



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, April 2, 2012 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-2012-007**

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

**"THAT,** the minutes of the Land Division Committee meeting held on February 27, 2012 be approved as circulated."  
**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-008**

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

**"THAT,** the agenda be adopted as circulated."  
**ADOPTED**

## 5. DELEGATIONS & PRESENTATIONS

None.

## 6. COMMUNICATIONS

None

## 7. REPORTS

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

**7.1.2 B11/158 – Joyce C Farrell – easement**

Pt Lot 16 Conc. 7, geographic Township of Lanark, now in the Township of Lanark Highlands. (Hardy Road)

**7.1.2 B11/172 and B11/173 – Brian and Janet Drynan – two new lots**

Pt Lot 21 Conc. 9, geographic Township of Lanark, now in the Township of Lanark Highlands. (9<sup>th</sup> Con Lanark)

**7.1.3 B11/177 – Paul and Susan Martin – new lot**

Pt Lot 5 Conc. 4, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Sheridan Rapids Road)

**7.1.4 B11/178, B11/179 & B11/180 – Darwin & Heather Code – 3 new lots**

Pt Lot 18 Conc. 10, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 10B).

**7.1.5 B12/001 – Rene and Cathy Sweeney – new lot**

Pt Lot 4 Conc. 3, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Ashby Road)

**7.1.6 B12/006 – David Jehu – new lot**

Pt Lot 14 Conc. 1 geographic Township of North Sherbrooke, now in the Township of Lanark Highlands. (2<sup>nd</sup> Con N Sher)

**7.1.7 B12/018 – Peter and Patricia Ghinn – lot addition**

Pt Lot 26 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Wildlife Road).

**7.1.8 B12/019 – Dennis O’Connell – new lot**

Pt Lot 6 and 7 Compiled Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. (Harold St.)

**7.2 Applications Previously Heard and Awaiting a Decision**

**None**

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

**9.1** 2011 Year-end Report – the draft report was reviewed and amended. Committee will present the report to Community Development Committee on May 2, 2012.

**9.2** OACA Conference - notice was received of the 2012 Conference to be held in Burlington June 3 to June 6, 2012. W. Guthrie advised that he would be attending.

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B11/158 – Joyce C Farrell – easement**

**10.1.2 B11/172 and B11/173 – Brian and Janet Drynan – two new lots**

**10.1.3 B11/177 – Paul and Susan Martin – new lot**

**10.1.4 B11/178, B11/179 & B11/180 – Darwin & Heather Code – 3 new lots**

**10.1.5 B12/001 – Rene and Cathy Sweeney – new lot**

**10.1.6 B12/006 – David Jehu – new lot**

**10.1.7 B12/018 – Peter and Patricia Ghinn – lot addition**

**10.1.8 B12/019 – Dennis O’Connell – new lot**

**11. UPCOMING MEETINGS**

Monday, April 30, 2012,  
Monday, May 28, 2012,  
Monday, June 25, 2012, and  
Monday, August 20, 2012

D. Murphy advised that he would be unable to attend the June 25<sup>th</sup>, 2012 meeting.

**12. ADJOURNMENT – 11:40 a.m.**

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

Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Joyce Corrine Farrell **Hearing Date:** April 2, 2012  
**Agent:** Soloway Wright, LLP  
**LDC File #:** B11/158  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 16 **Con** 7  
**Roll No.** 0940 934 015 16903 **Consent Type:** Easement

**Purpose and Effect:** To sever an easement for a period greater than 21 years in favour of Bell Canada along Harding Road, described as Part 1 on Reference Plan 27R-9883 Pt Lot 16 Conc. 7, geographic Township of Lanark, now in the Township of Lanark Highlands.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Limited Service Rural	Limited Service Rural
<b>-Area Required (min.)</b> <b>-Frontage Required (min.)</b>	n/a - easement	n/a - easement

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.6 Infrastructure and Public Service Facilities**

Section 1.6.1 Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area , Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for an easement. The property is legally described as Pt Lot 16 Concession 7, Geographic Township of Lanark, now in the Township of Lanark Highlands.

The applicant (Bell Canada) wishes to sever an easement for a period greater than 21 years along Harding Road.

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

1.1 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 evaluated under the "consistent with" test.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved.

The proposal is to allow an expansion of an existing land use which is consistent with the PPS.

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

The sketch accompanying the application illustrates that the lands meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

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. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.

(c) **PLANNING REVIEW**

The applicant proposes to sever an easement for a period greater than 21 years in favour of Bell Canada along Harding Road, described as Part 1 on Reference Plan 27R-9883 being Part Lot 16 Conc. 7, geographic Township of Lanark,. The Bell Lines are currently existing..

The subject lands are located in an area characterized by Residential on large landholdings along Harding Road. The lands are located within the Middleville Deer Yard. No EIS was required as the lines are already existing.

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

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

The Provincial Policy Statements Section 1.6.1 Infrastructure and Public Service Facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. 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:

Nora Shorkey and Shirley Botham - March 14, 2012

Although my property does not fall within the 60 metres of the subject land I wish to make my thoughts known. I became aware of this through my sister, Shirley Botham, who provided me with a copy of her Notice of Application for Consent dated February 29, 2012.

My husband and I were the first residents on Harding Road and have been living here full-time for the past 19 years. For the record, I have no objection to granting Bell Canada an easement for a period greater than 21 years along Harding Road, described as Part 1 on Reference Plan 27R-9883 Pt. Lot 16, Conc. 7, geographic Twp. of Lanark, now in the Twp. of Lanark Highlands.

In my opinion, the residents of Harding Road are most fortunate to have had Bell Canada install poles and lines along our road at no cost to any of us living on this road. The Bell Canada sub-contractors that completed the installation were most co-operative and respectful in the clearing of trees and the positioning of the poles and lines. All of the trees were cut into four-foot lengths and piled at the roadside to allow for easy removal by adjacent property owners.



I believe that all residents have since benefitted from having access to phone and internet services. The fact that we now have lines readily available for any new prospective

property owners cannot help but increase the value of all of our properties. I would assume that hydro could now use these same poles to string their lines thus cutting down on costs to bring power to any new residents.

I have shared the content of this letter with my sister, Shirley Botham, and she has asked that I relay to you that she also does not have any objection to this easement being granted to Bell Canada.

Please let this letter serve as a written request from Shirley and me to be notified of the public meeting to be held after completion of your review of this proposal. Shirley and I also wish to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Joyce Farrell - March 19, 2012

- 1 Please be advised that I wish to be notified of the public meeting date, once you have completed your review of the proposal, as such, please consider this my written request.
- 2 I wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, as such please consider this my written request.
- 3 As per your request, for me to provide RECOMMENDATIONS on or before Mar. 21, 2010, with reference to an Application for consent to convey an interest in the subject lands (that being pt Lot 16, Conc. 7, Township of Lanark (Lanark Highlands) of which I, Joyce Farrell, am the sole owner, for Bell Canada to sever an easement for a period greater than 21 years), my recommendations are outlined as follows:

#### SUMMARY

Harding Road is a dirt, 'un-maintained by the Municipality', forced Road; Bell Canada trespassed, with no prior property owner contact, 'clear-cutting' down 118 trees, installing their poles and wires; Only 3 trees were cut by Bell, on the property of the McCooeye family, who ordered the telephone service; wires were strung 'amongst trees'. No copies o-F Easement Agreements from Bell Canada's professional engineering staff, have been provided to me, for the McCooeye family property; Destroyed trees were removed, without permission from the property owner's land, J. Farrell, by locals, for use as firewood, for their wood burning stoves; Settlement was reached, (after 6 yrs. of legal wrangling), and Small Claims Court: - 1-2 telephone poles to be removed from the property owners land to the Official Road Allowance: Task undertaken & completed in 2011; AIR SPACE Easement request from Bell Canada to maintain a wire running between 2 poles, over the Harding Road top area owned by J. Farrell; Note: All levels of Government (institutional & Political) viz: Municipal- (Township/County)/Provincial/Federal, were made aware of this predatory issue prior to J. Farrell seeking Legal Counsel and Small Claims Court appearances, as such the reiteration of this information above;

As the Property Owner, it is my recommendation that land acquisition, under the

pretence of 'Air Space' Easements, for one land owner only (who didn't order telephone service), affected by the new telephone poles/wires installation, should cease and desist, as well as future bullying and elder abuse of Senior Citizens, must not be permitted, as it is a Federal crime.

