



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, September 26, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and W. Guthrie

Member Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-025

MOVED BY: W. Guthrie

SECONDED BY: R. Strachan

"THAT, the minutes of the Land Division Committee meeting held on August 29, 2011 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-026

MOVED BY: W. Guthrie

SECONDED BY: R. Strachan

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 **B11/080 – Peter MacDonald Contracting – New Lot**
Pt Lot 25 Conc. 8, Township of Montague. Hwy #15

7.1.2 **B11/091 - James Fraser & Margaret Ramsay – Lot Addition**
Pt Lot 13 Conc. 9, geographic Township of Dalhousie, now in the Township of Lanark Highlands. Maple Hollow Road.

7.1.3 **B11/094 – Jacob Drummond – New Lot**
Pt Lot 4 Conc. A, Township of Montague. Heritage Drive.

7.1.4 **B11/112 – Art & Jane Blouin – new lot**
Pt Lot 15 Conc. 10, geographic Township of Beckwith, now in the Town of Carleton Place. McNeeley Ave.

7.1.5 **B11/114 – 167821 Canada Ltd. – Lot Addition**
Pt Lot 2 Conc. 12, geographic Township of Ramsay, now in the Town of Mississippi Mills. Turners Road.

7.1.6 **B11/116 – 2261604 Ont. Inc. – Lot Addition**
Pt Lot 114 Plan 3389 Pt Carmel St, Town of Carleton Place. Miguel Street.

7.1.7 **B11/081 – Dane Richardson & Jennifer Pierman – New Lot**
Pt Lot 4 & 5 Conc. 3, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Hwy #7.

7.1.8 **B11/100 & B11/101 – KW Outdoor Sales – Two New Lots**
Pt Lot 18 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Hwy #43.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 **B11/072 – Peter & Patricia Ghinn – Lot Addition**
Pt Lot 26 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Rideau Ferry Road.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

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 B11/080 – Peter MacDonald Contracting – New Lot

10.1.2 B11/091 - James Fraser & Margaret Ramsay – Lot Addition

10.1.3 B11/094 – Jacob Drummond – New Lot

10.1.4 B11/112 – Art & Jane Blouin – new lot

10.1.5 B11/114 – 167821 Canada Ltd. – Lot Addition

10.1.6 B11/116 – 2261604 Ont. Inc. – Lot Addition

10.1.7 B11/081 – Dane Richardson & Jennifer Pierman – New Lot

10.1.8 B11/100 & B11/101 – KW Outdoor Sales – Two New Lots

10.2 PROVISIONAL CONSENT REFUSED/DENIED

10.2.1 B11/072 – Peter & Patricia Ghinn – Lot Addition

11. UPCOMING MEETINGS

Monday October 24, 2011,
Monday November 28, 2011,
Monday December 19, 2011 and
Monday January 23, 2012

12. ADJOURNMENT – 11:50 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Peter MacDonald Contracting **Hearing Date:** September 26, 2011
Agent: Valley Homes Realty – Brian Rintoul
LDC File #: B11/080
Municipality: Township of Montague
Geographic Township: Montague **Lot:** 25 **Concession:** 8
Roll No. 0901 000 025 18900 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.07-ha residential building lot and retain a 1.36-ha residential lot with an existing dwelling. The lands are accessed via Highway #15.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.07-ha	1.36-ha
Frontage	213.3 m	121.9 m
Depth	121.9 m	148.0 m
Road - Access to	Provincial Hwy	Provincial Hwy
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
Official Plan Designation	Development Policy Area	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 4 General Development Policies, Section 4.15 Development Policy Areas, Section 12.1 Road Proposals – Highways, Section 14.7 Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

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

1. That 5% cash in lieu of parkland be paid to the Township of Montague for each new lot created.
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. That a copy of the reference plan be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority June 17, 2011

The RVCA has conducted a review within our mandate under Section 2.1 (Natural Heritage), 2.2 (Water) and 3.1 (Natural Hazards) of the 2005 Provincial Policy Statement. We have not identified any matters that would preclude the approval of this application. There are no regulations under O.Reg 174/06 of the Conservation Authorities Act that affect the subject property at this time.

We wish to advise the committee that the Conservation Authority has no objections to these applications.

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

Severed – The land intended to be severed is 1.07-ha. Proposed use is residential. The property is mainly trees and brush. There is approximately 0.3 metres of topsoil before road. Recommendation - the lot could accommodate a septic system, which will need to be fully raised using imported sandy loam fill.

Retained – The land intended to be retained is 1.36-ha. There is a two story residence with drilled well out front. The lot is mainly cleared with some trees and brush. There is approximately 0.3 metres of topsoil before rock. There is room to replace the septic system. The system will need to be fully raised using imported sandy loam fill. (Reference 55708 and 51215).

Ministry of Transportation – January 10, 2011

According to the current Controlled Access Criteria for Hwy 15, a new residential entrance or conversion of an existing field entrance may be granted for a new severance provided the ownership prior to severance contains a total highway frontage in excess of 1500 feet. A common entrance to sever a maximum of two parcels (severed and retained) may be considered in cases where a land holding does not have sufficient frontage for a new residential entrance, but contains a total minimum highway frontage of 750 feet.

Based on the property's frontage of approximately 1100 feet, the proposal as submitted would not be endorsed by MTO, and the necessary permits would not be issued, as it fails to meet the minimum frontage requirement for highway access to serve four parcels of land.

We are advising that the subject property does meet the frontage requirement for a common entrance to serve a maximum of two lots. The ministry would endorse such a proposal provided access is restricted to the common or shared entrance located at the common lot line between the severed and retained lands, and the transfer/deed of land include appropriate reciprocal easements for the right-of-way purposes. Furthermore, all existing entrances unless incorporated into the approved common access must be closed and physically removed. The foregoing requirements would be imposed as a condition of the severance should you proceed with a formal application.

Should you wish to discuss this further please call this office.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.07-ha residential building lot and retain a 1.36-ha residential lot with an existing dwelling located at 11496 Hwy #15.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Ferguson Tatlock Road and Highway #15.

The lands are accessed via Highway #15, a Provincially maintained road.

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Montague.

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 application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – September 26, 2011**

Brian Rintoul, agent attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan and the transfer / deed of land required by condition #1 above shall provide for a 'common or shared entrance' as required by condition #8 below.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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 Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. The applicant shall submit an application to the Ministry of Transportation for a "common or shared entrance" located at the common lot line between the

severed and retained lands, and the transfer/deed of land include appropriate reciprocal easements for the right-of-way purposes. Furthermore, all existing entrances unless incorporated into the approved common access must be closed and physically removed.

9. A letter shall be received from the Ministry of Transportation stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Montague stating that condition #4 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James Fraser & Margaret Ramsay Hearing Date: September 26, 2011

Agent: Floyd McQuatt

LDC File #: B11/091

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie Lot: 13 Concession: 9

Roll No. 0940 003 030 15100 Consent Type: Lot Addition

Purpose and Effect: To sever a 241.31 sq.m. parcel of land as a lot addition to lands owned by Sylvia Joan McQuatt at Pt Lot 13 Conc. 9, Dalhousie being Parts 1 & 2 on Plan 26R-74 and to retain a 36.4-ha landholding with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant & R-O-W Same	Residential Residential
Area Frontage Depth Road - Access to	241.31 sq.m. 6.09 m 39.624 m Private Road	36.4-ha 140 m 690 m +/- Municipal Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Rural, Lake Development, Aggregate Reserve & Deer Yard Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Limited Service Residential n/a lot addition	Rural & MAR-h 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.7 Rural Area, Section 3.7 Rural Area – Shoreline Structures, Section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 7.2 Mineral Resources, Section 7.5.2.E Deer Yard, Section 10.11.13 Subdivisions, Consents & Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 10.0 Limited Service Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for a lot addition to facilitate access and traffic movements on an existing property. The holding is located on Dalhousie Lake and is legally described as Part Lot 13, Concession 9, former Township of Dalhousie now in the Township of Lanark Highlands.

