



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 6, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-015

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

“THAT, the minutes of the Land Division Committee meeting held on May 2, 2011 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-016

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

“THAT, the agenda be adopted as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 B10/137 – Robert and Patricia Thompson – New Lot

Pt Lot 11 Conc. 11, geographic Township of Ramsay, now in the Town of Mississippi Mills. Appleton Sideroad.

7.1.2 B11/015 and B11/016 – Amy Aileen Hughes – 2 new lots

Pt Lot 27 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Hughes Road.

7.1.3 B11/027 and B11/028 – Janet Lascelle – lot addition & new lot

Pt Lot 1 Conc. 12, Township of Beckwith. Blue Heron Drive

7.1.4 B11/029 – Mark Edwards – new lot

Lot 41 Section F Plan 22 Pt King St. Section F, Town of Carleton Place. King Street.

7.1.5 B11/030 – Doug and Gurtrina Perrault – Lot Addition

Pt Lot 14 Conc. 6, geographic Township of Lanark, now in the Township of Lanark Highlands. Con 6C Lanark.

7.1.6 B11/031 – Wilfred Hall – Lot Addition

Pt Lot 11 Conc. 9, geographic Township of Dalhousie, now in the Township of Lanark Highlands. Hall Shore Road.

7.1.7 B11/032, B11/033 & B11/034 – Estate of Andrew Gemmill – 3 new lots

Pt Lot 10 Conc. 7, geographic Township of Dalhousie, now in the Township of Lanark Highlands. Watson's Corners Road and 7th Con Dalhousie.

7.1.8 B11/035, B11/036 & B11/037, Rudolf G Welz – 3 new lots

Pt Lot 27 Conc. 9, Township of Montague. (Brown Road).

7.1.9 B11/038 – Murray and Kathryn Coutts – Lot Addition

Pt Lot 24 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Rideau Ferry Road.

7.1.10 B11/046 & B11/047 – Steven Pringle – lot consolidation

Pt Lot 18 Conc. 2, geographic Township of Ramsay, now in the Town of Mississippi Mills. Tatlock Road.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B09/118 – Frederick (Ted) Thomas – New Lot

Pt Lot 1 Conc. 9, geographic Township of Darling, now in the Township of Lanark highlands. Tatlock Road.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 OACA – W Guthrie provided an update on the OACA Conference held in Woodstock, May 29 to May 31, 2011. Seminars attended provided the following information – recognizing cultural differences, ensuring cemeteries (both active and abandoned) are recognized when dealing with consents, conflict of interest, site visits.

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/137 – Robert and Patricia Thompson – New Lot

10.1.2 B11/015 and B11/016 – Amy Aileen Hughes – 2 new lots

10.1.3 B11/027 and B11/028 – Janet Lascelle – lot addition & new lot

10.1.4 B11/029 – Mark Edwards – new lot

10.1.5 B11/030 – Doug and Gurtrina Perrault – Lot Addition

10.1.6 B11/031 – Wilfred Hall – Lot Addition.

10.1.7 B11/032, and B11/033 – Estate of Andrew Gemmill now owned by Wilf Hall Ltd.– 2 new lots

10.1.8 B11/035, B11/036 & B11/037, Rudolf G Welz – 3 new lots

10.1.9 B11/038 – Murray and Kathryn Coutts – Lot Addition

10.1.10 B11/046 & B11/047 – Steven Pringle – lot consolidation

10.1.11 B09/118 – Frederick (Ted) Thomas – New Lot

10.2 PROVISIONAL CONSENT REFUSED

**10.2.1 B11/034 – Estate of Andrew Gemmill now owned by Wilf Hall Ltd.–
new lot**

MOTION #LD-2011-017

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, Application B11/034 provisional consent be denied - application does not conform to the Official Plan for Lanark Highlands, Section 10.11.13,B.4.”

ADOPTED

11. UPCOMING MEETINGS

Monday, June 27, 2011,
Monday, July 18, 2011,
Monday, August 22, 2011
Monday September 26, 2011, and
Monday October 24, 2011

12. ADJOURNMENT – 12:45 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert & Patricia Thompson

Hearing Date: June 6, 2011

Agent: n/a

LDC File #: B10/137

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 11 **Concession:** 11

Roll No. 0931 929 020 55000

Consent Type: New lot

Purpose and Effect:

To sever a 21.7-ha parcel of land containing a 'tree plantation' with access to Appleton Side Road and retain a 58-ha landholding with an existing dwelling, barns and outbuildings. The retained lands access via Old Almonte Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Tree Plantation Tree Plantation & Dwelling	Residential & Farm Residential & Farm
Area Frontage Depth Road - Access to	21.7-ha 150 m 800 m County Road	58.0-ha 1,380 m 620 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Agriculture and Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes	Agriculture 37.0-ha Yes 150 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.

2.3 Agriculture

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

Section 2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted except in accordance with policy 2.3.4.1(c).

Official Plan – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.3 County Roads, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever.

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

Zoning By-law - Section 6 General Provisions, Section 8 Agricultural Zone, Section 9 Rural Zone

The Town of Mississippi Mills advises that the proposal complies with the Zoning By-law requirements

(b) AGENCY REVIEW

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

Town Planner's Report Background

Robert and Patricia Thompson currently own approximately 80.93ha (200ac) of land located at Part Lot 11, Conc. 11, municipally known as 468 Old Almonte Road, Ramsay Ward in the Town of Mississippi Mills. The property currently has a Community Official Plan designation of Agriculture and Rural. The property is zoned both Agricultural (A) Zone and Rural (RU) Zone.

The applicants are proposing to sever a 23ha (56ac) parcel of land, which will have 150m (492ft) of lot frontage for forestry uses including the planting, management and harvesting of timber resources from the subject property. The land on which the forestry use is located is zoned Rural (RU) Zone. This severance would separate the forestry use from the agricultural land. The applicant is currently working with Heideman Forest Services to create a sustainable forest operation.

The retained lands, 57.93ha (144ac), are zoned Agricultural (A) Zone and some Rural (RU) Zone. On the retained land is the original farm property with farmhouse and

outbuildings which is currently being rented and used as a farming operation. The remainder of the retained lands are being leased or rented by other farming operations.

Severance Application Summary

This is an application to sever a lot with an existing forestry use. The severed lands will total 23ha (56ac) from the existing 80.93ha (200ac) of rural and agricultural land on Part Lot 11, Conc. 11, Ramsay Ward. The new lot will have a proposed lot frontage of 150m (492ft) on Appleton Side Road (County Road 17). Access to the lot will be from Appleton Side Road (County Road 17), Ramsay Ward. The retained lands will have an approximate land area of 57.93ha (144ac) with lot frontages on to Appleton Side Road, Old Almonte Road and Ramsay Conc. 12., Ramsay Ward (refer attached to sketch). The entrance to the farmhouse is currently from Old Almonte Road.

Community Official Plan Policies

The subject property has a Community Official Plan (COP) designation of Agricultural and Rural. The COP recognizes forestry as a traditional rural use and specifies it as a permitted use through Section 3.2.2(v) on lands designated "Agricultural" and Section 3.3.2(iv) on lands designated "Rural." The proposed severance meets the COP policies for frontage in both the Agricultural and Rural designations and lot size in the Rural designation. The application would essentially create two agricultural use parcels of land on lands designated by the COP as both Agricultural and Rural. The forestry use portion of land to be severed is located predominantly on land designated Rural in the COP. The portion of the land creating access to the forestry operation from Appleton Side Road is designated Agricultural in the COP. The COP permits severances on lands designated Rural, section 3.3.6.3.ii, Severances and Lot Creation and permits severances on lands designated Agricultural, section 3.2.7.3.ii, Severances and Lot Creation. Both sections state, "Farm-related severances may be considered for the creation of a new agricultural holding provided that: ii) the size of the parcels to be severed and retained are appropriate for the type of agriculture being carried out in the area. Furthermore the Agricultural policies in the COP refer to a general minimum lot size of 100 acres for new agricultural holdings. In this case, the size of the severed and retained parcels are appropriate for both the forestry and farming uses of the lands.

The application is subject to the minimum distance separation requirements, however, the lands surrounding the severed property are being used for crop production and as a result the MDS does not apply.

Zoning By-law

The subject property is currently zoned Agricultural (A) and Rural (RU) zone. The portions of the property subject to the severance application are zoned Rural (RU) zone only. Zoning By-law 01-70 permits non-residential uses such as forestry in the rural zone provided a minimum lot area of 10ha (24.7ac) and a lot frontage of 150m (492ft) are maintained. The application meets these requirements and is consistent with the lot provisions outlined in the Rural (RU) zone.

The zoning by-law also requires that the proposed lot must meet the minimum distance separation requirements. The agricultural use on the abutting property is crop based and therefore MDS is not required.

It would appear that the proposed severances would maintain the intent and purpose of the zoning by-law.

Conclusion

The proposed severance is consistent with the Community Official Plan policies regarding lot area, frontage, severance and lot creation. The proposed severance is also consistent with the provisions of the Zoning By-law 01-70 regarding lot area and lot frontage. The proposed lot has access to a County owned and maintained road.

Town of Mississippi Mills – “THAT the Planning & Development Committee support consent application B10/137 (Thompson) for the severance of lands described as Part Lot 11, Conc. 11, Ramsay Ward with the following conditions:

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format; and
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant must acquire an entrance permit from Appleton Side Road; and
5. That the applicants must acquire a PIN/Municipal address for the newly created lot

Conservation Authority – November 11, 2010

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

According to the information provided, the purpose of the subject application is to sever a vacant 52.6-ac parcel of land and retain 151 acres with an existing residence, barn and outbuildings.

A review of available mapping shows the headwaters of a drainage ditch on the proposed retained lands. This ditch drains into a pond, also located on the retained lands. The proposed severed lands largely consist of a tree plantation. No natural hazards or significant natural heritage features were identified on the proposed severed lands.

The resulting lots meet with the current minimum area requirements set out in the Town of Mississippi Mills' Zoning By-law and the proposed retained lands are already developed with no new development proposed at this time. We assume that any potential future development will comply with the zoning provisions, particularly with respect to the minimum setback from a watercourse and the retention of shoreline vegetated buffers.

Concerning the proposed severed lands, no natural hazards or significant natural heritage features were identified. With all of this in consideration, MVC does not have any objection to the subject application.

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

In addition, any proposed works in or near the drain or pond 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 maybe required for such work.

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

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

On-Site Services (Septics) – Leeds Grenville & Lanark District Health Unit
Severed lands – 0.6 metres of clay loam. Moderate slope. Tree farm. No standing water observed. Recommendations – adequate area for sewage disposal system. Soil not suitable as leaching bed fill, imported leaching bed fill may be required.

Retained lands – some agricultural fields. On residence with barn and outbuildings. Recommendations – ample space trained to accommodate replacement system if required.

County of Lanark Public Works Department

- 1/ Applicant has an approved entrance location to the County Road No. 2303 Land proposed to be severed by B10/137 has an approved location for commercial / residential access.
- 2/ A full entrance application must be submitted and entrance installed prior to deed endorsement. Retained lands have an existing entrance off a local municipal road (Old Almonte Road).
- 2/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 21.7-ha landholding with a tree plantation and retain a 58-ha landholding with an existing dwelling, barns and outbuildings. Although there is no immediate proposal to construct a dwelling on the lands, sufficient lands fronting Appleton Side Road has been provided to accommodate a dwelling in the future.

The subject lands are located in an area characterized by limited Residential development. The main purpose of lands in the vicinity are farming operations. Only the south west quarter of Lot 11 is designated agricultural and this area has been maintained with the retained farming operation. No MDS was undertaken as there is ample space on the lands to maintain the required setback. An MDS will be required prior to the issuance of a building permit and should be included as a 'note'.

The severed lands are accessed via Appleton Side Road; a County maintained road and the lands retained are accessed via Old Almonte Road, a municipally maintained road. The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a "Bed & Breakfast, Retreat Centre and Organic Farming Operation". These activities are appropriate in the rural area. The severed lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory –

Front Section	- Name: Snedden	Rear Section – Farmington
	- Stoniness: non stony	- slightly stony
	- CLI: 1 - prime	- 6 Natural grazing only
	- Drainage: imperfectly	- well drained
	- Hydrogeology: high run-off	- moderate

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

(d) PUBLIC INPUT

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:

Nick and Ann Johns – Dec. 6, 2010

We would like to be advised of the details regarding the public meeting which we hope will be held in Mississippi Mills and also the decision of the Land Division Committee.

