



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, May 2, 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-2011-011**

**MOVED BY:** W. Guthrie  
**SECONDED BY:** D. Murphy

**“THAT, the minutes of the Land Division Committee meeting held on March 28, 2011 be approved as circulated.”**

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2011-012**

**MOVED BY:** D. Murphy  
**SECONDED BY:** W. Guthrie

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None.

## 6. COMMUNICATIONS

- 6.1 **OACA** - acknowledging receipt of membership and providing membership cards.

## 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 B10/184 and B10/185 – William Kendrick – 2 New Lots**

Pt Lot 1 Conc. 9, geographic Township of Ramsay, now in the Town of Mississippi Mills. Glen Isle Road.

**7.1.2 B10/187 – Michael Kelly – New Lot**

Pt Lot 17 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Conc. 7

**7.1.3 B11/010 and B11/011 – Brent and Sheryle Lewis – 2 New Lots**

Pt Lot 22 Conc. 5, geographic Township of Drummond, now in the Township of Drummond/ North Elmsley. Tennyson Road.

**7.1.4 B11/012 and B11/013 – Scott Pemberton & Laura Johnstone – 2 New**

**Lots** - Park Lot 16 & 20 Franktown Plan, Township of Beckwith. Franktown Cemetery Road.

**7.1.5 B11/014 – Harry Campbell Holdings – Lot Addition**

Lot 2 in Park Lot 1 Plan 8828, Town of Perth. Glascott Street.

**7.1.6 B11/021 – Robert and Deborah Fisher – New Lot**

Pt Lot 10 Conc. 3, geographic Township of Dalhousie, now in the Township of Lanark highlands. Watson's Corners Road.

**7.1.7 B11/025 – David Norval Wilson – Lot Addition.**

Pt Lot 18 Conc. 2, geographic Township of Lanark, now in the Township of Lanark Highlands. Stewart Gibson Road.

**7.1.8 B10/124 and B10/125 – Ron Connelly – 2 New Lots and R-O-W**

Pt Lot 25/26 Conc. 11, geographic Township of Darling, now in the Township of Lanark Highlands. Ellis Woods Sideroad

- 7.2 Applications Previously Heard and Awaiting a Decision

**7.2.1 B10/126 – Jane Cronin – Lot addition and ROW**

Pt Lot 21-23 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands. (unnamed private road)

**7.2.2 B10/127, B10/128 and B10/129 – Ron Connelly – 3 New Lots and ROW**  
Pt Lot 21-23 Conc. 10, geographic Township of Darling, now in the  
Township of Lanark Highlands. (unnamed private road)

**7.2.3 B09/072 and B09/073 – Wayne and Karen Stinson – two new lots**  
Pt Lot 24 Conc. 9, geographic Township of North Elmsley, now in the  
Township of Drummond / North Elmsley. (Wild Life Road)

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

**9.1 B10/056 & B10/057 – Brian Burge – Pt Lot 3 Conc. 3 Darling**  
Application B10/056 was approved for a 1.5-ha lot with 200m of frontage –  
survey shows 1.0-ha lot with 176.4 m of frontage.  
Application B10/057 was approved for a 2.67-ha lot with 175m frontage –  
survey shows a 1.09-ha lot with 125.6m frontage.  
Mr. Burge had originally thought he had 12-ha of land, but it turns out there  
were only 8-ha. There is a high ridge on the north side of B10/057 which  
Mr. Burge requested to remain on the remnant lands. The revised frontage  
does not affect the entrance locations from the County Road.

Options:

- 1/ Approve changes to the provisional consent conditions to reflect the new dimensions as per the sketch dated April 14, 2011;
- 2/ Defer action to provide for re-circulation of the application; or
- 3/ Refuse to allow revisions to the original application, which would then require the applicant to re-submit new applications.

**MOTION #LD-2011-013**

**MOVED BY:** W. Guthrie  
**SECONDED BY:** D. Murphy

“**THAT**, the provisional consent conditions for B10/056 and B10/057 approved March 28, 2011 be amended to reflect the revised sketch dated April 14, 2011.”

**ADOPTED**

**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**

**10.1.1.1 B10/184 and B10/185 – William Kendrick – 2 New Lots**

**10.1.2 B10/187 – Michael Kelly – New Lot**

**10.1.3 B11/010 and B11/011 – Brent and Sheryle Lewis – 2 New Lots**

**10.1.4 B11/012 and B11/013 – Scott Pemberton & Laura Johnstone – 2 New**

**10.1.5 B11/014 – Harry Campbell Holdings – Lot Addition**

**10.1.6 B11/021 – Robert and Deborah Fisher – New Lot**

**10.1.7 B11/025 – David Norval Wilson – Lot Addition.**

**10.1.8 B10/124 and B10/125 – Ron Connelly – 2 New Lots and R-O-W**

**10.1.9 B10/126 – Jane Cronin – Lot addition and ROW**

**10.1.10 B10/127, B10/128 and B10/129 – Ron Connelly – 3 New Lots and  
ROW**

**10.1.11 B09/072 and B09/073 – Wayne and Karen Stinson – two new lots**

**11. UPCOMING MEETINGS**

**MOTION #LD-2011-013**

**MOVED BY: D. Murphy  
SECONDED BY: W. Guthrie**

**“THAT, the May 30<sup>th</sup>, 2011 meeting be rescheduled to Monday June 6, 2011 due to the lack of a quorum on May 30, 2011.”**

**ADOPTED**

Monday, June 6, 2011,  
Monday, June 27, 2011,  
Monday, July 19, 2011, and  
Monday, August 22, 2011

**12. ADJOURNMENT – 1:00 p.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** William W Kendrick **Hearing Date:** May 2, 2011  
**Agent:** ZanderPlan Inc.  
**LDC File #:** B10/184 and B10/185  
**Municipality:** Town of Mississippi Mills  
**Geographic Township:** Ramsay **Lot:** 1 **Concession:** 10  
**Roll No.** 0931 929 020 14504 **Consent Type:** 2 New Lots

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**Purpose and Effect:** To sever two (2) residential building lot, each containing 1.0-ha and retain a 7.9-ha residential building lot. The lands to be severed are accessed via Glen Isle Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/184	B10/185	
<b>Existing Use</b>	Vacant	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	1.0-ha	1.0-ha	7.9-ha
<b>Frontage</b>	45 m	45 m	107 m
<b>Depth</b>	222 m	222 m	500 m
<b>Road - Access to</b>	Municipal Rd	Municipal Rd	Municipal Road
<b>Water Supply</b>	Proposed	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed	Proposed
<b>Official Plan Designation -Conformity?</b>	Rural and Flood Plain Yes		
<b>Zoning Category</b>	Rural & Envir. Hazard	Rural & Envir. Hazard	Rural & Envir. Hazard
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m	45 m
<b>-Compliance?</b>	Yes	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 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 Basis of Plan, Section 3,1,3 Environmental Hazards and Constraints, Section 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 general Provisions, Section 9 Rural Zone, Section 30 Environmental Protection.

The Town of Mississippi Mills 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:

Mississippi Mills Planer's Report

Background

Mr. William Kendrick currently owns approximately 9.9ha (24.4ac) of land located on Lot 1, Cone. 9 in Ramsay Ward, in the Town of Mississippi Mills. The intent of the applications are to sever two residential building lots with each lot being 1.0ha (2.47ac) in size. Mr. Kendrick will retain a 7.9ha (19.52ac) residential building lot. These lots will be the same as the lots on the west side of Borden Road.

The existing lot is designated Rural and Flood Plan in the Official Plan and zoned Rural (RU) and Environmental Hazard (EH) in the Comprehensive Zoning #01-70. However, the lands to be severed fall completely within the area of the existing lot that has a Rural Official Plan designation and the RU zone. The retained parcel of land would still be comprised of lands designated Rural and Flood Plan in the Official Plan and zoned Rural (RU) and Environmental Hazard (EH) zone. There are no structures on the lands.

Severance Application Summary

Lot Severance - B10/184 and B10/185

This application is to sever two 1.0ha (2.47acre) parcels of rural land from the existing lot, creating two residential building lots. Each of the created lots will have 49m (160 ft) of frontage on to Glen Isle Road, a municipally maintained road. The retained lands will have 99m (324ft) of frontage on to Glen Isle Road and will have a lot area of 7.9ha (19.52ac). The existing and created lots will be serviced by private services.

Community Official Plan:

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

The Community Official Plan for the Town of Mississippi Mills sets out clear minimum lot area standards for land designated rural. Section 3.3.6.5 (iv), states that each lot must be 1.0ha (2.45ac) for both the severed and the retained lands. The proposed severance



applications will create two new residential lots, each with a lot area of 1.0ha (2.47ac) and leave a retained lot of 7.9ha (19.52ac). The proposed lots meet the minimum lot area requirements outlined in the Community Official Plan.

The subject property also has a designation of Flood Plain; however the severed lots are being created outside of the area with Environmental Hazard designation. Furthermore any setbacks associated with the Flood Plain designation will not apply to the severed lands.

There is currently a vacant barn within 500 metres of the proposed severances, which has triggered a Minimum Distance Separation (MDS) analysis. The MDS analysis has concluded that there is sufficient land area available to accommodate the new dwellings. This setback will be applied when the building permits are being issued.

The Community Official Plan requires a minimum 150 metres between neighbouring driveways on the same side of the road. In order to address this policy and acquire an entrance off of Glen Isle Road, the applicant will be providing a shared driveway to serve the two lots.

#### Zoning By-Law 01-70:

The subject property is currently zoned Rural (RU) zone and permits residential land uses. The by-law requires a minimum lot area of 0.4 hectares (1.0 acre) and a minimum lot frontage of 49m (160ft). The minimum lot area in the zoning by-law differs from the Community Official Plan and as a result the minimum lot area requirement must be 1ha (2.47 ac). Therefore, the requirements of the lot must be a minimum 1ha (2.47ac) in lot area and a minimum lot frontage of 45m (147ft). The proposed lots (being the two new lots) and the retained lots meet or exceed the minimum requirements of 1ha (2.47ac) for lot area and minimum lot frontage of 45m (147ft).

The subject property is also zoned Environmental Hazard (EH) zone, however as the severed lots are being created outside of the EH zone the provisions of the EI-I zone will not apply to the newly severed lots.

#### Conclusion

The proposed severances are consistent with the Community Official Plan policy regarding severances and lot creation and the proposed lot areas and lot frontages are consistent with the zoning by-law. Each of the proposed lots has access to a municipally owned and maintained right of way. With this in mind, staff's recommendation regarding the proposed severance is to support the applications subject to the following conditions

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the reference plan shall locate the location of the shared driveway
4. That the applicant pay any outstanding property taxes on the subject property;
5. That the applicant shall enter into a joint use and maintenance agreement for the construction and maintenance of the shared driveway
6. That the applicant shall register a covenant on title stating the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances;
7. That the applicant must acquire an entrance permit for a shared driveway to serve the two lots;

8. That the applicant must acquire a PIN/Municipal address for each lot.

Conservation Authority – Mississippi Valley Conservation – Feb 18, 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 applications is to sever two vacant, 1 ha building lots. The retained land is a vacant 7.9 ha parcel of land with river frontage in excess of 75 metres.

**PROPERTY CHARACTERISTICS**

The proposed retained lands have frontage on the Mississippi River with a well treed section at the rear, and a larger open pasture of flat land on the remainder. A tributary of the Mississippi River travels through the treed section in relatively close proximity to the open pasture. As observed during a site visit by MVC staff the slope leading to the tributary is well treed. According to MVC's flood risk mapping, a portion of the retained lands are located within the flood plain, specifically to the rear of these lands within the treed section that surrounds the tributary. The proposed severed lands are comprised of flat, open pasture and do not have water frontage. Regarding the soils, the Geological Survey of Canada - Surficial Geology mapping indicates the presence of deposits of lacustrine/marine clay as well as clay loam, throughout the entire property, including the severed lands.

**REVIEW**

**Natural Hazards**

Two natural hazards have been identified on the subject property; i.e. the 1:100 year flood plain and a potentially unstable slope. It is provincial policy that: Development will generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and/or erosion hazards (Provincial Policy Statement, Section 3.1.1.b). This policy is intended to address erosion potential and slope stability issues, as well as flooding. MVC Flood Risk Map for the Mississippi River delineates these areas of concern within a line referred to as the Regulation Limit. For the subject property, this limit extends approximately 16 metres from the existing tree line at the top of the slope (at its furthest point). It encompasses the flood plain as well as the potential erosion hazard associated with the slope. New development is generally directed outside of the Regulation Limit, unless supported by an engineer's report.

As previously mentioned, soils mapping depicts the presence of marine clay throughout the retained and severed lands, including the slope previously identified. Due to the instability of marine clay, the slope is treated as potentially vulnerable to failure. This concern is addressed with MVC's Regulation Limit discussed above. For the remainder of the property which is quite flat, slope failure is not a concern. However, we recommend that the foundation design of any future structures, in the area of these soils, adequately addresses their presence.

## Natural Heritage

No concerns with respect to natural heritage values provided that future development occurs a minimum of 30 metres from the high water mark of the river and the tributary.

## RECOMMENDATIONS AND CONCLUSIONS

Based on the above, MVC has no objection to the approval of these applications provided the following mitigative measures are adhered to, on the proposed retained lands:

1. All new development, including a septic system, shall be situated the greater of a minimum:
  - 30 metres from the high water mark of the Mississippi River
  - 30 metres from the high water mark of the tributary of the Mississippi River
  - beyond the Regulation Limit, as depicted on MVC's Flood Risk Map for the Mississippi River, Sheet No. 9.
2. Vegetation shall be maintained throughout the slope leading to the river and tributary, in order to mitigate the effects of erosion and surface runoff, and to assist in the maintenance of slope stability. A small access path to the river is considered acceptable.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed down the slope, into the river, tributary or onto adjacent properties.

A portion of the subject property is located within 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 or tributary 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  
B10/184 – 1 hectare parcel of flat open field. Varying depts. Of topsoil over rock. Fair drainage. Recommendation – 4 – 5 feet of imported fill will be required to construct a sewage system.

B10/185 – 1 hectare parcel of flat open field. Varying depts. Of topsoil over rock. Fair drainage. Recommendations – 4 – 5 feet of imported fill will be required to construct a sewage system.

