



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, March 22, 2010 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-2010-011

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

"THAT, the minutes of the Land Division Committee meeting held on February 22, 2010 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA
Addition – Lanark County Official Plan RFP.

MOTION #LD-2010-012

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

"THAT, the agenda be adopted as circulated and amended."
ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 OACA Conference – May 30 to June 2, 2010, Windsor.

MOTION #LD-2010-012

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

“THAT, the secretary-treasurer submit conference registration and arrange room accommodations for Dan Murphy for the OACA Conference 2010.” **ADOPTED**

6.2 Lanark County Official Plan RFP.
Chairman Strachan discussed with the committee the RFP Process, and suggested that the Committee offer assistance to the OP Steering Committee in reviewing the document, policies and/or technical reports that will be required during the background process.

MOTION #LD-2010-013

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

“THAT, the secretary-treasurer forward a letter to the OP Steering Committee offering the services of the Land Division Committee to assist in the review of reports, etc required during the development process for the new County Official Plan.” **ADOPTED**

7. REPORTS

7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. public hearing:

7.1.1 B09/124 – Florence McDonnell – New Lot

Pt Lot 13 Conc. 9, geographic Township of South Sherbrooke, now in Tay Valley Township. (Highway No. 7).

7.1.2 B09/138 – Erehwon Management – New Lot

Pt Lot 1 Conc. 2, Plan 320 Lanark Village, now in the Township of Lanark Highlands (George and Mill Streets).

7.1.3 B09/139 – Gerald and Gail Sawdon – Lot Addition

B09/140 – Linda Church et al – Lot Addition

Pt Lot 27 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley (Mile Point Road and Sun Rise Lane)

7.1.4 B09/038 (Revised) – Donald Wilson Cartage Ltd – New Lot

B10/002 – Craig Wilson – Lot Addition

Pt Lot 22 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Highway No. 7).

7.1.5 B10/001 – Heather Willows – New Lot

Pt Lot 22 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Crampton Road)

7.1.6 B10/003 – Paul Levine - New Lot

Pt. Lot 65 and 86, compiled Plan 6115, Town of Carleton Place. (Sarah Street)

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None.

9. NEW/OTHER BUSINESS

- 9.1** 2009 Annual Report – the second draft report was presented and committee provided additional amendments. Budget and year-end data to be completed for the next meeting.

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B09/124 – Florence McDonnell – New Lot

10.1.2 B09/138 – Erehwon Management – New Lot

10.1.3 B09/139 – Gerald and Gail Sawdon – Lot Addition
B09/140 – Linda Church et al – Lot Addition

10.1.4 B09/038 (Revised) – Donald Wilson Cartage Ltd – New Lot
B10/002 – Craig Wilson – Lot Addition

10.1.5 B10/001 – Heather Willows – New Lot

10.1.6 B10/003 – Paul Levine - New Lot

11. UPCOMING MEETINGS

Monday, April 12, 2010 @9:00 a.m.
Monday, May 17, 2010 @9:00 a.m.
Monday, June 21, 2010 @9:00 a.m., and
Monday, July 19, 2010 @9:00 a.m.

12. ADJOURNMENT – 10:50 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Florence McDonnell **Hearing Date:** March 22, 2010
Agent: Julie Stewart McAdoo
LDC File #: B09/124
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 13 **Concession:** 9
Roll No. 0911 914 010 36700 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1.3-ha residential lot with an existing dwelling and outbuildings (22300 Highway No. 7) and retain a 50-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Mixed Bush & Pasture
Proposed Use	Residential	same
Area	1.3 ha	50 ha
Frontage	157 m	180 m
Depth	94 m	1080 m
Road - Access to	Provincial Highway	Provincial Highway
Water Supply	Private Well	None
Sewage Disposal	Private Septic	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-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 1.1.4.1 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 2.21 Natural Heritage features, Section 2.23 Water Quality and Quantity, Section 4.2 Provincial Highways, section 4.4 Township Roads, Section 5.2 Land Division.

(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:

- The 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 \$200.00

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 1.3-ha parcel of land with an existing dwelling and outbuilding, and retain a 50-ha vacant landholding. The proposed severed lands have 93 metres of water frontage while the retained has x metres (TBD) of water frontage.

The subject property has frontage on the Fall River. And, a review of available GIS mapping and aerial photography shows that a significant portion of the proposed severed parcel is comprised of unclassified wetland which is contiguous with the river. We note that the existing structures are located outside of this lowland area. Another unclassified wetland has been identified on the proposed retained lands. In addition, a tributary of the Fall River travels through the severed and retained lands.

The resulting lands (severed and proposed) meet with the current minimum area and frontage requirements indicated in the Tay Valley Township's Zoning By-law, for waterfront lots. And, sufficient area exists on the proposed retained lands to accommodate potential future development in compliance with the zoning by-law, while the proposed severed lands are already developed with no new development proposed at this time. With all of this in consideration, MVC has no objection to the subject application provided the following mitigative measures are implemented for any future development:

- That no buildings or structures, including septic systems shall occur within 30 metres of the seasonal high water mark of the Fall River, unclassified wetlands, and the Fall River tributary.
- Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, tributary, wetlands or onto adjacent properties.

- The unclassified wetlands shall remain undisturbed.
- The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, with regard to site selection for future structures, development shall be directed outside of areas containing organic soils.

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 Fall River, the Fall River tributary, or the unclassified wetlands, 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) – Mississippi Rideau Septic Office

Re: Severance application (B09/124) for Florence McDonnell, Lot 13, Concession 9, 22300 Highway 7, South Sherbrooke Ward, Tay Valley Township, Assessment Roll # 091191401036700

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 13, Concession 9. The parcel to be severed is 1.3 hectares. This parcel contains a dwelling and two garages. The dwelling is serviced by an existing septic system and well. The parcel to be retained is ±50 hectares and contains an old shed; there is no septic system.

