



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Friday, November 19, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: D. Murphy and C. Tyson

Members Absent: R. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

1. **CALL TO ORDER** – In the absence of the Chair, Secretary-Treasurer Mary Kirkham called the meeting to order.

A quorum was present.

2. **APPOINTMENT OF CHAIR**

MOTION #LD-2010-034

MOVED BY: C. Tyson

SECONDED BY: D. Murphy

“THAT, Dan Murphy be appointed chair for the November 19, 2010 meeting.”

ADOPTED

3. **DISCLOSURE OF PECUNIARY INTEREST**

None.

4. **APPROVAL OF MINUTES**

MOTION #LD-2010-035

MOVED BY: D. Murphy

SECONDED BY: C. Tyson

“THAT, the minutes of the Land Division Committee meeting held on October 18, 2010 be approved as circulated.”

ADOPTED

5. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-036

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

“**THAT**, the agenda be adopted as circulated.”

ADOPTED

6. DELEGATIONS & PRESENTATIONS

None.

7. COMMUNICATIONS

None

8. REPORTS

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.:

8.1 B10/108 – Dave Weir – new Lot

Pt Lot 4 Conc. 2, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Tatlock Road)

8.2 B10/111 – Bradley Hollywood – lot addition

Pt Lot 9 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (North Road).

8.3 B10/112 & B10/113 – Len Vaisanen - two new lots

Pt Lot 19 Conc. 3, geographic Township of Bathurst, now in Tay Valley Township. (Norris Road)

8.4 B10/115 – Steve Norris – New Lot

Pt Lot 19 Conc. 4, geographic Township of Bathurst, now in Tay Valley Township. (Norris Road).

8.5 B10/116 – Lisa Bailey – lot addition

Pt Lot 21 Conc. 3, geographic Township of South Sherbrooke, now in Tay Valley Township. (Christie Lake Lane 32D).

8.6 B10/134 – Peter & Joanne Butler – lot addition

Pt Lot 17 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township. (Christie Lake Lane 41).

8.7 B10/142 – Carole Arsenault – lot addition
Pt Lot 41 Compiled Plan 133, Town of Carleton Place. (Lake Ave West).

8.8 B10/144 – Andrew and Glenna Brown – clarification of title
Pt Lot 17 Compiled Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. (Strathburn Street).

8.2 Applications Previously Heard and Awaiting a Decision

8.2.1 B09/135 – Donald McIlvena – new lot
Pt Lot 3 Conc. 5, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Highway 43).

9. CONFIDENTIAL REPORTS

None

10. NEW/OTHER BUSINESS

10.1 Application Fees – The Secretary advised that through the 2011 budget process a review of the Consent Application Fees was undertaken. A report was presented to Community Development Committee and an increase of \$50.00 was adopted by the Committee. Fee increase to take effect January 2011.

11. PUBLIC HEARING:

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

11.1 PROVISIONAL CONSENT GRANTED

11.1.1 B10/108 – Dave Weir – new Lot

11.1.2 B10/111 – Bradley Hollywood – lot addition

11.1.3 B10/112 & B10/113 – Len Vaisanen - two new lots

11.1.4 B10/115 – Steve Norris – New Lot

11.1.5 B10/116 – Lisa Bailey – lot addition

11.1.6 B10/134 – Peter & Joanne Butler – lot addition

11.1.7 B10/142 – Carole Arsenault – lot addition

11.1.8 B10/144 – Andrew and Glenna Brown – clarification of title

11.1.9 B09/135 – Donald McIlvena – new lot

12. UPCOMING MEETINGS

Monday, December 20, 2010;

Monday, January 24, 2011;

Monday February 28, 2011;

Monday, March 28, 2011;

Monday, April 18, 2011.

13. ADJOURNMENT – 10:45 a.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Dave Weir

Hearing Date: November 19, 2010

Agent: n/a

LDC File #: B10/108

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 4 **Concession:** 2

Roll No. 0931 929 030 03900

Consent Type: new lot

Purpose and Effect: To sever a 1.1-ha residential building lot and retain a 42.4-ha vacant landholding. The lands to be severed are accessed via Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	
Area	1.1 ha	42.4 ha
Frontage	140 m	800 m
Depth	140 m	600 m
Road - Access to	County Road	County Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	10.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	150 m
-Compliance?	Yes	Yes

(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.

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 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 9 Rural Zone.

The Town of Mississippi Mills 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:

Town of Mississippi Mills Planner's Report

Background

Mr. Weir currently owns approximately 43 .5-ha (107.5 ac) of land with approximately 940m (3,084 ft) of frontage on Tatlock Road, in Ramsay Ward. The property currently has a Community Official Plan designation of Rural and is classified as Rural (RU) Zone in the Mississippi Mills Zoning By-law No. 01-70. The applicant is proposing to sever one (1) new residential lot from the subject property.

Severance Application Summary

B10/108— Lot Severance

This application is to sever a 1.0-ha (2.7ac) parcel of land from the existing property to create a new residential building lot on Cone. 2, Part Lot 4, RP 27R9017 Part 1, Ramsay Ward. The proposed lot will have 140m (459.3ft) of frontage on Tatlock Road, Ramsay

Ward. Access to the lot will be from Tatlock Road, a maintained road. The retained lands will have an approximate land area of 42.4ha (104.4.7ac), with a lot frontage of 800m (2,624.7ft) on Tatlock Road (refer to attached sketch).

Community Official Plan Policies

The subject property has an Official Plan designation of Rural. Section 3.3.6-Severances and Lot Creation, permit severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire two severances on the property.

The Community Official Plan for the Town of Mississippi Mills sets out clear minimum lot area standards for land designated rural. Section 3.3.6.5 (iv), states that each lot must be 1 ha (2.47ac) for both the severed and the retained lands. The proposed severance will create a new lot with a lot area of 1.1 ha (2.7ac) and leave a retained lot of 42.4ha (104.7ac). The proposed lot meets the minimum lot area requirements outlined in the Community Official Plan

Zoning By-law

The subject property is currently zoned Rural (RU) zone in the Mississippi Mills Zoning By-law No. 01-70. The Rural (RU) zone permits residential land uses. The by-law requires a minimum lot area of 0.4 ha (1.0 ac) and a minimum lot frontage of 45m (147ft). The minimum lot area in the zoning by-law differs from the Community Official Plan and as a result the minimum lot area requirement must be 1-ha (2.47 ac). Therefore, the requirements of the lot must be a minimum 1-ha (2.47ac) in lot area and a minimum lot frontage of 45m (147ft). The proposed severance would create a lot with a lot area of 1.1 ha (2.7ac) and a lot frontage of 140m (459.3ft).

Conclusion

The proposed severance is consistent with the Community Official Plan and the Zoning by-law. The retained lot and the severed lot would have access to a county maintained road. The applicant has been granted a Severance Permit from the Leeds, Grenville and Lanark District Health Unit. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to conditions.

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

1. That the applicant provides a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property;
4. The applicant must acquire an entrance permit from Tatlock Road, (County Road 9), Ramsay Ward; and
5. The applicant must acquire a Property Identification Number (PIN)."

