
The Land Division Committee met in special session on Thursday, May 28, 2015 at 2:45 p.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy
Member Absent: W. Guthrie

Staff Present: Leslie Drynan, Deputy Clerk

LAND DIVISION COMMITTEE

CHAIR: R. Strachan

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1. CALL TO ORDER

A quorum was present.

W. Guthrie advised that he would not be in attendance due to illness.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-24

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

"THAT, the agenda be adopted as presented."

ADOPTED

4. DELEGATIONS & PRESENTATIONS

None

5. NEW APPLICATIONS

The Land Division Committee reviewed the reports for the following new applications to be considered at the 3:00 p.m. public hearing.

- 5.1 B15/030 – Regan Lee – correction of title
Lot 13 and NE Pt. Lot 14 Conc. 7, geographic Township
of North Burgess, now in Tay Valley Township.
Powers Road and Narrow’s Lock Road.
- 5.2 B15/031, B15/032 and B15/033 – Regan Lee – 3 new
lots
NE Pt. Lot 14 Conc. 7, geographic Township of North
Burgess, now in Tay Valley Township. Powers Road.
- 5.3 B15/034, B15/035 and B15/036 – Regan Lee – 3 new
lots
Pt. Lot 13 Conc. 7, geographic Township of North
Burgess, now in Tay Valley Township.
Powers Road and Narrow’s Lock Road.

6. DEFERRED APPLICATIONS

None

7. CONFIDENTIAL REPORTS

None

8. COMMUNICATIONS/OTHER BUSINESS

None.

9. PROVISIONAL CONSENT GRANTED

The meeting recessed at 3:00 p.m. for the purpose of
conducting the public hearing in the County Council
Chambers.

4 - 10

9.1 B15/030 – Regan Lee – correction of title

11 - 21

9.2 B15/031 and B15/033 – Regan Lee – 2 new lots

22 - 36

9.3 B15/034, B15/035 and B15/036 – Regan Lee – 3 new
lots

10. PROVISIONAL CONSENT DENIED

10.1 B15/032 – Regan Lee – 1 new lot

11. PROVISIONAL CONSENT DEFERRED

None.

12. UPCOMING MEETINGS AND NOTICES

May 31 to June 3, 2015 – OACA Conference, Kingston.

June 8, 2015 at 9:00 a.m.

August 10, 2015 at 9:00 a.m.

September 14, 2015 at 9:00 a.m.

September 16 to 18, 2015 – Ontario East Municipal
Conference, Kingston

October 19, 2015 at 9:00 a.m.

November 16, 2015 at 9:00 a.m.

December 14, 2015 at 9:00 a.m.

13. ADJOURNMENT

MOTION #LD-2015-25

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

"THAT, the meeting do now adjourn at 4:10 p.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: May 28, 2015

Applicant: Regan Lee

LDC File #: B15/030

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 13/14

Conc.: 7

Roll No.: 0911 911 015 00200

Consent Type: Correction of Title

Purpose and Effect:

To separate Lot 13 from the NE ½ Lot 14 Con 7 North Burgess, which were merged on title.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	79.8-ha	46.98-ha
Frontage	476 m	280 m
Depth	1678 m	1678 m
Road - Access to	Municipal & County	Municipal
Water Supply	Proposed well	Private Well
Sewage Disposal	Proposed Septic	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	2.0-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, Organic Soils and Mineral Resource

Conformity: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Section 1.1.1.c) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, 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. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Section 2.5.2.5 In known deposits or mineral aggregate resources or on adjacent lands, development and activities which would preclude or under the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.2.2 Mineral Aggregates, Section 7.2 Hazard Areas, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 2.19 Natural Hazards, Section 3.3 Mineral Resources, Section 3.6 Rural Policies, Section 4.3 Township Roads, Section 4.4 Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10 Rural

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

This application has been circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Township Planner's Report -

The proposal is to correct title by severing Lot 13 Con 7 (79 ha) from Pt Lot 14 Con 7 (46 ha)

Official Plan Designation – 3.6 Rural

Zoning Category – Rural section 10.1

Tay Valley Township - recommends approval of this application subject to the following conditions:

- 1/ That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval.
- 3/ That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.

(c) PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows

Dean Noonan – May 14, 2015

Thank you for providing an opportunity to comment on the above consent applications in Tay Valley Township.

I would like to recommend an Environmental Assessment on this property for the following reasons.

