



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, October 29, 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-2012-025**

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

"THAT, the minutes of the Land Division Committee meeting held on October 16, 2012 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

The Secretary-Treasurer advised that there was one addition to the Agenda – T McLellan B12/039 – revised lot plan.

MOTION #LD-2012-026

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

"THAT, the agenda be adopted as circulated and revised."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Trudy McLellan – B12/039

Requested that the Committee consider changes to the lot plan for B12/039 in excess of the 10-15% margin. The Lot size has increased from 11.5-ha to 14.48-ha, however the intent of the plan is the same i.e. to follow existing fence lines.

MOTION #LD-2012-027

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

“**THAT**, Committee approve the increased lot size for B12/039 from 11.5-ha to 14.48-ha and that no re-circulation be required as the change meets the intent of the original plan, which was to follow the existing fence lines where possible.”

ADOPTED

7. REPORTS

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

7.1.1 **B12/062, B12/063, B12/064 and B12/065 – Hector and Hilda Cowan – New Lot and 3 Lot Additions.**

Pt. Lot 7, 8 and 9 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. (Elm Grove Road / Tully’s Way).

7.1.2 **B12/091 – Vicky Streeter – New Lot**

Pt. Lot 12 Conc. 9, Township of Beckwith (9th Line Beckwith)

7.1.3 **B12/092 – Philip Pownell – Lot Addition**

Pt. Lot 9 Conc. 11, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (11th Con Dal.)

7.1.4 **B12/102 – David and Sandra Schonauer – New Lot**

Pt. Lot 8 and 9 Conc 2, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (2nd Con Dal.)

7.1.5 **B12/103 – Rodger Fisher – Lot Addition**

Pt. Lot 5 Conc. 3 geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Ashby Road)

7.1.6 **B12/104 – Randy Alward – Lot Addition**

Pt. Lot 5 Conc. 3 geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Ashby Road)

7.1.7 B12/106 – Wilson Bowes – Lot Addition

Pt. Lot 15 Conc. 1, geographic Township of Bathurst, now in Tay Valley Township. (Upper Scotch Line).

7.1.8 B12/115, B12/116 and B12/117 – 1503893 Ont. Inc. - 3 New Lots

Lots 113 and 114 Compiled Plan 2289, Town of Carleton Place. (Miguel Street)

7.1.9 B12/080 and B12/081 – William & Joan McNaughton – 2 New Lots

Pt. Lot 15 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 9A)

7.1.10 B12/082 – William & Joan McNaughton – New Lot

Pt. Lot 14 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 10A)

7.1.11 B12/095, B12/096, B12/097 & B12/098 – Michael J Umpherson – Three New Lots and One Lot Addition.

Pt. Lot 5 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 12A).

7.1.12 B12/099 and B12/100 – 1166719 Ont. Ltd – New Lot and Lot Addition

Pt. Lot 1 Conc. 2 Plan 320 Lanark Village, now in the Township of Lanark Highlands. (Markle Road)

7.1.13 B12/101 – Evert and Helen Bron – Lot Addition

Pt. Lot 1 Conc. 2 Plan 320 Lanark Village, now in the Township of Lanark Highlands. (Markle Road)

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B12/075 – Deanne Dowdall – New Lot

Pt. Lot 4 Conc. 7, Township of Beckwith. (Dowdall Shore Lane).

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B12/062, B12/063, B12/064 and B12/065 – Hector and Hilda Cowan – New Lot and 3 Lot Additions.

10.1.2 B12/075 – Deanne Dowdall – New Lot

10.1.3 B12/080 and B12/081 – William & Joan McNaughton – 2 New Lots

10.1.4 B12/082 – William & Joan McNaughton – New Lot

10.1.5 B12/091 – Vicky Streeter – New Lot

10.1.6 B12/092 – Philip Pownell – Lot Addition

10.1.7 B12/095, B12/096, B12/097 & B12/098 – Michael J Umpherson – Three New Lots and One Lot Addition.

10.1.8 B12/099 and B12/100 – 1166719 Ont. Ltd – New Lot and Lot Addition

10.1.9 B12/101 – Evert and Helen Bron – Lot Addition

10.1.10 B12/102 – David and Sandra Schonauer – New Lot

10.1.11 B12/103 – Rodger Fisher – Lot Addition

10.1.12 B12/104 – Randy Alward – Lot Addition

10.1.13 B12/106 – Wilson Bowes – Lot Addition

10.1.14 B12/115, B12/116 and B12/117 – 1503893 Ont. Inc. - 3 New Lots

11. UPCOMING MEETINGS

Monday, November 26, 2012 @9:00 a.m.

Monday, December 17, 2012 @ 9:00 a.m.; and

Monday, January 28, 2013 @ 9:00 a.m.

12. ADJOURNMENT – 11:33 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Hector & Hilda Cowan **Hearing Date:** October 29, 2012
Agent: McIntosh Perry (Sylvia Coburn)
LDC File #: B12/062, B12/063, B12/064 and B12//065
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 7, 8 & 9 **Concession:** 5
Roll No. 0911 911 025 18000 **Consent Type:** one new lot and three lot additions.

Purpose and Effect:

B12/062 – to sever a 3.22-ha residential building lot together with a r-o-w over the existing Tully’s Way.

B12/063, B12/063 and B12/064 (revised) – to sever three (3) lot additions together with a r-o-w over Tully’s Lane and retain a 53.66-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed B12/062 | Land to be Retained |
|--|--|---|
| Existing Use Proposed Use | Vacant Residential | Vacant residential |
| Area Frontage Water Frontage Depth Road - Access to | 3.22-ha 187 m 179 m 149.2 m Private Road | 55.92-ha 1251 m 553 m Irregular County Road |
| Water Supply Sewage Disposal | Proposed Proposed | Proposed Proposed |
| Official Plan Designation -Conformity? | Rural, Deer Yard, Abandoned Mines Yes | |
| Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural Will require re-zoning | Rural 1.0-ha Yes 60 m Yes |

| DETAILS OF PROPOSAL | Land to be Severed | | | Land to be Retained |
|---|--|--------------------|--------------------|-----------------------|
| | B12/063 | B12/064 | B12/065 Revised | |
| Existing Use Proposed Use | Vacant Addition | Vacant Addition | Vacant Addition | Vacant Residential |
| Area | 0.51-ha | 0.88-ha | 1.02-ha | 53.66-ha |
| Frontage | 126 m | 106.8 m | 85.9 m | 1251 m |
| Water Frontage | 0 | 0 | 0 | 553 m |
| Depth | 92.4 m | 157.6 m | 157.6 m | Irregular |
| Road - Access to | Private | Private | Private | County |
| Water Supply | n/a | n/a | n/a | Proposed |
| Sewage Disposal | n/a | n/a | n/a | Proposed |
| Official Plan Designation -Conformity? | Rural, Deer Yard, Abandoned Mines Yes | | | |
| Zoning Category | Rural | | Rural | |
| -Area Required (min.) | n/a – lot additions | | 1.0-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.

2.4 Minerals and Petroleum

Section 2.4.3 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased.

2.6 Cultural Heritage and Archaeology

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

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3 Transportation, Section 4.4 Water, Waste Water and Stormwater Services, Section 5.0 Natural Heritage, Section 7.0 Public Health and Safety, 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 2.18 Cultural Heritage and Archaeological Resources, Section 2.20 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply, Sewage Disposal and other services, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division. Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 10.1 Rural Zone
Tay Valley Township advises that the proposal does not comply with the zoning by-law

regulations. A re-zoning will be required for the new lot to Residential Limited Service.

(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 – B12/062

The proposal is to sever one residential building lot (3.22 ha) together with a right-of-way. The retained lot is 53.66 ha and vacant.

Official Plan Designation: Rural with Significant Wildlife (wintering deer yard) and Abandoned Mines and Mineral Resource Operations overlays

Applicable Sections: 3.6, 5.2.3.4, 2.21.3, 2.20.2

Section 5.2.3.4 Consent requires lands created by consent on private roads to be rezoned to Residential Limited Services.

Section 2.21.3 Wildlife Habitat and Adjacent Lands recognizes the importance of maintaining ecosystem diversity and requires an Environmental Impact Statement to demonstrate no negative impacts will result from development. An EIS was received by the Township September 25, 2012. It states that butternut, Eastern Whip-poor-will, and Common Nighthawk are present on the proposed severed and retained lot and describes mitigation measures to be taken to prevent degradation of the habitat e.g. careful placement of the access road with respect to the butternut; no removal of woody vegetation between May 20 and August 15 of any year. A Development Agreement would be required to ensure these provisions are met.

2.20.2 Abandoned Mines and Mineral Resource Operations requires consultation with the Ministry of Northern Development and Mines to ensure public safety is met. The applicant has been in contact with MNDM to resolve their issues.

Zoning Bylaw Category - Rural

Applicable Sections: 5.3.4 Residential Limited Services .The property would need to be rezoned to Residential Limited Services as the access is from a private road. Both the retained and severed lands are currently vacant. The proposed residential use is permitted for the proposed new lot and for the retained lot.

Both severed and retained lands meet minimum requirements for lot size and frontage.

Rideau Valley Conservation Authority - has no objection but will provide detailed comments on shoreline access at Site Plan Control stage.

MRSSO - has no objection to the severance as proposed. 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. Because of the rocky topography and thin soil, a clay seal and importation of sand would be required or use of a tertiary system would be preferred.

Township Planner's Notes – B12/063, B12/064 and B12/065

The proposal is to create three lot additions: 0.51-ha, 0.88-ha and 0.87-ha. The retained lot is 53.66-ha and vacant.

Official Plan Designation: Rural with Significant Wildlife (wintering deer yard) and Abandoned Mines and Mineral Resource Operations overlays

Applicable Sections: 3.6, 5.2.3, 2.21.3, 2.20.2

Section 2.21.3 Wildlife Habitat and Adjacent Lands recognizes the importance of maintaining ecosystem diversity and requires an Environmental Impact Statement to demonstrate no negative impacts will result from development. An EIS was received by the Township September 25, 2012. It states that butternut, Eastern Whip-poor-will, and Common Nighthawk are present on the proposed severed and retained lots

and describes mitigation measures to be taken to prevent degradation of the habitat e.g. careful placement of the access road with respect to the butternut; no removal of woody vegetation between May 20 and August 15 of any year. A Development Agreement would be required to ensure these provisions are met.

2.20.2 Abandoned Mines and Mineral Resource Operations requires consultation with the Ministry of Northern Development and Mines to ensure appropriate remediation.

Zoning By-law Category - Rural

Applicable Sections: 10.1 - Both the retained and severed lands are currently vacant.

The retained land meets the minimum requirements for lot size and frontage. Rural land can be added to the two lots zoned Seasonal Residential and the one zoned Limited Services Residential as Rural land is compatible with a residential use.

Rideau Valley Conservation Authority - has no objection.

MRSSO - has no objection to the severance as proposed. 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.

Tay Valley Township - recommends approval of this application subject to the following conditions for B12/062:

- 1/ Payment of all taxes owing .
- 2/ Payment of all cost incurred by the Township for review
- 3/ Copy of Deed/transfer .
- 4/ 1 copy of the reference plan
- 5/ Parkland contribution of \$200
- 6/ Development Agreement Incorporating the recommendations of the EIS.

Advisory notes, If a third lot were to be developed from the retained land a Lake Capacity Study would be required under Section 2.23.1.2.2 of the Official Plan.

Tay Valley Township – recommends approval of this application subject to the following conditions for B12/063, B12/064 and B12/065:

- 1/ Payment of all taxes owing .
- 2/ Payment of all cost incurred by the Township for review
- 3/ Copy of Deed/transfer .
- 4/ 1 copy of the reference plan
- 5/ development Agreement Incorporating the recommendations of the EIS.

Advisory notes, If a third lot were to be developed from the retained land a Lake Capacity Study would be required under Section 2.23.1.2.2 of the Official Plan.

Conservation Authority - RVCA October 15, 2012

The Rideau Valley Conservation Authority (RVCA) has reviewed this application and undertaken a site visit. We offer the following comments based:

- Section 2.1 Natural Heritage (wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplain) of the; Provincial Policy Statements under Section 3 of the Planning Act.
- The Federal Fisheries Act 35(2).
- Waterfront setbacks and best management practices derived from the "Rideau Lakes Study" (1993); the study considers the affects of development on phosphorus loading and the protection of recreational water quality on water bodies within the Rideau Watershed.

- The Rideau Valley Conservation Authority regulation O.R 174-06 as per Section 28 of the Conservation Authorities Act.

B12-062 (proposed new lot)

There are no areas of natural hazard identified formally on the property. However we do note the very steep slopes north and south of the ravine which runs east-west. The valley lands are relatively flat leading to the bay/waterfront of this lot. The ravine and valley lands occupy roughly the north half of the proposed lot.

The lakefront and backlands south of the ravine rise very steeply to high table land which occupies most of the remainder of the proposed lot'. The lot development is proposed on this high table land. From the EIS, it appears that the \water setback from the lake will be ill the order of 40 +/- metres, Given the variability of the lot conditions and the additional consideration for SAR, however, we are satisfied that there is opportunity to develop with a 40 metre setback as shown in the EIS (Figure 4). Provided the committee is satisfied mat the considerations for the SAR are addressed with the restrictions on site development (site disturbance and timing), we do not object to this lot creation.

As a condition of approval, the RVCA requests the opportunity to review a site plan which expresses the increased setback of at least 40 metres from the lake [or development (including illustration of site development i.e. services and infrastructure, modest water access/ shoreline use) and confirmation of the mitigation measures for habitat protection as per the EIS on the site.

We also recommend that notice be provided to the owners or prospective purchasers that, for the protection of wildlife in and around the site, domestic pets (i.e. dogs should not be Be allowed to roam freely in the area). This should be in addition to the mitigative measures described in the EIS.

We note that the owners should be made aware that prior written approval under Ontario Regulation 174/06 is required from the RVCA for alterations to the shoreline of Long Lake.

B12/063, B12/064 and B12/065 (Lot additions)

We have no objection to the lot additions described as B12 063, 064 and 065.

We recommend that notice be provided to the owners or prospective purchasers, that, for the protection of wildlife in and around the site, domestic pets (i.e. dogs should not be; allowed to roam freely in the area).

We note that the owner should be made aware that *prior written approval under Ontario Regulation 174/06 is required from the RVCA for alterations to the shoreline of Long Lake.*

Please advise us as to the Committee's Decision regarding these applications or any changes in their status.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions.

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

B12/062

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).

