



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 27, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan, D. Murphy and W. Guthrie

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-2011-018

**MOVED BY:
SECONDED BY:**

“THAT, the minutes of the Land Division Committee meeting held on June 6, 2011 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-019

**MOVED BY:
SECONDED BY:**

“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. public hearings:

7.1.1 B10/ B10/153 – Paul S Taggart – New Lot & R-O-W

Pt Lot 3 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. White Arrow Drive.

7.1.2 B10/163 & B10/164 – Muriel M Taggart, James E Taggart & Christopher B Taggart – two new lots & R-O-W

Pt Lot 4/5 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. Yellow Arrow Drive.

7.1.3 B11/043 – Claire Larocque – lot addition

Pt Lot 17 Conc. 12, Township of Beckwith. Patty Lane.

7.1.4 B11/048, B11/049 & B11/050 – John & Karen Miller – 3 new lots

Pt Lot 11/12 Conc. 1 geographic Township of Bathurst, now in Tay Valley Township. Noonan Road.

7.1.5 B11/056, B11/057, B11/058, B11/059 & B11/060 – Regan Lee – correction of title, lot addition and three (3) new lots

Pt Lot 3 & 4 Conc. 4 Township of Montague. Burchill Road.

7.1.6 B11/061 & B11/062 – William Ableson & Sharon Bartlett – 2 new lots

Pt Lot 6/7 Conc. 12, geographic Township of Lanark, now in the Township of Lanark Highlands. Conc. 1 Ramsay.

7.1.7 B11/069 – Volkmer, B11/070 - Herr & B11/071 – Stenger – R-O-W

Concurrent Applications to confirm existing R-O-W. Pt Lot 8 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township. Farren Lake Lane 31A

7.1.8 B10/177 – Aron Gabor – New lots

Pt Lot 18 Conc. 1, Township of Beckwith. Bourne Road

7.1.9 B11/017, B11/018, B11/019 & B11/020 – Kerry & Alison White – 4 new lots

Lot 47, 48, 204-207 Compiled Plan 43389, Town of Carleton Place. Francis Street.

7.1.10 B11/044 & B11/045 – Brian & Heather Ricardo – two new lots
Pt Lot 10 Conc. 4 geographic Township of Bathurst, now in Tay Valley Township. Cameron Sideroad.

7.1.11 B11/052 & B11/053 – Erehwon Management – 2 new lots
Pt Lot 4/5 Conc. 7, geographic Township of Lanark, now in the Township of Lanark Highlands. Pine Grove Road.

7.1.12 B11/077 – Malcolm & Kathleen Jordan – new lot.
Pk Lot 1 Lot 2 Compiled Plan 8828, Town of Perth. Leslie Street.

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 OEMC (Ontario East Municipal Conference - September 14 to 16, 2011, Ambassador Hotel, Kingston ON. Confirmation on attendance required. D Murphy indicated that he would be attending.

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/ B10/153 – Paul S Taggart – New Lot & R-O-W

10.1.2 B10/163 & B10/164 – Muriel M Taggart, James E Taggart & Christopher B Taggart – two new lots & R-O-W

10.1.3 B11/043 – Claire Larocque – lot addition

10.1.4 B11/048, B11/049 & B11/050 – John & Karen Miller – 3 new lots

10.1.5 B11/056, B11/057, B11/058, B11/059 & B11/060 – Regan Lee – correction of title, lot addition and three (3) new lots

10.1.6 B11/061 & B11/062 – William Ableson & Sharon Bartlett – 2 new lots

10.1.7 B11/069 – Volkmer, B11/070 - Herr & B11/071 – Stenger – R-O-W

10.1.8 B10/177 – Aron Gabor – one new lot

10.1.9 B11/017, B11/018, B11/019 & B11/020 – Kerry & Alison White – 4 new lots

10.1.10 B11/044 & B11/045 – Brian & Heather Ricardo – two new lots

10.1.11 B11/052 & B11/053 – Erehwon Management – 2 new lots

10.1.12 B11/077 – Malcolm & Kathleen Jordan – new lot.

11. UPCOMING MEETINGS

Monday, July 18, 2011,

Monday August 29, 2011,

Monday September 26, 2011 (D Murphy advised that he would be unable to attend this meeting), and

Monday October 24, 2011

12. ADJOURNMENT – 11:55 a.m.

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

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Paul S. Taggart **Hearing Date:** June 27, 2011
Agent: Michelle Taggart
LDC File #: B10/153
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 3 **Concession:** 5
Roll No. 0911 911 025 07900 **Consent Type:** New Lot & R-O-W

Purpose and Effect: To sever a 0.4237-ha residential lot with an existing seasonal dwelling (together with R-O-W) and retain a 0.4455-ha residential lot with an existing seasonal dwelling. The lands are accessed via White Arrow Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	0.4237 ha	0.4455 ha
Frontage	134 m (water)	80 m (water)
Depth	70 m	50 m
Road - Access to	Registered Right-of-Way	Registered Right-of-Way
Water Supply	Lake	Lake
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?	Rural with Mining Overlay Yes	
Zoning Category	Seasonal Residential	Seasonal Residential
-Area Required (min.)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 2.15 Existing Uses, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply , Sewage Disposal and Other Services, Section 2.23 Water Quality and Quantity, Section 3.4 Natural Heritage Policies, Section 3.6.4 Residential Policies, Section 4.5 Private Roads, section 5.2 Land Division, Section 5.4 Site Plan Control.

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 0.4327ha seasonal residential lot with an existing seasonal dwelling (together with a right-of-way) and retain a 0.4455 ha seasonal residential lot with an existing seasonal 'dwelling located at 801 White Arrow Drive.

A previous application for severing these lots and the lot to the south was denied by the Lanark County Land Division Committee in 1993. The decision was appealed to the OMB for the lot to the south only. The OMB approved the severance with conditions – replanting of vegetation in the 30 m setback, etc.

Official Plan Designation: Rural. Applicable Section: 3.6 Rural permits residential uses. Section 5.2.2.9 Land Division states 'No land division shall result in a negative effect on the natural features or ecological functions for which the area is identified such as ...endangered and threatened species habitat the Ministry of Natural Resources has identified the site as having potential species a risk habitat. A preliminary investigation by environmental consultant Bernie Muncaster indicated the likelihood of species being present and an Environmental Impact Statement (EIS) was requested by Lanark County Land Division to be undertaken In the Spring.

Section 2.23.1.2.2.1 Water Quality and Quantity — Development adjacent to water bodies is required to meet a 30 m setback. The Planner requested delineation of a development envelope for the retained lot as the existing cottage does not currently meet the 30 m setback.

Zoning By-law Category RS Seasonal Residential

Applicable Sections: 3.4 Frontage on an Improved Street - requires rezoning of both the severed and retained lots to the Residential Limited Services Zone as frontage is on water with access via a private road, not an improved street.

MRSSO - Has no objection provided that replacement of the septic system on the lands to be severed (parcel 1) occurs as the system does not comply with the Building Code. The applicants have submitted a septic permit.

RWDRT - Does not object to the severance provided the 30 m setback is met for development as well as disturbance (including the relocated right-of-way) and the bunkhouse is removed. Site Plan Control conditions would be established following the re-zoning Parks Canada noted that spawning area for small mouth bass is found along the shore of the property and that the shore of the proposed severed lands has been developed to its maximum.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy of the deed / transfer and two copies of the reference plan.
3. Parkland contribution in the amount of \$200.00
4. Removal of bunkhouse on retained property.
5. Rezoning of both parcel to Residential Limited Service (RLS).

On-Site Services (Septics) – Mississippi Rideau Septic System Office – Nov 23, 2010
A site visit was conducted at the above mentioned property by our office on November 17, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 0.4180 hectare parcel from the retained to create a new lot. The new lot currently has an existing cottage and septic tank with a 3.3m distribution line. There is no record of a septic system permit in CGIS, Tay Valley Township's geographical information system. This system is in contravention of the OBC minimum requirements and requires replacement.

The retained parcel is 0.4515 hectare. There is an existing cabin and bunk house. The cabin does not appear to be in use. There is no record of a septic system permit in CGIS, Tay Valley Township's geographical information system. There is a proposed cottage and Class 4 septic system for the retained parcel to replace the existing cabin, as indicated on the application.

The Mississippi Rideau Septic System Office is supportive of the Application for Consent provided that a septic permit application is submitted for Parcel One, as indicated on the Lot development Plan (PG0491-1), prior to completion of the severance process. Both the retained and new parcel will not impact the ability to maintain, operate, install or replace an existing septic system.

Mississippi Rideau Septic Office – January 31, 2011

On January 25, 2011, the Mississippi-Rideau Septic System Office (MRSSO) received a septic permit application for 801 White Arrow Drive via email from Michelle Taggart. The MRSSO accepts the permit application as fulfillment of this offices requirement as stated in the letter of November 23, 2010. *"The Mississippi Rideau Septic System Office is supportive of the Application for Consent provided that a septic permit application is submitted for Parcel One, as indicated on the lot development plan (PG0491-1), prior to completion of the severance process."*

Ministry of Natural Resources

The Ministry of Natural Resources (MNR) Kemptville District has carried out a preliminary review of the area in order to identify any potential natural resource and natural heritage values in the area.

Following a review of natural heritage values and data, there are no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) within the area; however there is a substantial amount of woodland area within the property. Woodlands provide habitat for a diversity of species, including species at risk. The site is located on the west point of Adam's Creek's drainage into Rideau Lake where documented fish spawning habitat is present; in particular, for Small Bass. Furthermore, as Big Rideau

Lake is a Lake Trout lake, consideration should be given to the habitat and sensitivity requirements of the species.

If any in-water works are to occur in relation to the project, there is a timing restriction for which work in water can take place. In addition, where at all possible, the bed of waterbodies should not be disturbed so as not to alter the existing rock material. Proper sediment and erosion controls are required to be employed during this project.

If there is to be work in water and/or disturbance of the creek or lake bed, additional and more detailed plans are requested by the MNR for review. A work permit from the Ministry of Natural Resources may be required pending further details regarding the proposed works. Furthermore, the local Conservation Authority should be contacted regarding possible permitting required for these particular works at the site in question.

With the new Endangered Species Act (ESA, 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of the legislation. A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for Butternut (Endangered Species-END), Gray Ratsnake (Threatened-THR), Milksnake (Special Concern-SC), Cerulean Warbler (SC), Northern Map Turtle (SC), Eastern Musk Turtle (THR), Snapping Turtle (SC), Eastern Ribbonsnake (SC), and Blanding's Turtle (THR) on-site or nearby and Pugnose Shiner and American Eel (both Endangered Species) in the waterbodies surrounding the site. Aerial photographs also suggest the presence of potential habitat for Grass Pickerel (SC), Whip-poor-will (THR), Chimney Swift (THR), Common Nighthawk (SC), Snapping Turtle, Northern Map Turtle, Gray Ratsnake, Milksnake, and Eastern Ribbonsnake on-site.

With the wide variety of species located on or in proximity to the site and the potential for such species to be present, the MNR strongly recommends that a detailed Ecological Site Assessment be carried out to confirm both species and habitat on the site.

Care should be taken during the proposed work to ensure mitigation measures are in place to ensure no impact on these species occurs. Given the proximity and scale of the proposed work, these species may be directly affected, therefore due diligence should be taken during the work to ensure no impact on these species occurs. If the proposed activity is known to have an impact on the species mentioned above or any other SAR, an ESA permit is required. Species listed as Special Concern on the SARO list are not protected under the Endangered Species Act, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Suggested search and mitigation measures for the aforementioned species are listed below:

Turtles A thorough sweep of the aquatic area should take place before any in water work occurs. A sweep of the area will encourage any turtles possibly utilizing the site to move away before any equipment or work which could impact the species occurs. Furthermore, extra care and precaution should be taken during the snapping turtle species nesting season in June and early July. Turtles may utilize the embankment to come up and nest during this time. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early spring to prevent the turtles from nesting there and to visually inspect the embankment and surrounding area to ensure that no turtles are present before proceeding with any work. In addition, caution should be taken from October 16th to March 15th as turtles could be

hibernating. Turtles could use the area to burrow in for the winter. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early fall to prevent the turtles from hibernating there.

Snakes A thorough search of the area should take place before terrestrial activity and work is being conducted. Temperature and weather conditions will drive their behaviour and they are much more visible on warm summer days when basking or moving more frequently. Extra precaution should be taken in spring emergence conditions when snakes are in concentrated areas. Vegetation at this time is undeveloped increasing visibility, and outside of spring they are more active. Snakes may use open areas to bask, but avoid these areas when it is too hot. Searches could include trees, logs, ground, stumps, rock outcrops and ledges. Skin sheds can be a good indication of presence. Oviposition sites of egg laying snakes may be identified by young snakes in the fall and are usually in old trees, stumps, logs, manure piles or other decaying materials. If hibernacula and oviposition sites are suspected or known they must not be destroyed if encountered and MNR recommends fencing off the areas before proceeding with any work.

Butternut If any of the proposed work will require harming or killing of Butternut trees, a Butternut Health Assessor will have to be contacted to assess the health of the tree before proceeding with potential permit application (prior to proposed activity). If a Butternut tree will be impacted during the work proposed, please contact your local MNR office to enquire further about the process dealing with Butternut trees.

Fish Proper mitigation and care should be taken to mitigate impact on water quality and fish habitat, including the installation of sediment and erosion control measures, avoiding removal, alteration or covering of substrates used for fish spawning, feeding, over-wintering or nursery areas including selecting locations with sand, silt or clay substrates and where aquatic vegetation is scarce or absent.

A rigorous check/survey should be completed each day prior to activities commencing to ensure all species are outside the project area to avoid harming the species. If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR.

Gray Ratsnake, Whip-poor-will, and Chimney Swift receive general habitat protection and thus any potential works should consider disturbance of possible important habitat. None of the other species listed above currently receive habitat protection, however the listed Endangered and Threatened species all receive species protection under Section 9 of the Endangered Species Act, 2007 (ESA).

Although no other threatened or endangered species or their habitat have been documented in the area, these features may be present and this list should not be considered complete.

Endangered Species Act, 2007, and Species at Risk in Ontario Background

The ESA 2007 (http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes/07e06e.htm) protects both species and habitat. Section 9 of the ESA prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or

transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO) (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

Information with respect to SAR can be found in the online database at the Natural Heritage Information Centre (NHIC) (<http://nhic.mnr.gov.on.ca/nhic.cfm>). The NHIC compiles, maintains and distributes information on species at risk and updates its information on a regular basis. We encourage you to routinely check the NHIC database to obtain the most up to date SAR information for proposed work locations. However, while the NHIC database is the best available source of data, even when there are no known occurrences documented at a site, there is a possibility that SAR may occur at a proposed work location.

Please note: The advice in this letter is valid until December 14, 2011 and may become invalid if:

1. The Committee on the Status of Species at Risk in Ontario (COSSARO) re assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species.
2. Additional occurrences of species are discovered.
3. Habitat protection comes into force for one of the above-mentioned species through the creation of a habitat regulation.

This letter has been prepared to provide preliminary information to support compliance with the ESA 2007 and does not address other requirements under other federal or provincial laws and regulations.

Although this data represents the MNR's best current available information, it is important to note that a lack of occurrence at a site does not mean that there are no Species at Risk (SAR) at the location. The MNR continues to encourage ecological site assessments to determine the potential for other SAR occurrences. When a SAR does occur on a proposed site, it is recommended that the proponent contact the MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act (such as Section 9 or 10), the proponent must contact the MNR to discuss the potential for application of certain permits (Section 17) or agreement (Regulation 242/08).

For specific questions regarding the Endangered Species Act (2007) or species at risk, please contact Species at Risk Biologist, Emily Verhoek at emily.verhoek@ontario.ca.

NOTE: In response to the MNR's recommendation that a detailed Ecological Site Assessment be carried out to confirm both species and habitat on the site, the Township requested that the application be deferred until such time as an Environmental Impact Study was completed. The following is a Species at Risk Assessment undertaken by Muncaster Environmental Planning.

Mr. Paul Taggart, owner of a cottage property on Big Rideau Lake wishes to sever the existing 0.86 hectare property into approximately two equal north and south halves. The property is located at 801 White Arrow Drive, Concession 5, Part of Lot 3 in the former Township of North Burgess, Lanark County.

Existing Conditions

The north retained portion is generally maintained lawn, with an existing cottage, abandoned drilled well, septic system and dock. The south half proposed for severance is generally treed, with a driveway to access the existing cottage in the east half, and an existing bunk house and cabin. Adams Creek is to the north of the site, with the east part of the site fronting onto Big Rideau Lake. There is approximately ten metres of relief on the site with the surface drainage generally from the southwest to the northeast. The soils are reported by Paterson Group (2005) as a thin layer of topsoil underlain by silty fine sand. No groundwater was detected by Paterson Group in boreholes dug to a depth of about 1.2 metres. Paterson Group (2005) concluded that the severed and retained parcels can support each a private septic system, a drilled well or lake water supply, and a cottage. Details of the proposed lot severance are provided on Drawing No. PGO491-01, by Paterson Group, September 17, 2010.

Several mature trees, including white pine, white birch, white cedar and eastern hemlock are adjacent to the Big Rideau Lake shoreline (Niblett, 2007).