Conservation Authority – Mississippi Valley Conservation

The subject application has been reviewed by the Mississippi Valley Conservation (MVC) in terms of MVC regulations and MVC and Provincial Planning Policy for natural hazards (unstable soils or slopes, areas prone to flooding or erosion) and natural heritage features (including wetlands, wildlife habitat and areas of natural and scientific interest).

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

According to the information provided in the application, the proposal involves the severance of a vacant 2.5 acre parcel from northeast corner of a vacant ± 90 acre vacant parcel with frontage on Tatlock Road.

A review of MVC's mapping information and aerial photography (2009 Drape imagery) as shown on the attached map shows organic soils (very generalized mapping), an unevaluated wetland, and a watercourse transecting the property to the southeast of the proposed severance. While these features affect a significant portion of the property, the proposed severance falls entirely outside of all three features and well beyond 30 metres of the watercourse and wetland. There is also considerable remaining area for development of the retained parcel outside of these features.

Based on the above, we have no objection to the application provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the application.

Thank you for the opportunity to comment. 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 – 30 cm. topsoil on rock. Partially cleared field and bush. Rock outcrops near the road. No significant slope. Area is adequate for on-site sewage disposal but soil conditions may require import of material for a raised system.

Retained – Partially cleared wooded area. 1 metre clay loam soil. No significant slope observed. Large area with adequate space for on-site sewage disposal, Severance will not negatively impact potential of retained portion.

County Public Works Department:

Lands to be severed have an approved existing entrance to the County Road (Permit #1968). Road Widening Not Required.

Lands proposed to be retained have an approved entrance location (Permit #2289). A full entrance application must be submitted and entrance installed prior to deed endorsement.

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 1.4-ha residential building lot and retain a 42.4-ha vacant landholding.

The subject lands are located in an area characterized by Rural Residential on large lots and vacant landholdings. An Aggregate Pit is located approximately .7-km south west of the lot. Due to the location there should be no impacts on the development (i.e. noise, dust).

The lands are accessed via Tatlock Road, a County maintained road. A residential entrance will be required to be installed prior to deed endorsement.

The Provincial Policy Statements requires that lands being developed in rural areas be compatible with the rural landscape and can be sustained by rural service levels and avoid the needs for uneconomical expansion of infrastructure. No expansion of service levels is required for the Tatlock Road and Hydro/Bell lines are existing. The severed lands are larger than required by the Town's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory – Name: Tweed

- Stoniness: very stony
- CLI: 7 – no capability for agriculture
- Drainage: well drained
- Hydrogeology: moderate

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

(d) PUBLIC INPUT

No written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

(e) MINUTES – November 19, 2010

Dave Weir, owner, attended the hearing and gave evidence under oath.

Mr. Weir explained that the shape of the lot to be severed took into account the existing open field area.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
3. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The applicant shall obtain a Civic Address from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
6. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit. (Entrance Location Permit #2289).
8. The County Public Works Department shall confirm that the proposed entrance to the lot to be severed has been installed to the satisfaction of the County.
9. A letter shall be received from the County of Lanark Public Works Department stating that condition #6 through #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Town of Mississippi Mills stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that soil conditions may require import of fill for a raised septic system.*

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.

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 3.8 Division of Land, section 3.18 Influence Areas, Section 3.19 Land Adjacent to Wetlands, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, 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.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 24 Wetland 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:

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

Conservation Authority - Rideau Valley Conservation Authority

The Planning and Development Review Team has completed a review of the above noted application which seeks approval to sever a portion of an existing vacant parcel and add it to an existing residential parcel We have undertaken out review within the context of

Sections 2 1 Natural Heritage, 2.2 Water and 3 1 Natural Hazards of the Provincial Policy Statement PPS) under Section 3 of the Planning Act.

The majority of the subject parcel known as 242 North Road is within the boundaries and associated adjacent 120 meter buffer of the Provincially Significant Wetland known as "Port Elmsley #2 Wetland" The wetland and adjacent lands are regulated under Ontario Regulation 174/06 as administered by the RVCA Any development activity or site alterations, including construction or re-grading or drainage works within the regulated area requires approval from the RVCA.

The parcel to be severed is within the 120 metre adjacent lands wetland buffer area. The proposed line of severance was originally plotted by the applicant to respect the wetland boundary and convey a piece of upland area to the property at 131 North Road On examination of the aerial photos and the wetland boundary, the RVCA has had agreeable discussions with the applicant regarding amending the location of the severance line to create a small upland buffer and ensure the entire PSW is contained within the retained lands That applicant has been supportive of this proposed amendment Attached is a sketch showing the proposed revisions to the location of the lot line.

For the information of the future owner located at 131 North Rd, the conveyed land is within the 120 meter adjacent land boundaries of the Provincially Significant Wetland known as "Port Elmsley #2 Wetland" The adjacent lands are regulated under Ontario Regulation 174/06 as administered by the RVCA Any development activity or site alterations, including construction or re-grading or drainage works within the regulated area requires approval from the RVCA.

Conclusion

It is our understanding that this severance is in effect a lot line adjustment as the severed parcel is to be added to the adjacent east parcel at 131 North Rd This maintains the consolidation of environmentally sensitive lands, and does not aggravate the existing situation For this reason, the RVCA has not identified any issues under the above noted sections of the 2005 PPS that would preclude the approval of this application.

The RVCA has no objection regarding this application provided the application is amended to move the severance line as show in the attached thawing and the following condition is applied:

1) That the severed lot is merged. with the existing residential lot at 131 North Rd.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below Meanwhile, if you have any questions or requiring additional information, please contact me at 1-800-267-3504 ext 1137.

Response from B Hollywood

Subject: RE: Severance Bi 11—10 HOLLYWOOD

Hi Jocelyn

As discussed on the phone today I agree with and support your recommendation regarding the adjustment of the north property line of the proposed severance Moving the north line from the red line to the yellow line makes sense and will meet all stakeholders needs Thank you for taking the time to consult with me and make every

effort to understand what I am trying to do before acting on the issue Your professional approach to dealing with the public on sensitive land issues is very evident I look forward to dealing with you on future land improvement projects I will be pursuing. Thank you...Brad

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – Bush with some swamp at the back end. Shallow topsoil over bedrock. There is adequate space for on-site sewage disposal except on swampy area.

Retained – Mostly bush with a house and garage at the end of North Road. Severing this portion will not impact the existing well or septic system.

(c) PLANNING REVIEW

The applicant proposes to sever a 1.68-ha parcel of land as a lot addition to lands owned by Jeremy and Angela Vanwingerden and retain a 33.-ha landholding with an existing residence.

The subject lands are located in an area characterized by urban type residential. (The Pines Subdivision).

As outlined by the RVCA the lands are within a designated Provincially Significant Wetlands – Port Elmsley #2 Wetland, adjacent lands. No new development is permitted within this area without written permission of the CA. As outlined on the attached RVCA Sketch, dated September 1, 2010, the CA requests that the northern lot line be moved south to ensure that the entire PSW is contained within the retained lands. The applicant has discussed this with the CA and is in agreement to move the proposed north lot line

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 – November 19, 2010

Bradley Hollywood, owner, attended the hearing and gave evidence under oath.

