



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 24, 2013 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-2013-021

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

“THAT, the minutes of the Land Division Committee meeting held on May 24, 2013 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-022

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 MMAH – notice of approval of Lanark County Official Plan.
- 6.2 MNR – notice of new Endangered Species. Boghorn Buckmoth
- 6.3 OMB – Notice of withdrawal of appeal by Joyce Farrell – B2011/158. Bell Canada has advised that they no longer require the easement.
- 6.4 Bell Canada – Notice that they no longer require the easement over lands owned by J Farrell (B2011/158) and that they wish to close the file.
- 6.5 Township of Montague – advising that they will no longer be requiring the demonstration of adequate water supply by drilling a water well as a condition of severance.

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 **B12/150, B12/151 and B12/152 – Thomas Dopson & Marian Arbour – 2 New Lots and R-O-W.**
Pt. Lot 17 & 18 Conc 6/7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Port Elmsley Road.
 - 7.1.2 **B12/157 and B12/158 – Jeff Jackson Contracting Inc – 2 New Lots.**
Pt. Lot 21 & 22 Conc 11, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 12C
 - 7.1.3 **B13/009 – William J Wood – Lot Addition & R-O-W**
Pt. Lot 2 Conc. 9, geographic Township of Pakenham, now in the Town of Mississippi Mills. County Road 29.
 - 7.1.4 **B13/017 – Carl & Boneta Box – New Lot & R-O-W**
Pt. Lot 19 Conc. 11, geographic Township of Darling, now in the Township of Lanark Highlands. Lowney Lake Road.
 - 7.1.5 **B13/024 & B13/025 – Robert J Hyland – 2 New Lots.**
Pt. Lot 6 Conc. 7, Township of Montague. William Campbell Road.
 - 7.1.6 **B13/027 – Ellard Enterprises – Lot Addition.**
Pt. Lot 11 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. Lally Lake Drive.

7.1.7 B13/029 – Andrew Alfred Clarke – Lot Addition.

Pt. Lot 20 Conc. 8, geographic Township of Bathurst, now in Tay Valley Township. Old Morris Road.

7.1.8 B13/030 – Shirley Ashby – New Lot

Pt. Lot 19 Conc. 10 geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.

ii) Applications Previously Heard and Awaiting a Decision

7.1.9 B10/069 and B10/070 – Peter Jones – two new lots

Pt. Lot 10 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. Elm Grove Road.

iii) Applications Previously Heard and Re-circulated

7.1.10 B12/108 – Edward and Deborah Weaver – New Lot (Re-circulation)

Pt. Lot 9 and 10 Conc. 3, geographic Township of Lanark, now in the Township of Lanark Highlands. Rodger Road.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 OEMC – Kingston September 11 to 13, Kingston ON.

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 B12/150, B12/151 and B12/152 – Thomas Dopson & Marian Arbour – 2 New Lots and R-O-W.

10.1.2 B12/157 and B12/158 – Jeff Jackson Contracting Inc – 2 New Lots.

10.1.3 B13/009 – William J Wood – Lot Addition & R-O-W

10.1.4 B13/017 – Carl & Boneta Box – New Lot & R-O-W

10.1.5 B13/024 & B13/025 – Robert J Hyland – 2 New Lots.

10.1.7 B13/029 – Andrew Alfred Clarke – Lot Addition.

10.1.8 B13/030 – Shirley Ashby – New Lot

10.1.9 B10/069 and B10/070 – Peter Jones – two new lots

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B13/027 – Ellard Enterprises – Lot Addition.

MOTION #LD-2013-023

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

“THAT, application B13/027 be deferred to provide the applicant / agent with an opportunity to submit a revised sketch to resolve the lot location / size issue.”

ADOPTED

10.3 CONSENT RE-CIRCULATION

10.3.1 B12/108 – Edward and Deborah Weaver – New Lot (Re-circulation)

MOTION #LD-2013-024

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, application B12/108 as re-circulated be given provisional consent.”

ADOPTED

11. UPCOMING MEETINGS

Monday August 26, 2013 @ 9:00 a.m.

Monday September 23, 2013 @ 9:00 a.m.

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

Monday, November 25, 2013 @ 9:00 a.m. and

Monday, December 16, 2013 @ 9:00 a.m.

Chairman Strachan advised that he would not be able to attend the November 2013 meeting and hearing.

12. ADJOURNMENT – 11:40 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Lloyd Dopson **Hearing Date:** June 24, 2013
 Marian Eileen Arbour
Agent: Stephen Craig Halpenny
LDC File #: B12/150
Municipality: Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 17&18 **Conc.:** 6&7
Roll No. 0919 908 015 44200 **Consent Type:** Two New Lots & R-O-W

Purpose and Effect:

B12/150 - To sever a 0.48-ha residential lot with an existing dwelling:
 B12/151 – To sever a 0.61-ha residential lot with an existing dwelling:
 B12/152 – To sever an existing right-of-way to provide legal access to the lots being created by B12/150 and B12/151: and to retain a 6.0-ha landholding with a mobile home development located at 687 Port Elmsley Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/150	B12/151	B12/152	
Existing Use	Residential	Residential	R-O-W	Mobile Hm Park
Proposed Use	Residential	Residential	R-O-W	Mobile Hm Park
Area	4,856.2 sq. m.	6,070.3 sq. m.	n/a	6.0 ha
Frontage	None	None	20 m	138.32 m
Depth	120.9 m Irreg.	120.9 m Irreg.	1304 m.	369.72 m Irreg.
Road - Access to	Reg. R-O-W	Reg. R-O-W	Reg. R-O-W	County Road
Water Supply	Private Well	Private Well	N/A	Private Well
Sewage Disposal	Private Septic	Private Septic	N/A	Private Septic
Official Plan Designation -Conformity?	Mobile Home Development / Rural Yes			
Zoning By-law Category	Mobile Home Development		Mobile Home Development	
-Area Required (min.)	4-ha		4-ha	
-Compliance?	No		Yes	
-Frontage Required (min.)	100 m		100 m	
-Compliance?	No		Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

safety concerns.

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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 Policies, Section 4.3.2 & 4.3.3 County 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.

Local Official Plan – Section 3 General Provisions, section 3.6 Cultural Heritage, Section 3.13 Natural Heritage, Section 3.17 Waste Management, Section 3.18 Water Services, Section 4.3 Rural Policies, Section 4.3.7 Tourist Commercial, Section 5.2 County Roads, Section 5.5 Private 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 11 Mobile Home development.

The Township of Drummond / North Elmsley advises that the proposal does not comply with the zoning by-law regulations and that a re-zoning will be required.

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

It is my understanding that this application seeks to sever two residential lots with existing dwellings (0.48 and 0.61 hectares, respectively) and sever an existing right-of-way to access these lots. The lands that are subject to this application contain a mobile home park with about 30 mobile home units (and served by an internal road network) as well as 3 single detached dwellings fronting on Lower Rideau Lake. Two of the dwellings are proposed to be split from the remainder of the property, which will retain its mobile home park use. Essentially this application formalizes an existing situation and no development is proposed resulting from the application.

The Dopson/Armour property is crossed by the closed road allowance dividing North Elmsley's 6th and 7th Concessions. North of this former allowance the property is designated Mobile Home Park in the Township's Official Plan and to the south, including the lands subject to the severance applications, the land is designated Rural. It should be noted that several mobile homes appear to exist within the Rurally designated section of the property. Given that designation boundaries are generally intended to be approximate, Staff will not take issue with this however do advise that any future expansion of the mobile home park towards the lake may require an Official Plan Amendment (although this would of course be well outside the scope of this severance application). The proposed new lots however are within the Rural designation and not subject to any other mapped constraints and as such the OP would support, in principle, the regularization of the single detached residential use. The applicants should be aware

however that any new development on the site may be subject to Site Plan Control and Parks Canada review, as per the Official Plan's policies regarding development adjacent the Rideau Canal system. The other

Official Plan related issue is that of access. Currently the lots are accessed through an existing private road and the application seeks to formalize that with the creation of a right-of-way. While the Township's Official Plan does not allow the creation of new private roads, I do not believe this application is inconsistent with that intent as it merely serves to formalize an existing arrangement. There have been communications between the Township and County's Emergency Services Department to establish names and civic numbers for the dwellings serviced by these private roads and the issuance of a formal civic address should be a condition of any severance being granted on the property.

With respect to the zoning, I note that the entire Dopson/Armour property is currently zoned Mobile Home Park Development and as such, these two existing dwellings exist in a legal nonconforming condition. I would suggest the zoning be corrected as a condition of a severance approval through a rezoning to Limited Services Residential. Based on the information provided by the applicants, the proposed lots meet all LSR zoning requirements, including lot size and all setbacks. There is a third residential dwelling on the Dopson/Armour property however the Mobile Home Park Zone allows one detached accessory dwelling house.

Given that this application has the effect of correcting some existing longstanding planning anomalies on the lot and does not create any new non-conformities, Drummond/North Elmsley Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met. Any future development on the severed or retained lands will be addressed through the applicable planning process.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The existing private roads, including the one subject to the requested right-of-way shall be named to the satisfaction of the Township and the County and the severed lots shall be identified in a manner satisfactory to the Township and the County. The applicant shall consult directly with the Township in this regard.
- The severed lands shall be rezoned from Mobile Home Park Development to a zoning category that correctly defines the existing and intended single detached residential use.
- The applicant acknowledges that the severed and retained lands front on the Rideau Canal National Historic Site and that any future development on the subject lands may be subject to Site Plan Control as per the Township's Official Plan policies.

Conservation Authority – Rideau Valley Conservation Authority & Parks Canada
The Rideau Waterway Development Review Team-RWDRT- (Rideau Valley Conservation Authority and Parks Canada-Rideau Canal Office) has completed a review of the above noted applications.

RVCA considerations:

- Section 2.1 Natural Heritage,
- Section 2.2 Water
- Section 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act
- the Conservation Authority Regulation 174-06 (re: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).

Parks Canada- Rideau Canal Office considerations:

- Historic Canal Regulations,
- Rideau Canal National Historic Site and World Heritage Site,
- ownership
- fish habitat.

The following comments are offered for the Committee's consideration.

Proposal

The application seeks to separate two waterfront residential lots from an existing larger lot, resulting in three residential lots.