John & Catherine Grace – Feb 16, 2011

As a landowner within 60 metres of the subject property, we would like to know if the severance of the subject land has been approved. Also, if possible, we would like to know if the land has been sold and who the new owner is.

(e) MINUTES – June 6, 2011

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
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 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.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. 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.
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 Town of Mississippi Mills stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the drain or pond 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 maybe required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that the soil is not suitable as leaching bed fill, Imported leaching bed fill may be required.*
4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Town of Mississippi Mills will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Amy Aileen Hughes

Hearing Date: June 6, 2011

Agent: ZanderPlan Inc.

LDC File #: B11/015 and B11/016

Municipality: Township of Drummond / North Elmsley

Geographic Township: North Elmsley

Lot: 27 **Concession:** 7

Roll No. 0919 908 020 13100

Consent Type: Two (2) New Lots

Purpose and Effect: To sever two residential building lots (2.1-ha and 0.91-ha) and retain a 50.1-ha vacant landholding. The proposed lots are to be accessed via Hughes Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/015	B11/016	
Existing Use	Vacant	Vacant	Residential
Proposed Use	Residential	Residential	Residential
Area	2.1-ha	0.93-ha	50.1-ha
Frontage	245.8-ha	72.7 m	268.7 m
Depth	99.4 h	131.1 m	Irregular
Road - Access to	Municipal	Municipal	County & Municipal
Water Supply	Proposed	Proposed	None
Sewage Disposal	Proposed	Proposed	None
Official Plan Designation -Conformity?	Rural with Aggregate Resource Influence Area Yes		
Zoning Category	Rural		Rural, Wetland Influence & Aggregate Influence
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.5 Mineral Aggregate Resources

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

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

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

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

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

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

(b) AGENCY REVIEW

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

Drummond / North Elmsley Planner's Report

The subject property is currently designated Rural and Lands Adjacent to Wetland in the Township's Official Plan and is currently zoned Rural (RU) and Wetland Influence, however the severed lots are entirely within the Rural (RU) Zone. It should be noted that a portion of the subject property, including about half of B11/015 is located within the influence area of an aggregate quarry deposit, as identified in the OP's Constraint Plan (Schedule "B"). This resource is currently undeveloped. In conformity to Section 3.18.3 of the Official Plan the applicant has submitted an impact report in support of the proposed

severance.

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

- That the balance of any outstanding taxes shall be paid to the Township
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 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 the Influence Area of an aggregate deposit which is located to the west in part of Lot 26, Concession XII, 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.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.

Conservation Authority – Rideau Valley Conservation Authority – March 3, 2011
The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

These applications seek the creation of two new lots, 2.1 hectare (B11/015) and .93 hectare (B11/016) from the 51 hectare retained parcel.

Neither of the proposed severances is situated in an area to which our jurisdiction applies. A section of the provincially significant wetland known as the Tay Marsh (and the associated 120 metre "adjacent lands") extend in a minor way, into the retained parcel. As such, we caution for the owner's reference, that this area is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" as it relates to the wetland area. Approval may be required for any interference with the wetland in this retained parcel.

Provided the Township is satisfied, we do not object to these applications.

The Rideau Valley Conservation Authority assumes no responsibility for any flood, erosion, or slope failure damage which may occur either to this property.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
B11/015 – A 2.1-ha parcel of land that is vacant. Land is a mixture of field and forest.

There are no existing buildings on the property. Recommendations – additional sandy loam fill will be required into area of future tile bed.

B11/016 – A 0.93-ha parcel of vacant land. Land is relatively flat with a mixture of field and trees. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained Lands – a 51-ha parcel of land that is a mixture of field and forest, land is relatively flat. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Lanark County Public Works

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two residential building lot (2.1-ha and 0.93-ha) and retain a 50.1-ha vacant landholding. One severance was created from the parcel prior to the sunset date of the Official Plan (1979) and was created after the sunset date in 1989.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along both Elm Grove Road and Hughes Road. Numerous Water Orientated Lots are located to the north and area of aggregate reserve is located to the east.

The lands to be severed are accessed via Hughes Road, a municipally maintained road. The retained lands have accessed to both Elm Grove Road, a County maintained road and Hughes Road, however no entrances are existing.

In accordance with the Township’s Official Plan, when there is development proposed on land located within the Influence Area of the aggregate reserve, the applicant is required

to provide a report to identify the impact of the proposed development on the adjacent designated land use and visa versa. Application B11/015 is outside the influence area and approximately ½ of B11/016 is located within the influence area.

The report notes that there is no quarry or pit licence in place at this time and that the lands are approximately 475 metres west of the quarry deposit. The report summarizes as follows:

“There is no existing aggregate license on the adjacent lands on which to evaluate impacts, and there are a number of existing rural residential land uses that are already existing in close proximity to the aggregate deposit. Therefore, it appears that the proposed severances will not have any additional impacts on a potential future aggregate operation than the existing sensitive land uses that already exist. It is recommended that a clause be placed on title for the proposed severed lot that will be within 500 metres of the aggregate deposit to note that the lot is located within proximity to an Aggregate Reserve – Quarry property that may be licensed for an aggregate operation in the future, and that any current or future property owners should be aware that they may be susceptible to noise, dust, vibration and other nuisances should a quarry operation be established on the property in the future”.

Staff concur with this recommendation.

Soils Inventory – mixture

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

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

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

(d) PUBLIC INPUT

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

(e) MINUTES – June 6, 2011

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

Ms. Zander provided background information on 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:

B11/015

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The Lands are located within the Influence Area of an aggregate deposit which is located to the west in part of Lot 26, Concession XII, 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".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township. Of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

7. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
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. 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.
10. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the Tay Marsh PSW extends in a minor way, into the retained parcel. As such, we caution for the owner's reference, that this area is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" as it relates to the wetland area. Approval may be required for any interference with the wetland in this retained parcel.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The County of Lanark Public Works Department advises that no access to the proposed lot is permitted from Elm Grove Road.*

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

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

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

B11/016

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition “The Lands are located within the Influence Area of an aggregate deposit which is located to the west in part of Lot 26, Concession XII, 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”.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township. Of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.

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

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2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The County of Lanark Public Works Department advises that no access to the proposed lot is permitted from Elm Grove Road.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Estate of Janet Lascelle

Hearing Date: May 30, 2011

Agent: Lynn Caldwell

LDC File #: B11/027

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 1 Concession: 12

Roll No. 0924 000 025 12001

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.376-ha parcel of land as a lot addition to lands owned by Janet Aileen Lascelle (Deceased) to provide sufficient frontage to meet the minimum frontage requirement of the Beckwith Township Zoning By-law, for land located at Pt Lot 1 Conc. 12, Beckwith (263 Blue Heron Drive) and retain a residential lot with an existing dwelling at 229 Blue Heron Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	0.376-ha	2.56-ha
Frontage	17 m	162 m
Depth	220 m	220 m
Road - Access to	Municipal Road	Municipal 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.)	n/a	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		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 Provisions, Section 6.5 Wetlands, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee. The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone. The Township of Beckwith advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

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

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 applications is the following:

B11/027: Sever 0.376 ha as a lot addition to the adjacent lands owned by Janet Lascelle at 263 Blue Heron Drive, and retain 2.56-ha with an existing dwelling at 229 Blue Heron Drive. The purpose of the lot addition is to provide sufficient road frontage to 263 Blue Heron Drive, which consists of an existing dwelling and outbuildings.

PROPERTY CHARACTERISTICS

B11/027: According to a review of available GIS mapping and aerial photography, a tributary of McCrearys Creek travels through a portion of the retained lands. A second tributary travels along a portion of the eastern side lot line of these lands. In addition, a section of the retained lands are located within 120 metres of the Scotch Corner's

Wetland Complex. This wetland has been classified as a Provincially Significant Wetland (PSW) by the Ministry of Natural Resources.

With respect to the lot to be enlarged, McCreary's Creek travels across the approximate mid section of this land while a portion of the Scotch Corner's Wetland Complex exists on the southern section.

No natural heritage features or natural hazards were identified on the severed lands.

REVIEW

B11/027: The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, in this particular case, the wetland is located on the retained lands which are already developed with no new development proposed. Therefore, it is our opinion that there is limited value in conducting an EIS at this time. However, in the event that future development is proposed, an EIS may be required at that time.

With respect to the watercourses identified on the retained lands, we do not anticipate any impacts from the proposed lot addition as the lot to be enlarged is already developed with no new development proposed at this time.

MVC is satisfied with the size of resulting lots.

CONCLUSIONS & RECOMMENDATIONS

B11/027: With all of the above in consideration, MVC does not have any objections to the subject lot addition.

We assume that any potential future development on the retained lands and the lot to be enlarged will comply with the zoning provisions, particularly with respect to: the waterbody setback; the requirement to maintain a vegetated buffer along the shoreline; and the requirement for an EIS for development within 120 metres of a PSW.

NOTES

The property owner should be advised that in the event shoreline work is proposed on McCreary's Creek or its tributaries, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any interference within 120 metres of the PSW may require written permission from MVC.

Any proposed works in or near McCreary's Creek, its tributaries, or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

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

A 0.93 acre parcel of land that has 45 m frontage on Blue Heron Road. Land is relatively flat and low in the front field. Land to rear is rocky and treed. Field area may be subject to

seasonal wetness therefore imported fill is a condition of severance. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – a 6.34 acre parcel of land with a bungalow set back approximately 250 ft from Blue Heron Road. House is serviced with a well and septic system.

Recommendation – additional sandy loam fill will be required in area of future replacement tile bed area.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.376-ha vacant parcel of land as a lot addition to lands owned by Janet Aileen Lascelle (Deceased) to provide sufficient frontage to meet the minimum frontage requirement of the Beckwith Township Zoning By-law, for land located at Pt Lot 1 Conc. 12, Beckwith (263 Blue Heron Road) and retain a residential lot with an existing dwelling at 229 Blue Heron Road.

229 Blue Heron Road was created by consent B1982/093. At that time the boundary line between Beckwith and Drummond Townships, had not been established through a survey plan, and it was assumed that the boundary line was approximately 125 m west of its of the lot line being established for consent application B1982/093.

Once the boundary was re-established by survey, it was found to be only 28 m from the lot line for 229 Blue Heron Road. This created a 'non-conforming' lot, which was the retained lands. This application for consent will add additional lands to 236 Blue Heron Road to increase the width of the frontage to 45 m which will then conform to the Township's Zoning By-law.

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

The lands to be enlarged and retained are accessed via Blue Heron Road, a municipally maintained road.

Soils Inventory – n/a

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

of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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:

Susan Fisher – April 15, 2011

Could we have copies of any correspondence relating to this file, either from 1982-ish when the original severance was made, as well as more recent correspondence relating to the second severance.

Ken Woodbridge and Faye Bancesco – May 13, 2011

Submission Re: File no.s B11/027 AND B11 /028

Pt. Lot 1, Conc. 12, Beckwith Township

We are neighbours of the above-noted land, directly across the road in Ramsay Township. We are concerned about this application for severance, which would likely result in the building of a single family home, for the following reasons:

1. This land is low lying and swampy. Ducks are swimming around there every spring. It would be good agricultural land and was used to grow hay in the past, but a dwelling would likely have water in the basement all year and be plagued with mosquitoes.
2. We are concerned that any construction of a septic system would contaminate our water source. We believe you are familiar with this type of problem in your township and would not want to encourage more of it.
3. In this part of the county often the subsoil is very close to solid rock. This creates an additional problem with septic flow, there is nowhere for it to go except into creeks and wells.
4. We have already observed problems with the neighbouring septic field, it can sometimes be smelled in driving by.
5. We are wondering if this land has been zoned properly, has the soil been examined, is this a suitable place to build a dwelling, or in fact should it be zoned as a wetland and protected.

Please notify us concerning any public meeting that pertains to this matter and of any decisions made. Thank you.

Susan Fisher – May 13, 2011

This is in respect to the Notices of Application for Consent, files no. B11/028 and B11/027, Twp. of Beckwith.

