the Lanark County Sustainable Communities Official Plan policies.

Official Plan

The subject property is designated in the Official Plan as Rural, and Mineral Resource. The Ministry of Northern Development and Mines does not have an interest in the mineral resources of this lot. Section 3.6 Rural designation permits commercial uses.

Section 5.4 Site Plan Control states a Site Plan Control Agreement is required for commercial development to address such issues as lighting, parking, drainage, landscaping, etc.

The proposal, therefore, meets the Township Official Plan policies.

Zoning By-Law

The lot is currently zoned Rural (RU) and the application is to rezone the property to Commercial (C). All the zone requirements are met as shown below.

Zone Standards	Required	Existing	Proposed
Lot Area (min)	4050m ²	1.7 ha	1.7 ha
Lot Frontage (min)	60m	120m	120m
Front Yard (min)	10m	0	17.7m
Side Yard (min)	6m	0	45.8m
Rear Yard (min)	7.5m	0	23.9m
Lot Coverage (max)	20%	0	1.4%

Planner

The applicant has purchased the property to construct an animal physiotherapy clinic. The proposed Commercial use is in keeping with other land uses in the area. The land uses to the south are agricultural and include a horse-riding farm as well as institutional (the Township's Burgess Hall and sand shed). To the north is residential land and an artist's studio. To the east is a commercial use for a plumbing company. To the west is the Hamlet of Stanleyville. The Planner supports the proposal as it is in keeping with the uses and zoning of the lots in the area and meets the requirements of the Commercial zone.

Rideau Valley Conservation Authority (RVCA)

The RVCA was not circulated as there are no bodies of water on the subject lot or in the area.

Mississippi Rideau Septic System Office (MRSSO)

A septic permit has been submitted.

Public

No comments were received at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 8, Part Lot 13, Stanley Road, Geographic Township of North Burgess (Roll #091191101503502) from Rural to Commercial.

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

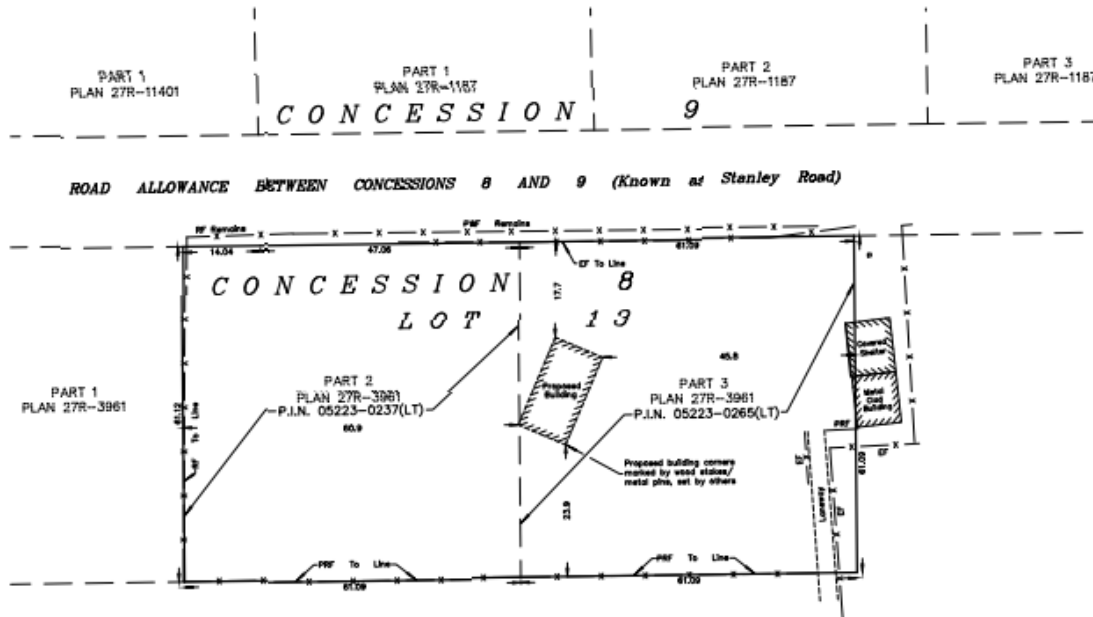
**Amanda Mabo,
Acting Chief Administrative Officer/Clerk**



SKETCH TO ILLUSTRATE PROPOSED
 BUILDING LOCATION OF PART OF THE
 EAST HALF LOT 13
 CONCESSION 8
 GEOGRAPHIC TOWNSHIP
 OF NORTH BURGESS
 TAY VALLEY TOWNSHIP
 COUNTY OF LANARK

McINTOSH PERRY SURVEYING INC

SCALE 1 : 500
 METRIC :
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048.



