



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, May 28, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2012-011**

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

**“THAT, the minutes of the Land Division Committee meeting held on April 30, 2012 be approved as circulated.”**

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-012**

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

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None.

## 6. COMMUNICATIONS

- 6.1 McIntosh Perry Consulting – Julie Stewart, Planner  
Request to consider revision to Consent Application B11/176 – Hughes.  
(Letter and sketch attached)

Options:

- 1/ Approve changes to the provisional consent conditions to reflect the new dimensions as per the e-mail dated May 23, 2012;
- 2/ Defer action to provide for re-circulation of the application; or
- 3/ Refuse to allow revisions to the original application, which would then require the applicant to re-submit new applications.

### MOTION #LD-2012-013

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

“**THAT**, the provisions consent conditions for B11/176 approved April 28, 2012 be amended to reflect the revised sketch based on the e-mail dated May 23, 2012.”

**ADOPTED**

## 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. and 1:30 p.m. public hearings:
- 7.1.1 **B12/005 – Shawn Powell – new lot**  
Pt. Lot 20 Conc 7 Township of Beckwith. (Derry Sideroad)
- 7.1.2 **B12/025 – Gordon and Wilma McIntosh – new lot**  
Lot 52 & 54 Compiled Plan 133, Town of Carleton Place. (Frank Street).
- 7.1.3 **B12/027 – 1760578 Ontario Inc. – new lot**  
Lot 2 & 67 Compiled Plan 1844, Town of Carleton Place. (Henry Street)
- 7.1.4 **B12/029 – H Wolfe and J Pazdzior – new lot**  
Lot 25 Compiled Plan 1222, Town of Carleton Place. (McDonald Street)
- 7.1.5 **B12/033 – Andrew & Glenna Brown – R-O-W**  
Lot 7, 13-28, 35-40 Compiled Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. (Hamilton Street)

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

**None**

**8. CONFIDENTIAL REPORTS**

**None**

**9. NEW/OTHER BUSINESS**

**None**

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B12/005 – Shawn Powell – new lot**

**10.1.2 B12/025 – Gordon and Wilma McIntosh – new lot**

**10.1.3 B12/027 – 1760578 Ontario Inc. – new lot**

**10.1.4 B12/029 – H Wolfe and J Pazdzior – new lot**

**10.15 B12/033 – Andrew & Glenna Brown – R-O-W**

**11. UPCOMING MEETINGS**

Monday, June 25, 2012 @ 9:00 a.m.;  
Monday, August 20, 2012 @9:00 a.m.;  
Monday, September 24, 2012 @9:00 a.m.; and  
Monday, October 29, 2012 @9:00 a.m.

**12. ADJOURNMENT – 10:30 a.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Shawn Powell

**Hearing Date:** May 28, 2012

**Agent:** n/a

**LDC File #:** B12/005

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 20     **Concession:** 7

**Roll No.** 0924 000 020 15800

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 3.645-ha residential building lot and retain a 17.55-ha lot with an existing dwelling at 2001 Derry Sideroad.

<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>	3.645-ha	17.55-ha
<b>Frontage</b>	270 m	365 m
<b>Depth</b>	27 m	295 m
<b>Road - Access to</b>	Municipal	Municipal Road
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Official Plan Designation</b>	Rural and Wetland	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Rural	Rural and Wetland
<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 development Policies, Section 4.5 Division of Land, Section 6.5 Wetlands, Section 6.6 Rural Lands, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone, Section 13 Wetland 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

##### Provincially Significant Wetlands

The applicant wishes to sever a triangular shaped, 8.13 acre parcel from the subject property. The severance would possess approximately 270m of frontage

along Derry Side Road. The applicant has prepared an Environmental Impact Statement in support of the severance; Rideau Valley Conservation Authority has

no objections to the application provided the applicant enters into a development agreement with the Township to regulate development within the 120m buffer distance of Provincially Significant Wetlands, and that a copy of the EIS is made available to future purchasers.

#### Provincial Policy Statement Considerations:

Section 2.1.4 of the PPS prohibits development within PSW areas. The proposed severance contains a minor portion of PSW land; however, the accompanying EIS statement requires a 70m setback from all PSW land. The application is consistent with the intent of this policy.

