



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, December 14, 2009 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan, C. Tyson and D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2009-028

MOVED BY: C. Tyson
SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on November 23, 2009 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2009-029

MOVED BY: D. Murphy
SECONDED BY: C. Tyson

"THAT, the agenda be adopted as circulated.

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Township of Drummond / North Elmsley – Site Plan / Development Agreement conditions.

As requested, the Conservation Authority provided their legal opinion regarding the above.

Committee reviewed the pros and cons of continuing with the ‘standard condition’ or amending the condition to offer more clarity and also preserve the opportunity for the CA to appeal the Land Division Decision.

MOTION #LD-2009-030

MOVED BY: D. Murphy
SECONDED BY: C. Tyson

“**THAT**, the Secretary prepare a letter of response to all Lanark County municipalities and the Conservation Authority’s, advising of a condition wording change to consents requiring a Development Agreement and / or Site Plan Agreement.”

ADOPTED

7. REPORTS

7.1 The Land Division Committee reviewed the materials for the following applications to be considered at the 10:00 a.m. public hearing.

7.1.1 B09/033 – TDL Group – new lot

Pt Lot 17 Pt Park Lot 18, 19 and 20 Plan 230 Pt Lot 14 Conc. 11, geographic Township of Beckwith, now in the Town of Carleton Place. (Franktown Street)

7.1.2 B09/099 and B09/100 – Jeff Jackson – two new lots

Pt Lot 15 Conc. 6, geographic Township of Lanark, now in the Township of Lanark Highlands. (Wolf Grove Road).

MOTION #LD-2009-031

MOVED BY: C Tyson
SECONDED BY: D. Murphy

“**THAT**, Applications B09/099 and B09/100, Jackson, be deferred pending further investigation (Road Access).”

ADOPTED

7.1.3 B09/105 – Paul Popiel and Maureen McCateer – new lot
Pt Lot 7 Conc. 3, geographic Township of Ramsay, now in the
Town of Mississippi Mills.(Ramsay Con. 4A)

7.1.4 B09/110 and B09/111, Howard & Judith Farrell – two new lots
Pt W lot 12 Conc. 8, geographic Township of North Burgess, now in
Tay Valley Township. (Narrow’s Lock Road).

MOTION #LD-2009-032

MOVED BY: D. Murphy
SECONDED BY: C. Tyson

“**THAT**, Consent Applications B09/110 and B09/111, Farrell, be deferred
pending further investigation (Road Access). **ADOPTED**

7.1.5 B09/113 – John and Caroline Wilson – New Lot
Pt Lot 18 Conc. 9, geographic Township of North Burgess, now in
Tay Valley Township. (Country Lane)

7.1.6 B09/114 – Marion Hogg – lot addition
Pt Lot 21 Conc. 10, geographic Township of Lanark, now in the
Township of Lanark Highlands. (Galbraith Road)

7.1.7 B09/115 – Brian Forrester – lot addition
Pt Lot 1 N/S South Street Plan 320 Lanark Village, now the
Township of Lanark Highlands. (South Street).

MOTION #LD-2009-033

MOVED BY: C Tyson
SECONDED BY: D. Murphy

“**THAT**, Consent Application B09/115, Forrester, be deferred pending
further investigation (Phase 1 EA Report and Zoning Compliance). **ADOPTED**

7.1.8 B09/121 – Bruce Guthrie – lot addition
Pt Lot 12 Conc. 1, geographic Township of Bathurst, now in Tay
Valley Township. (Bathurst 2nd Con.)

7.1.9 B009/122 and B09/123 – Michael McVeety – two new lots
Pt Lot 14 Conc. 7, geographic Township of North Elmsley, now in
the Township of Drummond / North Elmsley. (Port Elmsley Road)

8. PUBLIC HEARING:

The meeting recessed at 10:00 a.m. for the purpose of conducting the public hearings in the County Council Chambers.

8.1 PROVISIONAL CONSENT GRANTED

8.1.1 B09/033 – TDL Group – new lot

8.1.2 B09/105 – Paul Popiel and Maureen McCateer – new lot

8.1.3 B09/113 – John and Caroline Wilson – New Lot

8.1.4 B09/114 – Marion Hogg – lot addition

8.1.5 B09/121 – Bruce Guthrie – lot addition

8.1.6 B009/122 and B09/123 – Michael McVeety – two new lots

8.2 PROVISIONAL CONSENT DEFERRED

8.2.1 B09/099 and B09/100 – Jeff Jackson – two new lots

8.2.2 B09/110 and B09/111, Howard & Judith Farrell – two new lots

8.2.3 B09/115 – Brian Forrester – lot addition

9. NEW / OTHER BUSINESS

None.