The applicant wishes to add lands from a parcel of land owned by the Mr. and Mrs. Ramsey and is legally described as Part Lot 13, Concession 9, Geographic Township of Dalhousie, Township of Lanark Highlands to his lands. The proposed lot addition is for approximately 420 square feet to be added to the existing holding of the McQuatt's located at 243 Maple Hollow Drive.

The properties are designated Lakefront Development on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. Part Lot 13, Concession 9, Geographic Township of Dalhousie, Township of Lanark are zoned Limited Service Rural and Rural on Schedule 'A 2' of Zoning By-law 2003-451.

There is no new construction proposed as part of this application. Presently constructed on the site is a residential dwelling owned by the McQuatt's.

Provincial Policy

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

The 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.

There is no new development proposed for the either the severed or the retained lands

as part of this proposal. The proposal as submitted is consistent with Provincial Policy.

Official Plan

The Ramsey lands are designated Lakefront Development on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation protects and preserves the natural environment surrounding any waterfront lands and provides for appropriate development and recreation surrounding the waterbodies.

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.

Residential dwellings and associated accessory structures are permitted within the Lakefront Development designation. There is no new development proposed or facilitated by means of this application and therefore the proposal will comply with Official Plan policies.

Zoning

The lands are zoned Rural and Limited Services Rural on Schedule 'A 2' of Zoning By-law 2003-451. Although the McQuatt property does not meet the current requirements or provisions of the Limited Services Residential zone, the property does enjoy legal non-conforming status.

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

1. That the applicant submits to the Township of Lanark Highlands any outstanding fees required.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township of Lanark Highlands.

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

Severed – A small strip of vacant land that serves as a parking area/turn around for neighbour that is wanting to acquire this land conveyance. Land is 241.31 sq.m.

Recommendation – Lot addition only.

Retained - a 90 acre farm parcel of land with an existing house serviced by a well & septic system. There are various farm buildings on property. Recommendation – Additional sandy loam fill may be required in area of future tile bed replacement.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for

Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 241.31 sq. m. as a lot addition to the adjacent lands. The retained lands and the lot to-be-enlarged are already developed.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property has frontage on Dalhousie Lake. It is also entirely located within an area referred to as the Dalhousie Lake Deer Yard - an area identified by the Ministry of Natural Resources as a significant deer wintering area. In addition, a review of MVC's flood plain mapping revealed that the subject property is partially located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake.

REVIEW

The subject application essentially results in the elimination of a small strip of waterfront property and the enlargement of another waterfront property. The result is, therefore, favorable in terms of reducing the density of waterfront development.

With respect to the presence of the deer yard, an EIS is typically recommended to assess the potential impacts of a proposal thereon. However, given that the subject application is a lot addition and associated lots are already developed, no impacts are anticipated. Therefore, it is our opinion that there would be limited value in conducting an EIS.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject lot addition.

NOTES

With respect to the retained land and the lot to-be-enlarged, we assume that any potential future development will comply with the zoning provisions; particularly with respect to waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

The applicant should be advised that a portion of the subject property is regulated under Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, written permission is required from MVC prior to the initiation of any potential future 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 Dalhousie Lake.

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration,

disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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.

Dalhousie Lake Association - No comments were received.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 241.31 sq.m. parcel of land as a lot addition to lands owned by Sylvia Joan McQuatt at Pt Lot 13 Conc. 9, Dalhousie being Parts 1 & 2 on Plan 26R-74 and to retain a 36.4-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential on typical smaller type 'seasonal' lots along Maple Hollow Drive.

The severed lands are accessed via Maple Hollow Drive, a private road and the retained lands are accessed via 9th Con B Dalhousie, a municipally maintained road.

The lands are located within the locally known 'Dalhousie Lake Deer Yard'. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

A "State of the Lake Environment Report" was undertaken on Dalhousie Lake in 2001 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2001 and 2006, and the results obtained through the years since 1975. In general the water quality in Dalhousie Lake is good. Water Clarity (TKN) as measured by Secchi Disc for 2006 was 4.1 metres indicating that Dalhousie Lake is a moderately enriched (some nutrients) or mesotrophic lake. Total Phosphorus Loading (TP) calculations indicate a moderately enriched, or mesotrophic lake.

The dissolved oxygen and temperature data at the deepest point in the main basin indicate oxygen concentrations in the deep water portion are poor by mid September. Every effort should be made to reduce nutrient loading into the lake from land activities.

The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

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

(d) PUBLIC INPUT

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

(e) MINUTES – September 26, 2011

James Fraser, owner and Floyd McQuatt, applicant attended the hearing and gave evidence under oath.

Mr. Fraser provided background information on the application and confirmed that the r-o-w or easement was the private r-o-w that ended at Mr. McQuatt's lands.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Sylvia Joan McQuatt described as Parts 1 & 2, Plan 26R-74, being Pt e Lot 13

Conc. 9, geographic Township of Dalhousie, now in the Township of Lanark Highlands, 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 provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in any future replacement septic system area on the retained lands.*
2. *The Mississippi Valley Conservation advises that a portion of the subject property is regulated under Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, written permission is required from MVC prior to the initiation of any potential future 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 Dalhousie Lake.*
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 lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

5. *The 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.*
6. *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.*
7. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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: Jacob Drummond

Hearing Date: September 26, 2011

Agent:

LDC File #: B11/094

Municipality: Township of Montague

Geographic Township: Montague

Lot: 4

Concession: A

Roll No. 0901 000 010 10400

Consent Type: New Lot

Purpose and Effect: To sever a 0.40-ha residential building lot and retain 30.47-ha landholding with an existing barn (used for storage only). The lands are accessed via Heritage Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Farm
Proposed Use	Residential	Farm
Area	0.4-ha	30.47-ha
Frontage	46 m	232 m
Depth	88.7 m	985 m
Road - Access to	County Road	County Road
Water Supply	Proposed	Private well
Sewage Disposal	Proposed	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.6 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.

Official Plan – Section 4 General Development Policies, Section 4.15 Development Policy Areas, Section 12.2 Road Proposals – County Roads, Section 14.7 Land Division Committee.

The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan, however does not comply with the MDS.

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

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

(b) AGENCY REVIEW

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

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

- 1/ That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
- 2/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 3/ That a copy of the reference plan be provided to the Township of Montague.
- 4/ That the remnant parcel be rezoned to prohibit any existing or new structures to be used for the keeping of livestock or poultry.

Conservation Authority – Rideau Valley Conservation Authority – June 28, 2011
The RVCA has conducted a review within our mandate under Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (2005). We have not identified any matters that would preclude the approval of this application. There are no regulations under O.Reg 174/06 of the Conservation Authorities Act that affect the subject property at this time.

We wish to advise the committee that the objections to these applications. Conservation Authority has no

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – The 0.4-ha property to be severed is a field. The land drains toward the south. The property is intended for residential use. Recommendations – There will be ample space to construct a septic system. Recommend septic system to the front of residence with well behind due to natural drainage.

Retained – The property to be retained is farmland consisting of barn, fields and some trees. The intended use is to remain from land. Recommendations – There are no plans to construct a septic system on the property.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works - August 22, 2011

- 1/ Applicant has an approved entrance location to the County Road. For the severed lands (No. 2279) and the retained lands (No. 2294).
- 2/ Entrance to be installed prior to deed endorsement for both the severed and retained.
- 3/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark’, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.4-ha residential building lot and retain a 30.47-ha landholding with an existing storage barn.

