



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 25, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and W. Guthrie

Members Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2012-014**

**MOVED BY:** W. Guthrie  
**SECONDED BY:** R. Strachan

**"THAT,** the minutes of the Land Division Committee meeting held on May 28, 2012 be approved as circulated."  
**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-015**

**MOVED BY:** R. Strachan  
**SECONDED BY:** W. Guthrie

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

**5. DELEGATIONS & PRESENTATIONS**

None.

**6. COMMUNICATIONS**

**6.1 Ontario Municipal Board** – notice of Hearing – B11/158, Farrell – August 8, 2012 at 10:30 a.m., Municipal Building, Township of Lanark Highlands.

**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 B12/007 – H Siegal, O Siegal & D Siegal – new lot**

Pt. Lot 3 Conc. 5, geographic Township of Ramsay, now in the Town of Mississippi Mills. (5A Ramsay)

**7.1.2 B12/011 and B12/014 – Regan Lee – New Lot & Lot Addition**

Pt. Lot 6 Conc. 3 Township of Montague (Burchill Road)

**7.1.3 B12/020 – Jennifer and Hans Popowicz – new lot**

Pt. Lot 23 and 24 Conc. 2, Township of Beckwith. (Graham Road)

**7.1.4 B12/024 – Robert Ford – New Lot**

Pt. Lot 30 Conc. 7 Township of Montague. (Carroll Road)

**7.1.5 B12/026 – Estate of Wilfred Ferguson – new lot**

Pt. Lot 18 Conc. 5, geographic Township of Lavant, now in the Township of Lanark Highlands. (Flower Station Road)

**7.1.6 B12/035 – Lucio and Linda Martinig – easement**

Pt. Lot 21 and 22 Conc. 10 Township of Beckwith. (McCuan Road).

**7.1.7 B12/040 – Estate of John Semler – R-O-W**

Pt. Lot 16 Conc. 4, geographic Township of Bathurst, now in Tay Valley Township. (Hwy 7 / Semler Lane)

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

**9.1 OACA Conference Update** - deferred to August meeting.

**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 B12/007 – H Siegal, O Siegal & D Siegal – new lot**

**10.1.2 B12/020 – Jennifer and Hans Popowicz – new lot**

**10.1.3 B12/024 – Robert Ford – New Lot**

**10.1.4 B12/026 – Estate of Wilfred Ferguson – new lot**

**10.1.5 B12/035 – Lucio and Linda Martinig – easement**

**10.1.6 B12/040 – Estate of John Semler – R-O-W**

**10.2 PROVISIONAL CONSENT DEFERRED**

**10.2.1 B12/011 & B12/014 – Regan Lee – New Lot & Lot Addition.**

**MOTION #LD-2012-016**

**MOVED BY:** R. Strachan  
**SECONDED BY:** W. Guthrie

**“THAT,** application B12/011 and B12/014 be deferred to provide the committee with an opportunity to discuss with the Planner for the Township of Montague, how the requirements re: bedrock and water are to be addressed.” **ADOPTED**

**11. UPCOMING MEETINGS**

Monday, August 20, 2012,  
Monday, September 24, 2012,  
Monday, October 29, 2012,  
Monday, November 26, 2012, and  
Monday, December 17, 2012

**12. ADJOURNMENT – 11:53 a.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** H.L. Siegal, O.C.M. Siegal & D.J. Siegal **Hearing Date:** June 25, 2012

**Agent:** William J Webster

**LDC File #:** B12/007

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 3 **Concession:** 5

**Roll No.** 0931 929 030 25002

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 1.21-ha residential building lot and retain a 3.25-ha residential lot with an existing dwelling (304 Con 5A Ramsay).

<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>	1.21-ha	3.25-ha
<b>Frontage</b>	45 m	55 m
<b>Depth</b>	269.4 m	269.4 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

Official Plan – Section 2 Basis of the Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever.

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

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

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

##### Town Planner's Report

##### **Background**

H.L Siegal, O.C.M. Siegel and DJ. Siegal, currently own a 4.47ha (11.04ac) parcel of land with 100m (328ft) of frontage onto Ramsay Concession 5A, which is a municipally owned and maintained road. The property is currently occupied by a non-farm single family dwelling.

The topography of the property has a low spot near the eastern lot line, which collects water during the spring thaw and heavy rain fall. Both the current owner and the abutting property owner (Bray) have established private drains to move the water from the pooling area to the municipal drainage ditch.

The lands subject to the consent application are designated Rural in the Official Plan and zoned Rural in the zoning by-law.

The intent of the application is to create a new non-farm residential building lot with an approximate lot size of 1.21ha (2.99ac) with 45m (147.6ft) of direct frontage onto Ramsay Concession 5A. The retained lands would accommodate the existing dwelling with an approximate lot area of 3.25ha (8.03ac).

##### **Severance Application Summary**

##### **Lot Severance**

This application seeks to sever a 1.21ha (2.99ac) non-farm residential building lot. The severed lot would have a frontage of 45m (147.6ft). The intent of the proposed lot is to support a new rural single family dwelling. The retained lot will be 3.25ha (8.03ac) in area with an existing dwelling (304 Ramsay Concession 5A). The retained lot would maintain a frontage of 55m (180.5ft) onto Ramsay Concession 5A.