The main sports fish species in Big Rideau Lake are lake trout, largemouth bass, smallmouth bass, walleye and northern pike. The Big Rideau Lake shoreline area in the vicinity of the site is identified as smallmouth bass habitat (Niblett, 2007). The only fall spawning fish, lake trout, is not known to spawn in the vicinity of the site, although Big Rideau Lake overall is a lake trout lake. The shoreline in the vicinity of the site is composed of broken rock rubble, placed for erosion protection. In-stream structure includes sparse areas of aquatic macrophytes such as soft stem bulrush in the backwater areas and occasional submerged branches from trees (Niblett, 2007). Substrate is mainly rock rubble covered with varying thicknesses of organic material.

Species at Risk Assessment

Information on Species at Risk and other species of special interest and natural heritage features was provided by Kemptville District Ontario Ministry of Natural Resources (MNR) in a letter dated December 15th, 2010. The letter notes that no Areas of Natural and Scientific Interest or Provincially Significant Wetland are in the area. The letter does identify woodlands on the site and references the smallmouth bass habitat described above. The MNR correspondence identifies the potential for several Species at Risk in the general area including the Endangered butternut, pugnose shiner and American eel; the Threatened gray ratsnake, whip-poor-will, chimney swift, eastern musk turtle and Blanding's turtle; and several species of special concern including milksnake, eastern ribbonsnake, cerulean warbler, northern map turtle, snapping turtle, grass pickerel and common nighthawk.

Potential Species at Risk were reviewed by Niblett (2007) as part of their environmental screening. Gray ratsnake is found in old fields next to deciduous woods, usually away from water. It is well known from Murphy's Point Provincial Park to the southwest of the site. Milksnake is relatively common in portion of eastern Ontario west of Ottawa but is not often seen. It is found in open woodlands, clearings and around farmhouses where it hunts its major prey item, mice. Typical habitat for both of these reptiles is not present on or adjacent to the site. Eastern ribbonsnake is found along the margins of streams, ponds and lakes, and thus potential habitat is present along the shorelines. Snapping turtle and Blanding's turtle, if present, would occur along the shoreline and other portions of the aquatic habitat. The sandy soil may be suitable for egg laying by turtles. However there is a lack of wetland marsh habitat utilized by Blanding's turtle in immediate proximity to the site. For important winter habitat, eastern musk turtle and northern map turtle utilize a mud and leaf litter substrate deep enough for turtle to bury themselves. Niblett (2007) noted that this exact type of habitat is not present in the study area, nor is the shallow moving water utilized by Eastern musk turtle during other periods of the year. However the shoreline and large river habitat present may be suitable for northern map turtle.

Butternut, an endangered species but relatively common in many areas of eastern Ontario, is found in a variety of habitats.

The Breeding Bird Atlas for the 10km square including the site (18VQ06) listed common nighthawk and whip-poor-will, but did not record observations of chimney swift or cerulean warbler. Whip-poor-will requires large wooded areas with open patches, and/or open woodlands or alvar, habitat not present in the vicinity of the site. Common nighthawk is a ground nester of open sites. Chimney swift nests predominantly in open chimneys and sometimes in tree hollows. Cerulean warbler breeds in mature deciduous forests, habitat not present on the site.

The Royal Ontario Museum database reports that pugnose shiner is only known from the St. Lawrence River in eastern Ontario. The same database notes that in Ontario, American eel occurs mainly along the St. Lawrence River and Lake Ontario and their tributaries. Grass pickerel occur in wetlands with warm, shallow water and an abundance of aquatic plants, habitat not in direct association with the site.

The Ontario Ministry of Natural Resources' biodiversity explorer website was reviewed (<http://www.biodiversityexplorer.mnr.gov.on.ca/nhicWEB/main.isp>). This site allows for a search of Threatened and Endangered species covered by the 2008 Endangered Species Act, as well as other species of interest. Searches were conducted on the 1 km squares including the site and adjacent lands (18VR06_31, 40, 41, 42, 50, 51 and 52). Species at Risk reported in these 1 km squares included milksnake, cerulean warbler, northern map turtle, eastern musk turtle and eastern ribbonsnake.

Summary and Recommendations

Ministry of Natural Resources correspondence and the databases reviewed as part of this assessment have identified potential Species at Risk in the general area. The potential species with the greatest potential to be associated with the site would be found along the shoreline corridors and further from the site within the lake habitat. These potential species include snapping turtle, Blanding's turtle, eastern ribbonsnake and northern map turtle. Any development associated with the proposed severance would have to provide mitigation measures to ensure protection of the shoreline corridors.

Wetland habitat outside of the shoreline corridor is lacking on the site. As the existing studies by Niblett (2007) concentrated on the shoreline corridors, a spring field survey is required to complete this Ecological Site Assessment and finalize the presence or absence of Species at Risk on and adjacent to the site. Outside of butternut, which is very frequently encountered, it is not anticipated that there is potential Species at Risk habitat outside of the shoreline corridors. Thus it is recommended that the spring field survey requirement be a condition of severance approval completed before any site alterations. Similarly the Ministry of Natural Resources recommends searches of the site during appropriate weather conditions and seasons prior to any site alterations for potential turtles and snakes. This is especially important during the snapping turtle nesting season in June and early July and during spring emergence when snakes may be concentrated in specialized areas such as stumps, rock outcrops and ledges.

As indicated above butternut is found in a variety of habitats. If butternut is observed on site, it can be retained with a 25 metre no disturbance radius around the stem. A butternut that must be removed will be assessed by a certified butternut health assessor during the leaf-out period. If a healthy butternut is proposed for removal, a compensation plan can be developed with the Ministry of Natural Resources.

NOTE: Mr. Muncaster recommended that a spring field survey be undertaken, which could be a 'condition' of consent, however the Township preferred to have the survey complete prior to their making recommendations. Muncaster Environmental conducted the spring review and provided the following EIS.

Muncaster Environmental Planning - May 10, 2011

Mr. Paul Taggart, owner of a cottage property on Big Rideau Lake wishes to sever the existing 0.86 hectare property into approximately two equal north and south halves. The property is located at 801 White Arrow Drive, Concession 5, Part of Lot 3 in the former Township of North Burgess, Lanark County.

Existing Conditions

A field survey of the site and adjacent lands was completed on May 9th, 2011. The temperature was 15° C, with sunny skies and calm winds.

Adams Creek is to the north of the site, with the east part of the site fronting onto Big Rideau Lake. There are approximately ten metres of relief on the site with the surface drainage generally from the southwest to the northeast. Extensive rock outcrops are present in the south portion of the lands proposed for severance. The soils are reported by Paterson Group (2005) as a thin layer of topsoil underlain by silty fine sand. No groundwater was detected by Paterson Group in boreholes dug to a depth of about 1.2 metres.

The north retained portion of the overall site is generally maintained lawn, with an existing cottage, septic system and dock.

The north half of the lands proposed for severance to the south of the retained lands includes large areas of mowed lawn in the northeast portion, with an existing cabin to be removed (Photo 1). The south and northwest portions of the lands proposed for severance are generally treed, with a driveway to access the existing cottage in the middle of the lands proposed for severance (Photos 2 and 3). The forest is a dry-fresh white pine-maple-oak mixed forest, with American beech also very common in many areas. Mature sugar maple, red oak and white pine trees are in the range of 50 —

60cm dbh. Ironwood is also present. A mature sugar maple in the area of the proposed cottage footprint appears to be in senescence with fungi growth and broken limbs (Photo 3). The ground flora is disturbed in many areas, likely a reflection of former pasture activity. Bluegrass, crabgrass, common dandelion, red clover, white clover, common mullein, heart-leaved aster, common milkweed, Pennsylvania sedge and common strawberry are well represented in many areas, including the many breaks in the forest canopy. In less disturbed areas white trillium, Canada mayflower, evergreen wood fern, false Solomon-seal and wild columbine re present. Shrub cover includes red raspberry, prickly gooseberry and black currant.

The Big Rideau Lake shoreline along the east edge of the lands proposed for severance is generally disturbed with rock protection and large mowed areas and other areas of cultural meadow dominated by common dandelion, common mullein, heart-leaved aster, teasel and common juniper. An existing bunk house is surrounded by manicured areas (Photo 4). Scattered mature trees, including white pine, white birch, white cedar and eastern hemlock are among the mowed areas and other areas along the shoreline.

The main sports fish species in Big Rideau Lake are lake trout, largemouth bass, smallmouth bass, walleye and northern pike. The Big Rideau Lake shoreline area in the vicinity of the site is identified as smallmouth bass habitat (Niblett, 2007). The only fall spawning fish, lake trout, is not known to spawn in the vicinity of the site, although Big Rideau Lake overall is a lake trout lake. The shoreline in the vicinity of the site is composed of broken rock rubble, placed for erosion protection. In-stream structure includes sparse areas of aquatic macrophytes such as soft stem bulrush in the backwater areas and occasional submerged branches from trees (Niblett, 2007). Substrate is mainly rock rubble covered with varying thicknesses of organic material. The littoral zone appears limited in width as the water depth quickly increases.

There is a sharp transition along the shoreline to the upland habitat with no wetland or aquatic habitat present outside of Big Rideau Lake itself (Photo 4). No woodland pools were observed and the broken exposed rock appears to make the ground surface generally pervious.

No Species at Risk were identified during the May survey. No butternut, an endangered species but relatively common in portions of eastern Ontario, was observed on or adjacent to the lands proposed for severance. Wildlife observations included eastern garter snake, ring-billed gull, chipping sparrow, black-capped chickadee, great-crested flycatcher, blue jay, American robin, American crow, turkey vulture, red-eyed vireo, eastern kingbird, American goldfinch and red squirrel.

Paterson Group (2005) concluded that the severed and retained parcels can support each a private septic system, a drilled well or lake water supply, and a cottage. Details of the proposed lot severance are provided on Drawing No. PG049 1-01, by Paterson Group, September 17, 2010.

Species at Risk Assessment

Information on Species at Risk and other species of special interest and natural heritage features was provided by Kemptville District Ontario Ministry of Natural Resources (MNR) in a letter dated December 15th, 2010. The letter notes that no Areas of Natural and Scientific Interest or Provincially Significant Wetland are in the area. The letter does identify woodlands on the site and references the smallmouth bass habitat described above. The MNR correspondence identifies the potential for several Species at Risk in

the general area including the Endangered butternut, pugnose shiner and American eel; the Threatened gray ratsnake, whip-poor-will, chimney swift, eastern musk turtle and Blanding's turtle; and several species of special concern including milksnake, eastern ribbonsnake, cerulean warbler, northern map turtle, snapping turtle, grass pickerel and common nighthawk.

Potential Species at Risk were reviewed by Niblett (2007) as part of their environmental screening. Gray ratsnake is found in old fields next to deciduous woods, usually away from water. It is well known from Murphy's Point Provincial Park to the southwest of the site. Milksnake is relatively common in portion of eastern Ontario west of Ottawa but is not often seen. It is found in open woodlands, clearings and around farmhouses where it hunts its major prey item, mice. Typical habitat for both of these reptiles is not present on or adjacent to the site. Eastern ribbonsnake is found along the margins of streams, ponds and lakes, and thus potential habitat is present along the shorelines, although as indicated above no wetland or aquatic habitat is present outside of Big Rideau Lake itself. Snapping turtle and Blanding's turtle, if present, would occur along the shoreline, although no sunning logs or other specific turtle habitat features were observed. The thin layer of sandy soil may not be suitable for egg laying by turtles and there is a lack of wetland marsh habitat utilized by Blanding's turtle in proximity to the site. For important winter habitat, eastern musk turtle and northern map turtle utilize a mud and leaf litter substrate deep enough for them to bury. Niblett (2007) and our 2011 field observations indicate that this type of habitat is not present in the vicinity of the lands proposed for severance, nor is the shallow moving water utilized by Eastern musk turtle during other periods of the year. However the shoreline and large river habitat present may be suitable for northern map turtle.

Butternut, an endangered species but relatively common in many areas of eastern Ontario, is found in a variety of habitats but was not observed on or adjacent to the site.

The Breeding Bird Atlas for the 10km square including the site (18VQ06) listed common nighthawk and whip-poor-will, but did not record observations of chimney swift or cerulean warbler. Whip-poor-will requires large wooded areas with open patches, and/or open woodlands or alvar, habitat not present in the vicinity of the site. Common nighthawk is a ground nester of open sites. Chimney swift nests predominantly in open chimneys and sometimes in tree hollows. Cerulean warbler breeds in mature deciduous forests, habitat not present on the site.

The Royal Ontario Museum database reports that pugnose shiner is only known from the St. Lawrence River in eastern Ontario. The same database notes that in Ontario, American eel occurs mainly along the St. Lawrence River and Lake Ontario and their tributaries. Grass pickerel occur in wetlands with warm, shallow water and an abundance of aquatic plants, habitat not in direct association with the site.

The Ontario Ministry of Natural Resources' biodiversity explorer website was reviewed (<http://www.biodiversityexplorer.mnr.gov.on.ca/nhicWEB/main.jsp>). This site allows for a search of Threatened and Endangered species covered by the 2008 Endangered Species Act, as well as other species of interest. Searches were conducted on the 1 km squares including the site and adjacent lands (18VQ06 31, 40, 41, 42, 50, 51 and 52). Species at Risk and species of special concern reported in these 1 km squares included milksnake, cerulean warbler, northern map turtle, eastern musk turtle and eastern ribbonsnake. Habitat characteristics for these species are discussed above.

Summary and Recommendations

Ministry of Natural Resources correspondence and the databases reviewed as part of this assessment identified potential Species at Risk in the general area. None of these Species at Risk were observed during the 2011 field survey. Wetland and aquatic habitat outside of the shoreline corridor is not present on or adjacent to the lands proposed for severance. Although the shoreline corridor habitat in general represents the highest likelihood for potential Species at Risk such as snapping turtle, Blanding's turtle, eastern ribbonsnake and northern map turtle, the existing Big Rideau Lake shoreline along the east edge of the lands proposed for severance is highly disturbed with rock protection, lawns and other amenity areas, and a bunk house. It is not expected that the potential Species at Risk would be found in these disturbed areas and none were observed. The proposed cottage footprint is a minimum of 30 metres from the shoreline and will not impact the existing shoreline corridor conditions.

The Ministry of Natural Resources recommends searches of the site during appropriate weather conditions and seasons prior to any site alterations for potential turtles and snakes. This is especially important during the snapping turtle nesting season in June and early July and during spring emergence when snakes may be concentrated in specialized areas such as stumps, rock outcrops and ledges.

References

- Natural History Information Centre. 2011. List of Ontario Species. www.mnr.gov.on.ca/MNRJnhic/querries/listont
- Niblett Environmental Associates. 2007. Taggart Boat House, Big Rideau Lake. Screening Report. January, 2007. PN 05-090. 8 pp. & Append.
- Paterson Group. 2005. Site Suitability Study for Proposed Lot Severance. June 16th, 2005. File No. PG049-01.let. 4 pp. & Append.

MNR Review – Erin Thompson May 26, 2011

MNR has received the Muncaster species report and Muncaster Species at Risk assessment for Taggart Island and have reviewed them. The MNR does not have any objections to the proposed severance. Both reports do not identify any observed SAR or suitable habitat for certain species and therefore no ESA authorization is currently required.

The ESA 2007 (<http://www.e-laws.gov.on.ca/html/statutes/english/elaws/statutes-07e06e.htm>) protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO) (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if

a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

Furthermore, please note that the MNR supports the recommendations of carrying out searches of the site prior to any site alteration. If any additional information surrounding species survey and mitigation measures is required, feel free to contact a Species at Risk Biologist at sar.kemtvillemontario.ca.

Hydro One Networks – HONI advises that there are existing hydro lines on the property.

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

Rideau Waterway Development Review Team – November 25, 2010

The subject application has been reviewed by the Rideau Waterfront Development Review Team on behalf of Parks Canada-Rideau Canal Office and the Rideau Valley Conservation Authority. We have visited the site and have the following comments for the Committee's assistance based on the Rideau Lakes Study, the provincial Natural Heritage planning policies, RVCA regulatory considerations (Ontario Regulation 174-06), and the Rideau Canal's federal Historic Canal Regulation and federal fish habitat protection considerations.

The proposed severance will result in a new 1.12 acre parcel on which the existing bunkhouse will be demolished and a new larger residence will be constructed at a greater distance from Big Rideau Lake. The current right-of-way is proposed to be relocated to the rear of the proposed residence, at a greater distance (30 metres) from Big Rideau Lake.

We note that site conditions on the proposed new lot are such that the new development would be situated more or less behind (to the north of a rock outcrop, thereby providing a barrier and some protection to the lake from runoff and sedimentation).

Provided new development (including the retirement of the current right of way in favour of its relocation to the north as shown on the site diagram) can respect the setback consideration of 30 metres from the lake, we do not object.

It has been typical recently that Tay Valley Township requires a rezoning to address private road access to such properties as this. The RWDRT would support the rezoning of the new lot with consideration to address the setback and environmental considerations as may be deemed appropriate by the Committee.

For the Township's purposes, we recommend that the following development considerations be addressed within a site development agreement:

- A development and disturbance setback respecting a minimum 30 metre setback from the normal high water mark of Big Rideau Lake.
- A native buffer be maintained and/or enhanced (soil cover native ground cover, shrubs and trees) between the water and development
- Erosion and sediment controls will be established on-site PRIOR to the commencement of any development activity, to remain intact and in good working order until the site development is completed.
- All excavated materials must be disposed of well away from the water, upland of the development site.

- Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the waterbody) of any structure.
- Shoreline access is included on the site development plan, including identification of the pedestrian approach to the water which demonstrates minimal disturbance to the soil and vegetation cover (a modest walking path and/or stairs to the water)

Parks Canada also notes that the shore and near shore of this property has been identified as spawning area for small mouth bass. Any disturbance of the shoreline may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. Please note that shoreline of the parcel adjacent to Adam's Creek has been developed to its maximum under the shoreline policies No additional development will be approved on this lot. Any proposed development on the severed lot requires a permit and should be identified on the site development plan.

Under Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", may also require prior written approval from the Rideau Valley Conservation Authority should there be any grade changes or excavation along the shoreline of Big Rideau Lake.

We have no objection to the application provided these above noted concerns are addressed and provided the Township is satisfied in regard to the requirements of the Official Plan and Zoning By-law.

Trusting this is satisfactory. Thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.4237-ha residential lot with an existing seasonal dwelling and retain a 0.445-ha residential lot with an existing seasonal dwelling.

The subject lands are located in an area characterized by Residential and Seasonal Residential on typical smaller type seasonal parcels along Rideau Lake.

The lands are accessed via White Arrow Drive, a private right-of-way which adjoins Elm Grove Road, a county maintained road via Yellow Arrow Drive and Cedar Gate Road.

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

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been

posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

As outlined in the response provided by the Ministry of Natural Resources “*with the wide variety of species located on or in proximity to the site and the potential for such species to be present, the MNR strongly recommends that a detailed Ecological Site Assessment be carried out to confirm both species and habitat on the site*”. In response to the request from MNR the applicant contracted Muncaster Environmental Planning to undertake a Species at Risk Assessment. The full report is included above.

The report noted that a spring field survey was required to complete the ESA and recommended that the spring field survey requirement be condition of severance approval. The applicant was advised of this recommendation and provided with the option to defer the application until such time as the ESA (spring 2011) was completed or to proceed with the requirement to produce the ESA as a condition. The applicant chose the latter. The ESA has now been completed and reviewed by the MNR Species at Risk Review Team.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS 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, as follows:

Elizabeth Aitkens – March 21, 2011

Our property abuts that which the subject of this application. Our property is registered in my mother’s name, Shirley Aitkens. Kindly advise us of any further information on this file.

(e) MINUTES – June 27, 2011

Michelle Taggart and Ted Philips, agent for Paul Taggart, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. 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.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
10. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 25, 2010,

provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

12. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.
13. The applicant shall remove the 'bunkhouse' located on the retained property. The applicant shall consult directly with the Chief Building Official for Tay Valley Township to obtain a demolition permit.
14. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
15. The applicant shall submit a septic permit application to the Mississippi Rideau Septic System Office is submitted for Parcel One, as indicated on the lot development plan (PG0491-1), prior to completion of the severance process.
16. A letter shall be received from Hydro One (Perth) stating that condition #5 has been fulfilled to their satisfaction
17. A letter shall be received from the Mississippi Rideau Septic System Office stating that condition #15 has been fulfilled to their satisfaction.
18. A letter shall be received from the Rideau Valley Conservation Authority stating at condition #11 has been fulfilled to their satisfaction
19. A letter shall be received from Tay Valley Township stating that condition #6 through #14 has been fulfilled to their satisfaction.

NOTES

1. *Parks Canada also notes that the shore and near shore of this property has been identified as spawning area for small mouth bass. Any disturbance of the shoreline may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. Please note that shoreline of the parcel adjacent to Adam's Creek has been developed to its maximum under the shoreline policies No additional development will be approved on this lot. Any proposed development on the severed lot requires a permit and should be identified on the site development plan.*
2. *Under Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", may also require prior written approval from the Rideau Valley Conservation Authority should there be any grade changes or excavation along the shoreline of Big Rideau Lake.*
3. *The applicant / purchaser is advised 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. 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. Residents and users of Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
- 6. Tay Valley Township advises that development will be subject to "Site Plan Control".*
- 7. The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
- 8. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
- 9. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Muriel Taggart, James Taggart
and Christopher Taggart

Hearing Date: June 27, 2011

Agent: Michelle Taggart

LDC File #: B10/163 and B10/164

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 4/5 **Concession:** 5

Roll No. 0911 911 025 09200

Consent Type: 2 new lots plus ROW

Purpose and Effect: To sever two (2) new residential building lots – 0.5842-ha and 0.4556-ha both with existing residential dwellings and to retain a 0.8605-ha residential lot with an existing dwelling, together with a R-O-W over a private road (Yellow Arrow Lane).

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/163	B10/164	
Existing Use Proposed Use	Residential Residential	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	0.5842-ha 65 m 120 m R-O-W	0.4556-ha 60.9 m 98 m R-O-W	0.8605-ha 180 m +/- 98 m +/- R-O-W
Water Supply Sewage Disposal	Lake Water Septic System	Well Septic System	Lake Water Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Seasonal Residential		Seasonal Residential
	0.4050-ha Yes 60 m Yes		0.4050-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 2.15 Existing Uses, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply , Sewage Disposal and Other Services, Section 2.23 Water Quality and Quantity, Section 3.4 Natural Heritage Policies, Section 3.6.4 Residential Policies, Section 4.5 Private Roads, section 5.2 Land Division, Section 5.4 Site Plan Control.

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

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone. Tay Valley Township advises that the proposal complies with the zoning by-law regulations of the Zoning By-law.

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal as to sever two parcels of land on Taggart Island at 900 Yellow Arrow Dr., 0.58 ha and 0.46 ha respectively, for residential lots with existing cottages and to retain a 0.86 ha parcel with an existing cottage, boat house and fuelling station.

Official Plan Designation: Rural

Applicable Sections:

- 3.6.2 Rural designation - permits residential use.
- 5.2.3.4 Consent - requires lots to have frontage on a public road or to rezone to Residential Limited Services if a waterfront lot is accessed by private road. The proposed severed lots and the proposed retained lot will have frontage on Yellow Arrow Dr., an existing private road so will need to be rezoned.
- 2.23 Water Quality and Quantity - requires a minimum setback of 30 m from water. A 30 m setback can be met for all of the proposed lots.
- 2.21.4 Natural Heritage Features —an Environmental Impact Statement was conducted this spring by Muncaster Associates and determined there were no threatened and endangered habitats on the property. MNR has accepted the EIS findings.

Zoning By-law Category: Seasonal Residential

Applicable Sections:

10.1.1 - Residential use is appropriate.

10.1.2 - Lot area of 4050 m² is met for both the proposed severed and retained lots (.58 m², .46 m² and .86 m² respectively). Frontage of 60 m on Big Rideau Lake is met (65 m, 65 m, and 180 m).

Re-zoning to RLS will be required as the properties are accessed by private road. Creation of the new lots would remove the legal non-complying status from the existing cottages. Therefore, if the cottages were to be rebuilt they would need to be constructed 30 m from the water.

Rideau Waterfront Review Team has no objection if any additional development respects the 30 m setback from Big Rideau Lake and runoff and erosion are managed. They want to see the vegetation buffer enhanced along the south and west shores to extend the native plant cover over the existing lawn. They also noted that small mouth

bass spawning area is located along the shore so care must be taken not to disturb that fish habitat (a permit would be required for dock installation, etc). In addition they note that the shoreline of parcel has been developed to its maximum and no additional development will be approved for this lot. They indicate that for proposed lots 2 and 3 shoreline development should take place on the lake side of the island (not the bay).

Mississippi Rideau Septic System Office noted that there is no record of a septic permit for the proposed middle lot and that the current cottage shares a septic with the cottage to the north of it. The septic system is located more than 30 in from either shore and would be 6.3 m from the proposed lot line. However, the septic system for the retained lot does not have a permit and is located approximately 6m from the water's edge and 85 in from the proposed lot line.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy the deed / transfer and two copies of the reference plan.
3. Parkland contribution in the amount of \$400.00
4. Rezoning of all parcels to Residential Limited Service (RLS).
5. Submission of a septic permit application for the replacement of the existing system on the retained lot (parcel 1 on the Stantec drawing).
6. No further shoreline development to occur on parcel 1.
7. For parcels 2 and 3, shoreline development to occur on the lake side of the island, not the bay.
8. Re-vegetation of the lawn area with native species.

Conservation Authority – Rideau Waterway Development Review Team – Nov 29, 2010.

The subject applications have been reviewed by the Rideau Waterfront Development Review Team on behalf of Parks Canada-Rideau Canal Office and the Rideau Valley Conservation Authority. We have visited the site and have the following comments for the Committee's assistance based on the Rideau Lakes Study, the provincial Natural Heritage planning policies, RVCA regulatory considerations (Ontario Regulation 174.06), and the federal Historic Canal

Regulation and federal fish habitat protection considerations.

The proposed severances will result in the separation of this island property into three lots, all of which have been developed for residential purposes.

We do not object to the applications, provided:

- Any additional development and disturbance shall respect the existing water setback (or greater setback) from the normal high water mark of Big Rideau Lake.
- Any additional development or disturbance to the site will need the implementation of runoff and erosion protection and best management practices to prevent impacts to the lake.
- The vegetation buffer be enhanced along the south and west shores to extend the native plant cover over the existing maintained lawn area. While we compliment the applicants on the large canopy tree cover on-site and narrow ribbon of native vegetation along the shore, lower native vegetation planting replacing the lawn will also greatly assist in protecting this sensitive shore/littoral area against negative

water quality and fish habitat impacts (we have forwarded our shoreline planting and protection program information to the land owners).

The shore and near shore of this property has been identified as spawning area for small mouth bass. Any disturbance of the shoreline may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. A permit will be required from Parks Canada-Rideau Canal Office for the installation of a dock and/or in—water work at this location. In this regard we note that the 2.2 acre lot (Parcel I) has exceeded the maximum allowable shoreline development as outlined in the Rideau Canal Shoreline Policies; no additional development will be approved for this parcel. Any proposed shoreline development for Parcels 2 and 3 will be located on the lake side of the property. We also acknowledge that an application has been received to purchase that area of filled land (causeway) joining the island to the mainland.

Under Ontario Regulation 174/06, “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, may also require prior written approval from the Rideau Valley Conservation Authority should there be any grade changes or excavation along the shoreline of Big Rideau Lake.

We have no objection to the applications provided these above noted concerns are addressed and provided the Township is satisfied in regard to the requirements of the Official Plan and Zoning By-law, In addition, we recommend that confirmation be sought that the Mississippi Rideau Septic System Office is satisfied with the septic system servicing arrangements for the severed and retained lots.

Trusting this is satisfactory. Thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

On-Site Services (Septics) – Mississippi Rideau Septic System Office – Feb 3, 2011
B10/163

A site visit was conducted at the above mentioned property by our office on November 23, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). As per file S05-10-24, dated November 23, 2010, more information regarding the existing septic systems was required. On January 14, 2011, the MRSSO received a Site Suitability Study prepared by patersongroup file # PH1577-LET.02 (PH1419-LET.02 is a typo confirmed by patersongroup on February 3, 2011).

The applicant proposes to sever approximately 0.5842 hectare parcel from the retained to create a new lot. The proposed lot currently has an existing cottage and septic system. There is no record of a septic system permit in CGIS, Tay Valley Township’s geographical information system. This septic system appears to be greater than 30m from either shoreline, 6.3m from the proposed lot line and the distribution trench is approximately 0.79m above the base of the test pit with no inferred bedrock as per PH 1577-LET.01.

The retained parcel is approximately 0.8605 hectare. There is an existing cottage, workshop, boathouse and fuelling station. The cottage is serviced by an existing septic system as per drawing # PH1577-1. There is no record of a septic system permit in CGIS, Tay Valley Township’s geographical information system. The septic system is approximately 6m from the shoreline, greater than 85m from the proposed property line

and the distribution trench is approximately 0.06m above inferred bedrock as per PH 1 577-LET.01.

The Mississippi Rideau Septic System Office is supportive of the Application for Consent provided that as a condition of Consent a septic permit application is submitted for the replacement of the existing septic system on Parcel One as indicated on the Preliminary Lot Development Plan (PH1577-1). The reason for replacement is:

- 0.06m separation distance to bed rock;
- Approximately 6m from distribution field to shoreline.

Both the retained and proposed parcel will not impact the ability to maintain, operate, install or replace an existing septic system.

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

B10/164

A site visit was conducted at the above mentioned property by our office on November 23, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). As per file S05-10-24, dated November 23, 2010, more information regarding the existing septic systems was required. On January 14, 2011, the MRSSO received a Site Suitability Study prepared by patersongroup file # PH1577-LET.02 (PH1419-LET.02 is a typo confirmed by patersongroup on February 3, 2011)

The applicant proposes to sever approximately 0.4556 hectare parcel from the retained to create a new lot. The proposed lot currently has an existing bunkhouse. There is no record of a septic system permit in CGIS, Tay Valley Township's geographical information system. The bunkhouse currently shares the septic system on proposed parcel 3. This septic system appears to be greater than 30m from either shoreline, 6.3m from the proposed lot line and the distribution trench is approximately 0.79m above the base of the test pit with no inferred bedrock as per PHI 577-LET.01. A new dwelling and septic system are proposed for the parcel.

The retained parcel is approximately 0.8605 hectare. There is an existing cottage, workshop, boathouse and fuelling station. The cottage is serviced by an existing septic system as per drawing # PH1577-1. There is no record of a septic system permit in CGIS, Tay Valley Township's geographical information system. The septic system is approximately 6m from the shoreline, greater than 85m from the proposed property line and the distribution trench is approximately 0.06m above inferred bedrock as per PH1577-LET.01.

The Mississippi Rideau Septic System Office is supportive of the Application for Consent provided that as a condition of Consent:

- A septic permit application is submitted for the replacement of the existing septic system on Parcel One as indicated on the Preliminary Lot Development Plan (PH1577-1), and;
- The plumbing drain and water source for the bunkhouse on parcel 2 is capped/removed and the plumbing from parcel 2 capped / removed where it enters the septic system on Parcel 3.

Both the retained and proposed parcel will not impact the ability to maintain, operate, install or replace an existing septic system.

Ministry of Natural Resources – April 18, 2011

The Ministry of Natural Resources (MNR) Kemptville District has carried out a preliminary review of the area in order to identify any potential natural resource and natural heritage values in the area.

Following a review of natural heritage values and data, there are no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) within the area; however, there is a substantial amount of woodland area on the island. Woodlands provide habitat for a diversity of species, including species at risk. The property is surrounded by fish spawning habitat for Smallmouth Bass and the Big Rideau Lake is a Lake Trout Lake. Lake Trout are a sensitive species, and thus care should be taken to ensure appropriate measures are in place to limit impacts to water quality and fish habitat. Furthermore, be advised that there may be additional municipal planning directives established through the municipal Official Plan due to Big Rideau's status as a Lake Trout Lake, alongside Conservation Authority and Department of Fishery and Oceans interests as well.

If any in-water works are to occur in relation to the project, there is a timing restriction period for which work in water can take place. In addition, where at all possible, the bed of waterbodies should not be disturbed so as not to alter the existing rock material. Proper sediment and erosion controls are required to be employed during this project.

If there is to be work in water and/or disturbance of the lake bed, additional and more detailed plans are requested by the MNR for review. A work permit from the Ministry of Natural Resources may be required pending further details regarding the proposed works. Furthermore, the local Conservation Authority should be contacted regarding possible permitting required for these particular works at the site in question.

With the new Endangered Species Act (ESA, 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of the legislation. A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for Butternut (Endangered Species-END) onsite and American Eel (END), Gray Ratsnake (Threatened - THR), Whip-poor-will (THE), Common Nighthawk (Special Concerned - SC), Milksnake (SC), Northern Map Turtle (SC), Eastern Ribbonsnake (SC), Eastern Musk Turtle (THE), Cerulean Warbler (SC), and Blanding's Turtle (THR) in proximity to the area. Aerial photographs also suggest the presence of potential habitat for Chimney Swallow (THR) on the site or nearby. Care should be taken during the proposed work to ensure mitigation measures are in place to ensure no impact on these species occurs. Given the proximity and scale of the proposed work, these species may be directly affected, therefore due diligence should be taken during the work to ensure no impact on these species occurs. If the proposed activity is known to have an impact on the species mentioned above or any other SAR, an ESA permit is required.

Species listed as Special Concern on the SARO list are not protected under the Endangered Species Act, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Suggested search and mitigation measures for the aforementioned species are listed below:

TURTLES: A thorough sweep of the aquatic area should take place before any in-water work occurs. A sweep of the area will encourage any turtles possibly utilizing the site to move away before any equipment or work which could impact the species occurs.

Furthermore, extra care and precaution should be taken during the snapping turtle species nesting season in June and early July. Turtles may utilize the embankment to come up and nest during this time. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early spring to prevent the turtles from nesting there and to visually inspect the embankment and surrounding area to ensure that no turtles are present before proceeding with any work. In addition, caution should be taken from October 16th to March 15th as turtles could be hibernating. Turtles could use the area to burrow in for the winter. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early fall to prevent the turtles from hibernating there.