The subject lands are located in an area characterized by Residential on large landholdings along Bourne Road.

The lands are accessed via Heritage Drive, a County maintained road.

A barn is located in the lands to be retained therefore a Minimum Distance Separation calculation was undertaken which resulted in a required for a setback of 217m. The distance between the proposed lot line and the barn is approximately 90 m. Mr. Drummond subsequently provided the following information regarding the 'barn' and its capability to house livestock. (Photos are attached to staff report):

"Enclosed are photos showing the current condition of the barn located on my property. Presently, the barn would be considered an "empty livestock facility," to which I believe MDS 1 should be applied. The barn is more or less structurally sound but does not have the "reasonable capability of housing livestock." Below I have listed the issues with barn as it stands today

There is water damage to the hay loft floor and some minor damage to the main beams due to prolonged exposure to moisture from a leaky roof (photo 1 & 2). A large area of the hayloft floor would have to be replaced before it could be used to store hay. There is some work to be done on the roof to repair leaks but it is structurally sound. The majority of the concrete has been removed and the floor is comprised mainly of gravel and 3" stone. (photo 3) There is no modern ventilation system with exhaust fans, or controlled air inlet systems.

To my knowledge the barn has not housed livestock for over 20 years and was built in the early 1900's for mainly for dairy cattle, but could house a few horses, pigs and chickens. The stalls have been removed (photo 4) and there is no water system install to provide water to any livestock. There is an old well with a hand pump but it has been years since it has been used and we are unaware whether it is still functional or not (photo 5). Currently, we are using the barn to store lumber, machinery and a couple of boats as well as a shop to house my tools and to work on machinery.

If you require any other information or photos please feel free to contact me at 613-282-3136 or Jacob.drummond@mail.mcqill.ca

Should Mr. Drummond or any new landowner wish to use the barn in the future for livestock housing, a new MDS will be required, which may result in the inability to convert the barn to a livestock housing facility. Further to this, the Township has requested that the retained lands be re-zoned to prohibit any existing or new structures to be used for livestock / poultry housing.

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Mississippi Mills.

The lands are located within 300 m of Primary Water Source (Dalhousie Lake) and therefore are subject to 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 Montague and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – September 26, 2011**

Jacob Drummond, owner attended the hearing and gave evidence under oath.

Mr. Drummond advised that there was no electricity or water to the barn and that he is aware that if the barn were to be repaired for use as a livestock facility that the MDS would apply. Mr. Drummond confirmed that there had been no livestock in the barn for over 20 years.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. The retained lands shall be zoned to an appropriate zoning category to prohibit the housing of livestock / poultry within any existing or future structures.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. The applicant shall submit a full entrance application for the severed and retained lands to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. 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.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through 10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Montague stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit recommends that the septic system be installed in front of the residence with the well in the rear due to natural drainage Patterson.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *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: Art & Jane Bloiun Hearing Date: September 26, 2011

Agent: Ralph Shaw

LDC File #: B11/112

Municipality: Town of Carleton Place

Geographic Township: Beckwith Lot: 15 Concession: 10

Roll No. 0924 000 035 39800 Consent Type: New Lot

Purpose and Effect: To sever a 12.14-ha vacant landholding in the Town of Carleton Place and retain a 16.19-ha landholding with an existing dwelling, drive shed and barn (2124 10th Line Beckwith) in the Township of Beckwith

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Recreational Serviced Development	Residence & Hobby Farm Same
Area Frontage Depth Road - Access to	12.14-ha 304.8 m 265.76 m Municipal Road	16.1-ha 304.8 m 548.64 m Municipal Road
Water Supply Sewage Disposal	Proposed Piped Water Proposed Sanitary sewage	Private Well Septic System
Official Plan Designation -Conformity?	Special Study Area Planning Studies required prior to any development	Residential Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Special Study Area Planning Studies required prior to any new development	Residential Holding Existing uses only Requires further studies to lift 'h' zone.

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

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

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

Official Plan – The property has split designations as it is located in both Beckwith and Carleton Place - Severed Lands - Section 3 General Policies, Section 4.8 Special Study Area, Section 5.5 Local Roads, Section 6 Municipal Services. The Town of Carleton Place advises that in the Special Study Area designations have not yet been determined and planning studies are required prior to the development of the area.

Beckwith – Retained Lands - Section 4 General Development Policies, Section 5.1 Residential Policies, section 7.3 Local Roads, Section 9.10 Committee on Adjustment and Land Division Committee.

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

The property has split zoning as it is located in both Beckwith and Carleton Place. Development Permit - Carleton Place – Severed Lands – Section 3 General Provisions, Section 7.3 Special Study Areas.

The Town of Carleton Place advises that in the Special Study Area designations have not yet been determined and planning studies are required prior to the development of the area.

Zoning By-law - Beckwith – Retained Lands Section 3 General Provisions, Section 4.5 Holding Zone, Section 5.1 Residential.

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:

Town Planner's Report (Carleton Place)

A consent application has been received for the property owned by Art and Jane Blouin which is legally described as Pt Lot 15, Concession 10. The severed parcel of land is

within the boundary of the Town of Carleton Place while the retained portion is within the Township of Beckwith (as shown on the attached map). The severed portion of land will be approximately 12.1 hectares (30 acres) and is adjacent to the McNeely Avenue road allowance which is unopened.

The Official Plan and Development Permit designation is Special Study Area (SSA). The permitted uses in the Special Study Area designation have not yet been determined and planning studies are required prior to the development of the area. No new development shall be permitted except for uses permitted in the Open Space designation and additions or alternations to existing uses.

There is an existing residence, barn and accessory building on the retained parcel which has access from Tenth Line Road in Beckwith Township. There are no structures on the severed parcel. Any future development proposals will require the appropriate supporting studies for an Official Plan Amendment, Development Permit Amendment and other planning applications.

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

- 1/ The balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
- 2/ That the applicant provides a digital copy of the reference plan in NAD83 datum.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 12.14-ha vacant landholding in the Town of Carleton Place and retain a 16.19-ha landholding with an existing dwelling, drive shed and barn (2124 10th Line Beckwith) in the Township of Beckwith.

The subject lands are located in an area characterized by Highway Commercial to the north, Residential to the west and south along the 10 Line Beckwith and farm/residential to the east.

The lands to be severed are to be accessed via the McNeely Ave Extension, a proposed road to be maintained by the municipality. The retained lands are accessed via 10th Line Beckwith, a municipally maintained road.

Soils Inventory – Name: Tennyson	Farmington
- Stoniness: Slightly stony	slightly stony
- CLI: 2 – moderate limitations	6 – natural grazing only
- Drainage: well drained	well drained
- Hydrogeology: moderate	moderate

Bedrock Inventory – Dolostone, sandstone

The area has not been mapped as 'woodlands', however care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Carleton Place or the Township of Beckwith.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development

Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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

Peter G Scowcroft August 22, 2011

With respect to the above noted file number B11/112 we are requesting in writing that we be notified of the 'public meeting' and the 'Notice of Decision' of the Land Division Committee.

(e) MINUTES – September 26, 2011

Ralph Shaw, agent attended the hearing and gave evidence under oath.

