



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, January 23, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

Regrets: W. Guthrie

**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-2012-001**

**MOVED BY:** D. Murphy  
**SECONDED BY:** R. Strachan

**“THAT,** the minutes of the Land Division Committee meeting held on December 19, 2011 be approved as circulated.”

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-002**

**MOVED BY:** D. Murphy  
**SECONDED BY:** R. Strachan

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

**ADOPTED**

## 5. DELEGATIONS & PRESENTATIONS

None.

## 6. COMMUNICATIONS

- 6.1 **MMAH** – notice of approval of new Official Plan for the Township of Montague. Effective January 5, 2012  
Note: appeals have been filed with the OMB.

## 7. REPORTS

- 7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m.:
- 7.1.1 **B11/120 – Derek Seymour and Marilyn Johnson (now Jean-Phillippe Thiverge) – Lot Addition & ROW**  
Pt Lot 21 Conc. 3, geographic Township of South Sherbrooke, now in Tay Valley Township. (Christie Lake Lane 32).
- 7.1.2 **B11/131 – Wayne and Marilyn Greer – R-O-W**  
Pt Lot 25 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Scheil Drive)
- 7.1.3 **B11/142 – Robert Bolton Estate – addition to lot**  
Pt Lot 17 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. (Narrow's Lock Road).
- 7.1.4 **B11/145, B11/146 and B11/147 – Sonia Wilson and Regan Lee – new lot and two (2) lot additions**  
Pt Lot 3 Conc. 4 and 5 Township of Montague. (Roger Stevens Road).
- 7.1.5 **B11/155 – Robert and Nancy Croskery – new lot**  
Pt Lot 11 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Armstrong Road).
- 7.1.6 **B11/159 – Mona Rabbat – new lot**  
Pt Lot 13 Conc. 8, Township of Beckwith. (Highway 15)
- 7.1.7 **B11/171A – Sally, Sean, Trevor & Blaze Fournier – New Lot**  
Pt Lot 5 Compiled Plan 8828 S Halton, Town of Perth. (Halton Street).

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

**7.2.1 B11/103 – John Sels – New Lot**

Pt Lot 19 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Foster Side Road).

**8. CONFIDENTIAL REPORTS**

**8.1 Ghinn OMB Appeal – update**

**MOTION #LD-2012-003**

**MOVED BY:** D Murphy  
**SECONDED BY:** R. Strachan

“**THAT**, the Committee move “in camera” at 11:17 a.m. to discuss ‘solicitor-client information.”

**AND THAT**, M Kirkham, Secretary-Treasurer remain in the room.”

**MOTION #LD-2012-004**

**MOVED BY:** D. Murphy  
**SECONDED BY:** R. Strachan

“**THAT**, the Committee return to regular session at 11:47 a.m..”

The Chair rose and reported that Committee received an update regarding the Ghinn OMB Appeal and direction was provided to the Secretary-Treasurer.

**9. NEW/OTHER BUSINESS**

**None**

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B11/103 – John Sels – New Lot**

**10.1.2 B11/120 – Derek Seymour and Marilyn Johnson (now Jean-Phillippe Thiverge) – Lot Addition & ROW**

**10.1.3 B11/131 – Wayne and Marilyn Greer – R-O-W**

**10.1.4 B11/142 – Robert Bolton Estate – addition to lot**

**10.1.5 B11/145, B11/146 and B11/147 – Sonia Wilson and Regan Lee – new lot and two (2) lot additions**

**10.1.6 B11/155 – Robert and Nancy Croskery – new lot**

**10.1.7 B11/159 – Mona Rabbat – new lot**

**10.1.8 B11/171A – Sally, Sean, Trevor & Blaze Fournier – New Lot**

**11. UPCOMING MEETINGS**

Monday, February 27, 2012,  
Monday, April 2, 2012,  
Monday, April 30, 2012, and  
Monday, May 28, 2012

**12. ADJOURNMENT – 11:50 a.m.**

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

Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** William John Sels

**Hearing Date:** October 24, 2011

**Reconvened Hearing:** Nov. 28, 2011

**Reconvened Hearing:** Jan 23, 2012

**Agent:** ZanderPlan Inc

**LDC File #:** B11/0103

**Municipality:** Township of Drummond /North Elmsley

**Geographic Township:** North Elmsley

**Lot:** 18      **Concession:** 9

**Roll No.** 0919 904 015 56390

**Consent Type:** New Lot

0919 908 015 56385

**Purpose and Effect:** To sever a 0.14-ha commercial lot with an auto repair shop at 234 Foster Sideroad and retain a 0.14-ha lot with an existing dwelling at 228 Foster Sideroad.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Commercial	Residential
<b>Proposed Use</b>	Commercial	Residential
<b>Area</b>	0.14 ha	0.14 ha
<b>Frontage</b>	30.48 m	30.48 m
<b>Depth</b>	45.72 m	45.72 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	None	Private well
<b>Sewage Disposal</b>	None	Private septic
<b>Official Plan Designation -Conformity?</b>	Rural and Aggregate Quarry Influence Area Yes	
<b>Zoning Category</b>	Highway Commercial	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	No	No
<b>-Frontage Required (min.)</b>	45 m	45 M
<b>-Compliance?</b>	Yes	Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.5 Mineral Aggregate Resources**

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

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3, Rural Policies, Section 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 consent application and offer the following Comments.

It is my understanding that this severance application seeks to divide property owned by John William Sells that is legally merged on title and considered as one, although it currently has separate assessment roll numbers and civic address numbers. The proposed severance would formalize this division. The severed land would have an area of 0.14 hectares and currently contains an auto repair shop. The retained lot is of the same size and contains a residential dwelling. Both lots have road frontages of 30.48 metres on Foster Side Road. The severed and retained lands are designated Rural and are entirely within the influence area of an old aggregate quarry. The retained lands with the dwelling are zoned Rural and the severed lands with the commercial use are zoned Highway Commercial. I understand that the proposed lot line will match the zone boundaries.

The purpose of this application is to formalize the arrangement where two self contained uses are legally separated and continue on their own. This would Mr. Sels to sell one or both of the lots should he choose. Were this proposed severance to occur on a vacant lot, Planning Staff would recommend against it in light of the clearly deficient lot size and frontage (in either of the zones), however in this case given that there is no proposed

change of use, Staff will support the severance provided that a zoning amendment be applied to recognize the lot size and frontage deficiencies on the two proposed lots. While

the severance is beneficial in that it essentially corrects an existing non-conforming situation where there are two main dwellings on a lot, Staff feel a zoning amendment is prudent given that two much smaller lots are being created. Such an amendment would not have any impact on the existing uses and they would still be subject to all other requirements of their respective zones. While it is noted that the entirety of the current property falls within the influence area of an aggregate quarry, given that no new development is proposed, that there are several closer existing developments and that the quarry is inoperative at this time, this overlay should not constrain the proposed severance.

Given the foregoing, Drummond/North Elmsley Township supports the above severance 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:

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
- 3/ The applicant shall confirm that the proposed side yard setbacks from existing buildings on the subject lands complies with all requirements of the Township's Zoning By-law.
- 4/ The severed and retained lands shall be rezoned in a manner that recognizes the proposed deficient road frontage and lot size. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

Conservation Authority- Rideau Valley Conservation Authority

This application does not impact on matters relating to Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. Nor do they impact the related Rideau Valley Conservation Authority's Ontario Regulation 174.06 under Section 28 of the Conservation Authorities Act.

The Rideau Valley Conservation Authority has no objection or conditions of approval to impose on this severance application and recognizes that there will be no change in use in the severed or retained parcels.

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

Severed – A 0.14 ha parcel of commercial land being used as an auto repair building. There is no sewage system servicing the building at present time.

The commercial property does not have sufficient area to support a conventional tile bed; however, both the retained residential land and proposed severed parcel of land cannot support a fully conforming tile bed on each individual parcel.



Retained – A 0.14 ha parcel of residential land with an existing house serviced by a well and septic system. There is insufficient area to install a fully conforming replacement system on the parcel. There is no benefit to leaving the parcel of land as one entity therefore our office has no objections to the corrective severance being granted.

To clarify – the severance application (which proposes to separate a commercial auto repair garage from a residential property) there is insufficient area to support a fully conforming conventional class-4 sewage system on either property. There is insufficient area to support a fully conforming class-4 conventional sewage system even if the parcel remained as a single parcel due to lot size restrictions, existing buildings and well location.