Mr. Hollywood advised that he had met with RVCA and was in full agreement with their recommendation as outlined in their response to the Committee.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "Revised Sketch" dated September 1, 2010.
3. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
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 #3 through #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 Jeremy and Angela Vanwingerden described as Part Lot 9 Conc. 7 North Elmsley being Part 1 on Reference Plan 27R-2422 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 owner or future owner of 131 North Road is advised that the lands are within the 120 metre adjacent land boundaries of the Provincially Significant Wetland known as "Port Elmsley #2 Wetland". The adjacent lands are regulated under Ontario Regulation 174/06 as administered by the Rideau Valley Conservation Authority. Any development activity or site alterations, including construction or re-grading or drainage works within the regulated area requires approval from the RVCA.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Len Vaisanen **Hearing Date:** November 19, 2010
Agent: Brian W. Kerr
LDC File #: B10/112 & B10/113
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 19 **Concession:** 3
Roll No. 0911 916 015 22201 **Consent Type:** New Lot

Purpose and Effect:

B10/112 - To sever a 3.81-ha residential building lot;
 B10/113 – To sever a 4.14-ha residential building lot; and to retain an 11.3-ha vacant landholding. The lands to be severed are accessed via Norris Road. One lot was previously severed from the original parcel in 2006.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/112	B10/113	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	3.81 ha 60 m 400 m Municipal Rd	4.14 ha 103 m 400 m Municipal Rd	11.3 ha 69 m 650 m Municipal Rd
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural and Organic Soils Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.405-ha Yes 60 m Yes		Rural 0.405-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 2 General Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Tay Valley Planner's Report

Official Plan Applicable Sections: 3.6 Rural Use which allows residential lot creation.

Section 2.17.2 Development Where Agricultural and Non Agricultural Uses are Adjacent requires the application of the Minimum Distance Separation formula to existing barns and there is a horse barn located approximately 290 m from the proposed lots. The MDS as calculated on data supplied by the applicant would require a 158 m setback. The proposal exceeds this setback.

Section 2.17.3 Development Adjacent to Open or Closed Waste sites requires a 500 m separation from waste sites. Part of the retained lot falls within the 500 m influence area of the Glen Tay Waste site but no development is proposed for this lot.

Section 2.19.2 Organic Soils requires development to occur outside of these soils. There is organic soil on the south of the retained lot but no development is proposed for this lot.

Section 2.23.1 Development Adjacent to Water Bodies requires a 30m setback from water. There appears to be sufficient room on the proposed severed and retained lots for a building envelope 30 m from the pond at the south of the lot.

The Official Plan limits the number of consents available to three (creating 4 lots). Consents granted prior to 1985 exempt. Only one previous consent has occurred according to the applicant.

To comply with the PPS Woodlands policy, RVCA states that, 'In order to reduce the impact of development on the functionality of this forest feature and its connectivity to adjacent forested lands, vegetation removal should be limited to only that which is necessary for the building and sewage system envelopes and amenity areas for the front and rear yards.'

Zoning By-law Applicable Sections: Section 10.1 of the Zoning By-law requires residential lots to be 1 ha in the rural zone. The severed lot and retained lots meet this requirement (at 3.81 and 11.3 ha each). Lot frontage required is 60 m and will be met as 60 m for the severed lot and 69 m for the retained lot are proposed.

Section 3.18 requires new dwellings to be located a minimum distance from livestock facilities. The Minimum Distance Separation is to be applied at the time of lot creation. There is a barn within 290 m of the proposed lots and MDS calculations require that any new dwelling be set back 158 m from the barn. This distance is met by the proposal.

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed/transfer.
4. Two copies of the reference plan.
5. Road widening to be determined by Roads Superintendent.
6. Parkland contribution of \$100.

NOTES:

1. The applicant is advised that a permit for development would be required from the Ministry of transportation if development on the south portion of the retained parcel was ever sought as the MTO control area applies to development within 45 m of Highway 7 and 395 m of the intersection of a road with Highway 7.
2. MRSSO indicates that significant amounts of imported leaching bed fill may be required due to the potential for minimal vertical separation from clay soils and high groundwater.

Conservation Authority Rideau Valley Conservation

The Rideau Valley Conservation Authority has completed a review of the above noted application for the severance of a 3.81 ha lot (B 10/112) and a 4.15-ha lot (B10/1 13) both of which are currently vacant. It is proposed to construct a single family residence on both lots. The 11.3 ha retained parcel is also vacant.

We have undertaken our review within the context of Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act.

We offer the followings comments for the Committees consideration:

Natural Heritage

As indicated on the sketch appended to the application, the south-eastern portion of the retained land is characterized as a "wet area". This is consistent with the Conservation Authority's mapping that identifies this area as a permanent wetland feature (non PSW) with some open water areas The vegetation type is described as deciduous swamp The retained lot has sufficient area beyond the wetland- constraint lands to accommodate a residence should it ever be proposed in the future. Neither of the severed lots include

wetland area. Therefore the Conservation Authority is satisfied that the proposed severances will not be in conflict with Natural Heritage polices of the PPS. Most of the severed and retained lands are forested (classified as dense mixed deciduous forest). In order to reduce the impact of development on the functionality of this forest feature and its connectivity to adjacent forested lands, vegetation removal should be limited to only that which is necessary for the building and sewage system envelopes and the amenity areas for the front and rear yards.

Natural Hazards

We have not identified any natural hazards that would preclude the approval of these applications. Surface flooding associated with the wetland is limited to the southeast section of the retained lot and is not a constraint elsewhere, on the site.

Conclusion

The Conservation Authority has no objection to, or conditions of approval for these applications.

Please forward notice of the Committee's decision on these applications to the office of the Rideau Valley Conservation Authority.

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

A site visit was conducted at the above mentioned property by our office on September 14, 2010, 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 applicant proposes to sever a 3.81 hectare parcel from the North West portion of the lot to create a new lot. The proposed lot is currently vacant with areas of dense over storey coniferous trees with minimal understory and little exposed rock. The geographical information system used by Tay Valley Township, GIS, indicates an area of organic soils on the South East portion of the proposed lot. A metal probe was used to estimate the amount of soil cover (50cm in areas) over bedrock. No test pits were present for inspection.

The retained parcel varies in dimensions and approximately 11.3 hectares in area. The retained lot is currently vacant with a wet area on the south east portion as identified on the provided sketch (J10-033).

Significant amounts of imported leaching bed fill may be required due to the organic soils in the area and the potential for minimal vertical separation to bedrock. Other limiting factors could also be present on site, i.e. clay soils and high groundwater table. The proposed severed parcel is of large enough size and appropriate topography to support a Class 4 Septic System meeting all requirements of the OBC. Given the above information, the Mississippi Rideau Septic System Office has no objections to the severance as proposed.

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

Ministry of Transportation - MTO Eastern Region

The following letter was in regards to Application B06/036 a previous severance on the same lands.



