



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, September 24, 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-2012-019

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

"THAT, the minutes of the Land Division Committee meeting held on August 20, 2012 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2012-019

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

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

5. DELEGATIONS & PRESENTATIONS

5.1 OMB – decision Quesnelle vs Town of Mississippi Mills. Received for information.

6. REPORTS

i) New Applications to be Heard

6.1 B12/050 – Lourdes Chartrand – new lot

Pt. Lot 17 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (Scotch Line Road).

6.2 B12/052 – Janet and Wesley Allan – Lot Addition

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

6.3 B12/053 – Kevin B Poitras – lot addition

Pt. Lot 6 & 7 Conc. 8, geographic Township of South Sherbrooke, now in Tay Valley Township. (Clear Lake Lane 31).

6.4 B12/059 – Thomas Gardiner – lot addition

Pt. Lot 4 Conc. 9 Township of Beckwith. (Blue Jay Lane)

6.5 B12/060 – William Douglas Ferguson – Lot Addition

Pt. Lot 3 Conc. 3, geographic Township of Ramsay, now in the Town of Mississippi mills. (Highway No. 7)

6.6 B12/072, B12/073 and B12/074 – John & Susan Reynolds – 3 new lots

Pt. Lot 7 Conc. 6 Township of Montague. (William Campbell Road)

6.7 B12/083 and B12/084 – Robert Michaelis – 2 new lots

Pt. Lot 20 Conc. 3, Township of Montague. (Rosedale Road South)

6.8 B12/094 – 2023918 Ontario Ltd – Lot Addition

Pt. Lot 15 Conc. 10, geographic Township of Ramsay Town of Almonte), now in the Town of Mississippi Mills. (Industrial Drive)

ii) Applications Previously Heard and Awaiting a Decision

None

7. CONFIDENTIAL REPORTS

None.

8. NEW/OTHER BUSINESS

8.1 Procedural Manual – The draft Procedural Manual was presented for review. To be brought to next meeting for further discussion.

8.2 Review 2013 Meeting Schedule – The first quarter meeting schedule was reviewed and revised as follows:
March 25 – change to April 9
April 22 – change to April 29

8.3 OEMC Conference Update – Dan Murphy provided an overview of the conference held in Kingston. Workshops attended: Aggregates and Bedrock, Bombardier Test Centre, King Coil.

9. UPCOMING MEETINGS

Additional hearing to deal with the backlog of consent applications.

MOTION #LD-2012-020

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“**THAT**, the LDC schedule an additional hearing on Tuesday October 16, 2012 at 9:00 a.m. (hearing at 10:00 a.m.) **ADOPTED**”

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

9.1.1 B12/050 – Lourdes Chartrand – new lot

6.2 B12/052 – Janet and Wesley Allan – Lot Addition

6.3 B12/053 – Kevin B Poitras – lot addition

6.4 B12/059 – Thomas Gardiner – lot addition

6.5 B12/060 – William Douglas Ferguson – Lot Addition

6.6 B12/072, B12/073 and B12/074 – John & Susan Reynolds – 3 new lots

6.7 B12/083 and B12/084 – Robert Michaelis – 2 new lots

6.8 B12/094 – 2023918 Ontario Ltd – Lot Addition

11. UPCOMING MEETINGS

Tuesday, October 16, 2012
Monday, October 29, 2012,
Monday, November 26, 2012, and
Monday, December 17, 2012

Bob Strachan advised that he would not be available to attend the November Meeting.

12. ADJOURNMENT – 11:30 a.m.

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

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Lourdes Chartrand **Hearing Date:** September 24, 2012
Agent: n/a
LDC File #: B12/050
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 19 **Concession:** 9
Roll No. 0911 911 015 58200 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.6-ha residential building lot together with a r-o-w in favour of others and retain a 1.6-ha residential lot with an existing dwelling at 4275 Scotch Line Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.6-ha	1.6-ha
Frontage	110 m	110 m
Water Frontage	58 m	58 m
Depth	260 m	260 m
Road - Access to	County Road	County Road
Water Supply	Proposed	Private well
Sewage Disposal	proposed	Septic system
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Limited Services Residential	Limited Services Residential
-Area Required (min.)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.2 County Roads, 4.3.3 County Roads Policies, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 General development Policies, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 5.3 Limited Services Residential Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Notes

The proposal is sever a 2 ha residential building lot together with a right-of-way in favour of others over the retained lot and a common access owned by Tay Valley Township, and retain a 2 ha residential lot with an existing dwelling at 4275 Scotch Line Road. Indicate the following: • Official Plan Designation: Rural

Zoning By-law Category: Limited Service Residential

-Applicable Sections: 5.3 - The proposed residential use for the severed lands is permitted. The severed and retained lands meet minimum lot size and minimum frontage.

Rideau Valley Conservation Authority - has no objection to the proposed severance provided that: A minimum 30 metre setback be maintained for development and disturbance from the normal high water mark of Grant's Creek. Within the setback there should be no disturbance or development, except to accommodate modest waterfront access (modest pedestrian path to modest dock). Should there be waterfront access or shoreline alterations proposed, it is recommended that the owner strive to limit alteration to the waterfront slope.

MRSSO - has no objection to the severance as proposed. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required.

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 for each application;
4. That, the applicant submit to the Township the \$200 cash-in-lieu of parkland requirement for each application;
5. That, the applicant obtain an easement from the Township for the purpose of access to the proposed severed lot."

Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application and undertaken a site visit in the company of the owners. We offer the following comments based on:

- Section 2.1 Natural Heritage ~ wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplains) of the Provincial Policy Statements per Section 3 of the Planning Act.
- The Federal Fisheries Act 35(2),
- Waterfront setbacks and best management practices derived from the "Rideau Lakes Study" (1983); the study considers the effects of development on phosphorous loading and the protection of recreational water quality on waterbodies within the Rideau watershed;.
- The, Rideau Valley 'Conservation Authority regulation O.R. 174-06 Development, Interference with Wetlands and Alterations to Shorelines" as per Section 28 of the Conservation Authorities Act.

The proposed severance will result the creation of a 2 hectare lot and a 2 hectare retained parcel with frontage on Grants Creek.

This site possesses typical shield topography, undulating terrain defined by bedrock outcropping, shallow soils and stable maturing mixed deciduous / coniferous forest cover. The creek's shoreline has some locally recognized wetland patches, mainly on the retained parcel. The severed parcel has hard shoreline, rising from the water to crest very generally around the 30 metre mark. From this point the land falls and rises over the depth of the lot.

We recommend a minimum 30 metre setback be maintained for development and disturbance from the normal high water mark of Grant's Creek. Within this setback, there should be no disturbance or development, except to accommodate modest waterfront access (modest pedestrian path to modest dock. In general, should there be waterfront access or shoreline alteration proposed, we recommend that the owner strive to limit alteration to the waterfront slope. In this respect, prior written approval is required for any alteration to the shoreline of Grant's Creek is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act.

Provided our regulatory concerns are addressed in the decisions, the RVCA has no objection to the proposed severance.

Trusting this is of assistance. Please advise us on the Committees decision respecting this application or any changes in the status of the application.

Thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

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

A site visit was conducted at the above mentioned property by our office on May 4, 2012, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately 2 hectare parcel, from the western portion of the retained parcel to create a new lot. The proposed lot is comprised of mixed woods, exposed rock and open pits. There is a trailer onsite that the property owner confirms is used for storage, with no electricity or water connected. No test pits were present for inspection.

The retained parcel is approximately 2 hectares. The retained parcel is currently developed with a dwelling and secondary treatment unit as the sewage system (no permit on file). The retained parcel has areas of exposed rock, moderately treed and contains a large wetland.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all water bodies. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

County Public Works Department

- 1/ The applicant has an approved existing entrance to the County Road. Permit No. 2381.
- 2/ Severed and retained lands both to gain access from existing entrance, Permit # 2381.
- 3/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks –

Conducted a field visit to 4275 Scotch Line Road, L 17 Con 9 North Burgess, and spoke to applicant concerning the overhead hydro line and how it would affect the severance application. The existing hydro line is a 4800 volt, privately owned overhead. This line is currently feeding their residence, and a portion of the line crosses the "LANDS TO BE SEVERED" as shown on attached sketch. Hydro One has no ownership in this line, however I would recommend that an easement be established across severed portion to avoid future conflicts, an alternative to this would have the owner relocate a portion of line so that all of the overhead hydro line remain on "LANDS TO BE RETAINED". Both options were discussed with the owner.