It should be noted that the future replacement of the existing sewage system for the residential house will not support a fully conforming conventional tile bed due to insufficient mantle. The commercial parcel of land will also not support a fully conforming class-4 conventional tile bed sewage system due to lot size restrictions.

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 0.14-ha lot with an existing auto repair building (234 Foster Side Road) and retain a 0.14-ha residential lot with an existing dwelling (228 Foster Side Road). The buildings lots along this strip were created by consent prior to 1975. These two lots were inadvertently merged on title, however maintain a separate roll number and tax bill, as well there are zoned into different categories – Highway Commercial and Rural Residential.

The subject lands are located in an area characterized by Residential on small residential lots along Foster Side Road, interspersed with Highway Commercial. A licensed quarry is located to the north east, however is not currently in operation.

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

The area is not located within an area mapped as '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.

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed severed lot currently functions as an "Auto Repair Garage". These activities are appropriate in the rural area. Both the severed and retained lots do not

meet the minimum standards set by the Township of Drummond / North Elmsley. The application with additional restrictions 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:

M Preece – Sept 19, 2011

I wish to object to consent to sever.

Laura Kelford – Sept 22, 2011

I oppose this application for land severance. I would appreciate a written reply of the results.

David and Karen Rogers – Sept 22, 2011

We oppose against this application for severance.

**(e) MINUTES – October 24, 2011**

Tracy Zander, agent for the applicant, Robin Rogers, Laura Kelford and Mitch Preece, adjacent landowners attended the hearing and gave evidence by affirmation.

Ms. Zander provided background history of the creation of the lots and noted that the lots being proposed to be severed were created prior to 1975 but had always been treated as one lot.

Mrs. Kelford noted that the previous owner of these lots had attempted to sell them separately but was advised that they were merged.

Mr. Preece advised that he would prefer that the lots remain joined as a home based business and noted that he felt there was not sufficient land available to install another septic system and well. Mr. Preece was also concerned that there may be environmental concerns as the use of the structure was for auto repairs.

Ms. Rogers noted that the lot with the commercial building does not have its own services.

Ms. Zander suggested that the Township could implement site plan control to ensure services are available or to demonstrate how services would be provided.

Moved by W Guthrie

Seconded by D Murphy

**THAT** decision be deferred pending further review of the following: servicing, title, zoning, etc. **Carried.**

(f) **ADDITIONAL INFORMATION** was obtained as follows:

The secretary-treasurer provided the following information:

Background History:

- 1/ Plan 27R-61 consisting of 8 parcels was developed by consent through applications submitted to the Ministry of Municipal Affairs and at that time the applications would have been submitted to the Toronto MMAH Office.
- 2/ The applications were submitted by Ronald and Gloria White.
- 3/ Barry and Rita Miller purchased parts 2 and 3 as one parcel. The deed approving the consent was stamped by the Minister on January 20, 1971. Without the benefit of the actual application it would appear that that the intent of the severance was to create one parcel of land consisting of 2 parts on a registered survey plan.
- 4/ The lands were then reconveyed to William Sels in 1986 and the deed describes the lands as Parts 2 and 3 on Plan 27R-61.
- 5/ Conversion to Land Titles from the Registry System in 1998-2000 did not merge the lots on title as they were clearly conveyed together from creation date of 1971 to the conversion date.

This above information was submitted to the Township for consideration.

**Township Planner's Response**

I had looked at Plan 27R-61 and all that it shows is Parts 2 and 3 separately, so that's what I was basing my previous report on, and the observation that this process would essentially formalize the division between what appeared to be two different uses.

If the Committee approves this severance I would definitely recommend that the property be rezoned to recognize the very deficient lot size on both parcels and limit the additional built density on the properties and that they can prove that they can reach some sort of arrangement with the Health Unit for on-site servicing. While I don't believe the severance itself would trigger a Site Plan requirement according to our By-Law, any expansion of the commercial use would definitely require it.

That being said, if the Health Unit cannot approve two systems for the two proposed lots then my recommendation is that this proposed severance not be approved, since they would be realistically too small to be self sustaining.

(g) **MINUTES – October 24, 2011**

Tracy Zander, agent for the applicant, Robin Rogers and Laura Kelford, adjacent landowners attended the hearing and were reminded that they were still under oath.

Wm. John Sels, owner attended the hearing and gave evidence under oath.

The chair presented the additional information.

Ms. Zander reiterated that the two lots have separate uses, and that she had spoken with Rob Campbell, a septic system installer who advised that both a well and septic

system would be located on the commercial lot.

Ms. Rogers noted that she was still concerned with a well and septic system be installed on such a small lot and the effect that it may have on adjacent lands. Ms. Rogers noted that she was also representing Mitch Preece.

Ms. Kelford expressed the same concerns.

The Committee expressed concerns regarding the suitability of the site to become 'self-sustaining and would prefer that a report be provided on how a well and septic system could be cited on each of the two lots. And that this report or site plan be reviewed by the Leeds Grenville and Health Unit as to suitability.

Mr. Sels agreed to defer the application until the servicing issue was addressed.