SNAKES: A thorough search of the area should take place before terrestrial activity and work is being conducted. Temperature and weather conditions will drive their behaviour and they are much more visible on warm summer days when basking or moving more frequently. Extra precaution should be taken in spring emergence conditions when snakes are in concentrated areas. Vegetation at this time is undeveloped increasing visibility, and outside of spring they are more active. Snakes may use open areas to bask, but avoid these areas when it is too hot. Searches could include trees, logs, ground, stumps, rock outcrops and ledges. Skin sheds can be a good indication of presence. Oviposition sites of egg laying snakes may be identified by young snakes in the fall and are usually in old trees, stumps, logs, manure piles or other decaying materials. If hibernacula and oviposition sites are suspected or known they must not be destroyed if encountered and MNR recommends fencing off the areas before proceeding with any work.

BUTTERNUT: If any of the proposed work will require harming or killing of Butternut trees, a Butternut Health Assessor will have to be contacted to assess the health of the tree before proceeding with potential permit application (prior to proposed activity). If a Butternut tree will be impacted during the work proposed, please contact your local MNR office to enquire further about the process dealing with Butternut trees.

FISH: Proper mitigation and care should be taken to mitigate impact on water quality and fish habitat, including the installation of sediment and erosion control measures avoiding removal, alteration or covering of substrates used for fish spawning, feeding, overwintering or nursery areas including selecting locations with sand, silt or clay substrates and where aquatic vegetation is scarce or absent.

A rigorous check/survey should be completed each day prior to activities commencing to ensure all species are outside the project area to avoid harming the species. If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR.

Gray Ratsnake. Chimney Swift and Whip-poor-will will receive general habitat protection and thus any potential works should consider disturbance of possible important habitat. None of the other species listed above currently receive habitat protection, however the listed Endangered and Threatened species all receive species protection under Section 9 of the Endangered Species Act, 2007 (ESA).

Although no other threatened or endangered species or their habitat have been

documented in the area these features may be present and this list should not be considered complete.

Endangered Species Act, 2007, and Species at Risk In Ontario Background

The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

Information with respect to SAR can be found in the online database at the Natural Heritage Information Centre (NHIC) (<http://nhic.mnr.gov.on.ca/nhic.cfln>). The NHIC compiles, maintains and distributes information on species at risk and updates its information on a regular basis. We encourage you to routinely check the NHIC database to obtain the most up to date SAR information for proposed work locations. However, while the NHIC database is the best available source of data, even when there are no known occurrences documented at a site, there is a possibility that SAR may occur at a proposed work location.

Please note: The advice in this letter is valid until April 18, 2012 and may become invalid if:

1. the Committee on the Status of Species at Risk in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species;
2. Additional occurrences of species are discovered;
3. Habitat protection comes into force for one of the above-mentioned species through the creation of a habitat regulation.

This letter has been prepared to provide preliminary information to support compliance with the ESA 2007 and does not address other requirements under other federal or provincial laws and regulations.

Although this data represents the MNR’s best current available information, it is important to note that a lack of occurrence at a site does not mean that there are no Species at Risk (SAR) at the location. The MNR continues to encourage ecological site assessments to determine the potential for other SAR occurrences. When a SAR does occur on a proposed site, it is recommended that the proponent contact the MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act (such as Section 9 or 10), the

proponent must contact the MNR to discuss the potential for application of certain permits (Section 17) or agreement (Regulation 242/08). For specific questions regarding the Endangered Species Act (200/) or species at risk, please contact a district Species at Risk Biologist at sar.komptville@ontario.ca.

NOTE: In response to the MNR's recommendation that a detailed Ecological Site Assessment be carried out to confirm both species and habitat on the site, the Township requested that the application be deferred until such time as an Environmental Impact Study was completed. The following is a Species at Risk Assessment undertaken by Muncaster Environmental Planning.

Muncaster Environmental Planning – May 13, 2011

Mr. Mike Taggart wishes to sever a 0.45 hectare part of the central portion of Taggart Island, on Big Rideau Lake off Yellow Arrow Drive in the former Township of North Burgess, Lanark County.

Existing Conditions

A field survey of the site and adjacent lands was completed on May 9th, 2011. The temperature was 17° C, with sunny skies and calm winds.

The site and adjacent retained lands include existing cottages, bunk houses, workshops, boat houses, docks, septic systems with leaching beds, gravel driveways and parking areas and expanses of maintained lawns. Bedrock outcrops are common throughout the site.

The west portion of the lands proposed for severance is adjacent to Big Rideau Lake and includes large areas of mowed lawns, with scattered mature trees (Photo 1). The largest trees are red oaks and white pines, up to 70cm and 54cm diameter at breast height (dbh), respectively. Smaller white cedar, American beech and white birch trees are also present. Beaver damage was observed on some of the trunks. There is a sharp transition along the shoreline to the upland habitat with no wetland or aquatic habitat present outside of Big Rideau Lake itself (Photo 2). A similar transition occurs along the east edge of the lands proposed for severance.

The main sports fish species in Big Rideau Lake are lake trout, largemouth bass, smallmouth bass, walleye and northern pike. The Big Rideau Lake shoreline area in the vicinity of the site is identified as smallmouth bass habitat (Niblett, 2007). The only fall spawning fish, lake trout, is not known to spawn in the vicinity of the site, although Big Rideau Lake overall is a lake trout lake. The shoreline in the vicinity of the site is composed of broken rock rubble, placed for erosion protection. In-stream structure includes sparse areas of aquatic macrophytes such as soft stem bulrush in the backwater areas and occasional submerged branches from trees (Niblett, 2007). Substrate is mainly rock rubble covered with varying thicknesses of organic material. The littoral zone appears limited in width as the water depth quickly increases.

Exposed rock is common in the central-west portion of the lands proposed for severance as the elevation drops approximately eight metres. A retaining wall is located at the top of incline and a staircase accesses the west portion of the site and Big Rideau Lake (Photo 3). This area also supports scattered mature trees as well as an understory of red raspberry, serviceberry, prickly ash, nannyberry, red elderberry and grey dogwood (Photo 3). Ground flora is a combination of native species and invasives, with white

trillium and false Solomon-seal common in many areas. Common dandelion, Pennsylvania sedge and common strawberry are also well represented. It is proposed to construct the new cottage along the embankment, to the west of the retaining wall (Photo 4). At its closest point the new cottage will be approximately 36 meters from the shoreline.

The central portion of the lands proposed for severance is generally disturbed, with the existing gravel access road, gravel parking areas, a bunk house to be demolished and large areas of lawn (Photo 5). Mature white and red pines up to 55cm dbh are scattered among the lawns (Photo 5).

The east part of the lands proposed for severance is a dry-fresh pine-oak mixed forest. White pine, red pine and red oak are the dominant tree species, with white birch and white cedar also present. Mature red oak and white pine trees are in the range of 50 — 60cm dbh, with red pines up to 44cm dbh. The understorey is very open in many areas (Photo 6). The invasive tartarian honeysuckle, along with grey dogwood, red raspberry, red elderberry, black currant, English elm and common juniper are the shrub species present, along with regenerating American beech stems in the understorey. The ground flora includes common burdock, Pennsylvania sedge, white trillium, Canada mayflower, wild sarsaparilla and eastern bracken.

No woodland pools were observed and the broken exposed rock appears to make the ground surface generally pervious.

No Species at Risk were identified during the May survey. No butternut, an endangered species but relatively common in portions of eastern Ontario, was observed on or adjacent to the lands proposed for severance. Wildlife observations included great blue heron, pileated woodpecker, chipping sparrow, black-capped chickadee, northern flicker, blue jay, American robin, American crow, beaver, eastern chipmunk and red squirrel.

Details of the proposed lot severance are provided on Drawing No. PHi 577-1, by Paterson Group, December, 2010.

Species at Risk Assessment

Information on Species at Risk and other species of special interest and natural heritage features was provided by Kemptville District Ontario Ministry of Natural Resources (MNR) in a letter dated December 2010. The letter notes that no Areas of Natural and Scientific Interest or Provincially Significant Wetland are in the area. The letter does identify woodlands on the site and references the smallmouth bass habitat described above. The MNR correspondence identifies the potential for several Species at Risk in the general area including the Endangered butternut, pugnose shiner and American eel; the Threatened gray ratsnake, whip-poor-will, chimney swift, eastern musk turtle and Blanding's turtle; and several species of special concern including milksnake, eastern ribbonsnake, cerulean warbler, northern map turtle, snapping turtle, grass pickerel and common nighthawk.

Gray ratsnake is found in old fields next to deciduous woods, usually away from water. It is well known from Murphy's Point Provincial Park to the southwest of the site. Milksnake is relatively common in portion of eastern Ontario west of Ottawa but is not often seen. It is found in open woodlands, clearings and around farmhouses where it hunts its major prey item, mice. Typical habitat for both of these reptiles is not present on or adjacent to the site. Eastern ribbonsnake is found along the margins of streams, ponds and lakes,

and thus potential habitat is present along the shorelines, although as indicated above no wetland or aquatic habitat is present outside of Big Rideau Lake itself. Snapping turtle and Blanding's turtle, if present, would occur along the shoreline, although no sunning logs or other specific turtle habitat features were observed. The thin layer of sandy soil may not be suitable for egg laying by turtles and there is a lack of wetland marsh habitat utilized by Blanding's turtle in proximity to the site. For important winter habitat, eastern musk turtle and northern map turtle utilize a mud and leaf litter substrate deep enough for them to bury. The 2011 field observations indicate that this type of habitat is not present in the vicinity of the lands proposed for severance, nor is the shallow moving water utilized by Eastern musk turtle during other periods of the year. However the shoreline and large river habitat present may be suitable for northern map turtle.

Butternut, an endangered species but relatively common in many areas of eastern Ontario, is found in a variety of habitats but was not observed on or adjacent to the site.

Rideau Lake in background. View looking east The Breeding Bird Atlas for the 10km square including the site (18VQ06) listed common nighthawk and whip-poor-will, but did not record observations of chimney swift or cerulean warbler. Whip-poor-will requires large wooded areas with open patches, and/or open woodlands or alvar, habitat not present in the vicinity of the site. Common nighthawk is a ground nester of open sites. Chimney swift nests predominantly in open chimneys and sometimes in tree hollows. Cerulean warbler breeds in mature deciduous forests, habitat not present on the site.

The Royal Ontario Museum database reports that pugnose shiner is only known from the St. Lawrence River in eastern Ontario. The same database notes that in Ontario, American eel occurs mainly along the St. Lawrence River and Lake Ontario and their tributaries. Grass pickerel occur in wetlands with warm, shallow water and an abundance of aquatic plants, habitat not in direct association with the site.

The Ontario Ministry of Natural Resources' biodiversity explorer web site was reviewed (<http://www.biodiversityexplorer.mnr.gov.on.ca/nhicWEB/main.jsp>). This site allows for a search of Threatened and Endangered species covered by the 2008 Endangered Species Act, as well as other species of interest. Searches were conducted on the 1 km squares including the site and adjacent lands (18VQ06_31, 40, 41, 42, 50, 51 and 52). Species at Risk and species of special concern reported in these 1 km squares included milksnake, cerulean warbler, northern map turtle, eastern musk turtle and eastern ribbonsnake. Habitat characteristics for these species are discussed above.

Summary and Recommendations

Ministry of Natural Resources correspondence and the databases reviewed as part of this assessment identified potential Species at Risk in the general area. None of these Species at Risk were observed during the 2011 field survey. Wetland and aquatic habitat outside of the shoreline corridor is not present on or adjacent to the lands proposed for severance. Although the shoreline corridor habitat in general represents the highest likelihood for potential Species at Risk such as snapping turtle, Blanding's turtle, eastern ribbonsnake and northern map turtle, the existing Big Rideau Lake shoreline closest to the new cottage footprint is disturbed with lawns and other amenity areas. It is not expected that the potential Species at Risk would be found in these disturbed areas and none were observed. The proposed cottage footprint is a minimum of 36 metres from the shoreline and will not impact the existing shoreline corridor conditions.

The Ministry of Natural Resources recommends searches of the site during appropriate weather conditions and seasons prior to any site alterations for potential turtles and snakes. This is especially important during the snapping turtle nesting season in June and early July and during spring emergence when snakes may be concentrated in specialized areas such as stumps, rock outcrops and ledges.

Please call if you have any questions on this Environmental Impact Study.

MNR Review – Erin Thompson May 26, 2011

MNR has received the Muncaster species report and Muncaster Species at Risk assessment for Taggart island and have reviewed them. The MNR does not have any objections to the proposed severance. Both reports do not identify any observed SAR or suitable habitat for certain species and therefore no ESA authorization is currently required.

The ESA 2007 (http://www.e-laws.gov.on.ca/html/statutes/english/elaws/statutes-07e06_e.htm) protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO) (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species’ designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

Furthermore, please note that the MNR supports the recommendations of carrying out searches of the site prior to any site alteration. If any additional information surrounding species survey and mitigation measures is required, feel free to contact a Species at Risk Biologist at sar.kemtvillemontario.ca.

Hydro One Networks – No comments were received.

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

Big Rideau Lake Association – No comments were received.

(c) **PLANNING REVIEW**

The applicant proposes to sever two residential building lots each with existing dwellings and retain a residential lot with an existing dwelling.

The subject lands are located in an area characterized by Residential and Seasonal Residential on typical smaller type seasonal parcels along Rideau Lake.

The lands are accessed via Yellow Arrow Drive, a private right-of-way which adjoins Elm Grove Road, a county maintained road via Cedar Gate Road. Yellow Arrow Drive crosses an area of filled land (causeway); the applicant has submitted an application to purchase this area joining the island to the mainland.

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

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

As outlined in the response provided by the Ministry of Natural Resources "*with the wide variety of species located on or in proximity to the site and the potential for such species to be present, the MNR strongly recommends that a detailed Ecological Site Assessment be carried out to confirm both species and habitat on the site*". In response to the request from MNR the applicant contracted Muncaster Environmental Planning to undertake a Species at Risk Assessment. The full report is found above.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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

(e) **MINUTES – June 27, 2011**

Michelle Taggart and Ted Philips, agent for Paul Taggart, attended the hearing and gave evidence under oath.

Mr. Philips advised that the Taggarts have made application to Parks Canada to purchase the lands occupied by the causeway which provides access to the lands and that Yellow Arrow Drive is a registered R-O-W from the mainland to the westerly end dwelling.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

B10/163:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
10. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.
12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 29, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
13. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
14. That the applicant submit an application for septic system replacement for the retained lands (Parcel 1 on the Stantec Geometrics Ltd drawing). The applicant shall consult directly with the Mississippi Rideau Septic System Office in this regard.
15. A letter shall be received from Tay Valley Township stating that condition #6 through #13 has been fulfilled to their satisfaction.
16. A letter shall be received from the Mississippi Rideau Septic System Office stating that condition #14 has been fulfilled to their satisfaction.
17. A letter shall be received from Rideau Valley Conservation Authority stating that condition #12 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the shore and near shore of this property has been identified as spawning area for small mouth bass. Any disturbance of the shoreline may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. A permit will be required from Parks Canada-Rideau Canal Office for the installation of a dock and/or in—water work at this location. In this regard we note that the 2.2 acre lot (Parcel 1) has exceeded the maximum allowable shoreline development as outlined in the Rideau Canal Shoreline Policies; no additional development will be approved for this parcel.*

Any proposed shoreline development for Parcels 2 and 3 will be located on the lake side of the property. The RVCA also acknowledges that an application has been received to purchase that area of filled land (causeway) joining the island to the mainland.

2. *The RVCA also advises that under Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", may also require prior written approval from the Rideau Valley Conservation Authority should there be any grade changes or excavation along the shoreline of Big Rideau Lake.*
3. *Residents and users of Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The applicant / purchaser is advised 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. *Tay Valley Township advises that development will be subject to "Site Plan Control".*
7. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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

B10/164

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
10. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.

12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 29, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
13. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
14. That the applicant submit an application for septic system replacement for the retained lands. The applicant shall consult directly with the Mississippi Rideau Septic System Office in this regard.
15. That the plumbing drain and water source for the bunkhouse on the severed lands (Parcel 2 on the Stantec Geometrics Ltd. drawing) be capped/removed and the plumbing from the severed land be capped / removed where it enters the septic system on the lands being created by B10/163 (Parcel 3 on Stantec Geometrics td. Drawing).
16. A letter shall be received from Tay Valley Township stating that condition #6 through #13 has been fulfilled to their satisfaction.
17. A letter shall be received from the Mississippi Rideau Septic System Office stating that condition #14 and #15 has been fulfilled to their satisfaction.
18. A letter shall be received from Rideau Valley Conservation Authority stating that condition #12 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the shore and near shore of this property has been identified as spawning area for small mouth bass. Any disturbance of the shoreline may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. A permit will be required from Parks Canada-Rideau Canal Office for the installation of a dock and/or in—water work at this location. In this regard we note that the 2.2 acre lot (Parcel 1) has exceeded the maximum allowable shoreline development as outlined in the Rideau Canal Shoreline Policies; no additional development will be approved for this parcel. Any proposed shoreline development for Parcels 2 and 3 will be located on the lake side of the property. The RVCA also acknowledge that an application has been received to purchase that area of filled land (causeway) joining the island to the mainland.*
2. *The RVCA also advises that under Ontario Regulation 174/06, “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, may also require prior written approval from the Rideau Valley Conservation Authority should there be any grade changes or excavation along the shoreline of Big Rideau Lake.*

3. *Residents and users of Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The applicant / purchaser is advised 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. *Tay Valley Township advises that development will be subject to "Site Plan Control".*
7. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Claire LaRocque **Hearing Date:** June 27, 2011
Agent: Jim LaRocque
LDC File #: B11/043
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 17 **Concession:** 12
Roll No. 0924 000 040 61001 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 2.06-ha parcel of land as a lot addition to lands owned by Jeanne Claire LaRocque at Pt Lot 17 Conc. 12, Beckwith being Parts 3-6 on RP27R-3130, 241 Patty Lane and to retain a 0.65-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	2.06-ha 45 m (water) 137 m Private Road	0.65-ha 97 m 66 m Private Road
Water Supply Sewage Disposal	N/A N/A	Proposed Proposed
Official Plan Designation -Conformity?	Rural and Flood Plain Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural & Flood Plain n/a – lot addition	Rural 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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 4 General Provisions, Section 6.5 Wetlands, Section 7.4 Private Roads, Section 9.6 Subdivision of Land, Section 9.10 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 11 Rural 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.
- 2/ That the applicant be advised that the existing accessory building be for residential use only, and that any other use would require further planning approvals.