JOB No. 22-3354	DRAWING 022-3354
THIS PLAN WAS PREPARED FOR: McADOO CONSTRUCTION	
McINTOSH PERRY SURVEYING INC. <small>2380 Drummond Cir. S.A. R.R. #7, Perth, ON K7H 3C9 Tel: 613-267-6524 Fax: 613-267-7992 www.mcintoshperry.com</small>	
EXAMINED: JS	CHECKED: SL

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (2865539 ONTARIO INC – STANLEY ROAD) (PT LOT 13, CONCESSION 8, 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, 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 polices 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) to Commercial (C) on the lands legally described as Part Lot 13, Concession 8, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191101503502), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

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

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

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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-055**

3. EFFECTIVE DATE

ENACTED AND PASSED this 22nd day of March 2022.

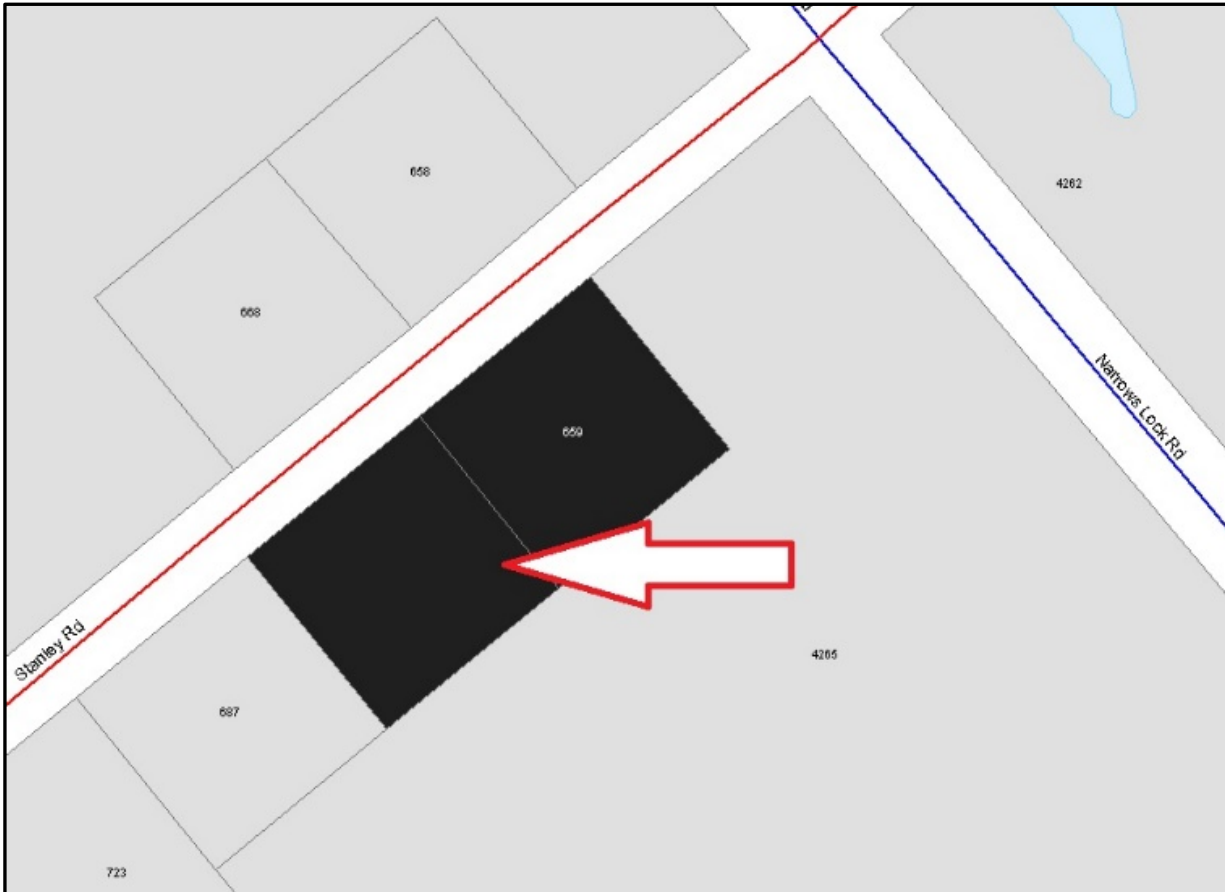
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-055**

SCHEDULE "A"

2865539 Ontario Inc – Stanley Road
Part Lot 13, Concession 8
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Rural (RU) to
Commercial (C)

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx
passed this 22nd day of March 2022.

Reeve

Clerk

2865539 Ontario 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.

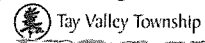
Ontario Land Tribunal

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

2865539 Ontario Inc.

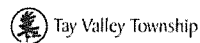
659 Stanley Road
Part Lot 13, Concession 8, Geographic Township of North Burgess

The application applies to a 0.74-ha (1.82-acre) vacant lot, with 120m frontage on Stanley Road.

The purpose of this application is to change the zoning of the property from Rural (RU) to Commercial (C) to permit an animal rehabilitation/physiotherapy clinic.