Hydro One has no ownership in this line, however when conflicts arise in these matters we (Hydro One) are usually the first party contacted to help resolve the issue, and if we can circumvent these conflicts, so much the better,

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

(c) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.6-ha residential building lot and retain a 1.6-ha residential lot with an existing dwelling at 4275 Scotch Line Road together with a right-of-way across the severed lands to the retained lands and others.

The subject lands are located in an area characterized by Residential on along the south side of the Scotch Line Road; large landholdings are to the north of the road.

The lands are accessed via Scotch Line Road, a county maintained road. No new entrance will be permitted.

Bedrock Inventory – Marble, Calc-cilicate, skarn

The lands are located within 300 m of Primary Water Source (Grant's Creek) and therefore are subject to archaeological potential.

The proposed lot is located near the outlet of Pike Lake and therefore consideration should be taken in the findings in the Lake Report for Pike Lake.

A 'State of the Lake Environment Report' was undertaken on Pike Lake between 2001 and 2008. The report was able to conduct a comparison between water quality conditions as they existed in 2008, to results obtained 35 years earlier. In general the lake is in reasonably good shape. Test results for the lake vary greatly, depending on weather conditions of the previous year, winter temperatures, spring runoff and temperature and precipitation pattern through the spring and into the summer. The sampling over time has not provided a definitive pattern to the elevated nutrient concentrations. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Neither species were detected. Precautions need to be taken to avoid the spread of invasive species from other lakes.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986. The subject property was created in 1976, has not been previously severed and therefore meets the criteria set out in the Official Plan re: new lot creation.

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

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

Zoning

The subject property is currently zoned Limited Services Residential (RLS). This zoning classification permits only single family dwellings. Both lot area and lot frontage exceed the required minimums as set out in the Zoning By-law.

Conclusion

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, the County Official Plan 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 – September 24, 2012**

Lourdes Chartrand, owner attended the hearing and gave evidence under oath.

Ms Chartrand advised that in discussion with Hydro One, that if the lot line between the severed and retained were adjusted slightly, then the hydro line would be located on only one lot, and that an easement would not be required. This would mean that the severed lot would be possibly 1.5-ha rather than 1.6-ha. The committee agreed that this would fall within the 10% to 15% variance, and would be an acceptable revision.

Ms. Chartrand confirmed that the lands were adjacent to Grants Creek, easterly of the outlet of Pikes Lake. And that a small portion of land is shown in Land Titles at the entrance to her property.

Ms. Chartrand also advised that the r-o-w shown approximately in the middle of the lots is an old road used to travel to the old mica mine located westerly of her property and is not used any more. Also that she was not aware of any legal r-o-w over this road.

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. An appropriate right-of-way shall be granted to the owners of the lot to be retained over the lot to be severed.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. An appropriate easement shall be granted to the HydroOne, if required, over the lands to be severed. The applicant shall consult directly with HydroOne, Perth in this regard.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. 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.
8. 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.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. Payment of \$200 shall be made to Tay Valley Township 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. The applicant shall obtain an easement from Tay Valley Township for the purpose of access to the proposed severed lot.
12. Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 has been fulfilled to their satisfaction.
14. A letter shall be received from HydroOne, Perth stating that condition #5 has been fulfilled to their satisfaction.

15. A letter shall be received from Tay Valley Township stating that condition #6 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic System Office advises that due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
- a. *The RVCA recommends a minimum 30 metre setback be maintained for development and disturbance from the normal high water mark of Grant's Creek. Within this setback, there should be no disturbance or development, except to accommodate modest waterfront access (modest pedestrian path to modest dock. In general, should there be waterfront access or shoreline alteration proposed, we recommend that the owner strive to limit alteration to the waterfront slope. In this respect, prior written approval is required for any alteration to the shoreline of Grant's Creek is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act.*
2. *Residents and users of Pike Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *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: Wesley & Janet Allan **Hearing Date:** September 24, 2012
Agent: n/a
LDC File #: B12/052
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 10 **Concession:** 10
Roll No. 0919 919 020 15600 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.402-ha parcel of land as a lot addition to lands owned by Wesley and Janet Allan, being Pt. 3 on Reference Plan 27R-4637 and to retain a 33.0-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Vacant
Area	0.402-ha	33-ha
Frontage	57.63 m	373 m
Depth	69.77 m	630 m
Road - Access to	Municipal	Municipal
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a – lot addition	10.0-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land. The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

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

It is my understanding that this severance application seeks to sever a 0.402 hectare (1 acre) parcel from lands owned by Wesley and Janet Allen and convey those lands as a lot addition to Alan McVeigh, who is purchasing an adjacent 1 acre building lot. The retained lands, roughly 33 hectares (82 acres) in size, are vacant and almost entirely wooded and front on Drummond Concession 10A. Three building lots, each about 1 acre in size, were previously severed from this landholding around 1990. Two of the lots are adjacent to each other and already developed. The third lot, to be purchased by Mr. McVeigh, is a short distance down the road and this lot addition will effectively double the frontage on Concession 10A and fill in the space between the lots. The lands to be added are presently vacant.

The severed and retained lands are all designated Rural in the Township's Official Plan and zoned Rural in the Zoning By-Law. No influence areas have been noted, although the severed and retained lands are located within "potentially significant woodland." While the Ministry of Municipal Affairs and Housing approved the Township's new Official Plan on July 5th, since this application was submitted before that date, Staff are evaluating it according to the policies of the former Plan. Staff note that the original Allan lands have already had their maximum three severances and as such, while the requested severance meets the zoning provisions for a new lot; it can only be processed as a lot addition to enlarge an existing lot. Staff also reviewed Section 4.3 of the Plan

(Rural Designation) and note that this application is consistent with it. While not yet in effect at the time of the application, Staff had regard to the policies of the 2011 Official Plan regarding

significant woodlands and note that a lot was already approved within what is now considered potentially significant woodland and now this lot is looking to increase in size, which should have no cumulative impact on the woodland. Given the above, it is my opinion that this application is consistent with the provisions of the Official Plan. Additionally, I note that this application is fully compliant with the Zoning By-Law.

Given the foregoing, Drummond/North Elmsley Township supports the above 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 Drummond / North Elmsley - recommends approval of this application subject to the following conditions:

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ The severed lands shall be for a lot addition only to adjacent lands as identified in the Application

Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 0.4 ha as a lot addition to the adjacent lands. We also understand that the retained land is 38 ha. The retained, severed, and lot to be enlarged are all vacant.

PROPERTY CHARACTERISTICS

According to a review of aerial photography, the retained land consists of a relatively large unclassified wetland. In addition, an unnamed tributary of the Mississippi River travels through the retained lands. No natural heritage features or natural hazards were identified on the severed lands or lands to be enlarged

REVIEW

Natural Heritage Values

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

Natural Hazards

Organic Soils - Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development.

Sufficient area appears to exist on the proposed retained lands to accommodate future development outside of areas consisting organic soils.

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

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject lot addition. The following mitigative measures should be adhered to for any future development on the proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and the wetland.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, watercourse, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland and watercourse to a leach pit or well-vegetated area to allow for maximum infiltration.
3. The vegetation along the shoreline of the wetland and watercourse shall be maintained to a minimum depth of 15 metres.
4. Wetland shall remain undisturbed.

NOTES

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

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

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

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 – Wooded lot sloping gently away from the road. 10-30 cm of sandy loam on top of rock. Drainage is fair. Recommendation – the severed lot is an addition to an existing lot. This addition will allow more room for on-site sewage disposal on the existing lot.

Retained – Similar in condition to the severed portion. A large bush lot. Recommendation – severing this relatively small section will not negatively impact the capacity for on-site sewage disposal on the retained lands.

(c) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.402-ha parcel of land as a lot addition to lands owned by Wesley and Janet Allan described as Pt. 3 on Reference Plan 27R-4637 and to retain a 33.0-ha vacant landholding. The Allen's are currently in the process of selling the building lot, and the prospective purchaser desires to have a large lot that the 0.4-ha lot described as Part 3.