Section 2.1.6 of the PPS prohibits development within areas adjacent (120m) of PSW land, unless an EIS has been prepared in support of the application. The applicant has prepared an EIS that supports the applicant. The application is consistent with the intent of this policy.

#### Official Plan Considerations

Section 4.5.1 (xv) states that division of land will not be allowed for a parcel of land subject to flooding or other physical condition which would make it unsuitable for intended use unless the proposed lots contain sufficient suitable land to safely accommodate all buildings, structures and sewage disposal facilities. The applicant has prepared an EIS that indicates the new parcel is capable of accommodating a new dwelling without generating adverse effects for the surrounding environment.

Section 4.5.2(iii) states that the approval of any consent applications within the Special Service Area will include a condition that the applicant will enter into a development agreement with the Township to participate within the water monitoring program.

The subject property is designated as Wetland in the Official Plan. The policies of Section 6.5 indicate that the boundaries of the Wetland designation are derived from MNR mapping and can be considered as general. As the RVCA has confirmed that only a small portion of the proposed severance is PSW, Council can use this information to support a minor adjustment to the wetland boundary. The designation for the proposed severance area should be considered as Rural, which is the adjacent designation.

#### Zoning By-Law Considerations

The subject property is zoned Rural. Within the Rural zone, minimum lot requirements are the following:

Lot Area (minimum)	4000 m <sup>2</sup>
Lot Frontage (minimum)	45 m
Yard Requirements (minimum)	
- Front	15 m
- Rear	15 m
- Exterior Side	15 m
- Interior Side	3 m
Building Height (maximum)	9 m
Lot Coverage (maximum)	10%

Floor Area (minimum)	75 m2
Dwellings Per Lot (maximum)	1

The applicant has proposed to create an 8.15 acre building lot with 270m of frontage. The remaining performance standards of the Rural zone could be achieved prior to the building permit being issued.

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

1. That the applicant enter into a development agreement with the Township of Beckwith confirming participation within the water monitoring program, as required by the Official Plan;
2. That the applicant obtain a Site Plan Control Agreement prior to undertaking any development or site alteration;
3. That a paper copy of the registered reference plan be provided to the Township of Beckwith.

NOTES: That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all provincial legislation and municipal by-laws.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted *revised* application to sever an 8.15 acre residential lot on private services. The lot is proposed as a triangular shape fronting 270 metres down Derry Side road measured southeast from Glenashton, then stretching approx. 250 metres to the south west, turning 45 degrees back to the corner of Glenashton and Derry Side Road (see attached RVCA Map 'A').

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

Hazards (Flooding, Unstable slopes, soils and bedrock)

The RVCA has no site specific information on natural hazards affecting this site. However, the presence of the wetland and its proximity to an area to the west which may be subject the 1: 1 00 year floodplain indicates that additional attention should be paid to locating the building envelope on the upland portion of the proposed lot.

Natural Heritage

There are no natural heritage issues *precluding* the approval of these applications; however the site is affected by the Provincially Significant Wetland known as the Goodwood Marsh.



Most of the retained lot and the real' of the proposed severed lot are situated within the Provincially Significant Wetland (PSW) known as Goodwood Marsh. The remainder of both parcels are also almost entirely within the 120 metre adjacent lands setback of the Provincially Significant Wetland. Section 2.1.6 of the 2005 Provincial Policy Statement states that: "*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies ... 2.1.4 [significant wetlands south and east of the Canadian shield] ... unless the ecological functions of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*"

An environmental impact statement "*Second Addendum to the Environmental Impact Statement of January 6, 2011 for Shawn Powell*" dated March 20, 2012, prepared by Hans K von Rosen was submitted to support this revised severance application.

Based on the information provided and our mapping, there appears to be an acceptable development envelope to construct a residence and associated private services on the proposed lot; however it is within the 120 meter adjacent lands.

The 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. Construction of the new residence and associated services (sewage system, access driveways, auxiliary buildings etc.) will require a permit (under O.Reg 174/06), supported by a site specific development plan detailing the location of the development envelope and associated mitigation measures in accordance with the environmental impact statement prepared in support of this severance.