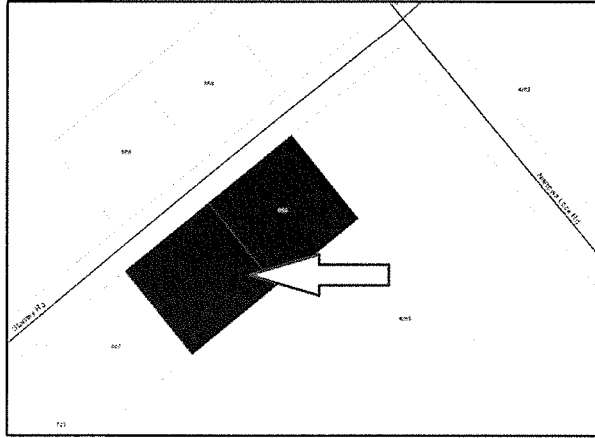
The effect of the amendment is to allow a commercial business.

2

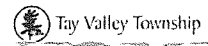


2

2865539 Ontario Inc. Location

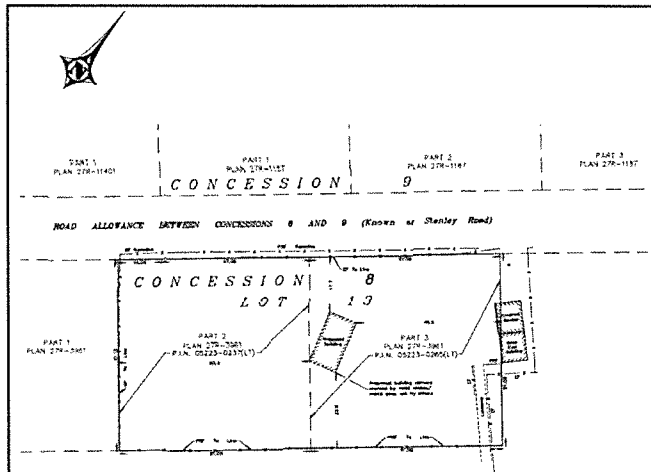


3



3

2865539 Ontario Inc. Site Sketch



4



4

2865539 Ontario Inc.
Planner's Comments
Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the proposed use is in keeping with other commercial, institutional and farm uses (Tay Valley Farm riding school) in the area and the nearby Hamlet and will not cause environmental or public health and safety concerns.

5

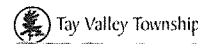


5

2865539 Ontario Inc.
Planner's Comments
Provincial Policy Statement (PPS)

- Other relevant sections of the Provincial Policy Statement (PPS) related to Rural Lands (Section 1), Wise Use and Management of Resources (Section 2) and natural or man-made hazards (Section 3) are also met. Rural Lands are those areas outside of Settlement Areas where farming, natural resource management/extraction, and limited residential development are to occur. The proposed animal physiotherapy clinic is in keeping with the Rural Lands designation.
- There are no natural heritage features on the property nor any hazard lands. The proposal, therefore, is consistent with the policies of the Provincial Policy Statement.

6

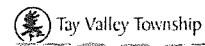


6

2865539 Ontario Inc. County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including commercial uses. The proposal, therefore, meets the Lanark County Sustainable Communities Official Plan policies.

7

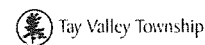


7

2865539 Ontario Inc. Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, and Mineral Resource. The Ministry of Northern Development and Mines does not have an interest in the mineral resources of this lot. Section 3.6 Rural designation permits commercial uses.
- Section 5.4 Site Plan Control states a Site Plan Control Agreement is required for commercial development to address such issues as lighting, parking, drainage, landscaping, etc.
- The proposal, therefore, meets the Township Official Plan policies.

8



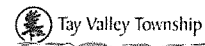
8

2865539 Ontario Inc. Planner's Comments Zoning

- The lot is currently zoned Rural (RU) and the application is to rezone the property to Commercial (C). All the zone requirements are met as shown below:

Zone Standards	Required	Existing	Proposed
Lot Area (min)	4,050m ²	1.7 ha	1.7 ha
Lot Frontage (min)	60m	120m	120m
Front Yard (min)	10m	0	17.7m
Side Yard (min)	6m	0	45.8m
Rear Yard (min)	7.5m	0	23.9m
Lot Coverage (max)	20%	0	1.4%

9

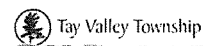


9

2865539 Ontario Inc. Planner's Comments

- The applicant has purchased the property to construct an animal physiotherapy clinic. The proposed Commercial use is in keeping with other land uses in the area. The land uses to the south are agricultural and include a horse-riding farm as well as institutional. To the north is residential land and an artist's studio. To the east is a commercial use for a plumbing company. To the west is the Hamlet of Stanleyville.
- The Planner supports the proposal as it is in keeping with the uses and zoning of the lots in the area and meets the requirements of the Commercial zone.

10



10

2865539 Ontario Inc. Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA was not circulated as there are no bodies of water on the subject lot or in the area.