Town of Mississippi Mills – no comments received

Town of Carleton Place – no comments received

Conservation Authority – Mississippi Valley Conservation – May 17, 2011

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.

PROPOSAL

According to the information provided, the purpose of the subject application is to sever 5.1 acres with 45 metres of water frontage on the Mississippi River, as a lot addition to the adjacent property. The severed lands have an existing garage. The lot to be enlarged also has frontage on the Mississippi River, and is already developed with a single family dwelling. The retained is proposed to be 1.6 acres of vacant land with no water frontage.

PROPERTY CHARACTERISTICS

The proposed severed lands have frontage on the Mississippi River. According to MVC's flood risk mapping, a portion of the proposed severed lands are located within the flood plain and Regulation Limit of the river. The 1:100 year flood plain also extends onto the lot to be enlarged.

REVIEW

Natural Heritage

No concerns with respect to natural heritage values. The lot to be enlarged is already developed with no new development proposed at this time; and suitable area exists on these lands for potential future development that complies with the current standards for waterfront development. No significant natural heritage values were identified on the proposed retained lands.

Natural Hazards

MVC's Flood Risk Map for the Mississippi River delineates the extent of the 1:100 year flood plain on the subject property. As previously indicated, this line extends onto the proposed severed lands as well as the proposed lot to be enlarged. However, existing structures on both lots are located beyond the flood line and are, therefore, not susceptible to flooding during a 1:100 year flood event. In addition, the lot to be enlarged with the severed land is already developed with no new development proposed at this time. No natural hazards were identified on the proposed retained lands.

RECOMMENDATIONS AND CONCLUSIONS

Based on the above, MVC has no objection to the approval of the subject application.

NOTES

We assume that any potential future development on the lot to be enlarged will comply with the zoning provisions, particularly with respect to: the waterbody setback; and the requirement to maintain a vegetated buffer along the shoreline.

A portion of the lot to be enlarged and the severed land is located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, the applicant should be advised the subject property is partially regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of the river.

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

Severed Lands – the 5.1 acre property is currently a field with some trees / brush. Slope varies but is mainly level. The property is intended to be added to an existing residential property. Recommendation – the severance will not affect the retained portion.

Retained lands – the 1.6 acre property is currently a field with some brush / trees. Slope appears to be toward the road. Recommendations – There will be adequate land to permit a dwelling and conventional septic system. The septic field will need to be raised using imported sandy loam fill.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 2.06-ha vacant parcel of land as a lot addition to lands owned by Jeanne Claire LaRocque at Pt Lot 17 Conc. 12, Beckwith being Parts 3-6 on RP27R-3130, with an existing seasonal dwelling at 241 Patty Place and retain a 0.65-ha vacant residential building lot.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of smaller lots along the Mississippi River. The water front has been mapped for flood risk and development constrains are outlined in the response by MVC. In addition the lands along the waterfront have also been mapped as 'woodlands'. However no new development is proposed within the area.

The lands are accessed via Patty Place a private r-o-w, which traverses into Mississippi Mills to adjoin County Road 29, a county maintained road.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. Concerns raised by the Patty Lane Homeowners' Association have been addressed through the inclusion of a 'note' regarding road maintenance. 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**

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

Dawn Lanouette – Patty Lane Homeowners' Association -

The Patty Lane Homeowners' Association would like to take this opportunity to express our concerns with regards to file number B11/043 the proposed severance of lot Pt Lo 17 Conc. 12 on Patty Place in Beckwith Township.

We are concerned that the large scale garage that has already been constructed on parts 5/6 of the lot in question. We are worried that once the land the garage is built on is incorporated into the lot with the house, construction will continue; our members are not interested in having an industrial business operating in our neighbourhood. Our understanding is that the building in question was constructed without permits and that a stop work order has been posted by the Township of Beckwith. It is our understanding

that the partially constructed garage was not mentioned in the severance proposal.
Enclosed

are photos taken of the garage that show the structure itself and its relative position to the house owned by Mrs. Larocque.

Lastly, as per your suggestion, we ask that if either lot is sold, Lanark County notify the purchaser(s) that they are purchasing land on a private road, and that there is a road association which collects annual dues from each household.

We would like to thank you for allowing us to voice our concerns and please don't hesitate to contact us with any further questions.

(e) **MINUTES – June 27, 2011**

Jim LaRocque, agent attended the hearing and gave evidence under oath.

Mr. LaRocque advised that it was his intention to operate a 'home-based business from the garage constructed on the severed lands. The chair reminded Mr. LaRocque that the Township has noted that any use other than residential use would require further planning applications.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Jeanne Claire LaRocque at Pt Lot 17 Conc. 12, Beckwith being Parts 3-6 on RP27R-3130, 241 Patty Lane, 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”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that any future septic field on the retained lands will need to be raised using imported sandy loam fill.*
2. *The applicant is advised that the existing accessory building is for residential purposes only, any use other than residential will require further planning applications through the Township of Beckwith.*
3. *The applicant is advised that the lands are accessed via a ‘private road’ and that the maintenance, repairs etc are undertaken by a “Road Association” through the collection of annual dues. The applicant is advised to contact the “Patty Lane Homeowners’ Association” for further information.*
4. *The applicant / purchaser is advised 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.*
5. *The Mississippi Valley Conservation advises that a portion of the lot to be enlarged and the severed land is located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. And therefore the subject property is partially regulated under Ontario Regulation 153/06 - “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of the river.*
6. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.*

7. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John and Karen Miller

Hearing Date: June 27, 2011

LDC File #: B11/048, B11/049 & B11/050

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 11 & 12 **Concession:** 1

Roll No. 0911 916 010 02700 &
0911 916 010 03401

Consent Type: Three (3) New Lots

Purpose and Effect: To sever three (3) new residential building lots (7.7-ha, 3.8-ha and 4.2-ha) and to retain a 4.5-ha residential building lot. The lands are accessed via Bathurst Con 2 and Menzies Munro Sideroad.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/048	B11/049	B11/050	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	7.7-ha 385 m Irregular Mun. Road	3.8-ha 145 m 263 m Mun. Rd	4.2-ha 300 m 124 m Mun.Road	4.48-ha 166 m 270 m Mun. Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes			Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General development Policies, section 3.3 Mineral Resources Policies, section 3.6 Rural Policies, Section 4.4 Township Roads, section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is for three severances of 7.7 ha, 3.8 ha and 4.2 ha off the Bathurst 2' Concession with a 4.48 ha retained parcel off the Menzies Munro Side Road. I

Official Plan Designation: Rural

Applicable Sections: 3.6.2 Rural designation permits residential and agricultural use. 5.2 Access from a public road is met.

Zoning By-law Category: Rural, Organic soil

Applicable Sections: 10.1.1 — Residential and agricultural uses are appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lot (7.7 ha, 3.8, 4.2 ha and 4.48 ha respectively). Frontage of 385 m, 145 m, and 424 m for the severed parcels and 166 m for the retained parcel exceeds the 60 m requirement.

Only a small portion of lot 3 has organic soil on it so there is a developable area outside the area of organic soil.

MRSSO has no objection to the application but pointed out that there are multiple test wells on the large 7.7 ha proposed parcel.

Rideau Valley Conservation Authority identified floodplain regulated area along the Tay River that cannot be developed. They also requested that the proposed water frontage for lot 1 be increased from 30 m to 60 m to match the standard water frontage for lots without frontage on public roads.

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

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

5. \$600. In parkland contribution.

Conservation Authority – Rideau Valley Conservation Authority – May 11, 2011

The subject applications have been reviewed by the Rideau Valley Conservation Authority within the context of Section 2.1 (Natural Heritage) and Section 3.1 (Natural Hazards) of the Provincial Policy under Section 3 of the Planning Act as well as regards fish habitat protection through our delegation from the Department of Fisheries and Oceans, Section 35 of the Federal Fisheries Act.

We have the following comments for the Committee's assistance:

These applications seek the creation of three new lots;

B11-048 proposes a 7.7 ha lot with well over 400 metres of waterfront.

B11-049 proposes a 3.8 ha lot with approximately 150 metres of waterfront.

B11-050 proposes a 4.2 ha lot with 30 metres of waterfront.

This site has minimal grade, falling gently to the Tay River. Shallow sandy-loam soil with bedrock at or near surface is evidenced across the property. A maturing waterfront mixed-bush buffer, 30 metres in width or more, has been left in place along the River. The upper limit of the tree line more or less follows the flood regulation line defined on the property.

A portion of the property is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule, attached. The Rideau Valley Conservation Authority would not support development within the regulated area. All of the lots proposed have ample acreage to accommodate residential development and disturbance (save for water access considerations) outside the flood regulated and fill regulated area.

Alterations to the watercourse also require that prior written approval be obtained from the Rideau Valley Conservation Authority. We recommend that this consideration be a condition of approval.

A portion of the waterfront area of proposed lot B11/048 is also characterized as local wetland. In this portion of the property, the regulatory flood plain limit extends upland to a greater distance from the Tay River as compared to this wetland boundary and therefore is afforded some protection by virtue of our flood regulation standards. Upon completion of update to the Township's Official Plan, which we understand has been initiated, we recommend that the area regulated under O.R. 174-06 be re-designated in the Official Plan (and the update of the Comprehensive Zoning By-law) to recognize the wetland and/or flood hazard area on these lands.

In the instance of B11/050, we recommend that the extent of water frontage mimic the road frontage (60 metres), as a condition for approval. In this way, water access and use on the water frontage of proposed B11/050 would not create any long term challenges as regards intensity of water front use and access, particularly in a small and/or shallow watercourse such as the Tay in this location.

The Rideau Valley Conservation Authority does not object to these consent applications provided the noted considerations are addressed.

Trusting this is satisfactory. Thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

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

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on May 4, 2011.

B11/048 - The applicant proposes to sever approximately 7.7 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently vacant, with an existing use indicated as a hayfield. The Tay River borders the property to the south. The north eastern portion of the proposed lot (most of 0911 916 010 03401) is low lying and tree covered. The Rideau Valley Conservation Authority (RVCA) mapping indicates a large portion of this area is within the regulated area. There are many (approximately 6) drilled wells on the property. Test pits were not provided to assess the native soil conditions, but areas of exposed rock can indicate shallow soil conditions,

B11/049 – The applicant proposes to sever a 3.8135 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently vacant, with an existing use indicated as a hayfield. The Tay River border the propose lot to the south with a narrow portion within the regulated area as indicated by the Rideau Valley Conservation Authority (RVCA) mapping. Test pits were not provided to assess the native soil conditions.

B11/050 – The applicant proposes to sever a 4.218 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently vacant, with an existing use indicated as a hayfield. The Tay River borders 30 meters of the property to the south which is within the regulated area as indicated by the Rideau Valley Conservation Authority (RVCA) mapping. Test pits were not provided to assess the native soil conditions.

The retained parcel is 4.482 hectares in area. Currently vacant, the retained lot has an existing use indicated as a hayfield. The Tay River also borders the lot to the South, with a narrow portion within the regulated area as indicated by in the RVCA mapping.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system located greater than 30 meters from the regulated area. With exposed rock in the area, imported fill may be required in these areas to construct an OBC compliant system. Any well within 30 meters (15 m with 6 m of water tight casing) of the proposed septic system will need to be decommissioned properly and reported to the Ministry of the Environment. Tertiary treatment of the effluent can reduce the amount of imported fill required and produces higher quality effluent prior to entering the environment.

The Application for Consent as provided will not impact the ability to maintain, operate, install or replace a septic system on the retained or new parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

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

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

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

Friends of the Tay – The Friends have decided not to make a submission of this application. We support the observations contained in the RVCA report and do not feel that we could add additional insight. I did have a chat with Martha Bradburn (RVCA) and mentioned that her reference to the buffer along the water's edge is no longer accurate, however, as it has largely been removed by the landowner.

We would very much appreciate getting a copy of the staff report when it is finished.

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) new residential building lots (7.7-ha, 3.8-ha and 4.2-ha) and retain a 4.48-ha residential building lot.

The subject lands are located in an area characterized by Residential on varying sizes of lots. The lands are west and south of the designated settlement area of Glen Tay and abut the Tay River.

RVCA has suggested that the applicant amend B11/050 to increase the waterfront width from 30 m to 60 m – this should be discussed with the applicant. If the applicant is amiable to the suggestion, an additional Condition will be required to B11/050 to note that the conditions apply to the application 'as revised' at the Hearing.

The proposed severed lands are accessed via Bathurst Con 2 and the retained lands are accessed via Menzies Munro Side Road, both municipally maintained roads.

Mixture

Soils Inventory – Name: Monteagle	- Tennyson
- Stoniness: very stony	- slightly stony
- CLI: 6 – Natural grazing only	- 3 – Moderately severe limitations
- Drainage: well drained	- well drained
- Hydrogeology: moderate	- moderate

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 27, 2011**

John Miller, applicant attended the hearing and gave evidence under oath.

Mr. Miller advised that he had discussed the RVCA proposal to increase the lot width along the Tay River for B11/050, but was not agreeable to increase the width as suggested and that he proposed to have all three entrances off Bathurst Con 5.

Mr. Miller noted that there are 8 wells located on B11/048 which have been used by Queen's University to undertake ongoing groundwater monitoring. It was his intention that the new owner would continue with this agreement.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS: B11/048

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

7. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Rideau Valley Conservation Authority advises that a portion of the property is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule. The Rideau Valley Conservation Authority would not support development within the regulated area. All of the lots proposed have ample acreage to accommodate residential development and disturbance (save for water access considerations) outside the flood regulated and fill regulated area.*
4. *The RVCA also advises that alterations to the watercourse require that prior written approval be obtained from the Rideau Valley Conservation Authority.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on

general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

CONDITIONS: B11/049

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. The applicant shall provide Tay Valley Township with two copies all reference plans associated with this application.
7. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Rideau Valley Conservation Authority advises that a portion of the property is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule. The Rideau Valley Conservation Authority would not support development within the regulated area. All of the lots proposed have ample acreage to accommodate residential development and disturbance (save for water access considerations) outside the flood regulated and fill regulated area.*
4. *The RVCA also advises that alterations to the watercourse require that prior written approval be obtained from the Rideau Valley Conservation Authority.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO)

meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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

CONDITIONS: B11/050

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. The applicant shall provide Tay Valley Township with two copies all reference plans associated with this application.
7. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Rideau Valley Conservation Authority advises that a portion of the property is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule. The Rideau Valley Conservation Authority would not support development within the regulated area. All of the lots proposed have ample acreage to accommodate residential development and disturbance (save for water access considerations) outside the flood regulated and fill regulated area.*
4. *The RVCA also advises that alterations to the watercourse require that prior written approval be obtained from the Rideau Valley Conservation Authority.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

7. *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: Regan Lee

Hearing Date: June 27, 2011

LDC File #: B11/056

Municipality: Township of Montague

Geographic Township: Montague

Lot: 4 & 5 **Concession:** 4

Roll No. 0901 000 015 00800

Consent Type: correction of title

Purpose and Effect: To sever a 38.5-ha vacant landholding and retain a 54.4-ha vacant landholding. The lands were inadvertently merged on title. The severed lands access McKibbon Road (unmaintained) and the retained lands access Burchill Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	38.5-ha 250 m 1542 m Municipal Road	54.4-ha 1542 m 535 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 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 Rural Lands Policy, Section 14.7 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

- 1/ That 5% cash in lieu of parkland be paid to the Township of Montague for each new lot created.
- 2/ The applicant shall be required to obtain an entrance location permit from the Township of Montague.
- 3/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 4/ That a copy of the reference plan be provided to the Township of Montague.
- 5/ That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

(c) PLANNING REVIEW

The applicant proposes to sever a 38.5-ha vacant landholding retain a 40.0-ha vacant landholding. The lands were inadvertently merged on title. This application has been submitted concurrently with B11/057, B11/058, B11/059 and B11/060.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots. A local wintering (deer) area is located west of the lot as well as a local wetland area.

The lands are accessed via an unmaintained Township Road.