The applicant proposes to sever a 3.22 hectare parcel, for the purpose of creating a new lot. The proposed lot is currently vacant with heavy tree cover, exposed rock and generally sloping towards the lake. The official plan layer for Tay Valley Township indicates area, including the proposed lot, as a deer yard and mineral resource. No test pits were provided. The retained parcel is approximately 55.92 hectares. The retained lot is vacant with a proposed residential use. There are areas of exposed rock, heavy tree cover and water bodies other than Long Lake. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Due to exposed bedrock and presumed shallow soils, 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 install, replace, operate or maintain a sewage system in the future. Given the above information, 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.

B12/063, B12/064 and B12/065

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).

B12/063 - The applicant proposes to sever a 0.51 hectare parcel, for the purpose of a lot addition to 3014 Tullys Way Route D, owned by Malcolm and Graham Brown. The existing lot is developed with a dwelling and sewage system, permit number P56581. The lot addition is vacant with areas of tree cover and exposed rock. No test pits were provided.

B12/064 - The applicant proposes to sever a 0.58 hectare parcel, for the purpose of a lot addition to 3016 Tullys Way Route D, owned by Jeffrey C. Singer. The existing lot is developed with a dwelling and sewage system, permit number SF62592. A new septic tank was installed in 2009, permit number 09V037. The lot addition is vacant with areas of tree cover and exposed rock. No test pits were provided.

B12/065 - The applicant proposes to sever a 0.86 hectare parcel, for the purpose of a lot addition to 2021 Tullys Way Route B, owned by Gillian and Malcolm Hunn. The existing lot is developed with a dwelling. There is no sewage system permit available. The lot addition is vacant with areas of tree cover and exposed rock. No test pits were provided. The retained parcel is approximately 55.41 hectares. The retained lot is vacant with a proposed residential use. There are areas of exposed rock, heavy tree cover and water

bodies other than Long Lake. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Due to exposed bedrock and presumed shallow soils, 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 install, replace, operate or maintain a sewage system in the future. Given the above information, 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.

County Public Works Department

1/ The Public works Department does not require any consultation in regards to the lands to be severed and retained as the lands gain access via Tully's Way. No future entrances are permitted from County Road 21 (Elmgrove Road) without consultation and application with the Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **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:

Dave Schurman - July 28, 2012

Please inform me of the public meeting date with regards to the application for consent in relation to file number B12/062, 063, 064 and 065.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 3.22-ha residential building lot together with a r-o-w over the existing Tully's Way (B12/062 and to sever three (3) lot additions together with a r-o-w over Tully's Lane B12/063, B12/064 and B12/065 as revised) and retain a 53.66-ha vacant landholding.

The subject lands are located in an area characterized by Residential and Seasonal Residential along Tully's Way.

The lands are accessed via Tully's Way, a private road which adjoins Elm Grove Road, a county maintained road. Bedrock Inventory – conglomerate, wacke, quartz.

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

Due to the proximity of water (Long Lake) and Wildlife Habitat, on the Township's Official Plan, the applicant undertook an Environmental Impact Statement (EIS) which was reviewed by the Conservation Authority. Recommendations are found in their report and should be addressed through the implementation of either "Site Plan Control" or a "Development Agreement".

Archaeological

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

The "Watershed Watch Report" was undertaken on Long Lake in 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1980. The sampling indicates that Long Lake has a moderate concentration of nutrients. Some algae blooms and minor weed growth in sheltered bays and shallow areas were noted. Best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. 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 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 Rural which permits a variety of uses including single family dwellings. However, this zone does not permit development on an existing private road; therefore the lands will require re-zoning to Limited Services Residential will be required.

In the case of the lands to be enlarged, zoning will merge with the existing lots, which is Limited Services Rural. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of 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.

(e) **MINUTES – October 29, 2012**

Hector Cowan, owner and Sylvia Coburn, agent, attended the hearing and gave evidence under oath.

Ms. Coburn commented that the zoning should only apply to the severed lands for B12/062, as the retained lands still have frontage on a municipal road and therefore comply with the zoning by-law regulations. Also, that the site plan agreement should only apply to the severed lands.

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.

B12/062

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
4. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with Tay Valley Township in this regard.
5. Payment of \$200.00 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).
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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of October 15, 2012 and the recommendations contained in the Environmental Impact Statement dated September 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

11. A letter shall be received from Rideau Valley Conservation Authority stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *Lanark County Public Works Department advises that no future entrances are permitted from County Road 21 (Elmgrove Road) without consultation and application with the Public Works Department.*
2. *The Rideau Valley Conservation Authority advises that prior written approval under Ontario Regulation 174/06 is required from the RVCA for alterations to the shoreline of Long Lake.*
3. *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.*
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7. *Residents and users of Long Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
8. *The Mississippi Rideau Septic System Office advises that due to exposed bedrock and presumed shallow soils, 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.*
9. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*

10. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
11. *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.*

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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.

B12/063

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. 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 Jeffrey C Singer described as Part 5 Plan R-31, Pt. Lot 9 Conc. 5 North Burgess,

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”.

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.
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11. A letter shall be received from Rideau Valley Conservation Authority stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #6 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that prior written approval under Ontario Regulation 174/06 is required from the RVCA for alterations to the shoreline of Long Lake.*
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 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.*
4. *The applicant is advised that the lands are within a recognized “Wintering Area – Deer Yard”, the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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7. *The Mississippi Rideau Septic System Office advises that due to exposed bedrock and presumed shallow soils, 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.*
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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.

B12/064

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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 Malcolm Brown and Graham Brown described as Part Pt. Lot 9 Conc. 5 North Burgess, 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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
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September 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

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B12/065

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2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” presented August 13, 2012.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition “The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gillian Frances Hunn and Malcolm John Hunn described as Part Lot 9 Conc 5, North Burgess, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further

consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

5. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
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LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Vicky Streeter **Hearing Date:** October 29, 2012
Agent: N/A
LDC File #: B12/091
Municipality: Beckwith
Geographic Township: Beckwith **Lot:** 12 **Con** 9
Roll No. 0924 000 035 17200 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.837-ha residential building lot and retain a 6.8-ha parcel of land with an existing dwelling and equine stable at 1954 9th Line Beckwith.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Equine Stable/House |
| Proposed Use | Residential | Equine Stable/House |
| Area | 0.837 ha | 6.8 ha |
| Frontage | 93 m | 77 m |
| Depth | 90 m | 670 m |
| Road - Access to | Municipal Road | Municipal Road |
| Water Supply | Proposed well | Private well |
| Sewage Disposal | Proposed septic | Private septic |
| Official Plan Designation -Conformity? | Rural Yes | |
| Zoning Category | Residential – Holding | Residential – Holding |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 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.

Section 1.6.7 Airports – Planning for land uses in the vicinity of airports shall be undertaken so that:

- a) the long-term operation and economic role of airports is protected: and
- b) airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

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 4 General development Policies, Section 4.8 Airports, Section 6.6 Rural Land, Section 7.3 Township 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 5.1 Residential, Section 4.9 Holding Provisions. 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

The applicant pre-consulted with the Planning Committee in November, 2011 regarding the proposed severance along 9th Line. The Planning Committee noted concerns regarding the minimum distance separation and *indicated* that a *site* plan control application would be required to ensure that any future dwelling complied with the required MDS. The site plan application could be a condition of the severance.

PURPOSE OF APPLICATION

The severance application would create a new residential lot within the community development area of Black's Corners.

DESCRIPTION OF SUBJECT LANDS

The subject property contains an existing dwelling and an equestrian facility. The subject property is located adjacent to the existing railway and adjacent to the end of the runway for the Carleton Place airport. The subject property is located within the community development area of Black's Corners. The proposed severance would be located between an existing severance and the railway tracks.

PROVINCIAL POLICY STATEMENT

Section 1.1.3 of the PPS regards settlement areas within municipalities. These policies promote intensification within settlement area boundaries. As the proposed severance would serve to intensify the Black's Corner's community development area, the proposed severance appears to be consistent with this section of the PPS.

The PPS notes in two separate sections (Rural and Agricultural) that new development, including the creation of new lots, must conform to minimum distance separation

calculations. Staff have worked with the applicant to prepare MDS calculations for the equestrian facilities on the subject property. The MDS calculation indicates 286m of separation is required, whereas 225m of separation exists between the barn and the proposed lot line. The future dwelling could be located towards the front of the proposed lot and would be able to achieve the 286m separation distance. While this is not ideal, Staff feels that it is important to note that the subject property is located within a community development area and is zoned and designated for residential development. Staff believes that the general intent of the MDS is being achieved and appears to be a suitable situation to accommodate a minor reduction in the MDS requirement.

Section 1.6.7 of the PPS regards airports and generally protects the operation of airports by separating non-compatible uses. The PPS defines airports as those with noise exposure forecasting (NEF) mapping. As the Carleton Place airport does not appear to have this mapping, Staff does not believe these policies would apply to this small-scale private airport.

OFFICIAL PLAN

The subject property is designated as Residential within the Township's Official Plan. Furthermore, the property is located within the community development area of Black's Corners. Community development areas are where the Township wishes to focus 'urban type' growth.

Section 4.13 regards noise and states the following:

"For any proposed residential severance in close proximity to a major source of noise, Council will consider any potential noise problem in determining the appropriateness of the proposed severance. "

The proposed severance is located adjacent to the end of the runway of the Carleton Place airport. Aircraft will be flying extremely close to any dwelling constructed on the proposed lot and will generate significant volumes of noise. Further property owners should be notified of the noise the property would be subjected to.

Section 4.17 Separation Distances and states the following:

*"Residential uses in particular will be located an appropriate distance away from any use or facility which would be a potential source of nuisance such as railways, **airports**, freeways and major highways, industrial uses, waste disposal sites, wrecking yards, mineral aggregate areas, intensive livestock operations. Separation distances specific to the particular use will be established in the Zoning By-law or through development approval processes. "*

The Township's zoning by-law does not establish separation distances between dwellings and airports. A dwelling on the proposed lot could be made to be located as far

as possible from the airport through the site plan control agreement.

[MDS Guideline #37 from OMAFRA state that within settlement areas, municipalities have the option to apply MDS requirements. This decision should be consistent with municipal planning documents.]

Section 5.5.11 regards development within Black's Corner's community development area and states the following:

"For any portion of a new residential development or any other sensitive and uses(s) within the Black's Corners Community that falls within 500 metres of a main railway line, or near an airport for which NEF/NEP contours have not been developed, the policies of Sections 4. 13 and 4. 17 of this Plan apply."

The proposed severance falls within 500m of the railway and is located at the end of the runway for the Carleton Place airport. The potential noise impacts should be taken into consideration. The owners of the airport provided the Township with a report outlining various noise readings of airplanes, trains, and yard equipment. The results from their readings indicate that the airport operation emits less noise than the railway, while it was in operation. The airport emits approximately similar noise levels as yard equipment at comparable distances - granted, the airport may generate noise during hours not considered appropriate for the operation of yard equipment. While not ideal to live near an airport, the noise would not appear to significantly affect quality of life for future owners of the proposed severance, however, potential property owners should be made aware of the noise exposure prior to purchasing.

Section 6.9 of the Official Plan regards the Airport designation. The policies of this section indicates that the Zoning By-Law will establish control on adjacent lands of the airport designation to control the height of structures in accordance with Transport Canada regulation. The Township's Zoning By-Law does not include height restrictions. Staff have requested confirmation of the height requirements from Transport Canada, but have not received a response as of the date of this report.

ZONING BY-LAW

The subject property is zoned Residential-Holding by the Township's Zoning By-Law. Within this zone, residential uses are permitted, provided that the holding zone is removed. The proposed severance would have 94m of frontage on the 9th Line and an area of approximately 2 acres. These requirements exceed the minimums required by the Zoning By-Law.

The adjacent property is zoned RU-1, which permits the operation of the existing airfield. Section 3.8 discusses height exceptions and notes that Transport Canada regulations for areas surrounding airports supersede any height restrictions imposed by the Township's Zoning By-Law. Staff have not been able to obtain copies of the Transport Canada regulations as Transport Canada have not responded to the information request, however, the airport owner has provided the Township with a copy of *"The COPA Guide to Private Aerodromes 2 "*, published by the Canadian Owners and Pilots Association. This publication provides recommendations for height restrictions in areas surrounding runways. For areas adjacent to the runway, the publication recommends that an imaginary 'surface' or 'plane' extends from the edge of the runway at a slope of 5: 1. That is, for every 5 feet of horizontal distance, the surface rises 1 foot vertically. The distance between the edge of the runway and the nearest proposed lot line is approximately 190

feet. This means that a structure of 38 feet ($190/5=38$) could be located on the lot line and not interfere with the operation of the airport. As the maximum height of a structure within the Residential zone is 9m, or 29.5 feet, development on the proposed lot should not interfere with the operation of the airport.

Section 3.17 outlines separation distances between new dwellings and identified uses. This section prohibits new dwellings from being constructed within the minimum distance separation required by the Agriculture Code of Canada. As noted above, the MDS calculation requires 286m of separation from the barn; if the dwelling is located near the front of the proposed property, in line with the adjacent dwelling, the dwelling would comply with the required MDS.

OPTIONS / ANALYSIS

Development at the end of an airfield is not ideal as there are high levels of noise while the airfield is in operation. Development adjacent to an airfield also needs to respect the height restrictions necessary for safe operation of the airfield.

Zoning By-Law Amendment

Should the severance be granted, the property will require a zoning by-law amendment to remove the holding symbol prior to development. This could either be done through a condition of the severance or after the severance has been finalized by the future property owner prior to construction.

Site Plan

The Planning Committee indicated that a site plan agreement would be required to ensure the MDS was achieved by the dwelling. The site plan agreement could also ensure that the dwelling was located on the east side of the property, as far as reasonably possible from the end of the runway; locating the building on the east side of the property would reduce the noise for the future owners. The site plan agreement would help ensure that any future structures did not pose a risk to the airport operations.

The agreement associated with the site plan is registered on title with the property. The agreement should make reference to the noise inherent to living adjacent to an airport to alert future property owners.

COMMENTS

The airport owners have indicated concerns with the proposed severance as future development may affect airport operations. The Owners are not opposed to the application, but wish to have their concerns addressed. An email from the airport owner is attached to this report and outlines their concerns as the following:

- **Building Heights**

Any buildings or structured constructed on adjacent properties should be less than 30ft in height so as to not interfere with the airport operations.

This requirement is consistent with the Township's Zoning By-Law and more restrictive than the regulations provided by the owner for height restrictions adjacent to runways.

- **Noise and Future Complaints**

The airport owners indicate they have plans to expand operation of the airport in the coming years. The owners request that any deeds created for new lots in the vicinity of the airport should reference the airport and the associated noise.

Staff believe this is a prudent measure as future property owners may not be familiar with the area and may not be aware of the adjacent airport. Notice in a

registered agreement would provide the necessary notice.