10. UPCOMING MEETING SCHEDULE

Monday, January 25, 2010 @9:00 a.m.,
Monday, February 22, 2010, and
Monday, March 29, 2010

11. ADJOURNMENT

The meeting adjourned at 10:40 a.m.

**Mary Kirkham
Secretary-Treasurer**

**PUBLIC
HEARING
REPORTS**

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Canadian Co-Operative Wool Growers Ltd **Hearing Date:** December 14, 2009
Agent: The TDL Group Corp. (Leo Palozzi)
LDC File #: B09/033
Municipality: Town of Carleton Place
Geographic Township: Beckwith **Lot:** Pt Lot 17 Pt Park Lot 18, 19 & 20 Plan 230, Pt Lot 14 **Conc.:** 11
Roll No. 0928 030 060 04500 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.346-ha vacant general commercial parcel of land and retain a 3.0542-ha commercial parcel of land with an existing warehouse with a retail component building.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Warehouse with retail component
Proposed Use	Commercial (restaurant)	Same
Area	0.346-ha	3.0452-ha
Frontage	60.91 m on Coleman St. 31.7 m on Franktown Rd.	89.42 on Coleman St 29.59 m on Franktown Rd
Depth	75.1 m	194.48 m
Road - Access to	Coleman & Franktown	Coleman & Franktown
Water Supply	Piped water	Piped Water
Sewage Disposal	Sewage Services	Sewage Services
Official Plan Designation -Conformity?	General Commercial Yes	
Development Permit Category	Central Business District	Central Business District
-Area Required (min.)	n/a	n/a
-Compliance?		
-Frontage Required (min.)	n/a	n/a
-Compliance?		
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.2 Sufficient land shall be made available through intensification and redevelopment and if necessary, designated growth areas to accommodate an appropriate range and of employment opportunities, housing and other lands uses to meet projected needs for a time horizon of up to 20 years.

Section 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

Official Plan – Section 3 General Policies, Section 4.3 General Commercial, Section 5 Transportation, Section 6 Municipal Services.

The Town of Carleton Place advises that the proposal conforms with the designations and policies of the Official Plan.

Development Permit By-law - section 2.0 Administration, Section 3.0 General Provisions, Section 6.2 Central Business District.

The Town of Carleton Place advises that the proposal complies with the regulations of the Development Permit By-law.

(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:

Staff Report #120216 - Lisa Young, Director of Planning
Topic - Consent Application B09/033 – 142 Franktown Road -Wool Growers

SUMMARY

A consent application has been submitted for the property known municipally as 142 Franktown Road. The applicant is proposing to sever a 3460.63 m² lot with 60.91 m of lot frontage on Coleman Street and 31.7 m of lot frontage on Franktown Road.

COMMENT

The Official Plan designation is General Commercial (C). The permitted uses comprise the full range of commercial and business activities, including: retail sales; shopping centres; personal and professional services; social, cultural, recreation and entertainment facilities; offices; dwelling units in commercial buildings; hotels and motels; eating and drinking establishments; food stores; certain automotive uses; government offices; and commercial parking lots. The Development Permit designation is Central Business District which allows for a wide range of commercial uses based on the Official Plan designation. The effect of the application would create a vacant commercial parcel at the intersection of Coleman Street and Franktown Road.

The proposal is for a 222.96 m² Tim Horton's Restaurant with a drive through. This proposal will require a Class II Development Permit application to be approved. The applicant has completed numerous pre-consultation meetings in order to achieve the

goals of the Development Permit By-law. Staff understands that the existing access from Franktown Road will be used for the proposed severed lot and the existing site (Wool Growers). This will require a right of way easement to be registered on title.

Town of Carleton Place – recommends approval of this application subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
3. That a right of way easement be registered on title to address the shared driveway.
4. That all requirements of a Class II Development Permit application be submitted and approved by the Town of Carleton Place.
5. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway – no objections to the proposed severance.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.345-ha building lot for the purpose of constructing a restaurant (Tim Horton's) and retain a 3.0542-ha commercial parcel with an existing warehouse with a retail component building.

The subject lands are located in an area characterized by Residential to the east and south, commercial to the north and the Carleton Place OPP Station and Fire Hall to the west on a variety of typical town lot sizes. The CPR Tracks are located approximately 150m west of the proposed lot.

The lands are accessed via both Coleman Street and Franktown Road municipally maintained streets. The agent for the application will be in attendance at the hearing to provide additional details on a right-of-way agreement and a shared access agreement.

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 and Official Plan for the Town of Carleton Place's and could be given favourable consideration.

(d) **PUBLIC INPUT**

No 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.

(e) **MINUTES – December 14, 2009**

Leo Palozzi, agent for TDL Group Corp. and Eric Bjurso, representative for Canadian Co-operative Wool Growers Ltd, attended the hearing and gave evidence under oath.