The subject lands are located in an area characterized by rural on large landholding, interspersed with typical residential type building lots along Drummond Conc. 10A.

Three aggregate reserve areas are located with proximity of the site. However, none of these are located on the severed or retained lands, and the influence area surrounding the aggregate reserves do not touch either the severed or the retained lands.

The lands are accessed via Drummond Con 10A Road, a municipally maintained road. Access to the road has not been established.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – dolostone sandstone.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted here lot creation by plan of subdivision is deemed to be unnecessary. Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

Three (3) previous severances were taken from the original parcel of land in 1989, .therefore the lands have reached their maximum development potential, however, lot additions do not 'count' in the lot creation formulae.

3. Woodlands

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 Drummond / North Elmsley.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single-detached dwellings. The property that will be enlarged with this severance application exceeds the minimum lot size.

Conclusion

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, the County Official Plan and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – September 24, 2012**

Wesley and Janet Allen, owners attended the hearing and gave evidence under oath. Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed/transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Wesley and Janet Allan described as Pt. 3 on Reference Plan 27R-4637, Pt. Lot 10 Conc. 10, Drummond, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
 - (b) The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
 - (c) The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
 - (d) A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that the following mitigative easures should be adhered to for any future development on the proposed retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and the wetland.*
 - b. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, watercourse, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland and watercourse to a leach pit or well-vegetated area to allow for maximum infiltration.*
 - c. *The vegetation along the shoreline of the wetland and watercourse shall be maintained to a minimum depth of 15 metres.*
 - d. *Wetland shall remain undisturbed.*

2. MVC also advises that in the event shoreline work is proposed along the unnamed watercourse, on the severed lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
3. In addition, any proposed works in or near the unnamed watercourse or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
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, rading, 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 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: Kevin Brian Poitras **Hearing Date:** September 24, 2012
Agent: McIntosh Perry (Sylvia Coburn)
LDC File #: B12/053
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 6 & 7 **Concession:** 8
Roll No. 0911 914 010 13808 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.47-ha parcel of land as a lot addition to lands owned by David & Theresa Mary Brown at Pt. Lot 6 Conc. 8, South Sherbrooke and retain a 20.6-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Residential
Area	0.47-ha	20.64-ha
Frontage – Road	None	485.9 m
Frontage - water	37.6 m	36 m
Depth	164.6 m	Irregular
Road - Access to	Private Road	Municipal Road
Water Supply	n/a	Proposed
Sewage Disposal	n/a	Proposed
Official Plan Designation -Conformity?	Rural and Organic Soils Yes	
Zoning Category	Rural	Rural & Organic Soils
-Area Required (min.)	n/a lot addition	0.405-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.4 Water, Waste Water and Stormwater Services, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies Section 4.4 Township Roads, 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 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 Notes

The proposal is sever a 0.47 ha parcel of land as a lot addition to lands owned by Ada Mary Brown at Pt. Lot 6 Conc 8 South Sherbrooke and retain a 20.6-ha vacant landholding. The lands are accessed by Clear Lake Lane 31A.

Zoning By-law Category: Seasonal Residential! Rural

- Applicable Sections: 5.3 - The retained and severed lands are currently vacant, proposed residential uses are permitted. The lot to be added to, plus the severed addition, will total 89m frontage, meeting the required 30m minimum. However, the retained lot will only have 36m frontage and will require rezoning to RLS – special exception. Both lots will meet the minimum lot size (2.17 ha and 20.6-ha. The reduced frontage for the retained parcel is supported by MVC and staff because of the geography of the original parcel whose two waterfront frontages are separated by four lots. No new reduced contiguous frontage is being created.
- Mississippi Valley Conservation Authority - has no objection to the subject lot addition provided mitigative measures are implemented on the proposed retained lands as outlined in their letter.
- MRSSO - has no objection to the severance as proposed. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of iii/ported sand fill required.

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 for each application.

Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 0.47 ha, with 37.6 meters of water frontage, as a lot addition to the adjacent lands. The retained land is 20.64 ha with 36 metres of proposed water frontage. The severed land is vacant and the retained land consists of a bunkie. The lot to-be-enlarged is also a waterfront lot, and is already developed with a cottage.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained land, lot to be enlarged and severed lands all have frontage on Clear Lake. The retained and severed lands consist of a relatively high and steep descent to the lake. With respect to the portion of the retained land which fronts the lake, the land slopes continuously downward towards the lake at an angle which exceeds 3:1. Limited shoreline vegetation was observed on the proposed retained lands.

REVIEW

According to a review of the township Zoning By-Law, the minimum requirement for water frontage is 60 metres. MVC also recommends a minimum frontage of 60 metres.

On the subject retained land, water frontage would be reduced from 73.6 metres to 36 metres. Therefore, as a result of the subject application, the retained land would no longer comply with water frontage. In general, MVC is not in favour of creating lots with substandard water frontage. However, in this particular case, we note that the retained 36 metres of frontage is separated from the severed 37.6 meters of water frontage by several developed lots owned by others. Therefore, it is our opinion that subject lot addition does not further intensify MVC concerns related to substandard waterbody setbacks.

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject lot addition provided the following mitigative measures are implemented on the proposed retained lands:

1. There shall be no new development, including septic systems, within 30 metres of the seasonal high water mark of Clear Lake.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.

3. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained, and ideally enhanced, to a minimum depth of 15 metres. This effort will help mitigate the effects of erosion and surface runoff on the lake. Removal of hazard trees and selective "limbing" of trees is considered acceptable.

NOTES

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

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

On-Site Services (Septics) - MRSSO

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted June 4, 2012.

The applicant proposes to sever a 0.47 hectare parcel, for the purpose of a lot addition to lot 6, Concession 8, known municipally as 546 Clear lake lane 31 A. The proposed lot is currently vacant. The lot is generally sloping towards Clear lake, with areas of exposed rock and moderate tree cover. No test pits were provided.

The retained parcel is irregular in dimension and is approximately 20.64 hectares. The retained lot has large areas of wetland/open water, exposed rock, moderate tree cover and the Townships Official Plan indicates an area of organic soils on the southern portion of the lot, near Armstrong line. No test pits were provided.

The proposed lot addition to 546 Clear Lake Lane 31A will provide more area for the replacement of a septic system if required in the future.

The topography and area of the retained lot is adequate to support the installation of an OBC compliant sewage system greater than 30m from all water bodies. Due to exposed bedrock a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to operate, maintain, install or replace a sewage system in the future. Given the above requirements are met, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits. If you have any questions, please do not hesitate to call.

Township of Central Frontenac – No comments received.

(c) **PLANNING REVIEW**

Background and Summary

To sever a 0.47-ha parcel of land as a lot addition to lands owned by David and Theresa Mary Brown at Pt. Lot 6 Conc. 8, South Sherbrooke and retain a 20.6-ha vacant landholding.

The subject lands are located in an area characterized by Residential on typical 'seasonal' type lots along Clear Lake and large type lots along Armstrong Line. Numerous area of 'organic soils' are located along Armstrong Line as well as on the retained lands. Development on organic soils is restricted; however sufficient lands remain on the retained lands for a building envelope.

The lands to be enlarged are accessed via Clear Lake Lane 31, a private r-o-w. The lands to be retained are accessed via Armstrong Road, a municipally maintained road.

Bedrock Inventory – marble, calc-silicate, skarn

A "State of the Lake Environment Report" was undertaken on Clear Lake in 2011. The report was able to conduct a comparison between water quality conditions as they existed in 2011, to results obtain 30 years earlier. Although the lake is a relatively shallow lake (mean depth 4.5 m) the Lake is a quite clear, with a Secchi mean depth of 3.25 m and total Phosphorus and Chlorophyll Composite are low. Clear Lake was also tested for invasive species, in particular zebra mussels and spiny water flea. Clear Lake did not have any spiny water flea or zebra mussel veliger's (larvae) presented. Precautions need to be taken to avoid the spread of invasive species from other lakes.

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands
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 Tay Valley Township.

