



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, September 27, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2010-028

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

“THAT, the minutes of the Land Division Committee meeting held on August 30, 2010 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-029

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. and 1:30 p.m. public hearings:

7.1.1 **B10/068, Norman Dobbie** – new lot

Pt Lot 1 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (7th Conc. Drummond).

7.1.2 **B10/073, Earl Donaldson and Raymond Donaldson** – new lot

Pt Lot 2 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (McDonald's Corners Road).

7.1.3 **B10/080 and B10/081 – Alison and Renee Heath** – two new lots

Pt Lot 18 Conc. 2, geographic Township of Lanark, now in the Township of Lanark Highlands (Highway 511 and Stewart-Gibson Road).

7.1.4 **B10/086 – Gerhard Herget** – new lot

Pt Lot 9 Conc. 7, geographic Township of Dalhousie, now in the Township of Lanark Highlands (Dalhousie Conc. 7).

7.1.5 **B10/089 – Grant Bova & Hope Stinchcombe** – new lot

Pt Lot 20 Conc. 2, geographic Township of Bathurst, now in Tay Valley Township (Christie Lake Road).

7.1.6 **B10/090 – Arthur D Price** - new lot

Pt Lot 4 Conc. 5, geographic Township of Dalhousie, now in Tay Valley Township (River Drive).

7.1.7 **B10/095 – Rein and Carol Prost** - lot addition

Pt Lot 12 Conc. 10, Township of Beckwith (Northcote Road)

7.1.8 **B10/098 – George Oliver** – new lot

Pt Lot 30 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley (Otty Lake Side Road).

7.1.9 **B10/110 – Estate of Grace Dobbs** – new lot

Pt Lot 7, 8, 9 and 23 Compiled Plan 3389, Town of Carleton Place (Lake Ave East).

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Ontario East Municipal Conference - discussion.
B. Strachan provided a brief summary of the sessions attended.

9.2 Sample wording – Source Water Protection Areas
The secretary advised that the following ‘draft note’ to included with the provisional conditions for consents within a groundwater recharge area, until such time as regulations or conditions have been approved has been submitted to the Mississippi-Rideau Source Water Protection Committee for consideration”
“The lands are within an identified “Groundwater Recharge Area” by the Mississippi-Rideau Source Water Protection Committee. Best management practices should be employed to ensure development does not negatively impact underlying ground water resources.”

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/068, Norman Dobbie – new lot

10.1.2 B10/073, Earl Donaldson and Raymond Donaldson – new lot

10.1.3 B10/080 and B10/081 – Alison and Renee Heath – two new lots

10.1.4 B10/086 – Gerhard Herget – new lot

10.1.5 B10/089 – Grant Bova & Hope Stinchcombe – new lot

10.1.6 B10/095 – Rein and Carol Prost - lot addition

10.1.7 B10/098 – George Oliver – new lot

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B10/090 – Arthur D Price - new lot

MOTION #LD-2010-030

MOVED BY: C. Tyson

SECONDED BY: D. Murphy

“THAT, application B10/090 be deferred to provide the applicant / agent an opportunity to resolve the issues raised by the Conservation Authority, Health Unit and Hydro One;

AND to resolve the non-compliance issue - minimum water frontage and access to maintained municipal road.”

ADOPTED

10.2.2 B10/110 – Estate of Grace Dobbs – new lot

MOTION #LD-2010-031

MOVED BY: D. Murphy

SECONDED BY: C. Tyson

“THAT, application B10/110 be deferred to provide the applicant / agent an opportunity to review the adjacent property access issue with their estate solicitor.”

ADOPTED

11. UPCOMING MEETINGS

Monday, October 18, 2010 @ 9:00 a.m.;
Friday, November 19, 2010 @9:00 a.m.; and
Monday, December 20, 2010 @9:00 a.m.

12. ADJOURNMENT – 12:05 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Norman Dobbie

Hearing Date: September 27, 2010

Agent: N/A

LDC File #: B10/068

Municipality: Township of Drummond

Geographic Township: Drummond/North Elmsley **Lot:** 1 **Concession:** 6

Roll No. 0919 919 030 00300 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.607-ha residential building lot and retain a 5.9-ha vacant landholding. Two (2) previous severances were approved in 2006. The lands are accessed via Drummond Con 7.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.607 ha	5.9 ha
Frontage	59.436 m	117.348 m
Depth	102.108 m	264.5 m
Road - Access to	Municipal Road	Municipal 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.)	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.

2.2 Water

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.

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.3 Local Roads.

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

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

I have been circulated on an application for severance for Norman George Dobbie, being The purpose of the application is to sever a 0,607 ha (1.5 acre) residential building lot and retain a 5.9 ha 14.6 acre) vacant landholding. Both the severed and the retained lands would be accessed by Drummond Concession 7.

The subject property is designated Rural under the Official Plan of the Township of Drummond/North Elmsley (2004) and is zoned Rural (RU) under Zoning By-Law 2003—31. There have been two previous severances from the subject property in 2006. The Official Plan policies permit up to three severances from a parcel of land as the parcel existed in 1979. As such, the property owner is entitled to a third severance from this land holding.

The proposed severed lot will have approximately 59 metres of frontage on Drummond Concession 7, and the retained lot will have approximately 117 metres of frontage. Both the severed and the retained lots comply with the provisions of the Township's Zoning By-Law.

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.
- Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. 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.
- The Applicant shall confirm with the Township of Drummond / North Elmsley that a residential entrance can be obtained for the retained parcel.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever a vacant 0.607-ha building lot and retain a vacant 5.9-ha landholding. Two previous severances were approved in 2006.

A review of available mapping shows McIntyre Creek travelling through the proposed retained lands. No other natural heritage features or natural hazards were identified on the subject lands.

The resulting lots meet with the current minimum area requirements set out in the Township of Drummond/North Elmsley's Zoning By-law and sufficient area appears to exist to locate future development in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented through a Development Agreement or Site Plan Control, for any future development on the retained lands:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the creek or
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. Shoreline vegetation surrounding the creek shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek or onto adjacent properties.