#### Recommendation

We wish to advise the committee that the Conservation Authority has no objection to this applications; provided the following condition of severance is imposed on the severed lot:

"That the applicant enter into a Development Agreement between the Township and the owner notifying future owners that the lot is partially within the boundaries of the Provincially Significant Wetland (PSW) known as the Goodwood Marsh Swamp, and almost entirely within the 120 metre adjacent lands. The Provincially Significant Wetland and associated 120 metre buffer lands are subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration, including construction, grading, private servicing and development of access driveways/routes within this boundary requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation. The application must be supported by a site specific development plan detailing the location of the development envelope and associated mitigation measures in accordance with the environmental impact statement prepared to create the lot."

The environmental impact statement "*Second Addendum to the Environmental Impact Statement of January 6, 2011 for Shawn Powell*" dated March 20, 2012, prepared by Hans K von Rose and the attached RVCA regulation mapping should be appended to the development agreement, 011 file at the Township for the benefit of new owners.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – a 3.645 hectare vacant parcel of land. Land has areas of bush and trees. Land has areas of wetland. Recommendation – Additional sandy loam fill will be required in area of future replacement tile bed.

Retained – 1 17.55 hectare parcel of land with an existing (newly built) house which is serviced by a well and septic system (sewage permit # 55728). Civic address is 2001 Derry Sideroad. Land drainage varies. 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 original application indicated an area of 5.1-ha, measuring 175 m frontage and 295 m depth. Due to the proximity of the proposed lot in relation to the PSW, locally known as Goodwood Marsh, the applicant was required to provide an Environmental Impact Statement. This report was prepared by Hans von Rosen. Through the review of the report by the Conservation Authority, the applicant agreed to amend the application, to remove those lands that were within the PSW policy area.

As a result the revised proposed is to sever a 3.645-ha residential building lot and retain a 17.55-ha landholding with an existing dwelling located at 2001 Derry Sideroad. The proposed lot is a triangular piece of land; however this configuration ensures that the building envelope on the lands will meet the setback requirements adjacent to the PSW. An Addendum to the EIS was provided on the revised lot configuration. This report concluded that “while the severance intrudes into the wetland adjacent forest, it does not intrude into the wetland area. A future residential building on the severed site would have no significant negative impacts on Natural Heritage Values, provided mitigating conditions were imposed in the building permit to protect the lowland timber in the wetland adjacent zone.”

The subject lands are located in an area characterized by Residential and vacant landholdings on large land parcels holdings along Derry Sideroad. Two Rural Subdivisions are located along Glenashton Road, west and east of the lands to be severed. Lands in this area have numerous development constraints, consisting of wetland, flood plain and agriculture.

The lands are accessed via Derry Sideroad, 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 – May 28, 2012**

Shawn Powell, owner attended the hearing and gave evidence under oath.

Mr. Powell advised that the lot configuration was as a result of discussions with the Conservation Authority regarding the PSW and setbacks requirements.

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 the Township of Beckwith.
4. That the applicant enter into a "Development Agreement" with the Township of Beckwith confirming participation in the water monitoring program, as set out in the Township's Official Plan Section 4.5.(iii).
5. 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.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of April 2, 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
8. 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 Township of Beckwith advises that prior to any development or site alteration the developer will be required to enter into a "Site Plan Control Agreement" with the Township of Beckwith.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future tile bed area on the severed lot and additional sandy loam fill will be required in any future replacement tile bed area on the retained lot..*
5. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Gordon & Wilma McIntosh

**Hearing Date:** May 28, 2012

**Agent:** Jim McIntosh

**LDC File #:** B12/025

**Municipality:** Town of Carleton Place

**Geographic Township:**

**Lot:** 52 and 5, Plan 133

**Roll No.** 0929 020 045 03000

**Consent Type:** new lot

**Purpose and Effect:**

To sever a 321sq.m. residential building lot and retain a 516 sq.m. residential lot with an existing dwelling located at 93 Frank Street.

<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>	321 sq.m.	516 sq.m.
<b>Frontage</b>	12 m	19.4 m
<b>Depth</b>	26.6 m	26.6 m
<b>Road - Access to</b>	Municipal	Municipal Road
<b>Water Supply</b>	Piped water	Piped water
<b>Sewage Disposal</b>	Sewage system	Sewage system
<b>Official Plan Designation -Conformity?</b>	Residential Yes	
<b>Zoning Category</b>	Primary Residential	Primary Residential
<b>-Coverage</b>	60%	60%
<b>-Frontage Required (min.)</b>	10.6 m	10.6 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

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

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

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

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

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

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

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

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

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

#### Town Planners Report

A consent application has been received for the property known municipally as 93 Frank Street as shown on the attached key map. The lot is located on the east side of Frank Street.