Moved by W Guthrie

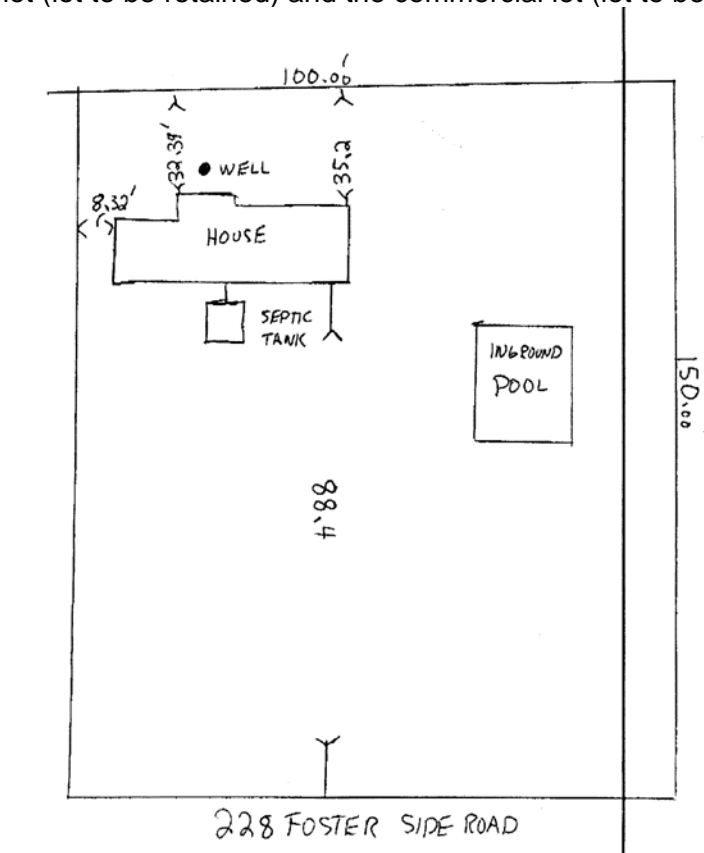
Seconded by D Murphy

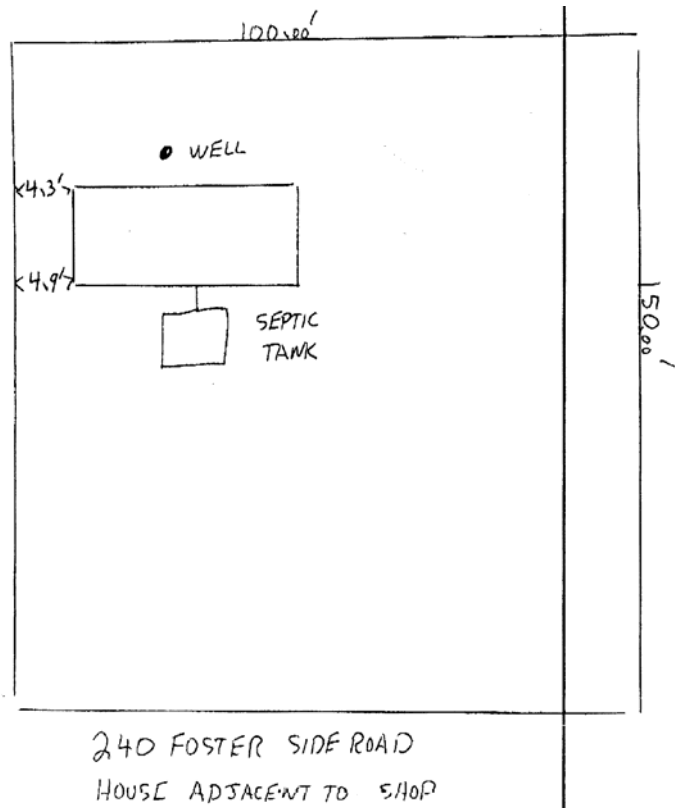
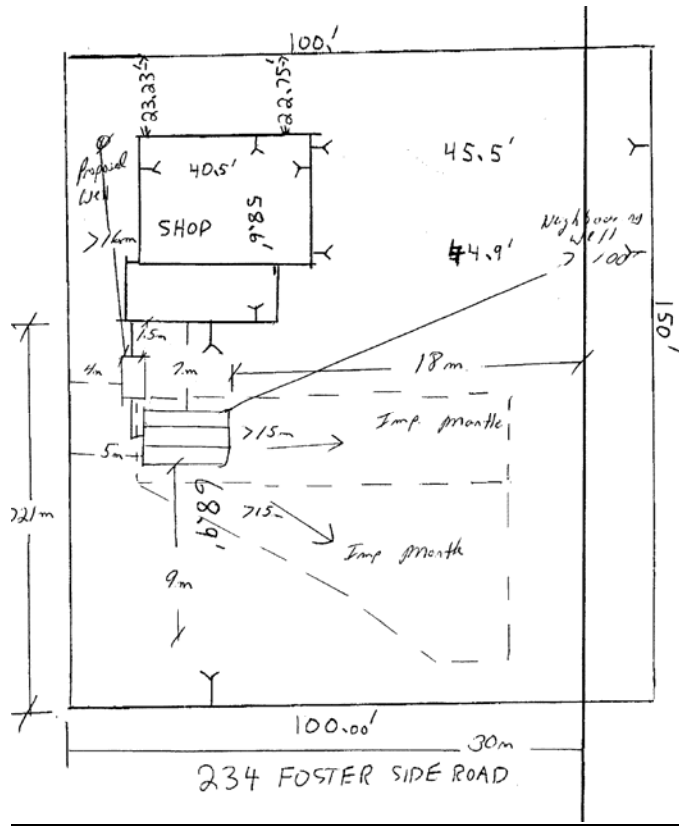
**THAT** decision be further deferred and that the applicant obtain an on-site servicing plan from a qualified professional and that this report be reviewed by the Leeds Grenville and Lanark Health Unit.

**Carried.**

(h) **ADDITIONAL INFORMATION**

Mr. Campbell a septic system installer provided the following 'site-plan' for servicing both the residential lot (lot to be retained) and the commercial lot (lot to be severed).





**The above site plan was reviewed by LGL Health Unit**

Re: Proposed Sewage System at 234 Foster Side Road, Township of Drummond  
North Elmsley  
Owner: John Sels

Please be advised that our office has been requested by Mr. John Sels and his licensed sewage contractor, Rob Campbell, to review a site development plan to locate a sewage system to service an existing auto garage business. As you are aware, our office provided comments for severance application B11/103, our file # 55928.

Our office has no objection, in principle to a new filter bed sewage system being installed to serve the garage as per the site diagram provided. The owner must, however, provide a completed sewage application with the paid fee prior to approval being granted to install the sewage system.

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

THE CORPORATION OF THE LEEDS, GRENVILLE  
AND LANARK DISTRICT HEALTH UNIT

(i) **MINUTES – January 23, 2012**

Tracy Zander, agent for the applicant attended the re-convened hearing. Ms. Zander was advised that she was still under oath from the previous meetings.

Ms. Zander advised that the applicant had contracted R Campbell, a qualified sewage installer to provide a site plan to indicate that the site could be serviced. This plan was reviewed by the LGL Health Unit, who advised that the site could be serviced by a “filter bed system”.

The Committee agreed that it would prudent to ensure that the site was serviced by an approved system prior to any conveyance.

The chair reviewed the staff report and draft conditions.

(j) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. That the applicant enter into a Site Plan Agreement with the Township of Drummond / North Elmsley as determined by the Township.
8. That the applicant install, on the lands to be severed, on-site servicing to the satisfaction of the Leeds Grenville and Lanark District Health Unit.
9. A letter shall be received from the Leeds Grenville and Lanark District Health Unit stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #7 has been fulfilled to their satisfaction.

## **NOTES**

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

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

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

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





**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Derek Stanley Seymour & Marilyn A. Johnson

Now Jean-Phillippe Thiverge

**Hearing Date:** January 23, 2011

**Applicant:** Peter Jechel

**Agent:** Tracy Zander, ZanderPlan Inc.

**LDC File #:** B11/120

**Municipality:** Tay Valley Township

**Geographic Township:** South Sherbrooke

**Lot:** 21      **Concession:** 3

**Roll No.**      0911 914 020 64201

**Consent Type:** Lot Addition & ROW

**Purpose and Effect:** To sever a 0.167-ha parcel of land as a lot addition to lands owned by Jean-Phillippe Thiverge at Pt Lot 21 Conc. 3 South Sherbrooke (147 Lane 32, Christie Lake Road) and retain a 2.1-ha residential lot (152 Christie Lake Road).

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Rural	Residential
<b>Proposed Use</b>	Rural	Residential
<b>Area</b>	0.167 ha	2.1 ha
<b>Frontage</b>	n/a	Private road bisects
<b>Depth</b>	Irregular	Irregular
<b>Road – Access to</b>	Private road, unregistered	Private road, unregistered
<b>Water Supply</b>	N/A	Private well
<b>Sewage Disposal</b>	N/A	Private septic
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Seasonal Residential	Rural & Seasonal Residential
<b>-Area Required (min.)</b>	n/a – lot addition	1.0-ha      0.405-ha
<b>-Compliance?</b>		Existing      Existing
<b>-Frontage Required (min.)</b>		60 m      60 m
<b>-Compliance?</b>		Existing      Existing

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 2 General Development Policies, Section 2.15 Existing Uses, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division  
Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone, Section 10 Rural Zone.

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

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

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

##### Township Planner's Report

The proposal is for a lot addition of 0.167 ha to be added to land owned by Peter Jechel at 147 Christie Lake Lane 32 (Pt lot 21 Conc. 3 South Sherbrooke) and to retain a 2.1 ha parcel of land with existing dwellings owned by Jean-Philippe Thivierge and Vanessa Taler at 152 Christie Lake Lane 32.

##### Zoning

10.1.1 - Residential use is appropriate.

10.1.2 - Lot area of 1 ha is met for the proposed retained lot (2.1 ha). The retained lot exceeds the minimum water frontage requirements.

5.2.1 — Seasonal use is appropriate.

5.2.2 — Existing lot area of 0.18-ha is being increased to 0.35-ha

Rideau Valley Conservation Authority has no objections or conditions of approval.

MRSSO has no objections to the severance as proposed.

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

- 1/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval.
- 3/ That, one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed / transfer(s) be submitted to the Township.

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

A site visit was conducted at the above mentioned property by our office on November 4, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 0.167 hectare parcel, irregular in dimension. The proposed lot is currently vacant. The purpose of the consent, as identified by the agent, is for a lot addition to 147 Christie Lake Lane 32. The recipient lot has an existing septic system (Permit # 10V054).

The retained parcel is irregular in dimensions and approximately 2.1 hectares. There is a dwelling, garage and an existing septic system (Permit # SF46987) located on the property.

The proposed lot addition will improve the ability of the recipient lot to replace the existing septic system, when required, meeting all requirements of the OBC and Tay Valley Township Official Plan /Zoning Bylaw. The severance will not interfere with the existing septic system on the retained portion or limit the ability to operate, maintain or replace the system in the future. Given the above information, our office has no objections to the severance as proposed.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for a lot addition. As we understand it, .167 acres of vacant land will be added to the rear of an existing waterfront residential lot. A 2.1 ha residential parcel (also waterfront) will be retained.

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 did not undertake a site inspection in this case.