We note that the subject application represents the third severance on the subject land. Therefore, we suggest that any potential future severances be subject to the subdivision review process.

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

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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The property is approximately 1.5 acres and is currently a field. Direction of flow appears to be toward the rear of the property. There were areas that indicated high water table. There will be sufficient property to install a Class 4 septic system. The system may need to be at least partially raised using imported sandy loam fill. Amount will depend on exact location.

Retained – The property is approximately 14.5 acres and consists of fields with some trees, a creek to the rear and east of property, and wooded area to the rear of the property. There will be sufficient property to install a Class 4 septic system. Depending on the exact location, the system may need to be raised using imported sandy loam fill.

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 0.607-ha residential building lot and retain a 5.9-ha vacant landholding. Two (2) previous severances were created from the original parcel in 2006.

The subject lands are located in an area characterized by Residential on varying lot sizes. The lands to the north of Drummond Con. 7 are designated "Agricultural", however no livestock facilities are within 500 m of the lands. McIntyre Creek runs through the retained lands.

The lands are accessed via Drummond Con. 7, a municipally maintained road.

Soils Inventory – Name: North Gower
- Stoniness: non-stoney
- CLI: 2 – moderate potential
- Drainage: poorly
- Hydrogeology: high run-off

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 – September 27, 2010

Norman Dobbie, applicant attended the hearing and gave evidence under oath.

The Chair reviewed the staff report and draft conditions with Mr. Dobbie. No further information was provided.

(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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES:

1. *Mississippi Valley Conservation advises that the following mitigative measures should be implemented through a Development Agreement or Site Plan Control, for any future development on the retained lands:*
 - *Future development, including a septic system shall be setback the greater of:*
 - *a minimum 30 metres from the seasonal high water mark of the creek or*
 - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.*
 - *Shoreline vegetation surrounding the creek shall be retained to a minimum depth of 15 metres.*
 - *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek or onto adjacent properties.*
2. *The MVC also advises that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
In addition, any proposed works in or near the creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
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 Leeds Grenville and Lanark District Health Unit advises that the septic system may need to be at least partially raised using imported sandy loam fill. Amount will depend on exact location.*
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: Earl & Raymond Donaldson **Hearing Date:** September 27, 2010

Agent: N/A

LDC File #: B10/073

Municipality: Township of Drummond/ North Elmsley

Geographic Township: Drummond **Lot:** 2 **Concession:** 12

Roll No. 0919 919 020 24600 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.73-ha residential lot with an existing dwelling and shed and retain a 55-ha landholding with an existing dwelling and outbuildings. The lands are accessed via McDonald's Corners Road (County Road 12).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	0.73 ha 160 m 45 m County Road	55 ha +/- 258 m 1000 m County Road
Water Supply Sewage Disposal	Private Well Private Septic	Private Well Privy
Official Plan Designation -Conformity?	Rural & Wetlands Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural & Wetland 0.4-ha Yes 45 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 2.2.2 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.

3.1 Natural Hazards

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

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

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 24 Wetland
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 D/NE Planner's Report

I have been circulated on an application for severance for Earl Donaldson and Raymond Donaldson, being application B10/073, for property located at Part of Lot 12, Concession 2, Geographic Drummond.

The purpose of the application is to sever a 0.73 ha residential lot with an existing dwelling and shed located at 2715 McDonald's Corners Road, and retain a 100 ha landholding with an existing dwelling and outbuildings, located at 2691 McDonald's Corners Road. The lands are accessed via McDonald's Corners Road (County Road 12).

The subject property is designated Rural and Wetland under the Official Plan of the Township of Drummond / North Elmsley. The Wetland designation is at the south end of the property and is not affected by the proposed severance. The property is zoned Rural (RU) and Wetland (W) under Zoning By-Law 2003-34. The proposed severance conforms to the Official Plan and the Zoning By-Law, for both the severed and retained lands. As both dwellings are existing, no new entrances are required.

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

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

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject applications is to sever 0.73 ha with an existing residence and outbuilding and retain a 100.0-ha landholding with an existing dwelling and outbuildings.

According to a review of available mapping, the proposed retained lands have frontage on the Clyde River. In addition, mapping revealed that the southern portion of the retained consist of the *Playfairville-Mud Lake Complex*, which has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources.

Guidelines prepared in support of the Provincial Policy Statement (PPS) recommend that new development, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as shown on available mapping, the proposed severed lands are located beyond the adjacent lands to the PSW and the both resulting lots are already developed with no new development proposed at this time. With all of this in consideration, MVC is of the opinion that there would be limited value in conducting an EIS at this time. However, in the event that future development is proposed within the adjacent lands to the PSW, an EIS may be required to evaluate such development.

The resulting lots meet with the current minimum area requirements set out in the Township of Drummond/North Elmsley's Zoning By-law and both resulting lots are already developed with no new development proposed at this time. On this basis, MVC does not have any objection to the subject application provided that potential future development

complies with the zoning provisions; particularly with respect to the minimum waterbody setback, the retention of a shoreline vegetated buffer, and development within the adjacent lands to a PSW.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the river or for any interference within 120 metres of the PSW.

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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – The 1.8 acre property contains a house and outbuilding. The well is to the southeast of house. Drainage appears to be west and north. There is shallow topsoil and rocky outcroppings.

The septic system is located to the west of the dwelling and was installed in 1975 (P-120-75). It consists of a 600 gallon septic tank and 250 lineal feet of pipe. There is sufficient property to replace the septic system. It would need to be to the east of the house and depending on soil conditions may need to be at least partially raised using imported sandy loam fill.

Retained – The greater than 64 acre property has a farmhouse and outbuilding. The property has treed areas, fields and a wetland to the southern boundary. County Road 12 intersects a portion. There is minimal topsoil and rocky outcroppings. A well is located to the south west of house. The farmhouse is on a hill with slopes to north and south.

Currently there is a Class 1 (privy) septic system. There will be sufficient property to install a Class 4 septic system. Depending on exact location, the septic system will need to be fully raised using imported sandy loam fill.