**Community Official Plan:**

The subject property has an Official Plan designation of Rural. Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specifically provided in the plan. Section 3.3.6-Severances and Lot Creation, permits severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. The subject property meets this criteria. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire two severances on the property.

Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. It also requires that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road in order to protect the rural character. In this case it is important to note that there are a total of 9 lots surrounding the property which have been created in such a manner to meet the minimum lot frontage requirements. This has resulted in a total of nine driveways connecting to Ramsay Concession 5A within 280m (918ft), which is far less than the 150m driveway requirement in the Community Official Plan. With the number of lots and entrances in close proximity, the rural character on this stretch of Ramsay Concession 5A has been lost and permitting one more driveway will not further impact the character of this area.

Should the Planning and Development Committee have any concerns with the additional driveway, the applicant is prepared to have a shared driveway between the severed and retained lots.

Section 3.3.6.5 (iii) of the Community Official Plan requires that the retained lot and the severed lots have frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Both the severed and retained lots have direct frontage onto Con 5A Ramsay, which is currently owned and maintained by the Town of Mississippi Mills.

Section 3.3.6.5 (vi) of the Community Official Plan requires a minimum lot size of 1 hectare for a non-farm residential lot. The proposed severed lots and retained lot exceed the minimum lot size requirement.

Section 3.3.5 – Residential Development, in the Community Official Plan requires all residential dwellings to be subject to the minimum distance separation calculation. As there are not any livestock operations within 500m of the proposed application the requirement for minimum distance separation does not apply.

**Zoning By-law 01-70:**

The property subject to the application is zoned Rural. The zoning provisions for lots in the Rural zone require a minimum lot area of 10 hectares if used for a rural use or 1.0 hectare (2.47acre) if used for non-farm residential. The required minimum lot frontage for a Rural property is 150 metres (492ft) or 45m (147.6ft) if used for non-farm residential. Both the proposed severance application and the retained lands meet or exceed the minimum by-law requirements.

Zoning by-law 11-83 requires that no residential, institutional, commercial, industrial or recreational use may be located on a separate lot within the required minimum distance separation setback. In this case there is no livestock operation in close proximity to the proposed lot, thus a minimum distance separation setback is not required.

### **Conclusion**

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

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property.
4. That the owner establish an easement across the severed and retained lots along the existing drainage water course.
5. The owner enter into a development agreement regarding the maintenance of the drain to the benefit of the severed, retained and abutting property owners.

### **Conservation Authority** – Mississippi Valley Conservation

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

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

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

Severed – A 2.21 hectare parcel of land with a 45 m frontage. Land is relatively flat with pine trees at front and rear of property. There is a small vacant clearing in middle of lot. There will be a reconstructed shared entrance. Recommendations – additional sandy loam fill will be required in area of future tile bed.

Retained – A 3.25 hectare parcel of land with an existing house serviced by a well and septic system. There is a 2 story garage, and three sheds on property. Recommendation – additional sandy local fill will be required in area of future replacement tile bed.

Hydro One Networks – No comments were received.

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

## **(c) PLANNING REVIEW**

The applicant proposes to sever 1.21-ha residential building lot and retain a 3.25-ha residential lot with an existing dwelling located at 304 Con 5A Ramsay.



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

The lands are accessed via Con 5A Ramsay a municipally maintained road.

A number of consent applications have taken place on the West ½ Lot 3 Conc. 5 Ramsay over the years. Consent records show that four of the lots were created by consent

between 1977 and 1987. The agent traced the records of the Land Registry / Land Titles Office, and it was determined that the lot being severed under this application was a separate parcel of land as of Feb 1972, and may in fact have been created in 1964 or 1965, which predates the Official Plan lot creation date of July 1973.

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

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

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

**(d) PUBLIC INPUT**

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

Robert Bray - May 25, 2012

In reference to the above noted file, I would like to ensure that a provisional consent is accepted, before severance of Pt. Lot 5 Conc 5, in the municipality of Mississippi Mills is granted.

I own the adjacent property on the south east of lot 5 and have a concern with spring flooding. Some years ago, the former owner of the subject property made a ditch from south east edge of her edge property and mine, to the extreme north west edge and then south west to the ditch on the 5th. concession. This helped with the spring flooding which occurs annually. Due to difficulties I had with this neighbour, the ditch was partially buried from our respective property lines. As a result, drainage was managed on her side to the road, but I was forced to have a ditch excavated on my property to the road to drain excessively high water in the spring. I should also note that the municipality was very co-operative and dredged the ditch at the road, to provide adequate slope to allow for the drainage of my property.

By severing the subject property, I fear that the existing ditch of the neighbouring property will be buried, and therefore divert water flow to my property.

I would agree that consent be granted, if measures are taken to stop any water from the neighbouring property from flowing to mine. This could be resolved by excavating a new ditch from the new property line on the south east side to the road. Upon inspection and recommendation by the Municipality, I would also be agreeable what they feel would be an acceptable solution.

I thank you in advance for your consideration and would appreciate being informed of a solution acceptable to all parties.