Planning and Design Section
Eastern Region Engineering Office
1355 John Counter Boulevard
Postal Bag 4000
Kingston, Ontario, K7L 5A3
Tel: (613) 545-4865
Fax: (613) 540-5106

County of Lanark Land Division Committee
County Engineering Building
99 Christie Lake Road (Sunset Blvd.)
Perth, Ontario
K7H 3E2

May 8th, 2006

Attention: Sylvia G. Coburn, Planning Approvals Administrator

Dear Ms. Coburn:

Re: **Application for Consent – B06/036 (Jeong-Sam Lee)**
East ½ Lot 19, Con 3, Geographic Township of Bathurst
The Township of Tay Valley, County of Lanark
Highway 7, MTO Eastern Region, Bancroft Area

The following will acknowledge receipt of the above-mentioned consent application, dated received April 11, 2006. The Ministry of Transportation (MTO) has reviewed the application and provides the following comments.

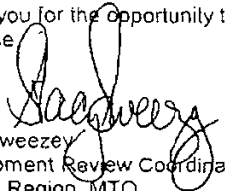
MTO is prepared to endorse Application for Consent B06/036 as submitted.

It is noted that the proposed severed portion fronts onto an existing municipal road, known as Norris Road. As such the severed portion will **not** require a MTO Entrance Permit. The proposed severed portion is outside MTO permit control and will **not** require a MTO Building and Land Use Permit, for the development of the property.

Although Application B06/036 does not indicate any proposed development of the retained portion, the applicant should be aware that, under the authority of The Public Transportation and Highway Improvement Act, RSO 1990, the Ministry of Transportation controls land use within specified limits of a provincial highway. The applicant should be aware that any future development within 45 meters (150 feet) of the MTO property limit or, within 395 meters (1300 feet) of the centerpoint of intersection of Highway 7 and intersecting public roads, requires a Ministry of Transportation Building and Land Use Permit prior to construction.

In the event that future development of the retained portion is proposed, the applicant should be aware that MTO permits may be required. MTO permits may be obtained by contacting Ms. Lori Yaraskavitch at the MTO Bancroft Area Corridor Management Office, 50 Monck Street, P.O. Box 300, Bancroft, Ontario K0L 1C0 Telephone (613) 332-3220 ext 214 Facsimile (613) 332-3751 Toll Free 1 800 554-0487

I thank you for the opportunity to provide comment, and apologise for the delay in providing a ministry response.


Stacy Sweezy
Development Review Coordinator
Eastern Region, MTO

cc: L. Yaraskavitch, Bancroft Area Office

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) PLANNING REVIEW

The applicant proposes to sever two (2) residential building lots (3.81-ha and 4.15-ha) and retain an 11.3-ha vacant landholding. The lands were subject to one previous severance in 2006. All the lands are currently vacant.

The subject lands are located in an area characterized by vacant landholdings and Farm / Residential on large landholdings, intermixed with large residential lots along Norris Road. Highway 7, the Rail-line and OMYA are located to the south.

An agricultural operation is located on the lands to the north. The livestock facility is located approximately 290 m from the front lot line of the lands to be severed. An MDS was undertaken which requires a 158 m setback from the facility.

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

The Provincial Policy Statements requires that lands being developed in rural areas be compatible with the rural landscape and can be sustained by rural service levels and avoid the needs for uneconomical expansion of infrastructure. No expansion of service levels is required for the Norris Road and Hydro/Bell lines are existing. The severed lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 7 – no capability for agriculture
- Drainage: well drained
- Hydrogeology: moderate

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 – November 19, 2010

Len Vaisanen, owner and Mike Cassidy, adjacent landowner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/112

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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lands are within proximity of an existing industrial operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Sufficient lands shall be deeded to Tay Valley Township along the frontages of the lot to be severed 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.

10. Payment of \$100 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).
11. A letter shall be received from Tay Valley Township stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic Office advises that significant amounts of imported leaching bed fill may be required due to the organic soils in the area and the potential for minimal vertical separation to bedrock. Other limiting factors could also be present on site, i.e. clay soils and high groundwater table.*
2. *The Ministry of Transportation advises that a permit for development would be required from the Ministry of transportation if development on the south portion of the retained parcel was ever sought as the MTO control area applies to development within 45 m of Highway 7 and 395 m of the intersection of a road with Highway 7.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. Tay Valley Township may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*

B10/113

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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lands are within proximity of an existing industrial operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".

4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Sufficient lands shall be deeded to Tay Valley Township along the frontages of the lot to be severed 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.
10. Payment of \$100 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).
11. A letter shall be received from Tay Valley Township stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic Office advises that significant amounts of imported leaching bed fill may be required due to the organic soils in the area and the potential for minimal vertical separation to bedrock. Other limiting factors could also be present on site, i.e. clay soils and high groundwater table.*
2. *The Ministry of Transportation advises that a permit for development would be required from the Ministry of transportation if development on the south portion of the retained parcel was ever sought as the MTO control area applies to development within 45 m of Highway 7 and 395 m of the intersection of a road with Highway 7.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*

Tay Valley Township may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.

5. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Steve Norris

Hearing Date: November 19, 2010

Agent: Mark Lee

LDC File #: B10/115

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19 **Concession:** 4

Roll No. 0911 916 015 47600

Consent Type: New Lot

Purpose and Effect: To sever a 6.07-ha residential building lot and retain a 79.7-ha landholding with an existing dwelling, farm building and other outbuildings located at 243 Norris Road. The lands to be severed are accessed via Norris Road. Two lots were previously severed from the original parcel in 1990.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Farm / Residential
Proposed Use	Residential	Farm / Residential
Area	6.07 ha	79.7 ha
Frontage	143.5 m	121.9 m
Depth	295.7 m	
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
Official Plan Designation -Conformity?	Rural and Organic Soils Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 2 General Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Tay Valley Planners Report

Official Plan Applicable Sections:

3.6 Residential use is allowed in the Rural designation.

Section 2.17.2 Development Where Agricultural and Non Agricultural Uses are Adjacent requires the application of the Minimum Distance Separation formula to existing barns and there is a horse barn on the retained lot. The MDS was not required to be calculated as 3 lots with houses exist between the barn and proposed severed lot and the lot is 385 m from the barn and only 158 MDS required (as determined for the nearby Vaisanen proposed severance.)

5.2 Consent requires access from a public road and conformance with Zoning By-law requirements. These are met.

Zoning By-law Applicable Sections:

10.2 Lot area of 1 ha is met for the proposed severed lot (6.07 ha) and the 79.7 ha retained lot. Frontage of 60 m is met for the retained lot (121 m) and severed lot (also 121 m).RVCA and MRSSO have no concerns.

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed/transfer.

4. Two copies of the reference plan.

5. Parkland contribution of \$100.

Advisory Notes: MRSSO notes that fill may be needed on the proposed lot for a septic system as parts of it are clay and that a tertiary system is recommended.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the severance of a 15 ac lot which is currently vacant. The retained parcel is 197 ac and is developed with a single family residence and barns.

We have undertaken our review within the context of Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of Conservation Authority regulations under Section 28 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration.