County of Lanark Public Works

Applicant has an approved entrance to the County Road – Severed Permit #100, Retained Permit # 2275.

Entrances are already installed.

Road Widening is not required.

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 0.73-ha lot with an existing dwelling (2691 McDonald's Corners Road) and retain a 55-ha landholding with an existing residential dwelling (2715 McDonald's Corners Road).

The subject lands are located in an area characterized by Residential on large landholdings along McDonald's Corners Road. The Village of Lanark is to the East of the lands and the Clyde River abuts the rear of the retained lands. The southern portion of the lot is within the Playfairville – Mud Lake Wetland Complex (PSW).

Two residential dwelling are currently located on the lands, the purpose of the severance is to provide separate ownership for the lands. No new development is proposed.

The lands are accessed via McDonald's Corners Road (County Road 12), a county maintained road.

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 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 – September 27, 2010**

Earl Donaldson and Raymond Donaldson, owners attended the hearing and gave evidence under oath.

Both Mr. Donaldson's confirmed that they had erred on the application, and the retained land was actually 55-ha.

Raymond Donaldson, presented an objection to the application, as the proposal did not meet the terms of the last will and testament of his and Earl's parents, which stated that the lands were to be 325 ft x 150 ft (approx. 1 ac.). R Donaldson also advised that the easterly lot line requires a minimum setback of 30 ft from the driveway to the farmhouse.

Earl Donaldson advised that the lot could not have a depth of more than 128 ft on the easterly boundary, due the setback requirement from the unused barn.

In order to attempt conformity with the Donaldson Will i.e. lot area, R Donaldson and E Donaldson mutually agreed to revise the application to reflect the following:

1. The easterly boundary of the lot to be severed to commence at least 30 feet from the existing entrance to the farm house on the retained lands.
2. The frontage along McDonald's Corners Road to be reduced to 325 feet.
3. The depth to range from 128 feet on the easterly boundary to 147 feet on the westerly boundary.

The Chair then reviewed the staff report and draft conditions with the Donaldson's, noting that the conditions would apply to the "revised" dimensions as agreed to above. No further information was provided.

(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.

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 dimensions" presented September 27, 2010.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the river or for any interference within 120 metres of the PSW.*
2. *In addition, any proposed works in or near the river or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work*

3. *The applicant is advised that if future development is proposed within the adjacent lands to the PSW (Playfairville-Mud Lake Complex), an EIS may be required to evaluate such development.*
4. *The Leeds Grenville and Lanark Health Unit advises that depending on exact location, the replacement septic system on the retained lands will need to be fully raised using imported sandy loam fill.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Alison and Renee Heath **Hearing Date:** September 27, 2010

Agent: N/A

LDC File #: B10/080 & B10/081

Municipality: Township of Lanark Highlands

Geographic Township: Lanark **Lot:** 18 **Concession:** 2

Roll No. 0940-934-010-14103 **Consent Type:** New lot

Purpose and Effect:

B10/080 - To sever a 2.83-ha residential building lot with access to Stewart-Gibson Road;
 B10/081 – To sever a 1.2-ha residential building lot with access to Highway 511 (Permit No. 2277);

And retain a 2.83-ha parcel of land with an existing dwelling and outbuildings with access to Stewart-Gibson Road (Civic Address 112 Stewart-Gibson Road).

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/080	B10/081	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	2.83 ha 82.3 m 388.3 m Municipal Rd	1.2 ha 85.6 m 161.5 m County Rd	2.83 ha 143.6 m 186.8 m Municipal Rd
Water Supply Sewage Disposal	Private Well Composting toilet & septic	None None	Private Well Private Well
Official Plan Designation -Conformity?	Hamlet Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Hamlet 1.0-ha Yes 50 m Yes		Hamlet 1.0-ha Yes 50 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.

Official Plan – Section 3.0 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area, Section 4.2 Water Supply and Sewage Services, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 9.0 Hamlet Zone.

The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

Lanark Highlands Planner's Report – January 2009

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on a property with frontage on Stewart Gibson Road and Highway 511. The property is legally described as Part Lot 18, Concession 2, former Township of Lanark now in the Township of Lanark Highlands. Municipal address of the subject lands is 112 Stewart Gibson Road.

The applicant wishes to sever his lands and create two separate parcels one with frontage on Stewart Gibson Road and one with frontage on Highway 511.

The property is designated as Hamlet on Schedule 'A 4' of the Schedule A 4' by Zoning By-law 2003-451. The subject lands Township's Official Plan and zoned Hamlet on are within the boundaries of the Hamlet of Hopetown.

The first proposed severance will have 72 metres of frontage on Stewart Gibson Road and area of approximately 2.8 ha. The proposed retained lot will have approximately 4 hectares of area and frontage of 143 metres on Stewart Gibson Road. The proposed second severance will have 85 metres of frontage on Highway 511 and an area of

approximately 1.2 hectares. The proposed retained lot has a residential dwelling and an accessory structure on site. Both of the parcels to be severed are currently vacant and both are intended to be developed for residential purposes.

PROVINCIAL POLICY

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

Section 1.1.3 of the Provincial Policy directs that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Consideration of existing and planned infrastructure must be undertaken.

The property currently has sufficient frontage of a public highway within the hamlet and no new infrastructure is anticipated by means of this application. Confirmation that an entrance permit can be obtained on Highway 511 from the County Roads Department will be required prior to final approval of these applications. Access is also provided via a Township Road entrance permits will be required.

The lands are currently serviced via private wells and septic and there are currently no plans to provide municipal water and waste water services the hamlet. The applicant will need to contact the Health Unit prior to any development proposal to determine if there is sufficient area for private services on the subject lands. The proposed areas of the lots appear to be sufficient to meet that criteria.

OFFICIAL PLAN

The Heath lands are designated Hamlet A 4' of the Township of Lanark Highlands Official Plan. This designation allows a gradual build up of a mix of uses characteristic of small urban centres.