Soils Inventory – Name: Farmington
- Stoniness: slightly stony

- CLI: 6 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Montague 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 – June 27, 2011

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

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

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

3. Payment shall be made to the Township of Montague 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).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. A letter shall be received from the Township of Montague stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: June 27, 2011

LDC File #: B11/057

Municipality: Township of Montague

Geographic Township: Montague

Lot: 4 **Concession:** 4

Roll No. 0901 000 015 00800

Consent Type: Lot Addition

Purpose and Effect: To sever a 8.9-ha vacant landholding as a lot addition to lands owned by Regan Lee being created by consent application B11/056 Pt Lot 4 Conc. 4 Township of Montague. The purpose of the land addition is to provide access to a maintained road – Burchill Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	8.9-ha 168 m 534 m Municipal Road	71.1-ha 1374 m 835 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 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 Rural Lands Policy, Section 14.7 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

- 1/ The applicant shall be required to obtain an entrance location permit from the Township of Montague.
- 2/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 3/ That a copy of the reference plan be provided to the Township of Montague.
- 4/ That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

(c) PLANNING REVIEW

The applicant proposes to sever an 8.9-ha parcel of land as a lot addition to owned being created by consent application B11/056 – Regan Lee Pt Lot 4 Conc. 4 Montague. The additional lands will provide access to an opened and maintained Township Road.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots. A local wintering (deer) area is located west of the lot as well as a local wetland area.

The lands are accessed via Burchill Road, a Township maintained road.

Soils Inventory – Name: Farmington
- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

The area has considerable land masses mapped as ‘woodlands’. An open area is located at the front of the lot which may be used as the building envelope and therefore the woodlands would not be disturbed. Woodland Development Policies have not been established by the Township of Montague.

The review undertaken by the RVCA for applications B11/058, B11/059 and B11/060 noted that a portion of the south east half on the lot addition and the lands to be enlarged is within the PSW known as Brassills Creek. It is therefore recommended that the applicant enter into the same Development Agreement / Site Plan Agreement that has been requested for B11/058, B11/059 and B11/060 to ensure that no development occurs within the significant area.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Montague 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 – June 27, 2011

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

Mr. Lee advised that the purpose of the lot addition was to provide access to an opened and maintained Township Road – Burchill Road. The current access road, McKibbon Road is not maintained by the Township.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Regan Lee described as Part Lot 3 Conc. 4 Township of Montague (created through Consent Application B11/056), 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".
4. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
5. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
7. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of April 28, 2011 for Consent Applications B11/058, B11/059 and B11/060, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning

Act, to delete the reference to the Conservation Authority.

9. That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
2. *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 Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of the septic system, it will need to be partially or fully raised using imported sandy loam fill.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: June 27, 2011

LDC File #: B11/058, B11/059 and B11/060

Municipality: Township of Montague

Geographic Township: Montague

Lot: 4 Concession: 4

Roll No. 0901 000 015 00800

Consent Type: Lot Addition

Purpose and Effect: To sever three new residential building lots 8.97-ha each and to retain a 45.8-ha landholding. The lands are accessed via Burchill Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/058	B11/059	B11/060	
Existing Use	Vacant	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential	Residential
Area	8.97-ha	8.97-ha	8.97-ha	45.87-ha
Frontage	168 m	168 m	168 m	859 m
Depth	534 m	534 m	534 m	534 m
Road - Access to	Mun.Rd.	Mun.Rd.	Mun.Rd.	Mun. Road
Water Supply	Proposed	Proposed	Proposed	Proposed
Sewage Disposal	Proposed	Proposed	Proposed	Proposed
Official Plan Designation	Rural			
-Conformity?	Yes			
Zoning Category	Rural			Rural
-Area Required (min.)	0.4-ha			0.4-ha
-Compliance?	Yes			Yes
-Frontage Required (min.)	46 m			46 m
-Compliance?	Yes			Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands Policy, Section 14.7 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

- 1/ That 5% cash in lieu of parkland be paid to the Township of Montague for each new lot created.
- 2/ The applicant shall be required to obtain an entrance location permit from the Township of Montague.
- 3/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 4/ That a copy of the reference plan be provided to the Township of Montague.
- 5/ That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by

registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Rideau Valley Conservation Authority – April 28, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of 4 new residential lots on the subject site. The review has been undertaken within the scope of our mandate under the Conservation Authorities Act. In accordance with our MOU we have undertaken the review within the context of Sections 2.1 (Natural Heritage), 2.2 (Water) and 3.1 (Natural Hazards) of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act dated March 2005 and local municipal policies in effect at the time the application was made where these policies exceed the PPS. The review has also included consideration for any associated regulatory requirements contained under Section 28 of the Conservation Authorities Act in accordance with our MOU with the Province. As well there has been consideration for the habitat provisions (Section 35) of the Canada Fisheries Act in accordance with our agreement with Fisheries and Oceans Canada.

Recommendation

We wish to advise the committee that the Conservation Authority has no objections to these applications; however we recommend that the following conditions be imposed on the retained and severed lots to make owners/developers aware of the constraints associated with the Provincially Significant Wetland and areas regulated under O.Reg 174/06, as administered by the RVCA:

Retained lots: That the applicant enter into a Development Agreement between the Township and the owner notifying applicants that a portion of each parcel is within the Provincially Significant Wetland (PSW) known as Brassils Creek. The PSW and the 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration, including construction, grading, development of access driveway/routes within this boundary requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation. The application must be supported by a site specific environmental impact statement detailing the proposed development and associated mitigation measures.

The map schedule ‘A’ shows the limits of the PSW and the boundaries of O.Reg 174/06.

B11/058: That the applicant enter into a Development Agreement between the Township and the owner notifying applicants that part of the parcel is within the 120 metre adjacent lands of the Provincially Significant Wetland (PSW) known as Brassils Creek. The 120 metre buffer lands and time associated watercourse through the west part of the parcel are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration, including construction, grading, development of access driveways/routes within this boundary, or affecting the banks of the watercourse requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation. The application must be supported by a site specific environmental impact statement detailing the proposed

development and associated mitigation measures.

The map schedule 'A' shows the watercourse and the limits of the PSW and the boundaries of O.Reg 174/06.

Detailed comments/rational:

Hazards (Flooding, Unstable slopes, soils and bedrock)

No natural hazards have been identified on this site.

Natural Heritage

There are no natural heritage issues precluding the approval of these applications.

A large area of the retained parcels to the north and south and Part of the severed parcel BI 1/058 are situated within the Provincially Significant Wetland (PSW) known as Brassils Creek. Section 2.1.6 of the 2005 Provincial Policy Statement states that:

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies... 2.1.4 [significant wetlands south and east of the Canadian shield]... unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."

No environmental impact statement was submitted to support the severance applications.

The PSW lands and the 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation.

Based on the information provided and our mapping, there appears to be a sufficient development envelope outside of the PSW and 120 meter adjacent lands on each parcel (severed B11-058 and both retained) to construct a residence and associated private services provided access driveways/routes are appropriately located. Any works (grading, construction etc) within the regulated area will require a permit (under O.Reg 174/06), supported by a site specific environmental impact statement detailing the location of the development envelope and associated mitigation measures.

Thank you for the opportunity to comment.

Leeds Grenville and Lanark District Health Unit

B11/058 – The 22 acre property is intended for residential use. At present the land is undeveloped and consists of fields and bush. Recommendation – the property could accommodate a conventional septic system. Depending on the exact location of the system, it will need to be partially or fully raised using imported sandy loam fill.

B11/059 – The 22 acre property is intended for residential use. At present the land is undeveloped and consists of fields and bush. Recommendation – The property could accommodate a conventional septic system. Depending on the exact location of the system, it will need to be partially or fully raised using imported sandy loam fill.

B11/060 – The 22 acre property is intended for residential use. At present the land is undeveloped and consists of fields and bush. Recommendation – the property could

accommodate a conventional septic system. Depending on the exact location of the system, it will need to be partially or fully raised using imported sandy loam fill.

Retain Lands – the 13 acre property is intended for residential use. At present the property is undeveloped and consists of fields and bush. There is a large lowland, marshy area at the northern end. Recommendation – A conventional septic system could be accommodated on the property. The north western part of the property would not be appropriate. Depending on the exact location, the system would need to be partly or fully raised using imported sandy loam fill.

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

Bell Canada – no comments received

(c) **PLANNING REVIEW**

The applicant proposes to sever a three (3) 8.97-ha residential lot s and retain a 45.87-ha residential landholding.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots. A local wintering (deer) area is located west of the lot as well as a local wetland area.

The lands are accessed via Burchill Road, a Township maintained road.

Soils Inventory – Name: Farmington
- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

The area has considerable land masses mapped as ‘woodlands’, however these areas are located to the rear of the lots and therefore may not be affected by development. Woodland Development Policies have not been established by the Township of Montague.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Montague 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 – June 27, 2011**

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

Mr. Lee advised that the Land Titles Office indicates that the Lots (3 and 4) do not have access to Roger Stevens Road, and that there is a portion of land between his lands and Roger Stevens that is under separate ownership.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

NOTE – all three applications have the same proposed conditions.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. Payment shall be made to the Township of Montague 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).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.

6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
8. That sufficient land along the frontage of the severed portion and the remnant portion of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of April 28, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. A letter shall be received from the Township of Montague stating that condition #3 through #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of the septic system, it will need to be partially or fully raised using imported sandy loam fill for both the severed and retained lands. The Health Unit also advises that the north western part of the property would not be appropriate*
2. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
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 applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*

5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

ADDITIONAL NOTE FOR B11/060

7. *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: Bill Ableson & Sharon Bartlett **Hearing Date:** June 27, 2011
Agent:
LDC File #: B11/062 and B11/063
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 6 & 7 **Concession:** 12
Roll No. 0940 934 035 06800 **Consent Type:** two New Lots

Purpose and Effect: To sever a 1.82-ha residential building lot and a 30.27-ha landholding and to retain a 109.4-ha landholding with an existing dwelling, barn and outbuildings located at 675 Ramsay Con 1.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/061	B11/062	
Existing Use	Vacant	Vacant	Residential and Farm
Proposed Use	Residential	Residential	Same
Area	1.82-ha	30.47-ha	109.22-ha
Frontage	122 m	104.8 m	386-5 m
Depth	150 m	1414.7 m	1414.7 m
Road - Access to	Mun. Road	Mun. Road	Municipal Road
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?			
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.

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 Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, 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 Planning Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on Ramsay Concession 1. The property is legally described as part Lot 12 Concession 6, former Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 679 Ramsay Concession 1.

The applicant wishes to sever his lands and create two separate parcels with frontage on Ramsay Concession 1.

Proposed lot # 1 will have 122 metres of frontage and area of approximately 1.82 ha. Proposed lot # 2 will have 104.8 metres of frontage and an area of approximately 30.17 ha. The retained lot will have approximately 109 hectares of area and frontage of 335 metres

The proposed severed lots are vacant at present, residential uses are proposed. There is a residential dwelling and barn constructed on the proposed retained lot.

The Provincial Policy Statement 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.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Abelson proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on Ramsay Concession 1, a municipally maintained road.

The Provincial Policy also protects Natural Heritage Features. The subject lands are within the 120m buffer to a Locally Significant Wetland. There are sufficient developable lands outside the 120m buffer to allow for future development which will not impact the natural heritage area. Accordingly there is no need to require the undertaking of an Environmental Impact Study.

New land uses must comply with the minimum distance separation formulae in order to ensure the protection of agricultural land uses and reduce potential impacts on residential land uses. MDS calculations were undertaken to ensure that separation distances from existing livestock buildings to future sensitive land uses can be maintained. There appears to be sufficient area to ensure compliance with MDS setback requirements.

Official Plan

The subject lands are designated Rural, Locally Significant Wetlands, and Organic Soils on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The Rural designation allows for low density development consisting of residences along the existing roadways and waterways whereas the Wetlands and Organic Soils designations impose restrictions on development.

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. In this case the lots can be created for future residential use while ensuring that impacts to the designated wetland can be mitigated through sufficient setback. There is also sufficient area within the new lots to avoid development on organic soils.

The proposal as submitted can achieve those directives.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities

designation of the new Official Plan as well as other relevant sections of the Plan.

ZONING

The lands are zoned Limited Service Rural, Environmental Protection and Organic Soils on Schedule a 4' of Zoning By-law 2003-451. The proposal meets the area and frontage standards of the zoning by-law. New construction will be required to meet the setback performance standards of the rural zone.

DISCUSSION

The proposal will, if approved, result in the creation of a two new lots that will comply with Official Plan policies in a manner which is consistent with Provincial Policy Statement. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning Bylaw and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered as appropriate and as such represents good planning.

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 arid 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 submit the 5% cash-in-lieu of parkland dedication fee to the Township.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
7. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

The applicant should be reminded that they have one year to complete all conditions of severance prior to the lapsing of the decision.

Conservation Authority – Mississippi Valley Conservation – May 27, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant building lots; the severed lands under Bi 1/06 1 are proposed to be 1.82 ha while Bi 1/062 is 30.27 ha. The retained land is already developed as a hobby farm with a proposed resulting area of 109.22 ha.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, Campbells Creek travels through unclassified wetland on Lot 7 of the proposed retained lands. A second watercourse, which appears to be a tributary of Campbells Creek, travels through Lot 6 of the retained lands, as well as through the northwest corner of the severed lands under BI 1/062. This creek travels through an unclassified wetland which encroaches onto the retained lands in Lot 6 as well into the west side of the severed lands under B11/062. An additional wetland encroaches into the severed lands of B11/062 on its south side.

Concerning the severed lands under B 11/061, no natural heritage features were identified within this lot; however a tributary and wetland bordering the tributary, were observed within 30 metres of this lot.

REVIEW

Natural Heritage Values

Watercourses - Sufficient area appears to exist on both of the proposed severed lands to accommodate future development that complies with the current standards for development adjacent to a watercourse. The retained lands are already developed with no new development proposed at this time.

Wetland - Due to the numerous environmental benefits of wetlands, which range from fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation. Sufficient area appears to exist on both of the proposed severed lands to accommodate future development that meets with the current standards for development adjacent to a wetland. The retained lands are already developed with no new development proposed at this time.

Natural Hazards

Organic Soils - Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Sufficient area appears to exist on the proposed severed lands under B11/062 to accommodate future development outside of areas consisting of organic soils. The retained lands are already developed with no new development proposed at this time. Organic soils were not identified within the severed lands under B 11/061.

RECOMMENDATIONS AND CONCLUSIONS

With all of this in consideration, MVC has no objection to the subject applications provided the following mitigative measures are adhered to for any potential future development on the proposed severed lands:

B11/061 & B11/062

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 and wetland

- beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. The shoreline vegetation surrounding the wetland and the creeks 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 wetlands, creeks, or onto adjacent properties.

B11/062

1. Wetland shall remain undisturbed.

NOTES

The property owner should be advised that in the event that shoreline work is proposed along the creeks, 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 creeks or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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 and Lanark District Health Unit

B11/061 – A 1.82-ha parcel of vacant land. The land is well treed but has indicators of seasonal wetness. Recommendation – additional sandy loam fill will be required in area of future tile bed.

B11/062 – A large open field with gentle rolling hills. Land is primarily agricultural crop/hay field. Land is approximately 30 acres in size. No buildings exist. Recommendation – additional sandy loam fill may be required in area of future tile bed.

Retained lands – 109.22 acre farm parcel with an existing house serviced by a well and septic system. A number of outbuildings / barns exist. Recommendation – additional sandy loam fill may be required in the area of future tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.82-ha residential building lot and a 30.27-ha vacant landholding and to retain a 109.22-ha landholding with an existing dwelling, barns and outbuildings.

The subject lands are located in an area predominately characterized by Residential, on large landholdings and interspersed with typical residential lots. A large portion of the lands are designated as organic soils and unclassified wetlands. No development is permitted within these areas.

The lands are accessed via Ramsay Con 1 a municipally maintained road.

Farm buildings are located on the retained lands and therefore a MDS was undertaken. The MDS calculation resulted in a minimum setback of 226 m. B11/061 will not be affected by the MDS however, B11/062 may be affected. It is recommended that a note be included on B11/062 to the effect that a MDS be confirmed at the building permit stage.

If approved, the deeds for the lands should include a note – that the lands are adjacent to a farming operation and may be susceptible to noise, odour, etc from the farming operation.

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 7 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

The area has considerable land masses mapped as ‘woodlands’, however these areas are located to the rear of the large lot and it appears that there is a sufficient building envelope on the northern portion of the smaller lot, therefore the woodlands may not be affected by development. Woodland Development Policies have not been established by the Township of Lanark Highlands.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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

George and Lesley Myles – May 24, 2011

We, the undersigned landowners with 60 metres of the subject lands, recommend that the Lanark County Land Division Committee (the Committee) approve the application for consent. We have no objection to the application as presented.

We request that we be notified of the Committee’s decision at the above shown.

(e) **MINUTES – June 27, 2011**

William Ableson and Sharon Bartlett, applicants attended the hearing and gave evidence under oath.

Mr. Ableson questioned the purpose of the 5% cash-in-lieu requirement.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS: apply to both applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of May 27, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
5. 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.
6. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.