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

- 1/ That the applicant enters into a site plan control agreement with the Township to regulate the location of the future dwelling on the east side of the proposed lot and in accordance with the required minimum distance separation formulae. The agreement will acknowledge the existing airport and associated noise and will be registered on title with the property;
- 2/ 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;
- 3/ The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;
- 4/ That an entrance permit be obtained from the Public Works Superintendent;

Advisory Notes:

- 1/ That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- 2/ The property is affected by Federal aviation regulations.

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 (1) vacant building lot, measuring 1.75 ac. The retained land is 17.1 acres with an existing dwelling and Equine Stable.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a portion of an unclassified wetland extends into the northern end of the retained land. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

No natural heritage features or natural hazards were identified on the proposed severed lands. The proposed retained land is already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application. We recommend that the wetland remain undisturbed, on the retained lands.

NOTES

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The property to be severed is a 90 metre x 93 metre bush lot. The drainage appears to be toward the southwest corner of the property. Rock was encountered within 0.4 metres or less of existing grade. A septic system could be accommodated on the property. It would need to be partly or fully raised using sandy loam fill.

Retained – The land to be retained is 17.1 acres. It contains a residence and outbuildings. The property primarily consists of fields. Drainage appears to be toward the west. The severance would not impact future replacement of the septic system.

Hydro One Networks – No comments were received.

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

(c) **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:

Allison Horton and Crew Sept 11, 2012

Further to our phone conversation this afternoon, please be advised that my husband and I are the private owners of the grass strip airport registered as CNR6 in the Canadian Flight Supplement - whose physical civic address is 1998 9th Line Beckwith, Beckwith, ON.

This property is directly adjacent to the land severance request being submitted by Vicky Streeter, File # B12/091

We have some concerns about this severance request, as the intent as we understand it, is to build a private residence on this severed land that is located within 500 feet +/- of our runway landing approach and operations.

Our initial concerns are:

- * There is a 24 hour 7 days a week registered airport operating immediately adjacent to this proposed lot severance - Registered as Runway # 17/35 in the CFS
- * Our airport generates a LOT of noise - we service General Aviation, Aerobatic Aircraft, Helicopters, Ultra Light and Light Sport Aircraft, as well as the Emergency Air Ambulance Service etc.
- * We currently have 2 local flight instructors who use our runway often to train their student at, as well as the Ottawa flight school regularly flies in to train their GA students on it.

- * Semi and annually the Department of National Defense attends our airport to practice their military DND maneuvers... which is very noisy also (large helicopters, cannons, guns etc.)
- * Our plan is to expand our airport with the building of new hangers and initially doubling our current capacity, with future growth from there intended
- * The deed of this new lot proposal will need be written so that anyone purchasing it (now & in future) must acknowledge the existence of the airport and it's operations right beside their house, and all of the subsequent possible impacts/issues that entails.
- * The deed must have written in that no towers, antennas or anything of height can be constructed on this lot - as it will interfere with our safe operations of aircraft (line of sight etc.)
- * A home/building should be limited to a maximum of no more than 1 storey in height (line of sight issues for operating aircraft)
- * Special windows/doors/insulation should probably be used to deal with the noise issues our airport generates.

Many years ago we had a civil noise complaint and we did our own noise meter readings, but there was never an official recording done.

Also we were reassured then that all deeds (existing and new ones) in a large area (I think 1 or 2 mile radius) surrounding our airport had written in the acknowledgement of the airport's existence and its rights to operate.

I just received a call from Beckwith Township - I will be trying to find these noise numbers we previously recorded and the information regarding heights and line of sites to share with them.

I was asked to attend Monday night's meeting at the Beckwith Town Hall for 7 pm regarding this, and I will be bringing some people with me who are a bit more informed than I am on these matters.

I may be reached at 613-283-9393 or Malcom may be reached at 613-250-2206 (he is currently in Alberta and will return October 9th)

Allison Horton – Sept 12, 2012

Just to reaffirm the contents of my phone conversation this morning with Niall... and after speaking with my husband Malcom, I am writing again to clarify what our requests/concerns are with the Streeter severance:

1. The people who purchase and subsequently build on this severed lot (and any other proposed future lots immediately surrounding our aerodrome location) acknowledge on their deed that there is an active, growing (expanding) and noisy aerodrome directly adjacent to their property location - which also means increasing vehicle traffic

AND

2. That the deed is written to provide "Obstacle Clearance protection" for our aerodrome - thus have it written that no structure is to be built over a maximum height of 30 feet.

I will be attending the 7 pm Monday Sept 17 meeting with Chris Winters (pilot and resident of Beckwith Township), and we will do our level best to answer questions or aid in this matter as needed.

We are committed to our continuing good relationships with the Township, and especially our neighbours, and we thank you again for all your help and patience.

I may be reached at (613) 283-9393 or Malcom on his cell at (613) 250-2206.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever 0.837-ha residential building lot and retain a 6.8-ha residential lot with an existing dwelling and equine stable.

The subject lands are located in an area characterized to the west by Residential on large landholdings and to the east by residential subdivisions.

The lands are accessed via 9th Line Beckwith, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 286 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 225m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc

Private Airport

As noted by the adjacent landowner and the Township a private airport is located to the west of the lands to be severed. The regulations for Transport Canada supersede any restrictions that may be imposed by the Township (i.e. Zoning). However Site Plan can be used in order to ensure that future purchasers of the lands are aware of the facility and the restrictions for development. In addition, a note should be included on the deed to advise future purchasers of the existing private airport.

Rail Line

The CPR rail-line abuts the lands to be severed. No comments were received from CPR. This line runs from Smiths Falls north and the portion from Almonte north has now been closed and most of the tracks removed. The portion from Smiths Falls to Carleton Place, may in the future be closed, however it is currently being used, although very limited. A caution should be included on the deed to advise future purchasers of the rail line and its activities.

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. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands
The area has no areas 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 Beckwith.

Zoning

The subject property is currently zoned Residential – holding (R-h) which permits a variety of uses including single family dwellings and also provides for the existing airfield. The lot to be severed exceeds the minimum lot size and frontage requirements of the zoning by-law. Additional development restrictions can be implemented through the site plan process.

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.

(e) MINUTES – October 29, 2012

Vicky Street, owner, attended the hearing and gave evidence by affirmation.

Ms. Street advised that she had discussed the entrance location with the Township and they had suggested that it be located on the easterly side of the lot.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an existing rail line and the occupants of the lot may be susceptible to noise, odours dust, vibration and related impacts from time to time."
5. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an existing Airport and may therefore be subject to noise, dust, odours and other nuisances associated with the airport operation".
6. The applicant shall enter into a site plan control agreement to be registered on title with the Township of Beckwith to regulate the location of the future dwelling with respect to the existing airport. The applicant shall consult directly with the Township of Beckwith in this regard.
7. 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.
8. 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.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.

10. A letter shall be received from the Township of Beckwith stating that condition #7 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that any proposed works in or near the wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Leeds Grenville and Lanark District Health Unit advises that the septic system will need to be partly or fully raised using sandy loam fill.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws*
5. *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: Philip Pownall **Hearing Date:** October 29, 2012
Agent: William J. Webster
LDC File #: B2012-092
Municipality: Lanark Highlands
Geographic Township: Dalhousie **Lot:** 9 **Con** 11
Roll No. 0940 004 035 20001 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1.01-ha parcel of land as a lot addition to lands owned by Kathryn Lea Williams at 981 11th Con Dal. And retain a 20.77-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Cabin |
| Proposed Use | Vacant | Cabin |
| Area | 1.01 ha | 20.77 ha |
| Frontage | 77.1 m | 204.4 m |
| Depth | 106.7 m | 534.6 m |
| Road - Access to | none | Municipal |
| Water Supply | n/a | Proposed Well |
| Sewage Disposal | n/a | 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.) | | 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.

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 3 Growth and settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.4 Forestry, Section 10.11.13 Subdivisions, Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township Planning Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 9, Concession 11, geographic Township of Dalhousie now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.5 acre parcel of land and add it to lands located at 981 11th Concession Dalhousie and retain a 51 acre vacant landholding.

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

2.0 Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these policies.

3.0 Official Plan

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The designation allows for residential development. Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

4.0 Zoning

The lands are zoned as Rural on Schedule "A 2" by Zoning By-law 2003-451. By allowing the lot addition the lands located at 981, 11th Concession Dalhousie will conform to the required minimum lot area.

5.0 Discussion

The application will not result in the creation of a new lot and will allow the lands located at 981, 11th Concession Dalhousie to conform to the Township's Zoning By-law by increasing the lot area from 1.97 acres to 4.5 acres.

In conclusion, the application as submitted is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

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 2.5 acres as a lot addition to the adjacent lands. The severed land is vacant, while the lot to be enlarged is already developed.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, the subject property is entirely located in an area which has been classified as a significant deer wintering area. No other natural heritage features or natural hazards were identified.

REVIEW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be

permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Assessment (EIA).

However, in this case, the receiving lands are already developed and no new development is proposed at this time. Therefore, it is our opinion that there is limited value in conducting an EIA for the subject application.

Natural Hazards
None identified.

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject lot addition.

NOTES

Due to the presence of the deer yard, an EIA may be required for any future development on the subject property.

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 – This lot has good drainage. The soil is sandy loam with varying depths of 0-50 cm to rock. There is a large hill in the centre of the wooded lot. This severance will be a lot addition to an existing property with home, well and septic system. No signs of failure for the existing system.

Retained – There is good drainage on this partially cleared lot. There is an existing home with septic system and well. The severed land does not negatively impact on-site sewage disposal for the existing residence.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.01-ha parcel of land as a lot addition n to lands owned by Kathryn Lea Williams and retain a 20.77-ha landholding with an existing cabin 6295 McDonald's Corners Road.

The subject lands are located in an area characterized by Residential on large landholdings along McDonald's Corners Road and the 11th Con Dal. A 'closed' lumber (planning) mill is located to the north of the lands.

The lands to be enlarged are accessed via 11th Con Dal., 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 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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.

- 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 Lanark Highlands.

Zoning

The subject property is currently zoned Rural Residential which permits a variety of uses including single family dwellings. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of 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 the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

Bill Webster, agent 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 Kathryn Lea Williams described as Part 2, Plan 27R-756, Pt. Lot 9 Conc. 11 geographic Township of Dalhousie, 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 Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

7. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: David & Sandra Schonauer

Hearing Date: October 29, 2012

Agent: William Webster

LDC File #: B12/102

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: 8 & 9 **Con 2**

Roll No. 0940 002 025 05500

Consent Type: New Lot

Purpose and Effect: To sever Lot 8 Conc. 2 Dalhousie containing a 26.5-ha landholding with an existing dwelling and barns at 812 2nd Con Dalhousie and retain Lot 9 Conc. 2 Dalhousie containing a 24.2-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|---------------------------|----------------------------|
| Existing Use | Residential/Agriculture | Vacant/Agriculture |
| Proposed Use | Residential/Agriculture | Residential/Agriculture |
| Area | 26.5 ha | 24.2 ha |
| Frontage | 509 m | 480 m |
| Depth | 520 m | 520 m |
| Road - Access to | Municipal Road | Municipal Road |
| Water Supply | Proposed Well | Private Well |
| Sewage Disposal | Private Septic | Proposed Septic |
| Official Plan Designation | Rural and Organic Soils | |
| -Conformity? | Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 1.0-ha | 1.0-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.

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 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, 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 Growth and Settlement, Section 4.2 Water Supply and Sewage Disposal, section 4.5.3 Township Roads, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a lot which inadvertently was consolidated with an adjacent lot. The

property is legally described as Pt. Lot 8, 9, Concession 2, Geographic Township of Dalhousie, now in the Township of Lanark Highlands.

The applicant wishes to sever a 65 acre parcel with an existing dwelling and barns located at 812, 2nd The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451. The retained vacant parcel will be 60 acres.

1.1 PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. Any proposed development would be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. Access to the subject properties is 2nd Concession Dalhousie

1.2 OFFICIAL PLAN

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

1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening

required.

5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.

Conservation Authority – MVC Sept 10, 2012

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 26.5 ha with an existing residence and barn. The retained land does not consist of habitable structures; however, several outbuildings exist on this 24.2 ha lot.

PROPERTY CHARACTERISTICS

The following features were identified using available GIS mapping and aerial photography;

Severed: A small unclassified wetland exists on the severed land. An unnamed tributary flows from this wetland, eventually into McCullochs Mud Lake.

Retained: A large unclassified wetland occupies a significant portion of the southern half of the retained lands. A second smaller wetland exists in the northeastern section. An unnamed tributary flows through these wetlands, eventually into McCullochs Mud Lake.

REVIEW

The proposed severed land is already developed with no new development proposed at this time. With respect to the retained lands, sufficient area appears to exist to accommodate new development in compliance with the current standards for development adjacent to a wetland and watercourse.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application provided the following is implemented for future development on the proposed retained land:

1. No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of the unclassified wetlands or tributary.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, tributary, or onto adjacent properties.
3. Existing vegetation along the shoreline of the tributary shall be retained to a minimum depth of 15 metres.
4. Wetlands shall remain undisturbed.

NOTES

1. The wetland on the severed land should remain undisturbed.

2. Shoreline vegetation, along the tributary of the severed land, should be retained to a minimum depth of 15 metres.
3. Alterations to the shoreline of the tributaries may require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
4. Any proposed works in or near the wetlands or tributaries 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 – This is a large lot with good drainage. The soil depth varies throughout the property. There is an existing home and several outbuildings. There is an existing septic system and drilled well. This severance will not negatively impact the existing septic system or drilled well.

Retained – A large lot with varying slope and soil depths. The drainage is poor near the road. There is a swampy area. The land rises away from the road. This is a large property. The area near the road is unsuitable for a septic system. Depending on location, a proposed septic system may require imported leaching bed fill.

Hydro One Networks – Hydro One has a three phase line running through the property to be severed.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection. We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 26.5-ha landholding with an existing dwelling and barn located at 812 2nd Con Dal and retain a 24.2 vacant landholding. The two parcels Lot 8 and Lot 9 were inadvertently merged on title, the lands are separately assessed and taxed.

The subject lands are located in an area characterized by Residential on large landholdings along 2nd Con Dal.

The lands are accessed via 2nd Con Dal. a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, silicate rock, skam

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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.
- 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 Lanark Highlands.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. The property to be created more than exceeds the minimum lot size and frontage requirements of 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 the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

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

Mr. Webster outlined the history of the property and advised that the Land Titles Office is willing to accept a "save and except deed" for Lot 9 and that no new survey would be required.

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 deed of land required by condition #1 above shall recognize any easements that currently exist, in particular Hydro One Inc.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township with a copy of the deed/transfer for the

property.