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

The Plan recognizes that although the Hamlets are the focus of growth the Township has no plans to extend municipal services to these areas. The proposed lot area and configuration must therefore be of sufficient size to accommodate private water and waste water services. The proposed area of the proposed severed and retained lots exceed 1.0 hectare in area and are over the minimum lot sizes indentified in the Official Plan. Low density residential uses are permitted within this designation.

The proposal as submitted is in conformity with the purpose and intent of the Official Plan.

ZONING

The lands are zoned Hamlet on Schedule A 4' of Zoning By-law 2003-451. The proposal meets the frontage and area requirements of the zoning by-law. A building location survey however was not provided at the time of application to demonstrate compliance with setbacks with respect to existing built form. Confirmation will be required prior to final

approval of the severance application. New development will be required to meet the performance standards of the zoning by-law.

DISCUSSION

The application was submitted is consistent with the PPS and the Official Plan's policies and complies with zoning. The application as proposed can be considered as appropriate and as such represents good planning.

Township of Lanark Highlands - August 5, 2010 – recommends approval of this application subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant pay the 5% cash in lieu of parkland dedication fee to the Township.
6. That any required road widening be provided to the Township at no cost to the Township.

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

Severed B10/080 – The 7 acre lot is currently vacant but residential use is proposed. It is mainly treed. There are varying elevations but it appears to drain toward the road. There will be sufficient land to construct a septic system. Depending on the exact location and soil conditions, the system may need to be raised using imported sandy fill.

Severed B10/081 – The 3 acre lot is hilly and wooded with varying drainage. The main slope appears to be northeast of property. There are areas of rock. It is currently undeveloped but proposed use is residential. The property frontage is on Hwy 511. There will be sufficient land to construct a septic system. Depending on the exact location and soil conditions, the system may need to be raised using imported sandy fill.

Retained – The 7 acre property contains a residence and shed. It is mainly wooded. It is hilly with varying elevations. The main slope appears to be toward the south. There are areas of rock. The residence is located on a hill. The well is located west of the house.

The current septic system is behind the home. It will be possible to replace the system in the future when required. Depending on the exact location, the system may need to be raised using imported sandy loam fill.

Conservation Authority - June 28, 2010

A cursory review of the applications revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. We have therefore screened these applications out of our formal review process.

County Roads Department

- Land proposed to be severed by B10/081 has an approved location for residential access (#2277).
- A full entrance application must be submitted and entrance installed prior to deed endorsement.
- Land proposed to be severed by B10/080 and the retained lands to gain access from Stewart Gibson Road, local municipal road.
- Road widening not required.

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 new residential building lots – 2.83-ha and 1.2-ha. and retain a 2.83-ha lot with an existing dwelling.

The subject lands are located in an area characterized by Residential on typical 'settlement area' lots. The Hopetown Community Centre and Ball Park is located to the north of the lots.

The lands to be severed by B10/081 are accessed via Highway 511, a county maintained road. The lands to be severed by B10/081 and the retained lands are accessed via Stewart-Gibson Road, a municipally maintained road.

Soils Inventory – n/a – Hamlet

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

(d) PUBLIC INPUT

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

(e) MINUTES – September 27, 2010

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B10/080

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontage 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.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location and soil conditions, the septic system may need to be raised using imported sandy fill.*
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.*

B10/081

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The County Public Works Department shall confirm that the existing/proposed entrance to the lot to be severed has been installed to the satisfaction of the County.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location and soil conditions, the septic system may need to be raised using imported sandy fill. In addition, the replacement system for the retained lot may need to be raised using imported sandy fill.*
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 current Official Plan provides that up to two 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: Gerhard and Ursula Herget

Hearing Date: September 27, 2010

Agent: N/A

LDC File #: B10/086

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 9 **Concession:** 7

Roll No. 0940 004 035 01700

Consent Type: New Lot

Purpose and Effect: To sever a 2.7-ha parcel of land with a residential dwelling (Civic Address 875 7th Conc. Dalhousie) and vacant farm buildings and retain a 30.8-ha vacant landholding. The lands are accessed via 7th Conc. Dalhousie.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence/Farm	Bush/Wetlands
Proposed Use	Residence Farm	Bush/Wetlands
Area	2.7 ha	30.8 ha
Frontage	60 m	165 m
Depth	296 m	900 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Privy
Official Plan Designation -Conformity?	Rural and Organic Soils Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-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.

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area Section 4.2 Water Supply and Sewage Services, Section 4.5.3 Township Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 7.5 Natural Heritage Features, Section 7.5.2.7 Mississippi River Corridor, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

The Township of Lanark highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report –

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot.

The lands are located at 875 7th Concession Dalhousie and are legally described as Part Lot 9, Concession 7, former Township of Dalhousie, now in the Township of Lanark Highlands.

The property is designated as Rural and Organic Soils on Schedule 'A 2' of the Township's Official Plan and zoned Rural and Organic Soils on Schedule 'A 2' by Zoning By-law 2003-451. The subject lands have an existing barn on the proposed retained lands and residential dwelling with accessory structures constructed on the proposed severed lot.

The application does not propose to amend any of the current uses nor propose any new construction at the present time. There would be the possibility of an additional residential dwelling on the retained lands in the future if so desired. The Mississippi River transects the lands in the western sector of the subject lands.

The application proposes to create a lot with 60 metres of road frontage, a depth of 296 metres and an area of approximately 2.7 hectares. The proposed retained lands will have 165 metres of frontage, a depth of 900 metres and an area of 30.78 hectares. Surrounding land uses are rural, low density residential and some recreational properties on the opposite shore of the Mississippi River.

Access is provided via 7th Concession a Township Road. The lands will be serviced privately with septic and well.

PROVINCIAL POLICY

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

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

The proposed lot is on private services. The Lanark Leeds and Grenville Health Unit will require a permit for private services if any new development is proposed. Capacity exists for the hauled sewage outside of the Municipality.

The lands have been identified as having organic soils. Section 3.0 of the Provincial Policy Statement directs planning authorities to protect public health and safety. Demonstration that the soils have sufficient carrying capacity for any proposed construction in the future will be required prior to a building permit being approved.