B12/150 will create a 1.2 acre waterfront lot with 172 feet of waterfront. The lot is occupied by a residence and an accessory. B 121151 will create a 1.5 acres lot, also with an existing residence.

Site Characteristics

The property is gently sloping to the Lake. The lower portion of the severed and retained lots, it would appear, subject to seasonal high water and potential flooding during notable flood events. Development is currently situated on relatively high ground in excess of 30 metres from the water.

The property currently has an ornamental type maintained lawn to the shoreline (there are sections of the shoreline which have been left intact with a ribbon of cattails).

There are no designated "wetlands within 120 metres of the property so as to trigger a provincial planning concern.

Assessment

The applications will not result in the construction of any additional buildings and/or structures on the site. Therefore we are satisfied that there will be no adverse impact on natural heritage features, natural hazards and surface or groundwater features.

With respect to the flood potential on the property, the RVCA notes that it has recently been determined that certain lands around Lower Rideau Lake are subject to a flood hazard during regional storm flood (1: 100 year flood) conditions in the area. The expected 1:100 year flood level for the lake is 125.51 metres geodetic. We advise home owners or perspective purchasers that new development, such as is proposed here, should take this elevation (+.3 metres freeboard) into account so as to ensure the safety and integrity of building contents. The 1: 100 year flood elevation should also be taken into account in the design of the sewage system and well would not be adversely impacted.

Conclusion - The R WDRT has no objection to either B12/150 or 151.

Neither application would appear to impact Lower Rideau Lake below the high water

mark as regards the crown concerns of Parks Canada-Rideau Canal Office (ownership, fish habitat, cultural heritage).

To note, Parks Canada-Rideau Canal Office requires that prior written approval be obtained for shoreline access as per the Historic Canal Regulations. This includes but is not limited to docks, docks, boathouses, launch ramps, beaches, dredge and shoreline stabilization.

The Rideau Canal Office also administers Section 35-1 and 35-2 of the federal Fisheries Act for fish habitat protection is a part of the Rideau Canal Office application review from the Smiths Falls office at 613-283-7199.

To respect the natural heritage character and visual setting of the Rideau Canal National Historic Site and World Heritage Site, any new development proposed in this application be unobtrusive, visually screened and integrated within the vegetation and topography. As regards flood and erosion and recreational water quality protection considerations of the RVCA, the owner should be made aware that the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) may also require the written approval of the Rideau Valley Conservation Authority prior to straightening, changing, diverting or interfering with the existing shoreline of Lower Rideau Lake. Any future development or redevelopment should have regard for the identified 1: 100 year magnitude flood elevation of 124.51 metres geodetic. Staff also recommends that the natural vegetation within the remaining water setback be enhanced.

The RVCA has several assistance programs to aid in re-naturalizing/stabilizing the shoreline and water setback area.

Based on the above notes, the RWDRT has no objection to the lot creation as proposed. Please advise us on the Committees decision respecting this application or any changes in the status of the application.

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

Ministry of the Environment (Septic Approval)

The applications involve a mobile home trailer park and have an accumulative daily design sewage flow which exceeds 10,000 litres per day. However, the two residential dwellings have their own private sewage disposal (septic system).

The MOE have advised that the landowner will be required to amend the Certificate of Approval to exclude the lands that are the subject of the consent applications.

Hydro One Networks – No comments were received.

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 two residential lots with existing dwellings and a right-of-way over the existing laneway which provides access from Port Elmsley Road to the dwellings and the private mobile home park.

The subject lands are located in an area characterized by rural / seasonal development along Rideau Lake and Beveridge Locks. The effect of the consent applications is to sever the two residential dwellings from the mobile home development and to provide legal access over the existing r-o-w.

The lands are accessed via an existing unnamed r-o-w. As part of the consent process the applicant will be required to name the provide road and have civic address installed.

Archaeological

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

Official Plan Policies

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

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

Consideration of 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 Polices 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 ion its own

merits because of the distance separating the respective areas to be developed

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.

Watershed Plan

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a 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.

Zoning

The subject property is currently within the mobile home development in the Township's Zoning By-law, which permits a limited number of uses, including mobile home, modular home and an accessory dwelling house. The severed lots will be required to be re-zoned to an appropriate zoning category. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback 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 Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – June 24, 2013**

Craig Halpenny, agent attended the hearing and gave evidence by virtue of his solicitor status.

Marian Arbour, owner attended the hearing and gave evidence under oath.

Mr. Halpenny advised that the two dwellings are existing and have been existing for many years. And that there is an additional dwelling on the retained lands which is permitted under the Township's Zoning By-law as an accessory use to the mobile home development.

The R-O-W through the park will adjoin the two lots being created in a 'shared entrance' manner.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: the same conditions apply to B12/150 and B12/151

B12/150 and B12/151

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.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands front on the Rideau Canal National Historic Site and any future development may be subject to Site Plan Control".
5. The applicant shall submit to the Ministry of the Environment an application to amend the 'Certificate of Approval' for the Mobile Home Park. The applicant shall consult directly with the MOE in this regard.
6. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township of Drummond / North Elmsley 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 Drummond / North Elmsley.
8. 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.
9. The existing private roads, including the one subject to the requested right-of-way shall be named to the satisfaction of the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. 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.
11. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private road.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Ministry of the Environment advising that stating that condition #5 has been fulfilled to their satisfaction.