As requested in letter S03-09-18, a drawing has been provided identifying the location of the septic system and well by Norm Hems, BCIN 15973.

After conducting a site visit in December of 2009 and reviewing the drawing prepared by Mr. Hems, it is the opinion of MRSSO the severance as proposed will not impact the existing septic system on the severed parcel or prevent an OBC compliant system from being constructed on the retained parcel.

All new septic systems should be located >30 meters from the high water mark (By-Law No. 02-121, section 3.26) 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.

If you have any questions, please do not hesitate to call.

Ministry of Transportation –

**Re: Application for Consent B09/124 (Florence McDonnell)
Pt. Lots 13, Con 9, Geographic Township of South Sherbrooke
Tay Valley Township, County of Lanark
Highway 7, MTO Eastern Region, BancroftArea**

This will acknowledge receipt of Application for Consent B09/124, for Florence McDonnell, dated Feb 4, 2010. The Ministry of Transportation (MTO) has reviewed the application and provides the following comments.

MTO is prepared to endorse Application for Consent B09/124, provided the following two conditions are included in the Land Division Committee's decision.

1. A Reference Plan shall be prepared, and approved by the Ministry of Transportation, prior to registration, establishing a 10m wide easement, granted by the proposed severed lot in favor of the retained portion sharing the entrance. The easement must be shown on the reference plan approved by the approving authority and the easement rights incorporated into the deed of the newly created lot.
2. The existing Highway 7 field entrance, fronting the proposed retained portion is to be closed and physically removed.

Although not to be seen as further conditions of severance, the following is provided as clarification.

Please note that no further severance of the subject property requiring direct Highway 7 access will be permitted.

As you may be aware, Highway 7 is designated as a Class 3 – Special Controlled Access Highway (SCAH). This is an important highway within the provincial system, and as such, the primary purpose of this designation is to protect the viability of the existing highway from additional strip development by establishing appropriate access guidelines to regulate further access.

The SCAH Criteria states, One new residential or farm entrance may be granted for any ownership with highway frontage in excess of 460m (1,500 feet), provided the approval for the necessary severance of the ownership can be obtained. A common entrance to serve more than one building will be considered where the subject property has a total minimum highway frontage of 230m (750) feet.

The subject property, having a Highway 7 frontage of 337m (1106 feet) fails to meet the criteria for a separate entrance to serve the proposed severed property. However, the frontage is sufficient to qualify for a mutual entrance to serve both the severed and retained portions.

Please note that MTO access policy also states, where a property can attain access via an existing municipal road, direct highway access will not be permitted. Although access is available from Zealand Road, MTO recognizes the depth of the property, and existing dual residential and farm use, and as such, waives this policy in this instance.

A Ministry Entrance Permit will be required to recognize the status of the newly created mutual entrance. Only one permit is issued for a mutual entrance, which contains both owners' names and is issued in duplicate – one to each owner. We request that draft copies of the reference plan and deeds be submitted to this office prior to registration. A sample sketch indicating a common residential access arrangement is included for reference. Although MTO would prefer to have the sole access located on the newly created common lot line, given the layout of the property, pertaining to access to the existing residence and garage, and farm lane, MTO assumes the owner would prefer to retain this entrance as the sole Highway 7 access. Please contact MTO if the owner would prefer the entrance to be relocated to the common lot line.

Please note that the purpose of access control is not to prevent development, but rather to manage the highway corridor effectively and safely. Our primary concern in such matters is to ensure the safety of the travelling public while maintaining an access policy that is applied in a consistent manner. Any deviation from this policy could create an undesirable precedent that would ultimately impact the safety and operational characteristics of the highway.

Although the application does not imply any development of either the severed or retained portion, the applicant should be aware that any future development within 45 meters (150 feet) of the MTO property limit or within 395m (1300 feet) of the centerpoint of intersection of Highway 7 and intersecting roads, requires a Ministry of Transportation Building and Land Use Permit prior to construction. The future possible MTO Building and Land Use Permit, and the presently required MTO Entrance Permit are required prior to construction and may be obtained by contacting, Kevin Wadsworth at the MTO Bancroft Corridor Management Office, 50 Monck Street, P.O. Box 300, Bancroft, Ontario K0L 1C0
Telephone (613) 332-3220 ext 225 Fax (613) 332-3751 Toll free: 1 800 554-0487

I thank you for the opportunity to provide comment.

Hydro One Networks – recommends approval of this application subject to the following conditions:

1. That the applicant consult directly with Hydro One (Perth Office) regarding the hydro equipment (switch, transformer pole and transformer, guy and anchor) located on the lands to be severed.
2. That a letter shall be received from Hydro One (Perth Office) stating that the above noted condition has been fulfilled to their satisfaction.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.3-ha residential lot with an existing seasonal dwelling and garage and retain a 50-ha vacant landholding.

The subject lands are located in an area characterized by Residential Development on a variety of lot sizes along Highway No. 7 and is approximately 500 m west of the designated settlement area of Maberly. The northern portion of the retained lands may have development constraints due to the proximity of the Tay Valley Waste Site located on Zealand Road (up to 500 m influence area).

The lands are accessed via Highway No. 7, a provincially maintained road. The retained lands abut both Highway No. 7 and Zealand Road, a municipally maintained road.

Soils Inventory – Name: Monteagle and Muck

- Stoniness: Exceedingly to very stony
- CLI: severe limitations (7)
- Drainage: well drained
- Hydrogeology: moderate

The lands are within 300 m of a Primary Water Source (Fall River) 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 – March 22, 2010

Gary Bron, attended the hearing on behalf of Gail Bron, trustee of the McDonnell Estate, and gave evidence under oath.