Retained – 8 plus hectare parcel of field and bush. Variable drainage and soil conditions. Wooded area towards west end is low and wet and part of flood plain.  
Recommendations – fill requirement subject to the exact location proposed for a sewage system.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) 1.0-ha residential building lot and retain a 7.9-ha residential building lot. All lands are currently vacant.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of lot sizes along Glen Isle Road. An existing farming operation is located to the south of the proposed lots. Canada Land Inventory mapping indicates that lands to be poorly drained with very slow infiltration rates.

Due to the proximity of the existing farming operation the agent prepared a MDS Separation Calculation. The MDS requires a setback of 196 m from the livestock facility.

The lands are accessed via Glen Isle Road, a municipally 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. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) **PUBLIC INPUT**

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:

Margot LeCourtois – Feb 23, 2011

I have finally obtained a copy of the Notice of Application for Consent re: file No.: B10/184 and B10/185 (in the mail yesterday). To begin, I am interested in knowing how I did not qualify to receive a notice at the same time as other residents that live 60 meters of the subject lands. This is the second time that we as homeowners within 60 feet of land being severed have been ignored in providing a Notice.

Secondly, it has become obvious that an MDS 1 has not been taken into consideration as I am only now getting phone calls asking about the particulars of my barn and tillable land.

What is my next step that I must undertake to make sure that my ownership of an existing livestock facility and property owner within 60 meters of the property?

The last time lots were severed on Glen Isle I made a presentation to explain how encroaching population was making it harder and harder to farm with the number of pets and trespassers as well as maintain our privacy as larger parcel property owners located on an island. I am prepared to make the same plea again, and in fact am prepared to share with the Land Division Committee how the severances of 2 parcels several years ago affected my farm operation.

Please provide me with details as to what you need from me and an explanation as to the process going forth. I would also like to obtain the date that the Land Division Committee will be meeting regarding the severances on Glen Isle. I would also appreciate receiving a copy of link to the Land Division Committee minutes and any other links that would be helpful in preparing.

And finally I would appreciate and explanation as to how my husband and I were again overlooked when notices were sent out and who I should be addressing my concerns regarding this oversight.

Your assistance is greatly appreciated.

Margot LeCourtois – Feb 24, 2011

Do you know what has been planned in regards to hydro needs on the future properties? Right now there is a transformer at the end of our driveway that is serving 3 homes. The next hydro pole that is closes to the proposed lots, is located on our septic system. Will there be a requirement to have the pole moved to the street so that Hydro may have easy access? Or can one transformer serve 6 residences? I don't know.

It would be appreciated if you could provide me with information regarding what will be required in regards to hydro and if there will be anticipated damage caused to either landscaping on my property or my septic system.

Robert Moore – Feb 28, 2011

I am writing to register my interest--and that of several of my neighbours'-- regarding this severance application. My concern is that the proposed severance will, if approved, prevent any future widening of Borden Road.

Widening of what is at present a private road would be required should the town at some future date wish to bring the road up to the applicable standards for a public road. There are already existing lots on the southwest side of the road. If this severance application is approved, there will be lots on both side of the road with insufficient space to permit widening the road in the future.

I request that the severance include the creation of a road allowance encompassing the existing Borden Road plus enough land to bring the road up to applicable standards. Alternatively, an easement could be created on the lands being severed to permit widening of Borden Rd in the future, should the town so desire. Finally I request that you notify me at the address above or at my email address:

[tom@kinection.ca](mailto:tom@kinection.ca)

when:

1. a public meeting is scheduled, or
2. a decision is reached on the severance application.

Thank you for your support.

(e) **MINUTES – May 2, 2011**

Tracy Zander (ZanderPlan Inc.) agent for the applicant Margot LeCourtois, Ronald Cheek and Robert Moore, adjacent landowners, attended the hearing and gave evidence under oath.

Ms. Zander reviewed the application and the steps undertaken i.e. MDS.

Ms. LeCourtois expressed concerns as follows: proximity to farming operation, additional parking on Borden Road, trespassing, littering and additional pressures on Board Road.

Mr. Moore expressed concerns regarding Borden Road, and that this development may hinder widening of the private road in the future.

Mr. Cheek expressed concerns regarding Borden Road, and that this development may hinder widening of the private road in the future.

Ms. Zander agreed to increase the lot frontage of B10/184 to 55 metres; this would accommodate a widening of Borden Road in the future should the user come to an agreement to do so. This action, however, would not obligate the future owner of B10/184 to provide any land. This would have to be negotiated between the Borden Road users and the future owner. Application B10/185 would be shifted to the east, but still have the minimum road frontage.

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:**

**B10/184:**

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

2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” agreed upon May 2, 2011 – that the frontage be increased to 55 m.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. 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”.
5. That the reference plan referred to in Condition #1 above, shall specify the location of the shared driveway location.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
8. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
9. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
11. The applicant shall enter into a joint use and maintenance agreement for the construction and maintenance of the shared driveway.
12. A letter shall be received from the Town of Mississippi Mills stating that condition #5 through #11 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advises that the following mitigative measures are to be adhered to, on the proposed retained lands:*
  - a. *All new development, including a septic system, shall be situated the greater of a minimum:*
    - 30 metres from the high water mark of the Mississippi River
    - 30 metres from the high water mark of the tributary of the Mississippi River
    - beyond the Regulation Limit, as depicted on MVC’s Flood Risk Map for the Mississippi River, Sheet No. 9.
  - b. *Vegetation shall be maintained throughout the slope leading to the river and tributary, in order to mitigate the effects of erosion and surface runoff, and to assist in the maintenance of slope stability. A small access path to the river is considered acceptable.*

- c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed down the slope, into the river, tributary or onto adjacent properties.*
2. *A portion of the subject property is located within 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.*
3. *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 or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
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. *The Leeds Grenville and Lanark District Health Unit advises that 4 – 5 feet of imported fill will be required in the septic system area of the proposed lot and that fill requirements on the retained lot are subject to the exact location proposed for a sewage system.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *The lands to be severed and the retained lot are subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Town of Mississippi Mills will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.*

#### **B10/185**

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 reference plan referred to in Condition #1 above, shall specify the location of the shared driveway location.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.

8. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
9. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
10. The applicant shall enter into a joint use and maintenance agreement for the construction and maintenance of the shared driveway.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advises that the following mitigative measures are to be adhered to, on the proposed retained lands:*
  - a. *All new development, including a septic system, shall be situated the greater of a minimum:
    - 30 metres from the high water mark of the Mississippi River
    - 30 metres from the high water mark of the tributary of the Mississippi River
    - beyond the Regulation Limit, as depicted on MVC's Flood Risk Map for the Mississippi River, Sheet No. 9.*
  - c. *Vegetation shall be maintained throughout the slope leading to the river and tributary, in order to mitigate the effects of erosion and surface runoff, and to assist in the maintenance of slope stability. A small access path to the river is considered acceptable.*
  - d. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed down the slope, into the river, tributary or onto adjacent properties.*
2. *A portion of the subject property is located within 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.*
3. *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 or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
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. *The Leeds Grenville and Lanark District Health Unit advises that 4 – 5 feet of imported fill will be required in the septic system area of the proposed lot and that fill requirements on the retained lot are subject to the exact location proposed for a sewage system.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *The lands to be severed and the retained lot are subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Town of Mississippi Mills will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.*

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:** Michael Kelly **Hearing Date:** May 2, 2011  
**Agent:** n/a  
**LDC File #:** B10/187  
**Municipality:** Township of Drummond / North Elmsley  
**Geographic Township:** Drummond **Lot:** 17 **Concession:** 6  
**Roll No.** 0919 919 030 05600 **Consent Type:** New Lot

**Purpose and Effect:**

To sever a 2.03-ha residential building lot and retain a 21-ha residential lot with an existing dwelling.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	2.03-ha	21-ha
<b>Frontage</b>	100 m	206.99 m
<b>Depth</b>	203 m	1140.84 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	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.

Official Plan – Section 3 General Provisions, Section 3.8 Division of Land, S Section 4.3 Rural Policies, Section 5.3 Local Roads.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 7 Rural Exception, Section 12 General Commercial.

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

### **(b) AGENCY REVIEW**

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

#### Township Planner's Report

I have been circulated on an application for severance for Michael Kelly, for property located at Part of Lot 17, Concession 6, Geographic Drummond. The subject property fronts onto Drummond Concession 7.

The purpose of the applications is to sever a 2.03 hectare residential building lot and to retain a 21 hectare landholding with an existing dwelling. The dwelling on the retained parcel is currently under construction. The entire landholding was recently created via Severance B 10/028.

The subject property is designated Rural under the Official Plan of the Township of Drummond/North Elmsley, and is zoned Rural (RU) and Rural Special Exception (RU-55) under Zoning By-Law 2003-34. The Special Exception zoning will not apply to the severed parcel. Both the severed and retained parcels comply with the provisions of the Township's Official Plan and Zoning By-Law.

Section 3.7.2.5 of the Township's Official Plan states that "where more than three lots (including the retained lot) have been created or are proposed to be created from an original parcel of land as it existed on January 1, 1979, development should occur by plan of subdivision, pursuant to the policies of this Plan." The original parcel of land in 1979 consisted of approximately 300 acres of land. Two severances were granted in 2010 (B10/028 and B 10/029) to divide this large landholding into three parcels. This current application for Severance will be the third severance from this original land holding.

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

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

3. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
4. The Applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond I North Elmsley in this regard.

Conservation Authority – Mississippi Valley Conservation – April 18, 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 a vacant 2.03-ha building lot and retain a 21-ha landholding with an existing dwelling.

**PROPERTY CHARACTERISTICS**

According to a review of available mapping, the William-Ireton Municipal Drain travels through the subject property. More specifically, this drain appears to travel easterly across the northern portion of the retained lands, then turns to travel northerly along the eastern lot line of the retained and severed lands. This drain has been classified as intermittent and may comprise fish habitat. A second drain, which is not classified as a municipal drain, was observed on the retained lands. However, following a visual inspection, it is our opinion that this drain is unlikely to provide fish habitat. The retained lands consist of a mix of open field and forested land, while the severed land is strictly open field. No other Natural Heritage Features or Natural Hazards were identified on the subject property.

**REVIEW**

MVC is satisfied with the size of resulting lots. And, the proposed severed lands appear to have sufficient area to accommodate new development in compliance with a minimum waterbody setback of 30 metres from the William-Ireton Municipal Drain.

**CONCLUSION AND RECOMMENDATIONS**

With all of the above in consideration, MVC does not have any objection to the subject application provided that future development complies with the zoning provisions; particularly with respect to the minimum waterbody setback from the municipal drain, and the retention of a shoreline vegetated buffer.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the William Ireton Municipal Drain.

In addition, any proposed works in or near the Municipal Drain 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  
Severed Lot – gently rolling field with fair drainage bordered along the southeast side by a municipal surface water drain. Approximately 2 feet of silty sand over clay.  
Recommendations – fill requirement subject to exact location proposed for a sewage system.

Retained lands – approximately 21 hectares of rolling field. Existing single family dwelling under construction. Sewage system approval granted under permit #55687.

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 2.03-ha residential building lot and retain a 21-ha landholding with a newly constructed residential dwelling.

The subject lands are located in an area characterized by Residential on varying lot sizes along Drummond Con 7. The lands to the west of Highway 7 are designated as a "Settlement Area" – Drummond Centre. William Ireton Municipal Drain crosses the ear of each of the proposed lots. Mississippi Lake is approx 1 km to the east of the lots. The lands are accessed via Drummond Con 7, a municipally maintained road.

A Municipal Drain is located on the easterly boundary of the proposed lot.

Soils Inventory - Name: Tennyson  
- Stoniness: slightly stony  
- CLI: 2 – moderate limitation  
- 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 Drummond / North Elmsley and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – May 2, 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:**

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 Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.



6. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 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 septic system area.*
3. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the William Ireton Municipal Drain.*
4. *In addition, any proposed works in or near the Municipal Drain should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *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.*
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:** Brent and Sheryle Lewis **Hearing Date:** May 2, 2011  
**Agent:** ZanderPlan Inc.  
**LDC File #:** B11/010 and B11/011  
**Municipality:** Township of Drummond / North Elmsley  
**Geographic Township:** Drummond **Lot:** 22 **Concession:** 5  
**Roll No.** 0919 919 015 15301 **Consent Type:** Two (2) new Lots

**Purpose and Effect:** To sever two (2) residential building lots, each containing 0.42-ha and retain a 25.17-ha landholding with an existing dwelling and outbuildings at 1006 Tennyson Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/010	B11/011	
<b>Existing Use</b>	Vacant	Vacant	Workshop
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	0.42-ha	0.42-ha	25.17-ha
<b>Frontage</b>	65 m	65 m	210.12 m
<b>Depth</b>	65 m	65 m	Irregular
<b>Road - Access to</b>	Municipal	Municipal	Municipal
<b>Water Supply</b>	Proposed	Proposed	Private well
<b>Sewage Disposal</b>	Proposed	Proposed	Septic System
<b>Official Plan Designation -Conformity?</b>	Rural Yes		
<b>Zoning Category</b>	Rural		Rural
<b>-Area Required (min.)</b>	0.4-ha		0.4-ha
<b>-Compliance?</b>	Yes		Yes
<b>-Frontage Required (min.)</b>	45 m		45 m
<b>-Compliance?</b>	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.

### **2.3 Agriculture**

Section 2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

### **2.5 Mineral Aggregate Resources**

Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if issues of public health, public safety and environmental impact are addressed.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3, Rural Policies, Section 4.8 Mineral Resource, Section 5.3 Local Roads.

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

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

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

## **(b) AGENCY REVIEW**

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

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

1. The balance of any outstanding taxes and fees shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. Sufficient lands shall be deeded to the Township of Drummond North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
4. That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

5. The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.

Conservation Authority – Rideau Valley Conservation Authority Feb 15, 2011

The subject application has been reviewed by the Rideau Valley Conservation Authority. We offer the following comments for the Committee's assistance. The proposed consent applications will result in the creation of two new lots, each being 0.42-ha with 25.17-ha remaining as a retained parcel. These proposed lots are not affected by matters pertaining to responsibilities regarding provincial natural heritage policies or flood hazard regulations administered by the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit  
B11/010 – a 0.42-ha parcel lot of farmland. Land is relatively flat. Recommendation – additional sandy loam fill will be required in area of future tile bed.

B11/011- a 0.42-ha parcel of farmland. Land is relatively flat. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained Lands – a 24.75-ha lot, land is mainly vacant farmland. Relatively flat land. There is an existing workshop on the property. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) 0.42-ha residential building lots and retain a 25.17-ha landholding with an existing workshop. One previous severance was taken from the original landholding in 1991 (B91/044)

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Tennyson Road. An aggregate reserve area is located to the north; however the influence area does not affect the proposed lots. (Note – GIS mapping shows influence area as 500 m should be 300 m).