8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future septic system area on the retained lands.*
3. *The Mississippi Valley Conservation advises that the following should be implemented for future development on the proposed retained land:*
 - a. *No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of the unclassified wetlands or tributary.*
 - b. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, tributary, or onto adjacent properties.*
 - c. *Existing vegetation along the shoreline of the tributary shall be retained to a minimum depth of 15 metres.*
 - d. *Wetlands shall remain undisturbed.*
4. *MVC also notes that:*
 - a. *The wetland on the severed land should remain undisturbed.*
 - b. *Shoreline vegetation, along the tributary of the severed land, should be retained to a minimum depth of 15 metres.*
 - c. *Alterations to the shoreline of the tributaries may require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
5. *In addition any proposed works in or near the wetlands or tributaries 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.

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: Rodger Fisher

Hearing Date: October 29, 2012

Agent:

LDC File #: B12/103

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 5 Conc.: 3

Roll No. 0940 002 025 10201

Consent Type: Lot Addition

Purpose and Effect:

To sever a 0.532-ha parcel of land as a lot addition to lands owned by Randy Alward at Pt Lot 7 & 5 Plan 27R-8028 – W Pt Lot 5 Conc 2 Dalhousie and to retain a 4.04-ha residential lot with an existing dwelling located at 896 Ashby Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|--------------------------------|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Vacant | Residential |
| Area | 0.532-ha | 4.04-ha |
| Frontage | 160.03 m | 415.76 m |
| Depth | 42.04 m | 115.92 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | N/a | Private Well |
| Sewage Disposal | N/a | Septic System |
| Official Plan Designation -Conformity? | Rural and organic soils Yes | |
| Development Permit Category | Rural | Rural |
| -Area Required (min.) | n/a lot addition | 1.0-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.

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 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, 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 Growth and Settlement, Section 4.2 Water Supply and Sewage Disposal, section 4.5.3 Township Roads, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township Planning Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 5, Concession 2, geographic Township of Dalhousie now in the Township of Lanark Highlands.

The applicant wishes to sever a 1.3 acre parcel of land and add it to lands located at the West Part of Lot 2, Concession 3, Dalhousie.

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

2.0 Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these policies.

3.0 Official Plan

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

4.0 Zoning

The lands are zoned as Rural on Schedule "A 2" by Zoning By-law 2003-451. The lot addition is part of a housekeeping exercise which includes another lot addition and the closing of an unopened road allowance. The closing of the road allowance has been approved. Completion of the two lot additions will legally establish where existing property lines exist.

5.0 Discussion

The application will not result in the creation of a new lot and will legally establish the existing property lines.

In conclusion, the application as submitted is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

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 (1) vacant building lot, measuring 0.53 ha. The retained land is 4.0 ha with an existing dwelling.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a man-made pond exists on the retained land. The pond is connected to an unnamed tributary of the Mississippi River.

REVIEW

No natural heritage features or natural hazards were identified on the proposed severed lands. The proposed retained land is already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application. We recommend that existing shoreline vegetation, along the tributary, be left undisturbed to a minimum depth of 15 metres, on the retained lands.

NOTES

Alterations to the shoreline of the tributary require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

Septic Office – LGL Health Unit

Severed Lot – The drainage on this small piece of land is good. There is at least 0.9 metres of sandy soil. The land is cleared and slopes gently away from Sheridan Rapids Road. **Recommendation** – The severed property will become a lot addition for the neighbour.

Retained Lot – Fair drainage on this large lot. There is an existing residence with an existing filter bed and drilled well. No obvious signs of failure for the existing system (per No. SF-885-91). **Recommendation** – severing the land will not negatively impact on-site sewage disposal on the retained property.

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.532 parcel of land as a lot addition to lands owned by Randy Alwood at Pt Lot 5 Conc 2 Dalhousie and to retain a 4.04-ha residential lot with an existing residence at 896 Ashby Road. This application is being submitted concurrently with B12/104 and is an exchange of lands. The unopened road allowance between Concession 2 and 3 has been closed and conveyed to the adjacent landowners.

The subject lands are located in an area characterized by larger type residential building lots along both Ashby Road and Sheridan Rapids Road.

The lands are accessed via Ashby Road and Sheridan Rapids Road, both municipally maintained roads.

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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.

- 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 Lanark Highlands.

Zoning

The subject property is currently within the Rural (RU) section of the zoning by-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum frontage and area of 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 the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

The hearing for B12/103 was held concurrently with B12/104 as the applications dealt with an exchange of lands.

Roger Fisher, owner, and Randy Alward, purchaser, attended the hearing and gave evidence under oath affirmation.

Mr. Fisher confirmed that they had completed the road closing process and that they survey plan was completed for the lands to be exchanged.

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 Randy George Robert Alwood described as Part 5 & 7 Plan 27R-8028, being Part Lot 5 Conc 2 geographic Township of Dalhousie, 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 Lanark Highlands.

5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that alterations to the shoreline of the unnamed tributary require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
2. *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: Randy Alward

Hearing Date: October 29, 2012

Agent:

LDC File #: B12/104

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 5 Conc.: 2

Roll No. 0940 002 025 04801

Consent Type: Lot Addition

Purpose and Effect:

To sever a 0.386-ha parcel of land as a lot addition to lands owned by Rodger Fisher at Pt East Lot 5 Conc 3 Dalhousie, being Part 1 & 3 Plan 27R-9953 and retain a 21.5-ha residential landholding at 667 Sheridan Rapids Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|------------------------------------|---------------------------|----------------------------|
| Existing Use | Residential | Residential |
| Proposed Use | Residential | Residential |
| Area | 0.386 ha | 21.5 ha |
| Frontage | None | 210 m |
| Depth | 22 to 40 m | 308 m |
| Road - Access to | N/A | Municipal Road |
| Water Supply | N/A | Private Well |
| Sewage Disposal | N/A | Septic System |
| Official Plan Designation | Rural and organic soils | |
| -Conformity? | Yes | |
| Development Permit Category | Rural | Rural |
| -Area Required (min.) | n/a lot addition | 1.0-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.

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 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, 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 Growth and Settlement, Section 4.2 Water Supply and Sewage Disposal, section 4.5.3 Township Roads, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township Planning Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 5, Concession 2, geographic Township of Dalhousie now in the Township of Lanark Highlands.

The applicant wishes to sever a 0.95 parcel of land and add it to lands located at the West Part of Lot 5, Concession 3, Dalhousie.

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

2.0 Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these polices.

3.0 Official Plan

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

4.0 Zoning

The lands are zoned as Rural on Schedule "A 2" by Zoning By-law 2003-451. The lot addition is part of a housekeeping exercise which includes another lot addition and the closing of an unopened road allowance. The closing of the road allowance has been approved. Completion of the two lot additions will legally establish where existing property lines exist.

5.0 Discussion

The application will not result in the creation of a new lot and will legally establish the existing property lines.

In conclusion, the application as submitted is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

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 (1) vacant building lot, measuring 0.386 ha. The retained land is 21.5 ha with an existing dwelling.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained land consists of several relatively small wetlands, predominantly located in the eastern half of the property.

REVIEW

No natural heritage features or natural hazards were identified on the proposed severed lands. The proposed retained land is already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application. We recommend that the wetlands be left undisturbed, on the retained lands.

NOTES

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

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

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

Septic Office – LGL Health Unit

Severed Lot – A small piece of partially wooded land. This land has fair drainage and soil of varying depths. Recommendation - The severed property will become a lot addition for the neighbour.

Retained Lot – This is a very large lot with an existing home, drilled well and on-site sewage system. There are no obvious signs of failure for the existing system.

Recommendation – severing the land will not negatively impact on-site sewage disposal on the retained property.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an 0.386 parcel of land as a lot addition to lands owned by Rodger Fisher at Pt Lot 5 Conc 3 Dalhousie and to retain a 21.5-ha residential lot with an existing residence at 667 Sheridan Rapids Road. This application is being submitted concurrently with B12/103 and is an exchange of lands. The unopened road allowance between Concession 2 and 3 has been closed and conveyed to the adjacent landowners.

The subject lands are located in an area characterized by larger type residential building lots along both Ashby Road and Sheridan Rapids Road.

The lands are accessed via Sheridan Rapids Road, 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 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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.

- 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 Lanark Highlands.

Zoning

The subject property is currently within the Rural (RU) section of the zoning by-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum frontage and area of 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 the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

The hearing for B12/104 was held concurrently with B12/103 as the applications dealt with an exchange of lands.

Randy Alward, owner, and Rodger Fisher, purchaser attended the hearing and gave evidence under oath.

Mr. Fisher confirmed that they had completed the road closing process and that they survey plan was completed for the lands to be exchanged.

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 Rodger Fisher described as Part 1 & 3 Plan 27R-9953, being Part Lot 5 Conc 3 geographic Township of Dalhousie, 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 Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that any proposed works in or near the wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

2. *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: Wilson Bowes **Hearing Date:** October 29, 2012
Agent: Ronald McDonald
LDC File #: B12/106
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 15 **Conc.:** 1
Roll No. 0911 916 010 04100 **Consent Type:** New Lot

Purpose and Effect:

To sever a 2258 sq.m. parcel of land as a lot addition to lands owned by Ronald J McDonald Pt 3 Plan 27R-3935 at Pt Lot 15 Conc 1 Bathurst and to retain a 27.5-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|------------------------------------|---|----------------------------|
| Existing Use | Vacant | Vacant |
| Proposed Use | Vacant | Vacant |
| Area | 0.23-ha | 27.5-ha |
| Frontage | 37.6m wide | 14 m |
| Depth | 60 m | 893 m |
| Road - Access to | none | Municipal |
| Water Supply | n/a | None |
| Sewage Disposal | n/a | none |
| Official Plan Designation | Rural, Organic Soils & Mineral Resource | |
| -Conformity? | Yes | |
| Development Permit Category | Agriculture | Agriculture |
| -Area Required (min.) | n/a – lot addition | 40.0-ha |
| -Compliance? | | Non-conforming |
| -Frontage Required (min.) | | 60 m |
| -Compliance? | | Non-conforming |

(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.

2.3 Agriculture

Section 2.3.4.1 Lot creation in primate agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

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 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, 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 Provisions, Section 3.2 Agriculture Policies, Section 3.3 Mineral Resource, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.4 Township 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 11 Agriculture 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:

Town Planner's Report

The proposal is to sever a 2258 sq.m. parcel of land as a lot addition to lands owned by Ronald J McDonald at 314 Upper Scotch Line Road and retain a 27.5-ha vacant landholding.

Zoning Category Agriculture – applicable sections 3.2 – The severed land is 0.22 hectare and the retain land is 27.5 hectares. The lot size requirement of 40 ha in the agriculture zone is not applicable for a lot addition. Existing frontages are not affected.

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

- 1/ Payment of all taxes owing
- 2/ Payment of all costs incurred by the Township for review.
- 3/ Copy of Deed / Transfer.
- 4/ Copy of reference Plan

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority. We offer the following comments within the context of;

Section 2.1 Natural Heritage (wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplains) of the Provincial Policy Statement under Section 3 of the Planning Act. The Federal Fisheries Act 35(2),

Waterfront setbacks and best management practices derived from the "Rideau Lakes Study" (1993); the study considers the effects of development 011 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 as per Section 28 of the Conservation Authorities Act. The proposed severance will result in transfer of a .22 hectare parcel 011 the south portion of the holding, to the adjacent residential lot. There are no natural heritage features or natural hazards that would preclude the approval of this lot addition. The RVCA has no objection to the lot addition.

A substantial area of the north half of the retained lot is located within the regulated flood plain of the Tay River and/or the Snye and its associated locally significant wetland (see attached mapping). We recommend a note be included in the decision that prior written approval is required under Ontario Regulation 174-06 for "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses". Development is defined as: " ... the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of all material, originating on the site or elsewhere".

Trusting this is satisfactory, we thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions. We would appreciate being apprised of any changes to the form or nature of the application.

Septic Office – 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).

The applicant proposes to sever a 0.2258 hectare parcel, for the purpose of a lot addition. The proposed lot is to be added to Lot 15, Concession 1, known municipally as 314 Upper Scotch Line. The proposed lot is fairly flat with areas of sparse tree cover and exposed rock. No test pits were provided. The retained parcel is 27.5 hectares. The retained lot is vacant with an existing use of pasture lands. There are areas of exposed bedrock, shallow soils and tree cover and water (wetlands, ponds). No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. The lot addition to 314 Upper Scotch Line will enhance the ability to replace an existing sewage system when necessary. Due to exposed bedrock and presumed shallow soils, 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 install, replace, operate or maintain a sewage system in the future.

Given the above information, our office has no objections to the severance as proposed. An approved sewage system permit is required prior to the issuance of most building permits.

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an 0.22-ha parcel of land as a lot addition to lands owned by Ronald McDonald at 314 Upper Scotch Line Road and retain a 27.5-ha agricultural landholding.

The subject lands are located in an area characterized by large landholdings, interspersed with typical residential lots along Upper Scotch line Road.

The lands to be enlarged as accessed via Upper Scotch line Road, a municipally maintained road.

Soils Inventory – Name: Monteagle

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

- Hydrogeology: moderate

Bedrock Inventory – granodiorite, granite, syenite.

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/ 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 small areas 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 within the Agriculture section of the zoning by-law, which permits a number of uses, including single-detached dwellings. The proposed lot does not meet the minimum 'agriculture' zone, however the lands are existing. The lot addition will improve the existing non-conforming situation.

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.

(e) **MINUTES – October 29, 2012**

Ron McDonald, agent attended the hearing and gave evidence under oath affirmation.

Mr. McDonald noted that the road closing beside his property only went the length of this property, therefore this new land parcel would be odd shaped, and he may be required to go through the road closing process again.

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 Ronald J McDonald described as Parts 3 to 6 Plan 27R-3935 Pt. Lot 15 Conc. 1 Bathurst, 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 stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System office advises that due to exposed bedrock and presumed shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a replacement 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.*
2. *The Rideau Valley Conservation Authority advises that prior written approval is required under Ontario Regulation 174-06 for "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses". Development is defined as: ".. the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of all material, originating on the site or elsewhere".*
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: 1503893 Ontario Inc. **Hearing Date:** October 29, 2012

Agent: Holzman Consultants Inc.