Mr. Palozzi advised that the access from Franktown Road would be owned by the Canadian Co-Operative Wool Growers Ltd. With a lease to TDL Group Corp. Co-operative and that the access to Coleman Street would be entirely on the TDL property.

(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.

CONDITIONS:

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 reference plan and/or legal description described in Condition #1, shall include a shared access and right-of-way across the retained lands.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
4. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
5. That a right of way easement be registered on title to address the shared driveway.

6. That all requirements of a Class II Development Permit application be submitted and approved by the Town of Carleton Place.
7. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
8. A letter shall be received from the Town of Carleton Place stating that conditions #3 through #7 have been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Paul Popiel & Maureen McCateer **Hearing Date:** December 14, 2009
Agent: William Webster
LDC File #: B09/105
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 7 **Concession:** 3
Roll No. 0931 929 030 08600 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.06-ha lot with an existing dwelling and retain a 30.-ha landholding with an existing dwelling and training arena.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Residential & Training Arena Residential & Training Arena
Area Frontage Depth Road - Access to	1.06-ha 87.8 m 146 m Municipal Road	30-ha 235 m 600 m Municipal Road
Water Supply Sewage Disposal	Private well Septic system	Private Well Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 1.0-ha Yes 45 m Yes n/a	Rural 1.0-ha Yes 45 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 3.3 Rural Policies, Section 3.3.6 Severances and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever.
The Town of Mississippi Mills advises that the proposal is consistent with the intent of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 9 Rural Zone.
The Town of Mississippi Mills advises that the proposal is consistent with the intent of the Zoning By-law.

(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:

**PLANNING REPORT
TOWN OF MISSISSIPPI MILLS
PLANNING & DEVELOPMENT COMMITTEE**

Date: 09 November 2009

File: B09/105

PLANNING REPORT: Consent Application B09/105

SUBMITTED TO: Chair and Members of the Committee

SUBJECT: Consent Application B09/105
Pt. Lot 7, Concession 3, Ramsay Ward

APPLICANT: Webster on behalf of Popiel

Background

Paul Popiel and Maureen McCateer currently own approximately 31ha (76.6ac) of land located on a Ramsay Concession 4A, known municipally as 853 Concession 4A Road, in Ramsay Ward, in the Town of Mississippi Mills. The property is currently used to operate an equestrian school and has two residential dwellings on the property. The intent of the application is to sever one lot from the property to remove one of the dwellings from the current parcel.

The lot subject to the consent application is designated Rural in the Official Plan. The retained parcel of land is designated Rural. All of the lands are zoned Rural.

Severance Application Summary

Lot Severance

This application is to sever a 1.06 ha (2.62 acres) parcel of rural land to remove one of the existing dwellings from the retained lands. The new parcel would have 87.8m ((288.1ft) of frontage on Concession 4A Road. The intent of the application is to create a new non-farm lot to

remove one of the existing dwellings on the property. The retained land would maintain its frontage on Concession 4A Road of approximately 235m (770ft) and would have an approximate lot area of 30ha (74.1 ac).

Provincial Policy Statement

The 2005 Provincial Policy Statement does not speak specifically to lot severances in the rural area.

Community Official Plan:

The Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specifically provided in the plan. Section 3.3.6(4) also states that consents for boundary adjustments, partial discharge of mortgage, easements or rights of way shall not be considered towards the maximum number of consents per holding. The holding has had two previous severances; however an Official Plan Amendment was approved to address the issue of severing the existing dwelling only.

Section 3.3.6.4 (iv) requires a minimum lot area of 1ha (2.47ac) for a new non-farm lot on land designated Rural. The proposal is to create a lot of 1.06ha (2.6ac) in area which meets the minimum requirement for a residential dwelling lot.

Section 3.3.5.4, titled Residential Development requires all residential development meet the minimum distance separation between structures that house livestock and the residential dwelling. The existing horse barn on the property currently would not meet the minimum distance separation required; however there is sufficient room on the property to relocate the barn structure to meet this requirement. This should be a requirement of the consent approval.

The proposed severance is consistent with the intent of the Community Official Plan.

Zoning By-law 01-70:

The property subject to the application is zoned Rural. The zoning provisions for lots in the rural zone require a minimum lot area of 0.4 hectares (1 acre) for non-farm residential lots. The required minimum lot frontage for Rural property is 45m (147.6ft) for non-farm residential. The severance application is proposing to create a new lot with a lot area of 1.06ha (2.6ac) and with a frontage of 87.8m (288ft). The retained lands will have a minimum lot area of 30ha (74.1ac) and a minimum lot frontage of 235m (770ft). Both the new lot and the retained lot meet the minimum requirements of the zoning by-law.