I have concerns about these applications as follows:

- 1) Although the land in question is not designated wetlands, it is wet. There are bulrushes growing in the ditch in front of the property to be severed and it is full of frogs, turtles, nesting ducks and no doubt many other wetland-dependent creatures. The water

that runs in that ditch and the stream bordering my property (203 Blue Heron Rd.) and the Lascelles' property next door (229 Blue Heron Rd.) drains into my wetlands. When I walk the dog along Blue Heron Rd. in front of the property to be severed, I often smell what seems to be a septic system. I am concerned that the septic system associated with the neighbour's house may be draining into my wetlands, plus now I have concerns that a 2nd septic system, associated with a new residence, may be built if the severance is approved and that the effluent from that too will reach my wetlands.

2) My property, and also the area all along Blue Heron Road, are teeming with wildlife. I know this because I walk and ski this area 3 times a day with my dog, no matter what the

weather. I have seen all kinds of creatures, large and small, including the Blanding's Turtle—threatened in Ontario and Canada and on the Endangered Species Act 2007. No doubt others would be discovered if a wildlife expert were to do a complete inventory.

3) I moved here nearly 40 years ago because it was a little used, dead end road. Over the decades, I have come to appreciate what a wildlife haven this area is. We do not need more houses here.

4) I also know from personal experience and daily observation, that the size and boundaries of wetlands in this area have changed greatly in the nearly 4 decades I have been here. Consequently, I would urge the County to have an expert do an accurate wetlands map of the area before any approval is given for another severance on Blue Heron Road.

Cathy and Paul Keddy – May 14, 2011

Cathy Keddy and I are writing to object to the proposed severance on Blue Heron Road, Beckwith Twp. The applicant has stated on the application that the subject property is not "within 120m" of a provincially significant wetland. In fact, it is our opinion as professional biologists that this property is indeed within 120m of a provincially significant wetland, and may well be part of the wetland. We have owned property in this area for more than 30 years, and are familiar with both this property in particular, and the procedures used to map wetlands in general. We also are familiar with the subject lands since we have observed the flora and fauna on it for nearly 20 years.

The subject property, and adjoining lands, are in or near the Scotch Corners Wetland which is a provincially significant wetland complex. Indeed, part of Blue Heron Road itself occasionally floods in the spring, and the swamps and marshes are obvious from the moment you turn onto Blue Heron Road. Turtles and frogs regularly cross this road as there is wetland on both sides. One spring night there were so many frogs on the road we had to walk in front of our car clearing a path to avoid carnage.

Even a superficial inspection of the property proposed for severance shows that it has typical wetland plant species including cattails, sedges, and willows. The U.S. Army Corps of Engineers considers such plant species to be indicators of wetland soils. We have also heard and seen numerous amphibians in the immediate vicinity, including green frogs, leopard frogs and spring peepers. We have also seen water snakes and Blanding's turtles. Typical wetland birds such as red-winged blackbirds and woodcock are regularly seen. The land directly across the road from the proposed severance is alder and willow swamp.

Indeed, even the map mailed to landowners within 60m of the subject lands shows a stream originating on the property—which is a certain sign of wetland soils, springs and seepage areas. This is part of a line of springs that extends onto our own property. This line of springs and seepage areas indicates the zone where unstable clay soils meet the edge of the Canadian Shield, and they follow the old shoreline of the Champlain Sea. On our property, these springs and seepage areas support regionally significant plant species. The sketch map accompanying the application is entirely inadequate, since it does not even accurately depict the areas of forest, much less the wetlands and seepage areas.

The subject property in this severance application also drains directly east into the provincially significant wetlands on the Fisher Property (203 Blue Heron Rd.) and from there downstream into Mississippi Lake. Water flows to this property from the Woodbridge Property (250 Blue Heron Rd.), where there are also substantial areas of wetland.

The present map of the Scotch Corners Wetland, which we obtained from OMNR, is clearly incomplete in this area. It does not show the alder and willow swamp immediately across the road on the Woodbridge Property which is linked to the Fisher wetlands. Nor does it indicate the wet meadow and marsh vegetation, or springs, on the land proposed for severance. Before any severance is permitted, we are of the opinion that the boundary of the Scotch Corners Wetland in this area needs a professional investigation and delineation.

This wetland delineation needs to be done by a professional biologist under the supervision of the Ontario Ministry of Natural Resources during a season when both plants and amphibians are identifiable. There also needs to be a test for wetland soils, and consideration of water levels during spring high water periods and summer storms. This study needs to include water level data in both the spring (after snow melt) and in the autumn (during autumn rains) since it is well-known that wet meadows and temporary pond complexes can experience dry periods during mid-summer. Such periods do not mean that these areas are not wetlands, nor does it mean that building is possible. (By way of illustration, we attach a three page article on temporary ponds and wetlands.)

We therefore formally request that before taking further action on this severance proposal you require the applicants to obtain a professional evaluation of the wetland status of the subject lands in the context of the Scotch Corners Provincially Significant Wetland.

We wish to be notified of the public meeting scheduled following your review and to be notified of the decision of the Land Division Committee regarding the proposed severance.

Emma Doherty and Mario Tremblay – May 15, 2011

We have no objection to File B11/027 where they are increasing their road frontage to meet Zoning by-law.

(e) **MINUTES – June 6, 2011**

Lynn Caldwell, agent, Lisa Michaud, Faye Bansesco, Cathy Keddy and Ken Woodridge, adjacent landowners attended the hearing and gave evidence under oath.

Ms. Caldwell provided background information on the applications.

Ms. Keddy expressed concerns with the vague language in the report by the Conservation Authority, and questioned who would be responsible for follow-up to ensure that environmental concerns have been addressed or mitigated.

Ms. Bancesco, questioned who prepares the Development Agreement and who determines the location of the septic system.

Mr. Woodridge, expressed concerns that the lands are low and should not be built on.

Ms. Michaud, advised that she had no concerns with the application, and that she was intended to construct a dwelling on the adjacent lands in located in Drummond.

The chair advised that adherence to the Species at Risk legislation was the requirement of the landowner. As to the Development Agreement, they should contact the Township and the CA to inquire when this matter will be discussed at the local municipality.

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 Janet Lascelle described as Pt Lot 1 Conc. 12, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

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

NOTES:

1. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed on McCreary's Creek or its tributaries, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any interference within 120 metres of the PSW may require written permission from MVC.*
2. *Any proposed works in or near McCreary's Creek, its tributaries, or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in any future septic system area and additional sandy loam fill will be required in area of future replacement tile bed area on the retained lands.*
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: Estate of Janet Lascelle **Hearing Date:** June 6, 2011
Agent: Lynn Caldwell
LDC File #: B11/028
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 1 **Concession:** 12
Roll No. 0924 000 025 12001 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.0-ha residential building lot and retain a 2.6-ha residential lot with an existing dwelling at 229 Blue Heron Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.0-ha	2.56-ha
Frontage	45 m	117 m
Depth	220 m	220 m
Road - Access to	Municipal Road	Municipal 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 4 General Provisions, Section 6.5 Wetlands, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.
The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone.
The Township of Beckwith advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.
3. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Mississippi Valley Conservation - April 23, 2011
Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject applications is the following:

B11/028: Sever a 1.0-ha vacant lot and retain 2.56 ha with an existing dwelling at 229 Blue Heron Drive.

PROPERTY CHARACTERISTICS

B11/028: According to a review of available GIS mapping and aerial photography, a tributary of McCrearys Creek travels through the retained lands. A second tributary travels along a portion of the eastern side lot line of the retained lands. In addition, these lands are partially located within 120 metres of the Scotch Corner's Wetland Complex. Concerning the severed lands, the same tributary which travels through the retained

lands also travels through a portion of the severed lot.

REVIEW

B11/028: With respect to the PSW which is located within 120 metres of the proposed retained lands, it is our view that an EIS would provide limited value given that these lands are already developed with no new development proposed. However, in the event of future development, an EIS may be required at that time.

Concerning the watercourses identified on the retained and severed lands, we do not anticipate any impacts to these natural features as a result of the proposed severance. Sufficient area appears to exist on these lands to accommodate future development in compliance with the current standards for development adjacent to a watercourse. The retained land is already developed with no new development proposed at this time.

MVC is satisfied with the size of resulting lots.

CONCLUSIONS & RECOMMENDATIONS

B11/028: With all of the above in consideration, MVC does not have any objections to the subject severance provided that the following mitigative measures are implemented for future development on the severed lot:

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

We assume that any potential future development on the retained lands will comply with the zoning provisions, particularly with respect to: the waterbody setback; the requirement to maintain a vegetated buffer along the shoreline; and the requirement for an EIS for development within 120 metres of a PSW.

NOTES

The property owner should be advised that in the event shoreline work is proposed on McCreary's Creek or its tributaries, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any interference within 120 metres of the PSW may require written permission from MVC.

Any proposed works in or near McCreary's Creek, its tributaries, or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

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

A 2.47 acre parcel of vacant land. Low flat field at front of lot and wooded rocky land toward rear of property. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained lands – a 6.34 acre parcel of land with a bungalow set back approximately 250 ft from Blue Heron Road. House is serviced with a well and septic system. Recommendation – additional sandy loam fill will be required in area of future replacement tile bed area.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.0-ha residential building lot and retain a 2.56-ha residential lot with an existing dwelling at 229 Blue Heron Drive.

The subject lands are located in an area characterized by Residential on generally large landholdings along Blue Heron Road. The OGDE Mapping attached, shows the location of the Scotch Corners Wetland Complex, in relation to existing dwellings.

The lands to be enlarged and retained are accessed via Blue Heron Road, a municipally maintained road.

Soils Inventory – Muck

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

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

(d) PUBLIC INPUT

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:

Susan Fisher – April 15, 2011

Could we have copies of any correspondence relating to this file, either from 1982-ish when the original severance was made, as well as more recent correspondence relating to the second severance.

Ken Woodbridge and Faye Bancesco – May 13, 2011

Submission Re: File no.s B11/027 AND B11 /028

Pt. Lot 1, Conc. 12, Beckwith Township

We are neighbours of the above-noted land, directly across the road in Ramsay Township. We are concerned about this application for severance, which would likely result in the building of a single family home, for the following reasons:

1. This land is low lying and swampy. Ducks are swimming around there every spring. It would be good agricultural land and was used to grow hay in the past, but a dwelling would likely have water in the basement all year and be plagued with mosquitoes.
2. We are concerned that any construction of a septic system would contaminate our water source. We believe you are familiar with this type of problem in your township and would not want to encourage more of it.
3. In this part of the county often the subsoil is very close to solid rock. This creates an additional problem with septic flow, there is nowhere for it to go except into creeks and wells.
4. We have already observed problems with the neighbouring septic field, it can sometimes be smelled in driving by.
5. We are wondering if this land has been zoned properly, has the soil been examined, is this a suitable place to build a dwelling, or in fact should it be zoned as a wetland and protected.

Please notify us concerning any public meeting that pertains to this matter and of any decisions made. Thank you.

Susan Fisher – May 13, 2011

This is in respect to the Notices of Application for Consent, files no. B11/028 and B11/027, Twp. of Beckwith.

I have concerns about these applications as follows:

- 1) Although the land in question is not designated wetlands, it is wet. There are bulrushes growing in the ditch in front of the property to be severed and it is full of frogs, turtles, nesting ducks and no doubt many other wetland-dependent creatures. The water that runs in that ditch and the stream bordering my property (203 Blue Heron Rd.) and the Lascelles' property next door (229 Blue Heron Rd.) drains into my wetlands. When I walk the dog along Blue Heron Rd. in front of the property to be severed, I often smell what seems to be a septic system. I am concerned that the septic system associated with the neighbour's house may be draining into my wetlands, plus now I have concerns that a 2nd septic system, associated with a new residence, may be built if the severance is approved and that the effluent from that too will reach my wetlands.
- 2) My property, and also the area all along Blue Heron Road, are teeming with wildlife. I know this because I walk and ski this area 3 times a day with my dog, no matter what the weather. I have seen all kinds of creatures, large and small, including the Blanding's Turtle—threatened in Ontario and Canada and on the Endangered Species Act 2007. No doubt others would be discovered if a wildlife expert were to do a complete inventory.
- 3) I moved here nearly 40 years ago because it was a little used, dead end road. Over the decades, I have come to appreciate what a wildlife haven this area is. We do not need more houses here.

4) I also know from personal experience and daily observation, that the size and boundaries of wetlands in this area have changed greatly in the nearly 4 decades I have been here. Consequently, I would urge the County to have an expert do an accurate

wetlands map of the area before any approval is given for another severance on Blue Heron Road.