LDC File #: B12/115, B12/116 and B12/117

Municipality: Town of Carleton Place

Geographic Township: Beckwith **Lot:** 113 & 114 **Plan.:** 3389

Roll No. 0928 030 055 17300 **Consent Type:** three new lots

Purpose and Effect: To sever three (3) residential building lots 233.4 sq.m., a 159.61 sq.m. a 206.3 sq.m. and retain a 462.6 sq.m. residential building lots. The effect will be to sever a three unit townhouse along the foundation line of the units.

| DETAILS OF PROPOSAL | Land to be Severed | | | Land to be Retained |
|------------------------------------|----------------------|----------------------|---------------------|----------------------|
| | Vacant Residential | Vacant Residential | Vacant Residential | |
| Existing Use | Vacant Residential | Vacant Residential | Vacant Residential | Vacant Residential |
| Proposed Use | Vacant Residential | Vacant Residential | Vacant Residential | Vacant Residential |
| Area | 233.42m ² | 159.61m ² | 206.3m ² | 462.62m ² |
| Frontage | 8.03 m | 5.5 m | 7.11 m | 15.94 m |
| Depth | 29.02 m | 29.02 m | 29.02 m | 29.02 |
| Road - Access to | Municipal | Municipal | Municipal | Municipal |
| Water Supply | Piped Sewage | Piped Sewage | Piped Sewage | Piped Sewage |
| Sewage Disposal | Piped Sewage | Piped Sewage | Piped Sewage | Piped Sewage |
| Official Plan Designation | Residential | | | |
| -Conformity? | Yes | | | |
| Development Permit Category | Primary Residential | | Primary Residential | |
| -Area Required (min.) | 60% | | 60% | |
| -Compliance? | 60% | | 60% | |
| -Frontage Required (min.) | 5.5 m | | 5.5 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 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, 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 4.2 Residential Policies, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

Consent applications have been received for the property known municipally as 232-236 Miguel Street as shown on the attached key map. The lots are located on the south side of Miguel Street.

This property was subject to a Development Permit application and the Development Permit agreement has been registered on title to deal with the required securities and works associated with the development. These consent applications will allow the individual units to be created for future ownership. This property is also subject to an absolute title application as indicated in Communication 123486.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create three freehold townhouse dwelling units. The retained and severed lots have the minimum lot frontage required under the Development Permit Bylaw.

As part of the Development Permit application the applicant was required to provide building elevations and a plan that demonstrates how the units would be able to be accommodated on the severed lots as well as deal with the grading and drainage. The character of the community as inventoried in the Development Permit Bylaw and required to be incorporated into the design of the residential units.

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

- 1/ The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
- 2/ That the applicant provides a digital copy of the reference plan (in NAD83 datum);
- 3/ That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
- 4/ That the applicant conveys, at no cost the Town any required drainage easements.

Hydro One Networks – No comments were received.

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

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots 233.4 sq.m., a 159.61 sq.m. a 206.3 sq.m. and retain a 462.6 sq.m. residential building lots. The effect will be to sever a three unit townhouse along the foundation line of the units.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Miguel Street, 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 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/ Carleton Place Official Plan Policies for the Division of Land are found in Section 7.4 of the OP. The intent of the OP is to develop land through the subdivision process, however, consent may be granted in accordance with specific applicable consent policies. These include: no extension of major service required, must have frontage on existing public road, infilling, conforms to Development Permit By-law. There is no lot creation date for the Town of Carleton Place.
- 3/ Woodlands
Woodland polices have been adopted by the Town of Carleton Place in the form of a "Tree Preservation Policy". All development must submit a plan to the Town with their building permit application.

Zoning

The subject property is currently within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meets the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit By-law.

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 Town of Carleton Place and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

William Holzman, agent attended the hearing and gave evidence by affirmation.

Mr. Holzman provided background information on the lot, noting that these lands were the subject of a previous lot line adjustment, and that his would be submitting another application for a multi-unit townhouse.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan in NAD83 datum file format.
5. The applicant shall provide the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands to be severed and the lands to be retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the main road.
6. The applicant shall convey, at no cost to the Town of Carleton Place, any required drainage easements.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
9. A letter shall be received from the Town of Carleton Place stating that condition #3 through #8 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William & Joan McNaughton **Hearing Date:** October 29, 2012
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B12/080 & B12/081
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 15 **Con** 9
Roll No. 0919 919 020 12000 **Consent Type:** New Lots

Purpose and Effect: To sever two (2) residential building lots – 1.47-ha each, and to retain a 61.5-ha agricultural landholding. The lands are accessed via Drummond Con 9A.

| DETAILS OF PROPOSAL | Land to be Severed | | Land to be Retained |
|--|--|--|---|
| | B12/080 | B12/081 | |
| Existing Use Proposed Use | Vacant Residential | Vacant Residential | Vacant Residential |
| Area Frontage Depth Road - Access to | 1.47 ha 59 m 242 m Municipal Road | 1.47 ha 59 m 242 m Municipal Road | 61.5 ha 410 m Irregular Municipal Road |
| Water Supply Sewage Disposal | Proposed Well Proposed Septic | Proposed Well Proposed Septic | N/A N/A |
| Official Plan Designation -Conformity? | Rural – Influence area of Aggregate Reserve, and Wetland Yes | | |
| Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural & Influence Area of Wetland 0.4-ha Yes 45 m Yes | Rural & Influence Area of Wetland 0.4-ha Yes 45 m Yes | |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

County Official Plan - Section 3 Growth and settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.4 Forestry, Section 10.11.13 Subdivisions, Consents.

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

Official Plan – section 3 General Provisions, Section 3.13 Natural Heritage, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 4.9 Mineral Resource 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, Section 24 Wetland Zone (Influence Area).

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

(a) 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 consent application for the two lots referenced above and have determined that the proposed severances are consistent with the Township's Official Plan and Zoning Bylaw.

It is my understanding that the McNaughtons wish to sever two 1.47 hectare (3.6 acre) parcels from a 61.5 hectare (152 acre) landholding in Drummond Township. The two proposed lots front on Drummond Concession 9A although the lot backs onto an

unopened portion of Concession 10. The proposed severed lots are vacant and intended for residential uses and the retained lands consist of pastureland and wetland.

One lot fronting on Conc. 9A has already been severed from the McNaughton property since 1979 and as such, it is understood that this application would maximize the available severances on this property. While the severance application was originally received in June it was deemed complete on September 26th 11 and as such it will be subject to the Township's new Official Plan that was approved by the Ministry of Municipal Affairs on July 5th

In the Plan the severed lands are designated Rural and Wetland (which is also an Area of Natural and Scientific Interest), although the severed lands are only designated Rural. The intent of the Rural designation is to protect traditional rural activities and permit a broad range of other uses which are appropriate in a rural setting", which include limited residential development that does not impact on the rural character of the area. I note that there is a cluster of existing rural residential development in this area near the intersection of Concession 9A and Hoops Side Road and as such, this would have the effect of infilling, which in my view complies with the intent of the Rural and Consent policies. When reviewing the Plan's Constraints Mapping however I note that the northern portion of the severed lots fall within the influence area of the wetland and ANSI and also contain lands identified as potentially significant woodlands. Given that however, there is a sufficient area towards the front of both of these lots that a generous building envelope is available that would not impact on the significant natural areas to the rear. As such, Staff are not asking for an Environmental Impact Assessment or development agreement, but it is understood that future development on the lots would accommodate these policies.

A livestock barn has also been noted within 500 m of the severed lots (on the O'Rourke property at 1466 Drummond Conc. 9A) however since there are four existing residential dwellings between the barn and the severed lots, MDS implementation guideline 12 would apply, which would exempt the subject lots from the MDS I criteria. I suggest however that the Land Division Committee consider including a note on the deed of Lot 2 (closest to the barn) advising of potential impacts of the livestock facility.

The severed lands are zoned Rural according to the Township's Zoning By-Law and the proposal meets all provisions of the By-Law for both the severed and the retained lands.

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

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening

requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

- 4/ The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- 5/ The Applicant shall obtain a Civic Address Number for each lot from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- 6/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale for Lot 2 the following wording:
TAKE NOTICE that this lot is located within 250 metres of a livestock barn which is located to the east in part of Lot 16, Concession 9, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use.

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant lots, both measuring 1.47 ha of vacant land, while the retained land is a vacant 61.5 ha parcel.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a Provincially Significant Wetland (PSW) referred to as the *Stewart Lake - Haley Lake Complex* comprises in excess of two thirds of the retained lands, extending from the rear of the lot. This PSW also forms part of an Area of Natural and Scientific Interest (ANSI), referred to as the *Innisville Wetlands*. In addition, an unclassified wetland exists in the south west corner of the retained lands. A tributary of Haley Creek travels through the unclassified wetland and PSW. With respect to the severed lands, a portion of the ANSI and its 50 metre adjacent lands; and the 120 adjacent lands to the PSW, extend into the rear of these lots.

REVIEW

The- Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, or within 50 metres of an ANSI boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature

identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, in this particular case, sufficient area appears to exist on all resulting lots to accommodate future development beyond these features and their adjacent lands. Therefore, it is our opinion that there is limited value in conducting an EIS at this time. However, in the event that future development is proposed within the adjacent lands of these features, an EIS may be required at that time.

CONCLUSIONS & RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject applications provided the following mitigation measures are implemented:

Severed Lots

1. Future development, including a septic system shall occur beyond the adjacent lands to the PSW and the ANSI, unless otherwise agreed upon by MVC and the municipality.

Retained

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the watercourse and the unclassified wetland.
3. Future development, including a septic system shall occur beyond the adjacent lands to the PSW and the ANSI, unless otherwise agreed upon by MVC and the municipality.
4. The shoreline vegetation surrounding the wetland and the unnamed watercourse shall be retained to a minimum depth of 15 metres.
5. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, unnamed watercourse, or onto adjacent properties.
6. The unclassified wetland shall remain undisturbed.

NOTES

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

The property owner should be advised that any interference or site alterations within 120 metres of the PSW require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B12/080 – The land to be severed is a 1.47 acre field. The front of the property slopes slightly to the west and the rear of the property drops off significantly to the back. Drainage is toward the west for the front of the property with drainage toward

the north of the rear portion. Impervious soil/rock encountered within 0.4 m of grade. The lot could accommodate a conventional class 4 septic system that conforms to OBC Part 8. It will need to be partly to fully raised using imported sandy loam fill. The amount will be determined by the exact location. Due to the drainage, the septic system may be best behind or to the side of the house.

Severed – B12/081 – The land to be severed is a 1.47 acre field. The front of the property appears to be fairly flat with a gentle slope to the west. The rear of the property slopes toward the north west toward the other lot to be severed. Impervious soil/rock encountered within 0.4 m of grade. The lot could accommodate a conventional class 4 septic system that conforms to OBC Part 8. It will need to be partly to fully raised using imported sandy loam fill. The amount will be determined by the exact location.

Retained – The land to be retained is 61.5 hectares of fields and woods used for agriculture. Drainage varies but appears to be in a southerly direction. It is intended that the property remain for agricultural use.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – advised that Bell Canada has no installations over these lands and therefore no requirements for easement protection.

(b) 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.

(c) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two residential building lots, each containing 1.47-ha and to retain a 61.5-ha vacant landholding. One previous severance was taken from the original parcel in 1997; two other parcels were created prior to 1979.

The subject lands are located in an area characterized by Residential on large landholdings along interspersed with larger type residential lots along Drummond Con 9A and numerous residential lots southerly along Hoop's Sideroad. The rear of the proposed lots are within the influence area of the *Innisville* PSW and therefore no development will be permitted within this area unless the landowner provides an EIS to determine the type of development that could occur and the mitigation measures that may be imposed.

The lands are accessed via Drummond Con 9A, a municipally maintained road.

Agricultural Operations

A livestock operation is located within 500m of the proposed lots at 1466 Drummond Con 9A (east of proposed lots). However, an MDS was not undertaken, as there four or more residential lots also within this MDS area. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – the majority of the lot is Muck – wetland, however in the location of the

lands to be severed there are classed as follows:

Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- 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/ 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.
- 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) with Wetland Influence Area along the northerly boundary of the proposed lots. No development will be permitted within this area, without the benefit of an Environmental Impact Statement This zoning classification permits a number a uses, including 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 the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) **MINUTES – October 29, 2012**

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

Ms. Zander advised that an MDS calculation was not undertaken due to the proximity of four or more dwelling as per the OMFRA guidelines.

Committee reviewed the staff report and draft conditions.

(e) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: *The same conditions apply to both consents.*

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. 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.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that the following mitigation measures should be implemented on the 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 watercourse and the unclassified wetland.*
 - b. *Future development, including a septic system shall occur beyond the adjacent lands to the PSW and the ANSI, unless otherwise agreed upon by MVC and the municipality.*
 - c. *The shoreline vegetation surrounding the wetland and the unnamed watercourse shall be retained to a minimum depth of 15 metres.*
 - d. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, unnamed watercourse, or onto adjacent properties.*
 - e. *The unclassified wetland shall remain undisturbed.*
2. *The Mississippi Valley Conservation advises that the following mitigation measures should be implemented on the severed lands:*
 - a. *Future development, including a septic system shall occur beyond the adjacent lands to the PSW and the ANSI, unless otherwise agreed upon by MVC and the municipality.*
3. *The MVC also advise that an EIS may be required for any potential future development or site alterations within 120 metres of the PSW, or within 50 metres of the ANSI, on the proposed severed and retained lands.*
4. *In addition the property owner is advised that any interference or site alterations within 120 metres of the PSW require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
5. *Also any proposed works in or near the PSW or ANSI should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

6. *The Leeds Grenville and Lanark District Health Unit advises that the septic system and mantle will need to be partly to fully raised using imported sandy loam fill. The amount will be determined by the exact location.*
7. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *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 B12/081

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William & Joan McNaughton **Hearing Date:** October 29, 2012
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B12/082
Municipality: Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 14 **Con** 9
Roll No. 0919 919 020 11700 **Consent Type:** New Lot
0919 919 020 11800

Purpose and Effect: To sever a 0.62-ha residential lot at 1565 Drummond Con 10A and retain a 65-ha landholding with an existing dwelling and barns.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Residential | Residential |
| Proposed Use | Residential | Residential |
| Area | 0.62 ha | 65 ha |
| Frontage | 125 m | 325 m on Drummond Con 10A |
| Depth | 50 m | 1,430 m |
| Road - Access to | Municipal Road | Municipal Road |
| Water Supply | Private Well | Private Well |
| Sewage Disposal | Private Septic | Private Septic |
| Official Plan Designation -Conformity? | Rural and Wetland Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 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.

County Official Plan - Section 3 Growth and settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.4 Forestry, Section 10.11.13 Subdivisions, Consents.

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

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 severance and lot addition is consistent with the Township's Official Plan and Zoning By-law.

In this case, the applicants wish to sever a 0.62 hectare (1.5 acre) parcel from a 33 hectare (82 acre) landholding in the central part of Drummond Ward. This landholding consists of portions of the East Part of Lot 13 and West Part of Lot 14 of the 9th Concession of Drummond and it is my understanding that these parts have been merged on title into a single holding owned by the McNaughtons. This application severs off land around an existing dwelling (Civic # 1565 Drummond Cone. 10A) and the retained lands extend to the Concession 9 and contain a house and barns (Civic #1756 Drummond Cone. 9A) as well as extensive pasture, woodland and wetland.