NOTES

1. *Parks Canada-Rideau Canal Office requires that prior written approval be obtained for shoreline access as per the Historic Canal Regulations. This includes but is not limited to docks, docks, boathouses, launch ramps, beaches, dredge and shoreline stabilization.*
2. *The RVCA advises that the lands are adjacent to the Rideau River and are therefore subject to the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) And may also require the written approval of the Rideau Valley Conservation Authority prior to straightening, changing, diverting or interfering with the existing shoreline of Lower Rideau Lake. Any future development or redevelopment should have regard for the identified 1: 100 year magnitude flood elevation of 124.51 metres geodetic.*
3. *RVCA also recommends that the natural vegetation within the remaining water setback be enhanced. The RVCA has several assistance programs to aid in re-naturalizing/stabilizing the shoreline and water setback area.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

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

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

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

B12/152

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 existing private roads, including the one subject to the requested right-of-way shall be named to the satisfaction of the Township and the County and the severed lots shall be identified in a manner satisfactory to the Township and the County. The applicant shall consult directly with the Township in this regard.
4. The lands being severed are for r-o-w purposes only in favour of the lots being created by application B12/150 and B12/151 – Pt. Lot 17 & 18 Conc. 6/7 North Elmsley.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The existing private roads, including the one subject to the requested right-of-way shall be named to the satisfaction of the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #11 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jeff Jackson Contracting Inc. **Hearing Date:** June 24, 2013
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B12/157
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 21 & 22 **Conc.:** 11
Roll No. 0919 919 025 60450 **Consent Type:** Two New Lots

Purpose and Effect: To sever two (2) residential building lots (0.87-ha and 0.99-ha) and retain a 7.08-ha vacant landholding. The lands are accessed via Drummond Con 12C.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/157	B12/158	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	0.87 ha	0.99 ha	7.08 ha
Frontage	45 m	45 m	35 m
Depth	221 m	221 m	332 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed Well	Proposed Well	Proposed Well
Sewage Disposal	Proposed Septic	Proposed Septic	Proposed Septic
Official Plan Designation -Conformity?	Hamlet No – requires road frontage		
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m No Road Frontage	Rural 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

Local Official Plan – Section 3 General Provisions, Section 3.10 Hazard Lands, Section 3.13 Natural Heritage, Section 4.2 Hamlet 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 does not comply with the provision of 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 generally consistent with the intent of the Township's Official Plan and Zoning By-law. As I understand it, Jeff Jackson is looking to sever two residential building lots (0.87 ha and 0.99 ha respectively) from his 9 hectare area of land. According to my records, two lots have already been severed off of this lot of record in 2006, however since these lands are designated as part of the Innisville Hamlet, the Official Plan allows consideration of additional lots by consent where the property is within a hamlet. The subject land is located at the end of Drummond Concession 12C and is currently undeveloped. The two proposed lots are primarily open field and the retained lands are field, woodland and wetland. Please see attached map for a local planning context.

The proposed severed lands fall within a settlement area, as identified by the Official Plan and the intent of this designation is to "recognize the mixed-use nature of these areas and to permit them to expand, while ensuring that land use conflicts are minimized." While the core of the built-up Innisville community is located to the south on the other side of Highway 7, the Plan identifies areas to the north of the highway and east of the Haley Lake wetland complex as suitable areas for new residential development. This proposal is consistent with that intent. The most significant and obvious constraint to the development of these lots at this time is access. Section 3.8 of the Plan requires frontage and direct access to a public road for all new (non-waterfront) residential building lots and at present the travelled portion of Concession 12C ends at the eastern end of on the first severed lot. It is my understanding that the applicants are intending to extend this road to service the new lots and the retained land. It is reasonable that the applicants seek conditional severance approval before undertaking this project. I have discussed the road extension possibility with the Township's Roads Manager and he advises that the road will need to be constructed to Township standards prior to it being assumed by the Township, which would include a turning circle at the end, and there may also be some concern with the grade of the land (along the existing road allowance) that could pose a constraint. It would need to be a condition of any severance approval that the new lots and retained meet the Township's Zoning By-law requirements for frontage and access. I note due to the proximity of the ANSI and PSW, a 45 metre open public frontage may not be possible for the retained lands and as such zoning relief would need to be sought through a zoning amendment or minor variance.

In evaluating the Township's constraints mapping however I did note that a portion of the subject lot was identified as "potentially significant woodland" and thus subject to Section 3.13.5 of the Official Plan, which necessitated an evaluation site visit. I noted that the woodland comprising and immediately adjacent the severed lots did not meet the OP's definition of "significant" except for what appeared to me to possibly be habitat of species at risk (butternut). To address this, the applicant retained the services of Hans von Rosen who visited the site and advised that butternut were not observed to be present there. On the other hand, in his Species at Risk and Natural Heritage Inventory, the potential habitat of bobolink, meadowlark and whip-poor-will were observed (grassland and grassland adjacent to significant woodland). While the assessment was done at a time of year that made it impossible to confirm or exclude the presence of these species, it should be noted that the applicant is responsible to ensure that in the event that such

species are confirmed, prior to any development or site alteration, mitigative measures or habitat compensation plans may be required in accordance with Ministry of Natural Resources requirements. While not mapped, I also note that the majority of the severed lands are within 250 metres of Highway 7 and as per Section 3.14.1 of the OP, the Township may request a noise study as a condition of this application. In this case, I note that there is some area of these lots outside that buffer and given the distances I do not believe that a study is necessary however do suggest that a note be placed on all deeds advising of the potential impacts of noise.