A farming operation / livestock facility is located to the east of B11/011; therefore an MDS calculation was undertaken. The results indicated that a 196 m setback area is required. The agent has indicated that the setback encroaches approximately 10 metres onto B11/011. Due to the proximity of the livestock facility, a note will be required on both lots (should they be approved), they may susceptible to noise, odours etc associated with the farming operation.

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

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 - moderate limitations
- Drainage: well
- 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 Drummond / North Elmsley and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – May 2, 2011**

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

Ms. Zander advised that the aggregate influence area has now been corrected in the D/NE new Official Plan (previously shown incorrectly at 500m). Ms. Zander advised that she was now aware of any water quantity or quality problems in the area.

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:**

**B11/010**

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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
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 Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required
8. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy lam fill will be required in the septic system area of both the severed and retained lands.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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. 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.*

**B11/011**

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



6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required
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10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *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.*
1. *The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area of both the severed and retained lands.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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 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.*

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.

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*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:** David Scott Pemberton &  
Laura Jean Johnstone

**Hearing Date:** May 2, 2011

**Agent:** Scott Pemberton

**LDC File #:** B11/012 and B11/013

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

Park Lots 16 and 20 Franktown Plan

**Roll No.** 0924 000 001 18801

**Consent Type:** Two (2) New Lots

**Purpose and Effect:** To sever two residential building lots (0.82-ha and 1.06-ha) and to retain a 3.9-ha residential building lot. All lands are currently vacant.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/012	B11/013	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	0.82-ha	1.06-ha	3.9-ha
Frontage	72.5 m	72.5 m	726 m
Depth	154 m	194 m	239 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed	Proposed	Proposed
Sewage Disposal	Proposed	Proposed	Proposed
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category	Residential		Residential
-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 1.1.3 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

## **1.6 Infrastructure and Public Service Facilities**

Section 1.6.4.4 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.

Official Plan – Section 4 General Development Policies, Section 4.5 Division of Land, Section 5.1 Community Development Area – Residential, Section 7.3 Local Roads, 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 5.1 Residential Zone.

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

### **(b) AGENCY REVIEW**

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with eh Ontario Building Code and all municipal by-laws.
2. That a 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 – Feb 22, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of 2 new residential lots on a 14.31 acre 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. This letter is intended to summarize our findings and recommendations.

**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 parcel and part of the severed parcels are situated within the 120 metre adjacent lands setback of the Provincially Significant Wetland (PSW) known as Franktown Swamp. 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 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 sufficient development envelope outside of the 120 metre adjacent lands on each parcel (both severed and the retained) to construct a residence and associated private services. However, the construction of access driveways/routes are likely to cross the regulated lands, and 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.

### **Recommendation**

We wish to advise the committee that the Conservation Authority has no objections to these applications, however we recommend that the following condition of severance be imposed on the retained and severed 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 120 metre adjacent lands of the Provincially Significant Wetland (PSW) known as Franktown Swamp. 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 driveways/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.”

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit  
B11/012 – a 2.03 acre wooded parcel of land. Land is relatively flat. There are no existing buildings. Variable soil dept. Recommendation – additional sandy loam fill is required in future tile bed area.

B11/013 – a 2.63 acre wooded parcel of land. Land is relatively flat. There are no existing buildings. Variable soil depth. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained Lands – a 9.65 acre parcel of wooded land. Land is relatively flat. No existing buildings. Variable soil dept. Recommendation – additional sandy loam fill will be required in area of future tile bed.

County of Lanark Public Works

Access to both the severed and retained is to be gained from local municipal road (Franktown Cemetery Road). No access permitted from Richmond Road (County Road 10).

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 – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever a 2 new residential building lots (0.82-ha and 2.09-ha) and retain a 3.9-ha residential building lot. The applicant plans to construct a residential dwelling on the retained lands in the near future.

The subject lands are located in an area characterized by Residential, Institutional and Commercial Development on a variety of lot sizes within the settlement area of Franktown. The Franktown Cemetery is located to the south of the lots as well as the Franktown Swamp a PSW.

The lands are accessed via Franktown Road, a municipally maintained road. The road of the lots about Richmond Road, a County maintained road. Public Works has advised that no access will be permitted from Richmond Road.

The lands are within 200 m of a Secondary Water Source (Franktown Swamp) therefore are subject to possible "Archaeological Potential".

The Provincial Policy Statement 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 Township's Official Plan which is appropriate in the settlement area 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 – May 2, 2011**

Scott Pemberton and Laura Johnstone, owners, 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:**

**B11/012**

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. 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 120 metre adjacent lands of the Provincially Significant Wetland (PSW) known as Franktown Swamp . 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 driveways/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.”
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 provide the Township of Beckwith with a copy of all reference plans associated with this application.
7. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
8. Sufficient lands shall be deeded to “The Corporation of the County of Lanark’, along the rear of the lot to be severed and retained, 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.
9. A letter shall be received from Rideau Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.
10. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 has been fulfilled to their satisfaction
11. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 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 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.*
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. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area of the severed and 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 Public Works Department advises that no access to the proposed lot is permitted from Richmond Road (County Road 10).*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *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.*

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**B11/013**

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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.

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## **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 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.*
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.*
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7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *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:** Harry Campbell Holdings **Hearing Date:** May 2, 2011  
**Agent:** Brian Kerr, OLS  
**LDC File #:** B11/014  
**Municipality:** Town of Perth  
**Geographic Township:** **Lot:** Park Lot 1 Lot 2 **Plan:** 8828  
**Roll No.** 092103007001400 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 190 sq.m. parcel of land as a lot addition to lands owned by Timothy Edward Meeks at Pt Lot 2 in Park Lot 1 Compiled Plan 8828 and retain a 1,098.8 sq.m. lot with 2 existing commercial units. The lands to be severed will be accessed via the existing entrance onto Glascott Street.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	2 Commercial Units
<b>Proposed Use</b>	Parking	Same
<b>Area</b>	190 sq.m.	1,098.8 sq.m.
<b>Frontage</b>	9.144 m (Width)	32.31 m
<b>Depth</b>	20.763 m	34.01 m
<b>Road - Access to</b>	none	Municipal
<b>Water Supply</b>	None	Piped Water
<b>Sewage Disposal</b>	None	Sanitary Sewers
<b>Official Plan Designation</b>	Commercial Area District	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Commercial 1-1	Commercial 1-1
<b>-Area Required (min.)</b>	n/a – lot addition	n/a
<b>-Compliance?</b>		n/a
<b>-Frontage Required (min.)</b>		n/a
<b>-Compliance?</b>		Max. Bld Coverage 80%

**(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 1.1.3 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Section 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

## **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.

Official Plan – Section 3.0 Basis of Plan, Section 8.6 Central Area District Designation. Section 9.11.15 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 10.0 General Commercial Zone.

The Township of Perth advises that the proposal complies with the zoning by-law regulations. However notes that following:

- The retained parcel will comply with the minimum side yard requirements of the Central Area District Exception One Zone provided the new lot line created by the consent is a minimum of 6.1 m from the existing commercial building on the retained parcel.
- Based on the information submitted with the application the unoccupied second building on the retained lot does not meet rear yard setback requirements of the zoning By-law. However, since the consent does not affect rear yard, the building will remain a legal non-complying structure.
- The single detached dwelling on the benefitting lot is a legal non-complying use in the CI-1 Zone. The proposed consent does not impact the status of the existing use nor the use of the severed parcel, which aerial photography indicates is currently used for parking and the application indicates this use is to continue.

The proposed consent improves a non-complying lot without negatively impacting the retained parcel in terms of zoning compliance.

### **(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

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has no objection to the granting of provisional consent regarding the above noted application subject to the comments herein and the conditions set out on the attached municipal commenting form.

The application is proposing to sever a 190 sq m parcel of land as a lot addition to lands owned by Timothy Edward Meeks at PT Lot 2 in Park Lot 1 Compiled Plan 8828, municipally known as 8 Glascott St. and leave a retained lot of 1,098.8 sq m lot with 2 existing commercial units at 30-32 Wilson St.

Staff note, that the interior side yard between the severed and retained parcels must remain 6.1-m wide to comply with the Zoning requirements of the General Commercial

Exception One (CI-1) Zone. The rear yard of the retained property has legal non-complying status as the minimum setback in the CI-1 Zone is 6.1-m. The applicant has paid the mail list fee, however, the consent review fee of \$300 required by the Town remains outstanding.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the Town of Perth Planning Department.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

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

1. The Town's consent review fee of \$300 and any outstanding municipal service fees and taxes currently owing be paid.
2. Two hard copies of the final reference plan and a digital copy of 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 Town of Perth with this information.
3. The applicant and the owner of the benefitting lot be cautioned that use of the severed parcel for residential development other than parking is likely to require a zoning amendment.

Advisory Notes:

Staff note, that the interior side must remain 6.1 m to comply with the Zoning By-Law in a General Commercial Exception One (CI-1) Zone. The rear yard of property PT lot 2 in Park Lot 1 Compiled Plan 8828 is legal non-complying as rear yard setbacks in a CI-1 Zone have a minimum setback of 6.1 m.

**(c) PLANNING REVIEW**

To sever a 190 sq.m. parcel of land as a lot addition to lands owned by Timothy Edward Meeks at Pt Lot 2 in Park Lot 1 Compiled Plan 8828 and retain a 1,098.8 sq.m. lot with 2 existing commercial units. The lands to be severed will be accessed via the existing entrance onto Glascott Street.

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

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**

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:

Timothy Meeks – Feb 24, 2011

I, Timothy Meeks, am the person requesting consent to the piece of land to be severed from 30 Wilson Street West This piece of land has been used a parking lot for my property (8 Glascott Street Perth, On) for the past 45 years. I located two previous owners of my property whom both concurred that the piece of land had been used for this purpose for this amount of time. Both previous owners used the land as a parking lot to park their vehicles. Myself personally have lived at 8 Glascott Street in the Town of Perth, for 13 years. I, as well the tenants in my building, have used that piece of land for parking during this time. I have been responsible for the upkeep of this piece of property removing snow, trimming trees and such. My property currently is setup that when you enter my driveway there is no room to park or turn around to exit without the use of that land. Receiving consent for this land is very important for me as I am sure you can understand.

Thank you for your time in dealing with this mailer

(e) **MINUTES – May 2, 2011**

Brian Kerr O.L.S, agent, 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. 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. The applicants shall satisfy all the requirements of the Town of Perth financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant to provide a digital copy of the registered reference plan to the Town of Perth.
6. The applicant to provide two hard copies of the final reference plan to the Town of Perth.
7. A letter shall be received from the Town of Perth stating that condition #3 through #6 has been fulfilled to their satisfaction.
8. 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 Timothy Edward Meeks described as Pt Lot 2 in Park Lot 1 Compiled Plan 8828, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

**NOTES**

1. *The Town of Perth advises that the applicant and the owner of the benefiting lot are cautioned that use of the severed parcel for residential development other than parking may require a zoning amendment.*
2. *The Town of Perth advises that the interior side must remain 6.1 m to comply with the Zoning By-Law in a General Commercial Exception One (CI-1) Zone. The rear yard of property PT lot 2 in Park Lot 1 Compiled Plan 8828 is legal non-complying as rear yard setbacks in a CI-1 Zone have a minimum setback of 6.1 m.*



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.

## **2.5 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 4.5.3 Township Roads, Section 7.2 Mineral Resources, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

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

### **(b) AGENCY REVIEW**

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

#### Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on the lands legally described as Part Lot 10, Concession 3, former Township of Dalhousie now in the Township of Lanark Highlands and commonly referred to as 2727 Watson's Corners Road.

The applicant wishes to sever approximately 2ha of land with frontage of 92 metres to create a new lot for residential purposes. The proposed retained lands will have 240 metres of frontage on Watson's Corners Road, and an area of approximately 14.5ha.

The property is designated as Rural, on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule A 2' by Zoning By-law 2003-451 There is presently a single family residence on the proposed retained lot. The proposed new lot currently has two sheds and future residential use is expected.

The applicant is proposing to have access to the proposed severed lot from Con 4A Dalhousie an unopened road allowance.

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Fisher 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. Frontage for both the retained and severed lot is on Watson's Corners Road a County Road. Confirmation from the County that the Public Works department has no issue with the proposal will be required prior to finalization of the severance.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. There are no identified natural heritage features on the subject lands. There is a mineral resource identified on the Schedule A2' on abutting lands to the south of the Fisher lands. The statement also protects mineral aggregate resources and municipalities are required to create policies to protect these resources for the long term. The applicant will need to respect the separation distances from the resource or undertake a Mineral Aggregate Assessment in order to demonstrate that an additional residential use will not adversely impact the possibility of extraction of the resource in the future. There are numerous residential uses on surrounding properties at present. The enclosed sketch outlines that the proposed severed lands are outside of the area of influence.

#### Official Plan

The subject lands are designated Rural on Schedule 'A 2' 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.

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.

As the lands to the south have been designated as Mineral Aggregate Reserve the applicant will need to demonstrate that the proposed development can be located outside of the influence area. Section 7.2.7 of the Official Plan outlines that this is not a strict buffer or setback but generally a distance of 150 metres is accepted as adequate to ensure that incompatible land uses have been mitigated.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. 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.”

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Fisher 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. Frontage for both the retained and severed lot is on Watson's Corners Road a County Road. Confirmation from the County that the Public Works department has no issue with the proposal will be required prior to finalization of the severance.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. There are no identified natural heritage features on the subject lands. There is a mineral resource identified on the Schedule A2' on abutting lands to the south of the Fisher lands. The statement also protects mineral aggregate resources and municipalities are required to create policies to protect these resources for the long term. The applicant will need to respect the separation distances from the resource or undertake a Mineral Aggregate Assessment in order to demonstrate that an additional residential use will not adversely impact the possibility of extraction of the resource in the future. There are numerous residential uses on surrounding properties at present. The enclosed sketch outlines that the proposed severed lands are outside of the area of influence.

#### Official Plan

The subject lands are designated Rural on Schedule 'A 2' 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.

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.

As the lands to the south have been designated as Mineral Aggregate Reserve the applicant will need to demonstrate that the proposed development can be located outside of the influence area. Section 7.2.7 of the Official Plan outlines that this is not a strict buffer or setback but generally a distance of 150 metres is accepted as adequate to ensure that incompatible land uses have been mitigated.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. 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.”