We have not identified any natural heritage or natural hazards that would preclude the approval of this application. The Rideau Valley Conservation Authority has no objection or condition of approval to the severance application.

Please note that the shoreline of Christie Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

We note for the owners information, that should redevelopment be proposed on the waterfront, the RVCA generally looks to achieve a net environmental gain through the maintenance of waterfront setbacks, natural shorelines and use of on—site best management practices.

Christie Lake Association – no comments received

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.167-ha parcel of land as a lot addition to lands owned by Peter Jechel and 2.1-ha residential lot with an existing dwelling at 147 Lane 32, Christie Lake Road..

The subject lands are located in an area characterized by Residential and Seasonal Residential on typical 'cottage' type smaller lots along the shore of Christie Lake.

The lands are accessed via Christie Lake Lane 32, a private r-o-w which adjoins Christie Lake North Shore 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 Tay Valley Township.

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

A "State of the Lake Environment Report" was undertaken on Christie Lake between 2003 and 2005. The reports were able to conduct a comparison between water quality conditions as they existed in 2003 to 2005, to results obtained some 30 years earlier (1970). On average the nutrient levels are relatively low, however there is sufficient for weed growth in bays and shallow areas and algae blooms have occurred and will continue to occur. Every effort should be made by the residents and users of Christie Lake to reduce nutrient loading into the lake from land use activities. The Lake was also tested for invasive species, in particular, zebra mussels. It does not appear that Zebra mussels have become established in the lake so precautions should be taken by all residents, landowners and recreational users of the lake to control the spread from other lakes in the region.

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – January 23, 2012**

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

Ms. Zander provide a background on the application and confirmed that since the application was submitted, the property owner has transferred and that the purchase and sale agreement contained a clause transferring the consent application.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.
4. The 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 Jechel described as Part 1, Plan 27R4227, being Part Lot 21 Conc. 3, geographic Township of South Sherbrooke, now in Tay Valley Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.

## NOTES

1. Rideau Valley Conservation advises that Christie Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.
2. RVCA also advises, that should redevelopment be proposed on the waterfront, the RVCA generally looks to achieve a net environmental gain through the maintenance of waterfront setbacks, natural shorelines and use of on-site best management practices.
3. Residents and users of Christie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.
4. The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.
5. 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.*





Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 4.3.3 Residential Development, Section 5.5 Private Roads. The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 8 Residential Zone.

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

**(b) AGENCY REVIEW**

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

Township of Drummond/North Elmsley – Planner's Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is consistent with the Township's Official Plan and the intent of the Zoning By-law.

Unlike most other consent applications this one is not done with the intention of facilitating development but rather to formalize a legal arrangement between the owners of the subject land (Wayne and Marilyn Greer) and Anthony and Andrea Hanmer, who recently purchased property located at 110 Sheil Drive, which is a private road. While the Hammers have legal frontage on the Township-owned Bernice Crescent, the actual access to the subject land has always been through land owned by the Greers, in this case Part 2 of Plan 27R-563, which is better known as the southern end of Sheil Drive. I have discussed this application with Paul Howard, the solicitor for the applicants and he advised me that while there exists no legal right of way presently, one should have been created when the previous severance (creating the Hammers' lot) was approved 2005.

As I understand it, this application does not change the ownership of any lands, rather formalizes the existing access to the Hanmer property. As such, while the creation of private road right-of-ways is typically not permitted in Drummond/North Elmsley Township, in this case the application can be supported given that it does not enable or support any non-conforming land uses or create new limited services residential development. This consent has no implication on the zoning or any future development on any of the lots.

Given the foregoing, Township Staff believe that this application is consistent with the Township's Official Plan and the intent of the Zoning By-law and as such support the above consent 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.

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

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

- The severed lands shall be for a right of way only to access adjacent lands owned by Anthony and Andrea Hanmer.

(c) **PLANNING REVIEW**

The applicant proposes to sever a right of way over Part 2 Plan 27R-8690. The Greer originally severed the residential lot now owned by Anthony Miles and Andrea Gwen Hanmer, which should have been together with a right-of-way over Part 2 in Plan 27R-563. The purpose of this application is to legalize the right-of-way that has been historically used to access the residential lot since it was created in 2006.

The subject lands are located in an area characterized by Residential lots within plans of subdivision both west and south west along Rideau Ferry Road and a large landholding to the east.

The r-o-w accesses Rideau Ferry Road, a county 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 Drummond / North Elmsley.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 23, 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 lands to be severed are for the purpose of a 'right-of-way' only to access adjacent lands described as Part 2 Plan 27R-8690
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Estate of Robert E. Bolton c/o Ken Smith, Lawyer **Hearing Date:** January 23, 2011

**Agent:** John F. Goltz, OLS

**LDC File #:** B11/142

**Municipality:** Tay Valley Township

**Geographic Township:** North Burgess

**Lot:** 17 **Concession:** 6

**Roll No.** 0911 911 020 40200

**Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 3.02-ha parcel of land as a lot addition to lands owned by James Daniel and Lisa Anne Brown (3056 Narrows Lock Road) and retain a 50-ha landholding with an existing dwelling. The lands are accessed via Narrows Lock Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Scrub bush / old Dwelling
<b>Proposed Use</b>	Vacant	Unknown
<b>Area</b>	3.02 ha	50 ha
<b>Frontage</b>	208 m	1600 m
<b>Depth</b>	121.9 m	750 m
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Private well	Private well
<b>Sewage Disposal</b>	Private Septic	None
<b>Official Plan Designation</b>	Rural	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	n/a Lot Addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage Required (min.)</b>		60 m
<b>-Compliance?</b>		Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

Official Plan – Section 2 General Development Policies, Section 2.15 Existing Uses, Section 2.16 Public Road Access, Section 3.6 Rural Policies, Section 4.3 County Roads Section 5.2 Land Division.

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

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

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

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

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

##### Township Planner's Report

The proposal is for a lot addition of 3.02 ha to be added to land owned by James Daniel and Lisa Anne Brown at 3056 Narrows Lock Road (Pt lot 17 Conc. 6 North Burgess) and to retain a 50 ha parcel of land with existing dwelling owned by Estate of Robert Everett Bolton at 3236 Narrows Lock Road.

Zoning - Applicable Sections:

10.1.1 Residential use is appropriate. Lot area of 1 ha is met for both the proposed severed and retained lot (3.6 ha total and 50 ha respectively). Both the proposed and severed lots exceed the minimum road frontage requirements.

Rideau Valley Conservation Authority has no objections or conditions of approval.

MRRSO has no objections.

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

- 1/ That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That the applicant pay any outstanding fees to the Township prior to final approval.
3. That one (1 copy of an acceptable plan or legal description of the severed lands and the deed / transfer(s) be submitted to the Township.

Conservation Authority – Rideau Valley Conservation Authority.

The Rideau Valley Conservation Authority has completed a review of the above noted application which will act to add a 3.02 hectare parcel to the adjacent Brown 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 not identified any natural heritage or natural hazards that would otherwise preclude the approval of the application.

The Rideau Valley Conservation Authority has no objection or condition of approval to this severance application.

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

A site visit was conducted at the above mentioned property by our office on November 2, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 3.02 hectare parcel, for the purpose of a lot addition. The severed parcel will be added to 3056 Narrows Lock Road. This property is currently developed with a dwelling and an existing septic system. No septic permit information is available.

The retained parcel is approximately 50.5 hectares in area. The applicant describes existing Building(s) or Structures as “Nil”. Information collected from CGIS, Tay Valley’s Geographical Information System, provides that the property is developed with a single family detached home and septic system (SF57093), in the Northern portion of the parcel. With the use of the measurement tool in CGIS, the MRSSO has determined that the new property line to the existing dwelling is greater than 600m. The minimum setback from a property line to the components of a septic system is 3m (Table 8.2. 1.6.A&B, OBC). The rest of the retained parcel is rolling topography with wetlands, scrub brush, mature forests and exposed rock.

The severance will not interfere with the existing septic system on the severed or retained parcel or limit the ability to operate, maintain or replace the system in the future. Given the above information, our office has no objections to the lot addition as proposed.

Hydro One Networks – No comments were received.

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

County Roads Department – Lands to be severed have an existing approved residential entrance Permit # 1354. Lands to be retained have an existing approved residential entrance Permit # 1249.

Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County.