Zoning

As addressed by the local municipality, the proposal does not comply with the Township's Zoning By-law, as the retained lot does not comply with the minimum water frontage

However the retained lands are zoned 'rural' and meet the minimum road frontage requirements for this zone. The Township has recognized this and re-zoning of the retained lands has not been recommended as a condition of severance.

Conclusion

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, the County Official Plan 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 – September 24, 2012

Brian Kerr on behalf of McIntosh Perry Consulting Engineers, agent attended the hearing and gave evidence under oath.

Mr. Kerr confirmed that the lot to be retained has water access (90 ft wide) to Clear Lake, however the lands are zoned rural and have sufficient road frontage to meet the zoning requirements in accordance with the Township's Zoning By-law.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by David Brown and Theresa Mary Brown described as Part 1 Plan 27R-2559, Pt. Lot 6 Conc. 8 South Sherbrooke, now in Tay Valley Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be implemented on the proposed retained lands:*
 - *There shall be no new development, including septic systems, within 30 metres of the seasonal high water mark of Clear Lake.*
 - *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.*
 - *With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained, and ideally enhanced, to a minimum depth of 15 metres. This effort will help mitigate the effects of erosion and surface runoff on the lake. Removal of hazard trees and selective "limbing" of trees is considered acceptable.*
2. *The MVC also advises that here is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the lake are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the lake.*
3. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The Mississippi-Rideau Septic System Office advises that due to exposed bedrock a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *Residents and users of Clear Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to from other lakes.*

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: Thomas Gardiner **Hearing Date:** September 24, 2012
Agent: Trevor French and Christina Vincent
LDC File #: B12/059
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 4 **Concession:** 9
Roll No. 0924 000 025 06700 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.65-ha parcel of land as a lot addition to lands owned by Trevor French and Christina Vincent at 128 Blue Jay Lane and to retain a 40.0-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Vacant
Area	0.65 ha	Irregular
Frontage	None	Irregular
Depth	Irregular	40+ ha
Road - Access to	Private Road	Private Road
Water Supply	Lake	Lake
Sewage Disposal	None	None
Official Plan Designation -Conformity?	Floodplain, Wetland, Rural Yes	
Zoning Category	Flood Plain & Wetland	Flood Plain, Wetland, Rural
-Area Required (min.)	n/a – lot addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 4 General development Policies, Section 6.4 Flood Plain, Section 6.6 Rural Land, Section 7.4 Private Roads, Section 9.10 Committee on Adjustment and 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 5.4 Rural Residential, Section 12.1 Flood Plain.

The Township of Beckwith advises that the proposal complies with 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

Severance application B12-059 is a lot line adjustment to transfer approximately 1.6 acres to an adjacent property. The effect of the application would be to transfer the land required to entirely locate an existing septic system on the correct property; the existing septic system is only partially located on the correct property.

NOTICE OF APPLICATION

Staff provided the County of Lanark with the property owners within 60m of the subject property.

DESCRIPTION OF SUBJECT LANDS

The subject property is approximately 110 acres and is heavily constrained by wetlands and floodplain areas. The majority of Squaw Point was developed from severances from the subject property. The severed lands will be joined to 128 Blue Jay Lane, which has RLS and Wetland zoning.

PROVINCIAL POLICY STATEMENT

Section 2.1 of the PPS regards natural heritage. The policies prohibit development, including new lot creation within areas of significant wetlands or adjacent lands.

Mississippi Valley Conservation has commented on the proposed severance and does not have any objections to the severance, but acknowledges that if any development on the lot enlargement is proposed in the future, and environment impact statement may be required. As no development is being proposed for the severed lands, the proposal appears to be consistent with the PPS.

OFFICIAL PLAN

The subject property contains several designations. The area of the lot enlargement is designated wetlands in the OP. Conservation and open space uses are permitted within this designation.

Section 4.5 regards land division. These policies prohibit the creation of new lots within areas with environmental or physical factors that would constrain development. As the proposed severance is not creating a new lot, but rather enlarging an existing lot, it would appear to be permitted under the land division policies. Furthermore, as the purpose of the lot line adjustment is to ensure the existing septic system is entirely located on the appropriate property, the severance application is seeking to improve the existing situation.

ZONING BY-LAW

The area of lot enlargement is zoned wetlands and floodplain within the Township zoning by-law. Permitted uses within the wetlands zone include conservation, park, open space and agricultural uses excluding buildings.

The property that will be enlarged with this severance application consists of 1.46 acres, which exceeds the minimum lot size, but the septic system was constructed largely on the adjacent property. The severed lands will serve to locate the septic system on the appropriate property.

It should be noted that while the severance application will serve to improve an existing situation, the transferred lands are not appropriate for development as they are zoned wetlands and floodplain.

OPTIONS / ANALYSIS

The proposed severance application will serve to correct an existing situation in the Township. As MVC does not have any concerns with respect to the natural hazards or heritage aspects of the severance application, Staff does not have any opposition to the application.

COMMENTS

Mississippi Valley Conservation has provided comments on the application. They do not have any objections to the proposed severance, but caution that an Environmental Impact Statement may be required if future development is proposed.

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

- 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;
- The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;

Notes:

- 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 – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to

assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 1.6-ac vacant lot, with 63 metres of water frontage, as a lot addition to the adjacent lands. The adjacent lands are already developed, with frontage on Mississippi Lake. The proposed retained land is a vacant 100- ac parcel, with a significant amount of water frontage (actual frontage was not provided).

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the following features and hazards exist on the subject property:

Retained Land:

- majority is comprised of a Provincially Significant Wetland (PSW) referred to as the Mississippi Lake PSW
- majority is within the 1:100 year flood plain
- majority is within MVC's Regulation Limit (includes 120 m from PSW and 15 m from flood plain)

Severed Land:

- a portion is comprised of PSW
- a portion is within the 1:100 year flood plain
- entirely within MVC's Regulation Limit (includes 120 m from PSW and 15m from flood plain)

Lot to be enlarged:

- a portion is within the 1:100 year flood plain
- entirely within MVC's Regulation Limit (includes 120 m from PSW and 15m from flood plain)

REVIEW

PSW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 m of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, in this case, we have estimated that, although limited, sufficient area appears to remain on the retained lands for future development located beyond the PSW and its 120 m adjacent lands.

Concerning the severed lands, this parcel is being added to a property which is already developed with no new development proposed. Therefore, it is our opinion that there is limited value in conducting an EIS at this time. In the event that future development is proposed within the adjacent lands of this feature, an EIS may be required at that time.

Flood Plain

Flood plain has been identified on the subject property. However, sufficient area remains on the retained lands for future development outside of the flood plain and MVC's Regulation Limit. Concerning the severed lands, this parcel is being added to a property which is already developed with no new development proposed. With all of this in

consideration, the flood plain is not considered a constraint to the subject application.

CONCLUSIONS & RECOMMENDATIONS

With all of the above in consideration, we do not have any objection to the subject application.

NOTES

An EIS may be required if future development is proposed within 120 metres of the PSW.

Any land located within the 1:100 year flood plain; in, and within 120 metres, of the PSW; and within MVC's Regulation Limit is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, the applicant should be advised that written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or MVC's Regulation Limit and for any interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the lake require written permission from MVC.

In addition, any proposed works in or near the PSW or Mississippi Lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – The property to be severed is approximately 1.6 acres. It is intended to be added to an adjoining property (owned by the applicant). The property is wooded with varying drainage and soil conditions. Part of septic system to adjoining property is wooded with varying drainage and soil conditions.

Part of septic system to adjoining property is contained in this parcel. The severance would allow for all of this septic system to be on the applicant's land.

Retained – The property to be retained is more than 100 acres and is primarily wooded. Drainage and soil conditions vary. The property is intended to remain vacant.

(c) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 0.63-ha parcel of land as a lot addition to lands owned by Trevor French and Christina Vincent at 128 Blue Jay Lane. The purchaser has advised that part of the existing septic system / weeping tile for the existing cottage is located on the lands to be severed.

The subject lands are located in an area characterized by residential and seasonal residential along the shore of Mississippi Lake on typical smaller type lot accessed via a series of private roads.

The private road adjoins Scotch Corners Road, a municipally maintained road.