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor’s Certificate demonstrating that the lands severed (including the purchaser’s abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor’s information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. That the Building Location Survey illustrates a developable envelope outside of the limits of the Influence Area to the Mineral Reserve and that this is registered on title through means of a Site Plan or alternatively undertake a Mineral Aggregates Assessment and Hydrogeological investigation to ensure that the proposed new residential lot will not impeded the future ability to extract the resource.
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 pay he cash-in-lieu dedication fee of 5% to the Township.
7. That the applicant provide any required road widening to the Township at no cost to the Township.
8. That the applicant construct the proposed access to the severed lot along Concession 4A Dalhousie to a standard acceptable to the Township of Lanark Highlands and that the applicant enter into a Development Agreement with the Township for maintenance and emergency access that is registered on title.

Conservation Authority – March 14, 2011

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation’s plan input and review program. We have therefore screened this application out of our formal review process.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit  
Severed Lands – a 2 hectare parcel of land that has outcrops of rock as well as dense wooded areas throughout the parcel. There are existing sheds on the property. Land

drainage and slope can vary over approximately 5 acre parcel. Recommendations – Additional sandy loam fill will be required in the area of the future tile bed area.

Retained Lands – an approximate 36 acre parcel of land with an existing house serviced by a well and septic system. Land slope and drainage can vary over the large parcel of land. Recommendations – additional sandy loam fill will be required in area of future replacement tile bed.

#### County of Lanark Public Works

The lands to be severed will gain access from Concession 4A Dalhousie (local Municipal road – no access approved from County Road. The retained lands have an existing single residential entrance with no permit on County files. Inspection is currently being conducted to ensure entrance meets County requirements. Permit will be issued once confirmed satisfactory; or when identified upgrade are completed. Please impose entrance installation condition in order for our department to confirm entrance to retained lands meets County needs.

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 – No comments were received.

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

#### (c) **PLANNING REVIEW**

The applicant proposes to sever a 2.0-ha residential lot with an existing storage shed and to retain a 14.6-ha residential lot with an existing residential dwelling.

The subject lands are located in an area characterized by Residential and Vacant on a variety of lot sizes. The hamlet of Watson’s Corners is located to the east of the lot and an existing aggregate operation (Pit) is located to the south of the lot.

The approximate distance of the pit boundary to the proposed lot is 370 m to the rear boundary lot line. The Official Plan requires a 150m influence area between the specified land use (Pit) and any sensitive land use (residential). .No development should be permitted within this area. If approved a note will be required on the deed advising of the proximity of the pit and the pit operation.

The proposed lot is accessed via Con 4A Dal, a municipally maintained road. And has an approved Civic Address. The Township requires that this road be brought up to an acceptable standard. The retained lands are accessed via Watson's Corners Road, a County maintained Road.

Soils Inventory – Name: Tweed

- Stoniness: very stony
- CLI: 7 – no capability for agriculture
- 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 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 – May 2, 2011**

Robert Fisher, owner, attended the hearing and gave evidence under oath.

Mr. Fisher advised that he had discussed the issue of the 4<sup>th</sup> Con Dal with the Road Superintendent. This is a forced road, opened by by-law in the 1880's. They recognize that the actual road does not follow the unopened road allowance, and that there is lands owned by Fisher between the 4<sup>th</sup> Con Road and the Road Allowance. It is hopeful that this be sorted once the survey plan has been completed.

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 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".
4. The County Public Works Department shall confirm that the existing/proposed entrances to the retained lot has been installed to the satisfaction of the County.
5. 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.
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 Lanark Highlands.
7. 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.
8. That the Building Location Survey referred to in Condition #7 illustrates a developable envelope outside of the limits of the Influence Area to the Mineral

Reserve and that this is registered on title through means of a Site Plan or alternatively undertake a Mineral Aggregates Assessment and Hydrogeological investigation to ensure that the proposed new residential lot will not impeded the future ability to extract the resource.

9. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
10. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
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. 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).
13. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
14. 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.
15. 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.
16. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Lanark Highlands if required, the wording of which shall be acceptable to the Township and shall address the standard and on-going maintenance of access to the lot along Con 4A Dal.
17. A letter shall be received from the County of Lanark Public Works Department stating that condition #4 and #5 has been fulfilled to their satisfaction.
18. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #17 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.*

2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the septic system area on the proposed lot and in the future replacement septic system area on the retained lands..*
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. *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:** Norval Wilson **Hearing Date:** May 2, 2011  
**Agent:** Barker Willson (David Heeley)  
**LDC File #:** B11/025  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 18 **Concession:** 2  
**Roll No.** 0940 934 010 13910 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 2.032-ha parcel of land as a lot addition to lands owned by David Norval Wilson at Pt Lot 18 Conc. 2, geographic Township of Lanark being Part 1 on Reference Plan 27R-1713 and retain a 0.402-ha residential lot with an existing dwelling located at 5537 Highway 511. The application is a resubmission of application B08/173, which was allowed to lapse.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Vacant	Residential
<b>Area</b>	2.032-ha	0.402-ha
<b>Frontage</b>	68 m	22.8 m
<b>Depth</b>	196 m	99 m
<b>Road - Access to</b>	Municipal Road	County Road
<b>Water Supply</b>	None	Private Well
<b>Sewage Disposal</b>	None	Septic System
<b>Official Plan Designation</b>	Hamlet	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Hamlet	Hamlet
<b>-Area Required (min.)</b>	n/a Lot Addition	1.0-ha
<b>-Compliance?</b>		Existing
<b>-Frontage Required (min.)</b>		50 m
<b>-Compliance?</b>		existing

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

Official Plan – Section 3 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area Development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposal demonstrates general compliance with the intent of the Official Plan for lands designated as Hamlet but is substandard with respect to lot size.

Zoning By-law - Section 4 General Provisions, Section 9.0 Hamlet Zone.

The Township of Lanark Highlands advises that the proposal does not comply with the zoning by-law regulations. However, the municipality will support a zoning by-law amendment.

#### **(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

##### OFFICIAL PLAN

The Wilson lands are designated Hamlet on Schedule A 4' of the Township of Lanark Highlands Official Plan. The Official Plan outlines that residential uses will continue to be the predominant type of land use within the Hamlet areas. This proposal is solely for the transfer of property ownership. Existing residential uses are not proposed to change.

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 application as submitted can demonstrate compliance with the aforementioned policies.

The proposed lot area of the retained parcel cannot meet minimum standards. Due to the close proximity of other residential uses and given the large area of the proposed severed lot it has been suggested that additional area be provided for the retained parcel if needed for future servicing challenges. The plan recognizes this in section 3.5 and states: it is not the intention of the Municipality to embark on a program of providing piped municipal water supply and sewage disposal facilities and therefore, lot sizes must be adequate to support on-site water and sewage disposal systems. Planning Principles clearly direct that lot size must be adequate and can be serviced privately and on-site. The numerous septic fields on smaller lots within the crossroads area do create a

potential for risk of contamination to the ground water resource. To date no Hydrogeological investigation has been undertaken to evaluate the potential risk. This application provides the opportunity to minimize that risk by creating a larger retained parcel that meets area requirements for privately serviced lots.

The application demonstrates general compliance with the intent of the Official Plan for lands designated as Hamlet but is substandard with respect to lot size.

#### ZONING

The lands are zoned Hamlet 'H' on Schedule 'A 4' of Zoning By-law 2003-451. The proposed residential use is a permitted use within this zone. The proposed retained lot will not meet the requirements of this zone with respect to area and frontage.

#### DISCUSSION

The proposed lot addition is an appropriate land use and is compatible with surrounding land uses. The proposal will not result in any new development at this time but will not meet the requirements for area and frontage of the Zoning By-law. The frontage cannot be increased due to abutting land ownership and will need to be recognized through zoning amendment. The proposal is a lot addition to transfer ownership of the bulk of the lands to another family member. The proposed remnant parcel will, if approved, be undersized and not enjoy sufficient frontage to meet zoning requirements. As no new entrances are proposed the undersized frontage can be recognized through a zoning by-law amendment due to surrounding development and pre-existing conditions.

The area can be increased due to the large overall land area and it is prudent to do so for the previously outlined reasons. In addition the creation of non-conforming lot is not the intent of the Plan. Staff had previously consulted with the agent, Mr. Healy, for the applicant and outlined the reasons that an alternate lot configuration is necessary. Mr. Healy had no issue with the request for increased area for the retained parcel and requested that it be included as a condition of severance when this report was first submitted to Council for review in January 2009.

The application as submitted complies with the general intent of the Official Plan and will be consistent with Provincial Policy with the increase in area. The proposal is in keeping with existing surrounding land uses and an expected land use. As such the application can be supported subject to the identified conditions and modifications to lot lines.

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 Town.
2. That the balance of any outstanding fees pertaining to this application be submitted to the Township.
3. That the applicant amend his application to increase the area of the proposed retained parcel to meet the requirements of the zoning by-law.
4. That the applicant provide the Town with a Building Location Survey or Surveyors 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.

5. An acceptable reference plan or legal description of the severed lands be submitted to the township.
6. That any required road widening be given to the Township at no extra cost to the Township.

On-Site Services (Septics) – Leeds Grenville and Lanark Health Unit (Comments provided for B08/173)

Severed Lands – relatively flat scrub land sloping from north to south. Proposed addition to an existing developed residential lot. Sandy loam soil 5 ft deep. Satisfactory.

Retained Lands – Existing residential house served by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.

**(c) PLANNING REVIEW**

The applicant proposes to sever a 2.03-ha vacant parcel of land as a lot addition to lands owned by David Norval Wilson and to retain a 0.405-ha residential lot with an existing dwelling owned by David Norval Wilson.

The proposed lands to be retained do not meet the minimum requirements of the Township's Zoning By-law. Through discussions between the agent and the municipality, the owner agreed to revised his original application to increase the retained lands from 0.15-ha to 0.405-ha. The Township supports this proposal, provided the lands to be retained are re-zoned to a site specific zone to recognize that the retained lots are less than the minimum requirements of 1.0-ha.

The subject lands are located in an area characterized as a settlement area, locally known as Hopetown. Residential, commercial and institutional uses are located on a variety of lot sizes along Highway 511 and Stewart Gibson Road. The Hopetown Cemetery is located to the east of the lot, a general store/ gas bar and church are located to the south and the remainder of the settlement area is residential together with a few farm operations.

The lands to be severed are accessed via Stewart Gibson Road and the retained lands are accessed via Highway 511. No new entrances are required.

The Official Plan also indicates that the Hopetown Wetlands are located with 60 m of the south westerly boundary of the severed lots. As the lands are within 200 m of a Secondary Water Source (Hopetown Wetlands) they may be 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 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 – May 2, 2011**

Norval Wilson, owner, attended the hearing and gave evidence under oath. David Heeley, solicitor agent, also attended.

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 David Norval Wilson described as Part 1, Plan 26R-1713, being Part Lot 18 Conc. 2, geographic Township of Lanark, 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 Lanark Highlands.
5. 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.
6. The applicant shall obtain appropriate relief from the minimum provisions of the Zoning By-law for the retained lands through an amendment to the Township of Lanark Highlands Zoning By-law.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #4 to #9 has been fulfilled to their satisfaction.

**NOTES:**

1. *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.*

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.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Ron Connelly **Hearing Date:** May 2, 2011  
**Agent:** Jp2g Consultants Inc.  
**LDC File #:** B10/124 and B10/125  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Darling **Lot:** 25/26 **Concession:** 11  
**Roll No.** 0940 944 025 37000 **Consent Type:** 2 new lots plus ROW

**Purpose and Effect:**

B10/124 – To sever a 4.5-ha residential building lot together with an R-O-W over Ellis Woods Sideroad.  
 B10/125 – To sever a 4.25-ha residential building lot together with an R-O-W over Ellis Woods Sideroad. And to retain a 21.3-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/124	B10/125	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	4.4-ha 290 m (W) 597 m R-O-W	4.25-ha 110 m (W) 602 m R-O-W	21.3-ha 116 m (W) 1,020 m Municipal and R-O-W
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Proposed	Proposed Proposed	Proposed Proposed
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural with ANSI Overlay Yes		
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	LSR  Requires rezoning to Lakefront Development	LSR  Requires rezoning to Lakefront Development	LSR  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 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological 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 10.0 Limited Service Rural Zone, Section 11.0 Lakefront Development Zone

The Township of Lanark Highlands advises that the proposal complies with the Zoning By-law regulations.

**(b) AGENCY REVIEW**

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

Lanark Highlands Planner's Report

Introduction

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on lands legally described as Part of Lots 25 and 26, Concession 11 former Township of Darling now in the Township of Lanark Highlands. The lands front on Windy Point Road a Township Road, and have access to a deeded right-of-way commonly referred to as Ellis Point Road. The subject lands also enjoy waterfrontage on White Lake.

Application Review

The applicant has submitted two applications to facilitate future development plans. The first application proposes to sever 4.4 ha with 290 m of waterfrontage with an existing right of way (known as Ellis Point Road) to Windy Point Road. The second application proposes to create a new lot with waterfrontage of 110 metres, access to the deeded right of way, and an area of approximately 4.25 ha. The proposed retained parcel will enjoy 240 metres of road frontage, waterfrontage of 116 metres and an area of approximately 21.3 ha.

The property is designated as Rural and ANSI on Schedule A 3 of the Township's Official Plan and zoned Limited Services Residential on Schedule A 3 in Zoning By-law 2003-451. The lands are presently vacant. Residential uses are proposed.

Official Plan

The subject lands are designated Rural and ANSI on Schedule 'A 3' 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. As the lands have been identified as an ANSI the applicant must demonstrate that no negative impacts will occur to the ecological function of the natural feature prior to development. An EIS undertaken by Brunton Consulting Services concludes that no impacts to natural heritage features will result if the applications are approved by the county's land Division Committee.

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. The proposal must be evaluated for potential conflicts

with adjacent land uses and natural heritage and resource features.

The applicant proposes to provide access to the new lots via an existing deeded right-of-way. The official plan allows for infill development to occur on private roads which are defined as: "a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title. Documentation on the existing condition of the road is required prior to approval and such documentation shall outline the length, physical condition, suitability for use by emergency vehicles and arrangements for maintenance and snow removal.