Mr. Shaw advised that the issues around the McNeely Ave Extension and the East / West Corridor have been resolved, therefore the Blouin's can proceed with their planned development of the lands within Town limits. Also they are in the process of reporting to the Town on drainage and water/sewer services to the lands.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
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 Beckwith.
6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
7. A letter shall be received from the Town of Carleton Place stating that condition #3 and #4 has been fulfilled to their satisfaction.
8. A letter shall be received from the Township of Beckwith stating that condition #5 and #6 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Carleton Place advises that the Official Plan and Development Permit designation for the severed lands is "Special Study Area". The permitted uses in the Special Study Area designation have not yet been determined and planning studies are required prior to the development of the area. No new development shall be permitted except for uses permitted in the "Open Space" designation and additions or alterations to existing uses.*
2. *The Township of Beckwith advises that all future structures on the retained lands 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 167821 Canada Ltd **Hearing Date:** September 26, 2011
Agent: Neil and Melissa Hamilton
LDC File #: B11/114
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 2 **Concession:** 12
Roll No. 0931 929 020 57300 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 19.4-ha landholding as a lot addition to lands owned by Neil and Melissa Hamilton at Pt Lot 2 Conc. 12 Ramsay, and retain a 20.23-ha landholding with an existing dwelling, barns and outbuildings located at 173 Turners Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Agriculture	Farm Residential
Proposed Use	Same	Same
Area	19.4-ha	20.23-ha
Frontage	161 m	577 m
Depth	274 m	262 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation -Conformity?	Agriculture Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	10.0-ha	10.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	150 m	150 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

limited residential development and other rural land uses.

Official Plan – Section 2 Basis of Plan, section 3.2 Agricultural Policies, Section 3.2.7 Severance and Lot Creation, section 4 General Policies, Section 4.6.4 Local Municipal Road, section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposed severance is consistent with the Community Official Plan.

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

The Town of Mississippi Mills advises that the proposed severance is consistent with the zoning by-law.

(b) AGENCY REVIEW

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

Town Planner's Report

167821 Canada Ltd. (Yvonne Singer and Agnes Vandor) currently owns a 39.7ha (98.1ac) parcel of land with an existing dwelling, barn and outbuildings in the former Township of Ramsay, now the Town of Mississippi Mills. The parcel has frontage onto two local roads, Turner Side Road and Golden Line Road, both of which are municipally owned and maintained by the municipality year round.

Neil and Melissa Hamilton own a 25ha (61.8ac) parcel of land immediately south of the subject lands. For the past three years, the Hamilton's have been renting approximately 19.4ha (48ac) from 167821 Canada Ltd., to support their farming operation. The combined lands would provide the Hamilton's with 44.4ha (109.7ac) for their cash crop farming operation.

In 2008, 167821 Canada Ltd entered into financial agreement with the Province of Ontario, to help fund the tile draining of 19.4ha (48ac) of the land holding subject to the consent application. Over the past 3-years the Hamilton's have rented the tiled drained lands to grow cash crops.

The lands subject to the consent application are designated Agricultural in the Official Plan. The parcel being retained is zoned "Rural (RU) Zone".

Severance Application Summary

Lot Severance

The application is to sever approximately 19.4ha (48ac) of land and add it to the 25ha (61.8ac) of land, described as Part 2 on Reference Plan 27R-9189, which fronts on to Golden Line Road and is currently owned by Neil and Melissa Hamilton. The intent of the application is to sever the tile drained portion of the subject property, which is currently rented by the Hamilton's, to support their cash crop farming operation.

The retained portion of land would maintain a 577m (1,893ft) lot frontage onto Turner Side Road and would have an approximate lot size of 20.2ha (50ac).

Community Official Plan:

The Community Official Plan in Section 3.2.7(2) states that severances for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created and the size of the lots are appropriate for the type of agriculture proposed. The proposed lot severance is not creating a new residential or agricultural lot, but is

increasing the lot size of the abutting agricultural lands to maintain a secure viable farming operation. The boundary adjustment being proposed would add approximately 19.4ha (48ac) of land to the Hamilton holdings abutting the property. The severed lands include the tiled drained lands which are currently being rented by the Hamilton's to support their cash crop operation.

The retained lands would have an approximate lot area of 20.2ha (50ac) and are conditionally sold to an owner establishing a hobby farm. The parcel of land is sufficient in size for other agricultural uses such as live stock, haying, orchards.

Zoning By-law 01-70:

The subject properties are currently zoned Rural (RU) zone and permit residential land uses that are either accessory to the agricultural use or a non farm dwelling. The by-law requires a minimum lot area of 10 hectares (24.7 acres) and a minimum lot frontage of 150m (492ft) for rural farm uses. Application BI 1/1 14 is proposing a boundary adjustment between two agricultural holdings. Both lots, the retained and lot receiving the additional lands will meet the requirements of the zoning by-law.

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

1. That the applicants provide a copy of the registered reference plan to the Town;
2. That the applicants provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicants pay any outstanding property taxes on the subject property.
4. That the applicant provide a certificate of proof to the municipality stating that the drainage loan on the property has been paid in full.”

(c) PLANNING REVIEW

The applicant proposes to sever a 19.4-ha landholding as a lot addition to lands owned by Neil and Melissa Hamilton at Pt Lot 2 Conc. 12 Ramsay, and retain a 20.23-ha landholding with an existing dwelling, barns and outbuildings located at 173 Turners Road.

The subject lands are located in an area characterized by Farm Residential and residential on a variety of lot sizes along Golden Line Road on large landholdings along Bourne Road.

The applicant proposes to sever the farm lands to be added to his existing farm. These lands were tile drained in 2008.

The retained lands are accessed via Turners Road and the severed lands are accessed via Golden Line Road.

Soils Inventory – Name: Osgoode	Grenville Shallow Phase
- Stoniness: not rated	non stony
- CLI: 2 – moderate limitations	CLI: 3 Moderately severe limitations
- Drainage: poor drainage	Imperfectly
- Hydrogeology: high run-off	Moderate

Bedrock Inventory – Limestone, dolostone shale

There are no areas on the severed or retained lands mapped as 'woodlands'. Woodland Development Policies have not been established by the Town of Mississippi Mills.

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:

Ralph Carsten – Sept 12, 2011

I am the owner of the adjacent lands with roll numbers 0931-929-020-57201-0000 and 0931-929-020-56900-0000.

I believe the subject lands of this application are agriculturally zoned and will remain so. If this is the case, I would have no objection to this transfer. Please confirm. I would only be concerned if a zoning change away from agricultural were to be initiated.

NOTE: Mr. Carlson was advised that the lands will remain in agricultural use.

(e) MINUTES – September 26, 2011

Neil and Melissa Hamilton, applicants attended the hearing and gave evidence under oath.

Mr. Hamilton advised that they have no intentions of constructing any buildings on these lands and that they were for farm consolidation purposes only. The lands were recently tile drained.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one**

year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The 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 Neil and Melissa Hamilton described as Part 2 Conc. 12, geographic Township of Ramsay, 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 Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. That the applicant provide a certificate of proof to the Town of Mississippi Mills stating that the drainage loan on the property has been paid in full."
8. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 2261604 Ontario Inc. **Hearing Date:** September 26, 2011
Agent: Holzman Consultants Inc.
LDC File #: B11/116
Municipality: Town of Carleton Place
Geographic Township: Carleton Place **Lot:** 1114 **Plan:** 3389
Roll No. 0928 030 055 19201 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 609.7 sq.m. parcel of land as a lot addition to lands owned by 1503893 Ontario Inc. Compiled Plan 3389 Lot 113 and retain a 6905.0 sq.m. vacant parcel of land (Proposed Condominium Building). The lands to be severed are accessed via Miguel Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Single Residential Multi Residential	Vacant Condominium Building
Area Frontage Depth Road - Access to	609.7 m.sq. 9.29 m 30.32 m Municipal Street	6905 sq.m. 65.82 m 77 m Municipal Street
Water Supply Sewage Disposal	Piped Water Municipal Sewers	Piped Water Municipal Sewers
Official Plan Designation -Conformity?		Residential Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Primary Residential n/a – lot addition	Primary Residential Lot Coverage 60% 35 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

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

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

Official Plan – Section 3 General Provisions, Section 4.2 Residential Policies, Section 5.5 Local Roads, Section 7.7 Land Division

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

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

The Town of Carleton Place advises that the development of the townhouse units will require a Development Permit Agreement.