As I understand this application is requesting six (6) land severances, primarily along Powers Road. I would like to bring to your attention, the following considerations:

1. Sensitive Areas

This unique landscape is mapped by Tay Valley as a sensitive area due to its old growth forests, organic soils and wetlands. The property is a possible extension to the Mill's Lake Complex managed by Rideau Valley Conservation Authority.

2. Cultural Significance / Historic Artefacts

Furthermore, this property is home to an original stone foundation dated to the early 1800's early settlement period with cultural significance.

3. Habitat

The subject property provides potential habitat for a number of flora and fauna listed in the Species at Risk in Ontario List, Regulation 230/08 under the Endangered Species Act 2007. This property may provide suitable habitat to endangered/threatened/species of concern including:

- Butternut, Ginseng, White Lady Slipper or other orchids
- Gray Rat Snake, Milksnake, Blanding's Turtles, snapping turtle
- Salamanders
- Golden Eagle, Barn Owl, Brown Bats, Barn swallow, Eastern Whip Poor Will
- Monarch Butterflies

4. Safety

I noticed a concentration of 3 one-acre lots on Lot 14 along Powers Road that give concern to the number of entrances located in an area of a steep grade. I have a safety concern regarding the amount of traffic on Powers Road during summer tourist season and on "dump days" when people are travelling to the Stanleyville Waste Management Centre. The concentration of these entrances may be considered a traffic hazard.

I would like to recommend the County along with the Township exercise due diligence by requesting the owner applicant to undertake a comprehensive Environmental Study Report on all applications for consent to ensure the protection and appreciation of the ecological integrity of this unique landscape and to ensure no species at risk are displaced.

In addition, this property provides winter and summer habitat for White Tailed Deer that provides both social and economic benefits locally.

Maintaining this property in its original description without severances would benefit North Burgess Township in ensuring non-disturbed wildlife corridors supporting Species at Risk from Murphys Point Provincial Park to Mill's Lake Complex through to Black Lake and the community of Stanleyville while maintaining Tay Valley's commitment to considering environmental concerns during planning and development.

Thank you for your consideration and I look forward to hearing from you.

NOTE: A review of the above noted concerns were undertaken with the Township Planner who advised that the area is not designated as 'old growth' but there is an indication of one 'rare tree' on the retained lands, the area has not been mapped as 'deer yard', an EIS would only be required for development activities within 120m of the wetlands and the homestead foundation is not an archaeological site.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 79.8-ha vacant landholding and retain a 46.9-ha landholding with the existing dwelling located at 775 Powers Road. The two lots were merged on title during the conversion from Land Registry to Land Titles.

The subject lands are located in an area characterized by large lots interspersed with small residential lots.

The lands are accessed via Powers Road, a municipally maintained road and Narrow's Lock Road, a county maintained road.

Soils Inventory – Lot 13	Lot 14
- Name: Monteagle	Monteagle/Farmington
- Stoniness: slightly stony	Slightly Stony
- CLI: 4 – Severe Limitations	6 – Natural Grazing Only
- Drainage: Well drained	well drained
- Hydrogeology: moderate	moderate

Bedrock Inventory – Lot 13 - conglomerate, sandstone, shale
Lot 14 – granodiorite, granite, syenite

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there was a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3 Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Tay Valley Township and could be given favourable consideration.

(e) MINUTES – May 28, 2015

Regan Lee, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

B15/030

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. A letter shall be received from Tay Valley Township stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: May 28, 2015

Applicant: Regan Lee

LDC File #: B15/031 to B15/033

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 14

Conc.: 7

Roll No.: 0911 911 015 00200

Consent Type: 3 New Lots

Purpose and Effect: To sever three (3) residential building lots – each contain 0.45-ha and to retain a 23-ha landholding with an existing residential and outbuildings located at 775 Powers Road.

DETAILS OF PROPOSAL	Lands to be Severed B15/031	Lands to be Severed B15/032
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.45-ha	0.45-ha
Frontage	60 m	60 m
Depth	75 m	75 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed	
Sewage Disposal	Proposed	
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	No	No
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands to be Severed B15/033	Lands to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	0.45-ha 60 m 75 m Municipal	23.98-ha 100 m 1648 m Municipal
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 1.0-ha No 60 m Yes	Rural 2.0-ha Yes 60 m Yes

Official Plan Designation: Rural, Organic Soils and Mineral Reserve

Conformity: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Section 1.1.1.c) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not

provided, 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. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

Section 2.1.1 Natural features and areas shall be protected for the long term.