"In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

(c) **PLANNING REVIEW**

The applicant proposes to sever 3.02-ha parcel of land as a lot addition to lands owned by James Daniel Brown and Lisa Anne Brown at Pt Lot 17 Conc. 6, geographic Township of North Burgess being Part 1 on Reference Plan 27R-6381 and retain a 50-ha landholding with an old non-used dwelling.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with small type residential lots along Narrow's Lock Road. Black Lake lies to the north west of the lot.

The lands are accessed via Narrow's Lake Road, a county maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate rock.

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 Tay Valley Township.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 23, 2012**

John Goltz, agent for the applicant attended the hearing and gave evidence under oath.

Mr. Goltz questioned the reason for the Species At Risk note, and was advised that MNR had requested that the Committee include these notes to inform the applicant/owner of their responsibilities under the SAR Act.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by James Daniel Brown and Lisa Anne Brown described as Part 1, Plan 27R-6381, being Pat Lot 17 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.



5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. 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.
9. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

**NOTES:**

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

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Sonia Wilson **Hearing Date:** January 23, 2012  
**Agent:** Regan Lee  
**LDC File #:** B11/145  
**Municipality:** Township of Montague  
**Geographic Township:** N/A **Lot:** 3 **Con** 5  
**Roll No.** 0901 000 015 00600 **Consent Type:** New Lot

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**Purpose and Effect:** To sever a 0.668-ha residential building lot and retain a 0.725-ha residential building lot. The lots are accessed via Roger Stevens Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.668 ha 91 m 73 m County Road	0.725 ha 99 m 73 m County Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed septic	Proposed Well Proposed 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>	0.4-ha Yes 46 m Yes	0.4-ha Yes 46 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands Policy, Section 12.2 County Roads, Section 14.7 Committee of Adjustment and Land Division Committee.

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

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

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

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

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

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

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted

applications which will ultimately create two residential lots fronting on Roger Stevens Drive and one retained lot at the rear on the subject site (see attached Map 'A').

- Application B 11/145 will divide the property fronting Roger Stevens Drive into a severed lot (WEST LOT) and a retained lot (EAST LOT), with a shared driveway access. Frontages will be a minimum of 200 feet.
- Application B 11/146 will sever the north/west quadrant from the retained large rear lot (RET) and add it to the severed lot (WEST LOT) fronting on Rogers Stevens Dr.
- Application B11/147 will sever the northeast quadrant from the retained large rear lot (RET) and add it to the retained lot (EAST LOT) fronting Roger Stevens Dr.

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

#### Recommendations

We wish to advise the committee that the Conservation Authority has no objections to these applications; however we recommend the following conditions on the newly created lots (EAST LOT and WEST LOT) fronting on Roger Stevens Drive to ensure that owners/developers aware of the constraints associated with the local drainage, watercourses and areas regulated under O.Reg 174/06, as administered by the RVCA (see attached MAP 'A'):

- 1) That the survey plan prepared by an OLS shall identify the watercourse channel and the low wetland area located on the EAST LOT.
- 2) That the final property line dividing the EAST LOT and WEST LOT shall be 18 metres (15 metres plus 3 metres) away from the surveyed top of bank of the watercourse. This will ensure that the 6 metre wide access driveway is 15 metres from the drainage channel/watercourse.
- 3) [EAST LOT only] That the applicant enter into a Development Agreement between the Township and the owner notifying future purchaser/developers that:
  - i) any development, including the shared access driveway, buildings and sewage system shall be constructed no closer than 15 metres from the top of bank of the surveyed drainage channel/watercourse to protect the environmental integrity of the watercourse, maintain local drainage and prevent flooding of the access road during high flow periods.
  - ii) The area shown on the survey as low wetland area provides storage and drainage for upstream properties, and that filling and development within this area may adversely affect adjacent landowners and cause flooding damages on the property. The development envelope shall be outside of the low wetland area of the property.
- 3) [EAST and WEST LOT] That the owner shall enter into a development agreement notifying applicants that a portion of each parcel is in proximity to the Provincially Significant Wetland (PSW) known as Brassils Creek. The 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration, including construction, grading, development of access

driveways/routes within this boundary requires a permit from the RVCA. Map schedule 'A' shows the limits of the PSW and the boundaries of O.Reg 174/06.

Detailed comments/rationale:

Hazards (Flooding, Unstable slopes and organic soils)

There is no 1:100 year floodplain or unstable slopes mapped on the subject properties. A significant portion of the retained lot (see Map 'A' lot identified as RET) is identified as Provincially Significant Wetland. Organic soils are often associated with wetlands and are unsuitable for development. There is sufficient envelope for development on the portion of the lot fronting on Burchill Road.

Watercourses/Drainage

A low area of unevaluated wetland is present on the site, as confirmed through a site visit by Conservation Authority staff and the applicant/owner. This area is not suitable for development as it stores local drainage and may cause development to be subject to flooding. This wetland outlets surface water through a drainage channel/watercourse (channel has been modified and perhaps relocated by property owners) which flows to the north during wet periods, traversing the property, and through a culvert under Roger Stevens Drive. We advise that development should be directed to outside of the low wetland area and setback from 15 metres from the top of bank of the watercourse to protect local drainage for adjacent properties, prevent flooding of new development on the site and maintain the environmental integrity of the watercourse. There is sufficient envelope for development on other areas of the proposed lots.

The applicant has agreed that the location of the drainage channel/watercourse and low wetland area shall be noted on the survey, and that the shared access drive of 6 metres wide shall be outside of the 15 metre setback.

Natural Heritage

There are no natural heritage issues precluding the approval of these applications. An area covering approximately 100 meters in from the Rogers Stevens Drive frontage of the EAST and WEST lots are within the 120 metre adjacent lands of the Provincially Significant Wetland known as Brassils Creek. The 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. This includes placement of fill, access driveways, structures and private sewage systems. RVCA technical staff has indicated that no EIS will be required to support a development application in this location as the wetland cell is across the road (north of Rogers Stevens Drive).

The south end of the subject lands is significantly covered by another cell of the Provincially Significant Wetland known as Brassils Creek. This area (the PSW) and the 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. Based on the information provided and our mapping, there appears to be a sufficient development envelope outside of the PSW and 120 meter adjacent lands on the retained lot where it fronts Burchill Road to construct a residence and associated private services.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – Flat wooded lot with clay loam soil to at least 1.0 metre deep. Drainage is poor; there was standing water and reeds in spots. Lot size is adequate for on-site sewage disposal. Imported sandy loam leaching bed fill will be required to construct a conventional septic system.

Retained – Flat wooded lot with clay loam soil to at least 1.0 metre depth. Drainage is poor; there was standing water and reeds in spots on the lot. Retained land will be large enough for on-site sewage disposal.

County Public Works

- 1/ Applicant has an approved entrance location to the County Road (#2353)
- 2/ Entrance to be installed prior to deed endorsement.
- 3/ Lands to be severed and retained by B11/145 have an approved entrance location which will be a Common Residential entrance and will serve both of the lots.
- 4/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark”, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.668-ha residential building lot and retain a 0.725-ha residential building lot. All the lands are currently vacant. This application is being submitted concurrently with B11/146 and B11/147, which are lot additions to both the severed and retain lands.

The subject lands are located in an area characterized by a mixture of Residential on large landholdings, large vacant lands and small type residential lots along Roger Stevens Drive.

The lands are accessed via Roger Stevens Drive, a county maintained road.

Soils Inventory – Name: Farmington  
- Stoniness: slightly stony

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

Bedrock Inventory – Dolostone, Sandstone.

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

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – January 23, 2012**

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

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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



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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
8. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
9. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
10. The reference plan required by condition #1 above, shall identify the watercourse channel and the low wetland area location on the retained lands.
11. That the final property line dividing the retained lands and the severed lands shall be 18 metres (15 metres plus 3 metres) away from the surveyed top of bank of the watercourse. This will ensure that the 6 metre wide access driveway is 15 metres from the drainage channel/watercourse.