Inquiries as to the existing condition of the road conclude that there is legal access but that the physical condition of the roadway would not meet any current municipal standards. The applicant will need to provide municipal staff with a record of the existing condition of the road (i.e. Ellis Road right of way) to a level of detail satisfactory to the Public Works Director. Private roads need to be constructed to municipal standards. An agreement will be required to ensure construction standards and future setting maintenance. The applicant does not want to proceed with construction of the roadway at this time as he does not have plans to construct any recreational dwellings on the lands for some time. Staff has consulted with both the applicant and his agent in order to come to an agreement on how the policies of the existing Official Plan can be respected while helping to achieve the applicant's long term goals. The applicant is willing to undertake a zoning amendment that will place all the lands in a holding zone that is subject to a development agreement for the construction of the roadway. The aforementioned development agreement will be registered on title and will discuss maintenance and construction standards.

The applicant has submitted an application for zoning amendment which is in the initial stages of review. The applications can be considered to be in conformity with the existing Official plan.

### Zoning

The lands are zoned Limited Services Rural. This zone clearly indicates that there is no obligation on the municipality's part to provide services such as road maintenance, garbage pick-up or school busing. As previously discussed the applicant is undertaking a zoning by-law amendment to put the lands in a holding zone until such time as the applicant wishes to move forward with development of these lots. The holding provision will provide the Township with the assurance that the lands will not be developed until such time as the road had been constructed to a standard that satisfies access and maintenance issues.

### Discussion

In addition to the issues discussed in the preceding sections of this report, the applicant has consulted with Mississippi Valley Conservation and they have provided the following comments:

- Setbacks for new development will be required to be 30m from the lake
- Site Plan Control provides the opportunity to protect the riparian zone.

The applicant wishes to create two new lots from his original holding. The lots are large in area and propose ample waterfrontage. The recreational use is an appropriate land use in the rural area.

The application as submitted is consistent with the PPS and can comply with Official

Plan policies. The proposal meets the requirements and performance standards of the lakefront development zone.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. That the subject area be rezoned to Lakefront Development — Holding (LD-h) with conditions for the removal of the holding provisions related to the construction of an access road to municipal standards.
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 pay the cash-in-lieu of parkland dedication fee of 5% to the Township.
7. That the applicant provide any required road widening to the Township at no cost to the Township.
8. That the applicant submit to the Township a record of road conditions that outlines the current physical condition of the right-of-way to the satisfaction of the Director of Public Works.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit B10/124 – lot slopes gently toward lake. All forested. Good drainage 0.75 metres of sandy loam on bedrock. Rock outcrops visible throughout property. Depending on the exact location of a proposed on-site sewage disposal system, additional sandy loam fill may be required.

B10/125 - lot slopes gently toward lake. All forested. Good drainage 0.75 metres of sandy loam on bedrock. Rock outcrops visible throughout property. Depending on the exact location of a proposed on-site sewage disposal system, additional sandy loam fill may be required.

Retained Lands – good drainage. One metre of sandy loam over rock. Rock outcrops on property. Property slopes steeply toward lake near shore but otherwise relatively flat. Depending on the exact location of a proposed on-site sewage disposal system, additional sandy loam fill may be required.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two residential lots (4.4-ha and 4.25-ha) together with an R-O-W over Ellis Woods Sideroad, an existing private road and retain a 21.3-ha vacant landholding.

The subject lands are located in an area characterized by large vacant landholdings along Windy Point Road and Windy Point Side Road. Clusters of seasonal residential lots are located along White Lake.

The lands to be severed are accessed via Ellis Woods Sideroad, an existing private right-of-way. The retained lands are accessed via the private r-o-w as well as Windy Point Side Road, a municipally non-winter maintained road.

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

In accordance with the Official Plan Section 7.5.2 Natural Heritage Features, an Environmental Impact Statement was prepared for the applicant by Daniel Brunton Consulting Services. Brunton consulted with both the MVC and MNR, regarding shoreline and fisheries protection, lakefront development, species at risk, provincially significant wetlands and areas of natural and scientific interest. The ANSI exists primarily to protect extensive, marble-based upland and wetland forest inland from White Lake.

The EIS concludes that development can occur in the narrow area between the ANSI boundary and shoreline of White Lake without impacting any natural habitat within the footprint of the designated ANSI.

The EIS also recommends the following mitigative measures for any new development on the subject lands:

- A minimum 30 metre setback from the seasonal high water mark of the lake and from the ANSI shall be maintained for fixture structures, associated infrastructure and septic system.
- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site. No additional removal of vegetation should be permitted.
- Use Best Management Practices (BMP's) for low impact construction.
- No removal of vegetation shall occur between May 15th and July 15th to protect breeding birds.
- With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetated buffer shall be retained to a depth of 15 metres identified in the EIS. This buffer will help to mitigate the effects of erosion and surface runoff on the lake.
- Potential impacts from runoff can be mitigated by prohibiting the use of pesticides, herbicides, and fertilizers.
- If any species at risk is observed during construction, the MNR shall be contacted immediately.
- Plants or water flows around seasonally flooded low areas in the forest should not be disturbed in order to protect the SAR habitat. Consult with an MNR Species at Risk Biologist for more information.
- Use of invasive non-native plant material shall be discouraged.

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:

Scott Munro – April 29, 2011

I had some comments concerning the zoning amendment application by Mr. Connelly for the property at White Lake on Ellis Woods Rd. My property adjoins the one seeking the zoning changes.

I attended the Lanark Highlands council meeting and had presented the following concerns at that time to the council.

- 1) That the new access road not be allowed to ever connect to any other road (such as Windy Point sd road)
- 2) That a buffer zone around the marsh area be worked in to the plan so that any laneway to the first property not come close to the marsh.
- 3) As the purpose of the zoning amendment was to have a maximum of 3 lots, that no further sub-division be allowed to the new and existing lot if approved.

Since that presentation I have spoken to Mr. Connelly a few times concerning the application and the concerns that were raised and he has been very responsive to the issues and for finding a suitable resolution.

Since there are no immediate plans to develop the property I feel it is prudent to capture the discussions points and intent of the application by Mr. Connelly as it was discussed with him at this application meeting. This is to ensure the original intent of his application is respected in the future.

For Item #1 Mr. Connelly shares the desire to maintain the new access road (shown as Ellis Woods Side Rd. on the application) as a dead-end road. Allowing that road to connect to others, such as Windy Point Side Rd, would have a negative impact on Ellis Woods Rd and the handful of cottages that use it currently. As there is consensus on this issue, I therefore respectfully request this be reflected in the meeting minutes and be a condition of severance so that it may be recognized in the future.

For Item #2, I understand from Mr. Connelly that he has recently adjusted the lot lines to

support the most appropriate access for the properties without disturbing or negatively impacting the existing wetlands. As long as the changes respect a reasonable buffer to the wetlands this is acceptable.

For Item #3 Mr Connelly explained his intent is to create a maximum of 3 lots in total from the entire parcel of land. I therefore respectfully request this be reflected in the meeting minutes and be a condition of severance so that it may be recognized in the future.

Thank-you for your attention to these important zoning issues at your meeting and thanks to Mr. Connelly for his careful consideration and responsiveness to these concerns.

**(e) ADDITIONAL INFORMATION**

Brian Whitehead, Jp2g, provided the following additional information – April 25, 2011 Mr. Ron Connelly would like to request some modifications to Consent Application File Nos. B10/124 and B10/125, which will be reviewed by the Land Division Committee on May 2, 2011. Attached is a Revised Sketch showing the proposed lot line modifications.

Also attached Survey Sketch prepared by Fairhall Moffatt Woodland Limited, Ontario Land Surveyors which we have used to show the proposed lot line modifications. The main purpose of the proposed modifications is to adjust the lot lines so that an existing wetland may be contained entirely within the limits of the retained lands. The adjustment also provides a 15 metre wide area between the wetland and Proposed Lot #2 (middle lot) so that a suitable access may be provided to a building site located between the wetland and the shoreline.

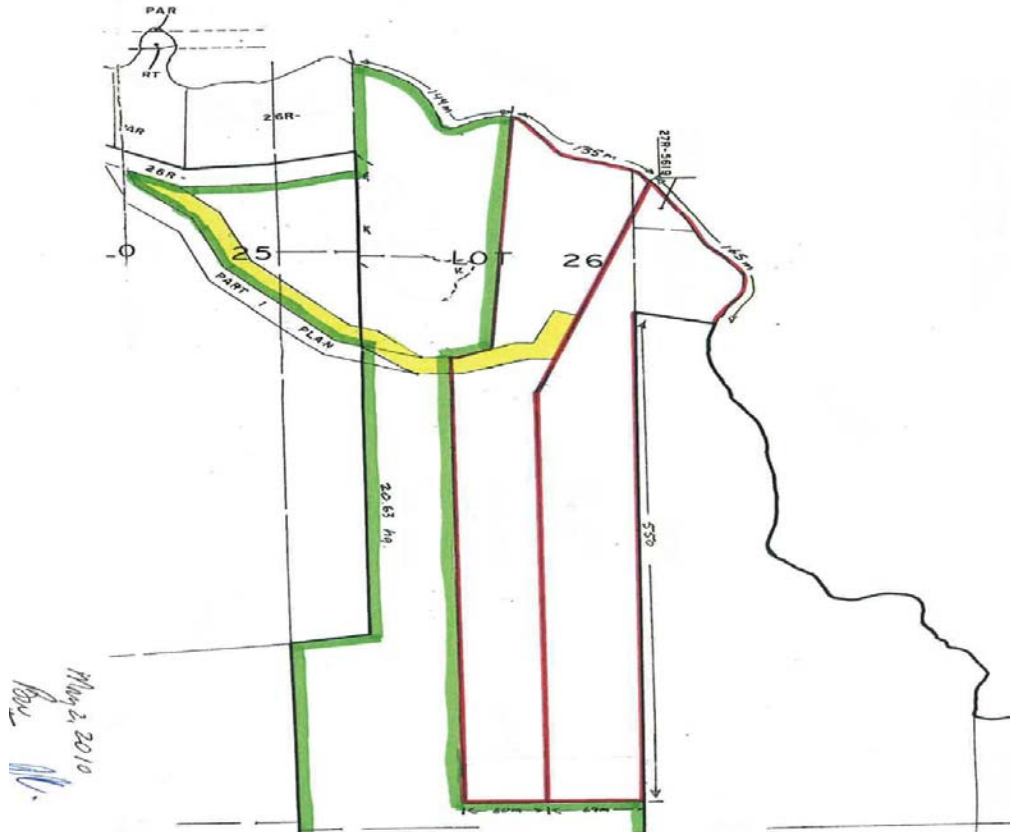
The location of Proposed Lot #2 in relation to the wetland on the retained lands was questioned by a neighbour, Mr. Scott Munroe, at the public meeting for the proposed zoning by-law amendment on March 24<sup>th</sup>. In response to Mr. Munroe's concerns, Mr. Connelly retained the services of Fairhall Moffatt Woodland to survey the edge of the wetland in relation to the lot to be severed, as well as existing features including the shoreline, hydro line, right-of-way, an existing trail through the property and the property boundary with Mr. Munroe. Suitable building locations have been identified on the OLS Sketch in relation to the water setback and side yard setback requirements of the Township's Zoning By-law. The revised lot area, water frontage and dimensions of the lots to be severed and the lot to be retained are also shown on the attached Sketches.

Mr. Connelly would also like to propose two additional modifications to these Consent Applications. These modifications are summarized as follows:

1. Lot size: Mr. Connelly would like to enlarge the size of the lots to be severed from 4.0 hectares (10.0 acres) to 4.4 hectares (10.98 acres) for Lot #1 and 4.91 hectares (12.14 acres).
2. A re-location of the proposed right-of-way access.

It is requested that the proposed lot size adjustments be considered minor, as they will result in slightly larger lots with suitable building envelopes. It is Mr. Connelly's wish to make the lots larger in order to ensure they will be greater than 10.0 acres after the final survey is completed.

It is proposed that the right-of-way access be re-located so that it can be situated entirely within the limits of Mr. Connelly's existing property. The revised right-of-way location is immediately adjacent to the exiting right-of-way over property owned by Neil Stewart. Mr. Connelly would be willing relinquish his interest in the existing right-of-way if the new right-of-way is granted by the Committee. Mr. Connelly would like the Committee consider this request as a minor adjustment to the right-of-way location which will simplify the access to the proposed lots.



(f) **MINUTES – May 2, 2011**

Ron Connelly, owner and Brian Whitehead of Jp2g, agent, attended the hearing and gave evidence under oath.

Mr. Whitehead outlined the revisions, which were a result of the public meeting held by the Township to present the zoning by-law amendment for the lands. Mr. Whitehead also reviewed the reasons for the request to relocate the r-o-w access.