Given the foregoing, provided that the Committee is satisfied that the provisions of the Endangered Species Act can be accommodated, 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 Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- 4/ The applicant shall demonstrate that the proposed severed .and retained lots meet all applicable provisions of the Township's Zoning By-law, particularly provisions relating to access and frontage. To meet this condition, the applicant shall extend, at his expense and to the Township's satisfaction, the adjacent public street to service the proposed severed lots and retained parcel.
- 5/ The applicant agrees that in the event that the presence of a listed Species at Risk is confirmed, that the applicant or any future property owner will immediately contact the Ministry of Natural Resources to address any habitat compensation or mitigation that may be required under the Endangered Species Act.
- 6/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the north in part of Lots 21 and 22, Concession II, 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 including noise.

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 parcels of land; one measuring 2.15 ac and the other 2.46 ac. The retained land is 17.49 ac and is also vacant.

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 extends into the northwest corner of proposed retained land. MVC's Regulation Limit extends a further 120 metres into these lands, covering approximately 1/3 of the retained lands. No natural hazards or natural heritage features were observed on the proposed severed lands.

REVIEW - PSW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 m of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS).

However, given that there appears to be sufficient area on the retained lands for future development located beyond the PSW and its 120 m adjacent lands, it is our opinion that there would be limited value in conducting an EIS at this time. PSW was not identified on the severed lands.

CONCLUSIONS & RECOMMENDATIONS

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

NOTES

In the event that future development is proposed within the 120 metre adjacent lands to the PSW (i.e. within MVC's Regulation Limit), an EIS may be required at that time.

A portion of the proposed retained lands is comprised of PSW and a larger portion is located within MVC's Regulation Limit (i.e. within 120 metres of the PSW); these areas are regulated by MVC, pursuant to 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 any interference in or within 120 meters of the PSW.

In addition, any proposed works in or near the PSW 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.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – B12/157 – A 2.15 acre parcel of land that is a combination of forest and field, land is sloping gently. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/158 – A 2.46 vacant rural parcel of land. Land is mainly forested land, gently sloping. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 17.49 acre parcel of land that is vacant. There is a wetland buffer area for ½ of the parcel. Additional sandy loam fill will be required in future tile bed area.

Hydro One Networks – No comments were received.

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

Ministry of Transportation - 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 two residential building lots (0.87-ha and 0.99-ha) and retain a 7.08-ha vacant landholding. Both lots are currently vacant.

The subject lands are located in the locally known settlement area of Innisville, which contains a mixture of smaller type urban lots and larger type residential lots along Highway No. 7 and the Innisville side streets. Two previous severances were taken from the original lot in 2005 with access to Highway 7. The new OP policies allow additional severance where the lands front on two separate roads.

The proposed lots do not front on an 'opened' township road allowance; however the applicant has discussed constructing this road, with the Township. The extended Concession line will access Highway 7.

Due to the proximity of the Haley Lake Wetland Complex an EIS was undertaken by Hans Van Rosen. The report will be required to be updated prior to any development or site alteration.

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 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.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size however do not have road frontage that is ‘opened and maintained”. Any new development will be required to meet the minimum setback 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 Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – June 24, 2013**

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

Ms. Zander confirmed that the new Township Official Plan provides a=for more than 3 consents within a designated settlement area and that the applicant will need to extend / build the unopened road allowance in order to provide ‘road frontage’ for the new lots and the retained lands. However, a minor variance to reduce the minimum frontage for the retained may be an option.

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 apply to both applications.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 "TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the north in part of Lots 21 and 22, Concession II, 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 including noise.
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 obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall demonstrate that the proposed severed and retained lots meet all applicable provisions of the Township's Zoning By-law, particularly provisions relating to access and frontage. To meet this condition, the applicant shall extend, at his expense and to the Township's satisfaction, the adjacent public street to service the proposed severed lots and retained parcel.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
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 Mississippi Valley Conservation advises that In the event that future development is proposed within the 120 metre adjacent lands to the PSW (i.e. within MVC's Regulation Limit), an EIS may be required at that time.*
4. *The MVC also advises that a portion of the proposed retained lands is comprised of PSW and a larger portion is located within MVC's Regulation Limit (i.e. within 120 metres of the PSW); these areas are regulated by MVC, pursuant to 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 any interference in or within 120 meters of the PSW.*
5. *In addition, any proposed works in or near the PSW 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical

advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

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.

Local Official Plan – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 3.3 Rural Policies, section 3.3.6 Severance, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions Section 11 Agricultural Zone, Section 12 Rural Zone

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Town Planner's Report

BACKGROUND

The lot subject to this application was originally created by way of a severance from an original township lot. Following this severance, this severed lot (subject property) did not have lot frontage or legal access onto an open and maintained road allowance. As a result, access to the property has been provided by way of a historical access lane which extends over the parcel of land between the subject property and the road allowance (currently a portion of the "Retained Lot"). This access has no legal standing.