11



11

2865539 Ontario Inc. Comments Continued

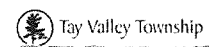
Mississippi-Rideau Septic System Office (MRSSO)

- A septic permit application has been submitted.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

12



12

2865539 Ontario Inc. Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 8, Part Lot 13, Stanley Road, Geographic Township of North Burgess (Roll #091191101503502) from Rural to Commercial."

13



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

March 8th 2022

Noelle Reeve, Planner

APPLICATION ZA22-02 - MITCHELL

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at 289 Christie Lake Lane 21, Part Lot 21, Concession 2, Geographic Township of South Sherbrooke (Roll #091191402035000) from Seasonal Residential (RS) to Residential Limited Services Special Exception-189 (RLS-189).”

BACKGROUND

The application applies to an approximately 3,237m² (0.8 acre) lot with water frontage of 94m (308 ft) on Christie Lake.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception – 183 (RLS-183) to permit a year-round residence at 14m (46 ft) from the lake at the closest point and a proposed year-round second dwelling set back 22m (73 ft) from the lake at the closest point. In addition, once construction is complete, the second dwelling would be 70% of the primary dwelling rather than the 50% permitted by the Zoning By-Law. However, the second dwelling would only be 42m² (452 sq ft) in size and the maximum permitted in this zone is 80m² (861 sq ft). Finally, an exception is also required as the dwellings will be greater than 12m apart.

The effect of the amendment is to allow two separate permanent dwellings on the same property with water setbacks less than 30 m. The second dwelling will also be greater than 50% of the primary dwelling and be located more than 12m from the primary dwelling. The dwellings will share a septic system, well and driveway.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met because the new proposed dwelling would largely meet or exceed the 30m setback except for a few points where the shoreline dips in. The septic system exceeds the 30m water setback. However,

Section 1.1.1 (c) concerning safety cannot currently be met as the Deputy Fire Chief has inspected the private the road and determined a fire truck could not make it through a narrow curve in the road that has a tree on one side and rock on the other side. In addition, frontage on the private road, Christie Lake Lane 21, is not demonstrated.

Section 1.4.3 Housing encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The 30m setback for the second dwelling will largely be met except for a couple of points where the shoreline dips in.

Section 3.1 Natural Hazards does not appear to be applicable for the proposed development as there is no floodplain mapping for the property or organic soil in the area and the steep slope is not where the second dwelling is proposed.

County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

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

A water setback of 30m is largely met for the proposed dwelling except the shoreline dips in at two points of which the closest would be 22m to the dwelling. The septic water setback of 30m is met.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS).

Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will largely be met by the proposed dwelling (with two exceptions due to the dips in the shoreline).

Sections 3.19.1 and 3.19.3 provide requirements for Second Dwellings. The requirement for locating the primary and second dwelling within 12m of each other will not be met as the proposed second dwelling will be 20m from the existing dwelling. The requirement for sharing a septic system, water supply and driveway will be met.

In addition, the second dwelling would be 70% of the primary dwelling rather than the 50% permitted by the Zoning By-law. However, the second dwelling would only be 42m² (452 sq ft) in size and the maximum permitted in this zone is 80m² (861 sq ft).

Section 3.19.3 states that, "Prior to obtaining a building permit for a second dwelling unit or second dwelling, the applicant shall demonstrate to the satisfaction of the Township, that there is adequate access for Emergency Services provided by private roads in accordance with the Township policy for assumption of private roads".

Planner

The applicants are proposing to rezone the lot to Residential Limited Services to allow the existing cottage to be used year-round and permit a permanent second dwelling on a lot on a private road. The exceptions to the Zoning ByLaw that are requested are minor in nature. The 30 m water setback for the new dwelling is largely met except for a couple of dips in the shoreline. The existing cottage is legally non-complying. The cottages will share services and are not much farther apart than the 12m permitted.

While the second dwelling will be more than 50% of the primary dwelling when construction is complete, its total footprint will be half of what is permitted for a second dwelling in this zone. The total proposed lot coverage is 2.5%.

The largest Zoning concern is the requirement for safe access. The Deputy Fire Chief drove Christie Lake 21 and determined there is a section of the road between a tree and a rock on a curve that would not permit a fire truck safe access to the Mitchell property. The Mitchells will need to sort this out with the owner of the private road and/or road association or a building permit will not be able to be issued. In addition, frontage on a clearly identifiable private road needs to be demonstrated.

Therefore, the Planner would not bring the Zoning By-law amendment forward to a Council meeting until the access issues are resolved.

Rideau Valley Conservation Authority (RVCA)

The RVCA stated they have no objection to the application.

RVCA noted the water quality of Christie Lake is rated Good to Very Good. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate. RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

Regular Site Plan Control Agreement measures would apply including “should any work be proposed along the shoreline of Christie Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO does not object to the proposal. A new septic tank to be tied into the existing leaching bed will meet the required setbacks. A Part 10/11 Septic application is required to be submitted prior to the building permit application.

PUBLIC COMMENT

None at the time of this report.