While the severance application was originally received in June it was deemed complete on September 26th and as such it will be subject to the Township's new Official Plan that was approved by the Ministry of Municipal Affairs on July 5th.

In the Plan the severed lands are designated Rural and Wetland (which is also an Area of Natural and Scientific Interest), although the severed lands are only designated Rural. This application has the effect of separating the existing residence at 1565 Drummond Cone. 10 from the surrounding lands to create a small residential lot. Since the retained lands already contain a dwelling fronting on Conc. 9, this application on its own does not enable new development and as such the policies pertaining to new development would

not apply.

Additionally the severed lands are zoned Rural according to the Township's Zoning By-law and the proposal meets all provisions of the By-Law for both the severed and the retained lands.

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

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

Conservation Authority - Mississippi Valley 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 (1) vacant lot measuring 0.62 ha and retain 65 ha. Both properties are already developed.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a Provincially Significant Wetland (PSW) referred to as the *Stewart Lake - Haley Lake Complex* comprises a portion of the retained lands, extending in from the east side. This PSW also forms part of an Area of Natural and Scientific Interest (ANSI), referred to as the *Innisville Wetlands*. In addition, an unclassified wetland exists in the mid-west section of the retained lands. A tributary of Haley Creek travels through this wetland and through the PSW. With respect to the severed lands, no natural heritage features or natural hazards were identified.

REVIEW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, or within 50 metres of an ANSI boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, in this particular case, the resulting retained lands are already developed with no new development proposed at this time, and the severed lands are located beyond these features and their adjacent lands. Therefore, it is our opinion that there is limited value in conducting an EIS at this time. However, in the event that future development is proposed within the adjacent lands of these features, an EIS may be required at that time.

CONCLUSIONS & RECOMMENDATIONS

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

NOTES

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

The unclassified wetland on the retained lands shall remain undisturbed.

The property owner should be advised that any interference or site alterations within 120 metres of the PSW require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

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

Severed – The land to be severed is 0.62 hectares and contains a residence. There is very little topsoil below grade. The septic system appears to be toward the right of the house, as you are facing it. The system is partly to fully raised. Future replacement would need to be in the same area due to separation distance required from the well.

Retained – The land to be retained is 65 hectares and contains a residence and barns and consists of field and treed areas. Drainage varies as do soil depths. The severance will not impact future replacement of the existing septic system.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Bell has advised that there are no installations over these lands and therefore no requirements for easement protection.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 0.62-ha residential lot with an existing dwelling located at 1565 Drummond Con 10A (East Part Lot 13 Conc. 9) and retain a 65-ha residential / farm landholding with an existing dwelling located at 1756 Drummond Con 9A. (Lot 14 Conc 9). Lot 13 and 14 inadvertently merged on title, even though there was a separate residence on each of the lots.

The subject lands are located in an area characterized by Residential on large landholdings and residential / farm along Drummond Con 10A. A small portion of the *Stewart Lake - Haley Lake Complex (PSW)* is located along the easterly boundary of Lot 14 (retained lands), but not affect the area being severed.

The lands are accessed via Drummond Con 10A, a municipally maintained road. The retained lands are accessed via Drummond Con 9A, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 1221 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 1240 m. Due to the distance from the livestock facility and the direction of prevailing winds, it may not be necessary to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Farmington

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well
- 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 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/ 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.
- 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) with Wetland Influence Area along the easterly boundary of the retained lands. No development will be permitted within this area, without the benefit of an Environmental Impact Statement This zoning classification permits a number a uses, including 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 the Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

Tracy Zander, agent 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 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.
4. 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.
5. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The LGL Health Unit advises that the existing system is partly to fully raised. Future replacement would need to be in the same area due to separation distance required from the well.*
2. *The Mississippi Valley Conservation advises that and EIS S may be required for any potential future development or site alterations within 120 metres of the PSW, or within 50 metres of the ANSI, on the retained lands.*
3. *The MVC also advise that the unclassified wetland on the retained lands shall remain undisturbed.*
4. *In addition the MVC advises that any interference or site alterations within 120 metres of the PSW require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
5. *Also any proposed works in or near the PSW or ANSI should be reviewed by*

MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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.

LANARK COUNTY LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Michael James Umpherson **Hearing Date:** October 29, 2012
Agent: ZanderPlan Inc.
LDC File #: B12/095, B12/096, B12/097 and B12/098
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 5 **Conc.:** 12
Roll No. 0919 919 020 25902 **Consent Type:** 3 new lots & lot addition

Purpose and Effect:

To sever three (3) new residential building lots (each containing 1.5-ha), to sever a 3.96-ha parcel of land as a lot addition to lands owned by Michael James and Anna Jayne Umpherson Plan 27R-6847 Pt. 1 and to retain a 6.0-ha residential lot with an existing dwelling located at 101 Cameron Road.

| DETAILS OF PROPOSAL | Lands to be Severed | | | | Land to be Retained |
|---|---------------------|--------------------|--------------------|---------|-------------------------|
| | B12/095 | B12/096 | B12/097 | B12/098 | |
| Existing Use | Vacant Residential | Vacant Residential | Vacant Residential | Vacant | Residential Residential |
| Proposed Use | | | | Vacant | |
| Area | 1.5-ha | 1.5-ha | 1.5-ha | 3.9-ha | 6.0-ha |
| Frontage | 104 m | 104 m | 104 m | 165 m | 392 m |
| Depth | 145 m | 145 m | 145 m | 240 m | 146 m |
| Road - Access to | Municipal | Municipal | Municipal | none | Municipal |
| Water Supply | Proposed | Proposed | Proposed | None | Well |
| Sewage Disposal | Proposed | Proposed | Proposed | None | Septic |
| Official Plan Designation -Conformity? | Rural Yes | | | | |
| Development Permit Category | Rural | | | Rural | |
| -Area Required (min.) | 0.4-ha | | | 0.4-ha | |
| -Compliance? | Yes | | | Yes | |
| -Frontage Required (min.) | 45 m | | | 45 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.

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Official Plan – 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 severances are consistent with the intent of the Township's Official Plan and Zoning By-law.

According to my records, Mr. Umpherson owns a 13.5 hectare (33.5 acre) landholding with frontage on Cameron Drive, Fergusons Falls Road and Drummond Conc. 12A. As part of this application, he is looking to sever three residential building lots (1.5 hectares / 3.7 acres each), which will front on Drummond Conc. 12A and are described as parcels B12/095 through 097. These lands are all presently pasture. Additionally, Mr. Umpherson is looking to sever a 3.96 hectare (9.8 acre) landlocked parcel (B12/098) and add that to an adjacent lot owned by Mr. Umpherson (3171 Fergusons Falls Road). The retained lands contain a house and outbuildings and are accessed from Cameron Drive. I note that 3171 Fergusons Falls Road was created in 1997 and this application requests three new lots fronting on a different road.

This application is one of the first evaluated under the Township's new Official Plan that allows additional lot creation on large lots that front on more than one public road. The severed and retained lands are all designated Rural in the Township's Official Plan and zoned Rural in the Zoning By-Law. The intent of the Rural designation is to "protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting", which include limited residential

development that does not impact on the rural character of the area. This application would comply with the intent of those policies.

No influence areas or other constraints have been noted in this evaluation, although I do take note of the significant agricultural character of the area and the presence of Class 3 soils on the property. Section 4.3.2.2 of the Plan specifies that the Township should consider impacts on agricultural uses and function (and the policies of Section 4.4) when evaluating new development. Section 4.4.3.4 of the Agriculture section of the Plan considers 40 hectares to be the minimum reasonable size of a lot in the Agriculture designation and the Umpherson property is already much smaller than that and smaller than most of the adjacent agricultural operations. To retain agricultural functionality the division of this lot generally respects existing fence lines and the retained Umpherson property as well as the enlarged lot is both viable for hobby farming operations. The applicants have provided MDS calculations for the several livestock facilities in the vicinity of the subject lands that support the lot creation and the Township's support is contingent on this being confirmed to the satisfaction of the Land Division Committee. As such, Staff view this application as consistent with the intent of the Rural and agricultural policies of the Township's Official Plan. Further, each of the new and reconfigured lots meet the requirements for the Rural Zone.

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 parcel identified as B12/098 shall only be for a lot addition to adjacent lands known locally as 317 I Fergusons Falls Road
- 4/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 5/ The Applicant shall confirm that a residential entrance to the subject lots are viable.
- 6/ The Applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
- 7/ The Applicant shall obtain Civic Address Numbers for the proposed lots from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.

Conservation Authority – screened from review

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Bell has advised that there are no installations over these lands and therefore no requirement for easement protection.

(c) **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:

John and Patsy Munroe

Please accept this letter as our written request to be notified of the public meeting that will be scheduled to consider the above noted "Application for Consent" filed by Michael James Umpherson.

Although we are planning to attend the meeting to consider this application, we hereby request that this letter be considered by the Lanark County Land Division Committee, and form part of the official file.

We also request to be notified of the committee's decision.

As an interested party, residing, operating and owning agricultural property, having been duly circulated by the County of Lanark, of the above noted application for consent we are responding as follows.

The subject parcel of land is currently used for agricultural production. In fact during the 2012 cropping season the 'Lots to be Severed' were used for Soya Beans for cash crop usage. And it would appear that cash crops are intended for the growing season of 2013.

As such we would request that the land be subject to:

1. Provincial Policy Statements of March 1, 2005 with the intent of Section 2.3 applied. Section 2.3.1 Prime Agriculture area shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

As this area is classed as Number 2 soil this application MUST have regard to the Provincial Policy. (Attached: Copy of Soil map copied from the Soil Survey of Lanark County Report No.40 of the Ontario Soil Survey and a description of No.2 Soil)

2. The MDS Setback calculations done on the Umpherson Retained Parcel of land has been calculated incorrectly. The MDS Setback calculations were done with 33ha. On the Umpherson Severance Sketch map the retained parcel of land has 6ha of land. We have recalculated the MDS Setback with 6ha on the Umpherson Retained Parcel and the Setback should be 145m. We are including a copy of the Umpherson Severance Sketch map showing the MDS Separation Setback at 145m on the Umpherson Retained Parcel (Marked in red). And a copy of the recalculation of the MDS Separation Report done by us with the MDS Minimum Distance Separation computer program that we purchased from the Ontario

Ministry of Agriculture, Food and Rural Affairs.

3. ZanderPlan Inc. has done the calculation for the MDS Setback on the Munroe Farm 2765 incorrectly. ZanderPlan Inc. did not have the correct information from our farming operation. We did not give them any information as we did not know the purpose of them needing this information. The MDS Setback information done by ZanderPlan Inc. has our name spelt as Monroe which is wrong. Our names are John and Patsy Munroe.
The calculations that we have done with our farm information entered into the MDS Minimum Distance Computer Program tells us that the MDS Setback is 266m, not 193m as calculated by ZanderPlan Inc. and shown on the Umpherson Severance Sketch Map. We have included with this letter a copy of our MDS Setback calculations that we have calculated and a copy of the Umpherson Severance Sketch map showing the increased MDS Setback Separation on our land (marked in red).
4. ZanderPlan Inc. did a MDS Setback on the Cox Farm with an estimated setback of 196m from a building as seen on the Umpherson Severance Sketch Map. There is no barn on this property to house any animals.

Let it be noted that the property is within an agricultural area and therefore be subject to the sights, sounds and smells of agriculture.

When you consider the intent of the Provincial Policy Statements 2005 it is to protect agriculture and prevent development on Number 2 Soils of farming land and which the land is still in production. There is some doubt that this is not the best place on the Umpherson's farm to sever lots off as this is the largest piece of tillable acreage on the farm.

The Provincial Government and the department of Ministry of Agriculture, Food and Rural Affairs has introduced the MDS I (Minimum Distance Separation 1) formula which was established to determine the minimum separation distances between proposed new development on existing livestock facilities and or permanent manure storages. The MDS 1 formula was established to protect existing livestock facilities.

The MDS Setback calculation that we did on our farm was with the number of livestock we have today. We have room to expand our farm operation with more livestock and building of barns or manure storage. We would like to request the Lanark County Land Divisions Committee consider a further MDS Setback of the buildings to be built on the 'lots to be severed' to save any conflict from our ongoing farm operation and for the future to expand our farm.

When the Land Division Committee of Lanark County is making the final decision on the 'Umpherson Application for Consent' that they will take into consideration the facts that we have brought forward in this letter.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a three residential building lots, each containing 1.5-ha

and to sever a 3.96-ha lot addition. The retained lands are shown as 6.0-ha

The subject lands are located in an area characterized by mixture of residential and farm/residential. M.J. Umpherson Saw Mill is located to the north of Fergusons Falls Road.

The lands new lots are accessed via Drummond Con 12A, a municipally maintained road, the lands to be enlarged are accessed via Ferguson's Falls Road a county maintained road and the retained lands are accessed via Cameron Road, a municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well
- Hydrogeology: moderate

Bedrock Inventory – flows, tuffs, breccias

Agricultural Operations

Due to an agricultural operation being located on the retained lands and on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of between 99 m and 252 m, with only a slight overlap on B12/096 and B12/097, however as the lots are over 1.0-ha there is sufficient area outside the setback for a building envelope of 0.4-ha. The calculations provided by Mr. and Mrs. Munroe range from 145 m to 266 m with no overlap onto the proposed lots. In both instances there is sufficient area for a building envelope outside the setback area, however, these distance will need to be confirmed prior to the issuance of a building permit.

A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

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/ 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.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

3/ Woodlands

The area does not have any 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 within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meets the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit 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 the Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

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

Ms. Zander agreed that the lands did contain Class 2 soils, however, they were not zoned in the Township's Zoning By-law as Agricultural lands.

Committee was in agreement that the provisions requiring no development on agricultural lands was that they must be zoned as well as classed under the Ontario Land Inventory system. Committee also noted that the MDS calculation provided by the Munroe's would not prevent the proposed development.