Mr. Connelly was advised that in order to relocate the r-o-w onto his lands would require the relinquishment of the r-o-w currently located on the adjoining lands owned by Neil Stewart.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(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:**

**B10/124**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" and revised application presented May 2, 2011. (B10/124 – 4.4-ha with 165 m water frontage together with a relocated r-o-w over the retained lands; B10/125 – 4.91-ha with 135 m water frontage together with a relocated r-o-w over the retained lands; Retained Land – 20.63-ha with water frontage of 144 m together with a r-o-w – Part 1 on Plan 27R-5619 to be relinquished in favour of a relocated r-o-w over the retained lands.)
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
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. 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.
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. 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 address mitigation measures for development adjacent to the ANSI and shoreline of White Lake as outlined in the EIS prepared by Brunton Consulting Services, January 26, 2011 and the standards for construction required to upgrade the r-o-w.
12. The lot to be severed shall be zoned to an appropriate zoning category for the intended use.
13. 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.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #13 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health unit advises that depending on the exact location of a proposed on-site sewage disposal system on the severed and retained lands, additional sandy loam fill may be required.*
2. *Residents and users of White Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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. *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.*

#### **B10/125**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" and revised application presented May 2, 2011. (B10/124 – 4.4-ha with 165 m water frontage together with a relocated r-o-w over the retained lands; B10/125 – 4.91-ha with 135 m water frontage together with a relocated r-o-w over the retained lands; Retained Land – 20.63-ha with water frontage of 144 m together with a r-o-w – Part 1 on Plan 27R- 5619 to be relinquished in favour of a relocated r-o-w over the retained lands.)
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
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. 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.
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. 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 address mitigation measures for development adjacent to the ANSI and shoreline of White Lake as outlined in the EIS prepared by Brunton Consulting Services, January 26, 2011 and the standards for construction required to upgrade the r-o-w.
12. The lot to be severed shall be zoned to an appropriate zoning category for the intended use.
13. 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.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #13 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health unit advises that depending on the exact location of a proposed on-site sewage disposal system on the severed and retained lands, additional sandy loam fill may be required.*
2. *Residents and users of White Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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. *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:** Wayne & Karen Stinson

**Hearing Date:** August 24, 2009

**Reconvened:** March 28, 2011

**Reconvened:** May 2, 2011

**Agent:** Wayne Stinson

**LDC File #:** B09/072 & B09/073

**Municipality:** Drummond/North Elmsley

**Geographic Township:** North Elmsley

**Lot:** 24      **Concession:** 9

**Roll No.** 0908-020-376-0000

**Consent Type:** New Lots

**Purpose and Effect:**

To sever two (2) residential building lots (2.07-ha and 1.9-ha) and retain a 26.34-ha landholding with an existing dwelling and outbuilding. The lands are accessed via Wild Life Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	Lot 1	Lot 2	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residence	Vacant Residence	Residence Residence
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	2.07 ha 103 m 276.9 m Mun. Road	1.9 ha 103 m 249 m Mun. Road	26.34 ha 384.6 m 430 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Pvt. Well Pvt. Septic	Pvt. Well Pvt. Septic	Pvt. Well Pvt. Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural, Influence Area (Sewage Lagoon) & Wetland Yes with constraints		
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min.)</b> <b>-Compliance?</b>	Rural & Wetlands  0.4-ha Yes 45 m Yes n/a  No development within 120m of the Wetland(W) Zone		Rural & Wetlands  0.4-ha Yes 45 m Yes n/a

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

**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.

**2.6 Cultural Heritage and Archaeology**

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

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

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

**3.1 Natural Hazards**

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

Official Plan – Section 3 General Provisions, Section 3.5 Buffering, Section 3.6 Contaminated Lands Section 3.7 Division of Land, Section 3.18 Influence Areas Section 3.19 Land Adjacent to a Wetland, Section 3.27 Waste Management, Section 3.28 Water and Wastewater Services, Section 4.3 Rural Policies, Section 4.6 Wetland Policies Section 5.3 Local Roads.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 19 Waste Disposal Zone, Section 5.9 Lands Adjacent to Wetlands.

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

**(b) AGENCY REVIEW**

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

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

1. That the balance of any outstanding taxes shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be convey to the Township of Drummond/North Elmsley by registered deed, on the severed and retained parcels to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.
4. The applicants shall demonstrate that there is sufficient room for a building envelope and associated septic system outside of the 400 metre influence area around the Perth Sewage Lagoons, for both the severed and the retained parcels, to the satisfaction of the Township.
5. A condition shall be placed on title for both the severed and retained parcels noting that the lots are partially within the Influence Area of the Perth Sewage Lagoons and that no development will be permitted on that portion of the subject property until such time as an Environmental Impact Report has been completed to the satisfaction of the Township and the Town of Perth and any other affected agencies or bodies.
6. The applicants shall demonstrate that there is sufficient room for a building envelope and associated septic system outside of that portion of the severed and retained lands that is identified as Lands Adjacent to Wetlands on the Township's Zoning By-law Schedule "A", for both the severed and the retained parcels, to the satisfaction of the Township.
7. A condition shall be placed on title for both the severed and retained parcels noting that a portion of the subject property is designated as Lands Adjacent to Wetlands and no development will be permitted in that portion of the subject property until such time as an Environmental Impact Report has been completed to the satisfaction of the Township and any other affected agencies or bodies.

Town of Perth – August 14, 2009



THE CORPORATION OF  
THE TOWN OF PERTH

80 Gore Street East  
Perth, Ontario K7H 1H9  
Phone: 613 267-3311  
Fax: 613 267-5635

August, 14<sup>th</sup> 2009

Mary Kirkham,  
Planning Approvals Administrator  
County of Lanark  
P.O. Box 37, Sunset Blvd.,  
Perth, Ontario  
K7H 3E2

Dear Ms. Kirkham:

**RE: Consent Applications B-09/072 and B-09/73  
submissions by Wayne and Karen Stinson for two lots from land described as  
Pt Lot 24 Concession 9 Geographic Township of North Elmsley and  
municipally known as 329 Wildlife Road**

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has substantive reservations about the two consents proposed in the above noted applications.

Based on the available information, it appears that an extensive portion of both lots would be within the buffer area / impact assessment distance of 400m recommended in the Ministry of Environment Guideline addressing Compatibility between Sewage Systems and sensitive land uses, particularly residential uses). The understanding of municipal staff is that the minimum recommended separation/ buffer distance is to apply from the limit of the Treatment system to the closest boundary of a lot occupied by a sensitive land use. The Town is further concerned that creation of the residential lots in the locations proposed could compromise the ability of the Town to expand or intensify its municipal sewage treatment system.

In the face of these concerns, I must advise that the Town of Perth does not support the proposed consents and recommends that the applications be deferred pending the following matters being addressed:

1. The applicant submit an environmental impact evaluation study prepared by an environmental consultant qualified to practice in the Province of Ontario that demonstrates to the satisfaction of the Town of Perth that the proposed lots may be developed in manner that will avoid in an Adverse Affect on the intended residential uses. As per the definition of 'Adverse Affect' set out in MOE Guideline D -1-3. Said assessment shall also demonstrate to the satisfaction of the Town of Perth that creation of the proposed residential lots will not result in a situation that would prevent or impede in any substantive manner, the future expansion or intensification of the Town's sewage treatment operations.
2. In the event the applicant decides to address condition one above, the applicant will complete a formal undertaking with the Town of Perth and agree to pay any and all expenses of the Town in the event the Town determines it is necessary to engage the services of a qualified environmental consultant to review the environmental impact evaluation. I anticipate any such agreement will require the submission of a financial security against such costs.

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3. That in the event that the Town accepts the impact evaluation we anticipate there may be a need for the Township of Drummond North Elmsley or for the Town of Perth, to complete a development agreement with the applicants to ensure that any recommendations or development conditions specified in the environmental impact evaluation study are implemented. We note this may include the need to rezone the site to ensure that any recommended separation distances are implemented.
4. In the event that a consent is ultimately granted, the Town will request as a condition of approval that, an agreement with the Township of Drummond / North Elmsley shall be registered on title and include wording acceptable to the Town of Perth which is comparable to the following:
  - a). The owner hereby acknowledges that the property subject of this agreement is within the influence area of the sanitary sewage treatment facilities of the Town of Perth and, therefore, from time to time during various seasons of the year, the property will be subject to odour, noise and other impacts associated with the operations of the lagoons. The owner hereby further acknowledges the intent of the Town of Perth to undertake expansion and or intensification of the use of the Town's sanitary sewage treatment facilities.
  - b). In any offer or agreement of purchase and sale or on any transfer of ownership of the subject property, the prospective owner shall be provided notice of the agreement, the proximity of the property to the sewage treatment facilities of the Town of Perth and the potential for impacts from the operation of said facilities."

In the event that the applicants are not willing to address the Town's concerns and/or are unwilling to have a decision regarding the proposed consents deferred, then the Town requests and recommends that the applications be denied.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the Town of Perth Planning Department.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Sincerely,



Eric P. Cosens RPP, M. Sc.  
Director of Planning

## Conservation Authority – Rideau Valley Conservation Authority



3889 Rideau Valley Drive, P.O. Box 599, Manotick, ON K4M 1A5  
tel 613-692-3571 | 1-800-267-3504 | fax 613-692-0831 | www.rvca.ca

A member of Conservation Ontario

Date: June 29, 2009  
Our File: 09-U-DNE-SEV

County of Lanark  
Land Division Committee  
Box 37  
PERTH, Ontario  
K7H 3E2  
Attention: Mary Kirkham:

Subject: **Stinson Applications for Consent B09/072 & B09/073, Part Lot 24 Concession 9 (North Elmsley), Drummond/North Elmsley Township, 329 Wildlife Road**

Dear Ms. Kirkham,

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

The applications involve proposals to create two new parcels of 1.52 hectares and 5.3 hectares with 54 hectares remaining in the retained portion. Both proposed lots are currently vacant and will require private on-site servicing. There is an existing dwelling on the retained parcel. The retained lands are within and adjacent to a large wetland that is connected to the Provincially Significant Tay Marsh. The wetland on the subject property is not delineated as Provincially Significant and does not fall under the jurisdiction of the RVCA. The regulated area and floodplain (administered by the RVCA) are located within the subject lands as displayed on the attached map. We have met with the applicant and they have indicated that the application will be revised to reduce the frontage of the lots along Wildlife Road from 103 m to 85 m to ensure that no part of the proposed lots are within the floodplain. The lots do not extend into the wetland to the south. There is a watercourse that flows through a small portion of the subject lands. There is no anticipated impact to the watercourse as a result of the applications.

We note that the influence area from the Perth Lagoons extends into the subject lands and we assume this will be addressed by municipal staff as our review concentrates on natural hazards and heritage.

*The Conservation Authority is prepared to accept an approval of the proposals by the Committee, we recommend the following:*

- That a 30 metre setback be established for any future development or disturbance to soil or vegetation cover from the wetland on the subject lands as to protect the function of the wetland and the habitat associated with these features.

We assume that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. Please note that the watercourse is subject to Ontario Regulation 174/06: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" and that the written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the watercourse.

**On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit**  
Severed - Lots 1 & 2 - Relatively flat vacant land with no soil drainage problems. Sandy loam soil 5ft deep. Satisfactory.

Retained – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (2.07-ha and 1.9-ha) and retain a 26.4-ha residential lot with an existing residential dwelling and outbuilding.

The subject lands are located in an area characterized by limited Residential along the south side of Wildlife Road and vacant rural along the northerly section. The Rideau Conservation Wildlife Area is located to the east of the lands.

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

Both the Town of Perth and the Township of Drummond / North Elmsley have given extensive development conditions due to the proximity of the Lagoons. MOE Guidelines also require an impact assessment re: adverse affects – see Perth Comments. The Committee has the choice of either approving the applications subject to “Impact Evaluation” or deferring the applications pending receipt and review of the “Impact Evaluation”. Timing would be the only element to consider – if conditionally approved, the applicant would only have one year to complete the evaluation and there are unknown implications such as possible re-zoning, minor variances, site plans, development agreements, etc. Given the reports that are required and the review necessary for the Impact Evaluation, one year may not be sufficient to complete the tasks required.

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

Given that the Town of Perth does not support the proposed consents and recommends that the applications be deferred and that the Township of Drummond / North Elmsley is requiring additional reports and studies prior to future development of the lands, **this office considers the application premature and that it should be deferred** pending receipt and review of an ‘Impact Evaluation’ as per the definition of “Adverse Affect” set out in MOE Guideline D-1-3 and other studies as required by the Township.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – August 24, 2009**

Wayne and Karen Stinson, applicants attended the hearing and gave evidence under oath.

Chairman Strachan outlined the requirements of the Town of Perth and the Township of Drummond / North Elmsley regarding the proximity of the Perth Lagoons.

Moved by C Tyson

Seconded by D Murphy

**THAT** applications B09/072 and B09/073 be deferred;

**AND THAT** the applicant be requested to have an 'Impact Evaluation' as per the definition of "Adverse Affect" set out in MOE Guideline D-1-3 prepared;

**AND THAT** the said report be reviewed by the Township of Perth prior to any decision of the Committee.

**(f) NEW INFORMATION**

The applicant contracted Houle Chevrier Engineering to prepare a "Land Use Capability Study to determine if there would be any adverse effect on the proposed residential land use from the Town of Perth's sewage lagoons.

The report was prepared and submitted to the Land Division Committee secretary on January 26, 2011. Subsequently the report was forwarded to the Town of Perth for review.

The report concluded that "to avoid an adverse effect on the intended residential use by using separation distances as a buffer, which may include zoning by-law setbacks.

The Town's response is as follows: February 25, 2011

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has substantive reservations about the two consents proposed in the above noted applications as per my preceding letter of August 2009.

However, based on the recent submissions from Houle Chevrier (Jan 20, 2011) and Tracy Zander of Zander Plan, the Town is willing to reconsider its position regarding the proposed consents subject to the following conditions being applied and met:

1. The subject property, both severed and retained parcels be rezoned in a manner that respects the 400 m buffer from the Town's existing / active lagoon cells and reserved fourth cell site which is also currently active as a drying cell and has potential to be developed as an active wet cell. Notice of the proposed zoning amendment and a copy of the draft by-law is to be provided to the Town's Director of Planning prior to or together with the required minimum public notice period. The preference of municipal staff would be for a separate zone be applied to the buffer area to prohibit any structural development.
2. The applicants complete a development agreement with the Township of Drummond /North Elmsley which includes the Town of Perth as a third interested party. At a minimum said agreement shall apply to all current and future owners and will include the following:
  - a. An acknowledgement by the property owners that the buffer zone created on the property is an appropriate environmental setback intended to provide an adequate buffer under most conditions between the existing and proposed residential uses on the subject property and the Town's sanitary treatment facility and the property owner will not apply for any



- reduction of the buffer zone or any setback nor request any zoning change for development within the 400 m buffer area recommended in the opinion letter from Houle Chevrier Engineering dated January 20, 2011, as long as the sanitary treatment facility remains in active use;
- b. A clause requiring the owners to include a clause in any agreement of purchase and sale or any ownership transfer document notifying any prospective owners/purchasers of the existence of the agreement;
  - c. A clause whereby the property owners acknowledge that a substantive portion of the new lots is within 500 m of the sanitary sewage treatment lagoons for the Town of Perth and that the owner / residents of the lots may be subject to odours from the said lagoons from time to time;
  - d. A clause acknowledging that the Town of Perth is commencing an Environmental Assessment process in anticipation of expanding its sanitary treatment capacity and this process may result in the expansion of the lagoon operations and that the owner of the property will not object to any such expansion or intensification provided such expansion or intensification does not encroach upon the 400 m buffer space.
3. The Town of Perth shall be provided with an opportunity to review the development agreement and all clauses in the agreement addressing the Town's concerns shall be worded in a manner acceptable to the Town of Perth and the Town's solicitor. Upon filing the draft agreement with the Town for review the applicant shall file a written undertaking agreeing to pay all legal and administrative costs incurred by the Town in reviewing the agreement together with a partially refundable deposit in the amount of \$800. The deposit will be used against any expenses incurred by the Town in reviewing and completing the agreement. In the event the Town's expenses exceed \$800, the final written acceptance of the agreement and the Town's clearance letter to the County will only be provided once all municipal expenses have been paid by the applicant.
  4. The development agreement shall be registered on title of the severed and retained parcels, or in the event the agreement may not be legally registered, then a Notice of the Agreement be filed on title. This registration will be undertaken by the Township's or the Town's solicitor at the applicant's expense and the Town will be provided with documentation confirming registration of the agreement or Notice.
  5. Together with the expense deposit the Town's consent review fee of \$350 must be paid before the Town will commence a review of the draft development agreement.