Cathy and Paul Keddy – May 14, 2011

Cathy Keddy and I are writing to object to the proposed severance on Blue Heron Road, Beckwith Twp. The applicant has stated on the application that the subject property is not “within 120m” of a provincially significant wetland. In fact, it is our opinion as professional biologists that this property is indeed within 120m of a provincially significant wetland, and may well be part of the wetland. We have owned property in this area for more than 30 years, and are familiar with both this property in particular, and the procedures used to map wetlands in general. We also are familiar with the subject lands since we have observed the flora and fauna on it for nearly 20 years.

The subject property, and adjoining lands, are in or near the Scotch Corners Wetland which is a provincially significant wetland complex. Indeed, part of Blue Heron Road itself occasionally floods in the spring, and the swamps and marshes are obvious from the moment you turn onto Blue Heron Road. Turtles and frogs regularly cross this road as there is wetland on both sides. One spring night there were so many frogs on the road we had to walk in front of our car clearing a path to avoid carnage.

Even a superficial inspection of the property proposed for severance shows that it has typical wetland plant species including cattails, sedges, and willows. The U.S. Army Corps of Engineers considers such plant species to be indicators of wetland soils. We have also heard and seen numerous amphibians in the immediate vicinity, including green frogs, leopard frogs and spring peepers. We have also seen water snakes and Blanding’s turtles. Typical wetland birds such as red-winged blackbirds and woodcock are regularly seen. The land directly across the road from the proposed severance is alder and willow swamp.

Indeed, even the map mailed to landowners within 60m of the subject lands shows a stream originating on the property—which is a certain sign of wetland soils, springs and seepage areas. This is part of a line of springs that extends onto our own property. This line of springs and seepage areas indicates the zone where unstable clay soils meet the edge of the Canadian Shield, and they follow the old shoreline of the Champlain Sea. On our property, these springs and seepage areas support regionally significant plant species. The sketch map accompanying the application is entirely inadequate, since it does not even accurately depict the areas of forest, much less the wetlands and seepage areas.

The subject property in this severance application also drains directly east into the provincially significant wetlands on the Fisher Property (203 Blue Heron Rd.) and from there downstream into Mississippi Lake. Water flows to this property from the Woodbridge Property (250 Blue Heron Rd.), where there are also substantial areas of wetland.

The present map of the Scotch Corners Wetland, which we obtained from OMNR, is clearly incomplete in this area. It does not show the alder and willow swamp immediately across the road on the Woodbridge Property which is linked to the Fisher wetlands. Nor

does it indicate the wet meadow and marsh vegetation, or springs, on the land proposed for severance. Before any severance is permitted, we are of the opinion that the boundary of the Scotch Corners Wetland in this area needs a professional investigation and delineation.

This wetland delineation needs to be done by a professional biologist under the supervision of the Ontario Ministry of Natural Resources during a season when both plants and amphibians are identifiable. There also needs to be a test for wetland soils, and consideration of water levels during spring high water periods and summer storms. This study needs to include water level data in both the spring (after snow melt) and in the autumn (during autumn rains) since it is well-known that wet meadows and temporary pond complexes can experience dry periods during mid-summer. Such periods do not mean that these areas are not wetlands, nor does it mean that building is possible. (By way of illustration, we attach a three page article on temporary ponds and wetlands.)

We therefore formally request that before taking further action on this severance proposal you require the applicants to obtain a frill professional evaluation of the wetland status of the subject lands in the context of the Scotch Corners Provincially Significant Wetland.

We wish to be notified of the public meeting scheduled following your review and to be notified of the decision of the Land Division Committee regarding the proposed severance.

Emma Doherty and Mario Tremblay May 15, 2011

We oppose the lot severance as shown as it would bring a higher household density feel to the neighbourhood. This is a relatively quiet rural area with residents that own larger properties. Most enjoy the privacy, quiet and decreased road traffic that a dead end road affords. This is a big reason we purchased here. The addition of a smaller lot next to a stretch where several homes are already close to one another would raise the possibility of one more house being built and is not in keeping with the character of the neighbourhood. Increased traffic will lead to higher road maintenance costs and all this traffic must pass by our home. The proposed lot severance also looks to be a wet area with cattails growing along the front of it and not appropriate for a building lot anyway. We hope that our opinions will be taken into consideration.

We would like to be notified of the decision by the Land Division Committee regarding this file.

(e) MINUTES – June 6, 2011

Lynn Caldwell, agent, Lisa Michaud, Faye Bansesco, Cathy Keddy and Ken Woodridge, adjacent landowners attended the hearing and gave evidence under oath.

Ms. Caldwell provided background information on the applications.

Ms. Keddy expressed concerns with the vague language in the report by the Conservation Authority, and questioned who would be responsible for follow-up to ensure that environmental concerns have been addressed or mitigated.

Ms. Bancesco, questioned who prepares the Development Agreement and who

determines the location of the septic system.

Mr. Woodridge, expressed concerns that the lands are low and should not be built on.

Ms. Michaud, advised that she had no concerns with the application, and that she was intended to construct a dwelling on the adjacent lands in located in Drummond.

The chair advised that adherence to the Species at Risk legislation was the requirement of the landowner. As to the Development Agreement, they should contact the Township and the CA to inquire when this matter will be discussed at the local municipality.

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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of April 23, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
4. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
5. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

7. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
8. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Mississippi Valley Conservation stating that condition #3 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Leeds Grenville and Lanark District Health Unit advised that additional sandy loam fill will be required in area of future tile bed and that additional sandy loam fill will be required in area of future replacement tile bed area on the retained lands.*
6. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed on McCreary's Creek or its tributaries, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any interference within 120 metres of the PSW may require written permission from MVC.*
7. *Any proposed works in or near McCreary's Creek, its tributaries, or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
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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: Mark Edwards

Hearing Date: June 6, 2011

Agent: William Webster

LDC File #: B11/029

Municipality: Town of Carleton Place

Geographic Township:

Lot: Plan 222 Sec.F Lot 41

Roll No. 0928 030 050 10900

Consent Type: New Lot

Purpose and Effect: To sever a 332 sq.m residential building lot and retain a 560 sq.m lot with an existing dwelling at 165 King St.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	332 sq.m.	560 sq.m.
Frontage	11.25 m	22.2 m
Depth	29.54 m	36.0 m
Road - Access to	Municipal Street	Municipal Street
Water Supply	Proposed	Piped Water
Sewage Disposal	Proposed	Sanitary Sewage
Official Plan Designation -Conformity?	Residential Yes	
Development Permit Category	Residential	Residential
-Area Required (min.)	60%	60%
-Compliance?		
-Frontage Required (min.)	10.6 m	10.6 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

Section 1.1.3.3 Planning authorities shall identify and promoted opportunities for

intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including bownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

A consent application has been received for the property known municipally as 165 King Street. The lot is located on the north side of King Street and east of Queen Street and has an existing house on the property.

The severed lot would be approximately 11.25 metres wide and 332 m². The retained parcel would be approximately 22.2 metres wide and 560 m² and contain the house.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the application will be to create an infill lot within an existing neighbourhood. The lot frontage and access will be on King Street. The severed lot will require a municipal service for the lot which will be at the expense of the owner. The grading and drainage of the severed lot will need to be carefully considered since the property is generally flat and is positioned between two existing houses.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.

2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
5. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
6. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.
7. That the applicant demonstrates compliance with the required Ontario Building Code unprotected openings in the existing building elevation adjacent to proposed lot line.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 332 sq.m residential building lot and retain a 560 sq.m lot with an existing dwelling at 165 King St.

The subject lands are located in an area characterized as Residential on typical town lots in the South East Section of the Town of Carleton Place. The Rail Line, Fire Station and OPP Station are located to the west of the lot. The lands are accessed via King Street, a municipally maintained street.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Official Plan which is appropriate in the settlement area setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 6, 2011**

William Webster 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 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 shall provide a digital copy of the reference plan (in NAD83 datum) to the Town of Carleton Place.
5. 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.
6. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
7. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
8. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.
9. That the applicant demonstrates compliance with the required Ontario Building Code unprotected openings in the existing building elevation adjacent to proposed lot line.
10. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #10 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Douglas & Gurtrina Perrault **Hearing Date:** June 6, 2011
Agent: Douglas Perrault
LDC File #: B11/030
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 14 **Concession:** 6
Roll No. 0940 934 015 09001 **Consent Type:** Lot Addition

Purpose and Effect: To sever an 8.09-ha parcel of land as a lot addition to lands owned by Douglas and Gurtrina Perrault at Pt Lot 14 Conc. 6, Lanark – 1900 Con. 6 Lanark and retain a 30.3-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	8.09-ha	30.3-ha
Frontage	208 m	146 m
Depth	292 m	640 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a lot addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 10.11.13 Subdivision, Consents

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

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

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands Planner's Report

Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 14, Concession 6, former Township of Lanark now in the Township of Lanark Highlands and commonly referred to as 1900 Concession 6.

The applicant wishes to sever approximately 8ha of land with road frontage of 208 metres and add to an existing lot of record. The proposed retained lands will have 146 metres of frontage and an area of approximately 30ha.

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

currently vacant. There is no new development proposed at this time.

It should be noted that there is a creek that transects the proposed severed lands. The area between the creek and the limit of the land to be severed for the lot addition is intended to remain with the retained lands.

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.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Perrault proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development.

Frontage for both the retained and severed lot is on Concession Road 6. The lots will have sufficient frontage to meet the requirements for road access and egress. It is anticipated that no new municipal services will be required as a result of this proposal.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. There are no identified natural heritage features on the subject lands with the possible exception of potential fish habitat in the existing creek. Any future development will be required to maintain a minimum 30 metre setback from the creek should fish habitat be identified. Accordingly the application is consistent with this section of the PPS.

New land uses shall comply with the minimum distance separation formulae. MDS calculations were undertaken to ensure that separation distances from existing livestock buildings to future sensitive land uses can be maintained. There appears to be sufficient area to ensure compliance with MDS setback requirements

Official Plan

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

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate required building setbacks, parking and snow storage and removal within the proposed lot configuration. The proposal must also be evaluated for potential conflicts with adjacent land uses and natural heritage features. The proposed lot creation is in conformity with the existing Official Plan's relevant policies.

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

the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

Zoning

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. The proposal can meet the frontage and area requirements of the by-law. The applicant will need to meet the performance standards of the bylaw, including the required setbacks and maximum lot coverage when new development is proposed.

Discussion

This application for a lot addition will not result in any new lot and will ensure that the newly reconfigured lots will have sufficient area to permit appropriate development. The application as submitted is consistent with the PPS, complies with the policies of both the old and new Official Plan and the resulting lots meet zoning requirements.

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

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

Conservation Authority – Mississippi Valley Conservation – April 23, 2011

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 8.09-ha as a lot addition to the adjacent lands owned by Douglas & Gurtrina Perrault. The retained lands are a vacant 30.35-ha landholding. The lot to be enlarged is already developed with an existing dwelling and outbuilding.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained land consists of two unnamed watercourses. The most westerly watercourse drains into an unclassified wetland located on adjacent lands while the second

watercourse drains into unclassified wetland located in tile subject retained lands. With respect to tile severed lands, no natural heritage features or natural hazards were identified on these lands; however, we estimate that tile severed property is located within 30 metres of the most westerly watercourse.

REVIEW

MVC is satisfied with the size of resulting lots. And, sufficient area exists on the proposed retained lands to accommodate future development in compliance with the current standards for development adjacent to a watercourse. The lot to be enlarged is already developed with no new development proposed at this time.

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 and severed lands, we assume that any potential future development will comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

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

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

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

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – a 20 acre vacant parcel of land with a mixture of field and bush. Land slope and drainage varies. Recommendation –additional sandy loam fill is required in the area of the future tile bed.

Retained lands – a 75 acre parcel of land. Land slope and drainage varies. Additional sandy loam fill may 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.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 8.09-ha vacant landholding as a lot addition to lands owned by Douglas Derrill Perrault and Gurtrina Perrault at Pt Lot 14 Conc. 6, geographic Township of Lanark being Par 1 on Reference Plan 27R-212 and to retain a 30.35-ha vacant landholding.

The subject lands are located in an area characterized by Residential on a variety of lot sizes, intermixed with farm holdings. The lands abuts the settlement area know as Middleville. An unclassified wetland is located on the southern boundary of the lands to be retained.