The Chair reviewed with Mr. Bron the requirements of the Ministry of Transportation regarding their policy for distances between entrances onto Highway No. 7.

(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 easements that currently exist.
3. A Reference Plan shall be prepared, and approved by the Ministry of Transportation, prior to registration, establishing a 10m wide easement, granted by the proposed severed lot in favour of the retained portion sharing the entrance. The easement must be shown on the reference plan approved by the approving authority and the easement rights incorporated into the deed of the newly created lot.
4. The existing Highway & field entrance, fronting the proposed retained portion is to be closed and physically removed.

5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of March 10, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
6. That the applicant consult directly with Hydro One (Perth Office) regarding the hydro equipment (switch, transformer pole and transformer, guy and anchor) located on the lands to be severed.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
8. 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.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
11. Payment of \$200.00 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 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
12. A letter shall be received from the Ministry of Transportation stating that condition #3 and #4 has been fulfilled to their satisfaction.
13. A letter shall be received from Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
14. A letter shall be received from Hydro One (Perth Office) stating that condition #6 has been fulfilled to their satisfaction.
15. A letter shall be received from Tay Valley Township stating that condition #7 to #11 has been fulfilled to their satisfaction.

NOTES:

1. *The Ministry of Transportation advises that no further severance of the subject property (retained or severed) requiring direct Highway 7 access will be permitted.*
2. *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”.*

3. *The Mississippi Valley Conservation also advises that any proposed works in or near the Fall River, the Fall River tributary, or the unclassified wetlands, should be required by MVC to ensure there will be no harmful alternation, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The Mississippi-Rideau Septic Office advises that any new or replacement septic system should be located greater than 30 m from the high water mark of the Fall River.*
5. *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.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Erehwon Management Services Ltd. **Hearing Date:** March 22, 2010
Agent: Tracy Zander
LDC File #: B09/138
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Village **Lot:** 1 **Concession:** 2
Roll No. 0940 936 010 04700 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.37-ha commercial lot with an existing building (44 George Street) and to retain a 0.36-ha commercial lot with an existing building (111 Mill Street).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant Commercial	Vacant Commercial
Proposed Use	Vacant Commercial	Vacant Commercial
Area	0.37 ha	0.15 ha
Frontage	43 m	31.2 m
Depth	Irregular	47.2 m
Road - Access to	County Road 511	County Road 12
Water Supply	Private Well	Private Well
Sewage Disposal	Holding Tank	Holding Tank
Official Plan Designation -Conformity?	Commercial District, Regulated Flood Line Yes	
Zoning Category	Environmental Protection	Environmental Protection
Compliance?	Permits existing uses only	Permits existing uses only

(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 3.0 Growth and Settlement, section 3.5 Village and Hamlet Settlement Area development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.5 Natural Heritage Features, Section 8.1 Environmental Protection Area – Flood Plains. Section 8.3 Contaminated Sites, section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 17.0 Environmental Protection 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:

Lanark Highlands Planner's Report

PLANNING REPORT
TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATION MCTAVISH
PART LOT 1, 41 AND 42 PLAN 320
FORMER VILLAGE 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 the creation of a new lot on a property with frontage on Mill Street and which also enjoys frontage on George Street. The property is legally described as Part Lots 1, 41 and 42, Plan 320, Village of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever his lands and create two separate parcels one with frontage on Mill Street and one with frontage on George Street. The property is designated as Commercial and Environmental Protection on Schedule 'A 5' of the Township's Official Plan and zoned Environmental Protection on Schedule 'A 5' by Zoning By-law 2003-451. The lands have existing vacant commercial buildings constructed on the lands. The application submitted proposed to maintain the commercial use on 44 George Street but wishes to change the use to residential on the Mill Street lands. Verbal communication from the applicant's agent now indicates that no changes are being proposed at this time. Parts of the subject lands are within the floodplain of the Clyde River.

The proposed severed lot will have 43 metres (141 feet) of frontage on George Street and an area of approximately 0.37 hectares (.903 acres). The lot will also have water frontage of 92 metres (302 feet). The proposed retained lot will have 31.2 metres (102.31 feet) of frontage on Mill Street, a depth of 47.2 metres (154 feet) and an area of approximately 0.15 hectares (0.36 acres). The proposed retained lands will enjoy 24 metres (80 feet) of water frontage on the Clyde River.

The configuration of the proposed and retained lots are in keeping with the historical property fabric. The title of the former lots merged when property ownership was consolidated. The merging of property titles (and physical lot boundaries) often happens automatically and in some cases without the owners full knowledge or realization. It is not uncommon for severance applications to follow when lots merge due to consolidated ownership.

1.1 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 province focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. Direction is provided with respect to appropriate development to meet current and future needs and an emphasis is placed on efficient development patterns.

The lands enjoy frontage on two county roads and no new transportation infrastructure will be required if the application is approved. The lands are currently privately serviced and a permit will be required from the Health Unit prior to any re-development.

The subject lands have frontage on the Clyde River as such the watercourse needs to be protected in terms of both quantity of water entering the river through storm water runoff and quality with regard to sediment. Section 2.2 of the PPS directs planning authorities to improve and restore water resources when reviewing planning applications. No site alteration is proposed at this time. Site Plan control will be required if development or site alteration is contemplated in the future.

The lands are within the area designated as within the 1:100 year floodplain. Section 3.0 of the PPS prohibits development within hazardous areas such as the floodplain. Future development proposals will need to respect that directive.

1.2 OFFICIAL PLAN

The McTavish lands are designated Commercial District and Environmental Protection in the Township of Lanark Highlands Official Plan. This designation allows for a variety of commercial uses and in addition permits residential uses.