OFFICIAL PLAN

The Herget lands are designated Rural and Organic Soils on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

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

There is at present no new development proposed and as such the proposal can be considered to comply with Official Plan directives.

ZONING

The lands are zoned Rural and Organic Soils on Schedule 'A 2' of Zoning By-law 2003-451. The proposal as submitted indicates sufficient area and frontage to meet the requirements of the rural zone. Section 4.19 of Zoning by-law 2003-451 requires that any lands identified as having organic soils demonstrate, through professionally acceptable engineering techniques, that the land can support the proposed use. The applicant will need to provide confirmation that any new construction proposed can meet the tests of the Ontario Building Code, Ontario Water Resources Act and the Environmental Protection Act when applying for new development in the future.

DISCUSSION

The accompanying sketch of the proposed retained lands show an existing barn. Staff has inquired of the applicant as to the state and status of this barn in order to determine whether or not the applicant would need to undertake an MDS calculation. The applicant indicates that the floor of the barn was taken up due to its condition and that the barn now sits on supports with no floor and would not be able to house livestock. Therefore, an MDS calculation would be not be required. If the barn is improved in the future to house livestock, an MDS calculation will be required prior to the issuance of a building permit. The application was submitted is an expected land use within the rural area and can meet the policy tests of both the Provincial Policy and the Official Plan and will meet the performance standards of the zoning By-law.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.

3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant pay the 5% cash-in-lieu of parkland dedication fee to the Township.
6. That the applicant provide any required road widening to the Township at no cost to the Township.

Conservation Authority - Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever 2.7 ha with an existing dwelling and farm buildings and retain a vacant 30.8-ha landholding.

The retained lands of the subject property have frontage on the Mississippi River. In addition, a review of available mapping and aerial photography shows Fairs Creek traveling through the retained lands and draining into the river. Unclassified wetland appears to surround the creek and front sections of the river. A review of MVC's flood plain mapping revealed that a portion of the retained land is located within the 1:100 year flood plain of the Mississippi River. No natural heritage features or natural hazards were identified on the proposed severed lands.

The resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highlands' Zoning By-law. In addition, sufficient area appears to exist to locate potential future development in compliance with the zoning provisions and outside of the 1:100 year flood plain, on the retained lands. With all of this in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented for any future development on the proposed retained lands, in the form of a Development Agreement or Site Plan Control:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the Mississippi River and the creek
 - a minimum 30 metres from the boundary of the unclassified wetland
 - beyond the 1:100 year flood plain of the Mississippi River
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation along the river and surrounding the creek shall be retained to a minimum depth of 15 metres.
3. Wetland shall remain undisturbed.

4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek, river, wetland or onto adjacent properties.

The proposed retained lands are regulated by MVC, pursuant to Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Therefore, we advise that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of the Mississippi River, or for any alterations to the shoreline of the river or creek.

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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources for a review in this regard.

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

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

Severed – The property is a 6.7 acre lot containing a residence, outbuildings and fields. A well is located to the side of the house and the septic bed is located behind. There are areas of exposed rock. The main slope appears to be toward the south. Proposed use is to remain residential/agricultural.

The current septic system is located behind the residence. There is sufficient land for any future required replacement.

Retained – The property is a 76 acre farm. There is a barn on the property and a well is located behind the barn. The property has fields with a wooded area at the rear. The rear part is bordered by the Mississippi River. The main slope appears to be to the rear of the property.

At present there is no intention to construct a residence. Should a residence be built in the future, there is sufficient land to accommodate it. The type and size of sewage system will depend upon the exact location chosen.

Hydro One Networks – HONI advises that there is a Hydro One line that is 32 m in from the property line. An easement is required as a condition of consent.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 2.7-ha lot with an existing dwelling and outbuildings and to retain a 30.8-ha vacant landholding. One previous lot was severed from the original parcel in 1991 prior to the lot creation date for Lanark Highlands.

The subject lands are located in an area characterized by Residential on large landholdings along the 7th Con. Dalhousie intermixed with smaller residential lots. The retained land abuts the Mississippi River Corridor, a municipally designated natural

feature. This area also drains the PSW known as the McCulloch/Mud Lakes a significant fish spawning area. No development is permitted within this area.

The lands are accessed via 7th Con Dalhousie, a municipally maintained road. An abandoned barn is located on the severed lands, however was decommissioned a number of years prior to this application. Therefore no MDS calculation was required.

Soils Inventory – Name: Tweed

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

The retained lands are located within 300 m of Primary Water Source (Mississippi River) and therefore are subject to archaeological potential.

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

(d) PUBLIC INPUT

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 – September 27, 2010

Gerhard Herget, applicant attended the hearing and gave evidence under oath.

The Chair reviewed the staff report and draft conditions with Mr. Herget. No further information was provided.

(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.

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

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. Payment shall be made to the Township of Lanark Highlands 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. Sufficient lands shall be deeded to the Township of Lanark Highlands 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.
9. The applicant shall provide Hydro One with an easement for the hydro line crossing the lands. The applicant shall consult directly with Hydro One Inc. Perth.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #8 has been fulfilled to their satisfaction
11. A letter shall be received from Hydro One, Perth stating that condition #9 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises the following mitigative measures should be implemented for any future development on the proposed retained lands, in the form of a Development Agreement or Site Plan Control:*
 - 1.1 *Future development, including a septic system shall be setback the greater of:*
 - a. *a minimum 30 metres from the seasonal high water mark of the Mississippi River and the creek*
 - b. *a minimum 30 metres from the boundary of the unclassified wetland*
 - c. *beyond the 1:100 year flood plain of the Mississippi River*

d. beyond the waterbody setback specified in the Zoning By-law at the time of new development.

1.2 With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation along the river and surrounding the creek shall be retained to a minimum depth of 15 metres.

1.3 Wetland shall remain undisturbed.

1.4 Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek, river, wetland or onto adjacent properties.