Helen Douglas - May 28, 2012

Regarding File # 812/007 Landowner: Siegal, Ramsay Conc 5

I am a landowner with property abutting the proposed severance here described. Our property is Pt. lot 3, Conc 5 Ramsay, Mississippi Mills. It comprises 65 acres labelled A on this schematic, and surrounds 8, C and D. My home, barn and garage including a manure pile, are just feet from the deeper edge of the severance proposed. See schematic for buildings. We will be closely involved in this process and proposal.

It would be unsuitable to have people or buildings in the deeper part of the lot for many reasons. One reason is the farm, flies and manure. Another is that one main asset of my property is the privacy. This severance could compromise the value of my farm. If the proposal can be modified so the lot is not so deep, it will be acceptable to us.

We wish to be notified of the Public Meeting. We wish to be notified of the decision of the Land Division Committee.

Please let me know what will be involved in the next step. We plan to attend any meetings needed to be involved in this decision.

**(e) MINUTES – June 25, 2012**

William Webster, agent, Robert Bray and Karen Nobel, adjacent landowners, attended the hearing and gave evidence under oath.

Mr. Bray advised that his property which is adjacent to the lands to be retained are low lying and subject to ponding. In order to alleviate this, a drain was installed to outlet into the existing roadside ditch. This drain also benefits the Siegal property.

Ms. Noble advised that they have a horse farm on the north side of the lot to be severed. Ms. Nobel expressed concerns that the rear of the lot to be created was very close to her barns and outbuilding and was also concerned that the tree plantation would be removed, which acted as a privacy barrier between her buildings and the Siegal lands. Ms. Noble asked if the applicant would consider moving the rear boundary, approx. 100 feet westerly.

Mr. Webster advised that his client would be willing to prepare a lot grading and drainage plan in order to address the drainage issues.

It was agreed through discussion, that a 'site plan agreement' could be implemented that would address concerns regarding the drainage and the siting of a residential

dwelling in order to distance the proposed new dwelling away from existing barns on the Nobel/Douglas lands.

The committee reviewed the staff report and draft conditions, making the necessary revisions as discussed above. It was also noted that the standard condition regarding lot creation in proximity of an agricultural housing facility (noise, odours, etc.) to be included on the deed, had been inadvertently missed.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed lands to the satisfaction of the Town of Mississippi Mills.
7. That the applicant enter into a Site Plan Agreement with the Town of Mississippi Mills, the wording of which shall specify the location of the building envelope, in consideration of the adjacent agricultural operation and shall include provisions / requirements of the lot grading and drainage plan, including on-going maintenance of the existing drain.
8. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.

9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #10 has been fulfilled to their satisfaction.

## **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area on the severed lot and in the area of the future replacement system on the retained lot.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Jennifer & Hans Popowicz **Hearing Date:** June 25, 2012  
**Agent:** Adam A Popowicz  
**LDC File #:** B12/020  
**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith **Lot:** 23/24 **Concession:** 2  
**Roll No.** 0924 000 015 02503 **Consent Type:** New Lot

**Purpose and Effect:**

To sever a 1.274-ha residential building lot and retain a 24.5-ha landholding with an existing dwelling at 556 Graham 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>	1.274-ha	24.5-ha
<b>Frontage</b>	76.2 m	329.5 m
<b>Depth</b>	167.64 m	505.47 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Official Plan Designation</b>	Rural	
<b>-Conformity?</b>	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.

## **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 Provisions, Section 6.5 Wetlands, Section 7.3 Township 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 Planner's Report

##### **PURPOSE AND EFFECT OF APPLICATION**

The purpose of the consent application would be to create a new 3.07 acre building lot within the Township. The new lot would be created on the eastern portion of the subject property. The proposed new lot would have 76.2m of frontage on Graham Road.

##### **NOTICE OF APPLICATION**

Staff provided the County of Lanark with a mailing list of property owners within 60m of the subject property on February 21, 2012.

## DESCRIPTION OF SUBJECT LANDS

The subject property consists of approximately 71 acres of largely naturally vegetated land.

## PROVINCIAL POLICY STATEMENT

The application has been considered in the context of the PPS and appears to be consistent with the general intent of the PPS. Specifically, the proposal appears to be consistent with Section 1.1.4 - Rural Areas in Municipalities.

## OFFICIAL PLAN

### Severances

Section 4.5.1 of the current Official Plan regards land division in the Township. Policy 4.5.1

(iii) states that the re-servicing of previously severed parcels will generally be discouraged excepted where it can be demonstrated that it would result in the proper development of land. The Township has not historically supported the severing of previously severed properties, in accordance with this policy.

The approximately 71 acre subject property was the project of a severance in 1974; our GIS system indicates severance application 8202174. Any additional severances from this parcel would apparently conflict with section 4.5.1 (iii).

The Township has already passed three resolutions supporting the severances from the subject property.

### Site Plan Control

According to section 4.20, all properties that abut a watercourse are described as Site Plan control areas. As the proposed severance contains a watercourse, the development of the new lot should be regulated through site plan control to ensure development is situated accordingly.

## ZONING BY-LAW

### Rural Zone

The area of the proposed severance is zoned Rural. Single dwellings are a permitted use within the Rural zone, provided that the provisions of Section 11.1 are satisfied. Township lots are required to possess 45m of frontage and be at least 0.99 acres in area. The proposed severance complies with these requirements. The proposed lot contains sufficient space to satisfy the required building setbacks.