12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 23, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 through #9 has been fulfilled to their satisfaction.
14. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #10 through #12 has been fulfilled to their satisfaction.
15. A letter shall be received from the Township of Montague stating that condition #3 through #6 and #12 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Rideau Valley Conservation Authority advise that development should be directed to outside of the low wetland area and setback from 15 metres from the top of bank of the watercourse to protect local drainage for adjacent properties, prevent flooding of new development on the site and maintain the environmental integrity of the watercourse.*
2. *The RVCA also advise that any site alteration within these boundaries within 120 metres of the PSW known as Bassils Creek requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. This includes placement of fill, access driveways, structures and private sewage systems.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam leaching bed will be required to construct a conventional septic system.*
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:** Regan Lee **Hearing Date:** January 23, 2012  
**Agent:** N/A  
**LDC File #:** B11/146 & B11/147  
**Municipality:** Township of Montague  
**Geographic Township:** N/A **Lot:** 3 **Con** 4  
**Roll No.** 0901 000 015 00600 **Consent Type:** 2 Lot Additions

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**Purpose and Effect:** Applications submitted concurrently with B11/145  
 B11/146 - To sever a 9.29-ha parcel of land as a lot addition to lands being created by Application B11/145;  
 B11/147 – To sever a 9.29-ha parcel of land as a lot addition to lands owned by Sonia May Wilson at Pt Lot 3 Conc. 5 Montague.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/146	B11/147	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	9.29 ha	9.29 ha	28.3 ha
Frontage	122 m 99 m	122 m 99 m	99 m
Depth	762 m	762 m	762 m
Road - Access to	County Road	County Road	Municipal Road
Water Supply	Proposed Well	Proposed Well	Proposed Well
Sewage Disposal	Proposed Septic	Proposed Septic	Proposed Septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural	Rural	
-Area Required (min.)	n/a – lot additions	0.4-ha	
-Compliance?		Yes	
-Frontage Required (min.)		46 m	
-Compliance?		Yes	

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **3.1 Natural Hazards**

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

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

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

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

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

## **(b) AGENCY REVIEW**

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

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

- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted applications which will ultimately create two residential lots fronting on Roger Steven's Drive and one retained lot at the rear on the subject site (see attached Map 'A').

- Application B 11/145 will divide the property fronting Roger Stevens Drive into a severed lot (WEST LOT) and a retained lot (EAST LOT), with a shared driveway access. Frontages will be a minimum of 200 feet.
- Application B 11/146 will sever the north/west quadrant from the retained large rear lot (RET) and add it to the severed lot (WEST LOT) fronting on Rogers Stevens Dr.
- Application B11/147 will sever the northeast quadrant from the retained large rear lot (RET) and add it to the retained lot (EAST LOT) fronting Roger Stevens Dr.

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

Recommendations

We wish to advise the committee that the Conservation Authority has no objections to these applications; however we recommend the following conditions on the newly created lots (EAST LOT and WEST LOT) fronting on Roger Stevens Drive to ensure that owners/developers aware of the constraints associated with the local drainage, watercourses and areas regulated under O.Reg 174/06, as administered by the RVCA (see attached MAP 'A'):

- 1) That the survey plan prepared by an OLS shall identify the watercourse channel and the low wetland area located on the EAST LOT.
- 2) That the final property line dividing the EAST LOT and WEST LOT shall be 18 metres (15 metres plus 3 metres) away from the surveyed top of bank of the watercourse. This will ensure that the 6 metre wide access driveway is 15 metres from the drainage channel/watercourse.
- 3) [EAST LOT only] That the applicant enter into a Development Agreement between the Township and the owner notifying future purchaser/developers that:
  - i) any development, including the shared access driveway, buildings and sewage system shall be constructed no closer than 15 metres from the top of bank of the surveyed drainage channel/watercourse to protect the environmental integrity of the watercourse, maintain local drainage and prevent flooding of the access road during high flow periods.
  - ii) The area shown on the survey as low wetland area provides storage and drainage for upstream properties, and that filling and development within this area may adversely affect adjacent landowners and cause flooding damages on the property, The development envelope shall be outside of the low wetland area of the property.
- 3) [EAST and WEST LOT] That the owner shall enter into a development agreement notifying applicants that a portion of each parcel is in proximity to the Provincially Significant Wetland (PSW) known as Brassils Creek. The 120 metre buffer lands are

subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration, including construction, grading, development of access driveways/routes within this boundary requires a permit from the RVCA. Map schedule 'A' shows the limits of the PSW and the boundaries of O.Reg 174/06.

Detailed comments/rationale:

Hazards (Flooding, Unstable slopes and organic soils)

There is no 1:100 year floodplain or unstable slopes mapped on the subject properties. A significant portion of the retained lot (see Map 'A' lot identified as RET) is identified as Provincially Significant Wetland. Organic soils are often associated with wetlands and are unsuitable for development. There is sufficient envelope for development on the portion of the lot fronting on Burchill Road.

Watercourses/Drainage

A low area of unevaluated wetland is present on the site, as confirmed through a site visit by Conservation Authority staff and the applicant/owner. This area is not suitable for development as it stores local drainage and may cause development to be subject to flooding. This wetland outlets surface water through a drainage channel/watercourse (channel has been modified and perhaps relocated by property owners) which flows to the north during wet periods, traversing the property, and through a culvert under Roger Stevens Drive. We advise that development should be directed to outside of the low wetland area and setback from 15 metres from the top of bank of the watercourse to protect local drainage for adjacent properties, prevent flooding of new development on the site and maintain the environmental integrity of the watercourse. There is sufficient envelope for development on other areas of the proposed lots.

The applicant has agreed that the location of the drainage channel/watercourse and low wetland area shall be noted on the survey, and that the shared access drive of 6 metres wide shall be outside of the 15 metre setback.

Natural Heritage

There are no natural heritage issues precluding the approval of these applications. An area covering approximately 100 meters in from the Rogers Stevens Drive frontage of the EAST and WEST lots are within the 120 metre adjacent lands of the Provincially Significant Wetland known as Brassils Creek. The 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. This includes placement of fill, access driveways, structures and private sewage systems. RVCA technical staff has indicated that no EIS will be required to support a development application in this location as the wetland cell is across the road (north of Rogers Stevens Drive).

The south end of the subject lands is significantly covered by another cell of the Provincially Significant Wetland known as Brassils Creek. This area (the PSW) and the 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. Based on the information provided and our mapping, there appears to be a sufficient development envelope outside of the PSW and 120 meter adjacent lands on the retained lot where it fronts Burchill Road to construct a residence and associated private services.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – Same report for both B11/146 and B11/147– Wooded property that will be added to lot fronting Roger Stevens Drive. Fair drainage on clay loam soil of varying depth.

As an addition to the lot on Roger Stevens Drive this will allow greater flexibilities for locating a sewage system on the property.

Retained – Large property with access from Burchill Road. Currently vacant land. Severance will not affect on-site sewage disposal on retained land. Depending on the exact location of proposed residence, imported leaching bed fill may be required to construct a 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 two (2) lot additions 9.29-ha each and retain a 28.3-ha vacant landholding. All the lands are currently vacant. It is intended that the lot additions are added to the lots being created by application B11/145. If application B11/145 is not approved, then these applications should also not be approved.

The lands to be severed have no frontage on a road; however the retained lands are accessed via Burchill Road.

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

Bedrock Inventory – Dolostone, Sandstone.

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

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

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



(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 23, 2012**

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

Mr. Lee confirmed that he had applied to the Township of Montague last year to have the unopened road allowance between Concessions 4 and 5 Lot 3 closed. This process was completed and the entire 66ft allowance was conveyed to him.