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

A "State of the Lake Environment Report" was undertaken on Mississippi Lake in 2002 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2006 and 2002, to results obtained some 30 years earlier. In general the water quality in Mississippi Lake is good. Chlorophyll a testing indicated that the average a density for the Lake has dropped almost five times between 1975 and 2006. However, nutrient loading has increased, therefore every effort should be made to reduce nutrient loading into the lake from land use activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.
Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating one or two new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973 (note: Lot additions do not count as lot creation).
- 3/ Woodlands
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.

Zoning

The subject property is currently zoned Wetland (W) and Floodplain (FP), neither of which permits single family dwellings. The property that will be enlarged with this severance application exceeds the minimum lot size, and the additional lands will serve to locate the septic system on the appropriate property.

Conclusion

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, the County Official Plan 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:

Anita Cole - requested to be added to any mailing list for future notifications.

(e) **MINUTES – September 24, 2012**

Christina Vincent, applicant attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Trevor French and Christina Vincent at Pt. Lot 4 Conc. 9, Beckwith being Part 23 on Reference Plan 27R-9708, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The 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.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Mississippi Valley Conservation advise that an EIS may be required if future development is proposed within 120 metres of the-PSW. Any land located within the 1:100 year flood plain; in, and within 120 metres, of the PSW; and within MVC's Regulation Limit is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, the applicant is advised that written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or MVC's Regulation Limit and for any interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the lake require written permission from MVC.*
4. *The MVC also advises that any proposed works in or near the PSW or Mississippi Lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

5. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

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: William Douglas Ferguson

Hearing Date: September 24, 2012

Agent: Derek Lee

LDC File #: B12/060

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 3 Concession: 3

Roll No. 0931 929 030 07001

Consent Type: Lot Addition

Purpose and Effect: To sever a 2.7-ha parcel of land as a lot addition to lands owned by William D Ferguson at Pt. Lot 3 Conc. 3 Ramsay Plan 27R-2419 Part 2, and to retain an 8.4-ha landholding with an existing dwelling located at 12080 Hwy #7.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot Addition	Residential
Area	2.7-ha	8.4-ha
Frontage	38.1 m	486 m
Depth	266 m	202 m
Road - Access to	Provincial Highway	Provincial Highway
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a Lot Addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.1 Provincial Highways, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

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 12 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 Mr. William Ferguson owns an 11.3ha (27.5ac) parcel of land in Ramsay Ward, municipally known as 12080 Highway 7. The lot has direct frontage and access onto Hwy 7 and has been developed with a 1,200ft² single family dwelling. The intent of this application is to complete a boundary adjustment or lot-line adjustment with a neighbouring rural residential property.

The adjacent parcel of land impacted by this application is owned by Mr. Derek Lee. It is vacant and does not have a municipal address. The lot has an approximate lot area of 1.07ha (2.65ac) with approximately 80m (262ft) of direct frontage onto Highway 7.

The lands subject to this consent application are designated Rural. All of the lands are zoned Rural.

Severance Application Summary

Lot Severance

Mr. Derek Lee owns a 1.07ha (2.65ac) parcel of land abutting the subject property to the south-west. The intent of the application is to increase the size of that adjacent rural lot through a boundary adjustment or lot-line adjustment with Mr. William Ferguson (Subject Lands). The application would expand the lot area of Mr. Lee's property by severing approximately 2.71 ha (6.7ac) from Mr. William Ferguson lands and adding it to Mr. Lee's property. This would increase the land area of Mr. Lee's holding to 3.78ha (9.35ac) and create a retained parcel of 8.5ha (21.1 ac).

Both properties would maintain road frontages onto Highway 7. The lands benefiting from the lot-line adjustment will increase its lot frontage from approximately 80m (262.5ft) to 118m (387.1ft) while the retained lands will reduce its lot frontage from 490m (1,607ft) to 450m (1,479ft).

Provincial Policy Statement

The Provincial Policy Statement encourages responsible growth by directing the majority of growth to occur within settlement areas. The policies which promote efficient development include lot creation that is sustainable within the community or municipality. Section 1.1.4.1 of the Provincial Policy Statement addresses lot creation demands within rural communities. Specifically, Section 1.1.4.1 (a) states that activities that manage or use resources or resource based recreational activities, limited rural development and other rural lands uses are permitted. In this case, the proposal is not creating a new rural residential lot and is in keeping with responsible limited rural development.

Community Official Plan:

The Growth and Settlement policies of the Community Official Plan have been developed around the Provincial Policy Statement policy to permit limited rural development. The Town's growth and settlement strategy provides direction regarding rural lot creation. The Community Official Plan states that severances and lot creation are permitted on lands designated as Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6(4) states that consents for boundary adjustments, partial discharge of mortgage, easements or right of ways shall not be considered towards the maximum number of consents per holding.

In this case, the proposed severance is not creating a new lot. It is a boundary adjustment with the abutting property which would transfer 2.71 ha (6.7ac) of land to an existing lot of record, bringing the lot to 3.78ha (9.35ac). As a result, the Community Official Plan review of the severance is evaluated based on a lot-line or boundary adjustment and therefore the limitation of 2 severances per lot of record does not apply. Other provisions within the Official Plan regarding rural severances (such as access, lot area, lot frontage, capacity for private services) also do not apply because the application is not creating a new lot. Thus, the proposed severance is consistent with the intent of the Community Official Plan.

Zoning By-law 01-70:

The property subject to the application is zoned Rural. The zoning provisions for lots in the rural zone require a minimum lot area of 1 hectare for a non-farm rural residential property. The required minimum lot frontage for a non-farm rural residential property is 45 metres (147.6ft). These zoning provisions set minimum lot size provisions for the creation of new non-farm residential lots or existing lots that are being modified. In regards to this application the retained lands will have a minimum lot area of 8.5ha (21.1 ac) and a minimum lot frontage of approximately 450m (1,479ft), which exceed the zoning requirements.

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. Staff's recommendation 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 applicants pay any outstanding property taxes on the subject property."

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 6.7 acres as a lot addition to the adjacent lands. The severed land and lot to-be-enlarged are both vacant. The retained land is 21.1 acres, which is already developed.

PROPERTY CHARACTERISTICS According to a review of aerial photography, the retained land consists of a portion of a large unclassified wetland. In addition, an unnamed tributary of the McCreary's Creek travels through the unclassified wetland along the eastern side lot line of the retained lands. A portion of the proposed severed lands consists of an unclassified wetland which appears to be connected to the wetland identified on the retained lands. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Wetland and Watercourse - The retained land is already developed with no new development proposed at this time. Therefore, no impacts to the wetland or tributary are anticipated on the retained lands as a result of the subject application. And, we note that sufficient area exists on the resulting lot-to-be-enlarged to accommodate future development that complies with the current standards for development adjacent to a wetland.

Natural Hazards

Organic Soils Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development.

With respect to the retained lands, this is not a concern given that these lands are already developed with no development proposed. Concerning the resulting lot-to-be enlarged, sufficient area appears to exist to accommodate future development outside of organic soils.

CONCLUSION AND RECOMMENDATIONS With the above in consideration, MVC does not have any objection to the subject lot addition. The following mitigative measures should be adhered to for any future development on the proposed lot-to be enlarged:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetland.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to allow for maximum infiltration.
3. The vegetation along the shoreline of the wetland shall be maintained to a minimum depth of 15 metres.
4. Wetland shall remain undisturbed.

NOTES

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – Wooded property that slopes gently toward the northwest. There is a low, wet area at the back of the original severed lot. The topsoil is thin and sandy near the road. The severed land will be added to a previously severed lot with an existing septic system. Imported material may be required for any additional septic system.

Retained – A large lot with varied slope and soil depths. Existing home and septic system. The severance will not negatively impact on-site sewage disposal on the retained land.

Ministry of Transportation This is to advise that the Ministry has reviewed the above referenced application and offers no objections as it is for a lot addition, and should not impact Highway 7. No new entrance is required.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 2.7-ha parcel of lands as a lot addition to lands owned by William D Ferguson at Pt. Lot 3 Conc. 3 Ramsay Plan 27R-2419 Part 2, and to retain an 8.4-ha landholding with an existing dwelling with an existing welling located at 12080 Hwy #7. The purpose of the severance is to enlarge the existing lot that was created by severance in 1991.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots along Highway No. 7

The lands are accessed via Highway #7, a Provincial Highway. The entrance to the lot to be enlarged is existing and was installed in approximately 1991.