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 240 Coleman Street. The lot is located on Coleman Street and has a proposed 48 unit condominium unit to be located on the proposed retained parcel of land.

The severed lot would be approximately 65.82m wide (Coleman Street side) and 9.29m wide (Miguel Street side). It is 30.32 m deep (irregular) and 609.7m². The retained parcel would be approximately 65.82m wide (Coleman Street side) and 6.11m wide (Miguel Street side). It is 7m deep (irregular). The retained parcel has a total area of 6905 m².

This is a lot addition which will result in a portion of the property in the rear of the condominium project being added to the property known municipally as 234 Miguel Street.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single

detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the application will be to create a 48 unit condominium on the retained parcel and 2 blocks of townhouses on the severed portion of land. The lot frontage and access will be on Miguel Street for the severed lands.

Reconstruction of Miguel Street is underway and the applicant will be financially responsible for the additional servicing requirements for the future townhouse units. The applicant is aware of this and that it will be a condition of consent. The development of the townhouse units will require a Development Permit Agreement. The design of the residential units will be required to retain the character of the community as inventoried in the Development Permit Bylaw.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. That the applicant enters into a Development Permit Agreement with the Town of Carleton Place for the development of the severed and retained lot.

(c) **PLANNING REVIEW**

To sever a 609.7 sq.m. parcel of land as a lot addition to lands owned by 1503893 Ontario Inc. Compiled Plan 3389 Lot 113 and retain a 6905.0 sq.m. vacant parcel of land (Proposed Condominium Building).

The subject lands are located in an area characterized by Residential on typical urban lots. The applicant proposed to demolish the existing dwelling unit and construct 2 blocks of townhouses. The applicant has applied for a Class II Development Permit for the development. The applicant also proposed to development condominium unit on the retained lands.

The lands to be enlarged are accessed via Miguel Street, a municipally maintained road and the retained lands are accessed via Coleman Street.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – September 26, 2011**

Bill Holzman, agent attended the hearing and gave evidence by affirmation.

Mr. Holzman that the proposed land addition was to enable the landowner to construct townhouses on the lands. And that there was a proposal to construct a condominium unit on the retained lands.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant to provide a digital copy of the reference plan in NAD83 datum format to the Town of Carleton Place.
5. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.

6. That the applicant enters into a Development Permit Agreement with the Town of Carleton Place for the development of the severed and retained lot.
7. The applicant shall obtain an entrance location permit from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
8. The applicant shall obtain a Civic Address Number from the Towns of Carleton Place. The applicant shall consult directly with the Town in this regard.
9. A letter shall be received from the Town of Carleton Place stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Dane Richardson & Jennifer Pierman **Hearing Date:** September 26, 2011
Agent: ZanderPlan Inc.
LDC File #: B11/081
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 4 & 5 **Concession:** 3
Roll No. 0919 919 010 21500 **Consent Type:** New Lot
0919 919 010 22000

Purpose and Effect: To sever a 23-ha vacant landholding and retain a 22-ha landholding with an existing residential dwelling. The lands were merged on title.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	23-ha 16.15-m Irregular Provincial Highway	22-ha 135 m Irregular Provincial Highway
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Wetland Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural & Wetland 0.4-ha Yes 45 m Yes	Rural & Wetland 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.2 Provincial Highways,

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted consent application and offer the following comments.

It is understood that this severance application seeks to divide property owned by Dane Richardson and Jennifer Pierman. While this lot is legally merged on title and considered as one, it currently has separate assessment roll numbers and are on different part lots of the 3 Concession in Drummond. The proposed severance formalizes this division. The severed lands are currently vacant and have a total frontage of approximately 16 metres on Highway 7 (11 metres at one location and the balance at another one). The retained lands currently have a dwelling and have approximately 135 metres of frontage on Highway 7. While the bulk of the property is zoned and designated Rural, the rear portion falls within the Blueberry Marsh Wetland.

While Staff are satisfied that there is a sufficient building envelope on both the retained and the severed lands outside the wetland influence area, the wetland needs to be considered in any development proposals. Staff are open to discussion with the Rideau Valley Conservation Authority should the Authority feel a zoning amendment is necessary to address this issue. Of more immediate concern from a zoning perspective is the deficient road frontage for the lot to be severed. While it is noted that the Ministry of Transportation does not object to the severance from a perspective of access, of the two points of frontage, the widest is about 15 metres, which is well short of the required 45 metres. While this deficiency can be addressed through a minor variance application recognizing the proposed frontage, Township Staff do not view the reduction as 'minor' and as such advise that this issue is best resolved through a zoning amendment. Given the apparent ease of access to the property and that there is adequate space to build farther from the road, it is not anticipated that allowing this severance would allow too much density causing a negative impact on the streetscape and as such Staff would view such a zoning amendment as reasonable in this location. Additionally, as the bulk of the severed lot is situated behind existing commercial and industrial development that fronts on Highway 7 and that any future residential development would likely behind these uses, Staff believe that it is important that an adequate separation distance be applied between the potentially incompatible uses. As such, it is recommended that any zoning amendment that applies to this property also would also include larger front and side yard requirements, to be measured from the applicable lot lines of the abutting commercial and industrial uses. This would further address provisions in the Township's Official Plan and the Provincial Policy Statement (2005) covering sensitive land uses, including the protection of existing and future residential development. While the present commercial uses on the adjacent lots are generally not located to the rear of those lots, Staff asking for this additional protection to accommodate any possible future expansions on those lots, which are certainly conceivable given their strategic location on the Highway 7 corridor. Staff do not have concerns regarding the retained lot given that all zone requirements are met.

In conclusion, while the proposed severance as submitted is inconsistent with the Township's Zoning Bylaw, the Land Division Committee should be advised that Staff believe that a zoning amendment to rezone the severed lot to a Rural Special Exception Zone would adequately address the above mentioned issues and insure the conformity of this proposal with municipal and provincial planning documents. Please see the attached Municipal Reply Form which summarizes the Township's comments and proposed conditions regarding this application. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The balance of any outstanding taxes and fees owing 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/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the approval authority in this regard.
- 4/ The severed lands be rezoned in a manner that recognizes the proposed deficient road frontage and also establishes an adequate buffer between any future residential development on the lot and the existing commercial and industrial development on the abutting lots. Such a zoning amendment should include large front and side yard requirements for the severed lot.

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

The subject application has been reviewed by the Rideau Valley Conservation Authority. We offer the following comments within the context of Section 2.1 Natural Heritage and Section 3.1— Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered planning applications from the perspective of the Rideau Valley Conservation Authority regulation 174—06 (“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”) under Section 28 of the Conservation Authorities Act.

As summarized in the planning submission by ZanderPlan, dated May 19, 2011, we confirm that the property extends into the Blueberry Marsh, a provincially significant wetland. The application will result in the creation of a new lot with lot lines extending into the provincially significant wetland identified as the Blueberry Marsh to the north. We note for information, that a portion of the subject lands is also situated within the adjacent 120 metres of the Perth Long Swamp, a second provincially significant wetland to the south; we do not have concerns as regards the proposed severance as it relates to impacts on this wetland because Highway 7 acts as a barrier, precluding any notable impact of this application on the Perth Long Swamp.

Generally, the RVCA would not support lot creation which allows for the extension of lot lines into a provincially significant wetland as per the Natural Heritage provincial planning policy noted above. We suggest that the owner reconfigure the proposed severed lot to prevent further fragmentation within Blueberry Marsh by this lot creation i.e., that the lot lines for the proposed severed lot be drawn such that the area within the provincially significant wetland remains intact as part of the retained parcel.