7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. 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).
10. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advise that in the event that shoreline work is proposed along the creeks, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the creeks or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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 additional sandy loam fill / imported fill may be required in the area of the septic system on the severed lands and in the future replacement area on the retained lands.*
5. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

Additional Notes for B11/062

8. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.
The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
9. *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: Ingeborg & Victor A Volkmer
 Reinhold & Erika Herr
 Walter & Friderike Stenger

Hearing Date: June 27, 2011

Applicant: Peter Stenger

Agent: Barker Willson (S Craig Halpenny)

LDC File #: B11/069, B11/070 and B11/071 (concurrent applications)

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 8 **Concession:** 2

Roll No. 0911 914 015 20600
 0911 914 015 20500
 0911 914 015 20600

Consent Type: confirm existing R-O-W

Purpose and Effect: To clarify the location of an existing travelled r-o-w over the owner's property and to convey the r-o-w to the existing users. The R-O-W is known as Farren Lake Lane 31A.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/069	B11/070	B11/071	
Existing Use	R-O-W	R-O-W	R-O-W	Residential
Proposed Use	R-O-W	R-O-W	R-O-W	Residential
Area	n/a			
Frontage	n/a			
Depth	n/a			
Road - Access to	n/a			
Water Supply	n/a			
Sewage Disposal	n/a			
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Seasonal Residential			Seasonal Residential
-Area Required (min.)	n/a			Legal non-conforming
-Compliance?				
-Frontage Required (min.)				
-Compliance?				

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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 3.6 Rural, Section 4.5 Private Roads, Section 5.2.3 Consent Policies

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

Zoning By-law – Section 10. Rural, Section 5.2 Seasonal Residential

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

(b) AGENCY REVIEW

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

Township Planner's Report

Portions of the existing right-of-way (private road) are being integrated with the portions of the road to the west that were newly created as part of previous lot severances by Ian Peddie. The integration of the right-of-ways is not interpreted as the creation of a new private road.

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for review.
3. Copy of deed/transfer(s)
4. Two copies of the reference plan.
5. The integrated right-of-way should be established with a minimum width of 9m.

(c) PLANNING REVIEW

The applicant proposes to sever lands to clarify the location of an existing travelled r-o-w over the owner's property and to convey the r-o-w to the existing users. The R-O-W is known as Farren Lake Lane 31A.

The subject lands are located in an area characterized by Residential and seasonal residential along the shore of Farren Lake.

The lands are accessed via Farren Lake Lane a private r-o-w, which adjoins Althorpe Road, a county maintained road.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 27, 2011**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

All three applications have the same conditions:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The deed of land required by condition #1 shall establish the right-of-way width at a minimum of 9 m where possible.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. The applicant shall provide Tay Valley Township with two copies all reference plans associated with this application.
10. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Aron Gabor **Hearing Date:** June 27, 2011

Agent: ZanderPlan Inc.

LDC File #: B10/177 REVISED

Municipality: Township of Beckwith

Geographic Township: Beckwith **Lot:** 18 **Concession:** 1

Roll No. 0924 000 01500100 **Consent Type:** two new lots

Purpose and Effect: To sever a 1.0-ha residential building lots and retain a 38-ha landholding with an existing dwelling (1287 Bourne Road).

DETAILS OF PROPOSAL	Land to be Severed B10/177	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	_____	38.0-ha
Frontage	1.0-ha	184 m
Depth	60 m	Irregular
Road - Access to	170 m	Municipal Road
Water Supply	Municipal Road	Private Well
Sewage Disposal	_____	Septic System
Official Plan Designation -Conformity?	Rural and Wetland Yes	
Zoning Category	Rural	Rural & Wetland
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

3.1 Natural Hazards

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

Official Plan – Section 4 General Development Policies, Section 6.5 Wetland Policies, Section 6.6 Rural Land Policies, Section 7.3 Township Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone.

The Township of Beckwith advises that the proposal complies with the zoning bylaw 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 all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal By-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.

3. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

There are no natural hazard or natural heritage issues precluding the approval of this application.

However, there are significant areas on the property subject to O.Reg 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA

The retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06. Furthermore, the parcel is traversed by a tributary to King’s Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.

This regulation also affects a small area within the 120 metre PSW setback on the parcel to be severed noted as #1(1287 Bourne Rd). *(NOTE: due to revisions this is now the retained portion)*

We wish to advise the committee that the Conservation Authority has no objections to these applications, however they may wish to include the above information be in the notes of the decision.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit *(NOTE: the LGL Comments have been amended to reflect revisions to the original location of the lands being severed)*

B10/177 – a 1.0-ha vacant parcel of land with lot brush and shallow soil depth over rock. Land is relatively flat. Recommendation – additional sandy loam will be required in area of future tile bed.

Retained – a 38.0-ha parcel of land with an existing house serviced by a well and septic system. There are also outbuildings on property. Land has very shallow soil dept and mainly cedar trees. Recommendation – additional sandy loam fill will be required in area of future replacement tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots each containing 1.0-ha and to retain a 38-ha landholding with an existing dwelling.

These applications were revised from the original applications by moving the lots easterly on the lot, to retain the dwelling rather than sever it, due to a property dispute

regarding the property line between the SW ½ Lot 18 and the NE ½ Lot 18. The agent for the applicant has requested that application B10/176 be deferred until further notice in order to provide the owner with an opportunity to resolve some legal boundary and title issues with lands to the west.

The subject lands are located in an area characterized by Residential on large landholdings, interspersed with smaller type residential lots. The area has considerable land masses designated as wetlands and floodplain which has limited development potential. In addition a large portion of the lands have been mapped as 'woodlands', however the proposed lots do not encroach into these areas.

The lands are accessed Bourne Road, a municipally maintained road.

Soils Inventory – Name: Farmington

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – June 27, 2011

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

Ms. Zander provided a brief outline of the application and the reasons for the revisions. Mr. Gabor will still be submitting a second application, however this will be put on hold until after the lot line adjustment with the adjacent landowner has been resolved.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that, there are significant areas on the property subject to O.Reg 174/06 "Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries requires a permit from the RVCA*
2. *The RVCA also advises that the retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06. Furthermore, the parcel is traversed by a tributary to King's Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.*

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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the severed lands and in the future replacement septic system area on the retained lands.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Kerry and Alison White **Hearing Date:** June 27, 2011

Agent: ZanderPlan Inc.

LDC File #: B11/017, B11/018, B11/019 and B11/020

Municipality: Town of Carleton Place

Geographic Township: Beckwith

Plan 3389 Lots: 47, 48, 204-207

Roll No. 0928 030 050 03800

Consent Type: 4 new lots

Purpose and Effect: To sever four (4) residential building lots and retain a single family residential lot.

DETAILS OF PROPOSAL	Land to be Severed				Land to be Retained
	Vacant Res	Vacant Res	Vacant Res	Vacant Res	Residential Residential
Existing Use Proposed Use	Vacant Res	Vacant Res	Vacant Res	Vacant Res	Residential Residential
Area	385.8m ²	360.7m ²	360.8m ²	360.9m ²	399.14m ²
Frontage	15.17 m	13.54 m	13.53 m	13.24 m	14.32 m
Depth	25.09 m	25.09 m	25.09 m	25.09 m	27.51 m
Road - Access to	Mun Rd	Mun Rd	Mun Rd	Mun Rd	Mun Rd
Water Supply	Proposed hook-up to Public System				Piped Water
Sewage Disposal	Proposed hook-up to Sewage System				Sanitary Sewers
Official Plan Designation -Conformity?	Residential Yes				
Development Permit Category	Residential		Residential		
-Area Required (min.)	60%		60%		
-Compliance?					
-Frontage Required (min.)	10.6 m		10.6 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

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

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

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as Francis Street. The lot is located on the northwest corner of Francis Street and King Street and has an existing house on the property.

The severed lot would be approximately 15.24 metres wide and 859.23 m². The retained parcel would be approximately 30.4 metres wide and 1718.4 m² and contain the house.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the application will be to create 4 infill lots between an existing neighbourhood and a new subdivision. The lot frontage and access will be on Francis Street.

There is an existing by-law in place to deal with the pay back of servicing for these lots as part of the services that were installed The applicant is aware of this and that it will be

a condition of consent. There are existing trees that compliment the streetscape as well as others that are scattered on the property that will need to be incorporated into the development of a lot layout. This will need to be identified on a landscape plan.

UPDATE

The applicant has submitted a letter of request related to By-law 26-2009 and the recovery of costs for services. The proposal has been made to collect these fees at the building permit stage which could be addressed as a note on the severance decision or as an agreement that would be registered on title ensuring that all future owners are aware of this requirement. Staff have reviewed this option with respect to past practices. An agreement registered on the title of each property would ensure that all future owners are aware of this request.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
5. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
6. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.
7. That the applicant provides a landscape plan including the existing vegetation for the severed parcel to the satisfaction of the Town of Carleton Place.
8. That the applicant provide certification from the Lanark, Leeds and Grenville Health Unit that the existing septic system has been decommissioned and all associated septic system materials have been removed from the site.
9. That the applicant connects to municipal services for the existing dwelling unit.
10. That the applicant prepares and enters into an agreement to the satisfaction of the Town of Carleton Place which clearly indicates the required fees associated with the servicing of Francis Street as set out in By-law 26-2009. This applicant will ensure that the agreement is registered on title and included in any offer or agreement of purchase.
11. That the applicant demonstrates compliance with the required Ontario Building Code unprotected openings in the existing building elevation adjacent to the proposed lot line.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a four residential lots ranging between 360m² and 380m² and retain a 400m² residential lot with an existing dwelling.

The subject lands are located in an area characterized by Residential, Institutional and Commercial Development on a variety of lot sizes between McNeely Ave and Francis Street.

The lands are accessed via Francis Street, a municipally maintained road.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 27, 2011**

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

Ms. Zander provided a brief outline of the application, advising that it was not Mr. White's intention to construct homes on the lots, but rather to sell them as building lot. In light of this Ms. Zander requested that the Town's recommended condition to provide a building elevations plan and landscape plan be treated in the same way as the requirement to connect to municipal services, through an agreement registered on title.

The Committee requested that the Secretary-Treasurer contact the Planner for Carleton Place to confirm the purpose of recommended Conditions 6 & 7 of their report and if they could be included within an agreement to be registered on title. And if they could be included within a 'registered agreement' that the conditions reflect this requirement.

(f) **ADDITIONAL INFORMATION**

The following information was provided by L Young, Town Planner (June 28, 2011)
Residential Development -

The Development Permit System does not have any minimum sideyards, frontyards, etc or height restrictions – it only restricts development to 60% lot coverage and have a minimum frontage of 10.6 m.

The DP requires that all new residential development in existing neighbourhoods should be integrated with the housing units in the adjacent area. This is undertaken through a Building Elevations plan and Landscape Plan.

The Building Elevations Plan does not 'tie' landowner to any particular design, it only determines that a dwelling can be constructed within the 60% lot coverage requirement and meet the development design criteria of the existing neighbourhood (compatibility with adjacent structures) . Without the Elevations Plan the Town is unable to determine if they are creating a 'buildable lot' or not.

As for the 'Landscape Plan' – this is required to ensure that the future 'builder' maintains the natural landscape of the area. For example, the neighbourhood may have front yards that are quite deep and have numerous trees, flowers beds, etc. The plan would indicate to any future purchaser of the vacant lot that they would be required to set the dwelling back, plant trees, shrubs, etc. Again this is not a 'site plan' which indicates in detail where each tree shall be planted, where your walkway is constructed, etc.

Because of these requirements, the Town cannot enter into an agreement that these plans will be undertaken in the future, as they need to determine now that the lot being created is 'buildable'. In other words, they do not want to create a lot that cannot be built on in the future.

In light of the above information, the committee agreed upon the following Condition to be included in order to satisfy the recommended conditions of the Town of Carleton Place:

“The applicant shall satisfy the Town of Carleton Place requirements to ensure that the proposed lot has sufficient area for development under the Development Permit System. The applicant shall also supply sufficient information to ensure that development of the proposed lot can maintain the natural landscape pattern of the neighbourhood. (These requirements are generally satisfied through submission of a “Building Elevation Plan” and a “Landscape Plan” - details of which are available from the Town of Carleton Place Planning Department.)”

The Planning Act, Section 53.23 provides that the Land Division Committee may change conditions of a provisional consent at any time before a consent is given and Section 53.24 provides for notice of the changed provisional conditions.

(g) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: All four applications have the same conditions:

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant provides a digital copy of the reference plan (in NAD83 datum) to the Town of Carleton Place.
5. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
7. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
8. The applicant shall satisfy the Town of Carleton Place requirements to ensure that the proposed lot has sufficient area for development under the Development Permit System. The applicant shall also supply sufficient information to ensure that development of the proposed lot can maintain the natural landscape pattern of the neighbourhood. (These requirements are generally satisfied through submission of a "Building Elevation Plan" and a "Landscape Plan" - details of which are available from the Town of Carleton Place Planning Department.)
9. That the applicant provide certification from the Lanark, Leeds and Grenville Health Unit that the existing septic system has been decommissioned and all associated septic system materials have been removed from the site. A copy of the certification to be provided to the County of Lanark and the Town of Carleton Place.
10. That the applicant connects to municipal services for the existing dwelling unit.
11. That the applicant shall enter into an agreement with the Town of Carleton Place. The wording of the agreement shall be acceptable to the Town and shall address servicing fees of Francis Street as set out in By-law 26-2009. The agreement shall be registered on title and be included in any offer or agreement of purchase.
12. That the applicant demonstrates compliance with the required Ontario Building Code unprotected openings in the existing building elevation adjacent to the proposed lot line to the satisfaction of the Town of Carleton Place.
13. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.

14. A letter shall be received from the Town of Carleton Place stating that condition #3 through #13 has been fulfilled to their satisfaction.

NOTES:

1. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brian & Heather Ricardo

Hearing Date: June 27, 2011

Agent: ZanderPlan Inc.

LDC File #: B11/044 and B11/045

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 10 **Concession:** 4

Roll No. 0911 916 010 22000

Consent Type: two (2) new lots

Purpose and Effect: To sever a 1.2-ha residential building lot and 20.0-ha landholding with an existing dwelling, barns and outbuildings (631 Cameron Side Road) and to retain a 56.8-ha vacant landholding. The lands are accessed via Bathurst 5th Con and Cameron's Side Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/044	B11/045	
Existing Use	Vacant	Res & Farm	Vacant
Proposed Use	Residential	Res & Farm	Vacant
Area	1.2-ha	20.0-ha	56.8-ha
Frontage	151 m	686 m	680 m
Depth	80 m	185 m	Irregular
Road - Access to	Mun. Rd.	Mun. Rd.	Municipal Road
Water Supply	Proposed	Private Well	None
Sewage Disposal	Proposed	Septic System	None
Official Plan Designation -Conformity?	Rural and Mineral Resource 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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

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

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

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 1.2 ha vacant rural residential lot and a 20 ha lot with a dwelling and barns and retain a 36.8 ha rural lot as a farm field. Indicate the following:

Official Plan Designation: Rural, Organic Soils, Mineral Designation

Applicable Sections: 3.6.2 Rural designation - permits residential and agricultural uses.

5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lots will have frontage on the Bathurst 5th Concession and the proposed retained lot will have frontage on the Cameron Side Road. Section 2.17.1 Development Adjacent to Mineral Designations or Operations requires development to occur 150 m to 300 m away from pits. No pits are located in the area; it is simply designated as potentially of interest to the Ministry of Northern Development and Mines. The proposed building site would be located approximately 300 m from the designated area on the Official Plan Schedule for

Bathurst. Section 2.19.2 Organic soils require development to occur outside of organic soils. No development is proposed on the small area of organic oils at the northeast corner of the retained lot. 2.23 Water Quality and Quantity - requires a minimum setback of 30 m from water. There is a small watercourse running through the retained lot but there is a sufficient building envelope on the lots away from the watercourse. MDS -The barns on the 20 ha parcel are over 500 m from the proposed residential lot so no MDS issue.

Zoning By-law Category: Rural

Applicable Sections: 10.1.1 - Residential use is appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (1.2 ha, 20 ha and 36.8 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 151 m and 185 m and 680 m respectively).

Rideau Valley Conservation Authority has no objection to the severance.

Mississippi Rideau Septic System Office has no objections to the severance.

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for review
3. Copy of Deed / Transfer
4. Two copies of the reference plan
5. \$100. In parkland contribution.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted applications for severance of a 1.2 ha lot (BI 1/044) which is vacant and a 20 ha lot (Bi 1/045) which contains a dwelling and barns. The retained parcel is vacant. A site inspection was conducted on May 4, 2011.

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

We have not identified any natural heritage or natural hazards that would otherwise preclude the approval of the applications. There is a watercourse flowing through the property directly to the east of the 1.2 ha lot (1311/044). The Conservation Authority recommends a minimum 30 metre development setback from the watercourse. in conclusion, the Rideau Valley Conservation Authority has no objection or condition of approval to the severance applications.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 267-5353 x 131 should you have any questions.

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

B11/044 - A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on May 4, 2011.

The applicant proposes to sever a 1.2 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is an open field border by trees on all sides. There is a small pond on the neighbouring property towards the rear of the property on the eastern boundary. Soil test pits were not provided.

The retained parcel is approximately 56.8 hectares in area. The retained lot is currently developed with a dwelling, several barns and outbuildings, CGIS does not have record of a septic system permit for the dwelling.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. This area will also allow for any septic system to be located greater than 30 meters from surface waters. It may be required to import fill material to construct an OBC compliant septic system. Tertiary treatment of the effluent can reduce the amount of imported fill required and produces higher quality effluent prior to entering the environment.

The Application for Consent as provided will not impact the ability to maintain, operate, install or replace a septic system on the retained or new parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

B11/045 - A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on May 4, 2011.