Mr. Lee also advised that during the survey process it was determined that the lot width was not 122 m but rather 99 metres and requested that the application and sketch be amended to reflect this revision.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**The same conditions apply to both applications:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented January 23, 2012.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands being created by application No.B11/145 (for B11/147 – being retained by application No.B11/145) described as Part Lot 3 Conc. 5, Township of Montague, and any

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

5. That the applicant provide confirmation that the unopened road allowance between Concession 4 and 5 at Lot 3, Township of Montague has been stopped up, closed and conveyed.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
7. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
8. A letter shall be received from the Township of Montague stating that condition #6 and #7 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The RVCA also advise that any site alteration within these boundaries within 120 metres of the PSW known as Bassils Creek requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation. This includes placement of fill, access driveways, structures and private sewage systems.*
2. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of proposed residence on the retained lands, imported leaching bed fill may be required to construct a septic system.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Robert Croskery & Nancy Croskery      **Hearing Date:** January 23, 2011  
**Agent:** Sarah Stone  
**LDC File #:** B11/155  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** North Elmsley      **Lot:** 11      **Con** 8  
**Roll No.** 0919 908 010 45000      **Consent Type:** New Lot

**Purpose and Effect:** To sever a 10.23-ha landholding and retain a 26.93-ha landholding with an existing dwelling, barn and outbuildings at 1057 Armstrong Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	10.23 ha	26.93 ha
<b>Frontage</b>	155 m	380 m
<b>Depth</b>	Irregular	Irregular
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Private well
<b>Sewage Disposal</b>	Proposed septic	Private septic
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	yes	yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 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 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.3 Local Roads,

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

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

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

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

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

Township of Drummond/North Elmsley – Planner's Report

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

It is my understanding that this severance application seeks to divide property owned by Robert and Nancy Croskery to create a 10.23 hectare landholding and retain a 26.93 hectare landholding with an existing dwelling, barn and outbuildings. Both the severed and retained lands are to front on Armstrong Road. Presently the lands to be severed are vacant, consisting of woodland, open scrubland and some wet areas. The severed lands are to be transferred to the Owners' daughter and will eventually be used for residential development although the exact building location on the lot is not yet defined.

The severed and retained lands are zoned Rural according to the Township's Zoning By-law and both parcels meet all provisions of that zone. Additionally, the entire existing

landholding is designated Rural according to the Township's current Official Plan and neither parcels fall within any influence area constraints as identified in Schedule "B" of the Plan. While not designated on any Township mapping, aerial photography indicates that there appear to be wet areas, including a pond, located in both the severed and retained areas. Any development should thus have regard to the Township's incoming Official Plan (adopted by Council but not yet approved by the Province and in legal force) which stipulates that natural hazards, including flooding, unstable soils and other hazards be taken into account. As such, it is reasonable that development should not occur within these wet areas and the severed lot is large enough to accommodate this constraint. I also note that the existing landholding is bordered to the south by a railway line, on which the severed lot will also have frontage. With the interest of addressing potential issues of noise, Policy 3.21.1 of the Official Plan allows Council to request that a noise study be prepared for development proposals within 500 metres of a main railway. In considering this issue I note that due to the wet land constraint, any future development would likely occur closer to Armstrong Road, which is at least 500 metres from the rail line. There also exists substantial woodland and brush between this area and the tracks which would form a visual and sound barrier between the uses. Given this, a study is not necessary in this case, although it would be prudent to include a notation, to be written on the Notice of Title and any purchase agreements, indicating that the lot is within 500 metres of an active rail line and may be subject to impacts relating to noise. Additionally, it should be noted that a barn has been identified on the retained lands, located roughly 330 metres from the closest boundary of the severed lot. In pre-consultation with the applicant, the barn is considered incapable of housing livestock at this time and as such, a minimum distance separation distance calculation was not provided.

Given the foregoing, Drummond/North Elmsley Township supports the above severance 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.

The 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 register Notice on Title and in all Agreements of Purchase and Sale the following wording:

TAKE NOTICE that this lot is located within 500 metres of an active rail line which

is located to the north in part of Lot II, Concession 8, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

Conservation Authority – Rideau Valley Conservation Authority

We have reviewed this application 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.
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

The proposed consent application will result in the creation of a 10.23 hectare parcel, with a larger 27 hectare retained parcel.

We have no objection to this severance, however, our information (mapping attached) indicates that there is a wetland area covering a portion of both the retained and severed portions of the property. In this regard, we reference Section 6.2.1 (6) of the Official Plan (“Where a potential hazard exists due to unstable soils, steep slopes, flooding or similar characteristics, lots should not be created unless the lots and any retained parcels contain sufficient area to accommodate the proposed use outside the limits of the potential hazard”). We recommend that any proposed development will maintain a reasonable setback; we recommend 30 metres from the wetland area. Trusting this is satisfactory we thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

Please provide a copy of the Committee’s decision to the Rideau Valley Conservation Authority’s Manotick Office. We would also appreciate being advised of any change in the status of the application.

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

Severed – Flat, wooded lot with good drainage. Bedrock close to surface at Armstrong Road frontage. At least 1 metre of clay loam soil away from the road. Depending on the proposed location of on-site sewage disposal, imported septic fill may be required.

Retained – Rock outcrops visible on property. Relatively flat, partially cleared. Fair drainage. Fully raised system observed, no obvious signs of failure. Drilled well on opposite side of home. Large lot retained. Adequate for new system if necessary.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 10.23-ha landholding and retain a 26.93-ha landholding with an existing dwelling located at 1057 Armstrong Road.

The subject lands are located in an area characterized by Residential on large landholdings intermixed with smaller type residential lots along Armstrong Road. The

CPR Rail Line abuts the south end of the property. An unclassified wetland is located on the rear of the lands to be severed and retained.

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

Soils Inventory – lands to be severed (mixture)

- Name: Bolingbroke	Elmsley
- Stoniness: not rated	moderately
- CLI: 4 – severe limitations	4 – severe limitations
- Drainage: well drained	well drained
- Hydrogeology: low run-off	moderate

Bedrock Inventory – Dolostone, bedrock

The area has no 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**

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 – January 23, 2012**

F D Robert Croskery, owner attended the hearing and gave evidence under oath.

Mr. Croskery noted that there is an existing easement with Bell Canada at the front of the property.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED



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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any easements that currently exist.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an existing active rail line and may therefore be subject to noise, dust, odours and other nuisances typically associated with the operational and maintenance of the rail line".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall 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.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
8. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. 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.

11. 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 Rideau Valley Conservation Authority advises that the location of any proposed development will need to conform to the 30 m water setback, in relation to the wetland area on the property*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Leeds Grenville and Lanark District Health Unit advises that 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:** Mona Rabbat **Hearing Date:** January 23, 2012  
**Agent:** N/A  
**LDC File #:** B11/159  
**Municipality:** Township of Beckwith  
**Geographic Township:** N/A **Lot:** 13 **Con** 8  
**Roll No.** 0924 000 020 27403 **Consent Type:** New Lot

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**Purpose and Effect:** To sever a 2.023-ha residential building lot and retain a 9.632-ha vacant landholding. The lands are accessed via Highway No. 15.

<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	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	2.023 ha 168.2 m 171.5 m (average) Provincial Highway	9.632 ha 221.8 m 244 m (minimum) Provincial Highway
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Proposed well Proposed 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>	0.4-ha Yes 45 m Yes	0.4-ha Yes 45 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

Official Plan – Section 4 General Provisions, Section 6.5 Wetlands, Section 7.1 Provincial Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

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

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

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

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

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

- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That the applicant obtains an entrance permit from the Ministry of Transportation Ontario prior to the severance being finalized.

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.

It is our understanding that the purpose of the subject application is to sever a vacant 2.02-ha lot and retain and vacant 9.63 ha lot.

According to a review of available GIS mapping, aerial photography, and as observed during a site visit by MVC staff, the proposed severed land is largely open field. The retained land is largely forested with some lowland area throughout, in addition to an open field which fronts Hwy 15. No other natural heritage features or natural hazards were identified.

MVC does not have any objections to the subject application provided that potential

future development on the proposed retained lands occurs outside of any lowland/poorly drained areas that may comprise organic soils.

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 – The severed property is 5 acres. It is intended to remain rural/residential. This portion consists of brush, grass and some trees. The drainage appears to be toward Highway 15. Depending on the exact location, the septic system would need to be partially to fully raised using imported and sand loam fill.

Retained – The retained property is 23.8 acres. It is intended for it to remain rural/residential. This portion has wooded area as well as brush and grass. The elevations vary on the property. There was 0.3 m to 0.45 m of soil before rock. Depending on the exact location, the septic system would need to be partially to fully raised using imported and sand loam fill.

MTO Regional Director –Kingston

This is to advise that the Ministry is prepared to endorse the above referenced application provided the following conditions are met.

- 1) The severed and retained lands are accessed by a mutual entrance centred at the common lot line.
- 2) All existing entrances unless incorporated into the approved mutual access arrangement must be closed and physically removed.
- 3) The transfer/deed of land shall include appropriate reciprocal easements for right-of-way purposes. Draft copies of the transfer/deed of land and reference plan shall be submitted to the Ministry for review and approval.