### Aggregate Reserve

The area of proposed severance is in close proximity to an Aggregate Reserve zone; at the nearest point, the aggregate reserve zone is approximately 45m. As there are a number of existing dwellings in proximity to the reserve zone, it is unlikely that this reserve zone would transition to an active pit. The Township zoning by-law requires a separation of 120m for dwellings to any lands zoned pit; this separation distance also applies to rezoning lands from reserve to pit. The proposed severance is not anticipated to impact the future development of the reserve area, as the reserve area has already been impacted by development in proximity to the proposed severance.

### Water body Setback

Staff notes that there appears to be an intermittent watercourse running through the proposed severance. RVCA consider this to be a tributary of Kings Creek. Township

policy requires development, including septic systems, on newly created lots to be a minimum of 30m from the high water mark.

#### OPTIONS / ANALYSIS

The severance proposal does not appear to satisfy the severance policies of the Township's Official Plan, however, Staff acknowledges that the Township previously expressed support for the severances by passing three motions in the past.

#### COMMENTS RECEIVED

Rideau Valley Conservation Authority:

RVCA does not object to the proposed severance, but cautions that the rear portion of the proposed new lot contains organic soils that are not suitable to support development. RVCA cautions that development should be confined to the front portion of the portion of the property not affected by organic soils.

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

Condition:

- That the applicant enter into a Site Plan control agreement with the Township to regulate development on the new lot;
- That an entrance permit be obtained from the Public Works Superintendent;
- That a paper copy of the reference plan be provided to the Township;
- That any development on the new lot will not impede the natural drainage;

Advisory note:

- 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.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new residential lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

#### Natural Heritage and Natural Hazards

For the applicant's information a tributary to Kings Creek has been identified on the rear half of the severed parcel. A permanent wetland feature and Kings Creek have also been identified on the retained parcel.

The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetland, and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.

We note that the Municipal Zoning requires any building or structure including a sewage disposal system to be a minimum of 30 metres from any watercourse or waterbody. Based on the size of the lot, there is a building envelope available outside of the required



water setbacks.

The Conservation Authority has consulted the Surficial Geology mapping for the proposed severed parcel. Approximately 1/3rd of the severed parcel (illustrated as grey on the attached mapping) has been identified as having organic deposits (soil). Under Section 3.1 Natural Hazards in the Provincial Policy Statement 2005, it states:

*Development* shall generally be directed to areas outside of:

a) *Hazardous sites*

*Hazardous sites* is defined in the PPS as property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils or unstable bedrock (karst topography).

Therefore in the instance of the severed parcel, development should be directed outside of the portions of the property which have been identified as having organic deposits. Based on the mapping, development should be confined to the front portion of the property. Section 3.1.6 of the Provincial Policy Statement also states:

"Further to Policy 3.1.5, and except where as prohibited in Policies 3.1.2 and 3.1.4, development and site alteration may be permitted in those portions of *hazardous lands*' and *hazardous sites* where effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration of the following:

- a) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New hazards are not created and existing hazards are not aggravated; and
- d) No adverse environmental impacts will result"

Therefore should the applicant or any subsequent purchaser of the severed parcel wish to construct on any portion of the property identified as organic soils, then a geotechnical study which addresses the above noted points would be required. The applicant should advise any future purchaser of the property of the existence of organic soils on the property and the implications it may have on the placement of structures. It is also recommended that prior to construction, a soils investigation is completed to ensure the accuracy of the Surficial Geology mapping.

#### Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent as there would appear to be a sufficient building envelope outside of the natural hazard (organic soils) and outside of the required water setbacks. We have provided recommendations to the applicant regarding the natural hazard and the wetland.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – a 3.07 acre parcel of land that has no existing buildings. Land is primarily bush lot. Land drainage and slope can vary throughout 3+ acre parcel. Recommendation - additional sandy loam fill will be required in area of future tile bed.

Retained – A 67 acre plus / minus parcel of land with an existing house serviced with a well and septic system. Land slope and drainage varies over the 67 acre plus/minus parcel. Recommendation – additional sandy loam fill will be required in area f replacement tile deb.

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

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

**(c) PLANNING REVIEW**

To sever a 1.274-ha residential building lot and retain a 24.5-ha landholding with an existing dwelling at 556 Graham Road.

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

The lands are accessed via Graham Road, a municipally 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 – June 25, 2012**

Hans and Jennifer Popowicz, owners, attended the hearing and gave evidence under oath.

Ms. Popowicz questioned the requirement for a 'site plan' and the time required to complete this task. Ms. Popowicz was advised that this is a requirement in Beckwith for any lots being created within 30m of a watercourse and that generally the process can be completed within 2 to 3 months.

Ms. Popowicz provided background information on the lot and advised that there is a non-operating aggregate pit area located off Kings Creek Road, approx. ½ mile north of their property.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
6. That the applicant enter into a Site Plan Agreement with the Township of Beckwith to address development and drainage on the site.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 has been fulfilled to their satisfaction.

## NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future septic system area on the severed lands and in the future replacement area on the retained lands.*
2. *The Rideau Valley Conservation Authority advises that the applicant or any subsequent purchaser of the severed parcel wish to construct on any portion of the property identified as organic soils, then a geotechnical study which addresses Section 3.1.6 of the Provincial Policy Statement. The applicant should advise any future purchaser of the property of the existence of organic soils on the property and the implications it may have on the placement of structures. It is also recommended that prior to construction, a soils investigation is completed to ensure the accuracy of the Surficial Geology mapping.*
3. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse on the retained lands*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Robert Ford **Hearing Date:** June 25, 2012  
**Agent:** n/a  
**LDC File #:** B12/024  
**Municipality:** Township of Montague  
**Geographic Township:** Montague **Lot:** 30 **Concession:** 7  
**Roll No.** 0901 000 025 14500 **Consent Type:** New Lot

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**Purpose and Effect:**

To sever a 0.403-ha residential building lot and retain a 2.45-ha residential lot with an existing dwelling and storage sheds at 1006 Carroll 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>	0.403-ha	2.45-ha
<b>Frontage</b>	56 m	167.64 m
<b>Depth</b>	72 m	170.09 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural  Rural	
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

Official Plan – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 2.22 Ground Water Supply, Sewage Disposal, Section 3.2 Mineral Resource, Section 3.3 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Section 4.4 Township Roads, Section 5.2 Land Division

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 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 Zoning By-law.

As I understand it, the applicant is intending to sever a 0.403 hectare (1 acre) residential building lot from a 2.85 hectare (7 acre) lot. The lot to be severed will front on Ferguson-Tetlock Road and the retained lot, containing a residence and outbuildings, including a barn, fronts on Carroll Road (civic# 1006). The existing lot was created in 2007, through Application B07/016 out of a larger area of land (which had two previous severances dating from around 1990). Policy 5.2.3.1 of the Township's Official Plan allows the creation of three lots (plus the retained) from an area of land as it existed on January 1st, 2001. As such, this severance of the previously severed lot would apply as the second severance from the original lot, currently owned by Kenneth Donald Parker. One additional lot can be created in the future from this original lot of record.

The severed and retained lands are designated as Rural in the Township's Official Plan and the intent of the designation is to permit limited residential development that does not impede on the cultural and natural heritage landscapes of the region. The severed lands are primarily open pasture in a mixed agricultural and light residential area and this proposal is compatible with that built form. I have reviewed the constraints sections of the Official Plan and have determined that none of the constraints identified by the Plan would preclude the creation of this lot and further, that the severance meets Sections 5.2.2 (General Policies for Land Division) and 5.2.3 (Consent Policies). A minimum distance separation calculation was done on the horse barn on the other side of the street, in compliance with Section 2.17.2 of the Plan and this lot was determined to be outside the statutory influence area. Additionally, a number of structures on the retained

lands have been identified by the landowner as storage sheds and as such, it is assumed that they are not capable of housing livestock.

The severed and retained lots are both within the Rural (A) Zone as indicated in the Township's Zoning By-law, and both lots meet the requirements of the zone in terms of lot area, frontage and use.

Given the foregoing, the Township of Montague supports the above consent application, 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 Montague - 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 as required to the Township of Montague 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 Montague in this regard.
- The Applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the requested severed lot to service the intended single family residential use.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new residential lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards There have been no natural hazards or heritage features identified on the property which would preclude this application.

Conclusion

In conclusion, the Conservation Authority has no objections 01' conditions to this application for consent. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.



On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – Vacant parcel of land which is mainly open field. Land drainage and soil depth can vary. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – Vacant parcel of land is relatively flat. Vegetation indicates shallow soil depth will likely be found. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.403-ha residential building lot and retain a 2.45-ha residential lot with an existing dwelling and storage shed (1006 Carroll Road).

The subject lands are located in an area characterized by Residential on typical residential lots along Carroll and Ferguson-Tetlock Roads.

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 165 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 252m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

The lands are accessed via Ferguson-Tetlock 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 been established by the Township of Montague; however none are located on the lands to be severed.

An aggregate area is also shown on the lands, but has been sterilized due to the number of existing homes in this area.

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

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

of Montague and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 25, 2012**

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

Mr. Ford confirmed that the barn (as shown on the DRAPE imagery) was demolished in 2008.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague 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.
9. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the severed lot to service the intended single family residential use.
10. 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).
11. A letter shall be received from the Township of Montague stating that condition #4 through #10 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / sandy loam fill will be required in area of future tile bed on both the severed and retained.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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:** Lucio & Linda Martinig **Hearing Date:** June 25, 2012  
**Agent:** Soloway Wright LLP  
**LDC File #:** B12/035  
**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith **Lot:** 21 & 22 **Conc.:** 10  
**Roll No.** 0924 000 030 11800 **Consent Type:** easement

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**Purpose and Effect:**

To sever an easement for a period greater than 21 years in favour of Bell Canada at Pt. Lot 21 Conc. 10, Beckwith to allow the placement, repair and maintenance of telecommunications equipment.

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.6 Infrastructure and Public Service Facilities**

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

Official Plan – Section 4 General Provisions, Section 4.5 Division of Land, Section 4.16 Public Uses and Utilities, Section 6.1 Agriculture Areas.

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 10 Agriculture Zone

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

**(b) AGENCY REVIEW**

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

Township Planner's Report

**PURPOSE OF APPLICATION**

The purpose of application is to sever an easement for a period greater than 21 years in favour of Bell Canada.