The proposed severance is consistent with the intent of the Zoning By-law.

Town of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town.
- That the applicant pay any outstanding property taxes on the subject property;
- That the applicant provide an AutoCAD digital copy of the reference plan that is geo-referenced to NAD 83; and

- That the applicant removes or relocates the existing barn structure to meet the minimum distance separation requirement.

Conservation Authority – Mississippi Valley Conservation Authority

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

According to the information provided, the purpose of the subject application is to sever a developed 1.06-ha parcel of land and retain 30 ha with an existing dwelling and training arena.

A review of available mapping shows an unnamed watercourse and unclassified wetland on the proposed retained land. No other natural heritage features or natural hazards were identified.

The resulting lots meet with the current minimum area requirements set out in the Town of Mississippi Mills' Zoning By-law and both lots are already developed with no new development proposed at this time. With all of this in consideration, MVC does not have any objection to the subject application.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the watercourse and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit.

Severed Parcel – 1.06-ha parcel contains an existing house and a storage building. Land appears to be rolling and well drained. Existing raised septic system serving dwelling does not appear to be malfunctioning from the surface of the ground. There is adequate space on parcel for replacement.

Retained Lands – 30-ha parcel contains a house, storage building and a horse jumping arena. Land is rolling and drainage varied. Existing raised septic system serving dwelling does not appear to be malfunctioning from the surface of the ground. There is adequate space on parcel for replacement.

Hydro One Networks – Hydro One advises that there are no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.06-ha residential lot with an existing dwelling and retain a 30.0-ha landholding with an existing dwelling, barn and horse arena. The two dwellings on the lands was permitted in accordance with the Official Plan for farm operations. The purpose of the application is to remove one of the existing dwellings on the original landholding. Two previous lots were created from the landholding, however a specific Official Plan Amendment approved by the Town of Mississippi Mills to permit a third severance.

The subject lands are located in an area characterized by Residential on large estate type lots mixed with large landholding.

The lands are accessed via Con 4A Ramsay, a municipally maintained road.

No Minimum Distance Separation calculation was undertaken as both dwellings are existing. However, as noted by the Town, there is sufficient room on the retained property to relocate the barn structure to meet the requirements of the MDS.

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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) **PUBLIC INPUT**

No 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.

(e) **MINUTES – December 14, 2009**

Leo Palozzi, agent for TDL Group Corp. and Eric Bjurso, representative for Canadian Co-operative Wool Growers Ltd, attended the hearing and gave evidence under oath.

Mr. Palozzi advised that the access from Franktown Road would be owned by the Canadian Co-Operative Wool Growers Ltd. With a lease to TDL Group Corp. Co-operative and that the access to Coleman Street would be entirely on the TDL property.

(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.

CONDITIONS:

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.
4. That the applicant provide an AutoCAD digital copy of the reference plan that is geo-referenced to NAD 83 to the Town of Mississippi Mills.
5. That the applicant removes, relocates decommissions the existing barn structure to meet the minimum distance separation requirement.
6. A letter shall be received from the Town of Mississippi Mills stating that condition #2 to #5 has been fulfilled to their satisfaction.

NOTES

- *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *In addition, any proposed works in or near the watercourse and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: John Edwin & Caroline Lorna Wilson

Hearing Date: December 14, 2009

Agent:

LDC File #: B09/113

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 18 **Concession:** 9

Roll No. 0911 911 015 60101

Consent Type: New Lot

Purpose and Effect: To sever a 1.03-ha residential building lot and retain a 1.99-ha residential lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.03-ha 118.79 m 120 m +/- County Road	1.99-ha 232.32 m 154.29 m (water) County Road
Water Supply Sewage Disposal	Proposed Proposed	Private well Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	General Residential 0.405-ha Yes 60 m Yes N/A	General Residential (requires Re-zoning to RLS) 0.405-ha Yes 60 m (water) Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

2.2 Water

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water (set out in subsections a through g).

Section 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies, Section 4.3 County Roads, and 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 5.1 General Residential, Section 5.3 Limited Service Residential.

Tay Valley Township advises that the proposal complies with the zoning by-law regulations. However the retained lands will no longer have frontage on a maintained municipal road – frontage will be designated as water frontage – therefore rezoning will be required for the retained parcel.

(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:

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

- Payment of all taxes owing and all costs incurred by the Township for the review process.
- Copy of the deed/transfer and two copies of the reference plan.
- Parkland contribution in the amount of \$100.00. and
- Zoning from R (Residential) to RLS (Limited Services Residential) for the retained lands.

Conservation Authority – Rideau Valley Conservation Authority

The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA) and we offer the following comments to the Committee.