Bedrock Inventory – flows, tuffs, breccias, minor iron

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation
- 3/ Woodlands
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.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single-detached dwellings. The property that will be enlarged with this severance application exceeds the minimum lot size.

Conclusion

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, the County Official Plan 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 – September 24, 2012**

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

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by William D Ferguson at Pt. Lot 3 Conc. 3 Ramsay Plan 27R-2419 Part 2, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advise that the following mitigative measures should be adhered to for any future development on the proposed lot-to be enlarged:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetland.*
 - b. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland to a leach pit or well- vegetated area to allow for maximum infiltration.*
 - c. *The vegetation along the shoreline of the wetland shall be maintained to a minimum depth of 15 metres.*
 - d. *Wetland shall remain undisturbed.*
2. *The MVC also advises that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 153/06- "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the unnamed watercourse or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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: John & Susan Reynolds

Hearing Date: September 24, 2012

Agent: Susan Reynolds

LDC File #: B12/072, B12/073 & B12/074

Municipality: Montague

Geographic Township: Montague

Lot: 7 Con 6

Roll No. 0901 000 015 06900

Consent Type: New Lots

Purpose and Effect: To sever three (3) residential lots (2.023-ha with an existing dwelling, 2.0-ha with an existing outbuilding and a 0.729-ha vacant building lot) and retain a 36.83-ha vacant landholding. The lands are accessed via William Campbell Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/072	B12/073	B12/074	
Existing Use Proposed Use	Residential Residential	Residential Residential	Vacant Residential	Vacant Residential/Farm
Area	2.023 ha	2.0 ha	0.729 ha	36.83 ha
Frontage	80.77 m	67.06 m	60.96 m	719.33 m
Depth	260.64 m	97.84 m	97.84 m	1,642 m
Road - Access to	Mun. Road	Mun. Road	Mun. Road	Mun. Road
Water Supply	Well	Well	Proposed	Proposed
Sewage Disposal	Septic System	Septic System	Proposed	Proposed
Official Plan Designation -Conformity?	Rural, Significant Wildlife, Organic Soils, Woodlands Yes			
Zoning Category	Rural Ex. 27		Rural Ex. 27	
-Area Required (min.)	0.4-ha		0.4-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	46 m		46 m	
-Compliance?	Yes		Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – section 2 General development Policies, Section 3.3 and 3.4 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 proposals conform to 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 will require re-zoning to remove the special exception designation.

(b) **AGENCY REVIEW**

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

Township of Montague – Planner’s Report

Please be advised that I have reviewed the above noted consent applications and as I understand it, the applicants own a 42.6 hectare landholding with a civic address of 829 William Campbell Road and they intend to sever three residential building lots off of it (2.023 ha and 0.729 ha and approximately 0.7 ha) and retain a 36.83 farm holding. The retained lands are vacant, although two dwellings exist among the three severed lots: the main dwelling, which is located on the proposed lot known as B12/072 and an accessory dwelling house as identified on the application, located on the lot known as B12/073. B12/074 is vacant. The entire property is zoned Rural- Special Exception 27, which allows a single mobile home on the lot with a floor area of 55 square metres. Based on a review of the site, it seemed that neither of the two dwellings on the site are mobile homes. The intended use for the three new lots and the retained is residential, in addition to the continuation of farm uses on the retained lands. Based on a review of the site, the severed lands appear to be mostly open (notwithstanding a hedge line along the street frontage), although the portion of the retained land that fronts William Campbell Road is wooded, primarily consisting of scotch and jack pine trees.

The existing lot is designated Rural in the Township’s Official Plan and the proposed uses are consistent with that designation. Additionally, the proposed severances comply with the Township’s consent policies (Sec. 5.2.3 of the Plan). When reviewing the Official Plan’s Constraints mapping however, I do note that portions of the Reynolds property are identified as provincially significant wetland, significant woodland, containing organic soils and consisting of significant wildlife habitat (see Appendix to this report). With regards to the wetland, woodland and organic soils, those are largely situated on the retained lands and neither the proposed lots nor the anticipated residential development of the lots should have any notable impact on those features. The mapping however does identify the entire property (and surrounding properties) as being significant wildlife habitat. While the Plan does not identify the exact nature of the habitat with respect to this lot, it is understood that this area has been identified as having a higher level of ecological significance, which could indicate the presence of endangered species or a particularly vulnerable natural feature that requires additional protection. Section 2.21.4.5 of the Plan would require that the applicant undertake an environmental impact assessment to demonstrate that the proposed development of these lots will not have a negative impact on the natural features or their ecological functions with respect to the wildlife habitat, prior to the approval of the development. As such, it is my recommendation that a satisfactory EIA, and the implementation of any conditions contained therein, be a condition of the approval of this application.

With regards to the zoning, the retained and severed lots are zoned A-27, and the exception does not impact the lot size or frontage requirements and as such the severed and retained lands meet the zone requirements. Additionally, there appear to be two dwellings on the lot (one of which is accessory to the main one). While Township zoning policies would support an application that places each dwelling on its own lot, the outbuilding, if it is being or will be used for residential purposes, now becomes the main dwelling on B12/073, and the Rural Zone requires a minimum floor area of 93 square metres (1000 ft²) for a main dwelling. If the dwelling is smaller than that, it will have to be recognized through a minor variance or site specific zoning amendment. If the building

is not used for residential purposes then it will need to be demonstrated that its use complies with the provisions of the zone. With regards to the mobile home provision, the zone exception allows a total of one mobile home on the lot and this application looks to divide the one lot so that three new lots, plus the retained are created, which could conceivably provide for four mobile homes. As the general intent of the Zoning By-law and Official Plan is that mobile homes be directed to mobile home parks (aside from certain exception zones), it is my recommendation that the subject lands be rezoned to the base Rural Zone, although with respect to the existing provision, one of the lots can retain the A-27 zoning.

Provided that the foregoing issues are addressed, Montague Township supports the above severances, noting that they would otherwise be consistent with the Township's planning policies. 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 for both the severed and retained lands. 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 residential entrances to the subject lots are 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 for all new lots. 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 both the severed lots and the retained lot to service the intended single family residential use.
- The applicant shall undertake an Environmental Impact Assessment with respect to the Significant Wildlife Habitat that demonstrates to the satisfaction of the Township that the proposed development does not result in negative impacts on the natural features of the area or their ecological functions. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development.
- The applicant shall demonstrate to the satisfaction of the Township that all existing structures on the severed and retained lands comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance of a zoning by-law amendment,

- The applicant shall rezone the severed lands to Rural (A) to accommodate those uses which are permitted in that zone.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority
B12/072

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We note that this application is being heard concurrently with B12/073 and B12/074. 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

A portion of the severed lot is within the 120 metres of the Porter Swamp Provincially Significant Wetland. Portions of the retained lands have been identified as being within the Porter Swamp Provincially Significant Wetland and the 120 metre adjacent lands. Any development within the 120 metre adjacent lands to the Porter Swamp Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174106 "*Development, interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" made pursuant to Section 28 of the Conservation Authorities Act.

For the purpose of this application the severed parcel is already developed with a residence and no new development is proposed. The applicant should be aware that the residence on the severed parcel is entirely within the 120 metre adjacent lands of Porter Swamp and is therefore subject to Ontario Regulation 174/06 as noted above. The remaining parcel contains a sufficient building envelope entirely outside of the 120 metre adjacent lands to the Porter Swamp. Therefore any future development on the retained parcel should be located accordingly.

Conclusion

In conclusion, the Conservation Authority has no objections to this application as the residence has already been established on the severed parcel and there is a sufficient building envelope entirely outside of the 120 metre adjacent lands of Porter Swamp on the retained parcel.

B12/073

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We note that this application is being heard concurrently with B12/072 and B12/074. 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

A portion of the severed lot is within the 120 metres of the Porter Swamp Provincially Significant Wetland. Portions of the retained lands have been identified as being within

the Porter Swamp Provincially Significant Wetland and the 120 metre adjacent lands. Any development within the 120 metre adjacent lands to the Porter Swamp Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" made pursuant to Section 28 of the Conservation Authorities Act.