A farming operation is located to the south west of the lot; (Sivet) therefore an MDS calculation was undertaken. This resulted in a setback requirement of 81 m. A second MDS calculation was undertaken for the property directly south of the lot (Dutil). This resulted in a setback requirement of 196 m. However the applicant does not proposed any new dwellings.

The lands are accessed via Con 6 Lanark, a municipally maintained road.

Soils Inventory – Mixture:

Name: Tweed	: Tennyson	:
- Stoniness: very stony	- slightly stony	
- CLI: 7 no capability	- CLI – 3 moderately severe	
- Drainage: imperfectly	- well drained	
- Hydrogeology: moderate	- moderate	

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

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

(d) **PUBLIC INPUT**

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:

Christian and Evonne Dutil – April 18, 2011

We received a Notice of Application for Consent in the mail. We have been requested to provide recommendations on or before April 29, 2011, as landowners located within 60 meters of the subject lands. We have attempted to access and review the *Planning Act, Section 3 O. Reg. 547/06* but we could not locate it on e-laws on the provincial web site.

Before we make our submission in regards to the above application we would require information in regards to the impact of a positive decision (where the Land Division Committee would give its consent for this severance) on our ability as landowners to make severance(s) on our property or to have animals on our land in the future.

NOTE: *The Dutil's were advised that this application does not prevent them from applying for consents on their land, nor does it prevent them from having animals on their property. However MDS would apply to any new construction for livestock purposes on their property.*

(e) **MINUTES – June 6, 2011**

Douglas Perrault 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 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 Douglas Derrill Perrault and Gurtrina Perrault described Pt Lot 14 Conc. 6, geographic Township of Lanark being Part 1 on Reference Plan 27R-212, 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".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

4. 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.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill is required in the area of the future tile bed.*
2. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the unnamed watercourses and wetland, located on the retained lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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: Wilfred Hall **Hearing Date:** June 6, 2011
Agent: ZanderPlan Inc.
LDC File #: B11/031
Municipality: Township of Lanark Highlands
Geographic Township: Dalhousie **Lot:** 11 **Concession:** 9
Roll No. 0940 003 030 07500 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.029-ha parcel of land as a lot addition to lands owned by Joann Hall at Pt Lot 11 Conc. 9 Dalhousie being Pts 3, 5 & 10 on RP26R-1466 (256 Hall Shore Drive) and retain a 0.07-ha vacant parcel of land as access to Dalhousie Lake for back-lot development. The lands are accessed via Hall Shore Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential Lot Addition	R-O-W to water
Area	0.029 ha	0.07 ha
Frontage	3.30 m	11.58 m
Depth	44.49 m irregular	44.87 m irregular
Road - Access to	private road, unregistered	private road, unregistered
Water Supply	Other	None
Sewage Disposal	None	None
Official Plan Designation -Conformity?	Lake Development District Legal Non-conforming	
Zoning Category	Lakefront Development	Lakefront Development
-Area Required (min.)	n/a Lot addition	1.0-ha
-Compliance?		No
-Frontage Required (min.)		50 m
-Compliance?		No

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6.3 Rural Area – Lake Development District , Section 3.7 Rural Area – Shoreline Structures, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents.

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

Zoning By-law - Section 4.0 General Provisions Section 11.0 Lakefront Development. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Lanark Highlands – Planner's Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition intended to enlarge an existing developed lot and the creation of a deeded lake access on the retained lot. The subject property consists of approximately 0.099 hectares (0.24 acres) located on Hall Shore Road in part of Lot 11 Concession 9 in the geographical Township of Dalhousie, now in the Township of Lanark Highlands. The application was submitted on behalf of the owner Mr. Wilf Hall through his agent, Zanderplan represented by Ms. Tracy Zander.

The applicant proposes to enlarge an existing lakefront property (shown as 1 on the inserted sketch) which has an area of approximately 0.15 hectares (0.35 acres) by adding 0.029 hectares (0.07 acres) severed from the adjacent lot (shown as 2 on the inserted sketch) leaving a retained area of 0.07 hectares (0.17 acres) (shown as 3 on the inserted sketch). There is an existing single dwelling unit on the lot to be enlarged. The land to be severed is vacant.

The municipal address is 256 Hall Shore Road, Dalhousie.

The property is designated in part Rural and in part Lake Development District on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The lands are zoned Limited Services Rural (LSR).

2.0 Planning context

2.1 Provincial policy

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

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

2.1.1 Services

The resulting enlarged lot will continue to be privately serviced with on-site water and waste water services. The PPS requires that there be sufficient treatment capacity for

any hauled sewage when considering service impacts for rural development and further seeks to ensure that servicing can be undertaken in a sustainable manner. There is sufficient capacity for the hauled sewage outside of the Municipality.

2.1.2 Transportation

Section 1.6.5 Transportation Systems and Section 1.6.6 Transportation and Infrastructure Corridors of the Provincial Policy Statement outline the priority that the province puts on the maintenance and efficiency of transportation systems and corridors. The subject lands front onto Hall Shore Road which is maintained year round. The application will not result in the need to extend or improve road services.

2.1.3 Natural Heritage

The PPS requires that development occur in a manner which is environmentally sustainable. Lakefront development must take into consideration impacts on shorelines and fish habitat and should be undertaken in a manner which has no impact on the water body. The proposed lot enlargement will not result in additional impacts on Dalhousie Lake provided that the retained parcel is not developed in the future.

Generally speaking the applications are consistent with the Provincial Policy Statement however the proposed number of new lots may not meet the intent of the PPS with respect to the issue of limited development. This issue will be addressed more thoroughly in the Official Plan section of this report.

2.2 Official Plan

The subject lands are designated in part Rural and in part Lake Development District on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined in the Official Plan provides for a settlement pattern of very low density consisting of residences distributed along existing road networks. The intent of the Official Plan is to protect the rural setting and local natural resources for their economic and environmental value.

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

The criterion which is to be used for the evaluation of consent applications clearly requires compliance with zoning provisions. To that effect the Zoning By-law includes provisions which set required lot area and frontage standards. In this case the by-law requires a minimum lot area of 1 hectare and further states that "in no case shall a lot have an area of less than 0.5 hectares". These considerations are important when consent is being sought which will result in the creation of a new building lot as the protection of lake environments is crucial to the economic well being of the Township.

The Official Plan's consent policies however do include a policy which provides for the consideration of lot creation which could potentially be less than the existing zoning standard. Section 10.11.13 B 22 states as follows:

"Despite the criteria outlined in '1 to '21' above, consents may be granted for the following purposes:

- to correct lot boundaries
- to convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
- to clarify title to the land;
- where the effect of the consents does not create an additional building lot;
- to permit an easement;
- to permit a consent for municipal or other government purposes.”

Criteria 22 provides the policy framework within which the proposed lot enlargement can be properly considered and leads to two alternatives which the proponent may wish to consider. It should be noted that both of these alternatives were discussed with the applicant during a pre-consultation meeting and a letter outlining the options was forwarded in March of this year.

Option 1

The first option is the preferred alternative as it is straightforward and does not require any additional Planning Act applications. The lot addition application would need to be modified to enlarge the existing developed lot by adding the entire adjacent property (i.e. areas 2 and 3 on the sketch above). An easement to provide for lake access (part 3 on the sketch) would run with the lot addition and be registered as such. This approach is consistent with the Official Plan and the resulting lot, in its enlarged configuration, is closer to meeting the required zoning standards, specifically side yard setbacks. In this case the lot addition can be completed along with ensuring future access with a single application and would not require any further action or expense beyond those required by the standard conditions of approval.

Option 2

The second option is also provided for in the policy framework of section 10.11.13 B subsection 22 however the implementation is more complex. Criteria 22 is a notwithstanding clause which provides for the granting of consents for specific purposes. Bullet 5 addresses a consent which provides for an easement as discussed in option 1. Bullets 2 and 4 of criteria 22 would allow for a consent as proposed by the applicant. The second bullet allows consents to enlarge a lot provided that the addition “does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used” (emphasis added).

Without the additional policy direction provided by criteria 22 the proposed consent, as presented in this application, would not be permitted as the retained lands would effectively create a new undersized lot based on the current zoning which allows for residential development. However 10.11.13 B 22 provides that the lot enlargement can proceed provided that the retained parcel, in terms of its area and configuration, is appropriate for its intended use. Accordingly the consent, if granted, would need to be conditional on a zoning by-law amendment which would restrict the use of the retained lands to lake access. No dwellings or structures would be allowed as the lot size and configuration is significantly undersized with respect to any Township zone which allows for development. These conditions would need to be locked into a site specific zoning by-law amendment and a site plan control agreement would also need to be developed and registered on title.

This second option was explained to the proponent during pre-consultation. At the time the information was provided, it was indicated that there would also be a need to

undertake an Official Plan amendment as part of option 2. Upon a more detailed review of the Official Plan as part of the formal processing of the consent application, we have come to the conclusion that the Plan's policies provide sufficient leeway to accommodate the proposal as submitted and that an Official Plan Amendment is not required. It must be noted however that although the Official Plan allows for option 2 it is not as desirable as option 1 in terms of ensuring the appropriate long term development of waterfront lands. Once a parcel of land is created it can be transferred and future owners may believe that they have inherent development rights.

Generally speaking the application as presented can be accommodated within the Official Plan's policy framework provided that the lands are re-zoned and a site plan agreement is developed and registered as noted above. However it is important to note that the intent of the application, as submitted, can be implemented without the need to amend the zoning by-law and as such Option I is preferred.

2.3 Zoning

The lands are zoned Rural on Schedule 'A 2' of Zoning By-law 2003-451. The proposed residential use is a permitted use within this zone. The enlarged lot will continue to be undersized (though marginally less so) but will now meet some of the zoning standards. The retained lands are not in conformity with any of the zoning standards and as noted above an amendment will be required as a condition of the consent approval.

3.0 Conclusion

The application can be considered to be consistent with the Provincial Policy Statement, compliant with policies of the Official Plan and in conformity with the requirements of the zoning By-law subject to the applicant proceeding in accordance with the recommendation of this report.

NOTE: *The Township Council did not support the Planner's recommendation to include a rezoning to restrict the construction of building or structures and a requirement for 'Site Plan Agreement' to be registered on title.*

Township of Lanark Highlands

RESOLUTION #COW-2011-272

"THAT, the Council of the Township of Lanark Highlands recommend to the Land Division Committee of Lanark County that the Hall Severance Application for a lot addition be approved subject to the following conditions:

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the balance of any fees pertaining to this application be submitted to the Township.
3. That, the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. That, an acceptable reference plan or legal description of the severed lands and the deed be submitted to the Township.
5. That, the applicant pay any outstanding fees to the Township prior to final approval;

6. That, the retained lands be rezoned to recognize the reduced lot area and to restrict future uses to lake access and accessory uses only.
7. That, a notice be registered on title which alerts prospective purchasers of the property that the use of the lot is restricted to lot access and any related accessory structures which may not be used for human habitation.”

Conservation Authority

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat

and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

According to the information provided, the purpose of the subject application is to sever 0.029 ha with 6.1 metres of water frontage as a lot addition to the adjacent lands owned by Joann Hall at 256 Hall Shore Drive. The retained land is vacant and proposed to be 0.07-ha in size with 27.0 metres of water frontage. According to the notice, the retained land is intended to be used as access to Dalhousie Lake for future back-lot development.

PROPERTY CHARACTERISTICS

The subject property has frontage on Dalhousie Lake which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish. 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. Several trees exist along the shoreline.

REVIEW

The resulting lot size of the retained land is 0.07 ha with 27 metres of water frontage. This is considered to be extremely substandard compared to the minimum lot size of 1 ha advocated by MVC for new waterfront lots, regardless of the suggested use of the land as an access point for back-lot property owners. The existing lot is already extremely substandard at approximately 0.1 ha with 35.1 metres of water frontage, and the subject application serves to render this lot even more non-compliant.

With respect to the suggested use of the remnant parcel for water access to back-lot property owners, MVC does not encourage the creation of small strips of land along the shoreline for such uses; cumulatively, they have the potential to negatively impact the lake environment. Providing waterfront owners with the ability to essentially provide water access right-of-ways to back-lot owners, sets an undesirable precedent. The ultimate effect is an increase in the intensity of use and human activity on the lake, which heightens the potential for undesirable impacts.