Section 2.1.2 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.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Section 2.5.2.5 In known deposits or mineral aggregate resources or on adjacent lands, development and activities which would preclude or under the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.2 and 4.3.3 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.2.2 Mineral Aggregates, Section 7.2 Hazards, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 2.19 Natural Hazards, Section 3.3 Mineral Resources, Section 3.6 Rural Policies, Section 4.3 Township Roads, Section 4.4 Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10 Rural

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

This application has been circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Township Planner's Report -

The proposal is to sever three new building lots, each 0.45 hectares. The retained parcel is 23.99 ha, developed with a dwelling and garage.

Official Plan Designation – 3.6 Rural – there is an existing dwelling on the retained lot. The new building lots are vacant. These uses are permitted in the rural designation.

Zoning Category – Rural Section 10.1. The lots to be created are undersized for the Rural zone and the applicant will need to apply for a zoning amendment to Residential for each new lot. A zoning amendment is required.

Tay Valley Township - recommends approval of this application subject to the following conditions:

- 1/ That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval.
- 3/ That, two (2) copies of an acceptable reference plan or legal description of the severed lands, and the deed / transfer(s) be submitted to the Township.
- 4/ That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for each new lot.
- 5/ That, the applicant submit a Zoning Amendment Application for each new lot to be rezoned to Residential.
- 6/ That, approval be dependent on the successful completion of B15/030 and Zoning Amendment approval.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of:

- Section 2.1 Natural Heritage and
 - Section 3.1 Natural Hazards
- of the Provincial Policy Statement under Section 3 of the Planning Act, and
- per the Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for new lots identified as B15/031, B15/032 and B15/033, fronting on Powers Road, to be severed from the existing large rural residential holding.

As the proposed lots are located in a consecutive line along the municipal road and are similar in nature, lot area and extent and site conditions, please accept our single comment for these three lots.

The Property

This large property is quite level. Surface drainage flows south to Black Lake. Soils on the site are sandy, well drained and relatively shallow over shield bedrock. There is mature/maturing conifer tree cover (pine plantation) over portions of the severed and retained parcels.

It may be noted that there are pockets of wetland associated with Black Creek on the retained lands which we understand are to be designated as a provincially significant wetland in the near future.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to the proposed consents B15 /031 , B15/032 and B15/033 at this location insofar as natural heritage and natural hazard considerations are concerned.

We do recommend that following notification be provided if approval is granted for these lots:

A portion of the retained lands are situated within the "proposed" provincially significant Black Creek Complex or its adjacent lands. We recommend that notice be provided to potential purchasers of the retained lands, that there may be a requirement in the future for an Environmental Impact Statement and for the related regulatory approval from the RVCA for development within the 120 metre area adjacent to the provincially significant wetland as may be designated. Until such time as the wetland is identified as a provincially significant wetland, we would support its protection as an unevaluated local natural heritage feature; we recommend that a minimum 30 metre setback for site disturbance is confirmed within which there shall be no site disturbance and no drainage alterations on the retained lands.

We also note for attention per the retained lands to the south of the consent applications, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse traversing the southern portion of the property, per Ontario Regulation 174-06 ("Development. Interference with Wetlands and Alteration to Waterways ' Regulation).

Thank you for the opportunity to comment.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted April 20, 2015.

The applicant proposes to sever a 0.45 hectare parcel to create a new lot. The proposed lot is vacant, well treed and fairly level. No test pits were provided.

The retained parcel is 23.9878 hectares. The retained lot is developed with dwelling and garage. The retained lot has areas of open field, wetlands and dense

tree cover. No test pits were provided.

The severance as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot. The MRSSO recommends a Level IV treatment unit be considered when the property is developed. A treatment unit pre-treats the sewage prior to entering the soil, which allows for a reduction in the system footprint and the amount of imported fill that may be required.

Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – No comments were received.

Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows

Dean Noonan – May 14, 2015

Thank you for providing an opportunity to comment on the above consent applications in Tay Valley Township.

I would like to recommend an Environmental Assessment on this property for the following reasons.

As I understand this application is requesting six (6) land severances, primarily along Powers Road. I would like to bring to your attention, the following considerations:

1. Sensitive Areas

This unique landscape is mapped by Tay Valley as a sensitive area due to its old growth forests, organic soils and wetlands. The property is a possible extension to the Mill's Lake Complex managed by Rideau Valley Conservation Authority.