In the event that the applicants are not willing to address the Town's concerns, then the Town requests and recommends that the applications be denied.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the Director of Planning for the Town of Perth.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

=====

Given the review that has been undertaken, and provided that the applicant agrees with the requirements outlined above from the Township of Perth this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(g) **MINUTES – March 28, 2011**

Wayne Stinson, owner attended the hearing. The chair advised that he was still under oath. Tracy Zander, agent for the applicant attended the hearing and gave evidence under oath.

Ms. Zander provided a background of the application and provided additional information regarding the new information. Houle Chevier had been contracted to undertake the EIS, which indicated the suggested building envelope and cautions to be placed on the lands is severed.

A review of the suggested changes was undertaken. The committee expressed concern that there may not be sufficient time to complete all the necessary documents within the one-year time frame. The applicant and agent agreed to defer the hearing for an additional month, to permit time to discuss the requirements of the Town of Perth. And to determine if all the zoning and agreements could be undertaken within the one year time frame.

Moved by D Murphy and Seconded by W Guthrie

**“THAT**, application B09/072 and B09/073 be deferred to provide an opportunity to further refine the draft provisional conditions and to further confer with the Town of Perth; **AND that** the application be brought back to the May 2<sup>nd</sup>, 2011 meeting provided the details have been resolved.”

(h) **NEW INFORMATION**

From Tracy Zander: Mr. Stinson and I have met with Eric Cosens and I have also discussed the project with the new planner in Drummond/North Elmsley. Mr. Stinson is comfortable proceeding with the applications at the next Land Division Committee hearing; we feel if we stay on top of things, we can satisfy all of the conditions within the 1 year period.

*Note: The conditions were revised as discussed at the March 28<sup>th</sup> Hearing. They were reviewed by Ms. Zander and the applicants. The only question that remained was: Can the Development Agreements be combined to cover both the RVCA and Town of Perth conditions. I have advised that there should be no reason why they can't be combined, however they would have to ensure clarity i.e. which party is to party to which clause.*

(i) **MINUTES – May 2, 2011**

Wayne Stinson, owner and Tracy Zander, agent attended the hearing. The chair advised them that they were still under oath.

Ms. Zander, advised that they met with the Town of Perth and Drummond / N Elmsley to review the draft conditions. They felt that they could resolve all the issues within the year.

(j) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B09/072**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented March 28, 2011.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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 sanitary sewage treatment lagoon and that the occupants of the lot may be susceptible to odours 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 of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 29, 2009, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
9. That the lands, both severed and retained parcels be rezoned in a manner that respects the 400m buffer from the Town's existing / active lagoon cells and reserved

fourth cell site. The buffer area shall be re-zoned to prohibit any structural development. Notice of the proposed zoning amendment and a copy of the draft by-law is to be provided to the Town's Director of Planning prior to or together with the required minimum public notice period.

10. The applicants complete a Development Agreement with the Township of Drummond /North Elmsley which includes the Town of Perth as a third interested party. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Town of Perth in their letter of February 25, 2011 provided that in the event the Town of Perth 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 Town of Perth. The said agreement shall be registered on title.
11. The Town of Perth and the applicant shall agree upon any costs or cost sharing, including legal and administrative costs involved to prepare and review the Agreement.
12. The development agreement shall be registered on title of the severed and retained parcels, or in the event the agreement may not be legally registered, then a Notice of the Agreement be filed on title. This registration will be undertaken by the Township's or the Town's solicitor at the applicant's expense and the Town of Perth will be provided with documentation confirming registration of the agreement or Notice.
13. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
14. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
15. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #10 and #13 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.
17. A letter shall be received from the Town of Perth stating that condition #9 through #12 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. *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. *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.*

### **B09/073**

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

2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented March 28, 2011.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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 sanitary sewage treatment lagoon and that the occupants of the lot may be susceptible to odours 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 of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 29, 2009, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
9. That the lands, both severed and retained parcels be rezoned in a manner that respects the 400m buffer from the Town's existing / active lagoon cells and reserved fourth cell site. The buffer area shall be re-zoned to prohibit any structural development. Notice of the proposed zoning amendment and a copy of the draft by-law is to be provided to the Town's Director of Planning prior to or together with the required minimum public notice period.
10. The applicants complete a Development Agreement with the Township of Drummond /North Elmsley which includes the Town of Perth as a third interested party. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Town of Perth in their letter of February 25, 2011 provided that in the event the Town of Perth 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 Town of Perth. The said agreement shall be registered on title.

11. The Town of Perth and the applicant shall agree upon any costs or cost sharing, including legal and administrative costs involved to prepare and review the Agreement.
12. The development agreement shall be registered on title of the severed and retained parcels, or in the event the agreement may not be legally registered, then a Notice of the Agreement be filed on title. This registration will be undertaken by the Township's or the Town's solicitor at the applicant's expense and the Town of Perth will be provided with documentation confirming registration of the agreement or Notice.
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14. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
15. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #10 and #13 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.
17. A letter shall be received from the Town of Perth stating that condition #9 through #12 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. *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. *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.*



Concurrent Applications:  
B10/126, B10/127, B10/128 and B10/129



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**NOTE: These applications are being reviewed concurrently; however please note that the four parcels of lands are owned separately. The lots were created by consent in 2001, prior to the Official Plan 'sunset' date of 2003.**

**Owner:** Jane Cronin

**Hearing Date:** February 28, 2011

**Reconvened Hearing:** May 2, 2011

**Agent:** Jp2g Consultants

**LDC File #:** B10/126, B10/127, B10/128 and B10/129

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 21-23 **Concession:** 10

**Roll No.** 0940 994 020 31501

**Consent Type:** Lot Addition and Right-of-way

**Purpose and Effect:** To sever a 1.705-ha parcel of land, together with a R-O-W as a lot addition to lands owned by Ron Connelly at Pt Lot 23 Conc. 10 being Part 2 on RP-7983 and retain a 4.2-ha residential building lot. The lands are access via an unnamed private R-O-W adjoining Peneshula Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Vacant	Seasonal Residential
<b>Area</b>	1.705 ha	4.2-ha
<b>Road Frontage</b>	55 m	193 m
<b>Water Frontage</b>	120 m	564 m
<b>Depth</b>	310 m average	275 m average
<b>Road - Access to</b>	Registered Right-of-way	Registered Right-of-way
<b>Water Supply</b>	None	Proposed
<b>Sewage Disposal</b>	None	Proposed
<b>Official Plan Designation</b>	Rural with Deer Yard Overlay	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Lake Development Exception 14	Lake Development Exception 14
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	50 m	50 m
<b>-Compliance?</b>	Yes	Yes

**Owner:** Ron Connelly

**Hearing Date:** February 28, 2011

**Reconvened Hearing:** May 2, 2011

**Agent:** Jp2g Consultants Inc.

**LDC File #:** B10/127

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 23      **Concession:** 10

**Roll No.** 0940 944 020 30600

**Consent Type:** New Lot & R-O-W

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**Purpose and Effect:** To sever a 4.2-ha residential building lot together with an R-O-W and retain a 4.48-ha residential building lot. The lands are accessed via an unnamed private R-O-W adjoining Peneshula Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Seasonal Residential	Seasonal Residential
<b>Area</b>	4.2 ha	4.48 ha
<b>Road Frontage</b>	110 m	120 m
<b>Water Frontage</b>	200 m	130 m
<b>Depth</b>	350 m Average	475 m Average
<b>Road - Access to</b>	Registered right-of-way	Registered right-of-way
<b>Water Supply</b>	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed
<b>Official Plan Designation</b>	Rural with Deer Yard Overlay	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Lake Development Exception 14	Lake Development Exception 14
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	50 m	50 m
<b>-Compliance?</b>	Yes	Yes

**Owner:** Ron Connelly

**Hearing Date:** February 28, 2011

**Reconvened Hearing:** May 2, 2011

**Agent:** Jp2g Consultants Inc.

**LDC File #:** B10/128

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 23      **Concession:** 10

**Roll No.** 0940 944 020 30600

**Consent Type:** New Lot and R-O-W

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**Purpose and Effect:** To sever a 4.42-ha residential building lot together with an R-O-W and retain a 4.2 residential building lot. The lands to be severed are accessed an unnamed private R-O-W adjoining Peneshula Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Seasonal Residential	Vacant Seasonal Residential
Area Road Frontage Water Frontage Depth Road - Access to	4.42 ha 100 m 120 m 560 m Average Registered right-of-way	4.2 ha 80 m 100 m 550 m Average Registered right-of-way
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural with Deer Yard Overlay Yes	
Zoning Category  -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Lake Development Exception 14 1.0-ha Yes 50 m Yes	Lake Development Exception 14 1.0-ha Yes 50 m Yes

Owner: Ron Connelly

Hearing Date: February 28, 2011

Reconvened Hearing: May 2, 2011

Agent: Jp2g Consultants Inc.

LDC File #: B10/129

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 22 & 23

Concession: 10

Roll No. 0940 944 020 31502

Consent Type: New Lot and R-O-W

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**Purpose and Effect:** To sever a 5.33-ha residential building lot together with an R-O-W and retain a 17.41-ha vacant landholding. The lands to be severed are accessed via an unnamed private R-O-W adjoining Peneshula Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Seasonal Residential	Vacant Seasonal Residential
Area Road Frontage Water Frontage Depth Road - Access to	5.33 ha 165 m 700 m 510 m Average Registered right-of-way	17.41 ha 460 m 220 m 530 m Average Registered right-of-way
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural with Deer Yard Overlay Yes	
Zoning Category  -Area Required (min.)	Lake Development Exception 15 1.0-ha	Lake Development Exception 15 1.0-ha

-Compliance?	Yes	Yes
-Frontage Required (min.)	50 m	50 m
-Compliance?	Yes	Yes

(a) **BACKGROUND-** submitted by Agent.

Background and Purpose

Ron Connelly and Jane Cronin own approximately 250 acres of land located within Part of Lots 21, 22 and 22 Concession 10 in the geographic Township of Darling. Ron Connelly previously severed three (3) seasonal residential lots together with a 20 metre wide right-of-way shown as Connelly Road on the enclosed Site Plan. Jane Cronin previously severed three (3) lots which extend from Peneshula Road to the shoreline of White Lake.

The shoreline portion of these lots is accessed by an existing 20 metre wide right-of-way shown as Cronin Road on the enclosed Site Plan. Each of the previously severed lots on the Connelly/Cronin properties includes over 10.0 acres of land and each lot is managed for forestry purposes.

On March 24, 2010 Jp2g Consultants Inc. filed applications for consent to sever three (3) new lots along Connelly Road as shown on the enclosed Site Plan. Each of the proposed lots will include more than 10.0 acres of land and continue to be managed for forestry purposes. There are no plans to develop any of the existing and proposed lots or to construct the private road at this time. A development agreement between Mr. Connelly and the Township requires the provision of a road development plan and all requirements of the municipality to be satisfied, financial and otherwise prior to the issuance of a building permit on any of the previously severed and retained lots.

Mr. Connelly would be willing to proceed with the approval of the proposed lots based on a condition that would require a revised development agreement with the Township to clarify that Connelly Road will be constructed to the Private Road Construction Standards described in Appendix "A" to the Township's Official Plan prior to the issuance of any building permits. The revised agreement would also include provisions for road naming, 911 addressing and recognition of Connelly Road as a private road.

The application for zoning by-law amendment is the result of pre-consultation discussions for the proposed land severances with Township staff and Jane Almond, MCIP, RPP, Township Planning Consultant. The purpose of the proposed zoning by-law amendment is to include the requirements of the revised development agreement as a condition to the removal of a holding (h) symbol on the zoning for the existing and proposed lots along Connelly Road. It is also requested that the proposed zoning apply to the existing lots along Cronin Road so that Cronin Road will be recognized as an existing private road in the Township's Zoning By-law.

The effect of the proposed zoning by-law amendment will be to rezone lands from "Lakefront Development - Fourteen (LD-14)" to "Lakefront Development - Fourteen - holding (LD-14-h)" and to rezone lands from "Lakefront Development - Fifteen (LD-15)" to "Lakefront Development - Fifteen - holding (LD-15-h)". All of the provisions of the LD-14 and LD-15 Zones will continue to apply to the Connelly and Cronin lands with the exception that Connelly Road and Cronin Road will be recognized as existing private roads. Prior to the removal of the holding (h) symbol from the zoning to permit seasonal residential uses on these properties, Council must be satisfied that Connelly and Cronin

Roads are constructed in accordance with the requirements of the Township's Private Road Construction Standards and that the lots along these roads have been assigned 911 addresses. Interim uses such as a camp, conservation and forestry uses would be permitted on lands affected by the proposed holding (h) zones.

The proposed holding (h) zones will provide the Township with sufficient planning controls to ensure that future seasonal residential development on the Connelly and Cronin properties will be serviced by private roads which are constructed to a standard that is suitable for emergency service vehicles. The proposed zoning will also serve as a notice to future lot owners regarding the Township's requirements for road access and provide a basis for recognizing Connelly Road and Cronin Road as existing private roads in the Township's new Official Plan.

Council's favourable consideration of the application for zoning by-law amendment and the proposed new seasonal residential lots along Connelly Road would be greatly appreciated. It would also be appreciated if you would advise us if Council is prepared to recognize Connelly Road and Cronin Road as existing private roads in the Township's new Official Plan.

**(b) 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 of 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 Area, section 3.7 Rural Area – Shoreline Structures, Section 4.5.4 Private Roads, section 5.0 Cultural Heritage and Archaeological Resources, Section 7.5 Natural Heritage Features, Section 9.0 Water Quality and Water Quantity, 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 10.0 Lake Development Zone, Section 21.0 Exceptions to Zones.

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

### **(c) 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 Lanark Highlands – recommends approval of this application subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all

zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.

3. That the applicant undertake an application for zoning amendment to place a holding on the lands until such a time as the applicant wishes to move forward and bring the right-of-way up to municipal standards.
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 pay the 5% cash in lieu of parkland dedication fee to the Township.
7. That the applicant provide any required road widening to the Township at no cost to the Township
8. That the applicant submit an Environmental Impact Statement to determine that the creation of the new lots won't adversely impact the deer yard.
9. That the applicant provide confirmation that the subject lands are beyond 50 metres from the designated ANSI.
10. That the applicant provide confirmation that he has owned the lands in excess of 10 years.
11. That the applicant submit to the Township a record of road conditions that outlines the current physical conditions of the right-of-way to the satisfaction of the Director of Public Works.