The applicant proposes to sever a 20 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently developed with a dwelling, several barns and outbuildings. Tay Valley

Township's Geographical Information System (CGIS) does not have record of a septic system permit for the dwelling. The northern portion of the proposed lot contains standing water and CGIS indicated organic soils. There is exposed rock to the south of this area. Soil test pits were not provided.

The retained parcel is approximately 36.8 hectares in area. The retained lot is comprised of open field, tree lines and an area of drainage to the south near the rear of the property. IS indicates there is a barn on the retained parcel.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. This area will also allow for any septic system to be located greater than 30 meters from surface waters. Areas of organic soil and exposed bedrock are not ideal locations for septic systems. It may be required to import fill material to construct an OBC compliant septic system. Tertiary treatment of the effluent can reduce the amount of imported fill required and produces higher quality effluent prior to entering the environment.

The Application for Consent as provided will not impact the ability to maintain, operate, install or replace a septic system on the retained or new parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

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

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

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

(c) **PLANNING REVIEW**

The applicant proposes a 1.2-ha residential building lot and a 20.0-ha residential/farm landholding with an existing dwelling, barns and outbuildings (located at 631 Cameron Side Road). The retained land will consist of 36.8-ha of vacant farmland.

The subject lands are located in an area characterized by Residential and Farm Residential on large landholdings, interspersed with smaller residential type lots.

No portion of the landholding are mapped as “woodlands”. However woodlands are located north of Bathurst 5th Con.

A livestock facility is located on B11/045, therefore an MDS calculation was undertaken. The MDS indicated that there is a setback of 250m required from the livestock facility. There appears to be a sufficient building envelope outside the MDS setback area for B11/044. If approved a noted should be placed on the deed, for B11/044 that the lands are adjacent to a livestock facility and may be susceptible to noise, odours etc. Exact measurements will be required at the building permit stage.

B11/044 is accessed via Bathurst 5th Con and B11/045 is accessed via Cameron Side Road, both municipally maintained roads.

B11/044

Soils Inventory – Name: Balderson
- Stoniness: slightly stony
- CLI: 2 - moderate limitations
- Drainage: imperfectly
- Hydrogeology: moderate

B11/045

Soils Inventory – Name: Monteagle
- Stoniness: very stony
- CLI: 6 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 27, 2011**

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

Ms. Zander provided a brief outline of the applications.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

B11/044

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. The applicant shall provide Tay Valley Township with two copies all reference plans associated with this application.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that all development should be located >30 meters from any watercourse.*
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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

B11/045

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. The applicant shall provide Tay Valley Township with two copies all reference plans associated with this application.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that all development should be located >30 meters from any watercourse.*
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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Erewhon Management Services Ltd. **Hearing Date:** June 27, 2011

Agent: ZanderPlan Inc.

LDC File #: B11/052 and B11/053

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 4 & 5 **Concession:** 7

Roll No. 0940 934 025 13900

Consent Type: Two (2) new lots

Purpose and Effect: To sever a 1.15-ha residential building lot and a 1.0-ha residential building lot and to retain a 30.85 landholding with an existing barn. The lands are accessed via Pine Grove Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/052	B11/053	
Existing Use Proposed Use	Vacant Residential	Vacant residential	Vacant Vacant
Area	1.15-ha	1.0-ha	30.85-ha
Frontage	69 m	60 m	209 m
Depth	167 m	167 m	653 m
Road - Access to	County Rd	County Rd	Municipal Road
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	None
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	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.

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.2 Mineral Resources, Section 7.5 Natural Heritage Features 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:

Township Planning Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on Pine Grove Road. The property is legally described as part of Lot 4 & 5 Concession 7, former Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 600 7th Con A Lanark.

The applicant wishes to sever his lands and create two separate parcels with frontage on Pine Grove Road.

The first proposed severance will have 69 metres of frontage on Pine Grove Road and an area of approximately 1.15 ha. The proposed second severance will have 60 metres of frontage on Pine Grove Road and an area of approximately 1 hectare. The proposed retained lot will have approximately 31 hectares of area and frontage of 333 metres on Pine Grove Road and 209m of frontage on 7th Con A Lanark.

The proposed severed lots are vacant at present, residential uses are proposed. There is an agricultural barn constructed on the proposed retained lot, no changes are anticipated.

The property is designated as Rural on Schedule A 4 of the Township's Official Plan and zoned Rural on Schedule A 4 of Zoning By-law 2003-451.

PROVINCIAL POLICY STATEMENT

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

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

Section 1 .6 of the PPS outlines policies with respect to servicing. The Health Unit will require a permit for any new servicing associated with the proposed residence prior to construction.

The property currently has sufficient frontage on a public road and no new infrastructure is anticipated as a result of these applications. The applicant has received confirmation from the County Roads department that an entrance permit can be obtained on Pine Grove Road to service both severed lots.

The protection of agricultural land uses requires that new land uses comply with the minimum distance separation (MDS) formulae. MDS calculations were undertaken to ensure that separation distances from existing livestock buildings to future sensitive land uses can be maintained. There appears to be sufficient area to ensure compliance with MDS setback requirements

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A 4' 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.

The proposal as submitted can achieve those directives.

The Township adopted a new official plan in September 2010 and as such it is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

As the lands to the west have been designated as Quarry the applicant will need to demonstrate that the proposed development can be located outside of the influence area. Section 7.2.7 of the new Official Plan outlines that this is not a strict buffer or setback but generally a distance of 500 metres is accepted as adequate to ensure that potential impacts related to incompatible land uses have been mitigated.

Section 4.1 .5, Adjacent Land, outlines that:

“In areas located within 300 metres (984 feet) of a Mineral Aggregate are intended or utilized for a licensed pit operation and 500 metres (1,640 feet) from a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non-extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.

- Any other investigation as required by the development approval authority such as traffic studies, vibration studies, stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the licensed extraction operation existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.”

Both the proposed severed lots appear to be outside the influence area for the Quarry designation however confirmation that the new residential lots will not impede future resource extraction should be required as a condition of severance.

ZONING

The lands are zoned Rural on Schedule ‘A 4’ of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law. Confirmation by means of survey that the existing residence meets the zoning setbacks will need to be undertaken prior to finalization of the severance. New construction will be required to meet the setbacks of the Rural zone.

DISCUSSION

The application as submitted is consistent with the PPS and Official Plan policies provided that issues respecting resource extraction impacts are addressed through appropriate setbacks or alternatively studies are undertaken which demonstrate that impacts can be mitigated. The proposed severed and retained lots appear to be in conformity with the Township’s zoning regulations.

The application as proposed can be considered as appropriate subject to the suggested conditions and as such represents good planning.

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 provides 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. That the Building Location Survey illustrates that new lots are outside of the limits of the Influence Area to the Quarry. Should it be demonstrated that the new lots are not outside the influence area to the Quarry, the applicant shall undertake a Mineral Aggregates Assessment and Hydrogeological investigation to ensure that the proposed new residential lots will not impede on future resource extraction.
4. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
5. That the applicant pay any outstanding fees to the Township prior to final approval.
6. That the applicant submit the 5% cash-in-lieu of parkland dedication fee to the Township.
7. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

Conservation Authority – Mississippi Valley Conservation – May 10, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant building lots; the severed lands under B11/052 are proposed to be 1.15 ha in size while B11/053 is 1.0 ha.

The retained land is proposed to be 30.85 ha; it is developed with several outbuildings.

PROPERTY CHARACTERISTICS

The subject property is largely open field with the exception a large forested area on the retained lands to the east. Two wetlands exist within this forested area, in addition to a tributary of Lacey's Creek which travels through them. In addition, a small portion of the southern end of the retained lands is located within the 120 metres adjacent lands of a Provincially Significant Wetland (PSW), referred to as the Steward Lake -Haley Lake Complex. With respect to the severed lands, no natural heritage features or natural hazards were identified on these lands. However, the severed lands under B11/052 are located within 30 metres of an unclassified wetland.

REVIEW

PSW: Retained Lands

Guidelines which were 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 estimated on available mapping, sufficient area exists on the retained lands for potential future development that is located beyond the 120 metre adjacent lands. With 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 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.

Tributary: B11/052 Severed Lands, Retained Lands

Sufficient area appears to exist to accommodate future development in compliance with the current standards for development adjacent to a watercourse.

Lot Size:

MVC is satisfied with the size of all resulting lots.

CONCLUSIONS AND RECOMMENDATIONS

MVC does not have any objection to the subject applications provided the following mitigative measures are implemented:

Retained Lands

1. In the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.
2. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the tributary OR.
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
3. Future development, including a septic system shall be setback a minimum 30 metres from the boundary of the unclassified wetlands.
4. The existing shoreline vegetation surrounding the tributary shall be retained.
5. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, wetlands, or onto adjacent properties.
6. Wetlands shall remain undisturbed.

B11/052 Severed Lands

1. Future development, including a septic system shall be setback a minimum 30 metres from the boundary of the unclassified wetland.

ADDITIONAL

The property owner should be advised that in the event shoreline work is proposed along the tributary which travels through the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is also required from MVC for any interference within 120 metres of the PSW.

Any proposed works in or near the tributary located on the retained lands, 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 and Lanark District Health Unit

B11/052 – A 1.15-ha parcel of land with no existing buildings. Land is open agricultural field with gentle slope. Recommendations – additional sandy loam fill will be required in area of future tile bed.

B11/053 – A 1.0-ha parcel of land with no existing buildings. Land is open agricultural with gentle slope. Recommendations – addition sandy loam fill will be required in area of future tile bed.

Retained Lands – A 31.35 ha farm parcel of land with field and bush. There is an existing barn in place. Recommendations – additional sandy loam fill may be required in area of future tile bed.

County of Lanark Public Works

1. The applicant has an approved entrance location to the County Road. #2316 – common residential purposes to service both of the severed lots. A full application must be made and entrance installed prior to deed endorsement. Retained lands must be accessed via local municipal road (7th Concession A Lanark).
2. Entrance to be installed prior to deed endorsement.
3. Sufficient lands shall be deeded to “The Corporation of the County of Lanark”, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever two (2) residential building lots (1.15-ha and 1.0-ha) and retain a 30.85-ha landholding with an existing barn.

The subject lands are located in an area characterized by Residential and residential Farm on a variety of lot sizes along Pine Grove Road. Two major Pit / Quarry Operations are located to the west of the lots. If approved notice will be required to be entered on the deeds that the lands may be subject to noise, dust, etc resulting from the Pit / Quarry operations.

A portion of the retained lands are classified as 'off shield'. Additional development constraints will apply to these lands.

The lands are accessed via Pine Grove Road, a county maintained road.

Pit and Quarry Operations are located to the west of the lands to be severed lands. GIS mapping indicates that the westerly Boundary of B11/052 is 550m from the boundary of the licensed area of the Pit and Quarry operation. This should be confirmed by the applicant. A natural boundary of trees is located between the proposed lots and the pit/quarry operation. However, if approved, a note should be placed on the title of the lands that the area may be subject to noise, odours, dust etc as a result of the Pit/Quarry Operation. The applicant should also be encouraged to plant a hedge-row of trees along the westerly boundary of B11/053 as an added measure to mitigate impacts such as noise and dust.

Soils Inventory – Name: Tweed

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

The area has considerable land masses mapped as 'woodlands', however the proposed lots do not encroach into these areas.

A barn is located on the retained lands and the adjacent lands to the north. An MDS 1 was provided for the barns to the north which indicated that the minimum setback required is 226 m; the actual distance is in excess of 300 m. The barn located on the retained lands is in excess of 600 metres of the proposed rear lot lines. However, if approved, a note should be included on the deed that the area may be subject to noise, odours, dust, etc as a result of the livestock operation.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – June 27, 2011**

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

Ms. Zander provided a brief outline of the applications.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS: conditions apply to both lots.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
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 aggregate operation, 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 the Township.
6. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the

pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.

7. The applicant shall confirm that the lot is outside of the limits of the Influence Area to the Quarry. Should it be demonstrated that the lot is within the influence area to the Quarry, the applicant shall undertake a Mineral Aggregates Assessment and Hydrogeological investigation to ensure that the proposed new residential lots will not impede on future resource extraction.
8. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
9. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
10. 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).
11. 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.
12. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
13. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
14. 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.
15. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #13 through #15 has been fulfilled to their satisfaction.

17. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #12 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future septic system are on the severed and retained lands.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The property owner should be advised that in the event shoreline work is proposed along the tributary which travels through the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is also required from MVC for any interference within 120 metres of the PSW.*
6. *Any proposed works in or near the tributary located on the retained lands, 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.*
7. *MVC advised that the following mitigative measures should be implemented on the retained lands.*
 - a. *In the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.*
 - b. *Future development, including a septic system shall be setback the greater of:*
 - *a minimum 30 metres from the seasonal high water mark of the tributary*
 - OR.
 - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.*
 - c. *Future development, including a septic system shall be setback a minimum 30 metres from the boundary of the unclassified wetlands.*
 - d. *The existing shoreline vegetation surrounding the tributary shall be retained.*
 - e. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, wetlands, or onto adjacent properties.*

- f. Wetlands shall remain undisturbed.
8. MVC also advises that any future development, including a septic system shall be setback a minimum 30 metres from the boundary of the unclassified wetland.
9. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

The following NOTE to be included on B11/053

10. *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: Malcolm & Kathleen Jordan

Hearing Date: June 27, 2011

Agent: ZanderPlan Inc

LDC File #: B11/077

Municipality: Town of Perth

Geographic Township: Perth

Lot: Pk Lot 2 Compiled Plan 8828

Roll No. 0921 030 080 07801

Consent Type: New Lot

Purpose and Effect: To sever a 418.9 sq.m. residential building lot and retain a 418.9 sq.m. residential building lot. The lands are accessed via Leslie Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Semi-detached unit	Semi-detached unit
Area	418.9 sq.m.	418.9 sq.m.
Frontage	11.28 m	11.28 m
Depth	37.14 m	37.14 m
Road - Access to	Municipal Street	Municipal Street
Water Supply	Proposed – piped water	Proposed – piped water
Sewage Disposal	Proposed – sewage system	Proposed – sewage system
Official Plan Designation -Conformity?	Residential Yes	
Zoning Category	Residential 3-exception 12	Residential 3-exception 12
-Area Required (min.)	418.9 sq.m.	418.9-sq.m.
-Compliance?	Yes	Yes
-Frontage Required (min.)	11.28 m	11.28 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

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

Official Plan – Section 3.0 Basis of Plan Section 5.2 Sewage and Water, Section 5.3 Stormwater Management and Drainage, Section 5.5.4 Local Roads, Section 8.3 Residential Area Designations. Section 9.11.15 Subdivisions, Consents and Part-Lot Control.

The Town of Perth advised that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 8.0 Residential Third Density, Site Specific provisions of article 8.4.12 per amending By-law 3358-64.

The Town of Perth advises that the proposal complied with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Town of Perth Planner's Comments

The application is proposing the division of a lot which us presently under development with the construction of a semi-detached building consistent with the R-3-12 exception zone recently established under amending By-law 3358-64. The new lot, as proposed, would have a frontage of roughly 11.28 m (37 ft) on Leslie Street and an area of about 418.9 sq.m. (4,509 sq.ft).

The proposed consent subdivides an over-sized residential parcel, and results in two residential lots with frontage on an existing street, that will connect to existing services. This represented a more efficient land use and complies with the intent of the Official Plan. The proposal is also consistent with site specific zoning provisions.

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

1. Any outstanding / invoiced municipal services fees or taxes outstanding at the time a clearance letter is requested be paid.
2. Two hard copies of the final reference plan and a digital copy f the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Township of Perth with this information.

3. The applicant complete connections to municipal water and sanitary sewer services and remediate the road allowance and boulevard to a state comparable to the condition before the work began to the satisfaction of the Town's Director of Environmental Services or, alternatively the applicant file a deposit with the Town equal to the value of the outstanding remediation works as determined by said Director prior to requesting a clearance a letter from the Town.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 418.9 sq.m. residential building lot and retain a 418.9 sq.m. residential building lot. The applicant is currently constructing a semi-detached dwelling on the lands.

The subject lands are located in an area characterized by Residential Development on a typical 'town' lots along Lewis Street. Commercial development is located to the south of Lewis Street, including the "Metro" grocery store.

The lands are accessed via Lewis Street, a municipally maintained street.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Official Plan which is appropriate in the urban setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Town of Perth 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 – June 27, 2011

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

Ms. Zander provided a brief outline of the applications and advised that the dwelling is currently being constructed in such a way that the dividing wall will become the lot line between the semi-detached units.

The committee reviewed the staff report and draft provisional consent 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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Perth.
4. Any outstanding / invoiced service fees shall be paid to the Town of Perth.
5. The applicant to provide a digital copy of the registered reference plan to the Town of Perth.
6. The applicant shall provide the Town of Perth with two copies of all registered reference plans associated with this application.
7. The applicant complete connections to municipal water and sanitary sewer services and remediate the road allowance and boulevard to a state comparable to the condition before the work began to the satisfaction of the Town's Director of Environmental Services or, alternatively the applicant file a deposit with the Town equal to the value of the outstanding remediation works as determined by said Director prior to requesting a clearance a letter from the Town.
8. The applicant shall obtain a Civic Address Number from the Town of Perth for the severed and retained lands. The applicant shall consult directly with the Town in this regard.
9. A letter shall be received from the Town of Perth stating that condition #3 through #8 has been fulfilled to their satisfaction.