## HISTORY

On a parcel of land, in which the settlers created a dirt road in view of the Official Road Allowance being at the bottom a ravine, it was only reasonable that the loggers would create a 'forced', (presently un-serviced by the Municipality, private) road, on the most accessible route thus, Harding Road which cuts through the corner of my rectangular lot. This road location situation is entirely understood and reasonable and acceptable to the property owner, J. Farrell, given the geographical circumstances.

In view of Bell Canada's trespass over 7 years ago, which saw legal wranglings occur over a six year period, a most time consuming and totally unnecessary endurance test transpired. Bell having failed to ask me, the property owner and thus the property tax payer, for a right to cut down 118 trees to install their, (as described by a retired Bell Engineer as) 'overkill ' telephone poles/wires, when the resident who ordered the telephone service only encountered 3 cut trees, with the wires woven through the trees, whilst my property was clear-cut, ( a comparable distance for both the clear cut and the non-cut area) the direct result of no input from the property owner, saw the individuals who ordered the telephone service, the McCooeye's, et alia, remove the downed 118 trees to their wood burning stove property to be cut into firewood.

A settlement was reached in early, 2011 with Bell Canada, which concluded, under duress, for me the property owner, to agree to specific conditions, those conditions being, in exchange, that the 1-2 poles presently located on my property, would be moved to the Official Road Allowance which occurred. Refusal to accept terms would result in this issue going to Trial, for which I did not have, as a Senior Citizen, the health or well being to participate in a Trial, nor did I wish to spend innumerable dollars which I do not have as a private citizen, on hiring a litigation lawyer against a major Montreal based legal team. It should be pointed out that all levels of Township/County/Provincial/Federal Governments were made aware of this illegal cutting prior to my taking the issue for legal Counsel and prior to filing with Small Claims Court. It is my major concern that property owners, are presently being forced to agree to ' air space ' Easement Agreements' on roads which are not about to be moved and upon which an Official Road, in a ravine is not about to become, in the near future, an extension of the Hwy.

In my opinion, acquiring such Easements are simply a control and acquisition of Ontario land by another Provincially based company, at the expense of the small property owner and should cease forthwith.

I have no more intention of stopping Bell Canada from servicing their line above the forced road than I have of putting up a road block to stop local residents from travelling on my section of Harding Road, nor they would to stop me from travelling on their section of Harding Road.

As such, my recommendation for the Easement Application by Bell Canada, of the section of Harding Road in which Bell Canada, to service the air space occupied line, is completely and totally unnecessary in view of it's location running over a road with no

telephone poles located on my property, to service. Easements are requested by utility companies with a view to accessing tree limbs however, there has not been one single tree seen to be growing on Harding Rd. during the past 7 years, not to mention that it was totally acceptable to string the wires woven amongst the trees for the McCooeye family, but not for the me, the absent land owner who saw major destruction of trees, some of which were 3 feet in diameter.

It is my sincere hope that this precedent setting and example of the unnecessary exercise of applications for severances, by utility corporations for air space, in future, in the Lanark Highlands, is not for monitory reasons, as well as land acquisition.

**(e) MINUTES – April 2, 2012**

Joyce Farrell, owner attended the hearing and gave evidence under oath. Darrell Mast, solicitor for the applicant attended the hearing and give evidence by affirmation.

Mr. Mast requested that the condition for payment of property taxes be deleted as there is no actual property transfer only an easement.

Mr. Mast confirmed that there were no 'poles' located on Ms. Farrell's property and that the application has been submitted in accordance with the settlement notice of Small Claims Division: Court File No. SC-10-00000010-000, Perth Small Claims Court.

Ms. Farrell expressed concern that she had not been notified regarding the removal of trees from her property by Bell and that she wanted to see fair and equitable treatment for all people along Harding Road concerning easement with Bell.

The committee reviewed the staff report and draft conditions and agreed that the standard condition for payment of property taxes was not required in this instance as there was no actual transfer of any property.

**(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 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.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Brian & Janet Drynan **Hearing Date:** April 2, 2012  
**Agent:** N/A  
**LDC File #:** B11/172 and B11/173  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 21 **Con** 9  
**Roll No.** 0940 934 030 00600 **Consent Type:** 2 New Lot

**Purpose and Effect:** To sever a two residential building lots (1.01-ha each) and retain a 36.8-ha landholding with an existing dwelling, and outbuildings. B11/173 to be accessed via Lanark Con 9 and B11/172 to be accessed via Galbraith Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/172	B11/173	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.01 ha 80 m 125 m Municipal Road	1.01 ha 94 m 110 m Municipal Road	36.8 ha 609.6 m 609.6 m Municipal Road
Water Supply Sewage Disposal	Proposed Well Private Septic	Proposed Well Private Septic	Proposed Well Private Septic
Official Plan Designation -Conformity?	Rural and Deer Yard Yes		
Zoning Category	Rural	Rural	
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha Yes 60 m Yes	1.0-ha Yes 60 m Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, 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 proposal conforms to the 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 provisions of the Zoning By-law.

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

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

#### Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt Lot 21 Concession 9, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever two 1.0 ha residential building lots and retain a 36 ha landholding with an existing dwelling, barns at 1292 Galbraith Road. Access for lot 1 is via Galbraith Road and access for lot 2 is via Lanark Concession 9.

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

### 1.1 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 evaluated under the "consistent with" test.

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

### 1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

### 1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. 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.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.

### 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 two lots: Lot #1 (B11/172) and Lot #2 (B11/173) measure 2.5 acres each of vacant land. The retained land is 91 acres with an existing dwelling and outbuildings.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the entire property has been classified by the Ministry of Natural Resources as a significant deer wintering area. In addition, Middleville Creek appears to travel through the retained lands. A man-made pond, which is hydrologically connected to Middleville Creek, exists in the southwest section while a portion of another unclassified wetland was observed across the eastern lot line, of the retained lands. With respect to vegetation, the retained land consists of a mix of open fields and deciduous forest, while severed Lot #1 is almost entirely open field and severed Lot #2 is primarily a deciduous forest. No significant natural heritage features or natural hazards were identified on the severed lots.

### REVIEW

#### Natural Heritage Features - 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, the landowners completed a simplified Environmental Impact Statement (EIS). MVC has reviewed the completed EIS and concluded that the subject applications will not negatively impact upon the ecological functions of the deer yard.

#### Unclassified Wetland

Unclassified wetland was observed on the retained lands. Due to the fact that the retained lands are already developed with no new development proposed at this time, MVC does not anticipate any impacts to the wetlands as a result of this application.