CONCLUSIONS AND RECOMMENDATIONS

With all of the above in consideration, MVC does not recommend approval of the subject application as currently submitted. Alternatively, we recommend that the applicant consider the addition of the entire vacant lot (severed and retained) to 256 Hall Shore

Rd.

NOTES

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.

Hydro One Networks – No comments were received.

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

Dalhousie Lake Association - no comments were received.

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.029-ha parcel of land as a lot addition to lands owned by Joann Hall at Pt lot 11 Conc. 9, geographic Township of Dalhousie being Parts 3, 5 and 10 on Reference Plan 26R-1466 and retain a 0.07-ha parcel of land for the purposes of a right-of-way access to water for existing backshore lots.

The subject lands are located in an area characterized by Residential and Seasonal Residential on smaller type 'seasonal' lots along Dalhousie Lake with 4 or five backshore lots on the south side of Hall Shore Road. A Well Drilling Business is located to the south west.

The lands are accessed via Hall Shore Road, a private r-o-w which adjoins the Watson's Corners Road, a county maintained road to the east.

In reviewing the application I concur with the rationale outlined in the Lanark Highlands Planner's Report, that the proposal can be supported provided the retained lands are re-zoned to prohibit any residential units, buildings or structures and that site plan agreement be placed on the title. The use of a "Site Plan Agreement" which is registered on title is a clear indication to future potential purchasers of the retained land that its use is restricted to lake access only.

Although the MVC does not support the application as presented, the use of the Site

Plan Control Agreement prepared in consultation with MVC, can provide controls to lessen the impact on the Lake i.e. shoreline restoration, maintenance of natural vegetation or planting native species.

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.

Provided appropriate development criteria are put in place the application can be considered to be consistent with the Provincial Policy Statement and compliant with policies of the Township's Official Plan. The requirements of the Zoning By-law can be met only if the applicant proceeds in accordance with development criteria i.e. re-zoning and site plan control.

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

(d) PUBLIC INPUT

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

(e) MINUTES – June 6, 2011

Tracy Zander agent attended the hearing and was reminded that she was still under oath from a previous hearing held today.

Wilfred Hall, applicant and Joann Hall, owner of the lands to be enlarged attended the

hearing and gave evidence under oath.

Ms. Zander provided background information on the application and noted that the Mr. Hall had looked at two options, to add all of his lands to the abutting lands or retain a portion of the lands for water access. Mr. Hall stated that his preferred option was the latter.

The chair reviewed the staff report and draft conditions.

Ms. Zander questioned the proposed condition for 'Site Plan Control' suggesting that this is not an appropriate planning tool as there would be not buildings permitted, however did agree that a Development Agreement, if registered on title could maintain and enhance the existing aesthetic landscape that is desired by the Township's Official Plan Policies on waterfront development.

The committee expressed concerns that the retained lands were not 'tied' to any of the backshore lots and therefore future use as access may be tenuous. Mr. Hall did not agree to amend the application to include the entire lot as a lot addition, with an easement / r-o-w for the existing back lots.

(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 Joann Hall described as Parts 3, 5 and 10, Plan 26R-1466, being Part Lot 11 Conc. 9, geographic Township of Dalhousie, 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. Subject to Condition No. 9 below, satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property
9. That the retained lands be rezoned to restrict the future use of the lands to lake access purposes only and prohibiting the construction of buildings or structures.
10. That the applicant shall enter into a Development Agreement to be registered on title on the retained lands. The wording of the agreement shall be determined in consultation with the Mississippi Valley Conservation and shall address issues relating to requirements for the protection, conservation and/or revegetation of the shoreline riparian zone, siltation and erosion controls, the cutting or removal of trees, shrubs or ground cover and the location of docks. The purpose of the Development Agreement is to maintain and enhance the existing aesthetic landscape of the waterfront. In the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority. A copy of the Development Agreement shall be provided to the Secretary-Treasurer of the Land Division Committee.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *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.*

2. *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.*
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. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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: Estate of Andrew Gemmill **Hearing Date:** June 6, 2011
 Now owned by Wilf Hall Ltd

Agent: Zanderplan Inc.

LDC File #: B11/032, B11/033 & B11/034

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie **Lot:** 10 **Concession:** 7

Roll No. 0940 004 035 03100 **Consent Type:** New Lots

Purpose and Effect:

B11/032 – To sever a 4.0-ha residential building lot with access to Watson’s Corners Road:
 B11/033 - To sever a 4.9-ha residential building lot with access to 7th Con Dal:
 B11/034 - To sever a 1.5-ha residential building lot with access to 7th Con Dal: and retain a 36-ha landholding with an existing dwelling, barn and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/032	B11/033	B11/034	
Existing Use	Rural	Rural	Rural	Rural
Proposed Use	Residential	Residential	Residential	Residential
Area	4 ha	4.9 ha	1.5 ha	28.5 ha
Frontage	322 m	213 m	107 m	256 m
Depth	125 m	229 m	Irregular	irregular
Road - Access to	County Rd	Municipal Rd	Municipal Rd	Municipal Rd
Water Supply	Proposed	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural and Deer Yard B11/032 and B11/033 Conform – B11/034 does not conform			
Zoning Category	Rural			Rural
-Area Required (min.)	1.0-ha			1.0-ha
-Compliance?	Yes			Yes
-Frontage Required (min.)	60 m			60 m
-Compliance?	Yes			Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposals conform to the designations and policies of the Official Plan. Application

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

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands Planner's Report

Applications have been received from the County of Lanark Land Division Committee for the creation of three new lots for residential purposes. The subject property consists of approximately 39 hectares located at the corner of County Road 8 and Seventh Concession Road in part of Lot 10 Concession 7 in the geographical Township of Dalhousie, now in the Township of Lanark Highlands. The application was submitted on behalf of the owner (the Estate of Andrew Gemmill) by Mr. Wilf Hall through their agent, Zanderplan represented by Ms. Tracy Zander.

The applicant proposes to create three new lots from a parent parcel of approximately 39 hectares (96.3 acres). The applications propose to create one lot on County Road 8 having an area of 5.1 hectares (12.6 acres) and frontage of 406 metres (1332 feet), one lot on the corner of County Road 8 with access provided on the local road and a proposed area of 1.5 hectares (3.7 acres) and frontage of 107 metres (351 feet), and a

third lot fronting on Concession Road 7 with an area of 4.9 hectares (12.1 acres) and frontage of 213 metres (699 feet). The retained lands would have some 28 hectares (70 acres)

in area and 98 metres (321 feet) of frontage on the County Road and 256 metres (839 feet) of frontage on Seventh Concession Road. There is an existing single dwelling unit and farm buildings on the subject property. The municipal address is 1039 Concession Seven, Dalhousie.

The property is designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The lands are zoned Rural (Ru).

2.0 Planning context

2.1 Provincial policy

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

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

2.1.1 Services

The proposed lots when developed will be privately serviced with on-site water and waste water services. The PPS requires that there be sufficient treatment capacity for any hauled sewage when considering service impacts for rural development and further seeks to ensure that servicing can be undertaken in a sustainable manner. There is sufficient capacity for the hauled sewage outside of the Municipality. The applicant will need to obtain permits from the Lanark and Leeds Health Unit prior to any construction. It should be noted that the proposed lots are substantial in area and as such it is anticipated that the provision of appropriate private services in accordance with current regulations will be possible.

2.1.2 Transportation

Section 1.6.5 Transportation Systems and Section 1.6.6 Transportation and Infrastructure Corridors of the Provincial Policy Statement outline the priority that the province puts on the maintenance and efficiency of transportation systems and corridors. The lots front onto County Road 8 as well as on a public road which is maintained year round. The applicant has received confirmation from the County Roads department that access can be granted to County Road 8 in the location proposed.

Generally speaking the applications are consistent with the Provincial Policy Statement however the proposed number of new lots may not meet the intent of the PPS with respect to the issue of limited development. This issue will be addressed more thoroughly in the Official Plan section of this report.

2.2 Official Plan

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined in the Official Plan provides for a settlement pattern of very low density consisting of residences distributed along existing road networks. The intent of the Official Plan is to protect the rural setting and local natural resources for their economic and environmental value.

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

Generally speaking the applications are consistent with the direction provided in the Official Plan with respect to lot area and configuration, access and compatibility with surrounding land uses. The applicant has submitted Minimum Distance Separation (MDS) calculations to address potential conflicts with the proposed lot at the intersection of County Road 8 and Seventh Concession Road and the existing farm buildings. The MDS calculations confirm that the separation distance is sufficient. A review of surrounding land uses confirm that there are no conflicts with natural heritage features and that there are no known hazard lands which might require mitigation measures.

There is however one policy issue which represents a significant barrier to proceeding with the applications as submitted. Section 10.11.13.B.4 states as follows:

“Up to two consents may be granted for a lot or land holding (40 ha (98.8 ac.) or less) existing as of the date of Ministry approval of this Plan (excluding the retained lot). Additional consents may be granted under limited circumstances where the landowner has owned a lot for a period of greater than 10 years;”

The applicant submitted a supporting document prepared by Zanderplan which provides an overview of the applications and offers some planning rationale for the creation of three new lots. The document however does not confirm whether or not the subject lands have been owned by the Estate of Andrew Gemmill for the last 10 years or more, or whether the intent is to transfer the lands to the applicant, Mr. Wilf Hall. More importantly the supporting document offers no information respecting the limited circumstances which would justify granting an additional consent in this case. To our knowledge there have been no occurrences in the last several years where the Township has agreed to the creation of 3 lots in the rural area.

Although the Official Plan is silent on the issue of “limited circumstances” it is likely that the policy was inserted to address occurrences such as the merging of title when separate parcels are owned by the same party or perhaps where there are unique geographical or topographical conditions or where there is more than one dwelling on a lot and consent is required to resolve ownership issues. There may be other special circumstances where it would be appropriate to grant an additional severance. The key however is that the policy is specific in that these situations are “limited” and not to be treated as an “as of right” policy for the creation of a third lot on an original parcel.

Zanderplan noted that the Township’s adopted Official Plan provides for the creation of 3 lots per original parcel as of the date of final approval of that Plan. It is important to note that the Plan has not been approved and as such the policy in question is not in full force and effect. Our experience with the Ministry of Municipal Affairs and Housing with respect to rural consent policy is such a that there is a probability that the proposed 3 plus 1 policy in the new OP will be modified to reflect what has become a provincial norm of 2 lots plus the retained.

In our opinion conformity with the Official plan would be attained if the applicants

withdraw one of the three applications. From a planning perspective there is no preference as to which application is withdrawn.

2.3 Zoning

The lands are zoned Rural on Schedule 'A 2' of Zoning By-law 2003-451. The proposed residential use is a permitted use within this zone. The proposed severed and retained lots can meet the requirements of the Rural zone.

3.0 Conclusion

The application can be considered to be consistent with the Provincial Policy Statement, compliant with policies of the Official Plan and in conformity with the requirements of the zoning By-law subject to the applicant withdrawing one of the three applications. The proposal is in keeping with existing surrounding land uses and is an expected land use. As such 2 of the 3 applications can be supported subject to the identified conditions.

NOTE: *The Township Council did not support the Planner's recommendation to support only 2 of the applications as outlined in Section 10.11.13.B.4 of the Official Plan.*

Township of Lanark Highlands

Report #PD-15-2011 Severance Applications (Gemmill) B11/032, B11/033 & B11/034 RESOLUTION #COW-2011-274

"THAT, the Council of the Township of Lanark Highlands recommend to the Land Division Committee of Lanark County that the Gemmill Severance Applications be approved subject to the following conditions:

1. That, the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
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, the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. That, an acceptable reference plan or legal description of the severed lands and the deed be submitted to the Township.
5. That, the applicant pay any outstanding fees to the Township prior to final approval.
6. That, the applicant provide road widening to the Township along the frontage of the severed and retained lands on the Seventh Concession Road."

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 applications is to sever (3) vacant lots: Under B1/032, the size of the severed lands is 5.1 ha; B11/033 is 4.9 ha; and B11/034 is 1.5 ha. The retained land is already developed with a dwelling and barns, and would equal 28.5 ha in size.

PROPERTY CHARACTERISTICS

B11/032 Severed: According to a review of available GIS mapping and aerial photography, an unnamed tributary of the Mississippi River travels through these severed lands. Four man-made ponds have been dug on this land and connected to this tributary. In addition, this lot is entirely located within an area that has been classified by the Ministry of Natural Resources as a Deer Wintering Area. It consists of a mix of forested land, open field and man-made ponds.