We have not identified any natural heritage or natural hazards issues that would otherwise preclude the approval of this application, There is a permanent wetland feature immediately to the west of the retained parcel but it does not affect any of the lands (either severed or retained) that are subject to this proposal.

In conclusion, the Rideau Valley Conservation Authority has no objection to or any conditions of approval for this application. We would take this opportunity to advise the applicant that the watercourses that flow through both the severed and retained lands are subject to Ontario Regulation 174/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) under Section 28 of the Conservation Authorities Act. The written approval of the Conservation Authority is required prior to undertaking works that would result in an alteration to the channel of these watercourses. Any application received in this regard would be assessed within the context of approved policies for the administration of the regulation, including (hose for the protection of fish habitat.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority. Meanwhile, if you have any questions or require additional information, please contact mc at ext. 1133.

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

A site visit was conducted at the above mentioned property by our office on September 14, 2010, 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 applicant proposes to sever a 6.07 hectare parcel from the South East portion of the retained parcel to create a new lot. The proposed lot is currently vacant with open field border by treed land in the North, North West, West portions. Two test pits were excavated by hand to a depth of approximately 30 cm. Both test pits yield the same results: 0-25 cm topsoil, 25-30cm clayey sand.

The retained parcel varies in dimensions and approximately 79.72 hectares in area. The retained lot is currently developed with a dwelling, barn and several out buildings. GIS, Tay Valley Township's geographical information system, indicates a septic permit (# SF86193) was issued by the Leeds, Grenville & Lanark District Health Unit.

Significant amounts of imported leaching bed fill will be required due to the clayey sands present in the area. The amount of imported fill required can be reduced with the implementation Tertiary Treatment. The proposed severed lot is of large enough area and appropriate topography to support a Class 4 Septic System meeting all requirements of the OBC. Given the above information, the Mississippi Rideau Septic System Office has no objections to the severance as proposed.

If you have any questions, please do not hesitate to contact our office.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 6.07-ha residential building lot and retain a 79-ha landholding with an existing dwelling and farm buildings. The lands were subject to two previous severances in 1990.

The subject lands are located in an area characterized by vacant landholdings and Farm / Residential on large landholdings, intermixed with large residential lots along Norris Road. Highway 7, the Rail-line and OMYA are located to the south.

An agricultural operation is located on the retained lands. The livestock facility is located approximately over 300 m from the side lot line of the lands to be severed. An MDS was undertaken for severance B10/112 and B10/113 which requires a 158 m setback from the facility.

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

The Provincial Policy Statements requires that lands being developed in rural areas be compatible with the rural landscape and can be sustained by rural service levels and avoid the needs for uneconomical expansion of infrastructure. No expansion of service levels is required for the Norris Road and Hydro/Bell lines are existing. The severed lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 7 – no capability for agriculture
- Drainage: well drained
- Hydrogeology: moderate

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 – November 19, 2010**

Steve Norris, owner and Mike Cassidy, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$100 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).

8. A letter shall be received from Tay Valley Township stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic Office advises that significant amounts of imported leaching bed fill may be required due to the organic soils in the area and the potential for minimal vertical separation to bedrock. Other limiting factors could also be present on site, i.e. clay soils and high groundwater table.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. Tay Valley Township may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
4. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*
5. *Rideau Valley Conservation Authority advises that the watercourses that flow through both the severed and retained lands are subject to Ontario Regulation 174/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) under Section 28 of the Conservation Authorities Act. The written approval of the Conservation Authority is required prior to undertaking works that would result in an alteration to the channel of these watercourses. Any application received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Lisa Bailey

Hearing Date: November 19, 2010

Agent: John Royle

LDC File #: B10/116

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 21 Concession: 3

Roll No. 0911-914-020-61200

Consent Type: Lot Addition

Purpose and Effect:

B10/116 – To sever a 0.257-ha vacant parcel of land as a lot addition to lands owned by Gordon Hill at Pt Lot 6 RP27R-9326 Lot 21 Conc. 3 South Sherbrooke. Lands are accessed via Christie Lake Lane 32D.

DETAILS OF PROPOSAL	Land to be Severed B10/116	Land to be Retained
Existing Use Proposed Use	R-O-W R-O-W	Seasonal Residential Seasonal Residential
Area Frontage Depth Road - Access to	n/a	1.24 ha 192.8 m 201.04 m Private Road
Water Supply Sewage Disposal	n/a n/a	Private Well Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Seasonal Residential n/a	Seasonal Residential 0.405-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 2 General Policies, Section 3.4 Natural Heritage Policies, Section 3.5 Natural Hazard Policies, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division

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

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone.

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

(b) **AGENCY REVIEW**

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

Note – the applicant originally applied for two severances, but has since withdrawn B10/117. Some agency comments refer to B10/117 as they had undertaken their review prior to notice of the withdrawal.

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for review.
3. Copy of deed / transfer.
4. 2 copies of the reference plan.
5. No person who currently has a right of access across the subject lands, claims to be negatively impacted by the proposed severance of the right-of-way.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted applications for the severance of land that 'viii be conveyed as lot additions to the adjacent landowners:

B10/116 will sever a 0.639 ac parcel of land, identified as Parcel 1 on the sketch, for conveyance to Hill.

B10/117 will sever a 3.12 ac parcel of and, identified as Parcel 2 on the sketch, for conveyance to Wicklum.

The retained parcel is 3.059 ac and is used for seasonal residential purposes.

The lots to which the severed parcels are to be added are also used for seasonal residential purposes.

We have undertaken our review within the context of Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act and from the perspective of Conservation Authority regulations under Section 22 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration.

We have not identified any natural heritage or natural hazards issues that would otherwise preclude the approval of this application. There is a permanent wetland feature immediately to the west of the right-of-way (described as Part 2 on Plan 27R-9326) on the retained parcel. However the severances do not in any way impinge upon this feature.

In conclusion, the Rideau Valley Conservation Authority has no objection to or conditions of approval for these applications. We would take this opportunity to advise tile applicant and the owners to which these lands are to be conveyed, that the shoreline of Christie Lake is subject to the Development. Interference with Wetlands and Alteration to

Shorelines and Watercourses Regulation (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the owner of the property obtain the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to the shoreline of Christie Lake. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority. Meanwhile, if you have any questions or require additional information, please contact me at ext. 1133

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

A site visit was conducted at the above mentioned property by our office on September 17, 2010, 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 applicant proposes to sever a 0.257 hectare parcel from the retained parcel for the purpose of a Jot addition. The proposed area for the lot addition is currently vacant, containing a travelled right of way. It is indicated that the lot will be added to the property known municipally as 642 Christie Lake Lane 320.

The retained parcel varies in dimensions and is approximately 1.25 hectares in area. The retained lot is currently developed with a dwelling, boat house and several out buildings. GIS, Tay Valley Township's geographical information system, does not have a record of the existing septic system. During the site visit a probe was used to determine the general location of the system components.

The conveyance of the severed parcel will not impact the ability to maintain, operate, or replace the existing septic system on the retained parcel or the property receiving the addition. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

If you have any questions, please do not hesitate to contact our office.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.257-ha parcel of land as a lot addition to lands owned by Gordon Hill at Pt Lot 21 Conc. 3 South Sherbrooke. The purpose of the application is to obtain the lands on which the access road to his lands is located.