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. The lands are within the floodplain of the Clyde River. Section 8.0 of the Official Plan prohibits development within the floodplain. Future development will need to locate outside of these limits. Zoning and Site Plan control will be required prior to any development changes.

No new development is proposed and the current zoning allows for existing uses. The lands have two existing entrances from separate County Roads, no development will be permitted within the floodplain and the owner will need to demonstrate sufficient area to support any new development on the lands.

1.3 ZONING

The lands are zoned Environmental Protection, 'EP.' This zoning allows for existing uses. The structures have been vacant for a considerable time and any other use of the lands would require a zoning by-law amendment. The traditional commercial uses have lost their legal non-conformity. The lands are designated as Environmental Protection and Commercial District within the Official Plan. The commercial district allows for a variety of uses including residential uses. No specific development is being proposed at this time but a proposal to allow for a residential or commercial use could be supported with consideration of environmental constraints. Site Plan Control would be required.

1.4 DISCUSSION

The subject lands are within the Village of Lanark, a recognized settlement area. The application is to allow for separate land tenure on lands which were purchased separately but subsequently have merged in title. Although now considered as one lot they enjoy frontage on two County Roads and function as two separate parcels and have servicing solutions to reflect same. The zoning on the lands does not have a minimum lot size or frontage requirement.

The application has been circulated to the Mississippi Valley Conservation for comment. MVC does not support the application and has provided preliminary comments (attached). MVC indicates that the entire property is within their regulatory limits.

It is important to note that the applications are not accompanied by firm development plans. As such it is not appropriate to impose zoning and site plan control conditions as there is no way to guarantee that such conditions could reasonably be met within the regulatory time frame. With the current zoning provisions, development of the newly restored properties would be constrained as the permitted uses in the EP zone are limited. As development plans are firm up the owners will be in a position to request a zoning amendment in accordance with the policies of the Official Plan and will also need to apply for site plan approval. Accordingly there are sufficient land use planning controls in place to ensure that future development can occur in a manner which represents good planning.

The application as proposed can be supported.

Township of Lanark Highlands – 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 Township.
2. 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.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the Township.
 4. That the applicant pay any outstanding fees to the Township prior to final approval.

Conservation Authority – no comments were received.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed – Irregular shaped parcel containing the former Glenayr Knit Ltd. Mill Existing sewage system is a Class 5 holding tank installed under permit #P-519-81

Retained – Small parcel with stone building serviced by existing sewage holding tanks installed in 1977.

Future replacement for both the lot to be severed and the retained parcel will be holding tanks, due to limited area and location adjacent to river/flood plain.

Hydro One Networks – Hydro One advises that they have no comments or concerns regarding this matter.

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

County of Lanark Public Works -

Applicant has an approved existing entrances (#2251 and #2250)

Comments – entrance permit No. 2250 – specific location to be determined in consultation with Lanark County Public Works and owner when / if any changes in business function occurs or at time of road reconstruction. Any physical changes or upgrades to this entrance require approval from Lanark County Public Works.
Road Widening if not required.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.37-ha parcel of land with a vacant commercial building and retain a 0.15-ha parcel of land with a vacant commercial building. The two parcels of land were inadvertently merged when acquired separately by the current owner.

The vacant buildings were previously used as a factory for the production of fabric. Dyes may have been used, therefore soil contamination may have occurred. Any future changes to the buildings will require the preparation of a “Record of Site Condition” in accordance with the Ministry of the Environmental guidelines. If provisions consent is grant a note should be included to this effect.

MOE Guidelines

Phase 1 Environmental Site Assessment - The systematic process of examining existing documents, maps and information provided by knowledgeable individuals pertaining to a site, to determine whether a property is or may have been subject to contamination, and to determine the likely nature and location of the possible contamination. A Phase 1 Site Assessment does not normally involve sampling or analysis.

Phase 2 Environmental Site Assessment - The process of confirming whether or not suspected contamination exists and defining the nature, severity, and extent of that contamination through a sampling and analysis program.

The lands are also within a regulated Flood Plain and Environmental Protection Area. No new buildings or structures for human habitation are permitted with these areas. The applicant does not propose to change the existing footprint of the buildings therefore the intent of the application falls within the policies of the Official Plan. However, should any changes be proposed in the future, the developer will be required to prepare and submit an Environmental Impact Statement to the Township and the Conservation Authority, prior to any works.

The subject lands are located in an area characterized by Residential, Institutional and Commercial Development on a variety of smaller type urban lots along Mill and George Street within the Village of Lanark. The Village of Lanark is a designated "Settlement Area" in the Township's Official Plan.

The lands are accessed via Mill Street and George Street, county maintained roads.

The lands are within 300 m of a Primary Water Source (Clyde River) 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 the Township of Lanark Highlands and could be given favourable consideration.

(d) 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:

From: darleen sargeant [darsargeant@sympatico.ca]
Sent: February 9, 2010 4:10 PM
To: Mary Kirkham
Cc: darleen sargeant
Subject: Pt Lot1 Conc. 2 Plan 320 Lanark Village Pt Lots 41 & 42 W George Pt Lot 2 Conc. 2 Plan 32 Lanark Village, Pt Lot 1 George S of River

Hi Mary,

In reference to:

File No.: B09/138

Subject: Pt Lot1 Conc. 2 Plan 320 Lanark Village Pt Lots 41 & 42 W George Pt Lot 2 Conc. 2 Plan 320 Lanark Village, P Lot 1 George S of River

Municipality: Township of Lanark Highlands

Owner: Erehwon Management Services Ltd.

Agent: Jack McTavish

We the owners, Darleen Sargeant and Margaret Milotte, of 107 and 105 Mill Street, have no problems with the application to sever the commercial lots at 44 George Street and retain the commercial lot at 111 Mill Street. However, the access way between the 2 lots noted above is partially on the property owned by us and is not to be included.