The subject lands front on Pike Lake and are accessed by an existing private road. The application will create 2.54 acre non waterfront lot bordered by County Road 10 and retain a 4.92 acre lot with 154 metres of water frontage on Pike Lake. The proposed lot is vacant and there is an existing residence on the retained lot. There is a small lacustrine wetland along a portion of the shoreline. This feature is important for seasonal fish habitat, storage and filtration. The dwelling on the retained waterfront lot is situated 44 metres from the water. The landowner has limited access to the water and has maintained a healthy shoreline buffer. The lot rises away from the water towards the back of the property. The severed portion consists of gentle rolling topography and there is a suitable building envelop for development.

The RVCA has no objection as there are no anticipated impacts to natural heritage features or hazards on the proposed lot and the retained lot has been developed with setbacks that exceed the requirements of the municipality.

Trusting this is satisfactory we thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions. Please provide a copy of the Committee's decision to the Rideau Valley Conservation Authority's Manotick Office. We would also appreciate being advised of any change in the status of the application.

On-Site Services (Septics) – Mississippi-Rideau Septic Office

A review has been undertaken 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).

The purpose of the application as understood by this office is to sever a parcel of land from Lot 18, Concession 9. The parcel to be served is 1.03 hectares. This parcel is vacant and does not have an existing septic system or well. The parcel to be retained is 1.99 hectares and contains a dwelling, garage, existing septic system and well. The permit for the existing septic system is SF02393 and was applied for April 1st 1993.

The proposed severance will not impact the existing septic system on the retained parcel or inhibit the construction of an OBC compliant septic system on the new parcel.

All new septic systems should be located >30 meters from the high water mark and respect all required Ontario Building Code setback and construction requirements.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By-Law, flood plain mapping, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

Hydro One Networks – Hydro One advises that they have no comments or concerns at this property.

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

County of Lanark Public Works –

Access to both the severed and retained is to be gained from Private Road (Country Lane).

Road Widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a 1.03-ha residential building lot and retain a 1.99-ha residential lot with an existing single family dwelling, garage and dock. One previous consent was approved on the original parcel in 1992.

The subject lands are located in an area characterized by Residential and Seasonal Residential mainly along the south side of the Scotch Line. Large, generally vacant parcels of land are located along the northern side of the Scotch Line.

The lands are accessed via Country Lane, a private road which accesses Scotch Line, a County maintained road.

Soil Inventory - 7P/R –No capability for arable culture or permanent pasture with stoniness and shallowness to bedrock.

A “State of the Lake Environment Report’ has been undertaken on Pike Lake for the years 2001 through to 2005 those five years The reports were able to conduct a comparison between water quality conditions as they existed in those five years, to results obtained from 1975. In general Pike Lake is in reasonably good. However, Pike

Lake has had a relatively high nutrient load and low oxygen concentrations. Sampling for invasive species was negative in 2005 with no Zebra Mussel veligers or Spiny Water Fleas found. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

The lands are within 300 m of a Primary Water Source (Pike Lake) therefore are subject to possible "Archaeological Potential".

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 and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) PUBLIC INPUT

No 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.

(e) MINUTES – December 14, 2009

John Wilson, owner / applicant, attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
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 applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.

5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. Payment of \$100/00 shall be made to Tay Valley Township representing the amount satisfactory to the Township pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. 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.
8. The lot to be retained shall be zoned to an appropriate zoning category for the intended use.
9. A letter shall be received from Tay Valley Township stating that condition #3 to #8 has been fulfilled to their satisfaction.

NOTES:

- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
- *Residents and users of Pike Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
- *Residents and users of Pike Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
- *The County of Lanark Public Works Department advises that access to both the retained lot and the severed lot is to be via the Private Road, locally known as Country Lane.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Marion Agnes Hogg **Hearing Date:** December 14, 2009
Agent: Kenneth J Bennett
LDC File #: B09/114
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 21 **Concession:** 10
Roll No. 0940 934 030 02600 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.712-ha vacant parcel of land as a lot addition to lands owned by Susan McCartney at Pt Lot 21 Conc. 10 Reference Plan 26R-573 and retain a 39.0-ha landholding with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant vacant	Residential & outbuildings Residential & outbuildings
Area Frontage Depth Road - Access to	0.712-ha 68.81 m 86.5 m Municipal Road	39.5-ha 500 m + 500 m + Municipal Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Rural with Deer Yard Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 3 Growth and Settlement, Section 4.2 Water Supply and Sewage Supply, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 6.0 Rural Zone.