**EFFECT OF APPLICATION**

The application will create an easement that will allow Bell Canada to place telephone poles and cable on the subject property. The Bell lines will extend south from McCuan

road approximately 900m south to an existing barn near the rear property line.

#### NOTICE OF APPLICATION

Staff provided the County of Lanark with a mailing list of property owners within 60m of the subject property on April 11, 2012.

#### DESCRIPTION OF SUBJECT LANDS

The subject lands appear to be largely utilized for agricultural purposes. The owners also operate a kennel from a building located within the Rural - Special Exception 29 zone. The subject property has two access points from McCuan road; one of which is subject to an existing easement for a Bell Mobility cellular tower and a right-of-way for a parcel located in the middle of the subject property. The attached image provides an illustration of the subject property.

The application has been considered in the context of the PPS and appears to be consistent with the general intent of the PPS. Specifically, the proposal appears to be consistent with Section 1.1.4 - Rural Areas in Municipalities.

#### OFFICIAL PLAN

As the application is not creating a new parcel, the land division policies of the Official Plan do not apply. As the easement is located adjacent to an existing driveway, it is not anticipated the application will affect any of the agricultural or rural land on the subject property.

#### ZONING BY-LAW

The subject property contains several zones: Agricultural; Agricultural - Special Exception

5; Rural; and Rural - Special Exception 29. The application will create an easement adjacent to an existing driveway and is not anticipated to have an affect on any of the surrounding land uses. Communication facilities are a permitted use within the Agricultural and Rural zones. The subject property currently contains an existing easement and communication facility for Bell Mobility.

#### OPTIONS / ANALYSIS

The proposed easement will provide Bell Canada will access to telephone poles and communication lines between McCuan Road and the rural land in the southern portion of the subject property. While Staff has no knowledge of further plans for the subject property, it is anticipated that Bell Canada has additional plans for the rural portion of the subject property as creating an easement appears to be a costly method of providing service to an existing barn. As previously mentioned, a communication facility is a permitted use within the rural zone so any further plans by Bell Canada may be in line with the intent of the Zoning By-Law.

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

1. That the applicant provide the Township with a paper copy of the reference Plan.  
Advisory note:
1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That Bell Canada be aware that the adjacent land-owners are not to incur any additional road maintenance costs as a result of any additional road traffic on the easement, including snow removal.

3. That Bell Canada is to use only those lands subject to the easement.

(c) **PLANNING REVIEW**

The applicant proposes to sever an easement for a period greater than 21 years in favour of Bell Canada at Pt. Lot 21 Conc. 10, Beckwith to allow the placement, repair and maintenance of telecommunications equipment. No new lot is being created.

With more than one user of the lane or private road, it is recommended that the user enter into a "road agreement" for the on-going maintenance and repair of the lane/private road.

The Provincial Policy Statements Section 1.6.1 Infrastructure and Public Service Facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

Nora Edey April 24, 2012

Would you please advise me when the hearing on File #B12/035 will take place as I would like to attend and also if I could be notified of the decision.

Valerie Snider-Lynch and Tim Lynch – April 25, 2012

We received a letter regarding File B12/035, as we are property owners directly affected by this proposal. The purpose of this letter is to confirm receipt of your letter, provide feedback regarding the severance for Bell Canada and request we be involved with the process.

I assume you are aware of the ongoing illegal activity of Lucio and Linda Martinig as it relates to Beckwith Townships 2009 rezoning approval for part lots 21 & 22 concession 10. Since 2009 to date, Beckwith Township has yet to enforce their rezoning of Part lot 21 & 22, concession 10. To summarize; illegal and life threatening billboards were erected by the Martinig's during the construction of Highway 7. The Martinig's applied for a rezoning and regardless of our ongoing concerns for safety and future illegal activities, the township approved the request. One of the conditions, remove unsafe billboards wasn't even completed on the night the township approved the request. Unfortunately Beckwith Township awarded the Martinig's bad behavior by approving, sending us a crystal clear message that they had no problem trading our safety to appease the Martinig's. Within 6 months 100+ dump trucks dropped gravel on the rezoned property to create a pad where they continue to sell commercial vehicles. I can provide details upon request.

For 13 years we've been trying to get Hydro to repair the pole which services our property. Last year the safety manager came onsite and as a result the pole was deemed unsafe and tagged. The unsafe conditions of the pole affects everyone who uses the deeded right-of-way, unfortunately the Martinig's lack the morals required to have the pole safely replaced. They told Hydro they would charge them with Trespass if they tried to fix the pole, even though a portion of it is located on the right-of-way. The Martinig's lawyer demanded that our deeded essential services, Hydro & Bell, be removed from the poles, which have serviced our property since it was severed. Hydro doesn't typically get involved with private property but given the severity of the equipment and the attitude of the Martinig's they did. Their legal team worked with the Martinig's but when the contract was to be signed, the Martinig's fired their lawyer. Hydro has since taken a piece of the Martinig's property and will be repairing the equipment to ensure our safety. This easement, Plan: 27R-10026 has been approved and work will begin soon.

These are the people we share property borders with. What kind of people put themselves, their family, their customers and anyone else in danger that could so easily be avoided and resolved? It is for this and many more reasons we are extremely cautious of any proposed modifications that directly affect our property, our safety, and our rights as property owners. I understand the applicant is Bell Canada but what I don't understand is why Bell now requires an additional easement on top of the newly formed Hydro easement.