2. Cultural Significance / Historic Artefacts

Furthermore, this property is home to an original stone foundation dated to the early 1800's early settlement period with cultural significance.

3. Habitat

The subject property provides potential habitat for a number of flora and fauna listed in the Species at Risk in Ontario List, Regulation 230/08 under the Endangered Species Act 2007. This property may provide suitable habitat to endangered/threatened/species of concern including:

- Butternut, Ginseng, White Lady Slipper or other orchids

- Gray Rat Snake, Milksnake, Blanding's Turtles, snapping turtle
- Salamanders
- Golden Eagle, Barn Owl, Brown Bats, Barn swallow, Eastern Whip Poor Will
- Monarch Butterflies

4. Safety

I noticed a concentration of 3 one-acre lots on Lot 14 along Powers Road that give concern to the number of entrances located in an area of a steep grade. I have a safety concern regarding the amount of traffic on Powers Road during summer tourist season and on "dump days" when people are travelling to the Stanleyville Waste Management Centre. The concentration of these entrances may be considered a traffic hazard.

I would like to recommend the County along with the Township exercise due diligence by requesting the owner applicant to undertake a comprehensive Environmental Study Report on all applications for consent to ensure the protection and appreciation of the ecological integrity of this unique landscape and to ensure no species at risk are displaced.

In addition, this property provides winter and summer habitat for White Tailed Deer that provides both social and economic benefits locally.

Maintaining this property in its original description without severances would benefit North Burgess Township in ensuring non-disturbed wildlife corridors supporting Species at Risk from Murphys Point Provincial Park to Mill's Lake Complex through to Black Lake and the community of Stanleyville while maintaining Tay Valley's commitment to considering environmental concerns during planning and development.

Thank you for your consideration and I look forward to hearing from you.

NOTE: A review of the above noted concerns were undertaken with the Township Planner who advised that the area is not designated as 'old growth' but there is an indication of one 'rare tree' on the retained lands, the area has not been mapped as 'deer yard', an EIS would only be required for development activities within 120m of the wetlands and the homestead foundation is not an archaeological site.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever three (3) residential building lots (0.4-ha each) and retain a 23.0-ha landholding with an existing dwelling at 775 Powers Road.

The subject lands are located in an area characterized by large landholdings, intermixed with smaller type residential lots along Powers Road.

The lands are accessed via Powers Road, a municipally maintained road.

Soils Inventory – Name: Monteagle

- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – granodiorite, granite, syenite

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there was a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3 Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. However, the lot sizes are less than the required 1.0-ha minimum and will require rezoning to comply with the Township's Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The

severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for Tay Valley Township and could be given favourable consideration.

(e) MINUTES – May 28, 2015

Regan Lee, owner attended the hearing and gave evidence under oath.

The Committee advised that they had concerns with the lot size, and that they did not conform to the Township's Zoning By-law, although the Township supported a re-zoning. The committee also advised that they were concerned with the quantity and quality of water given the size of the lots.

Mr. Lee provided a brief overview of the proposal and the application for rezoning.

The Committee asked Mr. Lee if he would be agreeable to reducing the number of lots from three to two and increase the size of the lots. Mr. Lee agreed.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

B15/031 and B15/033 - The same conditions apply to both lots

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That confirmation be provided to the Secretary-Treasurer of the Land Division Committee that the transfer/deed required by Condition #1 of Consent Application B15/030 has been registered.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from Tay Valley Township stating that condition #4 through #11 has been fulfilled to their satisfaction.
13. The dimensions of the proposed lot shall be revised to have approximately 90 metres of frontage on Powers Road and have a depth of approximately 85 metres. There shall be a common sideline between the lots created by B15/031 and B15/033.