The use of our land on the access way between 44 George St. and 111 Mill St. is currently allowed as a good neighbour relationship. The sale of either property, once severed, will require our consent and agreement for the continued use of our property on the access way. At that time we may request that the access way be moved to not include our property.

We respectfully request to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Please acknowledge receipt of this e-mail.

Thank you
Darleen Sargeant & Margaret Milotte

c.c. Margaret Milotte

(e) **MINUTES – March 22, 2010**

Tracy Zander (ZanderPlan) agent attended the hearing and gave evidence under oath.

Ms. Zander advised that the applicant has no plans to change any of the footprints, and therefore the proposal, as indicated by Jane Almond, Planner for Lanark Highlands, complies with the Official Plan and Zoning By-law. Ms. Zander also confirmed that she had received an e-mail in November 2009, from MVC which indicated they did not support the application as the proposal provided for two undersized lots.

(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 Township of Lanark Highlands.
3. 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.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. 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.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES:

1. *The County of Lanark Public Works advises that the specific location of the entrance (Permit #2250) will be determined in consultation between the owner and Public Works when / if any changes in business function occurs or at time of road reconstruction. Any physical changes or upgrades to this entrance will require approval from the Lanark County Public Works.*
2. *Continuation of the access across the Millote/Sargeant property located at 107/105 Mill Street will require a separate agreement and consent under the Planning Act.*
3. *The property owner should be advised that the subject property is regulated under Ontario Regulation 153/06 -"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of the Clyde River, for any interference with, or for any alterations to the shoreline of the lake.*

4. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake 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.*
5. *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.*
6. *The Township of Lanark Highlands advises that any new development on either the severed or retained lands shall require a zoning amendment and site plan control. (Development includes structures and septic systems).*
7. *The Leeds Grenville and Lanark District Health Unit advises that any replacement of the existing sewage system on either the severed or retained lots will be by 'holding tank' due to limited area and location of the lands adjacent to the river/flood plain.*
8. *The owner / applicant are advised that to mitigate the effects of erosion and surface runoff on the Clyde River, that a vegetated buffer be established along the shoreline, where space is available. No further clearing for water access to the lot, is considered acceptable.*
9. *Any future changes to the buildings will require the preparation of a "Record of Site Condition" in accordance with the Ministry of the Environmental guidelines.*
10. *The lands are within a regulated Flood Plain and Environmental Protection Area. No new buildings or structures for human habitation are permitted with these areas. Should any changes be proposed in the future, the developer will be required to prepare and submit an Environmental Impact Statement to the Township and the Conservation Authority, prior to any works.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Gerald & Gail Sawdon & B. Bolton, D. Nuttall, M. Schiel & L. Church **Hearing Date:** March 22, 2010

Agent: Gardner Church

LDC File #: B09/139 & B09/140

Municipality: Township of Drummond/North Elmsley

Geographic Township: North Elmsley **Lot:** 27 **Concession:** 8

Roll No. 0919-908-020-22100 **Consent Type:** Lot Additions

Purpose and Effect: CONCURRENT APPLICATIONS

B09/139 – To sever a 0.49-ha vacant parcel of land as a lot addition to lands owned by B. Bolton, D. Nuttall, M. Schiel and L. Church and retain a 1.14-ha residential lot.

B09/140 – To sever a 0.007-ha vacant parcel of land as a lot addition to lands owned by Gerald & Gail Sawdon and retain a 1.8-ha residential lot.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B09/139	B09/140	
Existing Use	Vacant	Vacant	Residential
Proposed Use	Vacant	Vacant	Residential
Area	0.49 ha	0.007 ha	1.8 ha
Frontage	0	0	40 m
Depth	144 m	20 m	150 m
Road - Access to	N/A	N/A	Private Road
Water Supply	N/A	N/A	Private Well
Sewage Disposal	N/A	N/A	Private Septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Limited Service Rural		Limited Service Rural
-Area Required (min.)	n/a		n/a
-Compliance?			
-Frontage Required (min.)			
-Compliance?			
-Depth Required (min.)			
-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 1.1.4.1 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 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 5.5 Private 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 Provisions, Section 10 Limited Services Residential 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:

- 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 the application is a survey is required.

Conservation Authority – Rideau Valley Conservation Authority

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

The purpose of the applications is to sever and convey a 0.007 hectare parcel as a lot addition to an existing waterfront lot owned by Mr. and Mrs. Sawdon (6 metres of water frontage and 20 metres of depth, B09/140). There is 121 metres of water frontage and 1.8 hectares remaining in the retained lands.

A 0.49 hectare parcel will be added to the Church property from the Sawdon property (B09/139). There is no water frontage involved in this application and 1.14 hectares remain in the retained parcel. The subject lands consist of mature mixed forest.

The applications for lot additions maintain the conformity of municipal requirements in regard to lot area and frontage. There are no anticipated impacts to any wetlands, watercourses or Otty Lake water quality as a result of the applications. The RVCA has no objection to the applications.

Please note that the shoreline of Otty Lake is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

Please advise us of the Committee's decision on the submission or any changes in the status of the application. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions.

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

Severed - Both lots to be severed are described as triangular, rocky lots, to be used as lot additions.

Retained – Rolling parcel of land with areas of exposed rock. Existing house and detached shed and garage. House serviced by a well and existing septic system, partially raised. Fill requirements subject to the location of a replacement sewage system in future.

Hydro One Networks – Hydro One advises that existing Hydro lines cross the property.

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

Otty Lake Association – No comments received.

(c) **PLANNING REVIEW**

B09/139 - The applicant proposes to sever a 0.49-ha vacant parcel of land as a lot addition to lands owned by B. Bolton, D. Nuttal, M. Schiel and L. Church and retain a 1.14-ha residential lot.