CONCLUSION

The Planner recommends that the proposed amendment to rezone the lands at 289 Christie Lake Lane 21, Part Lot 21, Concession 2, Geographic Township of South Sherbrooke (Roll #091191402035000) from Seasonal Residential (RS) to Residential Limited Services Special Exception -183 (RLS - 183) be deferred until clarity on the ability of Emergency Services (especially fire vehicles) to reach the property and confirmation of the road the cottage is accessed by are resolved.

ATTACHMENTS

- 1. Site Sketch
- 2. Zoning By-Law

Prepared and Submitted By:

Approved for Submission By:

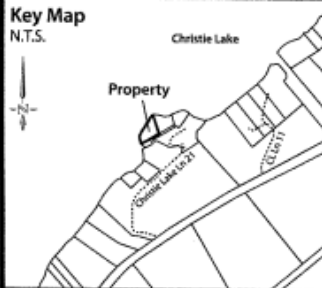
Original signed

Original signed

**Noelle Reeve,
Planner**

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

**Mitchell Site Plan for
a Second Dwelling**
289 Christie Lake Lane 21
Part Lot 21, Concession 2
Geographic South Sherbrooke
Tay Valley Township
COUNTY OF LANARK



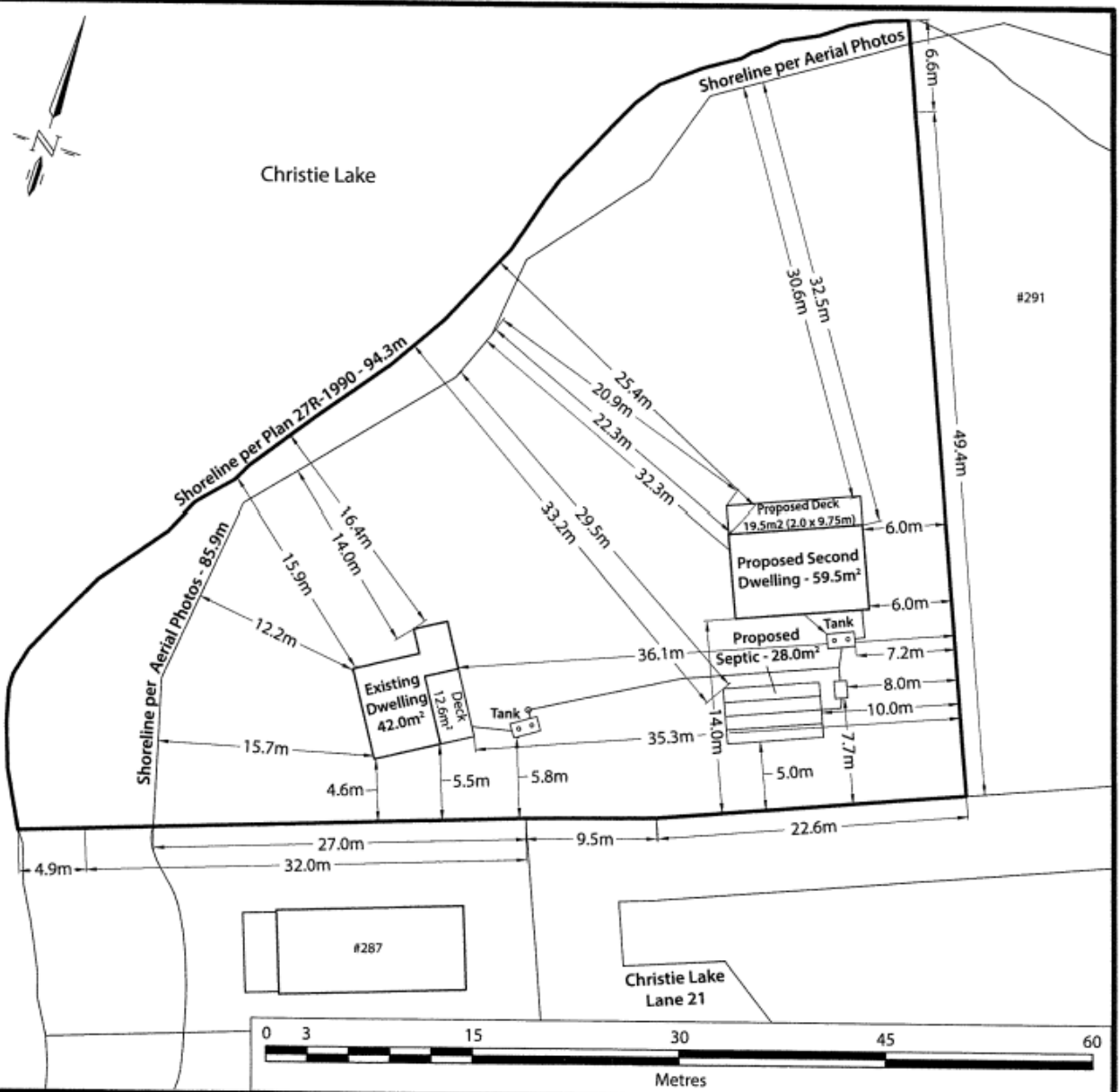
- Notes:**
1. The surveyed / deeded shoreline per Plan 27R-1990 is significantly further into the lake than the shoreline per aerial photos. Upon discussion with staff it was determined setback dimensions should be shown to the closer of the two lines, being the aerial photo shoreline.
 2. The proposed septic system for the property will service both dwellings. A well is planned for the property but a location has not been determined.
 3. Boundary and dimensions of the subject property derived from Plan 27R-1990 completed by Geo. W Bracken Ltd. in August of 1980.