#### Watercourse

A watercourse was identified on the proposed retained lands. Given that these lands are already developed with no new development proposed at this time, we do not anticipate any impacts to the watercourse as a result of these applications.



#### Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. It is, therefore, recommended that development occur outside of these poorly drained areas.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objections to the subject applications.

#### NOTES

Any potential future development on the retained lands should comply with the zoning provisions; particularly with respect to the minimum 30 waterbody setback from the watercourse, and the retention of a shoreline vegetated buffer. We also recommend a 30 metre setback for any new development adjacent to wetland.

Unclassified wetland should remain undisturbed, on the proposed retained lands. Pet dogs should not be allowed to roam freely and harass deer.

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

Any proposed works in or near the watercourse or wetland 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.

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

Severed – B11/172 - A 2.5 acre parcel of land which fronts on Galbraith Road. There is a house presently on property however it is a house that has been moved onto the property but is not placed on ground at this time. There is sufficient area to construct a sewage system to service the house in future.

Severed – B11/173 - A 2.5 acre parcel of land fronting on the 9<sup>th</sup> Concession B Road. Land has areas of both forest and open field. Field area is subject to wetness. Land slope and drainage varies. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 91 acre residential/farm parcel with an existing house serviced by a well and septic system. Land slope and drainage can vary. Additional sandy loam fill may be required in area of future tile bed.

Hydro One Networks – We have reviewed the documents concerning the above noted application for Consent and have no comments or concerns at this time. HONI has a registered easement which is part of the severance area. HONI's easement rights must be protected and maintained at all times.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots, each containing 1.01-ha and to retain a 36.8-ha landholding with an existing dwelling and storage buildings.

The subject lands are located in an area characterized by a mixture of large and regular sized lots along Galbraith Road and 9<sup>th</sup> Con B Lanark. Two previous severances were taken from the original landholding in 1991, prior to the lot creation date of the existing Official Plan of March 2003.

Application B11/172 is accessed by Galbraith Road and B11/173 is accessed via 9<sup>th</sup> Con B Lanark, both municipally maintained roads.

The lands are located within a designated 'wintering area – deer'; therefore a scoped EIS was undertaken and reviewed by the Conservation Authority. The CA concluded that development would not negatively impact upon the ecological functions of the deer yard, however, the applicant should be advised through notes to the decision that the lands are within a 'wintering' area.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

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

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – April 2, 2012**

Brian and Janet Drynan, owners attended the hearing and gave evidence under oath.

Mr. Drynan advised that Galbraith Road had recently been rebuilt.

The committee 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:** - the same conditions apply to both consent applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any easements that currently exist, in particular, Hydro One Networks.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
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 applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
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. 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. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The Mississippi Valley Conservation advise that any potential future development on the retained lands should comply with the zoning provisions; particularly with respect to the minimum 30 waterbody setback from the watercourse, and the retention of a shoreline vegetated buffer. We also recommend a 30 metre setback for any new development adjacent to wetland.*
6. *The MVC also advise that the unclassified wetland should remain undisturbed, on the proposed retained lands.*
7. *The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the watercourse.*
8. *Any proposed works in or near the watercourse or wetland 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.*
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.*

**The following note applies to B11/173:**

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:** Paul & Susan Martin **Hearing Date:** April 2, 2012  
**Agent:** Tracy Zander, ZanderPlan Inc.  
**LDC File #:** B11/177  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Dalhousie **Lot: 5 Con 4**  
**Roll No.** 0940 002 025 18700 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 6.0-ha vacant landholding and retain a 14.8-ha landholding with an existing residence and Vet Clinic located at 1083 and 1095 Sheridan Rapids Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Rural	Residence & Vet Clinic Residence & Vet Clinic
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	6 ha 410 m 192 m irregular Municipal Road	14.8 ha 705 m irregular Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  1.0-ha Yes 60 m Yes	Rural & Rural – Exception 4 1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, 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 proposal conforms to the 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 provisions of the Zoning By-law.

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

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

#### Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The property is legally described as Pt Lot 5 Concession 4, geographic Township of Dalhousie, now in the Township of Lanark Highlands.

The applicant wishes to sever a 15 acre parcel and retain a 36 acre landholding with an existing dwelling, barns and vet clinic at 1083 Sheridan's Rapids Road.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451.

### 1.1 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 evaluated under the "consistent with" test.

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

### 1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

### 1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. 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.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.



### Conservation Authority – Mississippi Valley Conservation

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 6.0 ha lot and retain a 14.8-ha landholding with an existing residence and Vet Clinic.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of the Mississippi River travels through a small portion of the southeast corner of the proposed retained lands.

### REVIEW

No natural heritage features or natural hazards were identified on the proposed severed lands. And, the proposed retained lands are 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 application.

### NOTES

With respect to the retained land, 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 watercourse, 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.

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

Severed – A 6 ha parcel of land that is primarily open farm field. Land has gentle slopes. There are no existing buildings on this parcel. Additional sandy loam fill may be required in area of future tile bed.

Retained – A 14.8 ha parcel of land which has both an existing house and a veterinary clinic serviced by sewage disposal system and well. There is ample area for future replacement of the sewage system. Additional sandy loam fill may be required in area of future replacement of the sewage system.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 6.0-ha residential building lot and retain a 14.8-ha landholding with an existing residence, outbuildings and vet clinic.

The subject lands are located in an area characterized by a mixture of Residential type lots along Sheridan Rapids Road. The original landholding was previously severed in 1999, prior to the current Official Plan consent policy date of March 2003.

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

Barns are located on the retained lands, to the east of the Vet Clinic and Residential Dwelling. An MDS was provided by the applicant which indicated a minimum required setback of 158m. The actual setback from the facility to the proposed lot line is 268m. Consideration should be made to adding a condition to the deed of the proposed lot to advise of the proximity of the livestock facility and that it may be susceptible to noise, odours etc related to the farming operation.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 3 – moderately severe limitations
- Drainage: well
- Hydrogeology: moderate

Bedrock Inventory – Marble, Calc-silicate

The area has considerable land masses mapped as ‘woodlands’, however none are located on the lands to be severed or retained. Care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

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.

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a “Residence, hobby farm and

Veterinary Clinic". 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.

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 – April 2, 2012**

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

Ms. Zander confirmed that the lands to be severed are within the Rural Zone. The committee 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 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 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).
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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. 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.
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. 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. *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".*
2. *In addition, any proposed works in or near the unnamed watercourse, 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.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Darwin & Heather Code **Hearing Date:** April 2, 2012  
**Agent:** Tracy Zander, ZanderPlan Inc.  
**LDC File #:** B11/178  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** Drummond **Lot:** 18 **Con** 10  
**Roll No.** 0919 919 025 43300 **Consent Type:** three (3) New Lots

**Purpose and Effect:** To sever three (3) 0.4-ha residential building lots and retain a 39.25-ha landholding with an existing dwelling (1208 Drummond Con 10B) and outbuildings. The lands are accessed via Drummond Con 10B.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/178	B11/179	B11/180	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.4 ha 45 m 90 m Municipal Rd	0.4 ha 45 m 90 m Municipal Rd	0.4 ha 45 m 90 m Municipal Rd	39.25 ha 154 m 1,337 m Municipal Rd
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Proposed well Proposed septic	Proposed well Proposed septic	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes			
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	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.