Given the proposed severed lot (even with the change in delineation as noted above) which is to be developed for residential use, we do not object.

With the consideration noted above, the PSW and the 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act, Any site alteration, including construction, grading, development of access driveways/routes within in this boundary requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation. Upon such time as development is proposed on the severed lot, the owner may be required to undertake an Environmental Impact Study (EIS), completed by a qualified professional, to address Section 2.1 of the Provincial Policy Statement 2005 regarding wetland impacts and mitigation.

We request that the following conditions be incorporated should the application be approved:

- Appropriate zoning be applied to the site, considering the flood potential and wetland considerations,
- Notification that written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) within 120 metres of the wetland.

Please advise the RVCA on the decision regarding this application or any changes in its status. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions,

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – A 23 hectare vacant parcel of land composed of field and trees. Land is relatively flat but drainage and soil depth can vary. Recommendations – Additional sandy loan fill will be required in the area of the future tile bed.

Retained – An existing house serviced by a well and septic system on a 22 hectare parcel. Land is mainly open fields with some trees. Land soil depth varies. Recommendations – Additional sandy loan fill may be required in the area of future tile bed.

Ministry of Transportation – January 26, 2011

After reviewing the above submitted proposal, according to our controlled access highway criteria schedule and found that the area of the above property on the west side of Highway 7 is located in an area that has been designated as an infilling area. Therefore, our control with respect to access and severances are relaxed and on that basis we would not object to a proposed severance. The existing entrance to lot 188 could be reclassified to residential and lot 42 would be accessed from the existing shared entrance.

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 vacant 23.0-ha landholding and retain a 22.0-ha landholding with an existing residential unit. The lands have separate property roll numbers however have been merged on title.

The lands are located between two settlement areas, the outskirts of Perth and Drummond Centre. Residential subdivisions and commercial enterprises are located along Highway No. 7. Blueberry Marsh (a PSW) is located to the rear of the lands and Perth Long Swamp (a PSW) is located on the south side of Highway 7.

The lands are accessed via Highway No. 7, a Provincially Maintained Road. It is proposed that an existing 'shared entrance' will provide access to both these lands and the residence located at 6820 Highway No. 7.

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development

Policies have not been established by the Township of Drummond / North Elmsley.

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 – September 26, 2011

Dane Richardson, owner and Tracy Zander, agent attended the hearing and gave evidence under oath.

Ms. Zander provided a background review of the applications, advising that the entrance to the lands would be via an existing shared entrance. Which had been reviewed by the MTO. This entrance has a legal easement for the adjacent landowner to use.

The chair reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The 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. The applicant shall obtain appropriate relief from the minimum provisions of the Zoning By-law for the Township of Drummond / North Elmsley by way of an amendment to the Zoning By-law.
6. 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.
7. The applicant shall submit a full entrance application to the Ministry of Transportation and install the entrance as required in the permit.
8. The Ministry of transportation shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the MTO.
9. A letter shall be received from the Ministry of Transportation stating that condition #7 and #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future septic system area on the severed lands and any replacement system on the retained lands.*
2. *The Rideau Valley Conservation Authority advises the PSW and the 120 metre buffer lands, located on the property, 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.
Upon such time as development is proposed on the severed lot, the owner may be required to undertake an Environmental Impact Study (EIS), completed by a qualified professional, to address Section 2.1 of the Provincial Policy Statement 2005 regarding wetland impacts and mitigation.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: KW Outdoors Sales **Hearing Date:** September 26, 2011
Agent: ZanderPlan Inc.
LDC File #: B11/100 and B11/101
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 18 **Concession:** 9
Roll No. 0919 908 015 55500 **Consent Type:** Two New Lots

Purpose and Effect: To sever two (2) building lots – a 1.7-ha lot with an existing commercial / residential building at 6062 Highway 43 and a 2.8-ha commercial residential building lot and to retain a 3.4-ha lot with an existing coverall building.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/100	B11/101	
Existing Use	Commercial /Residential	Rural	Rural / Commercial
Proposed Use	Same	Commercial/ Residential	Same
Area	1.7-ha	2.8-ha	3.4-ha
Frontage	155 m	100 m	130 m
Depth	110 m	257 m	Irregular
Road - Access to	County Road	County Road	County Road
Water Supply	Private Well	Proposed	Proposed
Sewage Disposal	Septic System	Proposed	Proposed
Official Plan Designation -Conformity?	Rural with Quarry Influence Area Yes		
Zoning Category	Rural Exception 57		Rural Exception 57
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.5 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

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 5.2 County Roads.

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

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

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

Please be advised that I have reviewed the above noted severance applications and have determined that the proposed severances are consistent with the Township's Official Plan and Zoning By-law.

As I understand it, the applicant owns a 7.9 hectare holding, with a civic address of 6062 Highway 43. The main use of the property is the KW Outdoor Power Sales Ltd operation, and this consists of an existing commercial/residential building and a coverall building. The applicant is looking to sever two lots: a 2.8 hectare residential building lot on the western end and a 1.7 hectare lot on the eastern end which contains the existing commercial/residential building. The retained 3.4 hectare lot has a coverall building on site.

All three lots have access on Highway 43 and the entire parcel is zoned Rural-Special Exception 43. The purpose of this zone is to accommodate the sales and servicing of lawn and garden equipment as well as recreational vehicles, in addition to the other uses normally permitted in the Rural Zone. As such, the current uses comply with the provisions of the ZBL and no new uses are proposed at this point. The applicant noted that the coverall will continue to remain in use for commercial purposes and as such would not be considered an accessory use on a new lot with no main dwelling. While no

building setbacks were provided with the application, it appears as though all side yard setbacks are met, although the applicant will need to demonstrate this in the surveyed plan they will be providing.

Upon review of the Township's mapping, Staff note several constraints relating to the property location. Firstly, the rear of the lot is bounded by an active rail line, which at the very closest is 258 metres from the front lot line of the proposed residential building lot. With the interest of addressing potential issues of noise, Policy 3.2 1.1 of the Township's Official Plan allows Council to request that a noise study be prepared for development proposals within 500 metres of a main railway. In considering this issue staff noted that there are approximately a dozen residential dwellings fronting on Highway 43 and are significantly closer to the rail line compared to this proposed lot, provided any future builder builds reasonably close to the road. Consequently, it is my belief that a notation, to be written on the Notice of Title and any purchase agreements, indicating that the lot is within 500 metres of an active rail line and may be subject to impacts relating to noise shall be sufficient in this regard.

Additionally the entire lot falls within the influence area of an aggregate pit, which is located on an adjacent lot. While generally impact assessments are required for developments in the influence area in this case it is understood that the quarry has not been used for many years and is filled with water. The Ministry of Natural Resources also does not have information indicating that this quarry is an active site. Additionally there are at least five existing residential dwellings located closer to the quarry site than Mr. Wall's proposed residential building lot. As such should the quarry re-start at any point in the future, its operation would be greater constrained by the existing uses in the area compared to any future ones subsequent to this application and this severance is not contrary to the Provincial Policy Statement in this regard, which requires the protection of aggregate resources. Given this, Staff believe that a notation on the Title and any purchase agreements advising of the influence area and potential impacts shall be sufficient.

Given the foregoing, Drummond/North Elmsley Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

Recommended Conditions:

- 1/ The balance of any outstanding taxes and fees owing 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/ The applicant shall confirm that the proposed side yard setbacks from existing buildings on the subject lands complies with all requirements of the Township's Zoning By-Law.
- 4/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the applicable approval authority in this regard.
- 5/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:

TAKE NOTICE that this lot is located within 500 metres of an active rail line which is located to the north in part of Lot 15, Concession 9, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

TAKE NOTICE that this lot is located within the Influence Area of an aggregate deposit which is located to the east in part of Lot 18, Concession IX, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such it may

be exposed to impacts typically associated with such a use including noise, dust, vibration and other nuisances should a quarry operation be established on the property in the future.