- 2. The proposed retained lands are regulated by MVC, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, we advise that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of the Mississippi River, or for any alterations to the shoreline of the river or creek.*
- 3. In addition, any proposed works in or near the river or creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
- 4. It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the retained lands.*
- 5. That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Grant Bova & Hope Stinchcombe
Agent: Tracy Zander, Zanderplan
LDC File #: B10/089
Municipality: Tay Valley Township
Geographic Township: Bathurst
Roll No. 0919 916 015 05900

Hearing Date: September 27, 2010

Lot: 20 **Concession:** 2
Consent Type: New Lot

Purpose and Effect: To sever a 0.4-ha residential building lot and retain a 10.0-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Christie Lake Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	0.4 ha 45 m 90 m County Road	10.0 ha 353 m Irregular County Road
Water Supply Sewage Disposal	Private well Private septic	Private well Private septic
Official Plan Designation -Conformity?	Settlement Area and Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Hamlet 0.4-ha Yes 45 m n/a	Rural 1.0-ha n/a 60 m n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 3.7 Hamlet Policies, Section 4.3 County 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:

- Payment of all taxes owing.
- Payment of all costs incurred by the Township for the review process.
- Copy of the deed/transfer.
- Two copies of the reference plan.
- Parkland contribution of \$100.00.

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has reviewed the noted application. A site inspection was undertaken.

We have no objection to the creation of this new lot as the severed lot will have no impact on the Tay River.

We note, however, that the retained 10 hectare lot on which there is existing development, has frontage on the Tay River. In addition, the retained lands are traversed by a small watercourse which travels more or less along the west and south lot lines, to flow into the River at the south west corner of the retained portion of the property.

It should be noted that the RVCA has recently completed flood plain mapping for this reach of the Tay River. A substantial portion of the retained lot (including the area adjacent to the noted tributary), is situated within the identified flood prone area of the Tay River. It is the intent of the Rideau Valley Conservation Authority to formalize the new flood mapping in the coming year, as required by provincial guidelines.

Please note that the Tay River and associated flood plain area are subject to Ontario Regulation 174/06, regulating “Development Interference with Wetlands and Alterations to Shorelines and Watercourses”. Written approval of the RVCA is required prior to any development within the flood prone area of the retained lands or altering, straightening, changing, diverting or ‘interfering with the watercourse.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 264-5419 should you have any questions. Please advise us of the Committee's decision respecting this application.

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

A site visit was conducted on June 23, 2010, to review the application as proposed to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The purpose of the application as understood by this office is to sever 0.40 hectare parcel from the retained portion of 10 hectare to create a new lot. The parcel to be served is currently vacant. There are low lying areas that appear to be seasonal wet and areas of

exposed rock. No test pits were available at the time of the site visit. The area is heavily vegetated in large shrubs. The retained property contains a dwelling, garage, and an existing septic system.

Due to site conditions and characteristics, significant amounts of imported fill material may be required to construct an OBC compliant septic system. To reduce the environmental impact, tertiary treatment technologies should be considered for the future development of the proposed lot.

The severance as proposed will have no impact on the ability to operate, maintain, install or replace an OBC compliant septic system on either the severed or retained portions of the property.

The proposed 6 meter by 35 meter easement will have no impact on the ability to operate, maintain, install or replace an OBC compliant septic system on either the severed or retained portions of the property.

All new septic systems should be located >30 meters from the high water mark and respect all required Ontario Building Code setback and construction requirements. We caution that other considerations must also be taken into account, however) in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By-Law, flood plain mapping, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

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

County Roads Department

– Applicant has an approved existing entrance to the County Road – retained lands Permit #1513.

- Applicant has an approved entrance location to the County Road – severed lands Application No. 2296.

- Entrance to be installed prior to deed endorsement for the severed lands. Lands proposed to be severed have an approved entrance location. A full entrance application must be submitted and entrance installed prior to deed endorsement.

- Lands for Road Widening not required.

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 0.4-ha residential building lot and retain a 10.0-ha landholding with an existing residential dwelling and out buildings,.

The subject lands are located in an area characterized by Residential on varying lot sizes. The CPR Rail Line is located to the north, Tay River to the South, OMYA Operation to the west and the hamlet of Glen Tay to the east.. If approved, the severance should contain a note that a large industrial operation and rail line are located in the area and the lands may

be subject to noise etc from their operation.

The lands are accessed via Christie Lake Road, a county maintained road.

Soils Inventory – n/a Hamlet

The lands are located within 300 m of Primary Water Source (Tay River) and therefore are subject to 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

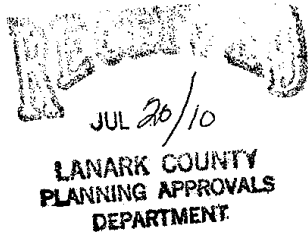
Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5)(a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

To Lanark County in regards to file # B10/089
At Lot 20 Con 2 township of Bathurst
owner Grant Boua + Hope Stichcimbe
Mary Kirkham Planning Approvals Administrator

I am a property owner across the road. I do not want consent given for severance for several reasons

- 1 North east portion of lot is low (wet) land
- 2 I purchased my property for its privacy
- 3 More neighbors more noise
- 4 The property owner applying for severance already has old logs (wood) debris laying around in field close to road - this can lower the value of my + near by homes
- 5 If the property to be sold is turned into an junky looking place (eyesore) it would definitely lower the value of my home, according to plan sketch it would be directly across the road from me.

I request notice of decision



Barry Willows
910 Christie Lake Road
Perth ont
K7H 3C6

Barry Willows

TO: Mary Kirkham, Planning Approvals Administrator.

Concerning:

File no. B10/089 Pt Lot 20. Con 2, geographic Township of Bathurst

Comments:

My biggest concern with this application is that it not be split for erecting a business building or structure or build a multi-family dwelling on the land that is severed. I appreciate the fact that a persons land is their land and they should be able to do what they want with it. The problem with this is whatever gets built directly affects neighbors. . .sometimes in a good way. . .sometimes in a negative way. A persons home is a significant investment and it is a worry when something is built that affects the neighborhood in a negative way. I am not saying that this will be the case. . . I am saying that it is a concern. It is too late to say anything after something is built that has a negative impact on your property value.