The lands are accessed via Christie Lake Lane 32D, a private road which adjoins Christie Lake North Shore Road, a municipally maintained road.

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 – November 19, 2010**

Lisa Bailey, owner and John Royle, agent, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.
9. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gordon Leonard Hill described as Part Lot 21 Conc. 3,

geographic Township of South Sherbrooke, Plan 27R-6604 Parts 1 to 3, 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 the shoreline of Christie Lake is subject to the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the owner of the property obtain the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to the shoreline of Christie Lake. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Peter & Joanne Butler **Hearing Date:** November 19, 2010
Agent: Darwin Code & Heather Code
LDC File #: B10/134
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 17 **Concession:** 2
Roll No. 0911 914 020 09103 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.314-ha parcel of land as a lot addition to lands owned by Darwin and Heather Code (556 Christie Lake Lane 41A) and retain a 4.5-ha residential lot (586 Christie Lake Lane 41A). R-O-W access for others along the Private Road (Christie Lake Lane 41A) will be maintained.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Septic System	Seasonal Residential Septic System
Area Frontage Depth Road - Access to	0.314 ha 30.7 m 42.6 m Registered right-of-way	4.5 ha none 20 m Registered right-of-way
Water Supply Sewage Disposal	None Proposed	Lake Private Septic
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural n/a	Rural 0.405-ha Yes 60 m Yes

(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 Policies, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process
3. Copy of the deed/transfer.
4. Two copies of the reference plan.

(c) PLANNING REVIEW

The applicant proposes to sever 1.314-ha parcel of land as a lot addition to lands owned by Darwin and Heather Code and retain a 4.5-ha lot with an existing dwelling. The purpose of the lot addition is to install a septic system.

The subject lands are located in an area characterized by Seasonal Residential along the private road locally know as Christie Lake Lane 41A.

The lands are accessed via Christie Lake Lane 41A, a private road which adjoins Althorpe Road, a County maintained road.

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

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

(d) PUBLIC INPUT

No written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

(e) MINUTES – November 19, 2010

Heather Code, agent, attended the hearing and gave evidence under oath.

Ms. Code advised that the MRSO had reviewed the proposed location of the septic system on the lands to be severed and advised that the site was appropriate.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.
9. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Darwin and Heather Code described as Part Lot 17 Conc. 2, geographic Township of South Sherbrooke, 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. *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: Carole Arsenault

Hearing Date: November 19, 2010

Agent:

LDC File #: B10/142

Municipality: Town of Carleton Place

Geographic Township:

Lot: 41 **Compiled Plan:** 133

Roll No. 0928 020 040 05200

Consent Type: Lot Addition

Purpose and Effect: To sever a 244 sq.m. vacant parcel of land as a lot addition to lands owned by Robert and Marguerite Brosseau at Pt Lot 41 Compiled Plan 133 (41 Lake Ave West).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	244 sq m	632 sq.m.
Frontage	N/A	16.6 m
Depth		38.1 m
Road - Access to		Municipal Rd
Water Supply	N/A	Municipal Water
Sewage Disposal	N/A	Municipal Sewers
Official Plan Designation		Residential
-Conformity?		Yes
Development Permit Category	Residential	Residential
-Area Required (min.)	n/a	60%
-Compliance?		
-Frontage Required (min.)		10.6 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

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.

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 – General 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 Planner's Report

A severance application has been submitted by the owner of 8 Victoria Street to sever approximately 244 m² which will be added to the rear of the adjacent property at 41 Lake Avenue West.

COMMENT

The application is for a lot line adjustment from 8 Victoria Street to 41 Lake Avenue West. The Official Plan and Development Permit designation is Residential. Both of these designations permit a variety of residential dwelling units. The result of the application will effectively double the lot area of 41 Lake Avenue West and create a useable rear yard for the existing dwelling at that address.

Staff recommend approval of the severance with the following conditions:

1. The balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Town;
2. That the applicant provides a building location survey confirming the rear yard setback from the existing dwelling for the retained parcels to the satisfaction of the Town of Carleton Place;
3. That the applicant provides a digital copy of the reference plan (in NADS3 datum); and
4. The lands to be severed are for the purpose of lot addition only to the adjacent lands at 41 Lake Avenue known as P1N05306-0096

STAFF RECOMMENDATION

That staff forward comments and suggested conditions of approval to the County for consideration.

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

1. The balance of outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a building location survey confirming the rear yard

setback from the existing dwelling for the retained parcels to the satisfaction of the Town of Carleton Place.

3. That the applicant provides a digital copy of the reference plan (in NAD83 datum); and
4. That the lands to be severed are for the purposes of lot addition only to the adjacent lands at 41 Lake Avenue known as P1N05306-0096.

(c) PLANNING REVIEW

The applicant proposes to sever a 244 sq. m parcel of land as a lot addition to lands owned by Robert and Marguerite Brosseau at Pt Lot 41 Compiled Plan 133 (41 Lake Ave West).

The subject lands are located in an area characterized by typical urban residential development.

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 – November 19, 2010

Carole Arsenault, owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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.
3. That the applicant provides a building location survey confirming the rear yard setback from the existing dwelling for the retained parcels to the satisfaction of the Town of Carleton Place.
4. That the applicant provides a digital copy of the reference plan (in NAD83 datum).
5. A letter shall be received from the Town of Carleton Place stating that condition #2 through #4 has been fulfilled to their satisfaction.
6. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert and Marguerite Brosseau at Pt Lot 41 Compiled Plan 133 (41 Lake Ave West), 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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Andrew and Glenna Brown

Hearing Date: November 19, 2010

Agent:

LDC File #: B10/144

Municipality: Town of Mississippi Mills

Geographic Town: Almonte

Lot: 17

Plan: 6262

Roll No. 0931 010 015 07000

Consent Type: Easement

Purpose and Effect: To sever an existing easement over Lot 17 Compiled Plan 6262 to the balance of the lands owned by Andrew and Glenna Brown. The lands are accessed via Strathburn Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	R-O-W	Vacant
Proposed Use	R-O-W	Vacant
Area	n/a	No change
Frontage		
Depth		
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Proposed
Sewage Disposal	none	Proposed
Official Plan Designation -Conformity?		Residential Yes
Zoning Category	Low Density Residential n/a	Low Density 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.

Official Plan – Section 6 Residential, Section 4 General Policies, Section 5.3.11 Consent to Sever.

The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 10 Residential Type 1 Zone
The Town of Mississippi Mills 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:

Town of Mississippi Mills Planner's Reports

Background

Andy and Glenna Brown currently own approximately 19.7ha (48.8ac) acres of land on the north side of Strathburn Street, Of the 19.7ha (48.8-ac) holding, 186.4m² (2.27 acres) of land located on north-west corner of Strathburn Street and Malcolm Street, in Almonte Ward was severed in 2004 to create a retirement lot. The property currently has a Community Official Plan designation of Residential. The land holdings, with the exception of the retirement lot are zoned Development (U) Zone. The retirement lot is zoned Residential Type 1 Special Exception 19 (RI -19) Zone. The applicant is proposing to create a temporary easement over the retirement lot, to provide access to the existing dwelling, .and to correct the title of the parcel of land that supports the existing dwelling.