Conservation Authority – Rideau Valley Conservation Authority

These applications do not impact on matters relating to Section 2.1 Natural Heritage and 3.1

Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. Nor do they impact the related Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

The Rideau Valley Conservation Authority has no objection or condition of approval to impose on these severance applications.

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

B11/100 Severed – A 1.70 hectare parcel of land with existing commercial KW Power Sales operated on property. Building is serviced with a well and septic. Land is relatively flat with a raised leaching bed area. Recommendation – Additional sandy loam will be required in area of future replacement tile bed area.

B11/101 Severed – A 2.8 hectare vacant parcel with young trees / forested area. Soil depth appears to have indicators of high water table. Recommendations – Additional sandy loam fill will be required in the future tile bed.

Retained – A 3.4 hectare parcel of land with existing coverall storage building. Land is relatively flat. Recommendations – Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

County of Lanark – Public Works Department

- 1/ Applicant has an approved existing entrance to the County Road. (Application B11/100 - #2125).
- 2/ Applicant has an approved entrance location to the County Road. (Application B11/101 and Retained Lands - #2318).
- 3/ Entrance to be installed prior to deed endorsement for B11/101 and retained lands.
- 4/ Retained lands and lands to be severed by B11/101 have an approved entrance that will serve as a common entrance to these lands. A full entrance application

must be submitted and entrance installed prior to deed endorsement.

- 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.

(c) **PLANNING REVIEW**

The applicant proposes to sever 2 building lots – a 1.7-ha lot with an existing commercial / residential building at 6062 Highway 43 and a 2.8-ha commercial residential building lot and to retain a 3.4-ha lot with an existing coverall building.

The subject lands are located in an area characterized by Residential and commercial along Highway 43. An active rail line runs to the rear of the lots and a licensed quarry is to the east of the lots. The lands are accessed via Highway 43, a County maintained road.

The area to the north of the rail line has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

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 – September 26, 2011**

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

Ms. Zander provided a background review of the applications.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B11/100:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an existing rail line area and may therefore be subject to noise, dust, odours and other typically associated with an active rail line".
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 a quarry operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley 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. 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.
9. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. 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.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 and #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

B11/101

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an existing rail line area and may therefore be subject to noise, dust, odours and other typically associated with an active rail line".
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 a quarry operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley 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. 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.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
10. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
11. 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.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Peter and Patricia Ghinn

Hearing Date: July 18, 2011

Reconvened Hearing: Sept 26, 2011

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B11/072

Municipality: Township of Drummond/North Elmsley

Geographic Township: North Elmsley

Lot: 26 **Concession:** 9

Roll No. 0919 908 020 39800

Consent Type: Lot Addition

Purpose and Effect: To sever a 32.0-ha vacant parcel of land as a lot addition to lands owned by Peter Derrick & Patricia Anne Ghinn at Part Lot 26 Conc. 9, North Elmsley, being part 2 on RP27R-6893 and to retain a 2.4-ha residential lot with an existing dwelling and outbuildings. The lands to be severed are accessed via Wild Life Road and the retained lands are accessed via Rideau Ferry Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Unknown	Residential
Area	32 ha	2.4 ha
Frontage	168 m	100 m
Depth	Irregular	240 m
Road - Access to	Municipal Road	County Road
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3, Rural Policies, Section 5.2 County Roads, 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 Planner's Report

BACKGROUND: The subject property is currently designated as Rural in the Township's Official Plan, and is zoned Rural- Special Exception 66 (RU-66) in the Township's Zoning By law. While a stream has been noted on the northwest corner of the lot to be severed, this will have no impact on any of the lot boundary adjustments.

It should be noted that three lots have been created previously in 1998 and a fourth severance (B10/039) was approved in 2010. The fourth was created to recognize the existing church (located at 325 Wild Life Road). Subsequent to this severance application the remaining lands (which are now the lands to be severed) were rezoned to RU-66, which prohibits the creation of new lots, except through plan of subdivision or condominium. While this severance would appear to contradict that zone requirement, Staff are of the opinion that the spirit of the By-law is maintained in that no net new lots are created given that the severed lot is to be added to the lot owned by the same owners on Wildlife Road.

DISCUSSION: The proposed severance conforms to the Township's Official Plan and Zoning By-Law, for both the severed parcel and the retained parcel. While the RU-66 Zone prohibits additional severances from this lot, Staff believe that by adding the condition that the severed lands be added to the Lands to be Enlarged (as identified on the attached sketch), the intent of the exception zone is maintained. Any additional lot creation on this lot will need to be done through plan of subdivision or condominium.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference

plans associated with this application if a survey is required by the Registry Office.

- The severed lands shall be for a lot addition only to adjacent lands being Part 2 on RP27R-6893, owned by Peter and Patricia Ghinn and cannot be conveyed separately.

Conservation Authority – Rideau Valley Conservation Authority May 26, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application which will act to add a 32 ha vacant parcel to an adjacent residential lot.

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

We have not identified any natural heritage or natural hazards that would otherwise preclude the approval of the applications. There is a watercourse flowing through the proposed parcel to be transferred. The RVCA recommends a 30 metre development and disturbance setback from the watercourse and any alteration of the watercourse which may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 (“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”).

The Rideau Valley Conservation Authority has no objection or condition of approval to the severance applications. Thank you for the opportunity to comment.

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

Severed – A 32 ha vacant farm parcel. Land is relatively flat. Soil depths may vary. Additional sandy loam fill will be required in future tile bed area.

Retained – A 2.4 ha parcel of land with an existing house serviced by a well and septic system. There are various outbuildings on parcel. Additional sandy loam fill will be required in future tile bed area.

County Public Works Department

1. Retained lands have an existing approved residential entrance – Permit 2332.
2. Proposed severed land to gain access off of local municipal road (Wild Life Road).
3. Standard conditions for land for road purposes to apply.

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 32.0-ha vacant parcel of land as a lot addition to lands owned by Peter Derrick & Patricia Anne Ghinn at Part Lot 26 Conc. 9, North Elmsley, being part 2 on RP27R-6893 and to retain a 2.4-ha residential lot with an existing dwelling and outbuildings. The lands to be severed are accessed via Wild Life Road and the retained lands are accessed via Rideau Ferry Road.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Wild Life Road and Rideau Ferry Road. Chaloa Acres residential subdivision is located to the south and a Church is located to the north. The Town of Perth's waste site is to the north west and the Lagoon is located to the north east.

The lands to be severed are accessed via an existing entrance onto Wild Life Road. The retained lands will access Rideau Ferry Road.

Soils Inventory – Mixture

Name: Monteagle	North Gower
Stoniness: very stony	non-stony
CLL: 7 – no capability	2 – moderate limitations
Drainage: well drained	poorly drained
Hydrogeology: moderate	high run-off

Bedrock Inventory: Mixture of Igneous – Granite and Sedimentary – Conglomerate, sandstone.

The area of proposed development has limited mapped 'woodlands'. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

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

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:

James Bond – June 14, 2011

I have received your Notice of application for consent for the above-noted.

As an adjacent landowner, both personally and through my corporation, I have some questions and concerns about this rather unusual lot addition request, and request further information as to why this severance application was submitted. The lands being enlarged were already subject to a consent, as were the retained lands, and other adjoining lands owned by the Applicant(s).

If you can provide any further information as to the nature of the application, kindly

advise, otherwise I'll contact you to arrange for an appointment to review the file at your office.