NOTES

1. *The MRSSO recommends a Level IV treatment unit be considered when the property is developed. A treatment unit pre-treats the sewage prior to entering the soil, which allows for a reduction in the system footprint and the amount of imported fill that may be required.*
2. *The Rideau Valley Conservation Authority advises that: A portion of the retained lands are situated within the "proposed" provincially significant Black Creek Complex or its adjacent lands. Notice should be provided to potential purchasers of the retained lands, that there may be a requirement in the future for an Environmental Impact Statement and for the related regulatory approval from the RVCA for development within the 120 metre area adjacent to the provincially significant wetland as may be designated. Until such time as the wetland is identified as a provincially significant wetland, we would support its protection as an unevaluated local natural heritage feature; we recommend that a minimum 30 metre setback for site disturbance is confirmed within which there shall be no site disturbance and no drainage alterations on the retained lands.*
3. *The RVCA also note for attention per the retained lands to the south of the consent applications, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse traversing the southern portion of the property, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways ' Regulation).*

4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species’ designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

B15/032

1. The Lanark County Land Division Committee refuses to give provisional consent for the following reason:
The denial of this application shall allow two concurrent consent applications (B15/031 and B15/033) to be approved with increased lot sizes and to limit residential density on Powers Road.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: May 26, 2015

Applicant: Regan Lee

LDC File #: B15/034 to B15/036

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 13

Conc.: 7

Roll No.: 0911 911 015 00200

Consent Type: 3 New Lots

Purpose and Effect: To sever three (3) residential building lots – 2.2-ha, 4.02-ha and 7.0-ha and retain a 70.0-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed B15/034	Lands to be Severed B15/035
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	2.2-ha	4.02-ha
Frontage	101 m	201 m
Depth	200 m	200 m
Road - Access to	County	Municipal
Water Supply	Proposed	Proposed
Sewage Disposal	Proposed	Proposed
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands to be Severed B15/036	Lands Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	7.0-ha 281 m 280 m Municipal	70.0-ha 1678 m 481 m County
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 2.0-ha Yes 60 m Yes

Official Plan Designation: Rural, Organic Soils and Mineral Reserve

Conformity: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Section 1.1.1.c) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not

provided, 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. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

Section 2.1.1 Natural features and areas shall be protected for the long term.

Section 2.1.2 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.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Section 2.5.2.5 In known deposits or mineral aggregate resources or on adjacent lands, development and activities which would preclude or under the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.2 and 4.3.3 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.2.2 Mineral Aggregates, Section 7.2 Hazards, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 2.19 Natural Hazards, Section 3.3 Mineral Resources, Section 3.6 Rural Policies, Section 4.3 Township Roads, Section 4.4 Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10 Rural

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

This application has been circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Township Planner's Report -

The proposal is to sever three new building lots: 2.02 ha, 4.02 ha and 7.07 ha. The retained parcel is 77.32 ha. All lots are vacant.

Official Plan Designation – 3.6 Rural

Zoning Category: Rural Section 10.1 – Lot frontage of 101, 281 and 201 metres as well as the lot areas all meet the requirements of the Rural zone.

Tay Valley Township - recommends approval of this application subject to the following conditions:

- 1/ That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval.
- 3/ That, two (2) copies of an acceptable reference plan or legal description of the severed lands, and the deed / transfer(s) be submitted to the Township.
- 4/ That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for each new lot.
- 5/ That approval be dependent on the successful completion of B15/030.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of

- Section 2.1 Natural Heritage and
- Section 3.1 Natural Hazards

of the Provincial Policy Statement under Section 3 of the Planning Act, and

- per the Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for new lots identified as 815 35 and 36 (fronting Powers Road) and 834 (fronting on Narrows Lock Road) to be severed from the existing large rural residential holding.

The Property

This large property is quite level. Surface drainage flows south, ultimately to Black Lake. Lots created as a result of B15/034 (Narrows Lock Road, frontage) appear to have no natural hazard or natural heritage concerns as regards Conservation Authority considerations

Our mapping indicates a pocket of unevaluated wetland within the boundary of

proposed lot B15/036. Site verification has proved to show that the wetland pocket does not exist at this location. Similar to B15/034 and B15/035, there are no concerns as regards impacts on natural heritage or natural hazards to be addressed by our office.

It may be noted that there are pockets of wetland associated with Black Creek on the retained lands which we understand are to be designated as a provincially significant wetland in the near future.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to the proposed consents B15/ 034, B15/035 and B15/036 at this location Insofar as natural heritage and natural hazard considerations are concerned.

We do recommend that following notification be provided if approval is granted for these lots:

"A portion of the retained lands are situated within the "proposed" provincially significant Black Creek Complex or its adjacent lands. We recommend that notice be provided to potential purchasers of the retained lands, that there may be a requirement in the future for an Environmental Impact Statement and for the related regulatory approval from the RVCA for development within the 120 metre area adjacent to the provincially significant wetland as may be designated. Until such time as the wetland is identified as a provincially significant wetland, we would support its protection as an unevaluated local natural heritage feature; we recommend that a minimum 30 metre setback for site disturbance is confirmed within which there shall be no site disturbance and no drainage alterations on the retained lands".