The right-of-way is continually abused by the Martinig's who've never repaired or maintained the lane in 14 years and driving at excessive speeds, which yielded a police incident as I was almost killed by erratic driving last year. The Martinig's built a new laneway for their numerous business customers, yet our right-of-way is continually used and the Martinig's should be responsible for its maintenance.

My specific questions are:

- Why does Bell require another easement on top of the Hydro easement?
- What are the effects for us as property owners? Think outside the box because the Martinig's will find any loop hole and sue.
- Who is now responsible for the maintenance of the right-of-way? I've attached a letter we received from the Martinig's demanding payment for frivolous items. They had 3 different lawyers send the same letter demanding payments when we purchased our property. We had no legal responsibility so we didn't enter into any contract. Yet here we are 14 years later, numerous police incidents, legal battles, immoral & illegal behavior, pathetic township representation, and now another easement. We will not maintain this road at our expense any longer.

If you wish to approve this easement, we will give our approval if the Martinig's are held accountable for the cost and effort of ensuring the safety of the right-of-way they and their customers travel on a daily basis. Hydro and Bell should not be responsible for this yet they should be responsible for repairing and maintaining their equipment. It's astonishing to think that Martinig's have little regard for human life that our two essential service entities must carve out property in order to perform their jobs.

This letter also serves as our formal request to be included in any and all discussions as they pertain to our property. Please call, 613.257.5095, and provide details for our involvement.



(e) **MINUTES – June 25, 2012**

Ursula Melinz, agent for the applicant (Bell Canada), Nora Edey, Valeria Snider-Lynch and Tim Lynch, adjacent landowners attended the hearing and gave evidence by affirmation.

Ms. Melinz advised that the easement runs from McQuan road southerly to the existing barns on the Martinig property and not to the 10<sup>th</sup> Conc. Line as shown on the sketch. And noted that Hydro One has an easement with Bell for the line.

Nora Edey, advised that she had no concerns now that there was confirmation that the easement did not rum from McQuan Road to the 10<sup>th</sup> Conc.

Mr. Lynch expressed concerns with the current and future maintenance of the r-o-w which provides access to his property, the Martinig property and the Bell Mobility Tower.

Ms. Snider-Lynch advised that they have on the right to use the r-o-w as far as their home, and that Bell Mobility is using their laneway for access, not the deeded r-o-w access to the tower property, and that there is no maintenance agreement for the road / lane.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. A letter shall be received from the Township of Beckwith stating that condition #3 has been fulfilled to their satisfaction.

## **NOTES**

1. *That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *That Bell Canada be aware that the adjacent land-owners are not to incur any additional road maintenance costs as a result of any additional road traffic on the easement, including snow removal.*
3. *That Bell Canada is to use only those lands subject to the easement.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Wilfred Ferguson Estate

**Hearing Date:** June 25, 2012

**Agent:** Joan Sargeant

**LDC File #:** B12/026

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Lavant

**Lot:** 18     **Concession:** 5

**Roll No.** 0940 001 010 26800

**Consent Type:** new lot

**Purpose and Effect:**

to sever a 7.4-ha residential lot with an existing dwelling (805 Flower Station Road), garage and farm buildings and retain a 25.5-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Vacant
<b>Area</b>	7.4-ha	25.5-ha
<b>Frontage</b>	314 m	224 m
<b>Depth</b>	295.4 m	549 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Septic System	None
<b>Official Plan Designation -Conformity?</b>	Rural, Deer Yard, Aggregate Reserve, PSW Yes	
<b>Zoning Category</b>	Rural	Rural & Aggregate Reserve
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	60 m	60 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.

### **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.

### **3.1 Natural Hazards**

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

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.2 Mineral Resources, Section 7.5 Natural Heritage Features, Section 8.0 Natural and Human Made Hazards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone. Section 17.0 Environmental Protection Zone, Section 18.0 Mineral Aggregate Resource.

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The property is legally described as Pt. Lot 18 Concession 5, geographic Township Lavant, now in the Township of Lanark Highlands.

The applicant wishes to sever a 7.4 ha (18.3 ac) residential building lot with an existing dwelling, garage and farm outbuilding located at 805 Flower Station Road and retain a 25.5 ha. (63 ac) landholding.

The property is designated as Rural on Schedule 'A 1' of the Township's Official Plan and zoned Rural on Schedule 'A 1' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

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

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

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

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

2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

#### Conservation Authority – Mississippi Valley Conservation

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

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 7.4-ha parcel of land with an existing dwelling, garage and farm outbuildings, and retain a 25.5-ha vacant landholding.

#### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the entire property has been classified by the Ministry of Natural Resources as a significant deer wintering area. In addition, the southwest corner of the proposed retained land is comprised of a portion of a Provincially Significant Wetland (PSW) referred to as *Joes Lake PSW*. In addition, an unnamed watercourse travels through the southeast corner of the severed lands. Additional details on the property characteristics can be found in the Environmental Impact Statement prepared for the subject application, dated April 30, 2012; an Addendum May 15, 2012; and Supplementary Comments May 29, 2012.