The Township of Lanark Highlands 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:

PLANNING REPORT
TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATION HOGG
PART LOT 21 CONCESSION 10
FORMER TOWNSHIP OF LANARK
TOWNSHIP OF LANARK HIGHLANDS

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition to increase the lot area on an existing property. The holding is located on Galbraith Road and is legally described as Part Lot 21, Concession 10, former Township of Lanark now in the Township of Lanark Highlands commonly referred to as the Hogg lands.

The proposed lot addition is for approximately 0.712 ha (1.76 acres) to be added to the existing holding legally described as Part 1, Part Lot 21, 26R573 owned by Ms. Susan Cole McCartney. The proposed retained lands are approximately 39.5 ha (97.5 acres) in area.

The properties are designated Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan and are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451.

There is no new construction proposed as part of this application. The proposed severed lands are vacant and the retained lands have a farm house and some outbuildings currently constructed.

The lands are privately serviced and have frontage on a Township road.

Provincial Policy

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

There is no new development proposed for the either the severed or the retained lands as part of this proposal. The proposal as submitted is consistent with Provincial Policy.

Official Plan

The Hogg lands are designated Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The rural area is intended to provide for residential development that respects the open landscapes and conserves the rural character of the township. The rural area is also expected to consist of resource based uses such as agriculture and forestry. The lands and current uses comply with the principles of the Official Plan.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

Residential dwellings, farm outbuildings and associated accessory structures are permitted within the Rural designation. There is no new development proposed or facilitated by means of this application and therefore the proposal will comply with Official Plan policies.

Issue: 2000

ZONING

The lands are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451. The existing uses are permitted and the proposal will result in a larger lot that conforms to zoning provisions and standards.

Discussion

The application as submitted is consistent with the PPS and Official Plan policies and meets zoning requirements.

There is no new development proposed and as such the application can be supported.

Township of Lanark Highlands – recommends approval of this application subject to the following conditions:

- The balance of any outstanding taxes including penalties and interest, (and any local improvement charges, is applicable) shall be paid to the Township.
- That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
- An acceptable reference plan or legal description of the severed lands and the deed be submitted to the Township.
- That the applicant pay any outstanding fees to the Township prior to final approval.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

According to the information provided, the purpose of the subject application is to sever a vacant 0.712-ha parcel of land as a lot addition to the adjacent property. The proposed retained land is 39.0 ha with an existing dwelling and outbuildings.

A review of available GIS mapping shows several relatively small wetlands on the proposed retained lands in addition to a tributary of Taylor Lake running through a portion of these lands. The retained land is also located within an area identified by the Ministry of Natural Resources as a significant deer wintering area.

Concerning the presence of the natural heritage features identified above; they are all located on the proposed retained lands which are already developed and no new development is proposed at this time. And, mapping does not identify these features on the proposed severed lands or the lot to-be-enlarged. In addition, the resulting lots meet

with the current minimum area requirements set out in the Township of Lanark Highland's Zoning By-law. With all of this in consideration, MVC does not have any objection to the subject application.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the tributary or the unclassified wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands – vacant parcel contains open fields and wooded portions. Slope and soil depth varies with rock. No comment is being made as to suitability for a septic system as severed parcel is a lot addition.

Retained lands – parcel contains farmhouse and various farm buildings. Soil depth varies with rock. Topography is rolling and slope varies. Existing septic system serving farmhouse does not appear to be malfunctioning from the surface of the ground. Any replacement septic system may need to be raised.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 0.712-ha vacant parcel of land as a lot addition and retain a 39.0-ha landholding with an existing dwelling and outbuildings. The retained lands have been subsequently sold, however are subject to a purchase and sale agreement to complete the severance application.

The subject lands are located in an area characterized by limited Residential Development on a variety of lot sizes along Galbraith Road.

A portion of the retained lands are within an area identified as a "Winter Deer Yard" locally known as the "Tatlock-Middleville Deer Yard". Within these areas, care should be to restrain dogs from running at large and to maintain the browse, usually the eastern white cedar. However no new development is proposed within the identified area.

The lands are accessed via Galbraith Road, a municipally maintained road. The Township has now requested any road widening.

Soils Inventory – 7P/R –No capability for arable culture or permanent pasture with stoniness and shallowness to bedrock.

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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

No 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.

(e) MINUTES – December 14, 2009

Susan McCartney, purchaser, attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

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 applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

6. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #2 to #6 has been fulfilled to their satisfaction.
8. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Susan McCartney described as Part Lot 21 Conc. 10, Lanark being Part 1 on RP26R-573, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES:

- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *In addition, any proposed works in or near the tributary or the unclassified wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: William Bruce Guthrie

Hearing Date: December 14, 2009

Agent:

LDC File #: B09/121

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 12 **Concession:** 1

Roll No. 0911 916 010 03400

Consent Type: Lot Addition

Purpose and Effect: To sever a 7,333 sq. m. Vacant parcel of land as a lot addition to lands owned by Bruce Guthrie and Elizabeth Bianchini at Pt Lot 12 Conc.1 Bathurst Reference Plan 27R-801 Parts 1 & 2 and retain a 1.65-ha residential lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	7333 sq. m. 45.72 m 160.39 m Municipal Road	1.64-ha 102.87 m 160.39 m Municipal Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Rural with Organic Soils Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural n/a – lot addition	Rural 1.0-ha Yes 60m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

2.2 Water

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water (set out in subsections a through g).