### **2.1 Natural Heritage**

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

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 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

Please be advised that I have reviewed the above noted severance applications and have determined that the proposed severances are consistent with the Township's

## Official Plan and Zoning By-law.

As I understand it, the applicants own a large parcel of land on Drummond Concession 1 OB, which contains a house (Civic# 1208) and various outbuildings. Behind the existing house (roughly 400 m from the road) is a utility tower, which occupies a landlocked parcel surrounded by the Code lands. The Codes are proposing to create three lots at the southeast corner of the property (fronting on Conc. 1 OB). Each of these lots will be precisely 0.4 hectares in size with frontages of 45 m, which is the minimum permitted in the Rural Zone. The three lots to be severed are primarily open and the retained lands, which, according to Township mapping encompass about 32 hectares, are primarily open pasture and scrub. The far rear of the retained parcel consists of woodland and wet areas, although this is quite far from the site of the proposed severances. No change of use is proposed on the retained lands and while not specified in the application, the severed lands appear to be suited and intended for residential construction.

The severed and retained lands are all designated Rural according to Drummond/North Elmsley's Official Plan, which subject to Section 4.3 of the Plan, permits a wide range of low impact uses, including residential. A small portion of the rear of the retained lands are within the influence area of the Haley Lake Provincially Significant Wetland complex, however due to the distances involved, this does not factor into the planning evaluation of the subject application. No other influence areas or constraints (as per Schedule "B" of the Official Plan) were identified on the Code property. In evaluating this application, Staff also reviewed Section 3.7 of the Plan (Division of Land) and noted that the proposed lots meet all of the requisite criteria, including sufficient access and frontage. These severances comprise all lots permitted to be created out of this lot of record and as such, any future lot creation will need to be through plan of subdivision. Section 3.21.1 of the Official Plan addresses concerns of noise and proximity to provincial highways and Staff note that since the closest of the proposed lots is approximately 165 m from Highway 7, the closer of these lots may be subject to noise. While the Township has the right to ask for a noise study for development proposals within 250 m of a provincial highway, Staff are of the view that due to the largely forested buffer between the new lots and the highway and the reasonable distance involved, a notation on the deeds advising of the possibility of noise should be sufficient to address this issue. The applicants should however be aware that due to proximity to the provincial highway, MTO access guidelines may apply. According to the Township's Zoning Bylaw, the severed lands are zoned Rural and each of the proposed lots meet the provisions of that zone.

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

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

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



- Sufficient 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.
- 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.
- The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale for Lots 1 & 2 the following wording:  
 "TAKE NOTICE that this lot is located within 250 metres of a provincial highway which is located to the north in part of Lot 18, Concession 10, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."

#### 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, all measuring 0.4 ha of vacant land. The proposed retained land is 39.25 ha with an existing residence and outbuildings.

#### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a Provincially Significant Wetland (PSW) referred to as the Stewart Lake — Haley Lake Complex extends into the northern end of the proposed retained lands. In addition, an Area of Natural and Scientific Interest (ANSI), referred to as the Innisville Wetlands extends into this area. No natural heritage features or natural hazards were identified on the severed lands.

#### REVIEW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, or within 50 metres of an ANSI boundary, 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, these natural features are

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 within the adjacent lands of these features, an EIS may be required at that time.

#### CONCLUSIONS & RECOMMENDATIONS

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

#### NOTES

An EIS may be required for any potential future development within 120 metres of the PSW, or within 50 metres of the ANSI, on the retained lands.

The property owner should be advised that any interference or site alterations within 120 metres of the PSW may require written permission from MVC, pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

Any proposed works in or near the PSW or ANSI 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.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – (Same report for all three lots to be severed) – A 45m X 90m parcel of vacant farm land. Property is an open field with gentle slopes. There is a narrow tree line at the front of the property. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 39.25 hectare parcel of land with an existing house serviced by a well and septic system. There are various barns and farm outbuildings on the property. Additional sandy loam fill may be required in area of future replacement septic system.

Hydro One Networks – No comments were received.

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

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

The applicant proposes to sever three (3) residential building lots each containing 0.4-ha and retain a 39.25-ha landholding with an existing dwelling and outbuildings. An existing Utility Tower is located to the north of the lots.

The subject lands are located in an area characterized by Residential on a mixture of large landholdings and typical residential lots along Drummond Con. 10B Highway 7 is to the east of the proposed lots and the Innisville Wetland Complex is to the north west.

The lands are accessed via Drummond Con 10B, a municipally maintained road.

Soils Inventory – Name: Tennyson  
- Stoniness: slightly stony  
- CLI: 2 – moderate limitations  
- Drainage: well drained  
- Hydrogeology: moderate

Bedrock Inventory – dolostone, sandstone.

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

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

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

**(d) PUBLIC INPUT**

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:

Glenn Balharrie Feb 21, 2012

I am writing in concern of the proposed severances on Concession 10B of Drummond. Subject land Pt Lot 18 Conc.10 Drummond/North Elmsley. My main concern for the severances would be that if it was to go ahead and the said parcels were developed, I am going to have to assume the land will need to be filled in as a natural drainage flows through the properties to my property which is adjoining. The land is low in the middle of the properties and if land is filled I will receive all of the drainage at my property which in turn could possibly cause a flood on my property or basement. If the development was to go ahead and I in turn end up flooding who will be responsible for my misfortune. There seems to be allot of property for which to severe further up the road, which is higher, and dryer which will not affect the drainage or my property and interests. Please respond by email as I would also be interested in attending the public meeting.

Michael Laflame – March 4, 2012

Last week Wednesday, I discussed with you the Darwin and Heather Code's severance and application for consent.

I expressed my concern about the future impact this severing and subsequent building of structures and supply of electrical power will have on a present and continuing Hydro Electrical supply service easement across my property and servicing the Code's residence. I would certainly be opposed to any future enhancements to the service line running across my property. Would future developments be serviced by lines on concession 10B as is the existing housing?

*NOTE: HONI was contacted – proposed line access will be from the township road.*

Alan and Helen Hanna – March 20, 2012

My wife and I are planning to sell our home and will be listing our property as of March 1st. 2012.

We are concerned about the 50% increase in the number of homes that will be on the street. Our concerns with potential buyers looking at our home while construction is taking place may be detrimental to getting a fair price for our home. We oppose any new construction on concession 10 B.

(e) **MINUTES – April 2, 2012**

Darwin Code, owner, Tracy Zander, agent and Douglas Palmer, representing Glen Balharrie attended the hearing and gave evidence by affirmation.

Mr. Palmer presented the following letter from G Balharrie:

“To whom it may concern.

A letter written from Glenn Balharrie concerning severances.

I have read the staff report, and it seems that a lot of time was put in to preparation, study's, etc .but they seemed to overlook the drainage of the properties and the area as a `whole. Along the road there is no ditch for the spring runoff as the road runs up hill adjacent to my property. The ditch in fact is 100 ft back and it runs through my property, which is the drainage for the entire property in question. I have installed a culvert at my own expense to help alleviate this water. The water then goes into a pond which I have put in to also help with the spring runoff. The water from there goes toward Hwy 7 to the ditch, when the water reaches that point it has nowhere to go but sit stagnant until warmer temperatures can dry it naturally. At that point the water backs up towards my home.

I feel that three homes with sump pumps running, water from roofs and snow, plowed from winter will possibly too much for this natural drainage and the inefficient ditching at hwy 7, and in turn I will receive the brunt of the spring runoff in my basement.