Version Date: December 9, 2021

File No. 21-059 Drawn By: CC

ZANDERPLAN
Your rural land planning experts

40 Sunset Boulevard, Perth, ON K7H 2Y4 613-264-9600



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (MITCHELL – 289 CHRISTIE LAKE LANE 21) (PT LOT 21, CONCESSION 2, 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 Seasonal Residential (RS) to Residential Limited Services Special Exception-183 (RLS-183) on the lands legally described as Part Lot 21, Concession 2, Geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll #091191402035000), 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 5.1.4 (Exception Zones):

189. RLS-189 (Part Lot 21, Concession 8, North Burgess)

Notwithstanding the provisions of Section 3.19.1, 3.19.3, and 3.29, on the lands zoned RLS-189 the following provisions shall prevail:

- Water Setback dwelling (minimum) 22m
- Distance between dwellings (maximum) 20m
- Second dwelling may be 70% of the primary dwelling (to a maximum of 59.5m²)

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

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 2022.

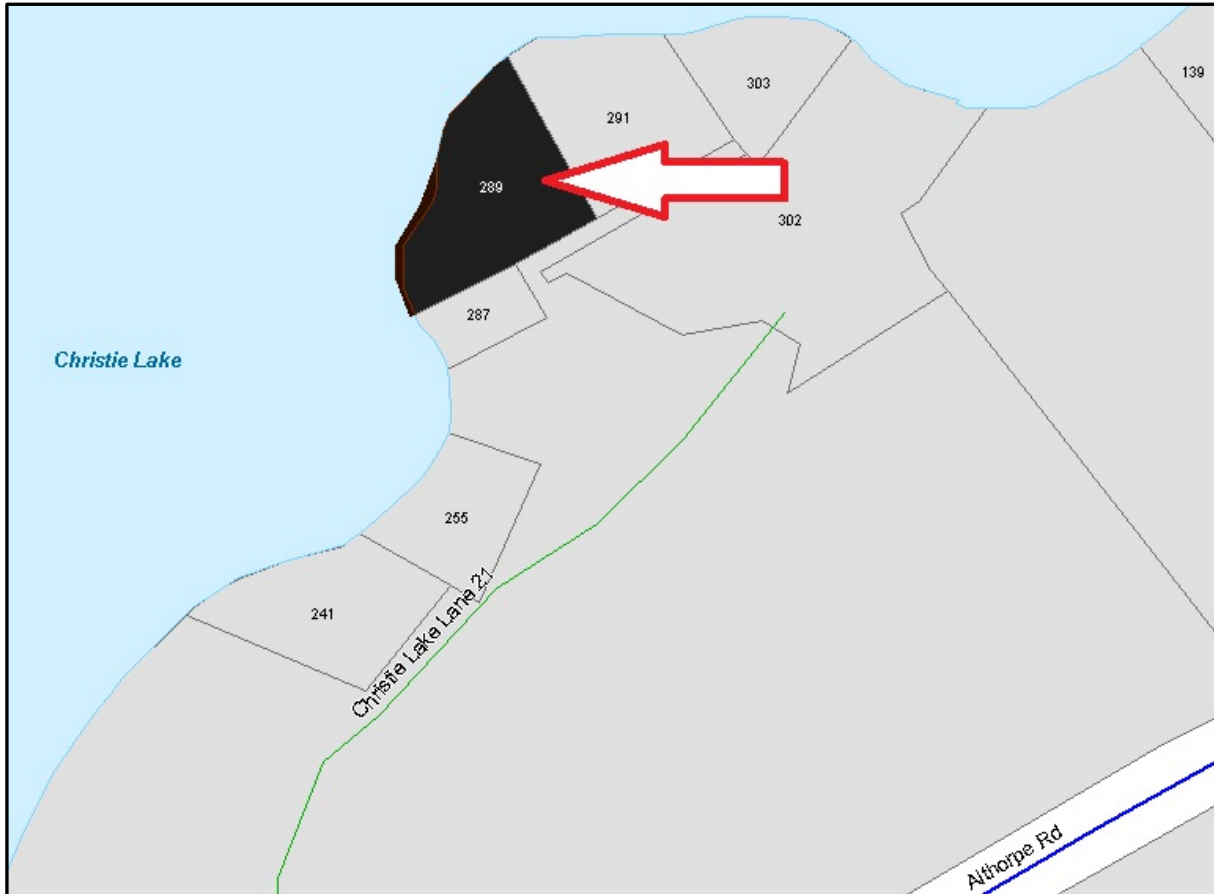
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

SCHEDULE "A"

Mitchell – 289 Christie Lake Lane 21
Part Lot 21, Concession 2
Geographic Township of South Sherbrooke
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Seasonal Residential (RS) to
Residential Limited Services
Special Exception -189 (RLS - 189)

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx
passed this XX day of XX 2022.