The intent of this application is to correct this error by establishing legal access to the subject property. To do so, the applicant has proposed a lot-line adjustment which would add a 0.31 ha (0.76ac) 9.1 m (29.9ft) wide and 679m (2,227.7ft) long strip of land to the subject property from the parcel of land blocking access to the road allowance. If approved, the subject property would effectively become a 'panhandle' type lot. The affected property has a Community Official Plan designation of Agriculture and is zoned Limited Service Residential Special Exception 3 (LSR-3) by Zoning By-law No. 11-83.

SEVERANCE APPLICATION SUMMARY

Lot Addition for access

The lands subject to the lot addition does not have frontage onto an open and maintained road and as a result, access to these lands are dependent upon crossing the lands between the subject property and the road allowance. The intent of the application

is to add enough land to the subject property to provide sufficient frontage for access to the subject land. The proposed lot addition is 9.1 m (29.9ft) wide and 679m (2,227.7ft) long.

COMMUNITY OFFICIAL PLAN POLICIES

The subject property has an Official Plan designation of Agriculture. Section 3.2.7.2 of the Community Official Plan, entitled "Severances and Lot Creation" permits a severance between agricultural land holdings provided that no new lot is created and the sizes of the lots are appropriate for agricultural purposes. In this case, no new lot is being created and the result of the lot addition is to establish legal access to an existing lot of record from a municipal road.

Furthermore, the creation of a right-of-way or easement is subject to the policies contained in Section 5.3.11.2 of the Plan. This section permits the creation of easements or rights-of-way that provide access to established existing lots of record. The intent of this application is to establish a direct point of access from a municipal road to an existing lot of record.

ZONING BY-LAW

The subject property is currently zoned Limited Service Residential Special Exception 3 (LSR-3) Zone within the Zoning By-law No. 11-83. Section 18.3.3 of the By-law states that:

Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-3' to this Bylaw, development shall be permitted in accordance with the LSR zone provisions, excepting however that the minimum lot area shall be 9ha (22ac) and the minimum lot frontage shall be 300m.

The property lands subject to benefit from the lot addition is an existing lot of record that does not have frontage onto an open and maintained municipal right-of-way. As noted above, the Zoning By-law requires a minimum lot frontage of 300m (984ft) for the lands zoned LSR-3. Based on the current lot configuration, the subject property is not able to comply with the minimum frontage requirements.

While this consent application would not provide the required lot frontage, it would help bring the property towards compliance by providing legal access. Furthermore, as a condition of approval, Staff recommend that the applicant be required to acquire relief from the minimum lot frontage requirements outlined in Section 18.3.3 of Town's Zoning By-law No, 11-83, by way of a minor variance to be granted by the Town's Committee of Adjustment.

CONCLUSION

The proposed severance is consistent with the Community Official Plan and the intent of the Zoning bylaw. Furthermore, the proposed lot addition is to ensure continued future access to the Wood property in the event of a change of ownership.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property;

4. That the applicant acquires a PIN/Municipal address for each lot; and,
5. That the approval is subject to the applicant acquiring relief from the minimum lot frontage requirements of the Town's Zoning By-law No. 11-83 by way of a Minor Variance granted by the Town's Committee of Adjustment. "

County Roads Department – Retained lands have an existing approved entrance, permit #2428 applies. Lands to be severed have an approved entrance location, permit #2421 applies. Lands to be severed have an approved entrance location, permit #2421 applies. A full entrance application must be submitted and entrance installed prior to deed endorsement.

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

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

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

(c) 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 existing r-o-w to lands adjacent to the Mississippi River. This access was intended to be severed together with the lot when it was originally created.

The lands are accessed via County Rd 29, a county maintained road.

Official Plan Policies

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

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

Consideration of 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/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the agriculture. The lands subject to benefit from the lot addition is an existing lot of record that does not have frontage onto an open and maintained municipal right-of-way.

Conclusion

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

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

(e) MINUTES – June 24, 2013

Tracy Zander, agent and William Wood, owner/applicant, attended the hearing and gave evidence under oath.

Ms. Zander advised that the Town Planner's report addresses the re-zoning of the lands to LDR-3 in 1992, however does not address the fact that the lot to be enlarged by the rezoning is to be considered a 'waterfront lot. Therefore the applicant should not be required to undergo yet another re-zoning to address the frontage issues i.e. the r-o-w width.

In consideration of this new information, the committee agreed that a re-zoning or minor

variance may not be required, and therefore Condition 9 should be reworded, to allow the applicant to demonstrate to the Town that a re-zoning would not 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.

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 James Donald Wood described as Part 1, 2 & 4 Plan 26R-1444, 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. An appropriate right-of-way shall be granted to the owners of the lot to be retained over the lot to be severed.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.