There was also in the staff report of the well being of Haley lake and the wet land area around it, the lake is over a kilometre away, There wasn't anything in the report about the well being of my pond and the fish that live in it. If a homeowner in these proposed properties is a home mechanic or a furnace tank should leak there will be a wide spread environmental catastrophe concerning more than one home. Scott Gemmill from Gemmill sand and gravel stopped by and looked at the area and told me that the drainage will always flow through my property, as the ditching along Con. 10B is higher. I think that the report should be looked at again and the drainage issue is resolved before going further.”

Mr. Code presented a proposal to address the drainage issue and will provide this to the township at the Building Permit Stage. Mr. Palmer indicated that G. Balharrie was satisfied with this proposal. Mr. Code also advised that the buildings shown as sheds on his application were old log structures and have not been used to house livestock for over 25 year. Considerable work would be required to convert them from the present use as storage buildings to livestock facilities.

Mr. Code advised that he was not aware of any water quality or quantity issues in this area.

The committee 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: The same conditions apply to all three lots:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within 250 m of a provincial highway, and that the occupants of the lot may be exposed to impacts typically associated with such a use including noise".
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 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.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

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 land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, 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 shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advise that an EIS may be required for any potential future development within 120 metres of the PSW, or within 50 metres of the ANSI, on the retained lands.*
2. *The property owner should be advised that any interference or site alterations within 120 metres of the PSW may require written permission from MVC, pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *Any proposed works in or near the PSW or ANSI 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 Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or*

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

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

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

***The following notes applies to B11/180 only:***

8. *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:** Cathy & Rene Sweeney **Hearing Date:** April 2, 2012  
**Agent:** N/A  
**LDC File #:** B12/001  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Dalhousie **Lot:** 4 **Con** 3  
**Roll No.** 0940 002 025 10000 **Consent Type:** New Lot

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**Purpose and Effect:** To sever a 1.1-ha residential building lot and retain an 18.0-ha vacant landholding. The lands are accessed via Ashby Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Building Lot	Vacant Building Lot
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	1.1 ha 91 m 120 m Municipal Road	18 ha 214 m 640 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	1.0-ha Yes 60 m Yes	1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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



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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **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 4.5.3 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 proposal conforms to the 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 provisions of the Zoning By-law.

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

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

Township of 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 the creation of a new lot. The property is legally described as Pt Lot 4 Concession 3, geographic Township of Dalhousie, now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.7 acre building lot and retain a 44 acre land holding. The lands are accessed via Ashby Road.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451.

### 1.1 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 evaluated under the "consistent with" test.

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

### 1.2 OFFICIAL PLAN

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

### 1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. 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.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.

### Conservation Authority – Mississippi Valley Conservation

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 1.1-ha building lot, and retain an 18.0 —ha landholding with an existing hunting camp.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of the Mississippi River travels through two unclassified wetlands on the proposed retained land. One of the wetlands is located in the southwest corner while the second exists in the southeast corner, of the retained land, and encroaches into the northwest corner of the severed lands. The aforementioned tributary also travels through the western end of the severed lands. With the exception of the wetland areas, the remainder of the property appears forested.

### REVIEW –

#### Natural Heritage Values - Watercourse

Sufficient area appears to exist on both the proposed severed and retained lands to accommodate future development that complies with the current standards for development adjacent to a watercourse.

#### Wetland

Due to the numerous environmental benefits of wetlands, which range from fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation.

Sufficient area appears to exist on both the proposed severed and retained lands to accommodate future development that meets with the current standards for development adjacent to a wetland.

#### Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Sufficient area appears to exist on the proposed severed and retained lands to accommodate future development outside of areas consisting of organic soils.

### RECOMMENDATIONS AND CONCLUSIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and the wetlands.

2. The shoreline vegetation surrounding the wetland and the unnamed watercourse shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, unnamed watercourse, or onto adjacent properties.
4. The wetlands shall remain undisturbed.

#### NOTES

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – A 1.10 hectare lot that is vacant. Land is mainly bush and has area of low land. Land appears to be infilled in some areas. Additional sandy loam fill will be required in area of future tile bed.

Retained – An 18 hectare parcel of vacant bush land. Land has previously been used as a hunting camp. Land drainage varies. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

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

The applicant proposes to sever a 1.1-ha residential building lot and retain an 18.0-ha landholding with an existing hunting camp.

The subject lands are located in an area characterized by Residential and vacant landholdings on a variety of lot sizes along Ashby Road.

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

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

Bedrock Inventory – marble, calc-silicate

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

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – April 2, 2012**

No persons attended the hearing.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

3. 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).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. 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.
9. 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.
10. 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 February 9, 2012, 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.
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 #3 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed along the unnamed watercourse, 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 unnamed watercourse or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** David C. Jehu **Hearing Date:** April 2, 2012  
**Agent:** n/a  
**LDC File #:** B12/006  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** North Sherbrooke **Lot:** 14 **Con** 1  
**Roll No.** 0940 004 040 03000 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.0-ha residential lot with an existing dwelling (1114 2<sup>nd</sup> Con N Sher) and retain a 2.8-ha residential lot with an existing dwelling. The lands are accessed via 2<sup>nd</sup> Con N Sherbrooke.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Residential Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	1 ha 75 m 132 m Municipal Road	2.8 ha 62 m Irregular Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Private Well Private Septic	Proposed Well Proposed Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and Deer Yard Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  1.0-ha Yes 60 m Yes	Rural  1.0-ha Yes 60 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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



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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, 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 proposal conforms to the 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 provisions of the Zoning By-law.

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

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

Township of 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 the creation of a new lot. The property is legally described as Pt Lot 14 Concession 1, geographic Township of North Sherbrooke, now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.5 acre building lot with an existing dwelling located at 1114, 2<sup>nd</sup> Concession North Sherbrooke and retain a 7 acre residential lot with an existing seasonal cottage.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451.

#### **1.1 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 evaluated under the "consistent with" test.

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

#### **1.2 OFFICIAL PLAN**

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

The proposal as submitted can achieve those directives.

### 1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. 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.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.

### Conservation Authority - Mississippi Valley Conservation

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 1 ha lot with an existing dwelling and outbuildings, and retain a 2.8 ha lot with an existing cottage. The retained land has water frontage while the severed land does not.

### PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, the proposed retained land has frontage on Thompsons Bay, which forms part of the Mississippi River. In addition, a small tributary of the river travels along the northern edge of the subject property. Unclassified wetland appears to surround this tributary. No natural heritage features or natural hazards were identified on the proposed severed lands. Formal flood plain mapping does not currently exist for this section of the Mississippi River.

## REVIEW

### Natural Heritage Values

The proposed retained lands are already developed with no new development proposed at this time. In addition, MVC is satisfied with the size and frontage of the resulting lots. Therefore, we do not anticipate any impacts to the river, tributary, or wetland as a result of this application.

### Natural Hazards

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. However, given that the retained land is already developed with no new development proposed at this time, organic soils are not considered a constraint to the proposed severance.

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

## RECOMMENDATIONS AND CONCLUSIONS

With the above in consideration, MVC has no objection to the subject application.

## NOTES

With respect to the retained land, any potential future development should comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline of the river and tributary.

The unclassified wetland, that surrounds the tributary of the river, should remain undisturbed.

There is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River.

In addition, the property owner should be advised that, 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 wetland, river, or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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.

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

Severed – A 2.47 acre parcel of land with an existing house serviced by a well and septic system. There is also a garage and old log shed/building on site. Additional sandy loam fill may be required in the area of the future replacement tile bed.

Retained – A 6.9 acre parcel of land with an existing cottage serviced by a well and septic system. Land is a combination of trees and open field. Additional sandy loam fill

may be required in the area of the future replacement tile bed.