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 following apply to B12/095, B12/096 and B12/097

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. 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.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating

that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

The following applies to B12/098

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 Michael James Umpherson and Anna Jayne Umpherson described as Part 1, Plan 27R-6847, Pt. E 1.2 Lot 5 Conc. 12, 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".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The 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.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

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

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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: 1166719 Ontario Ltd. **Hearing Date:** October 29, 2012
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B2012/099 & B2012/100
Municipality: Lanark Highlands
Geographic Township: Lanark Village **Lot:** 1 **Con** 2, Plan 320
Roll No. 0940 936 010 26000 **Consent Type:** Lot Addition and New Lot

Purpose and Effect:

B12/099 - To a 1.56-ha parcel of land as a lot addition to lands owned by Halen and Evert Bron;
 B12/100 – To sever a 0.54-ha residential building lot and to retain a 9.0-ha landholding with a commercial establishment (Golf Course). The lands are accessed via McDonald's Corners Road.

| DETAILS OF PROPOSAL | Land to be Severed | | Land to be Retained |
|----------------------------------|---------------------------|-------------------------|---------------------|
| | B12/099 | B12/100 | |
| Existing Use | Golf Course | Vacant | Golf Course |
| Proposed Use | Rural | Residential | Golf Course |
| Area | 1.56 ha | 0.54 ha | 9.0 ha |
| Frontage | N/A | 40.54 m | 430 m |
| Depth | Irregular | Irregular | Irregular |
| Road - Access to | County Road | County Road | County Road |
| Water Supply | None | Proposed well | Private well |
| Sewage Disposal | None | Proposed septic | Private septic |
| Official Plan Designation | Residential, Fish Habitat | | |
| -Conformity? | Yes | | |
| Zoning Category | Commercial Recreational | Commercial Recreational | |
| -Area Required (min.) | 1.0-ha | 1.0-ha | |
| -Compliance? | No | No | |
| -Frontage Required (min.) | 60 m | 60 m | |
| -Compliance? | no | no | |

(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.

County Official Plan – Section 2 Settlement Area Policies, Section 3.3.3 Lot Creation, Section 4.3.2 and 4.3.3 County 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 3 Growth and settlement, Section 3.5 Village and Hamlet Settlement Area Development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.4 Forestry, Section 7.5.2.A Fish Habitat, Section 10.11.13 Subdivisions, Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner’s Report

1.0 Review of Proposal and Application

Three applications have been received from the County of Lanark Land Division Committee for the creation of a one new lot and two lot additions. The property is legally described as Pt. Lot 1, Concession 2, Village of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 1.3 acre residential lot and retain a 22 acre holding which is part of Timber Run golf course. The applicant has also applied for a 3.85 acre lot addition to adjacent lands belonging to Halen and Evert Bron. The subject lands are described as Part of Lot 1 Concession 2, Geographic Township of Lanark, and Plan 26R2670 Parts 4 to 7.

The second lot addition applied for by Halen and Evert Bron is for a 100 metre square parcel to be added to the proposed lot to be created by consent application B12/100.

The property is designated as Rural on Schedule ‘A 5’ of the Township’s Official Plan and zoned Commercial Recreation and Rural on Schedule ‘A 5’ by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. Access to the subject properties is via McDonalds Corners Road.

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

The proposal if approved will result in the creation of a lot that does not comply with the minimum lot area or lot frontage. In order to address the lot frontage, consent application B12/101 will add the required lot frontage to comply with the Township's zoning By-law requirement of 60m. The proposed lot would be 1.33 acres in area, and would comply with the minimum lot area for Residential Low Density zoning. (R1) The subject property is within the settlement area of the Village of Lanark and zoning across from the subject property is R1. As part of the approval process for the new lot, a zoning amendment would be required to meet the reduced lot area and allow for residential use.

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

B12/099

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

B12/100

- 1/ The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
- 3/ That the applicant pays any outstanding fees to the Township prior to final approval.
- 4/ That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
- 5/ The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
- 6/ That the applicant shall obtain appropriate relief from the minimum lot area provisions of the Zoning By-law for the Township of Lanark Highlands by way of an amendment to the Zoning By-law.

Conservation Authority – Mississippi Valley Conservation

B12/099

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 (1) lot as a lot addition to the adjacent lands owned by Helen and Evert Bron. The severed land is 1.56 ha with approximately 190 metres of water frontage, while the retained is 9.5 ha with water frontage well in excess of the minimum requirement (precise amount not provided). The retained land forms, part of an existing golf course. The severed and lot-to-be enlarged are vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property has frontage on the Clyde River. In addition, an unclassified wetland exists in the northeast corner of the lot-to-be enlarged, adjacent to the river. Another wetland area, also adjacent to the river, has been identified in the southeast section of the proposed retained land. The shoreline of the subject property consists of a good vegetated buffer.

REVIEW

Natural Heritage Values

Wetland and Waterbody

The retained land is already developed as a golf course with no new development proposed at this time. 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 waterbody and wetland.

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 high water mark of the river and the unclassified wetland.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river and wetland 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 of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland area should be avoided as a potential access point.
4. Wetland shall remain undisturbed.

NOTES

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.

With respect to the retained land, we assume that any potential future development will comply with the zoning provisions; particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

Formal flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is 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 river and adjacent wetland areas 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.

B12/100

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 (1) vacant lot measuring 0.54 ha with 122.1 metres of water frontage. The retained is 9 ha with water frontage well in excess of the minimum requirement (precise amount not provided). The retained land forms part of an existing golf course.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property has frontage on the Clyde River. In addition, an unclassified wetland exists in the southeast section of the proposed retained land. The shoreline of the subject property consists of a good vegetated buffer.

REVIEW

Natural Heritage Values

Wetland

The retained land is already developed as a golf course with no new development proposed at this time. Wetland was not identified on the proposed severed lands.

Waterbody

The retained land is already developed as a golf course with no new development proposed at this time.

Sufficient area exists on the severed land to accommodate future development that complies with the current standards for development adjacent to a waterbody.

Natural Hazards

Organic Soils

The retained lands are already developed with no development proposed. No natural hazards were identified on the proposed severed lands.

CONCLUSION AND RECOMMENDATIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the high water mark of the river.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river 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 of the river shall be maintained to a minimum depth of 15 metres.

NOTES

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.

With respect to the retained land, we assume that any potential future development will comply with the zoning provisions; particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

Formal flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is 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 river 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.

County Public Works

- 1/ Applicant has an approved entrance location to the County Road – Permit No. 2399 and 2400.
- 2/ Lot may be severed but entrance must be approved prior to installation. (retained lands)

- 3/ Entrance to be installed prior to deed endorsement for severed lands B12/099 and B12/100.
- 4/ Land to be severed by B12/099 has approved entrance location. Permit Application #2400 applies. Land to be severed by B12/100 has an approved entrance location. Permit application #2399 applies. Full entrance application must be submitted and entrance installed prior to deed endorsement. Retained lands have an existing field entrance. If property is rezoned to residential and applicant requires a single residential entrance in the future to the retained lands, they will be required to complete an Entrance Application at that time to determine if approval can be granted.
- 5/ 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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B12/099 – Partially cleared lot with good drainage to river. Sandy loam soil of varying depth. The property slopes toward the river. This severed land will become a lot in addition. It will have no negative impact for on-site sewage disposal on the existing property.

Severed – B12/100 - Good drainage. The lot slopes away from the road toward the river. Thin sandy loam topsoil near the road, with deeper soil toward the river. Partially cleared lot. Depending on the location of a proposed on-site septic system, imported leaching bed fill may be required.

Retained – Large property currently used for a golf course. This severance will not negatively affect on-site sewage disposal on the retained property.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Bell advises that subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection. We have no concerns or objection to the proposed severance.

(c) **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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two lots – B12/099, a 1.56-ha parcel of land as a lot addition to lands owned by Helen and Evert Bron at 26R-2670 Pt 4 and – B12/100 a new residential building lot comprised of .54-ha and to retain a 9.0-ha landholding with a gold course. These applications are being applied for concurrently with Application B12/101. The subject lands are located in an area characterized by Residential on various lot sizes within the Village of Lanark.

The lands are accessed via Markle Road, a county maintained road.

Due to the proximity of water (Clyde River) and the noted Fish Habitat, on the Township's Official Plan, the applicant undertook an Environmental Impact Statement (EIS) which was reviewed by the Conservation Authority. Recommendations are found in their report.

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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.

One previous severance was taken from the original landholding in 2000. However this was prior to the 'lot creation date'.
- 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 Lanark Highlands.

Zoning

The subject property is currently zoned Commercial Recreational (CR) Rural (RU) which permits a number of uses geared towards recreational activities. Single family dwellings are also permitted, but only as an accessory to the main use. Rezoning of both the severed lots will be required. The property that will be enlarged with this severance application meets the minimum lot size. The new lot does not meet the minimum lot and frontage requirements; however, it is the intent of B12/101 to add the additional road frontage required to bring the lot frontage into compliance with the Township's 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 the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

The hearing for B12/099 and B12/100 was held concurrently with B12/101 as the applications dealt with an exchange of lands.

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

Ms. Zander provided background information on the exchange of parcels. The small parcel being created by B12/101 was to ensure that the new lot B12/100 would have sufficient frontage on the county road.

Entrances have been approved by County Public Works, for B12/100 the location would be on the east side of the lot and the Bron entrance was existing.

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

B12/099

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 Evert and Helen Bron described as Part 4 on Plan 26R-2670, Pt. Lot 1 Conc 2 Plan 320, Village of Lanark, 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 Lanark Highlands
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. The Mississippi Valley Conservation advises that the following mitigative measures should be adhered to for any future development on the proposed lot-to-be enlarged:
2.
 - a. Future development, including a septic system shall be setback a minimum of 30 metres from the high water mark of the river and the unclassified wetland.
 - b. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, wetland, or onto adjacent

properties. Eaves troughing shall be installed and outlet away from the river and wetland to a leach pit or well-vegetated area to allow for maximum infiltration.

- c. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland area should be avoided as a potential access point.
 - d. Wetland shall remain undisturbed.
3. The MVC also advise that former flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
 4. In addition, any proposed works in or near the river 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. *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.

B12/100

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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.
11. 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.
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 #10 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The LGL Health Unit advises that depending on the location of a proposed on-site septic system, imported leaching bed fill may be required.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *The Mississippi Valley Conservation advises 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 high water mark of the river and the unclassified wetland.*
 - b. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river and wetland to a leach pit or well-vegetated area to allow for maximum infiltration.*
 - c. *With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland area should be avoided as a potential access point.*
 - d. *Wetland shall remain undisturbed.*
5. *The MVC also advise that forma flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
6. *In addition, any proposed works in or near the river 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.*

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: Evert Bron & Helen Bron **Hearing Date:** October 29, 2012
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B2012/101
Municipality: Lanark Highlands
Geographic Township: Lanark Village **Lot:** 1 **Con** 2, Plan 320
Roll No. 0940 936 010 26001 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.010-ha parcel of lands as a lot addition to lands being created by Consent Application B12/100 and retain a 16.0-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|----------------------------------|----------------------------|
| Existing Use | Vacant Rural | Vacant |
| Proposed Use | Residential | Vacant |
| Area | 0.010 ha | 16 ha |
| Frontage | 19.55 m | 260 m |
| Depth | 11.3 m Irregular | Irregular |
| Road - Access to | County Road | County Road |
| Water Supply | N/A | N/A |
| Sewage Disposal | N/A | N/A |
| Official Plan Designation -Conformity? | Residential, Fish Habitat Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | n/a – lot addition | 1.0-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.

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 2 Settlement Area Policies, Section 3.3.3 Lot Creation, Section 4.3.2 and 4.3.3 County 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 3 Growth and settlement, Section 3.5 Village and Hamlet

Settlement Area Development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.4 Forestry, Section 7,5,2.A Fish Habitat, Section 10.11.13 Subdivisions, Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

1.0 Review of Proposal and Application

Three applications have been received from the County of Lanark Land Division Committee for the creation of a one new lot and two lot additions. The property is legally described as Pt. Lot 1, Concession 2, Village of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 1.3 acre residential lot and retain a 22 acre holding which is part of Timber Run golf course. The applicant has also applied for a 3.85 acre lot addition to adjacent lands belonging to Halen and Evert Bron. The subject lands are described as Part of Lot 1 Concession 2, Geographic Township of Lanark, Plan 26R2670 Parts 4 to 7.

The second lot addition applied for by Halen and Evert Bron is for a 100 metre square parcel to be added to the proposed lot to be created by consent application B12/100.

The property is designated as Rural on Schedule 'A 5' of the Township's Official Plan and zoned Commercial Recreation and Rural on Schedule 'A 5' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. Access to the subject properties is via McDonalds Corners Road.

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

The proposal if approved will result in the creation of a lot that does not comply with the minimum lot area or lot frontage. In order to address the lot frontage, consent application B12/101 will add the required lot frontage to comply with the Township's zoning By-law requirement of 60m. The proposed lot would be 1.33 acres in area, and would comply with the minimum lot area for Residential Low Density zoning. (R1) The subject property is within the settlement area of the Village of Lanark and zoning across from the subject property is R1. As part of the approval process for the new lot, a zoning amendment would be required to meet the reduced lot area and allow for residential use.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

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 (1) lot as a lot addition to the adjacent lands owned by 1166719 Ontario Ltd. (Bill Neilson). The severed land is 0.01 ha with no water frontage, while the retained is 16 ha with water frontage well in excess of the minimum requirement (precise amount not provided). The subject lands are vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained lands and the lot to be enlarged have frontage on the Clyde River. In addition, an unclassified wetland exists in the northeast corner of the retained land, adjacent to the river. The shoreline of the subject property consists of a good vegetated buffer.

REVIEW - Natural Heritage Values

Waterbody

Sufficient area exists on the resulting retained land and the lot-to-be enlarged to accommodate future development that complies with the current standards for development adjacent to a waterbody.

Wetland

Sufficient area exists on the resulting retained land 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. Sufficient area remains on the resulting retained land 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:

Lot-to-be enlarged

1. Future development, including a septic system shall be setback a minimum of 30 metres from the high water mark of the river.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river 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 of the river shall be maintained to a minimum depth of 15 metres.

Retained

1. Future development, including a septic system shall be setback a minimum of 30 metres from the high water mark of the river and the unclassified wetland.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river and wetland 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 of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland area should be avoided as a potential access point.
4. Wetland shall remain undisturbed.

NOTES

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.

Formal flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is 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 river and adjacent wetland areas 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.

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 – This is a very small piece of land. Severing it will complete a lot line for a proposed building lot. This small piece of land will become a minor lot addition.

Retained – Large wooded property. This small severance will not negatively affect on-site sewage disposal for the existing property.

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever 0.01-ha parcel of land as a lot addition to lands being created by consent application B12/100 and to retain a 16.0-ha vacant landholding. The small parcel of land will provide additional road access to the lands to be created.

The subject lands are located in an area characterized by Residential on various lot sizes within the Village of Lanark. The Timber Run Golf Course is located to the east.

The lands to be enlarged are accessed via Markle Road, a county maintained road.

Due to the proximity of water (Clyde River) and the noted Fish Habitat, on the Township's Official Plan, the applicant undertook an Environmental Impact Statement (EIS) which was reviewed by the Conservation Authority. Recommendations are found in their report. While the CA has provided a number of comments for the severed lands, these can be incorporated within the conditions for B12/100.

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 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/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. 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, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.