The severed lot would be approximately 12 metres wide and 321 m<sup>2</sup>. The retained parcel would be approximately 19.4 metres wide and 516 m<sup>2</sup>. There is an existing house on the retained portion of land.

#### COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create an infill building lot. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law. The applicant will be required to provide building elevations and a plan that demonstrates how a house will be able to be accommodated on the retained lot. The design of the residential unit will be required to retain the character of the community as inventoried in the Development Permit Bylaw.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Surveyor Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
6. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.

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 321 sq.m. residential lot and retain a 516 sq.m. residential lot with a single family dwelling located at 93 Frank Street.

The subject lands are located in an area characterised by Residential on typical urban type lots along Frank Street.

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

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

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

**(d) PUBLIC INPUT**

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



(e) **MINUTES – May 28, 2012**

Jim McIntosh, agent attended the hearing and gave evidence under oath.

Mr. McIntosh advised that the draft house design has been submitted to Carleton Place, and that they plan to construct the dwelling as soon as the consent has been finalized.

The committee expressed concerns that if this land were to remain vacant and sold at a later date that there is no information on the deed that there are restrictions to development under the Development Permit By-law. Mr. McIntosh agreed to a clause being included to be registered on title to this effect.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are subject to development restrictions in accordance with the Development Permit By-law of the Town of Carleton Place".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
6. The applicant shall satisfy the Town of Carleton Place requirements to ensure that the proposed lot has sufficient area for development under the Development Permit System. The applicant shall also supply sufficient information to ensure

that development of the proposed lot can maintain the natural landscape pattern of the neighbourhood. (These requirements are generally satisfied through submission of a “Building Elevation Plan” and a “Landscape Plan” - details of which are available from the Town of Carleton Place Planning Department.)”

7. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed lands to the satisfaction of the Town of Carleton Place.
8. The applicant shall provide the Town of Carleton Place with satisfactory evidence by way of a surveyor’s report to confirm the setback for the existing building to the new property lines and existing property lines met the Ontario Building Code and Development Permit By-law.
9. A letter shall be received from the Town of Carleton Place stating that condition #4 through #8 has been fulfilled to their satisfaction.

**NOTES**

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 1760578 Ont. Inc.

**Hearing Date:** May 28, 2012

**Agent:** Reg Pye

**LDC File #:** B12/027

**Municipality:** Town of Carleton Place

**Geographic Township:**

**Lot:** 2 & 67 Plan 1844

**Roll No.** 0928 030 055 12600

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 302.27 sq.m. lot with an existing semi-detached dwelling unit at 191 Henry Street and retain a 251.62 sq.m. lot with an existing semi-detached dwelling unit at 193 Henry Street.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Proposed Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Area</b>	302.27 sq.m.	251.62 sq.m.
<b>Frontage</b>	10.98 m	9.14 m
<b>Depth</b>	27.53 m	27.53 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Piped Water	Piped Water
<b>Sewage Disposal</b>	Sewage disposal	Sewage Disposal
<b>Official Plan Designation -Conformity?</b>	Residential Yes	
<b>Development Permit Category</b>	Primary Residential	Primary Residential
<b>-Coverage</b>	60%	60%
<b>-Frontage Required (min.)</b>	7.5 m	7.5 m
<b>-Compliance?</b>	Yes	No

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

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

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

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

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

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

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

## **(b) AGENCY REVIEW**

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

### Town of Carleton Place – Planner's Report

A consent application has been received for the property known municipally as 191-193 Henry Street and as shown on the attached key map. The lot is located on the north side of Henry Street.

The severed lot would be approximately metres 10.98 wide and 302.2 m<sup>2</sup>. The retained parcel would be approximately 9.14 metres wide and 251.6 m<sup>2</sup>. There is an existing semi-detached house on the property and the effect of the application will create two individual lots with existing dwellings.

### COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create two residential units that can be sold individually. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law.

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

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

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 302.27 sq.m. residential lot and retain a 251.62 sq.m. residential lot. This will permit the division of the lot to provide for a semi-detached dwelling unit (ownership lots), along the dividing foundation lines of the unit to permit separate ownership of each of the two (2) units.

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

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

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – May 28, 2012**

Reg Pye, agent attended the hearing and gave evidence under oath.

Mr. Pye advised that the owner wished to sell both portions of the existing semi-detached dwelling and therefore has submitted an application.

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 the Town.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
5. That the applicant provides the Town with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. A letter shall be received from the Town of Carleton Place stating that condition #3 through #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Heinz Wolfe & J Pazdzior

**Hearing Date:** May 28, 2012

**Agent:** n/a

**LDC File #:** B12/029

**Municipality:** Town of Carleton Place

**Geographic Township:**

**Lot:** 25 Plan 1222

**Roll No.** 092401002037500

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 235.46 sq.m. residential lot with an existing semi-detached dwelling unit at 127 McDonald Street and retain a 235.46 sq.m. residential lot with an existing semi-detached dwelling unit at 125 McDonald Street.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Proposed Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Area</b>	235.46 sq.m.	235.46 sq.m.
<b>Frontage</b>	7.62 m	7.62 m
<b>Depth</b>	30.49 m	30.49 m
<b>Road - Access to</b>	Municipal	municipal
<b>Water Supply</b>	Piped Water	Piped Water
<b>Sewage Disposal</b>	Sewage Disposal	Sewage Disposal
<b>Official Plan Designation -Conformity?</b>	Residential Yes	
<b>Development Permit Category</b>	Primary Residential	Primary Residential
<b>-Coverage</b>	60%	60%
<b>-Frontage Required (min.)</b>	7.5 m	7.5 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

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

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

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

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

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

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

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

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

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

Town of Carleton Place - Planner's Report

A consent application has been received for the property known municipally as 125-127 McDonald Street and as shown on the attached key map. The lot is located on the north side of McDonald Street.

The severed lot would be approximately 7.62 m wide and 235.46 m<sup>2</sup>. The retained parcel would be approximately 7.62 metres wide and 235.46 m<sup>2</sup>. There is an existing semi-detached house on the property and the effect of the application will create two individual lots with existing dwellings.

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create two residential units that can be sold individually. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law.

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



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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 235.46 sq.m. parcel of lands with an existing semi-detached dwelling unit at 127 McDonald Street and retain a 235.46 sq.m. parcel of land with a semi-detached dwelling unit located at 125 McDonald Street.

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

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

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – May 28, 2012**

Heinz Wolfe, owner attended the hearing and gave evidence by affirmation.

Mr. Pye advised that the semi-detached dwelling had been constructed in 2001 and met all the Town's By-laws and Building Code requirements.

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 the Town of Carleton Place.
4. That the applicant provide a digital copy of the reference plan in NAD83 Datum file format to the Town of Carleton Place.
5. That the applicant provides the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. A letter shall be received from the Town of Carleton Place stating that condition #3 through #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Andrew and Glenna Brown

**Hearing Date:** May 28, 2012

**Agent:** n/a

**LDC File #:** B10/144

**Municipality:** Town of Mississippi Mills

**Geographic Town:** Almonte

**Lot:** 17

**Plan:** 6262

**Roll No.** 0931 010 015 07000

**Consent Type:** Easement

**Purpose and Effect:** To sever an existing easement over Lot 17 Compiled Plan 6262 to the balance of the lands owned by Andrew and Glenna Brown. The lands are accessed via Strathburn Street. This is a resubmission of Application B10/144 that was allowed to lapse.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	R-O-W	Vacant
<b>Proposed Use</b>	R-O-W	Vacant
<b>Area</b>	n/a	No change
<b>Frontage</b>		
<b>Depth</b>		
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	None	Proposed
<b>Sewage Disposal</b>	none	Proposed
<b>Official Plan Designation -Conformity?</b>	Residential Yes	
<b>Zoning Category</b>	Low Density Residential n/a	Low Density Residential

**(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.

Official Plan – Section 6 Residential, Section 4 General Policies, Section 5.3.11 Consent to Sever.