B11/033 Severed: Fairs Creek travels through the southern portion of this lot. In addition, mapping indicates that the northern extremity of this parcel consists of the aforementioned deer wintering area. This lot is largely open field with some forested land along both sides of Fairs Creek to the south.

B11/034 Severed: This parcel is entirely open field. In addition, mapping indicates that the entire parcel consists of the aforementioned deer wintering area. However, given that open field is not typical deer wintering habitat, we are of the opinion that it is not actually part of the deer yard.

Retained: Approximately, the northern half of the retained lands has been designated as a deer wintering area. In addition, these lands are located within 30 metres of the previously mentioned watercourses. The presence of the natural features discussed above was confirmed during a site visit conducted by MVC Staff on April 29, 2011.

REVIEW

Deer Yard

The Provincial Policy Statement (PPS) states that development and site alterations may be permitted in significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. In order to address this policy, an Environmental Impact Statement (EIS) is typically required to assess potential impacts.

However, in this particular case, MVC is of the opinion that there is limited value in conducting an EIS at this time. All (3) severed lots appear to consist of a sufficient building envelope that is located outside of forested areas that are commonly used by deer for wintering. And, the retained land is already developed with no new development proposed at this time. However, in the event that the landowner proposes construction within a forested area, an EIS may be required at that time.

Watercourses

Sufficient area exists on the proposed severed lands to accommodate future development in compliance with the current standards, for development adjacent to a watercourse.

The retained land is already developed with no new development proposed at this time.

Lot size

MVC is satisfied with the size of resulting lots.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration MVC does not have any objection to the subject severances provided the following:

B11/032 & B11/033

- We assume that future development will comply with the zoning provisions, particularly with respect to the waterbody setback from the identified watercourses and the requirement to maintain a vegetated buffer along the shoreline.
- Future building envelopes shall be sited outside of forested areas, which should remain intact. Otherwise, an EIS may be required to assess potential impacts to deer wintering areas.
- Pet dogs should not be allowed to roam freely and harass deer.
- The property owner should be advised that in the event shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
- In addition, any proposed works in or near the identified watercourses 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.

B11/034: No recommendations.

Retained lands:

- We assume that any potential future development shall be sited outside of forested areas, which should remain intact. Otherwise, an EIS may be required to assess potential impacts to deer wintering areas. In addition, pet dogs should not be allowed to roam freely and harass deer.

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

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

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

Severed B10/032 – A sloping parcel with open field and cedar bush. Man-made ponds for fishing are existing on property. Additional sandy loam fill may be required in future tile bed area.

Severed B10/033 – Land is vacant farm parcel. A 4.9 hectare parcel of land with gentle slopes. Land fronts on 7th concession Dalhousie. Additional sandy loam fill may be required in future tile bed area.

Severed B10/034 - A vacant 1.5 hectare parcel of land, mainly open farm field. No existing buildings on parcel. On corner of County road 8 and 7th concession. Additional sandy loam fill may be required in future tile bed area.

Retained – A 28.5 hectare parcel of farmland with bush and open field. There is an existing farm house serviced by a well and septic system. There is a barn on parcel. Additional sandy loam fill may be required in future tile bed area.

County Roads Department –

- 1/ Lands to be severed by Application B11/032 have an approved entrance location for single residential purposes #2314.
- 2/ A full application must be made and entrance installed prior to deed endorsement.
- 3/ Lands to be severed by Applications B11/033 and B11/034 and the retained lands do not have any approved access from County Road 8; these must all be accessed via local municipal road (7th Concession Dalhousie).
- 4/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark”, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three residential building lots (4.0-ha, 4.9-ha and 1.5-ha) and retain a 29.6-ha landholding with an existing dwelling, barn and outbuildings. All the lands to be severed are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings along Watson’s Corners Road and the 7th Con Dal., interspersed with average type rural residential lots.

A livestock facility is located on the retained lands, therefore an MDS calculation was undertaken. The MDS indicated that there is a setback of 151m required from the livestock facility. (See sketch). There appears to be a sufficient building envelope outside the MDS setback area. If approved a noted should be placed on the deed, that the lands are adjacent to a livestock facility and may be susceptible to noise, odours etc. Exact measurements will be required at the building permit stage.

The lands are located within a designated ‘Deer Area’ and therefore notes should be included to advise landowners of the possible constraints associated with a “Deer Yard”.

B11/032 will access the Watson’s Corners Road, a County maintained road and B11/033 and B11/034 are proposed to be accessed from the 7th Con Dal., a municipally maintained road.

Soils Inventory – Name: Tweed

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

The Township's Official Plan - Section 10.11.13 B 5 states as follows:

"Up to two consents may be granted for a lot or land holding (40 ha (98.8 ac.) or less) existing as of the date of Ministry approval of this Plan (excluding the retained lot). Additional consents may be granted under limited circumstances where the landowner has owned a lot for a period of greater than 10 years."

Accordingly, application B11/034 cannot be supported. The lands have now been transferred to Wilf Hall Ltd, therefore the 'greater than 10 year period' does not apply.

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 for B11/032 and B11/033 maintains the general intent and purpose of the PPS and Official Plan for the Township of Lanark Highlands and could be given favourable consideration. Application B11/034 cannot be supported.

(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:

Ian and Doris Gemmill - April 20, 2011

This letter is to inform you of our opposition to the application for the severance of a residential building lot noted in your file as #B11/034.

The lot is located beside and behind out lot. Our house is situated at the back of our lot and it could possibly obstruct our view from our living room and dining room windows. We feel that grating this severance would devalue out property.

We would like to be informed of the public meeting and also be notified of the decision of the land division Committee in respect of the proposed consent.

(e) MINUTES – June 6, 2011

Tracy Zander agent attended the hearing and was reminded that she was still under oath from a previous hearing held today.

Wilfred Hall, applicant and Joann Hall, spouse of applicant attended the hearing and were reminded that they are still under oath from a previous hearing held today.

Ian and Doris Gemmill, adjacent landowners attended the hearing and gave evidence under oath.

Ms. Zander provided a background of the applications.

Mr. Hall confirmed that he was the now the owner of the lands, having taken possession on March 30, 2011.

Ian and Doris Gemmill advised that they were in opposition to B11/034 due to the configuration of the lands, and that a building may be constructed at the rear of the lot which would then be behind their dwelling.

Mr. Hall indicated that the lot configuration for B11/034 could be revised to have a greater frontage along the 7th Con Dal, bringing the lot line closer to the existing laneway. This would reduce the area behind the Gemmill residence.

The Committee advised that the Official Plan for Lanark Highlands only permits 2 severances per landholding, and that the Township Council did not provide any reasons for recommending that a 3rd severance be granted.

Ms. Zander suggested that the committee defer any decision on B11/034 to allow the Township to provide reasons for recommending the 3rd severance.

The Committee noted that Section 10.11.13.B.4 of the Official Plan states as follows: *“Up to two consents may be granted for a lot or land holding (40 ha (98.8 ac.) or less) existing as of the date of Ministry approval of this Plan (excluding the retained lot). Additional consents may be granted under limited circumstances where the landowner has owned a lot for a period of greater than 10 year.”* And that Mr. Hall had indicated that he purchased the lands in March 2011.

Moved by W Guthrie and seconded by D Murphy

“THAT, Application B11/034 provisional consent be denied - application does not conform to the Official Plan for Lanark Highlands, Section 10.11.13,B.4.”

(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:

B11/032

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the

Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
5. 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.
6. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
7. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. 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.
10. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.

11. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
12. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #4 through #6 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #7 through #12 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Valley Conservation advises that future building envelopes shall be sited outside of forested areas, which should remain intact. Otherwise, an EIS may be required to assess potential impacts to deer wintering areas.*
2. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the identified watercourses 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 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.*
5. *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.*
6. *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.*
7. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and in the future replacement are on the retained lands.*
8. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
9. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

10. 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.

B11/033

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition “The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities”.
4. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.

6. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontage of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. 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.
9. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
10. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
11. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Valley Conservation advises that future building envelopes shall be sited outside of forested areas, which should remain intact. Otherwise, an EIS may be required to assess potential impacts to deer wintering areas.*
2. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the identified watercourses 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 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.*

5. *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.*
6. *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.*
7. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and in the future replacement are on the retained lands.*
8. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
9. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
10. *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.
11. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Rudolf G. Welz

Hearing Date: June 6, 2011

Agent:

LDC File #: B11/035, B11/036 & B11/037

Municipality: Township of Montague

Geographic Township:

Lot: 27 **Concession:** 9

Roll No. 0901 000 025 27700

Consent Type: New Lots

Purpose and Effect: To sever three (3) 1.0-ha residential building lots and retain a 27.7-ha landholding with an existing dwelling, barn and outbuildings at 514 Brown Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/035	B11/036	B11/037	
Existing Use	Bush Residential	Bush Residential	Bush Residential	Resid & Farm Same
Proposed Use	Residential	Residential	Residential	
Area	1 ha	1 ha	1 ha	27.7 ha
Frontage	60 m	60 m	60 m	353.5 m
Depth	167 m	167 m	167 m	869 m
Road - Access to	Municipal Rd	Municipal Rd	Municipal Rd	Municipal Rd
Water Supply	Proposed	Proposed	Proposed	Private well
Sewage Disposal	Proposed	Proposed	Proposed	Private septic
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural		Rural	
-Area Required (min.)	0.4-ha		0.4-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	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 5 Rural Lands Policy, Section 14.7 Committee of Adjustment and Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

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

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

Conservation Authority – Rideau Valley Conservation Authority – March 29, 2011

The retained land has a small area of un-evaluated wetland on the north section of the property. These severances are proposed in a natural wood area, however, there are no natural hazard or natural heritage issues precluding the approval of these applications. There are no Conservation Authority Regulations affecting these properties at this time.

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

Severed (Same report and recommendations for all three lots) – A 1 ha parcel of land with no existing buildings. Land is low and may be subject to seasonal wetness. Land is primarily forested and relatively flat. Additional sandy loam fill will be required in area of tile bed.

Retained – A 27.7 ha farm parcel with an existing house, barns and garage. Land has variable slope and drainage. Land is a mix of open field and bush. Additional sandy loam fill will be required in area of tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) 1.0-ha residential building lots and retain a 27.7-ha landholding with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings along Brown Road, interspersed with limited smaller type building lots. The CN Rail Line is approx 610m east of the lands to be severed.

A livestock facility is located on the retained lands; therefore an MDS calculation was undertaken. The MDS indicated that there is a setback of 106m required from the livestock facility. The lot line for B11/037 (being the closest proposed lot to the livestock facility) is approximately 246m from the facility. If approved a noted should be placed on the deed, that the lands are adjacent to a livestock facility and may be susceptible to noise, odours etc. Exact measurements will be required at the building permit stage.

The lands are accessed via Brown Road, a municipally maintained road, which ‘dead-ends’ at the westerly boundary of Mr. Welz’s property.

Soils Inventory – Muck – not rated

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 6, 2011**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: All 3 applications have the same conditions and notes:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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 applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
8. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
9. The applicant shall convey, at no charge, to the Township of Montague sufficient land along the frontage of the severed portion and the remnant portion of the property, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable), to ensure that the Township has sufficient land to allow the municipality to comply with its Roads Standards Policy. The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in area of the proposed tile bed and any future replacement tile bed on the retain lands.*
2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Montague will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *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.

To be added to the notes section for B11/037

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Murray & Kathryn Coutts **Hearing Date:** June 6, 2011
Agent: Paul Coutts
LDC File #: B11/038
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 24 **Concession:** 7
Roll No. 0919 908 020 08700 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1.66-ha parcel of land as a lot addition to lands owned by Paul M and Danita C Coutts at Pt Lot 24 Conc. 7, geographic Township of North Elmsley being Part 1 on RP27R-3351 (1757 Rideau Ferry Road) and retain an 11.45-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Farm Land With Drive Shed Farm Land With Drive Shed
Area Frontage Depth Road - Access to	1.66-ha 119.75m 182 m Municipal Road	11.45-ha 183m Varies Municipal Rd & County Road
Water Supply Sewage Disposal	None None	None None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The subject property is currently designated as Rural, Wetland and Lands Adjacent to Wetland in the Township's Official Plan, and is currently zoned Rural (RU), Wetland (W) and Wetlands Adjacent. The portion of the subject property to be severed however falls entirely within the Rural designation and Rural (RU) Zone.