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 Lanark Highlands.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. The property that will be enlarged with this severance application meets the minimum lot size, and the additional lands will serve to provide additional road frontage to meet the minimum requirements.

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 Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 29, 2012**

The hearing for B12/101 was held concurrently with B12/099 and B12/100 as the applications dealt with an exchange of lands.

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

Ms. Zander provided background information on the exchange of parcels. The small parcel being created by B12/101 was to ensure that the new lot B12/100 would have sufficient frontage on the county road.

Entrances have been approved by County Public Works, for B12/100 the location would be on the east side of the lot and the Bron entrance was existing.

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 owed and 1166719 Ontario Ltd and being created through Consent Application B12/100 described as Part Lot 1 Conc 2, Plan 320 Village of Lanark, 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 Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate

indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department

9. A letter shall be received from Lanark County Public Works stating that Condition #9 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation notes the following for the retained lands*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the high water mark of the river and the unclassified wetland.*
 - b. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the river and wetland 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 of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland area should be avoided as a potential access point.
 - c. *Wetland shall remain undisturbed.*

Also, formal flood plain mapping for this section of the Clyde River does not currently exist. Therefore construction and filling activities above the high water mark of the river are not regulated by MVC. However, the property owner should be advised that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

2. *In addition, any proposed works in or near the river and adjacent wetland areas should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Lanark County Public Works advises that the retained lands have an existing field entrance. If property is rezoned to residential and applicant requires a single residential entrance in the future to the retained lands, they will be required to complete an Entrance Application at that time to determine if approval can be granted.*
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: Deanne Dowdall

Hearing Date: October 16, 2012

Re-convened Hearing: October 29, 2012

Agent: Donald E. Ray

LDC File #: B12/075

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 7 **Con** 12

Roll No. 0924 000 025 16500

Consent Type: New Lot

Purpose and Effect:

To sever a 0.37-ha lot with an existing dwelling at 200 Dowdall Shore Lane t/w a R-O-W and retain a 39.6-ha vacant landholding. These lands were inadvertently merged on title.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---|--|
| Existing Use | Residential | Vacant |
| Proposed Use | Residential | Vacant |
| Area | 0.37 ha | 39.6 ha |
| Frontage | 36.576 m | 293.827 m + R-O-W |
| Depth | 91.44 m | irregular |
| Road - Access to | Registered R-O-W | Municipal Road |
| Water Supply | Private Well | None |
| Sewage Disposal | Private Septic | None |
| Official Plan Designation -Conformity? | Wetland and Floodplain No – legal non-conforming | |
| Zoning Category | Wetland & Floodplain | Wetland, Floodplain & Rural |
| -Area Required (min.) | No development permitted | No development permitted except in the rural zone. |
| -Compliance? | | |
| -Frontage Required (min.) | | |
| -Compliance? | | |

(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 Policies, Section 4.3 Local Roads, Section 4.4. Water, Wastewater and Stormwater Services, Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 6 General Polices, Section 8.2.2 Consents.

The proposal does not conform to the designations and policies of the Official Plan for the County of Lanark. However, the dwelling is already existing and therefore is legal non-conforming.

Official Plan – Section 4 – General development Policies, Section 6 Rural Policies, Section 6.4 Floodplain Policies, Section 6.5 Wetlands Policies, section 7.4 Private Roads, Section 9.10 Land Division Committee.

The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan stating the following reasons:

Section 6.5 of the Official Plan regards wetland designations. Within these areas, the only permitted uses are to be conservation and recreation type uses. The retained lands contain wetland designations. As no additional development is proposed for this lot, the Township considers the severance to conform to the designation.

Section 6.4 of the Official Plan regards Flood Plain designations. Development is permitted between certain elevations provided it is flood proofed to the satisfaction of Council and the local conservation authority. As no additional development is proposed for either the retained or severed lands, and the severance is not actually creating a new lot but clarifying title of two existing lots, the Township feels the severance application conforms to the policies of the flood plain.

Section 4.5 of the Official Plan regards land division. This section allows severances for technical reasons. The Township feels this severance is for technical reasons, as it does not create a new parcel but rather clarifies title of two existing parcels that were purchased separately with two separate deeds, roll numbers and tax bills.

Zoning By-law - Section 3 general Provisions, Section 12 Floodplain Zone, Section 13 Wetland Zone.

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

The severed lands are zoned Flood Plain and does not identify dwellings as a permitted use. The existing dwelling is legal non-conforming. The retained lands contain a limited area of residential limited services, which identifies single dwellings as a permitted use. The retained lands also contain flood plan and wetland zoning. The Zoning By-law identifies required setbacks from wetland lands. Locating a suitable building envelope with suitable access on the retained lands for any future development may be difficult. The Township feels that as the severance application does not create any new lots, but clarifies title, the application conforms to the zoning by-law.

(b) AGENCY REVIEW

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

Township of Beckwith – Planner's Report

The applicant purchased 200 Dowdall Shore quite some time ago. The applicant later purchased approximately 97 acres of land across the road. The applicant's lawyer has indicated to Township Staff that these properties were merged on title at the land registry

office. The applicant now wishes to sell 200 Dowdall Shore, but requires a severance to do so.

PURPOSE OF APPLICATION

The applicant would like to discuss the possibility of a severance to de-merge two properties that were merged on title at the land registry office. The effect of this severance would be to re-create the two parcels that formerly existed; however, this would also recreate a parcel that is entirely within the floodplain zone and designation.

DESCRIPTION OF SUBJECT LANDS

The subject property consists of two parcels of land, as illustrated in the attached image. The first property, 200 Dowdall Shore is a 0.78 acre waterfront parcel that contains a converted cottage. This cottage property is completely within the floodplain zone and designation. The property is located on a private road. The property is also affected by the 120m buffer distance for PSW.

The second parcel consists of approximately 97 acres of land formerly used for farming. The property contains pockets of PSW, floodplain, rural lands and residential limited services areas. The property has frontage on Dowdall Shore and on McCann Road.

PROVINCIAL POLICY STATEMENT

Section 2.1 of the PPS regards natural heritage policies. These policies prohibit development and site alteration within areas of significant wetlands and 120m adjacent areas unless it is demonstrated that the development and site alteration will not have an affect on the significant wetlands. The PPS considers lot creation to be a form of development. Although these two lots formerly existed separately, de-merging these properties through a severance process may be considered new development.

OFFICIAL PLAN

The subject property contains several designations, including wetlands, flood plain, rural. The entire parcel of 200 Dowdall Shore is within the flood plain designation. The flood plain policies permit development between 135.0 and 136.0m elevations provided they conform to the flood proofing policies of MVC.

Section 4.1 requires all new development to have frontage on an open and maintained public road. Dowdall Shore is a private road; severances to create new lots are typically prohibited on private roads.

Section 4.5.1 (xv) prohibits the division of land subject to flooding or other physical conditions which would make it unsuitable for the intended use unless the proposed lots contain sufficient suitable land to safely accommodate all buildings, structure and sewage disposal facilities. The proposed severance of 200 Dowdall Shore is located entirely within the floodplain zone and designation. This property does not appear to contain sufficient suitable land to safely accommodate buildings, however Staff acknowledges that the property already contains a non-conforming dwelling.

ZONING BY-LAW

The area of proposed severance is entirely zoned flood plain. The subject property currently contains a dwelling, which is considered to be a legal non-conforming use. The remaining land contains severance zones, including flood plain, wetlands, residential

limited services and rural. The rural lands are located in pockets in the centre of the parcel, and appear to be only accessible by crossing areas of flood plain and wetland.

OPTIONS / ANALYSIS

Staff acknowledges that the Township has supported severance applications to de-merge properties in the past. Staff also notes that the previous de-merge severance applications were agricultural related concerning approximately 100 acre parcels with no environmental constraints.

Staff acknowledges that the effect of this proposed severance application to de-merge these two parcels would be to create a new parcel entirely within the floodplain and on a private road. As these are two constraints specifically identified in the Official Plan for land division, Staff is not confident in the merit of this severance application.

If the severance application is supported and the parcels are de-merged, there will likely be increased development pressure on each parcel. As both parcels contain significant environmental constraints, additional development on these parcels will be difficult and will likely require approvals from the Township and Mississippi Conservation.

COMMENTS

This is a pre-consultation. No comments have been received as there is no application as the present time.

RECOMMENDATION

Staff does not recommend that the Planning Committee support a severance application to de-merge these properties, due to the significant environmental constraints and Official Plan policies that prohibit land division on private roads and in areas of flooding.

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

- 1/ The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
- 2/ The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;

Advisory Notes

- 1/ That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws
- 2/ That a site plan agreement may be required for future development on either the retained or severed lands

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 0.32 ha with 38.1 metres of water frontage, while the retained is 39.6 ha with no water frontage. The severed land is already developed with a single family residence, and the retained has two existing outbuildings. It is also our understanding that the proposed severed and retained lands were previously separate properties; however, while in their current ownership, they inadvertently merged when the Registry System was converted to the Land Titles System.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a large portion of the proposed retained land is comprised of a Provincially Significant Wetland (PSW)

referred to as the Mississippi Lake PSW. A large portion is also within the 1:100 year flood plain and MVC's Regulation Limit. The proposed severed lands are largely located within the 120 metre adjacent lands to the PSW; and entirely within the 1:100 year flood plain and Regulation Limit of the lake.

REVIEW

PSW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres 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). Concerning the retained lot, MVC would typically recommend the preparation of an EIS to ensure that the PSW would not be negatively impacted by potential future development. However, the retained and severed lands were previously separate parcels and involuntarily merged with the Land Titles System. The applicants wish to return the lots to their original status as separate parcels. With these circumstances in consideration, MVC is willing to forego the request for an EIS at this time. However, in the event that future development is proposed within 120 metres of the PSW on either the severed or retained land, an EIS will be requested.

Flood Plain

Concerning the retained lands, a modest sized area appears to exist outside of the flood plain for potential future development. However, we note that development within this area would have to be supported by an EIS due to its proximity to the PSW. With respect to the severed land, it is already developed with no new development proposed at this time.

CONCLUSIONS & RECOMMENDATIONS

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

NOTES

In the event that future development is proposed on the retained lands, an EIS will be requested to ensure that the natural features and ecological functions of the PSW are not negatively impacted. An EIS may also be required if additional development is proposed on the severed lands.

As previously indicated, the entire severed lot and a portion of the retained land is

located within the 1:100 year flood plain and MVC's Regulation Limit. In addition, a portion of the retained land consists of a PSW and its 120 metre adjacent lands. The severed lands are also located within the 120 metre adjacent lands to the PSW. These areas are 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.

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 – Existing home with a newly installed septic system (see permit 56292). Water front lot. New system installed recently. See attached permit #56292.

Retained – Large property with several dwellings, partially cleared with water front. The severance of this lot will not negatively impact sewage disposal on the retained property.

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever 0.32-ha residential lot with an existing dwelling and retain a 39.7-ha vacant landholding. The lands were inadvertently merged on title.

The subject lands are located in an area characterized by typical 'cottage' type development on very small lots and in an area subject to flooding.

Through the pre-consultation process with the Conservation Authority, it was identified that the development application would benefit the preparation of the Environmental Impact Statement due to the constraints on the property and the less than minimum lot size. The request was also made to ensure that a suitable building envelope exists on the retained lands that are free of natural hazards (flooding) and will not generate adverse effects for the natural heritage features on the site (PSW). At the request of the Township, the MVC agreed to forgo the request for an EIS at this time. However any future development proposed within the 120 metres influence area of the PSW would require an EIS (for both the severed and retained lands). It is recommended that Committee either request an EIS as a condition of consent or defer the application until such time as an EIS has been submitted and reviewed.

The lands are accessed via Dowdall Shore Lane, a private road, adjoining McCann

Road, a municipally maintained road.

Archaeological

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 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/ 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.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', however none within the lot to be created. 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 Flood Plan (FP) and Wetland (W) which do not permit development, except for existing uses. The property that will be created is

presently legal non-conforming and any future development proposal would require and EIS. Committee may consider that a re-zoning to legalize the existing footprint of the existing development may be appropriate.

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.

The PPS Section 2.1.3 Natural Heritage states that Development and site alteration shall not be permitted in (b) significant wetlands, Section 2.1.4 states that development and site alteration shall not be permit in (a) wetlands unless it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Section 2.1.6 states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features.

The PPS Section 3.1 Natural Hazards states that development and site alteration shall not be permitted with areas that would be rendered inaccessible to people and vehicles during time of flooding hazards.... Unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. Section 3.1.6 provides that development and site alteration may be permitted in those portions of hazardous lands and hazardous site where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:

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

There were no objections raised by any of the agencies which were circulated regarding this proposal, however concerns were raised. In light of the foregoing, this office is not 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 should either be refused or deferred pending further studies.

(e) MINUTES – October 16, 2012

Deanne Dowdall, owner, and Kevin Brown, son-in-law, attended the hearing and gave evidence under oath.

Mr. Brown advised that the lands were purchased separately in 1968 and 1986 and that they are now merged on title, however they still receive separate assessment and tax bills. Also, that it was not until they had sold the lot adjacent to the water that their solicitor discovered that the lands were merged on title.

The Committee outlined that the lot is undersized and does not meet the minimum frontage. Also, the lands are within a wetland and floodplain area, however recognize that they are already developed.

The Committee recognized that there is sufficient area in the retained lands to increase this lot to conform to the minimum requirements and requested that Ms. Dowdall consider this option.

MOTION #LD-2012-024

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

“THAT, application B12/075, Dowdall be deferred to provide the applicant an opportunity to resolve the issues raised regarding size of lot. **ADOPTED**

The hearing to be re-convened following either October 29, 2012 or at a date suitable to Ms. Dowdall.

(f) MINUTES – October 29, 2012

Jo-Anne Dowdall-Brown and Kevin Brown, attended the hearing and gave evidence under oath.

Ms. Dowdall-Brown submitted a letter from Deanne Dowdall, authorizing both her and Kevin Brown to act on her behalf at this hearing.

Ms. Dowdall-Brown advised that they had come to an agreement with the purchaser to increase the width of the lot to conform to the Township’s Zoning By-law. This would also increase the lot size.

(g) 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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” presented October 29, 2012.

3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. 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.
7. A letter shall be received from the Township of Beckwith stating that condition #5 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that for any future development proposed on the retained lands, that an EIS will be requested to ensure that the natural features and ecological functions of the PSW are not negatively impacted. An EIS may also be required if additional development is proposed on the severed lands.*
2. *The MVC also advise that the entire severed lot and a portion of the retained land is located within the 1:100 year flood plain and MVC's Regulation Limit. In addition, a portion of the retained land consists of a PSW and its 120 metre adjacent lands. The severed lands are also located within the 120 metre adjacent lands to the PSW. These areas are 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.*
3. *Also, 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.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

6. *The 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.*

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.