Reeve

Clerk

Mitchell

Zoning By-law Amendment

Public Notice

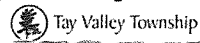
Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice 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

Mitchell

289 Christie Lake Lane 21

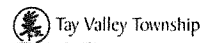
Part Lot 21, Concession 2, Geographic Township of South Sherbrooke

The application applies to an approximately 3,237m² (0.8 acre) lot with water frontage of 94m (308 ft) on Christie Lake.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception – 189 (RLS-189) to permit year-round residential use and a proposed second dwelling set back 22m (73 ft) from the lake at the closest point.

The second dwelling would be 70% of the primary dwelling rather than the 50% permitted by the Zoning By-law. However, the second dwelling would only be 42m² (452 sq ft) in size and the maximum permitted in this zone is 80m² (861 sq ft). And the dwellings will be greater than 12m apart.

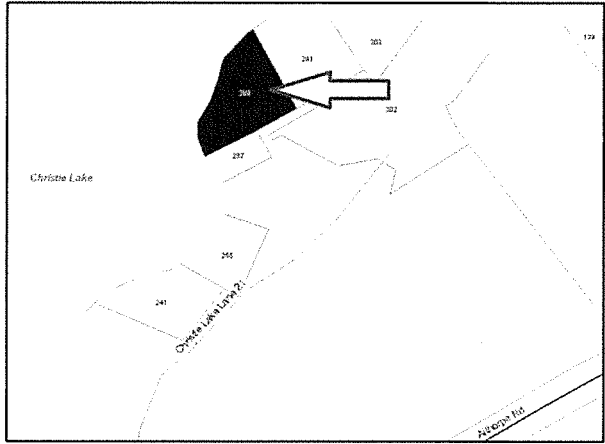
The effect of the amendment is to allow two permanent dwellings with water setbacks less than 30 m. The second dwelling will also be greater than 50% of the primary dwelling and be located more than 12m from the primary dwelling.



2

2

Mitchell Location

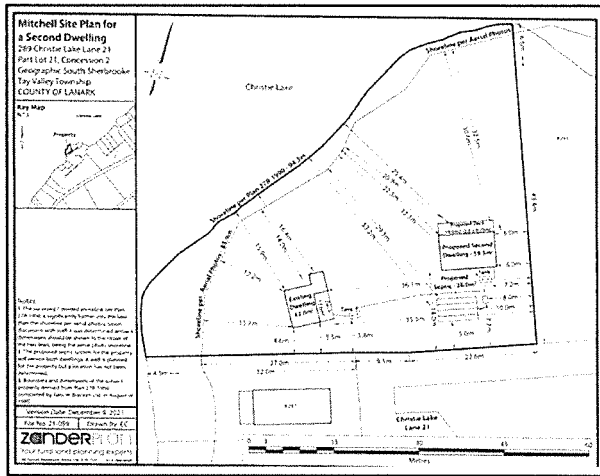


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Mitchell Site Sketch

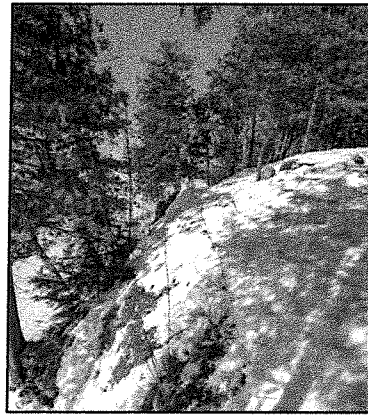
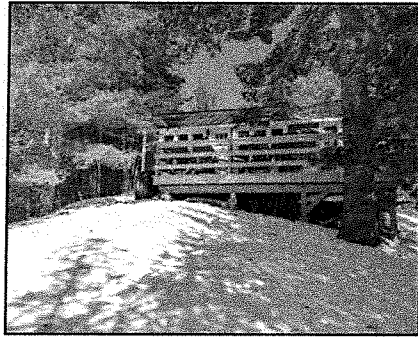


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Mitchell Photos

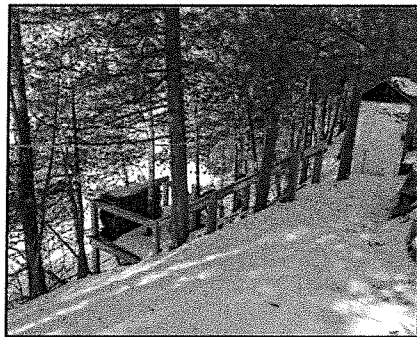


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Mitchell Photos



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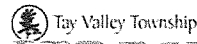


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Mitchell Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." Mostly met because the new proposed dwelling would largely meet the 30m setback except for a few points where the shoreline dips in. The septic system exceeds the 30m setback.
- However, 1.1.1 (c) concerning safety cannot currently be met as the Deputy Fire Chief inspected the private the road and determined a fire truck could not make it through a narrow curve in the road with a tree on one side and rock on the other. Also, clarity on the property's access from the road is needed.