Township of Drummond / North Elmsley – recommends approval of this application subject to the following 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 severed lands shall be for a lot addition only to adjacent lands owned by Paul and Danita Coutts.

Conservation Authority – Rideau Valley Conservation Authority – March 28, 2011

The application for a lot addition has been reviewed by the Rideau Valley Conservation Authority (RVCA). It has been determined that there are no regulatory or planning considerations or concerns as regards to RVCA's policies and responsibilities for this particular application.

We do not object to this lot addition.

Thank you for circulating and please do not hesitate to contact the undersigned should there be any questions.

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

Severed Lands – a vacant farm field that surrounds an existing parcel of land with a house and sewage system and well in place. The land is intended to be an addition to existing parcel. Recommendations – addition to existing lot.

Retained Lands - A 183m x 182m open farm field. No existing buildings are in place. Land has gentle slopes. Recommendation – additional sandy loam fill may be required in area of future tile bed.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.66-ha parcel of land as a lot addition to lands owned by Paul M and Danita C Coutts at Pt Lot 24 Conc. 7, geographic Township of North Elmsley being Part 1 on RP27R-3351 (1757 Rideau Ferry Road) and retain an 11.45-ha vacant landholding.

The subject lands are located in an area characterized by Residential on a variety of lot size along Rideau Ferry Road.

The lands to be enlarged are accessed via Rideau Ferry Road. There is no proposal for access other than existing farm entrances.

Soils Inventory – N/A – lot addition.

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 – June 6, 2011

Paul Coutts, applicant 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 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 Paul M and Danita C Coutts at Pt Lot 24 Conc. 7, geographic Township of North Elmsley being Part 1 on RP27R-3351, 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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES:

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Steven Pringle

Hearing Date: June 6, 2011

Agent:

LDC File #: B11/046 & B11/047

Municipality: Township of Mississippi Mills

Geographic Township: Ramsay

Lot: 18 **Concession:** 2

Roll No. 0931 929 015 07301

Consent Type: Lot Consolidation

Purpose and Effect: B11/046 – To sever a 1.2-ha vacant parcel of land as a lot addition and **B11/047** - To sever a 1.15-ha vacant parcel of land as a lot addition to lands owned by Steven Bruce Pringle and Carolyn Mary Kean at Pt West Lot 18 Conc. 2, geographic Township of Ramsay, now in the Town of Mississippi Mills. The purpose of the applications is to consolidate the lands. Access to the lands is via an existing entrance to Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/046	B11/047	
Existing Use Proposed Use	Vacant Land Vacant Land	Vacant Land Vacant Land	Consolidation
Area	12002.43 m ²	9318.88 m ²	
Frontage	103.63 m	80.46 m	
Depth	115.82 m	115.82 m	
Road - Access to	County Road	County Road	
Water Supply	N/A	N/A	
Sewage Disposal	N/A	N/A	
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural	Rural	
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	n/a – lot consolidation		n/a – lot consolidation

(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 3.3 Rural Policies, Section 4 General Policies, Section 4.6.3 County Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever.

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

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

The Town of Mississippi Mills advises that the proposal complies with the Zoning By-law requirements

(b) AGENCY REVIEW

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

Town Planner's Report

Background

Steve Pringle and Carolyn Kean currently own three lots on Tatlock Road, Ramsay Ward. The lots are approximately 36ha (88.76ac), 1.2ha (2.9ac) and 1.15ha (2.84ac) in size and are on a municipally maintained road in Ramsay Ward, in the Town of Mississippi Mills. No structures or buildings exist on the two smaller vacant land lots. A single family dwelling and outbuilding exists on the larger lot. The intent of the applications is to consolidate the lots.

The lands subject to the consent applications are designated Rural and Aggregate Resource - Pit in the Official Plan. All of the lands are zoned Rural.

Severance Application Summary - Lot Severance

These applications are to consolidate the 1.2ha (2.9ac) and 1.15ha (2.84ac) parcels of rural land with the larger 36ha (88.76ac) rural lot known municipally as 2288 Tatlock Road, currently owned by Steven Pringle and Carolyn Kean. The intent of the applications is to increase the size of the adjacent rural lot. The consolidated lands would maintain their existing frontages of approximately 421.4m (1,382.5ft), 103.63m (340ft) and 80.46m(264ft) totalling 605.49m (1986.5ft) of frontage on Tatlock Road. The consolidated lands would have a lot area of 38.35ha (94.8ac).

Provincial Policy Statement

The 2005 Provincial Policy Statement does not speak specifically to lot severances in the rural area.

Community Official Plan:

The Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6(4) also states that consents for boundary adjustments, partial discharge of mortgage, easements or right of ways shall not be considered towards the maximum number of consents per holding. In this case, this proposed severance is not creating a new lot, but rather is a boundary adjustment of approximately 1.2ha (2.9ac) and 1.15ha (2.84ac) to an existing lot of record, bringing the lot to 38.35ha (94.8ac). As a result, the severances are reviewed as a lot consolidation

and therefore the limitation of 2 severances per lot of record does not apply in this case. Other provisions within the Official Plan regarding rural severances, such as access, lot area, lot frontage, demonstrate capacity for private services; also do not apply because the application is not creating a new lot.

The proposed severance is consistent with the intent of the Community Official Plan.

Zoning By-law 01-70:

The property subject to the application is zoned Rural. The zoning provisions for lots in the Rural zone require a minimum lot area of 10 hectares if used for a rural use or 0.4 hectares (1 acre) if used for non-farm residential. The required minimum lot frontage for Rural property is 150 metres (492ft) or 45m (147.6ft) if used for non-farm residential. While this requirement may not be required for the land being severed, these requirements will apply to the retained parcel. In regards to the application the retained lands will have a minimum lot area of 38.35ha (94.8ac) and a minimum lot frontage of 610m (2001.3ft), which meet the zoning requirements. 605.49m (1986.5ft).

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

Town of Mississippi Mills –

“THAT the Planning & Development Committee support the consent application B11/046 and B11/047 (Pringle and Kean) for the severance of lands described as Part Lot 18, Conc. 2, Ramsay Ward with the following conditions:

1. That the applicant provide a copy of the registered reference plan 27R5606 to the Town;
2. That the applicants pay any outstanding property taxes on the subject property.

(c) PLANNING REVIEW

The applicant proposes to consolidate the two lots that were originally created through severance under applications B1992/046 and B1992/047.

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

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

(d) PUBLIC INPUT

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

(e) **MINUTES – June 6th, 2011**

No person attended the hearing

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: Conditions are the same for both applications.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Bruce Pringle and Carolyn Mary Kean at Pt West Lot 18 Conc. 2, geographic Township of Ramsay, now in the Town of Mississippi Mills, 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".
3. The applicant shall provide the Secretary-Treasurer of the Lanark County Land Division Committee with a copy of reference plan 27R-5606.
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 shall provide the Town of Mississippi Mills with a copy of reference plan 27R-5606.
6. A letter shall be received from the Town of Mississippi Mills stating that condition #4 and #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Frederick C. Ted Thomas

Hearing Date: April 12, 2010

Reconvened Date: June 6, 2011

Agent:

LDC File #: B09/118

Municipality: Lanark Highlands

Geographic Township: Darling

Lot: 1 **Concession:** 9

Roll No. 0940-944-015-27700

Consent Type: New Lot

Purpose and Effect:

To sever a 1.21-ha residential building lot and retain a 34.4-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Bush	Recreational/Agricultural
Proposed Use	Residential	Recreational/Agricultural
Area	1.21 ha	34.4 ha
Frontage	200 m	480 m
Depth	83 m	700 m
Road - Access to	County Road	Municipal Road
Water Supply	Proposed Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?	Rural and Deer Yard Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section, section 7.5.2.E Deer Yards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

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

(b) AGENCY REVIEW

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
5. That the applicant pay any outstanding fees to the Township prior to final approval.

Conservation Authority – Mississippi Valley Conservation – April 7, 2010.

The subject severance falls within the Tatlock Deer Yard. As per the PPS, it should therefore be reviewed through an EIS, which has not been received.

Given that a full EIS was provided for severances adjacent to the subject one, in the year 2004 under the same ownership, we would be satisfied with the completion of a simplified EIS. MVC has contacted the owner and left a message to discuss the requirement. If the simplified EIS cannot be completed in time for the upcoming committee hearing, please defer this application pending its satisfactory completion.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – 3 acre parcel is mostly wooded with variable slope and drainage. Parcel contains both sandy soil and visible rock. Recommended as satisfactory. Septic system may have to be raised with imported soil under leaching bed, depending on location.

Retained – 85 acre parcel containing a dwelling and other structures. Drainage and slope is variable and mostly wooded. Recommended as satisfactory. Existing septic system shows no sign of malfunction from the surface of the ground.

Hydro One Networks – No comments were received.

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

County Roads Department -

Applicant has an approved entrance located to the County Road (No. 2154) for the severed lands, to be common with Spinks.

Entrance to be installed prior to deed endorsement.

Entrance application No. 2154 is an Inquiry application only. A full application must be submitted in order to complete the process.

Retained lands are accessed from a local municipal road (9th Conc. Darling).

Road Widening is not required.

(c) 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.

(d) MINUTES – April 12, 2010

No persons attended the hearing.

Moved by C Tyson

Seconded by D Murphy

THAT B09/118 be deferred pending receipt and review of an Environmental Impact Statement by the Conservation Authority.

ADOPTED

(e) NEW INFORMATION

As requested Mr. Thomas provided a simplified EIS which was received by our office on March 31, 2011. The EIS was subsequently forwarded to MVC for review.

MVC – May 12, 2011

Mississippi Valley Conservation (MVC) has been circulated the above noted application

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 1.21 ha residential building lot and retain a 34.4 ha landholding with an existing residence and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed severed and retained lands are entirely located within an area identified by the Ministry of Natural Resources as a significant deer wintering area. Unclassified wetland was also observed on the retained lands. No other natural heritage features or natural hazards were identified.

REVIEW

Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement (EIS).

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, in order to address the aforementioned policy, MVC requested that the landowners complete a simplified Environmental Impact Statement (EIS) form. Upon receipt of the completed form, MVC's Biologist conducted a review and made the following recommendations:

- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- Removal of vegetation shall not occur between May 15th and July 15th to protect breeding birds.
- If any species at risk is observed during construction, the Ministry of Natural Resources shall be contacted immediately.
- Use of invasive non-native plant material shall be discouraged.
- Use Best Management Practices (BMP's) for low impact construction is recommended.
- Pet dogs shall be controlled and not allowed to disturb or harass deer.

Unclassified Wetland

As previously indicated, unclassified wetland was observed on the proposed retained lands. However, these lands are already developed with no new development proposed at this time. Therefore, we do not anticipate any impact to the wetland as a result of the subject application.

We note that the wetland should remain undisturbed, and any potential future development should be set back a minimum of 30 metres from its boundary.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objections to the subject application provided the mitigative measures outlined above (refer to the Section Deer Yard) are implemented for any future development on the proposed severed lands. 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.

(f) **PLANNING REVIEW**

The applicant proposes to sever a 1.21-ha residential building lot and retain a 34.4-ha landholding with an existing residential dwelling and outbuildings.

One Previous severance was applied for since 2003, B2004/094, located on the easterly boundary of the lot. However it appears that the deed was never registered as the new lot does not appear on the Assessment Mapping.

The subject lands are located in an area characterized by sporadic Residential development on a variety of lot sizes along Tatlock Road.

The lands are accessed via Tatlock Road, a county maintained road. The County Public Works has advised that access to the retained lands will be from the local municipal road.

Soils Inventory – Name: Tweed (low fertility)

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

The Indian River is located approximately 1.2 km north east of the lot. And the lands are located within the locally known "Tatlock 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).

As outlined by the MVC, any future purchaser of the proposed lands should be advised that there are development constrains on the lands. This should be accomplished through a Development Agreement.

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

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

(g) **MINUTES – June 6th, 2011**

No persons attended the hearing

(h) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Lanark Highlands.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. 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.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).

9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of May 12, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. 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.
12. 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.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 & #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
15. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that the septic system may have to be raised with imported soil under leaching bed, depending on location.*
5. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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.