The owners of the current lot have been decent neighbors and I have no complaints, if the lot is being severed for a good quality single family dwelling then really I have nothing to say. If the lot is being severed for a multi-family dwelling or a business structure then I would hope the township would take a good long look at the logic behind this. I know you can't pick neighbours but you should have a say in what buildings are erected in your direct neighbourhood. Hope this makes sense to you and you understand my concern.

Frank Chalmers, 914, Christie Lake Road
Tel: (613) 264- 9176

(e) MINUTES – September 27, 2010

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

Ms. Zander confirmed that the “easement for access purposes” as outlined on the application was not required as the lands are within the hamlet area as defined by the County Public Works and therefore the entrance can be installed in the lot to be created.

Ms. Zander also noted that in response to Mr. Chalmers letter, commercial or multi-residential is not permitted on the lot without an amendment to the Zoning By-law. The applicants have not submitted such an application, as it is their intention that the lot is for single residential purposes.

The Chair reviewed the staff report and draft conditions. No further information was provided.

(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.

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 July 26, 2010.
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 a copy 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. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. 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.
11. A letter shall be received from the County Public Works Department stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic Office advises that due to site conditions and characteristics, significant amounts of imported fill material may be required to construct an OBC compliant septic system. To reduce the environmental impact, tertiary treatment technologies should be considered for the future development of the proposed lot.*
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. *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.*
4. *The Rideau Valley Conservation Authority advises that the RVCA has recently completed flood plain mapping for this reach of the Tay River. A substantial portion of the retained lot (including the area adjacent to the noted tributary), is situated within the identified flood prone area of the Tay River. It is the intent of the Rideau Valley Conservation Authority to formalize the new flood mapping in the coming year, as required by provincial guidelines.*
5. *The RVCA also advises that the Tay River and associated flood plain area are subject to Ontario Regulation 174/06, regulating "Development Interference with Wetlands and Alterations to Shorelines and Watercourses". Written approval of the RVCA is required prior to any development within the flood prone area of the retained lands or altering, straightening, changing, diverting or 'interfering with the watercourse.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Rein & Carol Prost **Hearing Date:** September 27, 2010
Agent: N/A
LDC File #: B10/095
Municipality: Township of Beckwith
Geographic Township: **Lot:** 12 **Concession:** 10
Roll No. 0924 000 035 36901 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.19-ha parcel of land as a lot addition to lands owned by Carol and Rein Prost at Pt Lot 14 Plan 68 – Pt Lot 12 Conc. 10, Township of Beckwith (294 Northcote Drive) and to retain a 1.47-ha residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Lot Addition	Vacant Residential
Area Frontage Depth Road - Access to	0.19 ha N/A 25 m Municipal Road	1.47 ha N/A 64.831 m Municipal Road
Water Supply Sewage Disposal	None None	Proposed Proposed
Official Plan Designation -Conformity?	Residential Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural Residential n/a	Rural Residential 0.4-ha Yes 45 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.

Official Plan – Section 4 General development Policies, Section 5 Community Development Areas, Section 7.3 Local Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5.1 Residential Zone.

The Township of Beckwith 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 Beckwith – recommends approval of this application subject to the following conditions:

- 1) That a paper copy of the registered reference plan be provided to the Township of Beckwith.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever a vacant 0.19-ha parcel of land as a lot addition to the adjacent lands owned by Carol and Rein Prost. The retained lands are a vacant 1.47-ha building lot.

A review of available mapping shows a wetland on both the severed lands as well as the lot to-be-enlarged. This pond is connected by a watercourse, to a second smaller wetland located on the proposed retained lands. No other natural hazards or significant natural heritage features were identified on the subject property.

The resulting lots meet with the current minimum area requirements set out in the Township of Beckwith's Zoning By-law and sufficient area appears to exist on the proposed retained lands in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject application. We recommend that the wetlands and watercourse are protected as outlined in the Beckenridge Phase III Subdivision, as follows:

- No pesticide or herbicides to be used in/on back yards
- No motorized watercraft
- No alteration to the shoreline
- No introduction of foreign species to the pond
- The pond to remain in a natural state
- No fertilizer to be used in/on back yards

In addition to the above, we recommend a 30 metre setback from the wetlands and watercourse, for any potential future development.

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

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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources for a review in this regard.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – The severed portion is 0.19 hectares. Part of it is a pond. The severed portion is to be added to existing lot which already contains a septic system.

Retained – The retained portion (1.47 Hectares) is bordered on one side by the pond and contains a small pond. There is a drainage easement running through one side of the property. There is sufficient property for a septic system. The system would need to be installed in accordance with the subdivision agreement and legislated requirements.

(c) PLANNING REVIEW

The applicant proposes to sever 0.19-ha vacant parcel of land as a lot addition to lands owned by Carol and Rein Prost at Pt Lot 12 Conc. 10 Beckwith Plan 68 Lot 14 and retain a 1.47 ha residential building lot.

The lands are located within the Breckenridge Subdivision Phase III. The lands will be subject to the Subdivision Agreement. The purpose of the application is to include part of the 'storm water pond' located at the read of Lot 14.

The lands are accessed via Northcote Drive, a municipally maintained road.

Soils Inventory – n/a

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 Beckwith 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 – September 27, 2010**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Beckwith.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. A letter shall be received from the Township of Beckwith stating that condition #2 and #3 has been fulfilled to their satisfaction.
5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Rein Leopold Prost and Carol Jane Prost at E Pt Lot 12 Conc. 1 Beckwith Plan 68 Lot 14, 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 Leeds Grenville and Lanark District Health Unit advises that the septic system on the retained lands must be installed in accordance with the subdivision agreement and legislated requirements.*

2. *The Mississippi Valley Conservation advises that the wetlands and watercourse are to be protected as outlined in the Beckenridge Phase III Subdivision, as follows:*
 - *No pesticide or herbicides to be used in/on back yards*
 - *No motorized watercraft*
 - *No alteration to the shoreline*
 - *No introduction of foreign species to the pond*
 - *The pond to remain in a natural state*
 - *No fertilizer to be used in/on back yards**In addition to the above, we recommend a 30 metre setback from the wetlands and watercourse, for any potential future development.*

3. *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.3 Local Roads.