Hydro One Networks – There are no HONI owned or easement corridors in the area of the proposed severance. Therefore we see no concerns with this request.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.0-ha residential lot with an existing dwelling, garage and shed and retain a 2.8-ha residential lot with an existing seasonal dwelling.

The subject lands are located in an area characterized by large residential landholdings interspersed with a few smaller type residential lots. A High Falls Generating Station is located approximately 1.0-km to the east and the retained lands abut the Mississippi River.

The lands are accessed via 2<sup>nd</sup> Con N Sher, a municipally maintained road.

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

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

Soils Inventory – Name: White Lake

- Stoniness: very
- CLI: 7 – no capability for agriculture
- Drainage: rapidly
- Hydrogeology: well

Bedrock Inventory – granodiorite, tonalite

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal

maintains the general intent and purpose of the PPS and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – April 2, 2012**

David Jehu, owner and Bonnie Jehu, spouse of owner attended the hearing and gave evidence under oath.

Mr. Jehu confirmed that there were two dwelling units on the lands, a residential dwelling on the lands to be severed and a seasonal dwelling on the lands to be retained.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. 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.
9. 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.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advise that there is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River.*
2. *In addition, the property owner should be advised that, 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 wetland, river, or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *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.*
4. *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. It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future replacement septic system area.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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





**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Peter Derrick Ghinn **Hearing Date:** April 2, 2012  
**Agent:** Tracy Zander, ZanderPlan Inc.  
**LDC File #:** B12/018  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** North Elmsley **Lot:** 26 **Con** 9  
**Roll No.** 0919 908 020 39800 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 33.0-ha landholding with existing agricultural buildings as a lot addition to lands owned by Peter D Ghinn at Lot 25 Conc. 9 North Elmsley and retain a 1.2-ha residential lot with an existing dwelling at 2638 Rideau Ferry Road. The severed lands are accessed via Wildlife Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Agriculture buildings same	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	33 ha 168 m Irregular Municipal Road	1.2 ha 86 m 135 m County Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Unknown Unknown	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  n/a lot addition	Rural  0.4-ha Yes 45 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.3 Agriculture**

Section 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3, Rural Policies, Section 5.2 County Roads, Section 5.3 Local Roads.

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

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

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

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

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

#### Township Planner's Report

**BACKGROUND:** In the spring of 2011 Township Staff received an application for consent from Peter Ghinn for his 35 ha (85 acre) property at the corner of Wild Life Road and Port Elmsley Road. With that application, Mr. Ghinn looked to sever a 2.4 ha (6 acre) lot, which contained an old stone house and some outbuildings. Since he had already maxed out his allowable severances on that lot and was additionally subject to the provisions of the Rural- Exception 68 Zone (which prohibited new lot creation on these lands except by way of subdivision), he could not create a new net lot. To counter that, he merged the remaining 33 hectares with a vacant 0.4 hectare parcel he also owns fronting on Wild Life Road and as such, the end result would be no new net lot creation.

The Lanark Land Division Committee felt that the proposed severance was contrary to the intent of the RU-68 Zone and also had some concerns that the separation of the agricultural buildings from the remaining 33 hectares diminished the agricultural capability of those lands, contrary to the Provincial Policy Statement. As such, the County denied Mr. Ghinn's severance request and Mr. Ghinn subsequently appealed that decision to the Ontario Municipal Board. Mr. Ghinn's consulting planner, in her submission to the Board disagreed with the Land Division Committee's decision noting that there is no proposed change of use and the application is consistent with the letter and spirit of municipal and provincial planning documentation. The appeal date was set for February 17th, 2012, however Mr. Ghinn and the County initiated negotiations to reach a settlement prior to the hearing. Township Staff were consulted throughout the

process to ensure that municipal planning interests were ensured. On January 24th, the County and Mr. Ghinn reached an agreement regarding the application and the appeal was formally withdrawn one week later. In this the County and Mr. Ghinn agreed that the applicant would:

- Reduce the size of the retained parcel (lot with the old stone house on Rideau Ferry Road) such that the farm buildings are separated from the residence and attached to the larger 33 hectare piece;
- Consolidate this larger piece with the adjacent 52 hectare piece owned by Mr. Ghinn and fronting on Wild Life Road. The 0.4 hectare building lot on Wild Life Road would remain on its own; and
- Recognizing that the 52 hectare piece to be added is also maxed out on severances and apply to rezone this land to RU-68 to be consistent with the lot to which it will be added.

Mr. Ghinn abandoned his original severance application and he subsequently applied for a new consent. The County has requested Township comment on the application prior to their next Land Division Committee meeting on April 2<sup>nd</sup>, 2012

DISCUSSION: As of the summer of 2011, Township Council agreed that in general, Planning Staff would draft the municipal response for severance applications without the need to go to Committee each time. However it was acknowledged that in the event of complicated or potentially controversial applications, Staff would prepare a report to advise the Committee and seek direction. Due to the history surrounding this property, Staff believe that such an approach is appropriate in this case.

The effect of this new application is the creation of a new lot comprising of the existing house at the corner of Bernice Cres. and Rideau Ferry Road and the creation of a large merged 85 hectare property that consists of farmland, agricultural buildings and open scrub. Like the previous severance application, this proposal creates no net new lots however it does separate uses such that the agricultural buildings are on the same lot as the pasture and farmland (regardless of whether the land is ultimately used for that purpose). Additionally, given that the adjacent lands to be added to are currently vacant and there is no residence on the 33 hectare piece to be severed, the new combined property will be eligible only for one dwelling. Should Mr. Ghinn ultimately want to build a house on the lot, there are a number of potential locations for access on Wild Life Road and Rideau Ferry Road. Staff suggest that this application satisfactorily meets Township planning concerns, provided that, in addition to the standard severance conditions (up to date on taxes, survey, entrance location certificate, etc) the following conditions be applied to any County approval:

- The applicant rezones the balance of the newly proposed lot to RU-68 to prevent any future creation of lots except through Plan of Subdivision. This ensures the same zoning covers the entire property. [Staff also considered including an additional provision that no lot adjustments be permitted, however that was not pursued given the consideration of potential future lot additions to the undersized lots in the abutting Chaloa Acres subdivision]
- The applicant enters into a shared driveway agreement with regards to guaranteeing access to the agricultural buildings on the lot to be severed, in the event that either of the lots are transferred to a new owner.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The 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.
- 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.
- The applicant shall enter into a joint use and maintenance agreement for the existing shared driveway on Rideau Ferry Road
- The severed and enlarged lands shall be rezoned such that consistent zoning applies to all of the proposed lots and recognizes that no new lots shall be created on the subject lands unless through plan of subdivision or condominium application.

CA Comments are the same as submitted for B11/072 - Conservation Authority – Rideau Valley Conservation Authority May 26, 2011

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

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

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

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

Health Unit Comments are the same as submitted for B11/072 - On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit

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

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

County Public Works comments are the same as submitted for B11/072 - County Public Works Department

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 33.0-ha landholding with an existing agricultural facility as a lot addition to lands owned by Peter Ghinn at Pt Lot 25 Conc. 9 geographic Township of North Burgess and retain a 1.2-ha residential lot with an existing dwelling located at 2638 Rideau Ferry Road.

This application is a resubmission of an application that was denied. The resubmission provides that the large lot addition is to be consolidated with an abutting large parcel of land to the east, thereby maintaining the rural agricultural character of the lands.

The applicant provided an MDS Calculation which indicates the minimum setback requirements for any new residential dwellings at 276 m from the livestock facility and 348 m from the manure storage. Any new construction will require that the developer update the MDS calculation at the time of application for building permit.