Severance Application Summary - Lot Severance

This application is to create a temporary easement to provide access to the existing dwelling. In 2004, the owners were granted a retirement lot on the original property. The driveway access to the original farm dwelling crossed over the retirement lot (refer attached to sketch). In addition to the easement, a subdivision was approved prior to the inception of the Planning Act. There are concerns that while the lot has an individual Property Identification Number (PIN) the title should be clarified. Which will be done through the process.

Community Official Plan Policies

Section 5.3.11 of the Community Official Plan allows for the granting of right of ways or easements within the Town of Mississippi Mills. In this particular ease, the easement is necessary to provide a legal access to the original farm dwelling. The original land holding has been divided by a subdivision which has been identified under Plan 6262. The right of ways have been assumed by the Municipality, but the roads have not been built. As a result, the only access to the original lot is over the existing driveway. In order to protect the access to the house and the parcel of land on which the driveway crosses, a temporary easement is required. The intent is that the easement would be temporary and would be removed once the subdivision comes on line and is built. At that time the easement would be removed.

A lot, for the original property with the house, was created as a result of the subdivision. There are concerns, from a legal perspective, that the legal description for this lot should be clarified. As a result the applicant will correct the title by consent to reflect the existing lot.

Zoning By-law

Each of the two subject properties are zoned differently. When the retirement lot was created in 2004, the property was rezoned to RI-19. The remaining lands, including the subject for title clarification, are currently zoned Development (D) zone. The RI -19 allows for a single family dwelling to be serviced by a septic and well. The Development

(D) Zone limits the “uses, buildings and structures legally existing at the date of the passing of the by-law.

In this case, the dwelling and accessory buildings were part of the original farm dwelling and therefore are legally permitted. Furthermore the proposed lot is consistent with the lot that created by the subdivision. As a result, the proposed severance will not require any changes to the existing zoning and is consistent with the by-law.

Conclusion

The proposed severances are consistent with both the Official Plan and the current zoning bylaw. The proposed severances will bring a very large parcel of land more in tune with the surrounding community while accommodating the required setback, such as the setback from the railway, and providing sufficient land to be developed. With this in mind, staff’s recommendation regarding the proposed severance is to support the application.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the reference plan to the Town;
3. That the applicant pay any outstanding property taxes on the subject property; and
4. The applicant shall enter into a consent agreement regarding the temporary easement,

(c) **PLANNING REVIEW**

The applicant proposes to sever an existing r-o-w / easement over lands that were previously created by consent B2004/105. The r-o-w / easement was inadvertently missed being described in the deed for the lands described as Compiled Plan 6262 being Part 1 on Reference Plan 27R-8621.

The r-o-w/easement is accessed via Strathburn Street, a municipally maintained road.

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

(d) **PUBLIC INPUT**

No written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

(e) **MINUTES – November 19, 2010**

Andrew and Glenna Brown, owners, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
3. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills a copy of all reference plans associated with this application.
5. The applicant shall enter into a development agreement regarding the temporary easement. The applicant shall consult directly with the Town in this regard.
6. A letter shall be received from the Town of Mississippi Mills stating that condition #2 through #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a right-of-way / easement only to the adjacent lands owned by Andrew Harold Brown and Glenna Elizabeth Brown described as Compiled Plan 6262 Lots 7, 13-28, 35-40, 47-87, 92-177 and Pt Lots 34 and 46, Town of Almonte, now in the Town of Mississippi Mills.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Donald Harold McIlvenna

Hearing Date: August 30, 2010

Re-Convened: November 19, 2010

Agent: Kirkland, Murphy

LDC File #: B09/135

Municipality: Township of Drummond/North Elmsley

Geographic Township: North Elmsley

Lot: 3

Concession: 5

Roll No. 0908-000-010-03700

Consent Type:

Purpose and Effect: To sever a 3.18-ha vacant parcel of land and retain a 9.7-ha vacant landholding. The lands are accessed via Hwy 43.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	3.18-ha	9.7- ha
Frontage	30 m	60 m
Depth	Irregular	Irregular +/- 450 m
Road - Access to	County Rd 43	County Rd 43
Water Supply	None proposed	None proposed
Sewage Disposal	None proposed	None proposed
Official Plan Designation	Rural and Wetlands	
-Conformity?	Yes	
Zoning Category	Rural	Rural, Flood Plain & Wetland
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(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 4.6 wetland Policies, Section 5.2 County Roads.

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

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

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

D / NE Planner's Report – August 16, 2010

I have been circulated on an application for severance for Donald McIlvena (Kirkland Murphy, Agent) being application 809/135 for property located at Part of Lot 3, Concession 5, Geographic North Elmsley.

The purpose of the application is to sever a 3.18 ha vacant parcel of land and retain a 9.7 ha vacant landholding. Both the severed and the retained lands would be accessed by County Road 43. The lawyer for the property owner has advised in the application form that the two parcels merged in 1998, and he refers to this as a Technical Severance to re-sever lands that have merged. The subject property is designated Rural, Wetland and Wetland Adjacent Lands under the Official Plan of the Township of Drummond/North Elmsley, and is zoned Rural (RU) and Wetland (W) under Zoning By-Law 2003-34. The proposed severed lot is entirely out of the Wetland and Wetland Adjacent Lands, while the majority of the retained lands are within the Wetland and Adjacent Lands.

An EIS was prepared by Pinegrove Biotechnical in May, 2010, which addressed the feasibility of upgrading the field entrance on the retained parcel to a residential entrance. I would note that the EIS refers to County Road 43 as a Provincial Highway, and refers to the subject property as having an address of 1489 County Road 43, where our records refer to this parcel of land as 3551 County Road 43. The EIS has been reviewed by RVCA and they have confirmed that they are satisfied with the conclusions in the EIS.

The subject property is zoned Rural (RU), where the minimum lot frontage is 45 metres. It appears from the information provided by the applicant that the severed parcel does not meet the minimum requirement for lot frontage. I would recommend a condition of severance approval whereby the applicant demonstrates conformity with the Township's Zoning policies, or makes application to amend the Zoning By-Law as required.

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

- The balance of any outstanding taxes and 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 demonstrate that both the severed and retained lands conform to the policies of the Township's Zoning By-law, or make application to amend the Zoning By-law as required.

Conservation Authority – Rideau Valley Conservation Authority

January 22, 2010

The application has been reviewed by the Rideau Valley Conservation Authority (RVCA) and a site inspection was completed. We have the following comments for the County's assistance. The application will create a new lot of 7.8 acres with 24 acres remaining in the retained lands. There is an existing dwelling on the proposed severed parcel. The retained lot is vacant and consists of wetlands, mixed bush and agricultural land.