Kindly notify me when the public meeting will be scheduled, and kindly notify me when the decision is made with respect to the above-noted application.

Note: *Mr. Bond received a full copy of the application.*

(e) **MINUTES – July 18, 2011**

Tracy Zander, agent and Jim Bond, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Bond advised that he had spoken to Mr. Ghinn, who confirmed that he did not have any plans to further divide the lands.

Ms. Zander confirmed that the barns on the retained lands were vacant and were not being used to house animals. Also, that the Township had adopted a By-law to prohibit any new lot creation on the lands except through a plan of subdivision.

The committee expressed concerns that in essence the application is changing the use of the lands from agricultural to vacant and that they required additional time to review the application prior to making a decision.

The chair reviewed the staff report and draft conditions.

Moved by W. Guthrie, seconded by D. Murphy

“**THAT**, application B11/072 be deferred to provide an opportunity for additional review of application background e.g. Special exception By-law, definition of development, similar applications / decisions, land use change.”

ADOPTED

(f) **MINUTES – September 26, 2011**

Ms. Zander and Mr. Bond were advised that they were still under oath from the July 18, 2011 hearing. Peter Ghinn, owner, attended the hearing and gave evidence by affirmation.

The Chair entered into the minutes correspondence received since the last meeting, as follows:

James M Bond – August 12, 2011

I want to clarify and update my position given the concerns raised at the public hearing held July 18th and my subsequent conversations with Mr. Ghinn.

This lot addition application is highly unusual given its size in comparison to the lot to which is being added (indeed the lot addition being much larger than the original lot itself]. My concern is the future use intended for these lands, in particular its development potential. It was evident at the meeting the committee was also concerned.

My recent discussions with Mr. Ghinn made it evident that he was not aware of the issues raised at the meeting, particularly with respect to Karen Lane. Therefore, I want to confirm my recollections of the meeting so that there is no misunderstanding between those involved.

At the July 18th meeting, the committee raised the question regarding future development. Ms. Zander made it clear that the lands could be suited to a plan of subdivision. At that point members of the committee and myself became concerned and interested in the potential for future development proposals that might be contemplated by the applicants.

Mr. Murphy raised the issue of Karen Lane. I indicated I was attempting to negotiate to purchase the end of Karen Lane (as a lot addition) to ensure any future development of the property did not negatively affect Karen Lane.

Mr. Ghinn has made alternative offers to me with respect to my request to purchase the land at the end of Karen Lane, which are not acceptable to me.

I am therefore requesting if the committee approve this application, that a condition be added to require a 0.3m reserve at the end of Karen Lane be created and conveyed to the Township. This reserve will ensure any future development proposals requiring the opening up/expansion of Karen Lane will be subject to appropriate planning controls and considerations at that time.

As you no doubt are aware, Chaloa Acres was created by reference plan checker boarding and severance consent rather than as a plan of subdivision. Therefore this development is lacking some standard planning controls, and as a result there have been many issues and problems over the years involving the local municipality, County and Ministry of the Environment. I believe adding a 0.3 reserve at the end of Karen Lane is a reasonable request to control future development in this area.

I intend to be present at the meeting on the 29th and look forward to discussing the issue with you further.

K Grenke – Township Planner – August 22, 2011

I just got off the phone with Jim Bond regarding the Ghinn consent on Rideau Ferry/Wild Life Rd and as you are aware he is concerned about incremental development in that area given how things have unfolded there in the last number of years. He had mentioned there were some concerns with the proposal raised at the Land Division Committee meeting and that Mr. Ghinn might be using this lot addition as a springboard to more development, perhaps off of Karen Lane, which has its own planning issues over the last few decades. I had submitted a planning report to you in the spring noting that the RU-66 Zone prohibited any net new lot creations on that property unless by plan of subdivision and Mr. Bond suggested that as an additional protection for that lot and the neighbouring lot a 1 foot right- of-way at the end of Karen Lane, to be conveyed to the Township, would be a good idea. I understand the Land Division Committee deferred a decision and are looking to hold another meeting at the end of August. If we are to look at adding that r-o-w as a condition, I'm wondering if you will need anything from me on this prior to the next meeting or perhaps a new zoning amendment or site plan to preclude any road development might be appropriate. On the other hand, I'm wondering if it is necessary to put Mr. Ghinn through this seeing as he can't create any new lots on either that property or the neighbouring one (which appears to be maxed out in severances) without a plan of subdivision so he would be taking an awfully big risk if he wants to run a road before creating any lots. What is your take on this issue?

Ms. Zander confirmed that in her opinion the proposal is in compliance with the PPS, the Township Official Plan and Township's Zoning By-law as per the re-zoning that was undertaken August 2010.

The chair advised Mr. Ghinn that he had not returned his telephone calls, as it was the policy of the Committee not to discuss applications without the other members present.

Mr. Bond agreed that the application is odd; however does seem to comply with policies. And that his main concern was with Karen Lane and that there should be a condition to have a 1 ft reserve at the end of the lane.

Mr. Ghinn expressed concern that if there was a requirement for a 1 ft reserves that it would be an additional restriction on top of the re-zoning by-law. He also advised that it was his intention not to construct a dwelling with access to Wild Life Road but rather at the end of Karen Lane.

The Committee noted that when Mr. Ghinn received approval for Consent B10/039, that one of the conditions of approval was that the retained lands be re-zoned to prohibit any further development through the consent process. The definition of "development" being as set out in the Provincial Policy Statement Section 6.0 Definitions:

"Development : means the creation of a new lot, a change in land use, or the construction of buildings or structures, requiring approval under the Planning Act."

By-law No. 2010-052 of the Township of Drummond / North Elmsley Section 3 set out:
Section 3: Section 7.4 of By-Law No. 2003-34 is hereby amended by adding the following, and by replacing the "x" symbol in the following text and on schedule "A" with the next number in sequence:

*7.4.x RU-x: Part of Lot 26, Concession 9, North Elmsley Ward
Notwithstanding any provisions of this By-Law to the contrary, on the lands zoned RU-x, no additional lots shall be created, except through the plan of subdivision or plan of condominium process."*

(Note: there is no definition of "Development" in the D/NE Zoning By-law).

The committee agreed that if the application were to be approved that a condition be included requiring a 1 ft reserve, to be deed to the Township at the end of Karen Lane and the un-named portion of Bernice Lane running north-easterly along the dwelling / farm building fence line.

The committee questioned if Mr. Ghinn had a concern that only two members were present at this hearing, and gave Mr. Ghinn the opportunity to request a deferral to the October meeting at which time all three members of the committee would be present. Mr. Ghinn declined any deferral.

The committee expressed concern that the proposal did not maintain the integrity of the farm operation and that there were already numerous consents on the original landholding.

The committee advised that it is their position, to ensure fairness in their review of consent applications and that the perception of fairness is met.

(g) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS REFUSED/DENIED.

REASONS:

- 1/** Approval of this proposal would not conform to the intent of Agricultural policies and Lot Creation policies of the Provincial Policy Statement and appears to contradict the intent of the site specific zoning RU-66.
- 2/** The proposal is an inappropriate change in land use. The proposal to separate the farm house, drive shed and barns will leave the farm lands without assets necessary to a farming operation. Without these assets, the land use would change from 'farm or agriculture' to 'vacant'.
- 3/** The proposal clearly creates a new lot even though it does not create an additional lot. The applicant was advised with the B2010/039 application that any further development on these lands would not be permitted under the consent process. The intent of "further development" was in the context of the definition contained in the Provincial Policy Statement Section 6.0 Definitions.
- 4/** The application, if approved could set a precedent for other landowners in the County to create an extra severance per landholding leaving farm lands without farm buildings. This is a contradiction to the PPS Section 2.3.4.1.c) Farm consolidation.