Section 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 2 General Development Policies, Section 2.19.2 Organic Soils, Section 3.6 Rural Policies, Section 4.4 Municipal Roads, and 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 Policies, Section 10 Rural Zone.

The 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:

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

- Payment of all taxes owing and all costs incurred by the Township for the review process.
- Copy of the deed / transfer and two copies of the reference plan.
- Compliance with Rideau Valley Conservation Authority recommendations of a 30m setback from wetlands or watercourse.
- Septic systems to be located greater than 30m from wetlands or watercourses.

Conservation Authority – Rideau Valley Conservation Authority

The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA) and we offer the following comments to the Committee.

The proposal requests a lot addition of 0.733 hectares (45 metres water frontage) to an existing waterfront lot (of 1.6 hectares) located along the Tay River. There is a dwelling on the retained lands of 3.22 hectares. The Tay River borders both lots. An existing berm extends parallel to the river approximately 30 – 40 meters from the water. The near shore area and the river provides habitat for a variety of fish species. The riparian area along the river's edge remains undisturbed with a band of cattails along the water with alder and willows extending to 30 metres inland in some areas. Maintaining the existing shoreline buffer will aid in the protection of water quality and fish habitat. No proposed building location was submitted although we note previous development was located along the road. There is a low lying area extending from the road to the berm.

The RVCA has recently completed draft floodplain mapping for this section of the river and an open house was held in Perth in September of 2009. This mapping is draft and subject to change. At this time we recommend that any development be restricted to the area outside the floodplain on the draft floodplain map. We also recommend that any development be located outside the low lying area as there may be standing water throughout the spring. Any proposed dwelling will be subject to site plan review if located within 100 metres of the high water mark of the Tay River and our recommendations in regard to the flood hazard should be included in any future site plan approval. The RVCA has no objection and can provide further details in regard to future development once an application is submitted.

We note that the written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of the Tay River. The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property or the structures on it.

Trusting this is satisfactory we thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions. Please provide a copy of the Committee's decision to the Rideau Valley Conservation Authority's Manotick Office. We would also appreciate being advised of any change in the status of the application.

On-Site Services (Septics) – Mississippi-Rideau Septic Office

A review has been undertaken 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).

The purpose of the application as understood by this office is to add lands to Con 1 Pt Lot 12 R. plan 27R8108; Parts 1 And 2 Bathurst 2nd; Con S/S, known as 1855 Bathurst 2nd

Concession from the retained property known as 423 Noonan Side Rd. The lot addition is 0.7333 ha. This property is vacant but contains an existing septic system (no permit available on CGIS) and a well as indicated by the applicant. The retained property will be 3.22635 ha and contains a dwelling, multiple out buildings, existing septic system and well (verified by Mr. Guthrie on November 6, 2009).

The severance as proposed will have no impact on the ability to operate or maintain OBC compliant septic systems on both the severed and retained portions of the property. It should be acknowledged that a Part 10&11 application will be required prior to any development being connected to the existing septic system at 1855 Bathurst 2nd Concession.

All new septic systems should be located >30 meters from the high water mark and respect all required Ontario Building Code setback and construction requirements.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By-Law, flood plain mapping, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

(c) PLANNING REVIEW

The applicant proposes to sever a 7333 sq. m. vacant parcel of land as a lot addition to lands owned by Bruce Guthrie and Elizabeth Bianchini at Pt Lot 12 Conc.1 Bathurst Reference Plan 27R-801 Parts 1 & 2 and retain a 1.65-ha residential lot.

The Official Plan designates a portion of the lands as Organic Soils. Prior to development within this area the developer must provide sufficient soils and engineering information to indicate that the lands are either suitable or can be made suitable for development.

The subject lands are located in an area characterized by Residential along Noonan Side Road and Bathurst 2nd Conc. on a variety of estate type lots along Bathurst 2nd Con and Noonan Side Road.

The lands are accessed via Bathurst 2nd Con, a municipally maintained road.

The lands are within 300 m of a Primary Water Source (Tay River) and are subject to possible "Archaeological Potential".

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 and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) PUBLIC INPUT

No 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.

(e) MINUTES – December 14, 2009

Mr. Guthrie advised that he would be unable to attend as he would be out of the country.