B09/140 - The applicant proposes to sever a 0.007-ha vacant parcel of land as a lot addition to lands owned by Gerald and Gail Sawdon and retain a 1.8-ha residential lot. The applications are being submitted concurrently.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of smaller lots along private roads (Mile Point Road, Trillium Point Road, Sunrise Lane) and the Municipal Road (Church Ave).

The lands are accessed via Mile Point Road a private r-o-w, which adjoins Church Ave, a municipally maintained road.

A “State of the Lake Environment Report’ was undertaken on Otty Lake in 2002-2004. The reports were able to conduct a comparison between water quality conditions as they existed in 2002 and 2004, to results obtained through the years from 1971. In general the water quality in Otty Lake is good. Water Clarity (TKN) and Total Phosphorus Loading (TP) calculations indicate higher than usual when compared to other area lakes. The elevated concentrations of TP and TKN are to blame for the bloom of blue-green algae that occurred in 2002. Such blooms and increasingly profuse weed growth can be expected in shallow areas of Otty Lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a 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.

Hydro One has indicated that Hydro Lines cross application B09139, therefore if given provisional consent, a condition will be required to acknowledge all existing easements.

The lands are within 300 m of a Primary Water Source (Otty 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 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.

(e) **MINUTES – March 22, 2010**

Gardner Church, agent attended the hearing and gave evidence under oath.

Mr Church advised that the survey plan indicated that there were no hydro easements on the lands and therefore suggested condition No. 3 was redundant. The chair advised that this condition is generic and cover 'any' easements, not just Hydro One.

(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:

B09/139 – Sawdon

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 deed of land required by condition #1 above shall recognize any easements that currently exist.
4. 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.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #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 by Barbara Bolton, Diana Nuttall, Martha Schiel and Linda Church described as Part Lot 27 Conc. 8 geographic Township of North Elmsley, being Part 1 on Reference Plan 27R-2363, 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:

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 74/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
2. *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.*
3. *Residents and users of Otty Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

B09/140 - Church

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 deed of land required by condition #1 above shall recognize any easements that currently exist.
4. 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.

5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #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 by Gerald Harvey and Gail Dorothy Sawdon described as Part Lot 28 Conc. 8 geographic Township of North Elmsley, being Parts 1 to 3 on Reference Plan 27R-3522, 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:

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 74/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
2. *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.*
3. *Residents and users of Otty Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Donald Wilson Cartage Ltd. **Hearing Date:** March 22, 2010
Agent: Sylvia Coburn, McIntosh Perry Consulting Engineers Ltd.
LDC File #: B09/038 **REVISED** and B10/002
Municipality: Township of Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 22 **Concession:** 12
Roll No. 0919-919-025-76404 **Consent Type:** Lot Addition

Purpose and Effect:

These applications are being submitted concurrently.
 B09/038 REVISED – this application is being revised to reduce the area from 1.08-ha to 0.87-ha and reduce the depth from 147.8 m to 132.5 m. and
 To sever a 0.85-ha vacant parcel of land as a lot addition to lands owned by Heather Ann Ruth Willows at Pt Lot 22 Conc. 12 Drummond Parts 3 on RP27R-4749 and to retain a 31.03-ha landholding.

DETAILS OF PROPOSAL	Land to be Severed B10/002	Land to be Retained
Existing Use Proposed Use	Vacant Lot Addition Only	Licensed Pit Licensed Pit
Area Frontage Depth Road - Access to	0.85 ha 46.5 m 216.6 – 220.0 m Highway 7	31.03 ha 82.92 m Irregular Highway 7
Water Supply Sewage Disposal	N/A N/A	N/A N/A
Official Plan Designation -Conformity?	Aggregate Resource Influence Area and Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural n/a	Rural and Aggregate Pit 0.4-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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.9 Existing Uses, Section 3.18 Influence Areas, Section 4.7 Aggregate Resources, Section 5.3 Local Roads.

The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan provided the Official Plan Amendment No. 4 is approved by MMAH.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 22 Aggregate Reserve.

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations pending Zoning By-law Amendment #6 is approved.

(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:

The balance of any outstanding taxes or fees 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.
- The applicant shall register on Title and in all Agreements of Purchase and Sale, the following wording:
“TAKE NOTICE that his lot is located within the Influence Area of an active pit which is located to the north in part of Lot 22, Concession XII, geographic Township of Drummond, Township of Drummond / North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, etc.
ALSO TAKE NOTICE that the pit is nearing depletion, at which time the license will be surrendered and the pit operation will cease. The property is planned to be re-habilitated as a residential subdivision. While not precisely known, it is expected that the pit license will be surrendered prior to 2013. “

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 application #B10/002 is to sever a vacant 0.85 ha parcel of land as a lot addition to the adjacent lands owned by Heather Ann

Willows, and to retain a 31.03-ha landholding. B10/002 is being submitted concurrently with B09/038 REVISED. The purpose of B09/038 REVISED is to reduce the depth and area of the severed parcel previously requested under B09/038 in order to accommodate the lot addition under B10/002.

MVC previously conducted a review of B09/038 (prior to the proposed revision) (Refer to MVC's letter to the County of Lanark dated December 15, 2009 and an update to this letter sent by email on December 18, 2009). Provided that the conditions recommended by MVC under B09/038 can continue to be met, MVC does not have any objection the subject applications.

(c) **PLANNING REVIEW**

B09/038 REVISED - The applicant proposes to reduce the area of the original consent from 1.08-ha to 0.87-ha. This will then allow the applicant to submit an application for a lot addition to the abutting property. It is recommended that the revised plan contain the identical Provisional Conditions as the original with the exception that the Deed/Transfer and Survey Plan reflect the revised sketch dated January 6, 2010.