For the purpose of this application the severed and retained parcels contain a sufficient building envelope entirely outside of the 120 metre adjacent lands to Porter Swamp. Therefore any future development on the severed and retained parcels should be located accordingly.

Conclusion

In conclusion, the Conservation Authority has no objections to this application as there is a sufficient building envelope on the severed and retained parcels entirely outside of the 120 metre adjacent lands of Porter Swamp.

B12/074

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We note that this application is being heard concurrently with B12/072 and B12/073. 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

A portion of the severed lot is within the 120 metres of the Porter Swamp Provincially Significant Wetland. Portions of the retained lands have been identified as being within the Porter Swamp Provincially Significant Wetland and the 120 metre adjacent lands. Any development within the 120 metre adjacent lands to the Porter Swamp Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" made pursuant to Section 28 of the Conservation Authorities Act.

For the purpose of this application the severed and retained parcels contain a sufficient building envelope entirely outside of the 120 metre adjacent lands to Porter Swamp. Therefore any future development on the severed and retained parcels should be located accordingly.

Conclusion

In conclusion, the Conservation Authority has no objections to this application as there is a sufficient building envelope on the severed and retained parcels entirely outside of the 120 metre adjacent lands of Porter Swamp.

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

Severed – B12/072 – The property to be severed is 2 hectares. The property contains a house and is partly cleared with a wooded area at rear. The septic system is fully raised. The severance would not affect the future replacement of the septic system.

Severed – B12/073 – The severed property is approximately 1.6 acres and contains a building that appears to be a residence. There is a raised septic system to the left side as you are facing the building. The severance would still allow for future replacement of the septic system. Clearance to lot line and well would impact replacement.

Severed – B12/074 – The property is approximately 1.4 acres. It is currently undeveloped.

Rock was encountered at 0.3 metres to approximately 0.9 metres. The property is primarily wooded. The septic system will need to be partly or fully raised using imported sandy loam fill.

Retained – The area to be retained is 36.8 hectares and is primarily wooded with some clearings. Rock is within 0.9 metres of grade in some areas. The property would accommodate a raised septic system that conforms to Ontario Building Code Part 8.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

Background and Summary

the applicant proposes to sever three (3) residential Lots (2.023-ha with an existing dwelling, 2.0-ha with an existing dwelling and 0.729-ha vacant lot) and retain a 36.82-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with residential building lot along William Campbell Road. There are two existing dwelling on the landholding.

The lands are accessed via William Campbell 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

Official Plan Policies

1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands
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 Town of Mississippi Mills.

Zoning

The subject property is currently zoned Rural - Special Exception 37(A-37) which permits a number of uses, including single-detached dwellings. The Special Exception also permits a mobile home, however the general intent of the Official Plan is to direct mobile homes to 'mobile home parks', therefore re-zoning is recommended to remove the permission for siting a mobile home on any of the lots. The three proposed lots exceed the minimum lot size and frontage.

Conclusion

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, the County Official Plan 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 – September 24, 2012

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

Mr. Reynolds explained that the previous owner had a mobile home on the lands, however this was removed prior to him taken ownership. Mr. Reynolds also advised that

he had heard that at one time there was evidence of Logger Head Shrik seen on the lands, but this has not occurred for many, many years.

Mr. Reynolds advised that in speaking with Hydro One, there may need to be an easement between B12/072 to service B12/073, however this will be confirmed through the survey and further discussion with HONI.

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:

All three (3) applications have the same conditions.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate easement shall be granted to the HydroOne, if required, over the lands to be severed. The applicant shall consult directly with HydroOne, Perth in this regard.
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 confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The 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.
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 for both the severed and retained lands. 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 both the severed lots and the retained lot to service the intended single family residential use.
10. The applicant shall undertake an Environmental Impact Assessment with respect to the Significant Wildlife Habitat that demonstrates to the satisfaction of the Township of Montague that the proposed development does not result in negative impacts on the natural features of the area or their ecological functions. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development.
11. The applicant shall demonstrate to the satisfaction of the Township of Montague that all existing structures on the severed and retained lands comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance of a zoning by-law amendment,
12. The applicant shall rezone the severed lands to Rural (A) to accommodate those uses which are permitted in that zone.
13. 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).
14. A letter shall be received from the Township of Montague stating that condition #4 through #13 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that a portion of the severed lot is within the 120 metres of the Porter Swamp Provincially Significant Wetland. Portions of the retained lands have been identified as being within the Porter Swamp Provincially Significant Wetland and the 120 metre adjacent lands. Any development within the 120 metre adjacent lands to the Porter Swamp Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174/06 "Development, interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" made pursuant to Section 28 of the Conservation Authorities Act.*
2. *The RVCA also notes that for the purpose of application B12/072 the severed parcel is already developed with a residence and no new development is proposed. The applicant should be aware that the residence on the severed parcel is entirely within the 120 metre adjacent lands of Porter Swamp and is therefore subject to Ontario Regulation 174/06 as noted above. The remaining parcel contains a sufficient building envelope entirely outside of the 120 metre*

adjacent lands to the Porter Swamp. Therefore any future development on the retained parcel should be located accordingly.

3. *The RVCA also notes that for the purpose of applications B12/073 and B12/074 the severed and retained parcels contain a sufficient building envelope entirely outside of the 120 metre adjacent lands to Porter Swamp. Therefore any future development on the severed and retained parcels should be located accordingly.*
4. *The LGL Health Unit advises that the future septic system or replacement septic system will need to be partly or fully raised using imported sandy loam fill.*
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.

Additional Note for B12/074

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert Michaelis **Hearing Date:** September 24, 2012
Agent: Bill Hitchcock
LDC File #: B12/083 and B12/084
Municipality: Township of Montague
Geographic Township: Montague **Lot:** 20 **Concession:** 3
Roll No. 0901 000 020 26450 **Consent Type:** two (2) new lots

Purpose and Effect: To sever two residential building lots (0.46-ha each) and retain a 25.2-ha vacant landholding. The lands are accessed via Rosedale Road South.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/083	B12/084	
Existing Use	Hay field	Hay field	Hay field
Proposed Use	Residential	Residential	Hayfield
Area	0.46 ha	0.46 ha	25.2 ha
Frontage	67.69 m	67.69 m	512 m
Depth	67.69 m	67.69 m	587 m
Road - Access to	County Road	County Road	County Road
Water Supply	Proposed well	Proposed well	None
Sewage Disposal	Proposed septic	Proposed septic	None
Official Plan Designation -Conformity?	Hamlet (Settlement Area) Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		2.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	46 m		46 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.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 1.6.4.4 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.

County Official Plan - Section 2.0 Settlement Policies, Section 3.3.3 Lot Creation, Section 4.3.2 County Roads, Section 4.3.3 County Road Policies, Section 4.4 Water, Waste Water and Stormwater Services, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 General Development Policies, Section 3.3 and 3.4 Natural Heritage, Section 3.7 Settlement Area, Section 4.3 County Roads, Section 5.2 Land Division.

The Township of Montague advises that the proposal conformation to 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 two 0.46 hectare (1.1 acre) residential building lots from a 26 hectare (64 acre) parcel. The lots to be severed are presently vacant and will front on Rosedale Road South. The retained lands are open pasture and have frontage on both Matheson Drive and Rosedale Road South. Section 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 and in this case, four lots have already been severed from the Michaelis property, however it appears as though 3 of those lots were created prior to 2001. Additionally, the same policy allows additional lot creation through consent in the designated settlement areas, which includes this property. As such, despite the existing severed lots, this policy would not preclude the creation of these two new lots. It is my understanding that the applicant has received or will receive approval from the Lanark County Roads department for the two residential accesses to the County road.