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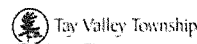


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Mitchell Planner's Comments Provincial Policy Statement (PPS)

- Section 1.4.3 Housing encourages affordable housing options through residential intensification including through the construction of second and third dwellings on properties.
- Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. The 30m setback for the second dwelling will largely be met.
- Section 3.1 Natural Hazards does not appear to be applicable for the proposed development as there is no floodplain mapping for the property or organic soil in the area and the steep slope is not where the second dwelling is proposed.

8



8

Mitchell

County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

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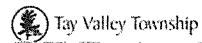


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Mitchell

Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- A water setback of 30m is largely met for the proposed dwelling except the shoreline dips in at two points of which the closest would be 22m to the dwelling. The septic water setback of 30m is met.

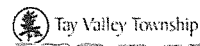


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Mitchell Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS). Rezoning to RLS is required because the lot is on a private road.
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will largely be met by the proposed dwelling (with two exceptions due to the dips in the shoreline).
- Sections 3.19.1 provides requirements for Second Dwellings. The requirement for locating the primary and second dwelling within 12m of each other will not be met as the proposed second dwelling will be 20m from the existing dwelling. The requirement for sharing a septic system, water supply and driveway will be met.

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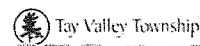


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Mitchell Planner's Comments Zoning

- In addition, the second dwelling would be 70% of the primary dwelling rather than the 50% permitted by the Zoning By-law. However, the second dwelling would only be 42m² (452 sq ft) in size and the maximum permitted in this zone is 80m² (861 sq ft).
- Section 3.19.3 provides additional requirements for second dwellings and states that, "Prior to obtaining a building permit for a second dwelling unit or second dwelling, the applicant shall demonstrate to the satisfaction of the Township, that there is adequate access for Emergency Services provided by private roads in accordance with the Township policy for assumption of private roads".
- Clarity on location of the private road used for access is also required.

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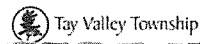


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Mitchell Planner's Comments

- The applicants are proposing to rezone the lot to Residential Limited Services to allow the existing cottage to be used year-round and permit a permanent second dwelling on a lot on a private road. The exceptions to the Zoning By-law that are requested are minor in nature. The 30 m water setback for the new dwelling is largely met except for a couple of dips in the shoreline. The existing cottage is legally non-complying. The cottages will share services and are not much farther apart than the 12m permitted.
- While the second dwelling will be more than 50% of the primary dwelling when construction is complete, its total footprint will be half of what is permitted in this zone. And lot coverage total will be 2.5%

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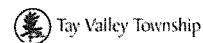


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Mitchell Planner's Comments

- The largest Zoning concern is the requirement for safe access for Emergency Services. Christie Lake Lane 21 appears to terminate at #302 on the Township mapping.
- Also, the Deputy Fire Chief drove Christie Lake 21 and determined there is a section of the road between a tree and a rock on a curve that would not permit a fire truck safe access to the Mitchell property.
- The Mitchells will need to sort these access issues out with the owner of the private road and/or road association or a building permit will not be able to be issued.
- Therefore, the Planner would not bring the Zoning By-law amendment forward to a Council meeting until the access issues are resolved.

14



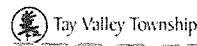
14

Mitchell Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA stated they have no objection to the application.
- RVCA noted the water quality of Christie Lake is rated Good to Very Good. Maintenance of shoreline vegetation and minimizing runoff to waterbodies can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface. Shoreline revegetation should be considered where appropriate.
- RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

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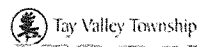
15

Mitchell Comments

Rideau Valley Conservation Authority (RVCA)

- Regular Site Plan Control Agreement measures would apply including "should any work be proposed along the shoreline of Christie Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act".

16



16

Mitchell Comments Continued

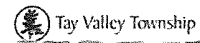
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO does not object to the proposal. A new septic tank to be tied into the existing leaching bed will meet the required setbacks. A Part 10/11 Septic application is required to be submitted prior to the building permit application.

Public Comments

- The Township has received questions about the setback from the neighbours and about the private road access and impacts to it from construction.
- Members of the public are welcome to speak to the application at this meeting.

17

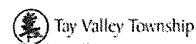


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Mitchell Recommendation

"THAT, the proposed amendment to rezone the lands at 289 Christie Lake Lane 21, Part Lot 21, Concession 2, Geographic Township of South Sherbrooke (Roll #091191402035000) from Seasonal Residential (RS) to Residential Limited Services Special Exception -183 (RLS - 183) be deferred until the ability of Emergency Services vehicles to reach the property and addressing issues for access are confirmed."

18



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