#### REVIEW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, or within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. In order to address this requirement, an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the landowners. In addition, an Addendum to the EIS was received on May 15, 2012 as well as supplementary information on May 29, 2012.

### *Deer Yard*

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, potential impacts upon the deer yard, as a result of this application, have been assessed in the EIS. MVC reviewed the EIS and addendum and concur with its conclusion that the subject application would result in “no significant negative impacts upon the function of the deer yard”. A suitable area for potential future development exists in a clearing located in the southwest corner of the retained lands, beyond the PSW, on the northeast side of a private driveway accessed via the Clyde Forks Rd.

With respect to the severed lands, they are already developed with no new development proposed at this time. Therefore, no impacts to the deer yard are anticipated, from the severed lands.

### *Provincially Significant Wetland*

Provided that the potential future development, on the retained lands, occurs in the clearing located on the northeast side of the private driveway which is accessed via the

Clyde Forks Rd (also described above in the “Deer Yard” section), MVC does not anticipate any impacts to the PSW. We estimate a minimum setback of 62 metres from the PSW, to this clearing.

With respect to the severed lands, they are already developed with no new development proposed at this time. Therefore, no impacts to the PSW are anticipated, from the severed land.

### *Watercourse*

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

## RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objection to the subject application. Potential future development, on the retained lands, should occur in the clearing located on the northeast side of the private driveway which is accessed via the Clyde Forks Rd. The existing forested area on the retained lands should remain largely undisturbed, and pet dogs should not be allowed to roam freely and harass deer.

## NOTES

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, written permission is required from MVC for any interference within 120 metres of the PSW, and prior to any alterations to the shoreline of the watercourse. In addition, any proposed works in or near the watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – A 7.4 hectare parcel of land with an existing farm house serviced by a well and septic system. There is a garage and various farm out buildings. The land is a combination of farm field and forest. Recommendation – additional sandy loam fill may be required in area of future replacement tile bed area.

Retained – A 25.5 hectare vacant parcel of land that is mainly forest. The land is undulating terrain. Land drainage and slopes varies. Recommendation – additional sandy loam fill may be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 7.4-ha landholding with an existing dwelling (314 Flower Station Road), garage and outbuildings, and retain a 25.5-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings together with large vacant landholdings along Flower Station Road. An existing Pit is located to the north west and the Joe's Lake PSW is located to the south. The Hamlet of Clyde Forks is located to the west approx. 1 km. Land designated as aggregate reserve are located on the lands to be retained.

The lands are accessed via Flower Station Road, a municipally maintained road. The retained lands are accessed by both Flower Station Road and Clyde Forks Road, both municipally maintained roads.

Soils Inventory – Name: White Lake

- Stoniness: moderately stony
- CLI: 5 – very severe limitations preclude annual cultivation
- Drainage: rapidly
- Hydrogeology: low run-off

Bedrock Inventory – tectonites, straight

At the request of the Conservation Authority the applicant was required to prepare and submit an Environmental Impact Statement to address Natural Heritage Values and Species at Risk. The EIS prepared by Pinegrove Biotechnical was submitted and reviewed by the Conservation Authority. Conclusions are contained in the MVC report above.

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

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



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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 25, 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 Lanark Highlands.
4. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

5. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC for any interference within 120 metres of the PSW, and prior to any alterations to the shoreline of the watercourse.*
2. *The MVC also advise that, any proposed works in or near the watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
4. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of future replacement tile bed on the severed lands and in the future tile bed are on the retained lands.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

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

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Barchard & Company Ltd. **Hearing Date:** June 25, 2012  
**Agent:** David Read  
**LDC File #:** B12/040  
**Municipality:** Tay Valley Township  
**Geographic Township:** Bathurst **Lot:** 16 **Concession:** 4  
**Roll No.** 0911 916 015 46102 **Consent Type:** R-O-W

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#### **Purpose and Effect:**

To sever an existing right-of-way in favour of the Estate of John Semler at Pt. Lot 16 Conc. 4.

#### **(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

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

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

##### **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 3.5 Natural Hazards, Section 3.6 Rural, 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 10 Rural Zone.

Tay Valley Township advises 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

Official Plan Designation: Rural 8. Organic Soils

• Applicable Sections: 3.6, 2.19.2 8. 5.2.3

Section 3.6 Rural - a Right of Way's are permitted for a residential property. Section 4.5

Private Roads – No new private road is being created.

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/transfers(s) be submitted to the Township."

**(c) PLANNING REVIEW**

The applicant proposes to sever an existing right-of-way, locally known as Semler Lane I n favour of the Estate of John Semler at Pt. Lot 16 Conc. 4 Bathurst.

The r-o-w accesses onto Highway #7. Access to the lands is also available from the north via Bathurst 5<sup>th</sup> Con. However the dwelling and outbuildings are located on the southerly portion of the lot, a distance of approximately 900 metres from the Bathurst 5<sup>th</sup> Con.

The private road, locally known as Semler Lane has provided access to the Semler property since February 1973. Previously access was provided by the 'Quarter Sessions Road' which traversed from the 4<sup>th</sup> Conc Bathurst to the 5<sup>th</sup> Conc. Bathurst came into disrepair following the building of Highway #7 in the early 1930's.

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 – June 25, 2012**

David Reed, agent, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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