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

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

Soils Inventory – Mixture

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

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

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

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

which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

James Bond - Feb 13, 2012

RE: 812/018 - GHINN APPLICATION FOR CONSENT PT LT 26 CON 9 NORTH ELMSLEY

I have received your Notice of Application for the above-noted. Please put my name on your notification list as I wish to be notified of the public meeting and make comments regarding the application. Please note I am attending to this matter in my personal capacity and on behalf of my personal corporation which is also a neighbouring landowner.

At this time, although requested from the OMB, I have not been able to obtain a copy of the terms and conditions reached between the parties that resulted in the previous appeal being abandoned, and this new application submitted. Before considering this new proposal, I would ask that the copy of the terms be disclosed.

I also note the lands to be retained in the current proposal appear significantly smaller than the previous application (B11/072), and am curious as to why this has changed. I would also like confirmation as to whether the lands being enlarged as a result of this application still retain a farmhouse and/or active farming assets (and if so, whether said assets are located on the severed portion or lands to be enlarged) such that the enlarged parcel's land use can remain as agricultural, rather than vacant.

The Notice indicates that the severed lands access from Wildlife Road but doesn't specify where the enlarged lands will have access. I would appreciate confirmation as to the intended access to the enlarged parcel, as the applicant has three possible access points (Karen Lane, Bernice Crescent, and Wildlife Road).

I would appreciate receiving a copy of relevant reports and information relating to this application, once available. If you are able to email this information it would be appreciated, however I am also available to attend your office to review.

Mary Oliver – Feb 29, 2012

I would like to offer my thoughts on the proposed changes to be made to property at Lot 26 Con 9 North Elmsley. In 2000 we purchased farmland and barns that were adjacent to our home farm, but not without considerable difficulty. Bill Poole retained his home and barn along with about 20 acres and proposed to sell the remainder of the farm land to us. There had been a second dwelling on the property that was severed about 40 years before. The owners of the second house objected to the sale primarily based on the proximity of the barn to her house and the potential use of the barn. We gave up the right to house cattle in the barn but that did not stop their objections. What resulted was a bitter fight among neighbours and the end result was that there was no hydro service to the barn, no laneway access - only access through the fields and expensive legal

fees. As the application for severance has been presented on the Ghinn property a similar situation would be created with respect to access to the barn. Maybe this is not an issue - maybe the barn will never be used again, but in the event that at some time someone did want to use the barn problems might arise. I would hate to see anyone go through the problems that we encountered. If you have any questions please contact me by email or phone at 613-267-2514. Thank you for the opportunity to comment on this matter. I would appreciate being notified of the outcome of your decision.

Sue Brown - per telephone call in March  
Please advise of hearing date and decision.

Cindy Deachman on behalf of Jim Bond March 2, 2012

I'm writing on behalf of Jim, to request confirmation that you received his letter of February 14th relating to B12/-018.

Although he has received some information from the Board's file regarding Mr. Ghinn's previous application, he still has some outstanding questions and concerns relating to the new application, including access and intended use of the enlarged lands, that the Board's information was not able to satisfy. Therefore he wishes to be advised of the public meeting, and reserves the right to present comments, if necessary. In particular his concern is the question of possible access through Karen Lane and the need for development controls for same, such as a 0.3m reserve to ensure any access is properly obtained.

We look forward to receiving notice of the meeting, in due course.

Fred and Gail Bradley – March 13, 2012

RE: PETER AND PATRICIA GHINN LAND SEVERANCE FILE #B12/018

Please be advised that we wish to be notified of the following:

- PUBLIC MEETING

- NOTICE OF DECISION

in conjunction with this matter.

**(e) MINUTES – April 2, 2012**

Peter Ghinn, owner, Tracy Zander, agent and Jim Bond, adjacent landowner attended the hearing and gave by affirmation.

Chairman Strachan advised that through recent discussion between the Secretary-Treasurer and the Planner for Drummond / North Elmsley that the Township is prepared to remove the shared entrance condition from the severance proposal, provided that a condition be in place that ensures that access to the farm buildings is guaranteed, preferably off Bernice Cres. The committee agreed.

Mr. Bond complimented the committee on a favourable resolution to the previous application which had been denied and subsequently appealed. However, was still concerned with where the entrance to the lands would be located.

Ms. Zander explained that as a condition the applicant is required to submit an application for entrance to the Township. While the entrance does not need to be installed, the location is to be determined prior to the Township providing a 'clearance letter' to the Land Division Committee secretary.

Ms. Zander agreed with the condition to rezone the lands to be enlarged with similar zoning as the subject lands, so as not to permit any new lots however would permit lot additions.

The committee 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 Peter Derrick Ghinn described as Part Lot 25 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley, 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 Drummond / North Elmsley.
5. 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.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.



7. 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.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. The severed and enlarged lands shall be rezoned such that consistent zoning applies to all of the proposed lots and recognizes that no new lots shall be created on the subject lands unless through a plan of subdivision or condominium application.
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 #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in future replacement septic system are on the retained lands.*
2. *The County of Lanark Public Works Department advises that access to the severed lot will be via the local municipal road locally know as Wildlife Road.*
3. *The RVCA recommends a 30 metre development and disturbance setback from the watercourse and any alteration of the watercourse which may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses").*

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:** Dennis O'Connell

**Hearing Date:** April 2, 2012

**Agent:** N/A

**LDC File #:** B12/019

**Municipality:** Township of Mississippi Mills

**Geographic Town:** Almonte

**Lot:** 6 and 7

**Plan:** 6262

**Roll No.** 0931 020 025 17600

**Consent Type:** New lot

**Purpose and Effect:** To sever a 420.62 sq.m. residential building lot and retain a 1,010.6 sq.m. lot with an existing dwelling (32 Harold Street).

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	420.62 sq.m. 11.04 m 38.10 m Municipal Road	1,010.6 sq.m. 26.43 m 38.24 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed - Public water system Proposed - Public sewer system	Public water system Public sewer system
<b>Official Plan Designation -Conformity?</b>	Residential Yes	
<b>Zoning Category</b>	Residential Type 2	
<b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	460 m <sup>2</sup> No – Minor Variance req'd 18 m No – minor variance req'd	460 m <sup>2</sup> Yes 18 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

Section 1.1.3.3 Planning authorities shall identify and promoted opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield 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.

Official Plan – Section 2 Basis of Plan, section 3.6 Residential Policies, Section 4 General Policies, Section 4.6 Transportation, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 11 Residential Type 2

The Town of Mississippi Mills advises that the proposal complies with the Zoning By-law regulations provided that there is a successful minor variance application.

#### **(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

The subject property is currently owned by Dennis O'Connell and has an approximate area of roughly 1,375m<sup>2</sup> (14,800.4ft<sup>2</sup>) and an approximate lot frontage of 36.00m (118ft) on Harold Street which is a municipally maintained road. The applicant has a concurrent minor variance application filed for the subject property with regards to relief from frontage requirements. The intent of this consent application is to divide Part Lot 6 & 7 into two residential lots. The existing residence will remain on the subject property (retained lot) and a single family dwelling is proposed to be constructed on the severed property.

The lot subject to the consent application is designated Residential in the Community Official Plan and zoned Residential Type 2 (R2) Zone. The proposed development will be on full municipal services.