We also note for attention per the retained lands to the south of the consent applications, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse traversing the southern portion of the property, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).

Thank you for the opportunity to comment.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted April 20, 2015.

B15/034 - The applicant proposes to sever a 2.02 hectare parcel to create a new lot. The proposed lot is vacant, well treed, has areas of exposed rock and fairly level with drainage towards the south. No test pits were provided.

B15/035 – The applicant proposes to sever a 4.02 hectare parcel to create a new lot. The proposed lot is vacant, well treed, has areas of exposed rock and fairly level with drainage towards the south. No test pits were provided.

B15/036 – The applicant proposes to sever a 7.068 hectare parcel to create a new lot. The proposed lot is vacant, well tread and is fairly level with drainage towards the south. No test pits were provided.

The retained parcel is 77.3220 hectares. The retained lot is vacant. The retained lot has areas of open field, large connected wetlands on either side of Narrows Lock road, areas of dense tree cover and exposed rock. No test pits were provided.

The severance as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot. The MRSSO recommends a Level IV treatment unit be considered when the property is developed. A treatment unit pre-treats the sewage prior to entering the soil, which allows for a reduction in the system footprint and the amount of imported fill that may be required.

Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

County Public Works

Lands to be severed by B15/034 have an approved entrance location - Permit #2518 applies. A full entrance application must be submitted and entrance installed prior to deed endorsement. Lands to be severed by B15/035 and B15/036 to gain access from local municipal road (Powers Road). Retained lands have sufficient frontage on County Road 14 (Narrow's Lock Road), should an entrance be required in the future – a complete entrance application must be submitted at that time to determine an approved location.

Standards conditions regarding road widening, road closing, approvals and documentation to apply.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows

Dean Noonan – May 14, 2015

Thank you for providing an opportunity to comment on the above consent applications in Tay Valley Township.

I would like to recommend an Environmental Assessment on this property for the following reasons.

As I understand this application is requesting six (6) land severances, primarily along Powers Road. I would like to bring to your attention, the following considerations:

1. Sensitive Areas

This unique landscape is mapped by Tay Valley as a sensitive area due to its old growth forests, organic soils and wetlands. The property is a possible extension to the Mill's Lake Complex managed by Rideau Valley Conservation Authority.

2. Cultural Significance / Historic Artefacts

Furthermore, this property is home to an original stone foundation dated to the early 1800's early settlement period with cultural significance.

3. Habitat

The subject property provides potential habitat for a number of flora and fauna listed in the Species at Risk in Ontario List, Regulation 230/08 under the Endangered Species Act 2007. This property may provide suitable habitat to endangered/threatened/species of concern including:

- Butternut, Ginseng, White Lady Slipper or other orchids
- Gray Rat Snake, Milksnake, Blanding's Turtles, snapping turtle
- Salamanders
- Golden Eagle, Barn Owl, Brown Bats, Barn swallow, Eastern Whip Poor Will
- Monarch Butterflies

4. Safety

I noticed a concentration of 3 one-acre lots on Lot 14 along Powers Road that give concern to the number of entrances located in an area of a steep grade. I have a safety concern regarding the amount of traffic on Powers Road during summer tourist season and on "dump days" when people are travelling to the Stanleyville Waste Management Centre. The concentration of these entrances may be considered a traffic hazard.

I would like to recommend the County along with the Township exercise due diligence by requesting the owner applicant to undertake a comprehensive Environmental Study Report on all applications for consent to ensure the protection and appreciation of the ecological integrity of this unique landscape and to ensure no species at risk are displaced.

In addition, this property provides winter and summer habitat for White Tailed Deer that provides both social and economic benefits locally.

Maintaining this property in its original description without severances would benefit North Burgess Township in ensuring non-disturbed wildlife corridors supporting Species at Risk from Murphys Point Provincial Park to Mill's Lake Complex through to Black Lake and the community of Stanleyville while maintaining Tay Valley's commitment to considering environmental concerns during planning and development.

Thank you for your consideration and I look forward to hearing from you.