B10/002 proposes to sever a 0.85-ha parcel of land as a lot addition to lands owned by Heather Ann Ruth Willows at Pt Lot 22 Conc. 12 Drummond being Part 3 on RP27R-4749.

The subject lands are located in an area characterized by Residential and Commercial Development (aggregate pit) on a variety of lot sizes along Highway No. 7 and Crampton Road.

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

The Official Plan indicates that the lands are currently designated as within the Influence Area of the Aggregate Resource. Through the Subdivision Process for application 09-T-09003 Wilson, an Official Plan Application has been submitted to the Township to remove the Aggregate Reserve and Aggregate Resource designation as the resource has been depleted.

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.

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.

(e) MINUTES – March 22, 2010

Craig Wilson, owner, and Heather Willows, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Wilson advised that the revision to B09/038 will permit additional lands to be severed and added to Ms. Willows property to provide more privacy to her dwelling.

(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:

B09/038 REVISED

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 or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated January 6, 2010.
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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.

5. The applicant shall construct a new road to municipal standards and dedicated and deeded to the Township of Drummond / North Elmsley as a public highway at his / her expense. All road construction shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.
6. The applicant shall provide confirmation to the Township of Drummond / North Elmsley that title to all of the lot can be properly registered if the road is created as a condition of severance.
7. The applicant shall register "Notice on Title" and in all Agreement of Purchase and Sale the following wording:
"TAKE NOTICE that his lot is located within the Influence Area of an active pit which is located to the north in part of Lot 22, Concession XII, geographic Township of Drummond, Township of Drummond / North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, etc.
ALSO TAKE NOTICE that the pit is nearing depletion, at which time the license will be surrendered and the pit operation will cease. The property is planned to be re-habilitated as a residential subdivision. While not precisely known, it is expected that the pit license will be surrendered prior to 2013. "
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 15, 2009, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
9. A 0.3 metres (1 foot) reserve shall be established across the lot frontage adjacent to Highway No. 7, and conveyed by deed to the Ministry of Transportation, all at no cost to the MTO. It is the applicant's responsibility to submit draft copies of the deed and survey plan identifying the reserve. The deed and Mylar are to be submitted to the MTO Office in Kingston ON for review and must be accompanied by a solicitor's certificate indicating that the MTO title is free and clear of all encumbrances and the MTO has a good and marketable title. The MTO Corridor Management Planner should be consulted prior to commencing the survey.
10. A letter shall be received from Ministry of Transportation stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #3 through #8 have been fulfilled to their satisfaction.
13. That the applicant provide satisfactory evidence to the Secretary-Treasurer of the

Land Division Committee, that an application for a "Plan of Subdivision" has been filed with the County of Lanark for the lands to be retained.

B10/002

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.
4. The applicant shall register "Notice on Title" and in all Agreement of Purchase and Sale the following wording:
"TAKE NOTICE that his lot is located within the Influence Area of an active pit which is located to the north in part of Lot 22, Concession XII, geographic Township of Drummond, Township of Drummond / North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, etc.
ALSO TAKE NOTICE that the pit is nearing depletion, at which time the license will be surrendered and the pit operation will cease. The property is planned to be re-habilitated as a residential subdivision. While not precisely known, it is expected that the pit license will be surrendered prior to 2013. "
5. A 0.3 metres (1 foot) reserve shall be established across the lot frontage adjacent to Highway No. 7, and conveyed by deed to the Ministry of Transportation, all at no cost to the MTO. It is the applicant's responsibility to submit draft copies of the deed and survey plan identifying the reserve. The deed and Mylar are to be submitted to the MTO Office in Kingston ON for review and must be accompanied by a solicitor's certificate indicating that the MTO title is free and clear of all encumbrances and the MTO has a good and marketable title. The MTO Corridor Management Planner should be consulted prior to commencing the survey.
6. A letter shall be received from Ministry of Transportation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 and #3 have 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 Heather Ann Ruth Willows described as Part Lot 22 Conc. 12, geographic Township of Drummond, being Part 3 on Reference Plan 27R-4749,

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.

Owner: Heather Ann Ruth Willows **Hearing Date:** March 22, 2010
Agent: Sylvia Coburn, McIntosh Perry Consulting Engineers Ltd.
LDC File #: B10/001
Municipality: Township of Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 22 **Concession:** 12
Roll No. 0919 919 025 76400 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.43-ha residential building lot and retain a 5.47-ha landholding with an existing dwelling and garage. The lands are accessed via Crampton Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.43 ha	5.47 ha
Frontage	45 m	119.6 m
Depth	93.2 m	518.9 m to 588.6 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?	Aggregate Resource NO – Official Plan Amendment required.	
Zoning Category	Aggregate Reserve	Aggregate Reserve and Rural
-Area Required (min.)	Re-zoning required	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes
-Depth Required (min.)		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 1.1.4.1 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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.9 Existing Uses, Section 3.18 Influence Areas, Section 4.7 Aggregate Resources, Section 5.3 Local Roads.

The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan provided the Official Plan Amendment No. 4 is approved by MMAH.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 22 Aggregate Reserve.

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations pending Zoning By-law Amendment #6 is approved.

(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:

- The balance of any outstanding taxes or fees 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.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, on the severed and retained parcels to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.
- The applicant shall register on Title and in all Agreements of Purchase and Sale, the following wording:

“TAKE NOTICE that his lot is located within the Influence Area of an active pit which is located to the north in part of Lot 22, Concession XII, geographic Township of Drummond, Township of Drummond / North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, etc.

ALSO TAKE NOTICE that the pit is nearing depletion, at which time the license will be surrendered and the pit operation will cease. The property is planned to be re-habilitated as a residential subdivision. While not precisely known, it is expected that the pit license will be surrendered prior to 2013. “

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 0.43 ha building lot and retain a 5.47-ha lot with an existing residence and garage.