##### Consent Application Summary

###### Lot Severance

This application seeks to sever a 420.62m<sup>2</sup> residential building lot. The severed lot would have a frontage of 11.04m (29.7ft). The proposed use of the severed lot is to support a new single family dwelling. The retained lot will be 954.14m<sup>2</sup> lot with an existing dwelling (32 Harold Street). The retained lot would maintain a frontage of 26.43m (86.71ft) onto Harold Street.

### Provincial Policy Statement

The 2005 Provincial Policy Statement speaks specifically to infill situations, these policies include:

- Section 1.1. Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns: Section 1.1.1 Healthy, liveable and safe communities are sustained by:
  - (a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term
  - (e) Promoting cost effective development standards to minimize land consumption and servicing costs.
- Section 1.1.3.1: Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.
- Section 1.1.3.2: Land use patterns within settlement areas shall be based on:
  - Densities and mix of land uses which:
    - Efficiently use land and resources;
    - Are appropriate for, and efficient use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
    - Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
  - A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.
- Section 1.1.3.3: Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- Section 1.1.3.4: Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.
- Section 1.4.3: Planning Authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market are by:
  - (d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and
  - (e) Establishing development standards for residential intensification, redevelopment and new residential development which minimizes the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.
- Section 1.6.4.1 Planning for sewage and water services shall direct and accommodate expected growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services.

The Provincial Policy Statement supports the goal to intensify urban areas provided there is sufficient infrastructure to support the development. The Provincial Policy Statement also looks to the municipality to establish development standards that would “facilitate intensification, redevelopment and compact form, while maintaining

appropriate levels of public health and safety". In this case, the consent application seeks to intensify development on an existing lot. The applicant has filed a minor variance application to address the minimum lot frontage. With this in mind, the proposed severance application is consistent with the Provincial Policy Statement.

Community Official Plan:

The Goals and Objectives of the Community Official Plan promote the opportunities of infill and intensification development. The goal of the residential policies of the Community Official Plan is to "promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community. The objectives are to:

1. Promote and support development which provides for affordable, rental and or increased density of housing types.
2. Designate a sufficient supply of land to meet the residential goals of the plan.
3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing.
4. Direct the majority of new residential development to areas where municipal sewer and water services will be available and which can support new development.
5. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

Section 3.6.7 of the Community Official Plan promotes the opportunity for fill development provided that it meets the following policies:

1. The Town shall give priority to the infilling of existing residential area as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.
2. Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for infill development are found in the design section of this plan.
3. Infilling development proposals shall be required to prepare "Lot Grading and Drainage plans" that take into consideration potential drainage impacts on abutting properties.
4. Infill development may be subject to site plan control.

The goals with respect to design of the Community Official Plan are to require new development and redevelopment to respect the scale and form of the area's small town and rural character. Section 4.2.1.4 requires residential intensification, infilling and redevelopment within existing neighbourhoods to be compatible with surrounding uses in terms of density and design.

Section 5.3.11.2, titled General Consent Policies, provides polices on how to review consent applications. Policy 5.3.11.2.1 states "the Town shall support applications to create lots by consent when:

- The scale of the development proposed or total development potential of the property would not require a plan of subdivision;
- The application represents infilling in an existing built-up area;
- The proposed lots are in keeping with the lot area and frontage and density

- pattern of the surrounding neighbourhood;
- The creation of lots would not create or worsen traffic, access or servicing problems;
- The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;
- The application does not represent strip development; and
- The application meets all other policies of this plan.

Section 5.3.11.2.2 states that the Town shall not support consent applications that do not conform to the policies of the Community Official Plan or the provisions of the zoning by-law.

Section 5.3.11.2.4 prior to supporting the creation of lots by consent, the Town shall be satisfied that the development can be supplied with municipal services, such as fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance. Such development shall not adversely affect the finances of the Town. In the review of the application and the existing municipal infrastructure, Public Works have concluded that there is sufficient capacity in the existing municipal infrastructure to accommodate the additional demand.

The proposed severance is consistent with the intent of the infill and consent policies of the Community Official Plan. The proposed lot is deficient in road frontage and lot area to the current zoning provisions in zoning By-law 01-70, however the proposed lot is reflective of the lot area, frontage and density in the surrounding neighbourhood.

It is important to note that as Community Official Plan policy 5.3.11.2.2, prohibits the Town's support of consent applications that do not conform to the policies of the Community Official Plan or the provisions of the zoning by-law, any support be conditional upon the approval of the applicant's minor variance application and acknowledgement of the need for relief from the minimum requirement for lot size, scheduled to be heard on March 20<sup>th</sup>, 2012. If the minor variance application is not successful, the Town would not support the consent application.

Zoning By-law 01-70:

The subject property is currently zoned residential Type 2 (R2) zone. This zoning classification permits a range of residential dwellings including single family detached dwellings in accordance with the provisions of Section 10.2 Residential Type 1 (R1) Zone Provisions. The by-law requires a minimum lot area of 460m<sup>2</sup>(4951.6ft<sup>2</sup>) and a minimum lot frontage of 18m (59ft) per unit. The applicant is proposing a minimum lot area of 420.62m<sup>2</sup> (1379.62ft<sup>2</sup>) and a minimum lot frontage of 11.04m (29.7ft).

In this case, the proposed single family dwelling use is permitted on the property however both the proposed lot area and lot frontage are deficient in terms of the by-law requirements. In principle, the proposed severance is consistent with the by-law; however support for the consent application is conditional upon the success of the applicant to acquire the requested minor variance to reduce the minimum lot frontage as well as an allowance for the reduced lot area.

### Conclusion

The proposed severance is consistent with the Provincial Policy Statement and is consistent with the intent of the Community Official Plan and Zoning By-law 01-70.

Staff support for this application is conditional upon the success of the minor variance application seeking reduced lot frontage for the single family dwelling. It is important to note that the applicant did not apply for a minor variance to request relief from lot area requirements. This matter will need to be addressed by the committee. As well, the application inaccurately states that the area of the retained lot will be 1010.6m<sup>2</sup> whereas the actual lot area of the retained lot will be 954.38m<sup>2</sup>. This difference in information does not otherwise alter the findings of this report.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant acquire relief from the Zoning by-law through a minor variance in terms of lot area and frontage requirements to accommodate the proposed severance;
5. That the applicant have a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario and approved by the municipality;
6. That the applicant acquires an entrance permit onto Harold Street from the Department of Roads and Public Works.
7. That the applicant shall acquire site plan approval for the proposed infill lot.
8. That the applicant shall acquire a building location survey.

Mississippi River Power – No comments were received.

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

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

The applicant proposes to sever a 420.62 sq.m. vacant residential building lot and retain a 1,010.6 sq.m. residential lot with an existing dwelling at 32 Harold Street. A minor variance will be required in order to meet the requirements of the Town's Zoning By-law. An application has been submitted to the Town.

The subject lands are located in an area characterized by Residential on typical urban type residential lots along Harold Street.

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

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



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 – April 2, 2012**

No persons attended the hearing.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. 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.

6. The applicant shall obtain appropriate relief from the minimum lot provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
7. That the applicant provide a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario and approved by the Town of Mississippi Mills.
8. That the applicant acquires an entrance permit onto Harold Street. The applicant shall consult directly with the Department of Roads and Public Works for the Town of Mississippi Mills.
9. That the applicant shall acquire site plan approval for the proposed infill lot from the Town of Mississippi Mills.
10. That the applicant shall acquire a building location survey, a copy of which shall be submitted to the Town of Mississippi Mills.
11. 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.
12. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #11 has been fulfilled to their satisfaction.