NOTE: A review of the above noted concerns were undertaken with the Township Planner who advised that the area is not designated as 'old growth' but there is an indication of one 'rare tree' on the retained lands, the area has not been mapped as 'deer yard', an EIS would only be required for development activities within 120m of the wetlands and the homestead foundation is not an archaeological site.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever three (3) residential building lots ranging from 2.2-ha to 7.0-ha and to retain a 70-ha vacant landholding.

The subject lands are located in an area characterized by large landholdings, intermixed with smaller type residential lots along Powers Road.

Two of the lots (B15/035 and B15/036 are accessed via Powers Road, a municipally maintained road. B15/034 and the retained lands are accessed via Narrow's Lock Road, a county maintained road.

The Mineral Resource area shown on the lands is not a 'licensed' pit, but rather an area noted by MNR has having potential for aggregates. Previous development within this area (four residential units north of Powers Road) may have sterilized the potential for extraction within the northern portion of Lot 14.

Soils Inventory – Name: Farmington

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well
- Hydrogeology: moderate

Bedrock Inventory – conglomerate, sandstone, shale

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there was potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3 Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover.

Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – May 28, 2015**

Regan Lee, owner attended the hearing and gave evidence under oath.

Mr. Lee provided a brief background on the applications, and questioned if an entrance could be obtain from the County Road for B15/035. Mr. Lee was advised that County Road Policy required that lots with frontage on both a municipal and county road could only have an access off the municipal road.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

B15/034

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That confirmation be provided to the Secretary-Treasurer of the Land Division Committee that the transfer/deed required by Condition #1 of Consent Application B15/030 has been registered.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
12. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
13. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

14. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or Tay Valley Township, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
15. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #15 has been fulfilled to their satisfaction.
17. A letter shall be received from Tay Valley Township stating that condition #4 through #9 (and #14 if required) has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO recommends a Level IV treatment unit be considered when the property is developed. A treatment unit pre-treats the sewage prior to entering the soil, which allows for a reduction in the system footprint and the amount of imported fill that may be required.*
2. *The Lanark County Public Works Department advises that should an entrance be required in the future for the retained lands – a complete entrance application must be submitted at that time to determine an approved location.*
3. *The Rideau Valley Conservation Authority advises that the following notification be provided to future purchasers:
"A portion of the retained lands are situated within the "proposed" provincially significant Black Creek Complex or its adjacent lands. We recommend that notice be provided to potential purchasers of the retained lands, that there may be a requirement in the future for an Environmental Impact Statement and for the related regulatory approval from the RVCA for development within the 120 metre area adjacent to the provincially significant wetland as may be designated. Until such time as the wetland is identified as a provincially significant wetland, we would support its protection as an unevaluated local natural heritage feature; we recommend that a minimum 30 metre setback for site disturbance is confirmed within which there shall be no site disturbance and no drainage alterations on the retained lands".*
4. *The RVCA also advise that the retained lands to the south of the consent applications, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse traversing the southern portion of the property, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).*

5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

B15/035 and B15/036

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That confirmation be provided to the Secretary-Treasurer of the Land Division Committee that the transfer/deed required by Condition #1 of Consent Application B15/030 has been registered.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
13. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
14. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
15. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or Tay Valley Township, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
16. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

17. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 through #16 has been fulfilled to their satisfaction.

18. A letter shall be received from Tay Valley Township stating that condition #4 through #11 (and #15 if required) has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO recommends a Level IV treatment unit be considered when the property is developed. A treatment unit pre-treats the sewage prior to entering the soil, which allows for a reduction in the system footprint and the amount of imported fill that may be required.*
2. *The Lanark County Public Works Department advises that should an entrance be required in the future for the retained lands – a complete entrance application must be submitted at that time to determine an approved location.*
3. *The Rideau Valley Conservation Authority recommends that following notification be provided to the future purchasers:
“A portion of the retained lands are situated within the "proposed" provincially significant Black Creek Complex or its adjacent lands. We recommend that notice be provided to potential purchasers of the retained lands, that there may be a requirement in the future for an Environmental Impact Statement and for the related regulatory approval from the RVCA for development within the 120 metre area adjacent to the provincially significant wetland as may be designated. Until such time as the wetland is identified as a provincially significant wetland, we would support its protection as an unevaluated local natural heritage feature; we recommend that a minimum 30 metre setback for site disturbance is confirmed within which there shall be no site disturbance and no drainage alterations on the retained lands”.*
4. *The RVCA also note for attention per the retained lands to the south of the consent applications, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse traversing the southern portion of the property, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).*
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