The proposed retained lands are partially comprised of an unclassified wetland and organic soils. In addition, an unnamed watercourse travels through the wetland to a temporary berm located along the western lot line of the retained lands.

As indicated above, natural heritage features (wetland and watercourse) and a natural hazard (organic soils) has been identified on the proposed retained lands, however the retained lands are already developed and no new development is proposed at this time. And, no natural heritage features or natural hazards were identified on the proposed severed lands. With all of this in consideration, MVC does not have any objection to the subject proposal.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed – Rolling scrubland. Good drainage and variable soil conditions. Fill requirements will be subject to the exact location of a sewage system.

Retained – Rolling scrubland. Variable slopes, drainage and soil conditions. Existing single family dwelling and garage adjacent to Highway #7. House serviced by an existing well and partially raised sewage system. Satisfactory.

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 0.43-ha residential building lot and retain a 5.47-ha landholding with an existing dwelling and detached garage. The land exchange will facilitate the transfer of road widening and daylighting triangle to the Township along Crampton Road at the entrance to the proposed Wilson Subdivision 09-T-09003.

The subject lands are located in an area characterized by Residential and Commercial Development (aggregate pit) on a variety of lot sizes along Highway No. 7 and Crampton Road.

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

The Official Plan indicates that the lands are currently designated as Aggregate Reserve. Through the Subdivision Process for application 09-T-09003 Wilson, an Official Plan

Application has been submitted to the Township to remove the Aggregate Reserve and

Aggregate Resource designation as the resource has been depleted. An Official Plan Amendment and re-zoning will be required should the application be given Provision Consent.

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.

(e) MINUTES – March 22, 2010

Heather Willows, owner and Craig Wilson, abutting landowner attended the hearing and gave evidence under oath.

*NOTE: Subsequent to the hearing the Township of Drummond / North Elmsley advised that the following condition was missed being transmitted to the LDC:
That prior to the issuance of a building permit the zoning designation is to be in effect with respect to ZBA#06-09 to rezone "AR" aggregate Reserve to "RU" Rural Zone.*

(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 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.

4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review 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. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. The applicant shall register "Notice on Title" and in all Agreement of Purchase and Sale the following wording:
"TAKE NOTICE that his lot is located within the Influence Area of an active pit which is located to the north in part of Lot 22, Concession XII, geographic Township of Drummond, Township of Drummond / North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, etc.
ALSO TAKE NOTICE that the pit is nearing depletion, at which time the license will be surrendered and the pit operation will cease. The property is planned to be re-habilitated as a residential subdivision. While not precisely known, it is expected that the pit license will be surrendered prior to 2013. "
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 to #5 has been fulfilled to their satisfaction.

NOTES:

1. *The Township of Drummond / North Elmsley advises that prior to the issuance of a building permit the zoning designation is to be in effect with respect to ZBA#06-09 to rezone "AR" Aggregate Reserve to "RU" Rural Zone.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Paul Levine

Hearing Date: March 22, 2010

Agent: Richard Sauve

LDC File #: B10/003

Municipality: Town of Carleton Place

Geographic Township: Beckwith

Lot: 85 & 86

Plan: 6115

Roll No. 0928-030-065-14100

Consent Type: New Lot

Purpose and Effect:

To sever a 624.42 sq.m. residential building lot and retain a 624.42 sq. m. residential lot with an existing dwelling (126 Napoleon Street).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	624.42 sq m	624.42 sq m
Frontage	18.29 m	18.29 m
Depth	34.14 m	34.14 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Municipal	Municipal
Sewage Disposal	Municipal	Municipal
Official Plan Designation -Conformity?	Residential Yes	
Development Permit Category	Residential Requires DP Permit	Residential

(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.

1.1.3 Settlement Areas

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

Section 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Official Plan – Section 3 – General Provisions, Section 4.2 Residential Policies, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

The Town of Carleton Place advises that the proposal conforms to the designations and

policies of the Official Plan.

Development Permit By-law - Section 2.17 Development Review Process, Section 3.0 General Provisions, Section 5.0 Residential designations.

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

(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:

Town of Carleton Place – 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, if applicable) shall be paid to the Town.
- That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
- 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 for both the severed and retained parcel along the maintained road. Should compliance not be demonstrated, the application will take any and all steps to bring the property into compliance.
- Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
- That the applicant provides a digital copy of the reference plan (in NAD83 datum); and
- That the applicant provides elevation drawings of the new building proposed for the severed lot meet the standards in the Development Permit By-law.

Conservation Authority – N/A

On-Site Services (Septics) – N/A

Hydro One Networks – Hydro One advises that they have no comments or concerns regarding the matter.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 624.42 sq.m. residential building lot and retain a 624.42 sq.m. residential lot with an existing single family dwelling. While the two parcels where originally separated through a compiled plan (#6115) they merged through conversion from Land Registry to Land Titles.

The subject lands are located in an area characterized by Residential on typical urban type lots.

The lands to be severed will access Sarah Street and the retained lands access Napoleon Street.

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 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 – March 22, 2010

No persons attended the hearing.

(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 Carleton Place.
3. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.

4. That the applicant provides the Town of Carleton Place 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 for both the severed and retained parcel along the maintained road. Should compliance not be demonstrated, the application will take any and all steps to bring the property into compliance.
5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
6. That the applicant provides a digital copy of the reference plan (in NAD83 datum) to the Town of Carleton Place.
7. That the applicant provides the Town of Carleton Place with elevation drawings of the new building proposed for the severed lot meet the standards in the Development Permit By-law.
8. A letter shall be received from the Town of Carleton Place stating that condition #2 through #7 have been fulfilled to their satisfaction.