9. The applicant shall demonstrate to the satisfaction of the Town of Mississippi Mills that the lot to be severed and the lot to be enlarged comply with the pertinent provisions of the Town's Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
10. 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.
11. 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.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 to #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Town of Mississippi Mills stating that condition #5 through #9 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Carl Box & Boneta Box

Hearing Date: June 24, 2013

Agent: N/A

LDC File #: B13/017

Municipality: Lanark Highlands

Geographic Township: Darling

Lot: 19 **Conc.:**11

Roll No. 0940 944 020 36920

Consent Type: New Lot

Purpose and Effect: To sever a 1.42-ha residential building lot together with a r-o-w and retain a 2.38-ha residential lot with an existing dwelling at 627 Loney Lake Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Seasonal Residential
Proposed Use	Seasonal Residential	Seasonal Residential
Area	1.42 ha	2.38-ha
Frontage	106.70 m	170.73 m
Depth	123.44 m	161.58 m
Road - Access to	Registered R-O-W	Registered R-O-W
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed privy	Privy
Official Plan Designation	Lakefront Development	
-Conformity?	Yes	
Zoning By-law Category	Lakefront Development	Lakefront Development
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	50 m	50 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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 Policies, Section 5.0 Natural Heritage 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.

Local Official Plan – Section 3.3 Rural Communities, Section 6.0 Public Health and Safety, Section 7.4 Transportation, section 8.4 Development 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 11.0 Lakefront Development. The Township of Lanark Highlands advises that the proposal conforms to 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

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 new lot. The property is legally described as Part Lot 19, Concession 11, geographic Township Darling, now in the Township of Lanark Highlands.

The applicant wishes to sever a 3.5 acre residential building lot and retain a 5.9 acre developed parcel commonly known as 627 Loney Lake Road. Access for the new lot is via a registered right of way over the existing private road known as Loney Lake Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Lake Front Development on Schedule 'A 3' 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. The proposed lot has access to a municipally maintained road via Loney Lake Road.

1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Sections 3.3 and 8.4.2, 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.

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. 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.
5. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – A 1.42 hectare parcel of land. There are no existing buildings. Land is mix of woodlands and open field. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 2.3 hectare parcel of land with an existing building and existing well. Trailer on property can be moved. Land is mainly open field and some forest. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – 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 1.42-ha residential building lot and retain a 2.38-ha residential lot with an existing dwelling.

Three previous severances were taken from the original parcel of land – 1995, 1996 and 2003. The 2003 application included an EIS due to the proximity of the White Lake Wetland Complex. Two were created prior to the consent start date of April 1, 2003.

The subject lands are located in an area characterized by typical seasonal residential type lots along the shore of Loney Lake. The effect of the lot creation is 'infill', a process recommended by the PPS.

Due to the proximity of the White Lake Wetland Complex, an Environmental Impact Assessment was undertaken by Pinegrove Biotechnical which concluded that: the building envelope be kept less than ¼ acre, no development within 50m of the lake shore, and various building restrictions all of which should be included within a 'development agreement' between the Township and the applicant.

The lands are accessed via Loney Lake Road, a private road which adjoins Syne 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 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. 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.

- 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.

Archaeological

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

Zoning

The subject property is currently within the lakefront development section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback 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 – June 24, 2013**

Carl and Boneta Box, owners, attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands to implement the development mitigating conditions as outlined in the Environmental Impact Statement prepared by Pinegrove Biotechnical dated November 26, 2012.
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. 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.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. 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).
10. 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.
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. *Residents and users of Loney Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert & Joseph Hyland **Hearing Date:** June 24, 2013

Applicant: Leisa Smith

LDC File #: B13/024 & B13/025

Municipality: Montague

Geographic Township: N/A

Lot: 6 **Conc.:** 7

Roll No. 0901 000 015 09700

Consent Type: Two new lots

Purpose and Effect: To sever two (2) residential building lots – 2.03-ha and 45-ha and retain a 47.0-ha landholding with an existing dwelling, barn and outbuildings (746 William Campbell Road). The lands are accessed via William Campbell Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/024	B13/025	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	2.03 ha	45 ha	47 ha
Frontage	61 m	244 m	244 m
Depth	333 m	1,830 m	1,860 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Private well
Sewage Disposal	Proposed septic	Proposed septic	Private septic
Official Plan Designation -Conformity?	Rural, Endangered Species overlay Yes		
Zoning By-law Category	Rural	Rural & A-1	
-Area Required (min.)	0.4-ha	0.4-ha	
-Compliance?	Yes	Yes	
-Frontage Required (min.)	46 m	46 m	
-Compliance?	Yes	Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0 Natural Heritage, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.21 Natural Heritage Features, Section 2.22 Ground Water Supply, Sewage Disposal, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division. The Township of Montague advises that the proposal conforms to the policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, section 17 Rural Zone. The Township of Montague advises that the proposal conforms to the regulations of 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 Planner's Report – Township of Montague

Please be advised that I have reviewed the above noted consent applications and as I understand it, the applicant owns an 94 hectare landholding with a civic address of 746 William Campbell Road and this application seeks to sever two residential building lots: a 2 hectare (5 acre) lot in the middle of the landholding and a 45 hectare (111 acre) lot on the eastern end. Both will still front on William Campbell Road, which is a publicly owned street. The remaining 47 hectares contains the dwelling as well as a barn and storage buildings. The severed and retained lots are a mix of pasture, woodland and wetland.