(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.

CONDITIONS:

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
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. A letter shall be received from Tay Valley Township stating that condition #2 to #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned Bruce Guthrie and Elizabeth Bianchini at Pt Lot 12 Conc. 1 Bathurst, RP27R-801 Pts 1 & 2, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition

NOTES

- *Rideau Valley Conservation Authority advises that any development be restricted to the area outside the floodplain on the draft Tay Valley floodplain map.*
- *Rideau Valley Conservation Authority recommends that any development be located outside the low lying area. Any proposed dwelling will be subject to site plan review if located within 100 metres of the high water mark of the Tay River. Any recommendation in regard to the flood hazard to be included in any future site plan approval.*
- *That if during the process of development archaeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Michael McVeety

Hearing Date: December 14, 2009

Agent:

LDC File #: B09/122 and B09/123

Municipality: Township of Drummond / North Elmsley

Geographic Township: North Elmsley

Lot: 14 **Concession:** 7

Roll No. 0919 908 015 40000

Consent Type: two (2) new lots

Purpose and Effect: To sever two (2) residential building lots, each 0.61-ha and to retain a 34.9-ha vacant landholding. These applications are a re-submission of applications B08/099 and B08/100 which were allowed to lapse.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use	B09/122 Vacant	B09/123 Vacant	Vacant
Proposed Use	Residential	Residential	Vacant
Area	0.61-ha	0.61-ha	34.89-ha
Frontage	45.72 m	45.72 m	90.9 m
Depth	133.5 m	133.5 m	734.2 m
Road - Access to	County Rd	County Rd	County Road
Water Supply	Proposed	Proposed	None
Sewage Disposal	Proposed	Proposed	None
Official Plan Designation			Rural
-Conformity?			Yes
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes
-Depth Required (min.)	n/a		n/a
-Compliance?			n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

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.

Official Plan – Section 3 General Provisions, section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.2 County Roads.

The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Policies, section 7 Rural Zone

The Township of Drummond / North Elmsley 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 of Drummond / North Elmsley – recommends approval of this application subject to the following conditions:

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.

Conservation Authority – Rideau Valley Conservation Authority (report provided for 2008 applications)

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

The proposal involves the creation of two new parcels of land (2 x 0.61 hectares) with 34.89 hectares remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small unevaluated wetland located near or on a portion of the proposed western lot. There are no hazards or natural features on the remaining retained lands. The wetland is not considered provincially significant and is not regulated by the RVCA/ The subject lands consist of mainly active pasture land.

Our site inspection revealed that the wetland in question is a low lying area with some standing water but does not have the general characteristics of wetland indicators (no organic soil and dominant wetland plant species). There are some cedar trees and sedges but the standing water appears to be a result of the unseasonable high amount of precipitation. The boundary of the proposed lot is located along the edge of this low lying area and there would be minimal if any disturbance as a result of any development of this lot.

We have no objections to the applications provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit (report provided for 2008 applications)

Severed Lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area. Retained lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area.

County of Lanark Public Works –

Applicant has an approved existing entrance to the County Road #2165 'Common Residential'. Entrance is not required to be installed prior to deed endorsement as the entrance was finalized with the original applications.

Road Widening is not required.

(c) PLANNING REVIEW

The applicant proposes to sever two (2) 0.61-ha residential building lots and retain a 34.89-ha vacant landholding. These are re-submissions of applications B08/099 and B08/100 which were approved by the Committee and inadvertently allowed to lapse. The Township was re-circulated to determine if they were still in agreement with the applications.

The subject lands are located in an area characterized by Residential and Institutional and located on the fringe of the designated settlement area of Port Elmsley. The Port Elmsley Public School is located adjacent to B09/122, the Drummond / North Elmsley Municipal Office and Garage is located to the north west of the lots and the Port Elmsley Drive-In Theatre is located to the west of retained lands.

The lands are accessed via Port Elmsley Road, a County maintained road.

Soils Inventory – 4R –Stoniness Limitations and shallowness to bedrock.

The lands are in excess of 500 m of a Primary Water Source (Tay River) not subject to possible "Archaeological Potential".

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) **PUBLIC INPUT**

No 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.

Upper Canada District School Board has made inquiries, but no comments received as of hearing.

(e) **MINUTES – December 14, 2009**

Michael McVeety, applicant / owner, attended the hearing and gave evidence under oath.

Mr. McVeety explained that he had proceeded with all the requirements/conditions outlined in his applications of 2008, however had neglected to have the appropriate deeds prepared, therefore the application had lapsed.

(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.

CONDITIONS:

B09/122

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 and #3 has been fulfilled to their satisfaction.

NOTES

- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area.*

B09/123

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