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

Zoning By-law - Section 6 General Provisions, Section 10 Residential Type 1 Zone  
The Town of Mississippi Mills that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

Town of Mississippi Mills – Planner’s Report

Background

Andy and Glenna Brown currently own approximately 19.7ha (48.8ac) acres of land on the north side of Strathburn Street. Of the 19.7ha (48.8ac) holding, 186.4m<sup>2</sup> (2.27 acres) of land located on north-west corner of Strathburn Street and Malcolm Street, in Almonte Ward was severed in 2004 to create a retirement lot. The property currently has a Community Official Plan designation of Residential. The land holdings, with the exception of the retirement lot are zoned Development (D) Zone. The retirement lot is zoned Residential Type 1 Special Exception 19 (R1-19) Zone. The applicant is proposing to create a temporary easement over the retirement lot, to provide access to the existing dwelling, and to correct the title of the parcel of land that supports the existing dwelling.

Severance Application Summary - Lot Severance 1 (B08/083)

This application is to create a temporary easement to provide access to the existing dwelling. In 2004, the owners were granted a retirement lot on the original property. The driveway access to the original farm dwelling crossed over the retirement lot (refer attached to sketch). In addition to the easement, a subdivision was approved prior to the inception of the Planning Act. There are concerns that while the lot has an individual Property Identification Number (PIN) the title should be clarified. Which will be done through the process.

Community Official Plan Policies

Section 5.3.11 of the Community Official Plan allows for the granting of right of ways or easements within the Town of Mississippi Mills. In this particular case, the easement is necessary to provide a legal access to the original farm dwelling. The original land holding has been divided by a subdivision which has been identified under Plan 6262. The right of ways have been assumed by the Municipality, but the roads have not been built. As a result, the only access to the original lot is over the existing driveway. In order to protect the access to the house and the parcel of land on which the driveway crosses, a temporary easement is required. The intent is that the easement would be temporary and would be removed once the subdivision comes on line and is built. At that time the easement would be removed.

A lot, for the original property with the house, was created as a result of the subdivision. There are concerns, from a legal perspective, that the legal description for this lot should be clarified. As a result, the applicant will correct the title by consent to reflect the existing lot.

Zoning By-law

Each of the two subject properties are zoned differently. When the retirement lot was created in 2004, the property was rezoned to R1-19. The remaining lands, including the subject for title clarification, are currently zoned Development (D) zone. The R1-19

allows for a single family dwelling to be serviced by a septic and well. The Development (D) Zone limits the “uses, buildings and structures legally existing at the date of the passing of the by-law”.

In this case, the dwelling and accessory buildings were part of the original farm dwelling and therefore are legally permitted. Furthermore the proposed lot is consistent with the lot that created by the subdivision. As a result, the proposed severance will not require any changes to the existing zoning and is consistent with the by-law.

#### Conclusion

The proposed severances are consistent with both the Official Plan and the current zoning by-law. The proposed severances will bring a very large parcel of land more in tune with the surrounding community while accommodating the required setback, such as the setback from the railway, and providing sufficient land to be developed.

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 reference plan to the Town;
3. That the applicant pay any outstanding property taxes on the subject property; and
4. The applicant shall enter into a consent agreement regarding the temporary easement,

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

The applicant proposes to sever an existing r-o-w / easement over lands that were previously created by consent B2004/105. The r-o-w / easement was inadvertently missed being described in the deed for the lands described as Compiled Plan 6262 being Part 1 on Reference Plan 27R-8621.

This r-o-w received provisional consent on November 19, 2010 and was allowed to lapse.

The r-o-w/easement is accessed via Strathburn Street, a municipally maintained road.

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

#### (d) **PUBLIC INPUT**

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

(e) **MINUTES – May 28, 2012**

Andrew and Glenna Brown, owners attended the hearing and gave evidence under oath.

Mr. Brown advised that they had discussed with the Town the requirement for the r-o-w to be temporary and that this r-o-w will be eliminated if and when a subdivision is established on the Park Lot of Plan 6262.

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 the Town of Mississippi Mills.
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. That the applicant enter into a "Development Agreement" with the Town of Mississippi Mills with regards to the temporary easement in accordance with Section 5.3.11 of the Community Official Plan.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #6 has been fulfilled to their satisfaction.