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

B10/126 - Severed – Forested land with good drainage. 0.5 metres of sandy loam over bedrock. Additional sandy loam fill will be required for construction of an acceptable on-site sewage disposal system.

Retained – Forested land with good drainage. 0.5 metres of sandy loam on bedrock. No existing wells or sewage disposal systems observed. Additional sandy loam fill will be required for construction of an acceptable on-site sewage disposal system.

B10/127 - Severed – 0.3 metres of sandy loam soils on bedrock except for some rock outcrops. Forested land with little slope. Depth of soil observed would not permit traditional in-ground system. Additional sandy loam will be required to construct on-site sewage disposal system.

Retained – 0.3 metres of sandy loam soils on bedrock. Rock outcrops visible. Forested land. No wells or septic systems observed. Depth of soil observed would not permit traditional in-ground system. Additional sandy loam will be required to construct on-site sewage disposal system.

B10/128 - Severed – Areas of 0.3 metre depth of sandy loam over bedrock. Other areas of exposed rock. Relatively flat forested lot. Additional sandy loam fill will be required to construct an acceptable on-site sewage disposal system.

Retained – Areas of 0.3 metre depth of sandy loam over bedrock. Other areas of exposed bedrock. Relatively flat, forested lot. No wells or septic systems observed. Additional sandy loam fill will be required to construct an acceptable on-site sewage disposal system.

B10/129 - Severed – 0.3 metres of sandy loam soils on bedrock except for some rock outcrops. Forested land with little slope. Depth of soil observed would not permit traditional in-ground system. Additional sandy loam will be required to construct on-site sewage disposal system.

Retained – 0.3 metres of sandy loam soils on bedrock. Rock outcrops visible. Forested land. No wells or septic systems observed. Depth of soil observed would not permit traditional in-ground system. Additional sandy loam will be required to construct on-site sewage disposal system.

White Lake Cottage Association - No comments were received

Hydro One Networks – No comments were received.

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

(d) **PLANNING REVIEW**

B10/126 - The applicant proposes to sever 1.705-ha vacant parcel of land as a lot addition to lands owned by Ronald Connelly at Pt Lot 23 Conc. 10 Darling 27R-7983 Part 2 to 4, together with an existing R-O-W and to retain a 4.2-ha vacant residential building lot.

B10/127 – The applicant proposes to sever a 4.2-ha residential building lot together with an R-O-W and retain a 4.48-ha residential building lot. This application includes the lot addition created by B10/126 and to retain a 4.48-ha residential building lot.

B10/128 – The applicant proposes to sever a 5.33-ha residential building lot together with an R-O-W and retain a 17.41-ha residential building lot.

B10/129 - The applicant proposes to sever a 5.33-ha residential building lot together with an R-O-W and retain a 17.41-ha vacant landholding.

The subject lands are located in an area characterized by vacant residential on large estate type lots around Pickerel Bay with Crown land to the west. The lands are accessed by an unnamed existing private road.

The lands are accessed via a private r-o-w which adjoins Peneshula Road, a municipally maintained road.

In accordance with the Official Plan Section 7.5.2 Natural Heritage Features, an Environmental Impact Statement was prepared for the applicant by Daniel Brunton Consulting Services and the “Peer Review” was undertaken by the Mississippi Valley Conservation. Their report follows:

*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 the following:*

- *B 10/126: Sever 1.705 ha lot with 120 m of water frontage as a lot addition to the adjacent lands owned by Connelly and retain 4.2 ha with 564 m of water frontage;*
- *B10/127: Sever a portion of the resulting lot from B10/126 with an area of 4.2 ha and 200 m of water frontage and retain 4.48 ha with 130 m of water frontage;*
- *B10/128: Sever 4.42 ha with 120 m of water frontage and retain 4.2 ha with 100 m of water frontage;*
- *B10/129: Sever 5.33 ha with 70 m of water frontage and retain 17.41 ha with 220 m of water frontage.*

*All of the subject land is currently vacant.*

## PROPERTY CHARACTERISTICS

*The subject property has frontage on White Lake which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish. Also, as revealed by a review of available GIS mapping and as identified in the Natural Environment Assessment (NEA) prepared by Daniel Brunton Consulting Services on behalf of the landowner, the proposed retained lands for B10/129 are partially comprised of a Provincially Significant Wetland. In addition, mapping showed that the retained lands for B10/129 are located within the 50 m adjacent lands to an Area of Natural and Scientific Interest (ANSI) referred to as the White Lake Wetlands. Mapping also shows that the majority of the subject lands are within an area identified by the Ministry of Natural Resources as a significant deer wintering area. For additional details on the property characteristics, please refer to the NEA.*

## REVIEW and RECOMMENDATIONS

*The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW; or within 50 metres of an ANSI boundary; or within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. In order to address this requirement, an NEA was prepared, as previously mentioned.*

*The NEA concluded that due to the large size of the lots, potential environmental impacts to the aforementioned features can be mitigated with effective site planning considerations. It also stated that the proposed severances do “not appear to present any significant natural environment challenges to Provincially Significant natural values in the vicinity”. This report also suggested that a minimum setback of 30 metres from the lake for structures and associated infrastructure should “protect water quality concerns”, the deer yard and the wetland features. Avoidance of rare lichen species as identified in the report was also recommended.*

*MVC’s Biologist has reviewed the NEA and concurs with the conclusion. However, concerns were expressed with the age of the study. Although the site has likely changed very little since 2001 when the EIS was done, the list of species and the regulations surrounding the Provincial Endangered Species Act and the Federal Species at Risk Act have changed. A Species at Risk Biologist with the Ministry of Natural Resources should be contacted for clarity on the current list of species for this area.*

*MVC recommends the following mitigative measures for any new development on the subject lands:*

- *A minimum 30 metre setback from the seasonal high water mark of the lake and*

*from the PSW shall be maintained for fixture structures, associated infrastructure and septic system.*

- *Removal of terrestrial vegetation shall be kept to the minimum required to develop the site. No additional removal of vegetation should be permitted.*
- *Use Best Management Practices (BMP's) for low impact construction.*
- *No removal of vegetation shall occur between May 15th and July 15th to protect breeding birds.*
- *With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetated buffer shall be retained to the greater of: a minimum depth of 15 metres or to the depth of the core deer yard area identified in the NEA. This buffer will help to mitigate the effects of erosion and surface runoff on the lake and continue to provide core deer habitat.*
- *Potential impacts from runoff can be mitigated by prohibiting the use of pesticides, herbicides, and fertilizers.*
- *If any species at risk is observed during construction, the MNR shall be contacted immediately.*
- *Plants or water flows around seasonally flooded low areas in the forest should not be disturbed in order to protect the Flooded Jellyskin habitat. Consult with an MNR Species at Risk Biologist for more information.*
- *Use of invasive non-native plant material shall be discouraged.*

*We note that White Lake does not fall under the jurisdiction of MVC.*

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

The current zoning of the property LD-14 and LD-15 provides for a:

- Minimum 30m setback for buildings structures and sewage disposal system from limit of flood risk area;
- Maximum lot coverage – all buildings, dwellings and structures 10%;
- Minimum setback from boundary of provincially significant wetland 30m; and
- Existing vegetation (native species) shall be retained as a natural vegetation buffer within 15m of the high water mark of White Lake. Cutting or removal of trees, shrubs or ground cover will be discouraged, except for the removal of dead or diseased trees, debris or noxious plants and where a landscaped corridor not greater than 9m in width is required for access between the dwelling and shoreline. Width of footpath and/or walking trail within access corridor shall be a maximum of 3m.

The controls within the Special Exception Zoning address many of the issues raised by MVC in their Peer Review. The Township should be encouraged to review the "Peer Review" and incorporate their concerns through either an amendment to the zoning or through Site Plan Control when development occurs.

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

As noted by the agent, the private road servicing the lots has not been formally named. In order to comply with the recently established "ROAD, ADDRESSING and PARCELS PROJECT POLICY", a mutually acceptable road name will be required to be submitted to the County Emergency Management Co-ordinator.

The proposed lots are located within a designated “Wintering Area” (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which

intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

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.

**(e) 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.

**(f) MINUTES – February 28, 2011**

Brian Whitehead, agent (Jp2g Consultants) and Ron Connelly, applicant, attended the hearing and gave evidence under oath.

Mr. Whitehead provided a background history of the lands be re-development. The original lots were created in 2001. There was an agreement on title for these lots regarding the r-o-w which will require amendment. The Township has requested that the lands be re-zoned to a ‘holding zone’ that can only be lifted after the r-o-w has been brought up to standards acceptable to the Township.

The chair reviewed the draft conditions.

Mr. Connelly questioned the need for further re-zoning to change / increase the minimum lot size to that which is being proposed. The chair advised that this does not prohibit future development but requires a more comprehensive review should there be further applications in the future to re-divide the lots.

Mr. Connelly expressed concerns regarding additional costs and further delays and that here are sufficient controls on the property already.

Moved b D Murphy and Seconded by R Strachan

**THAT** the applications be deferred to permit further discussion with the Township regarding future development. **CARRIED**

(g) **NEW INFORMATION**

Response from Lanark Highlands – April 5, 2011

In response to your letter dated March 3, 2011 regarding the above noted applications for consent, the Township has reviewed with our Planning Consultant, the Land Division Committee's suggestion that both the severed and retained parcels be rezoned to increase the minimum lot size to that which is being created.

The Township does not recommend requiring a condition for rezoning as recent comments / modifications to the Townships Official Plan from the Ministry is directing a modification to the consent policy to the effect that an original lot be defined as the lot as it existed as of April 1<sup>st</sup>, 2003, therefore the severed and retained lots under this application will not be permitted any further severances.

(h) **MINUTES – May 2, 2011**

Brian Whitehead, agent (Jp2g Consultants) and Ron Connelly, applicant, attended the hearing. The chair reminded the attendees that they were still under oath.

The committee reviewed the information obtained from the Township of Lanark Highlands. In light of the fact that MMAH will not be approving a change to the 'sunset date' of April 1, 2003 in the new Official Plan.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(i) **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:**

**B10/126**

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 shall recognize the existing right-of-way to the retained lot.
4. 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 Ronald Connelly described as Part 2 to 4, Plan 27R-7983, being Part Lot 23 Conc. 10, geographic Township of Darling, 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".
5. That the applicant amend the registered development agreement, pertaining to the "Right of Way Agreement" LT22438. A copy to be submitted to the Secretary-Treasurer of the Land Division Committee.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
8. 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.
9. The lot to be severed and the lot to be retained shall be rezoned to reflect a "Holding" zone to be lifted at such time as the right-of-way has been constructed to a "Private Roads Construction Standard" as set out in the Township's Official Plan.
10. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
11. 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.
12. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
13. That the applicant submit to the Township of Lanark Highlands a record of road conditions that outlines the current physical conditions of the existing right-of-way.

The applicant shall consult directly with the Superintendent of Public Works in this regard.

14. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the retained lands. The applicant shall consult directly with the Township in this regard.
15. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
16. A letter shall be received from the Township of Lanark Highlands stating that condition #5 and #7 through #14 has been fulfilled to their satisfaction.

**NOTES:**

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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. *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.*

**B10/127**

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. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained 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. That the applicant amend the registered development agreement, pertaining to the "Right of Way Agreement" LT22438. A copy to be submitted to the Secretary-Treasurer of the Land Division Committee.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
8. 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).
9. That the applicant provide satisfactory evidence to the Township of Lanark Highlands, confirming that the subject lands have been owned by "Ronald Connelly" in excess of ten (10) years.
10. 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.
11. The lot to be severed and the lot to be retained shall be rezoned to reflect a "Holding" zone to be lifted at such time as the right-of-way has been constructed to a "Private Roads Construction Standard" as set out in the Township's Official Plan.

12. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
13. 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.
14. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
15. That the applicant submit to the Township of Lanark Highlands a record of road conditions that outlines the current physical conditions of the existing right-of-way. The applicant shall consult directly with the Superintendent of Public Works in this regard.
16. The applicant shall provide a mutually acceptable road name for the existing private right-of-way providing access to the severed and retained lands. The applicant shall consult directly with the Township in this regard.
17. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
18. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
19. A letter shall be received from the Township of Lanark Highlands stating that condition #5 and #7 through #17 has been fulfilled to their satisfaction.

**NOTES:**

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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. *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.*

5. *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.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area for both the severed and retained lands.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

### **B10/128**

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. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained 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. That the applicant amend the registered development agreement, pertaining to the "Right of Way Agreement" LT22438. A copy to be submitted to the Secretary-Treasurer of the Land Division Committee.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
8. 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).
9. That the applicant provide satisfactory evidence to the Township of Lanark Highlands, confirming that the subject lands have been owned by "Ronald Connelly" in excess of ten (10) years.
10. 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.
11. The lot to be severed and the lot to be retained shall be rezoned to reflect a "Holding" zone to be lifted at such time as the right-of-way has been constructed to a "Private Roads Construction Standard" as set out in the Township's Official Plan.
12. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
13. 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.
14. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
15. That the applicant submit to the Township of Lanark Highlands a record of road conditions that outlines the current physical conditions of the existing right-of-way. The applicant shall consult directly with the Superintendent of Public Works in this regard.
16. The applicant shall provide a mutually acceptable road name for the existing private right-of-way providing access to the severed and retained lands. The applicant shall consult directly with the Township in this regard.
17. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed and retained lands. The applicant shall consult directly with the Township in this regard.

18. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
19. A letter shall be received from the Township of Lanark Highlands stating that condition #5 and #7 through #17 has been fulfilled to their satisfaction.

**NOTES:**

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
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*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.*

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*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.*

5. *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.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area for both the severed and retained lands.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

**B10/129**

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. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained 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. That the applicant amend the registered development agreement, pertaining to the "Right of Way Agreement" LT22438. A copy to be submitted to the Secretary-Treasurer of the Land Division Committee.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
8. 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).
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16. The applicant shall provide a mutually acceptable road name for the existing private right-of-way providing access to the severed and retained lands. The applicant shall consult directly with the Township in this regard.
17. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
18. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be retained to meet the municipality’s road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
19. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
20. A letter shall be received from the Township of Lanark Highlands stating that condition #5 and #7 through #19 has been fulfilled to their satisfaction.

**NOTES:**

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