The subject property is within the boundary and the adjacent lands of the Provincially Significant Swale Wetland. The severed lands are not within the 120 metre adjacent lands however there are sections of the Provincially Significant Wetland within the retained portion. There appears to be two access areas from Highway #43 to the subject property. One access is located to the west of the property and will be used to access the proposed severed land. The other access area is located to the east within the wetland boundary. The majority of the retained lands are located to the south of the access point on Highway #43. The entire access area is classified by the Ministry of Natural Resources as provincially significant wetland. The wetland boundary was not able to be confirmed due to the snow cover.

All lands within 120 metres of the wetland boundary are regulated under the Conservation Authorities "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation. ~~The property owner should be advised that written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of the wetland.~~

Prior to any decision we recommend the completion of an Environmental Impact Assessment by a qualified professional (as required in section 3.19 & 4.6.3.1 of the Official Plan) to address issues of potential access and development located on the retained lands. The EIS must address the following: the wetland boundary, impacts to the wetland function and habitat, the location of any access road and development envelop/setback.

The RVCA can not support an application that has single point access through a provincially significant wetland. No approval for development under Ontario Regulation 174/06 would be granted by the Conservation Authority. There also appears to be a watercourse on the subject lands that drains the

wetlands from the north into the Rideau River, any alteration to the watercourse also requires the permission from the RVCA.

We note that the application does not result in fragmentation of ownership of the provincially significant wetland. There is potential to develop outside the 120 metre adjacent lands on the proposed retained property if the issue of access can be resolved. Based on our site visit there could be minor revisions to the wetland boundary. Please advise us on the committee's decision on the application 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.

June 16, 2010

Thank you for sending a copy of the (EIS) Environmental Impact Statement produced by Pinegrove Biotechnical (Hans Von Rosen) dated May 22, 2010.

The EIS concluded that the “wetland... would not be negatively impacted in size or function by upgrading of the entrance and access lane beyond”.

The Rideau Valley Conservation Authority is satisfied that the proposed adjustment to the wetland boundary on the retained parcel to allow for the driveway improvements, addresses the concerns noted in our original comments by Matt Craig.

We remind the applicant that should the Land Division Committee approve the application for consent, any alteration to the watercourse or development within the 120 metre adjacent lands to the provincially significant wetland would require a permit from the Rideau Valley Conservation Authority prior to works commencing. As per the provincial policy statements, in general, no development within a provincially significant wetland is permitted. We continue to suggest that there is potential to develop in the area outside the wetland boundary.

Trusting this is satisfactory. Please do not hesitate to contact me should there be any additional comment you may need.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – 7+ acres, irregular shaped parcel with an existing storage barn and several mobile storage trailers near the north end. Mixture of open field and treed areas. Variable slopes and soil conditions. Fill requirements will be subject to the exact location proposed for a sewage system in future.

Retained – 24+ acres of vacant scrubland. Variable slopes, drainage and soil conditions. Fill requirements subject to the exact location of a sewage system proposed in future.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

County Roads Department – July 12, 2010

Applicant has an approved existing entrance to the County Road for the severed lands – Permit No. 2230

Applicant has an approved entrance location permit to the County road for the retained lands – Permit No. 1489 (Revised).

Entrance to be installed prior to deed endorsement for the retained lands.

Road Widening is not required.

Comments – severed lands gain access from CR 43 via an existing entrance which has been upgraded to single residential. The retained lands currently gain access from CR 43 via an existing agricultural entrance, which must be upgraded to single residential prior to deed endorsement.

(c) PLANNING REVIEW

The applicant proposes to sever 3.18-ha lot with an abandoned storage barn and retain a 9.7-ha landholding. The severed lands are currently being used by Cornerstone Building Ltd for material storage.

The subject lands are located in an area characterized by Residential along Highway 43. A Mobile Home Park is located to the west as well as a golf course. The lands are on the fringe of the Town of Smiths Falls. A cemetery is located to the north east, as well as the Town of Smiths Falls landfill site.

The lands are accessed via Highway 43, a county road.

The land are adjacent to the Provincially Significant Wetland Complex, composed of the "Swale" and "Johnsons Bay". Due to this proximity, the applicant had an Environmental Impact Statement prepared to determine if residential entrance could be installed on the retained lands. The report concluded that *"the construction of a residential driveway, at or near the location identified by County Permit No. 1489 as painted on Highway 43, and proceeding southward paralleling the private fence for about 60 metres, thereafter crossing the upland grassed area to the existing building, for a distance of about 670 metres, may be undertaken without imperilment to significant Natural Heritage Values, provided:*

- *That the driveway is not located further to the east (see map);*
- *That the actual work is being carried out no sooner than mid-May, and no later than late August;*
- *That lands denuded of vegetation are being re-seeded to a grass/clover mixture no later than early September of the year in which the work was undertaken, in order to prevent sheet erosion during the winter;*
- *That standard erosion control Best Management Practices be utilized during the construction phase;*
- *That the existing tree cover on the property be maintained.*

Approval to upgrade the existing 'field entrance' to the standards of a 'residential entrance'. And to reduce the width of the EP Zone from 120 m to 50 m from the edge of the municipal drain, to the upgraded 'residential entrance' is therefore considered reasonable, provided the conditions outlined above are included within the work permit and are stringently enforced."

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 – August 30, 2010

Donald McIlvenna, applicant attended the hearing and gave evidence under oath.

Mr. McIlvenna advised that the property was two separate lands that became merged on title.

The Committee questioned the frontage on the severed lot, which Mr. McIlvenna advised was around 110 ft. It was noted that this does not comply with the Township's Zoning By-law.

Moved by C Tyson and Seconded by D Murphy

THAT application B09/135 be deferred pending a rezoning / minor variance application to reduce the lot frontage requirements. Cd.

(f) **NEW INFORMATION**

As requested Mr. McIlvenna has obtained approval from the Township of Drummond / North Elmsley through a Minor Variance to decrease the required road frontage from 45 m to 30m.

(g) **MINUTES – November 19, 2010**

Donald McIlvenna, owner and John Kirkland, solicitor, attended the hearing. The chair reminded Mr. McIlvenna that he was still under oath from the previous meeting. Mr. Kirkland, by virtue of his office was not required to take an oath.

Mr. Kirkland explained the reasons for the merging on title of the two properties.

The chair reviewed the staff report and draft conditions.

(h) **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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.

4. The applicant shall provide the Township with a copy of all reference plans associated with this application.
5. 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 conditions for development as outlined in the Environmental Impact Statement prepared by Pinegrove Biotechnical and dated May 22, 2010.
6. That a copy of the Development Agreement referred to in Section 5 above, shall be provided to the County of Lanark Public Works Department.
7. That a copy of the Development Agreement referred to in section 6 above, shall be provided to the Rideau Valley Conservation Authority.
8. The applicant shall upgrade the existing agricultural entrance to the retained lands (Application No. 1489 Revised) to single residential prior to deed endorsement.
9. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. A letter shall be received from County of Lanark Public Works Department stating that condition #6, #8 and #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
2. *The Rideau Valley Conservation Authority advises that any alteration to the watercourse or development within the 120 metre adjacent lands to the provincially significant wetland will require a permit from the RVCA prior to works commencing. As per the Provincial Policy Statements, in general, no development within a provincially significant wetland is permitted.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*