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

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

I have been circulated on an application for severance for George Oliver (Chrissie Oliver, Agent) for property located at Part of Lot 30, Concession 9, Geographic North Elmsley. The purpose of the application is to sever a 2.3 ha vacant parcel of land for a residential lot and retain a 135 ha vacant landholding. The severed lands are access by Otty lake Side Road.

This would be the fourth severance from the parcel of land. Ms. Oliver pre-consulted with Council several months ago, and Council agreed that they could support a fourth severance, as the proposed severed lot is essentially land-locked due to one of the previous severances.

The subject property is designated Rural, under the Official Plan of the Township of Drummond/North Elmsley, and is zoned Rural (RU) under Zoning By-Law 2003-34. The proposed lot is partially affected by a local wetland (not designated as Provincially Significant), and the Conservation Authority has advised that they are satisfied there are sufficient lands outside of the wetland for a building envelope and septic system.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. 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.
- That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

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 2.3 ha lot that will be used for single family residential purposes. The proposed lot has 125 metres of frontage on Doctor Lake and is currently

vacant. The 135 ha retained parcel is also vacant. A site inspection was conducted on July 16, 2010.

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 28 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration.

Natural Heritage

As indicated on the attached map, approximately two thirds of the lot is shown to be within a permanent wetland (non PSW). Although we were not able to confirm exact measurements due to difficulty with access through the wetland, the inland extent of the wetland would not appear to be as extensive as indicated on the mapping. There is sufficient tableland to accommodate a building and sewage system envelope without the need to encroach into the wetland. Provided that there is no development or filling in the wetland proper, we would not expect the development of the proposed lot to have an adverse impact on the wetland or Doctor Lake. A minimum development setback of 30 metres from the upland limit of the wetland boundary would be appropriate in this regard.

Natural Hazards

Mapping of the surficial geology indicates that the wetland area is characterized by organic deposits of muck and peat. These areas are considered hazardous sites within the context of the Provincial Policy Statement and are unsuitable for development. Although this natural hazard is a constraint on the proposed lot, there is adequate area beyond the hazard land (coincidental with the wetland boundary) to accommodate the proposed residential development.

Conservation Authority Regulations

The shoreline of Doctor Lake is subject to the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (Ontario Regulation 174106 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.

Access to the shoreline of Doctor Lake will be challenging because of the extent of the shoreline wetland along the entire frontage of the lot to be severed. If the owner wishes to have access to the shoreline, this access would most appropriately be provided by a floating boardwalk, such that there is no disturbance to existing grades, water movement, vegetation and fish habitat within the wetland. Under Section 35 of the Fisheries Act, it is an offense for anyone to undertake works or activities in, on or near waters that may result in a harmful alteration, disruption or destruction of fish habitat.

Conclusion

The Conservation Authority has no objection to, or conditions of approval for this application.

We respectfully request that the Committee include a note in its decision regarding the Conservation Authority's regulations, shoreline access limitations and the recommended 30 metre development setback from the wetland, all as noted above.

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) – Leeds, Grenville & Lanark District Health Unit
Severed – The property (2.3 hectares) is intended for residential use. It is mainly wooded. There are areas of rocky outcroppings. There is adequate property to construct a septic system. It may be necessary to install a fully raised system using imported sandy loam fill. This will depend on the exact location of the system.

Retained – The property is 135 hectares of undeveloped land that is bordered by a lake and has wooded and marshy areas. At present there are no plans to construct a residence on this property.

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 2.3-ha residential building lot and to retain a 135-ha vacant landholding. Three previous severances have been conveyed from the original landholding – B85/425, new lot; B90/216, to extend Trillium Estates Subdivision; and B99/070, new lot. Technically, this would be the 4th severance from the original landholding. However, given that B90/216 was severed to extend the Trillium Estates Subdivision and the fact the lands to be severed are not actually abutting the retained lands; the application could be considered a 'technical severance'. As noted by the Township they support the application for these reasons.

The subject lands are located in an area characterized by Residential on large landholdings to the north and typical rural residential lots to the west. Doctor's Lake is to the south, and as noted by the Conservation Authority, considerable wet / marshy areas are located along the shore of Doctor Lake.

The lands are accessed via Otty Lake Side Road, a municipally maintained road.

Soils Inventory – Muck

The lands are located within 300 m of Primary Water Source (Doctor Lake) and therefore are subject to archaeological potential.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – September 27, 2010**

Chrissie Oliver, agent and May Oliver, owner, agent attended the hearing and gave evidence under oath.

Mrs. Oliver advised that when they purposed the proposed they were under the opinion the lands being severed were under separate ownership. However, upon investigation at the Lands Titles Office, it was revealed that lands were joined, as the lands severed by B99/070 did not go to the lake but rather stopped at the marshland area.

Ms. Oliver advised that she had discussed the proposed entrance with the Township's Road Superintendent and there was a suitable location available.

The Chair reviewed the staff report and draft conditions. No further information was provided.

(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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The shoreline of Doctor Lake is subject to the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” regulation (Ontario Regulation 174106 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.*
2. *Access to the shoreline of Doctor Lake will be challenging because of the extent of the shoreline wetland along the entire frontage of the lot to be severed. If the owner wishes to have access to the shoreline, this access would most appropriately be provided by a floating boardwalk, such that there is no disturbance to existing grades, water movement, vegetation and fish habitat within the wetland. Under Section 35 of the Fisheries Act, it is an offense for anyone to undertake works or activities in, on or near waters that may result in a harmful alteration, disruption or destruction of fish habitat.*
3. *The Rideau Valley Conservation Authority recommends a 30 metre development setback from the wetland.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *The Leeds Grenville and Lanark District Health Unit advised that it may be necessary to install a fully raised system using imported sandy loam fill. This will depend on the exact location of the system.*