The entire severed and retained lands are located within the Rosedale Village, as designated in the Township's Official Plan, and the intent of the settlement area

designation is to support and encourage more concentrated residential development. This

will, subject to existing servicing constraints, complement the character of these areas as the traditional focal points of the Montague community. The two proposed residential lots are compatible with the existing low density residential character of the area and their configuration will not constrain the future orderly development of the general area, as envisioned by the Plan. A review of the constraints mapping of the Official Plan indicates that portions of the retained lands are characterized as significant wildlife habitat and also part of a habitat linkage (see key map at the end of this report), however those potential constraints are far enough from the severed lots to not have any impact on this application. Additionally it should be noted in the evaluation that the Rideau Trail follows Rosedale Road at this juncture and Section 2.10.3 of the Plan requires that all adjacent development should not affect the connectivity or function of this important recreational and tourist route. Given the proposed and existing adjacent land uses, it is my opinion that this application is consistent with that policy.

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.

The 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.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the County of Lanark 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 or conditions to this application for consent.

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

Severed B12/083 – The severed portion is 4,581.9 square meters and is intended for residential use. Drainage is toward Rosedale Road. There is approximately 10 inches of topsoil before heavier soil. The septic system will need to be partly to fully raised using imported sandy loam fill.

Severed B12/084 - The severed portion is 4,581.9 square meters and is intended for residential use. Drainage appears to be toward the northwest part of the lot. There is about 10 inches of topsoil before heavier soil. The septic system will need to be partly to fully raised using imported sandy loam fill.

Retained – The retained portion is a 25.2 hectare hayfield. Drainage appears to be toward the northwest. There is about 10 inches of topsoil before heavier soil. The property is to remain a hayfield – no septic system proposed.

County Public Works Department –

Land to be severed by B12/083 has approved entrance location. Permit application #2388 applies. Land to be severed by B12/084 has an approved entrance location. Permit application #2387 applies. Full entrance application must be submitted and entrance installed prior to deed endorsement. Lands to be retained have an existing residential entrance off of local municipal road known as Matheson Drive.

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

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

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots (0.458-ha each) and retain a

25.2-ha vacant landholding. Lots vary in size along Rosedale Road and Matheson Drive, two residential subdivisions are located to the south of the lots.

The subject lands are located within a designated 'settlement area' locally known as Rosedale. Three lots were severed prior to the 'lot creation date' of Jan 2001 from the original lot – 1976, 1980, 1994 and one was created in 2005 after the lot creation date. The maximum number, however, does not apply to designated settlement areas.

The lands are accessed via Rosedale Road South, a County maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.
Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands
The area has no land masses mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Montague.

Zoning

The subject property is currently zoned Rural which permits a number of uses, including single-detached dwellings. The proposed lots exceed the minimum lot size and frontage.

Conclusion

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, the County Official Plan 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 – September 24, 2012**

Bill Hitchcock, agent attended the hearing and gave evidence under oath.

Mr. Hitchcock questioned to requirement regarding water supply, and was advised to discuss this matter with the Township directly.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

The Same conditions application to both applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Montague.
4. 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.
5. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the lot to be severed to service the intended single family residential use.

7. 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).
8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #8, #9 and #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Montague stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The LGL Health Unit advises that the septic system will need to be partly to fully raised using imported sandy loam fill.*
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: 2023918 Ont. Ltd. **Hearing Date:** September 24, 2012
Agent: John Levi
LDC File #: B12/094
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 15 **Concession:** 10
Roll No. 0931 020 025 17835 **Consent Type:** Lot Addition

Purpose and Effect: To sever two parcels of land (approx. 77.6m² and 60 m²) to realign the existing fence with the property boundary for Darik Development Corporation E Pt. Lot 15 Conc. 10, geographic Township of Ramsay, being part 1 on Plan 27R-8339, now in the Town of Mississippi Mills.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Commercial/Industrial	Vacant Commercial/Industrial
Area Frontage Depth Road - Access to	approx. 77.6m ² and 60 m ² n/a n/a Municipal Road	0.429-ha 33 m 130 m Municipal Road
Water Supply Sewage Disposal	n/a n/a	Proposed Public System Proposed Public System
Official Plan Designation -Conformity?	Business Park Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Business Park Exemption 1 n/a – lot addition	Business Park Exemption 1 0.2-ha Yes No minimum Lot Coverage 65%

(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.

County Official Plan - Section 2.0 Settlement Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 Basis of Plan, Section 3.7 Commercial and Industrial Land Use Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 28 Light Industrial.

The Town of Mississippi Mills 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:

Town of Mississippi Mills – Planner’s Report

Background

In 2003, Mr. Brule owned a 7836.8m² (84.354ft²) parcel of land in the Mississippi Mills Business Park known municipally as 25 Industrial Drive. Site plan approval was granted for a commercial storage facility with no municipal services and the site was developed accordingly. As part of the development, the land owner installed a security fence where he thought the lot-line between the two properties was. Since that time the property has changed hands multiple times.

It was brought to the current land owner's attention the fence was not installed along the lot-line, but on the neighbouring properties, being Mr. Levi's property and property owned by the Town of Mississippi Mills. In an effort to correct the problem, Mr. Levi has filed a consent application to adjust the existing boundary line, by severing a portion of his lands and adding it to the neighbouring lot.

Both of the properties impacted by this consent application are designated Industrial. All of the lands are zoned Business Park (E 1) Zone in by-law 11-83. The subject properties have frontage onto Industrial Drive, which is a municipally owned and maintained right of way. Both properties have access to full municipal services.

Severance Application Summary - Lot Severance

Darik Development Corporation owns a parcel of land that is approximately 0.4ha

(1.07ac) which abuts the subject property to the north-west. The intent of this application is to complete a boundary adjustment to increase the size of the adjacent lot in the Mississippi

Mills Business Park to correct the location of an existing fence line and to move the fence line onto the property to which it belongs. The application would expand the lot area held by Darik Development Corporation by severing approximately 60m² (646ft²) from Mr. Levi's lands and adding it to the property currently held by Darik Development Corporation. This would increase the land area of the Darik Development Corporation property to 4,463.8m² (48,047.9ft²) and create a retained parcel (Levi) of 4890.5m² (52,640.9ft²). Both properties would maintain their existing lot frontage on Industrial Drive.

Provincial Policy Statement

The Provincial Policy Statement focuses on managing responsible growth by directing the majority of the growth to be within settlement areas. In this particular case, the proposal is not creating a new lot and is in keeping with the goal of responsible development.

Community Official Plan:

The Community Official Plan recognizes that situations exist where a property has been developed in accordance with the policies in place at the time. Section 5.3.11.7 permits consents that correct lot boundaries and which convey additional land to an adjacent lot, provided that the conveyance does not lead to the creation of an undersized lot. In this case, the transfer of land is approximately 60m² (645.8ft²) which is being added to the neighbouring property to address an issue of a fence being installed in the wrong location. The lots impacted by this application will maintain a minimum lot size as specified by the Town's policy.

Zoning By-law 01-70:

The property subject to the application is zoned Business Park Exemption 1 (E 1-1) Zone. Both the preceding zoning by-law and the current zoning By-law 11-83 do not require a minimum lot area or minimum lot width (frontage) for lots in the Business Park Exemption 1 (E1-1) Zone. Furthermore, the lot subject to the application is vacant and the retained lot will have a sufficient developable area for future development, based on current development standards. 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:

The 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 27R5606 to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a DWG file format;
3. That the applicants pay any outstanding property taxes on the subject property.

(c) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two small sections of land as lot addition to lands owned

by Darik Development Corporation at Pt. Lot 15 Conc. 10, Township of Ramsay, and being Part 1 on Reference Plan 27R-8339. The purpose of the lot additions is to convey the lands that are now fenced between the two properties.

The subject lands are located in an area characterized by Commercial and Light Industrial within a designated Industrial Park in Almonte.

The lands are accessed via Industrial Drive, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of locational and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation. Lot additions do not count as lot creation,

Zoning

The subject property is currently zoned Business Park Exemption - 1. The lot subject to the application is vacant and the retained lot will have a sufficient developable area for future development, based on current development standards

Conclusion

The Provincial Policy Statements encourages the promotion of economic development and competitiveness by providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term 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, the County Official Plan 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 – September 24, 2012**

No persons attended the hearing.

(f) **DECISION: PROVISIONAL CONSENT IS GRANTED**

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Darik Development Corporation described as Part 1, Plan 27R-8339, being Part Lot 15 Conc. 10, geographic Township of Ramsay, now in the Town of Mississippi Mills, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4, #5 and #6 has been fulfilled to their satisfaction.