As a general note the applicants should be aware that once consent approval is obtained Ministry permits will be required for any works within the highway corridor and all structures located within 150 feet (45 metres) of the highway property line. It is the landowner's responsibility to acquire all necessary permits prior to the commencement of construction. Also, the permit issued for the shared entrance will contain both landowners' names and will be issued in duplicate - one for each owner. Permits are administered by our Area Office at 347 Preston Street, 4<sup>th</sup> Floor, Ottawa, Ontario, K1S 3J4, tel.: 745-6841 or 1-888-362-1770.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever a 2.023-ha residential building lot and retain a 9.632-ha residential building lot. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on larger type lots on the south easterly side of Highway 15, with residential subdivisions located to the north west of Highway 15 (one completed and one decision pending).

The lands are accessed via Highway 15, a provincially maintained road.  
Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, Sandstone.

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

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – January 23, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
5. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. The Ministry of Transportation advise that the severed and retained lands are to be accessed by a mutual entrance centred at the common lot line.
7. The Ministry of Transportation advise that all existing entrances unless incorporated into the approved mutual access arrangement must be closed and physically removed.
8. The Ministry of Transportation requires that the transfer/deed of land shall include appropriate reciprocal easements for right-of-way purposes. Draft copies of the transfer/deed of land and reference plan shall be submitted to the Ministry for review and approval.
9. A letter shall be received from the Ministry of Transportation stating that condition #6 through #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health Unit advises that any future septic system on the severed or retained lands would need to be partially to fully raised using imported and sand loam fill.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Ministry of Transportation advises that the applicants should be aware that once consent approval is obtained Ministry permits will be required for any works within the highway corridor and all structures located within 150 feet (45 metres) of the highway property line. It is the landowner's responsibility to acquire all necessary permits prior to the commencement of construction. Also, the permit issued for the shared entrance will contain both landowners' names and will be issued in duplicate - one for each owner. Permits are administered by our Area Office at 347 Preston Street, 4<sup>th</sup> Floor, Ottawa, Ontario, K1S 3J4, tel.: 745-6841 or 1-888-362-1770.*

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:** Sally D. Fournier

**Hearing Date:** January 23, 2012

**Agent:** N/A

**LDC File #:** B11/171A

**Municipality:** Town of Perth

**Geographic Township:** N/A

**Lot:** Pt 5 S. Halton St. **Plan** 8828

**Roll No.** 0921 010 015 01200

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 345.97 sq.m. residential building lot and retain a 349 sq.m. lot with an existing residential dwelling located at 99 Drummond St East. The lot to be severed is accessed via Halton 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>	345.97 sq m 22.5 m 15.42 m Municipal Road	349 sq m 15.44 m 22.49 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Municipal Municipal	Municipal Municipal
<b>Official Plan Designation</b> <b>-Conformity?</b>	Residential R2 Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Residential Second Density Minor Variance approved 346 sq.m. Yes 14 m Yes	Residential Second Density Minor Variance approved 346 sq.m. Yes 14 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.

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

Official Plan – Section 3 Basis of the Plan, Section 8.0 Community Development, Section 8.3.6 Infill, Section 9.11.14 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 7.0 Residential Second Density.

The Town of Perth advises that the proposal complies with the zoning by-law regulations. By virtue of Minor variance file D13-AC-04/11 – permitting a reduction of the minimum lot area from 420m<sup>2</sup> to 346 m<sup>2</sup> has been granted.

### **(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 Comments

The proposed consent subdivides an over-sized residential parcel, and results in two residential lots with frontage on an existing street, that will connect to existing services. This represents a more efficient land use and complies with the intent of the Official Plan. The proposal is also consistent with site specific zoning provisions,

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

1. The Town's consent review fee of \$300 and any outstanding I invoiced municipal service fees or taxes due at the time a clearance letter is requested be paid.
2. Consistent with the decision for Town of Perth Minor variance file D13-AC-04/11 a minimum lot area of 346 m<sup>2</sup> (3,724 ft<sup>2</sup>) be provided on the severed and retained parcels and the frontage on Halton Street be divided equally between the retained and severed lot. Based on R-Plan-1834 showing frontage of 147.59 the Halton Street frontage should be roughly 73.75 ft. per lot.
3. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.

4. The applicant complete a development agreement with the Town of Perth to be registered on title of the severed/vacant lot to address the following:
  - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections. All work shall be approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
  - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
  - iii) The owner shall demonstrate that final grades will not impede the flow of drainage to or from adjacent lots nor result in drainage being trapped on adjacent lots to an extent greater than established conditions to the satisfaction of the Chief Building Official and the Director of Environmental Services for the Town of Perth,
  - iv) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
  - v) Construction of a new dwelling shall be conditional on the zoning setbacks being surveyed and marked on the site prior to construction and a locate survey being undertaken upon the completion of the footings to ensure that any residence on site is constructed in compliance with the approval and conditions for Town of Perth Minor variance file DI 3-AC-04/11.

**Advisory Notes:**

The applicant be cautioned that a new lot with frontage on Halton Street and a depth of only 15.24 m (50 ft.) will have development potential for a dwelling having a depth of less than 6.7 m (22 ft.) and the owner should consult with the Town's Chief Building Official in advance of designing the residence to confirm the maximum depth of dwelling permitted.

The proponent be cautioned of the need to allow sufficient time for a development agreement to be completed with the Town (a minimum of 60 days) and advised that the Town's consent review fee must be paid and a deposit of \$500 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.

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 345.97 sq.m. parcel of land and retain a 349 sq.m. lot with an existing residential dwelling at 99 Drummond Street East. Prior to submitting an application for consent the applicant applied for a minor variance to reduce the minimum lot are from 420m<sup>2</sup> to 346m<sup>2</sup> to allow for the potential division of the lot. The minimum yard requirements and maximum lot coverage would continue to apply. The proposal maintains the intent of the PPS Section 1.1.2, which addresses intensification and redevelopment within settlement areas where possible. And meets the goal of the Town's Official Plan to provide adequate and affordable housing for all residents and flexibility to respond to changes in market conditions. It is also the intent of the Official

Plan to facilitate infill development, where possible.

The subject lands are located within an urban setting.

The retained lands are accessed via Drummond St East and the lands to be severed are accessed via Halton 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 Towns Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – January 23, 2012**

Sally Fournier, owner and Keith Fournier, spouse of the owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Perth.
4. The applicant shall satisfy all requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
5. Consistent with the decision for Town of Perth Minor variance file D13-AC-04/11 a minimum lot area of 346 m<sup>2</sup> (3,724 ft<sup>2</sup>) be provided on the severed and retained parcels and the frontage on Halton Street be divided equally between the retained and severed lot. Based on R-Plan-1834 showing frontage of 147.59, the Halton Street frontage should be roughly 73.75 ft. per lot.
6. The application shall provide the Town of Perth with two (2) hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
7. The applicant shall enter into a development agreement with the Town of Perth to be registered on title of the severed/vacant lot to address the following:
  - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections. All work shall be approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
  - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
  - iii) The owner shall demonstrate that final grades will not impede the flow of drainage to or from adjacent lots nor result in drainage being trapped on adjacent lots to an extent greater than established conditions to the satisfaction of the Chief Building Official and the Director of Environmental Services for the Town of Perth,
  - iv) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
  - v) Construction of a new dwelling shall be conditional on the zoning setbacks being surveyed and marked on the site prior to construction and a locate survey being undertaken upon the completion of the footings to ensure that any residence on site is constructed in compliance with the approval and conditions for Town of Perth Minor variance file D13-AC-04/11.
8. The applicant shall obtain a Civic Address Number from the Town of Perth. The applicant shall consult directly with the Town in this regard.
9. A letter shall be received from the Town of Perth stating that condition #3 through #8 has been fulfilled to their satisfaction.

## **NOTES**

1. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
2. *The applicant be cautioned that a new lot with frontage on Halton Street and a depth of only 15.24 m (50 ft.) will have development potential for a dwelling having a depth of less than 6.7 m (22 ft.) and the owner should consult with the Town's Chief Building Official in advance of designing the residence to confirm the maximum depth of dwelling permitted.*
3. *The applicant be cautioned of the need to allow sufficient time for a development agreement to be completed with the Town (a minimum of 60 days) and advised that the Town's consent review fee must be paid and a deposit of \$500 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.*