According to my records, no lots have previously been taken off of this landholding since 2001.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development. The overall built density in the general vicinity is relatively low, with a number of farms in the vicinity as well as rural residential development and I believe this application is consistent with that intent. Additionally, the proposed severances comply with the Plan's consent policies (Sec. 5.2.3). When reviewing the Official Plan's Constraints mapping however, there are a number of issues that bear consideration (see map appended to this report). Firstly, most of the property has been identified as being significant wildlife habitat. Pursuant to Section 2.21.4 of the Plan, the applicant has contacted the Ministry of Natural Resources, who undertook an ecological evaluation of the site and identified the habitat of loggerhead shrike. As provided for in the OP and PPS in order to protect the habitat, the Ministry is suggesting that development take place outside the identified lands (which comprise a portion of the larger severed lot). I note that this leaves an adequate building area of a few acres fronting on the road and it is my suggestion that a development agreement be requested as a condition of this application that the owner acknowledge this habitat and direct development to areas outside. Additionally I note that significant woodlands and a small area of provincially significant wetland are on both the larger severed lands and the retained lands. Since there is ample room for development outside of these features, I do not believe additional supporting studies are required in support of this application. There is also a small woodland identified close to the road however due to its size and relative isolation I do not believe it meets the definition of significant.

It should be mentioned that the application has also identified the presence of a livestock facility within 500 m of the larger severed lot and I presume that refers to the barn located to the southeast of the lots. I have not been provided with a Minimum Distance Separation Data Sheet in support of this application and it is my recommendation that the Land Division Committee confirm that this proposal meets MDS criteria prior to the approval of this application.

The entire Hyland Property is zoned Rural in the Township's Zoning By-law, with the exception of a small portion of the retained lands that has an exception zone that allows a sawmill as a permitted use. This does not otherwise affect this application and I advise that the severed and retained lands comply with all other provisions of the Zoning By-law.

Given the foregoing, Montague 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 Montague - 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 as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township for both the severed and retained lands. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 4/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 5/ The Applicant shall obtain a Civic Address Number from the Township of Montague for the new lot. The applicant shall consult directly with the Township in this regard.
- 6/ The applicant shall enter into a development agreement with the Township to address the concerns of the Ministry of Natural Resources with respect to the identified loggerhead shrike habitat identified on the severed and retained lands.
- 7/ The applicant shall confirm that the severed lots meet the Minimum Distance Separation requirements referenced in the Township's Official Plan.
- 8/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority

B13/024

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a new 2.03 hectare residential lot from the existing 94.03 hectare parcel. We note that this is the first of two severance applications which would ultimately result in a total of 3 lots (2 new lots, 1 retained) from the existing parcel.

PROPERTY CHARACTERISTICS

Parcel is mainly cleared with a heavily treed area north of the watercourse. The retained parcel is partially cleared with a permanent wetland located on the eastern side of the property and the Pinery Road Provincially Significant Wetland located on the northern portion of the property, two watercourses (tributaries to the Pinery Road Provincially Significant Wetland) traverse the property. A small portion of the retained parcel has been identified as Significant Woodland in the Township's Official Plan. The severed and retained parcels have been identified as Significant Wildlife Habitat in the Township's Official Plan.

REVIEW

Natural Hazards

There have been no natural hazards identified on this property which would preclude this application.

Natural Heritage

Significant Woodland

A portion of the retained parcel has been identified as being within a Significant Woodland in the Townships Official Plan. The retained parcel is already developed with a residence and a garage. No new development is being proposed on the retained parcel.

The severed parcel appears to be entirely outside of the Significant Woodlands and the 120 metre adjacent lands.

Significant Wildlife Habitat

The entire severed and retained parcels have been identified as Significant Wildlife Habitat in the Township's Official Plan. We note that the applicant has provided a report by the Ministry of Natural Resources dated February 1, 2013 which discusses potential impacts on Endangered Species and their habitat. The report has made recommendations based on an identified building envelope. Given the nature of the report authored by the Ministry of Natural Resources, it is the Conservation Authority's recommendation that the report would satisfy the intent of the Township's Official Plan for an HIS for a site within the Significant Wildlife 1-habitat designation provided that the recommendations are carried over into a development agreement as a condition of consent.

Watercourses

A tributary to the Pinery Road Provincially Significant Wetland traverses the severed parcel. In accordance with the Official Plan, a minimum setback of 30 metres is required from the normal high water mark of any water body. Based on the location of the severed lot and the large size, there is a sufficient building envelope on the property entirely outside of the 30 metre setback.

Provincially Significant Wetland

A portion of the retained parcel is within the Pinery Road Provincially Significant Wetland and the 120 metre adjacent lands. In this instance the retained parcel is already developed and no further development is proposed. The severed parcel is entirely outside of the Provincially Significant Wetland and the 120 metre adjacent lands. Therefore it is the Conservation Authority's opinion that an EIS is not required to support the application from a Provincially Significant Wetland policy perspective.

Conservation Authority Regulation

For the applicant's information the watercourse and the Pinery Road Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to B13/024 4/23/2013 Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the 1)1101 written approval from the Conservation Authority.
- Any development within a PSW and the 120 metre adjacent lands requires the written approval of the Conservation Authority. Development within a PSW is not permitted.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application subject to the following condition:

1. That the applicant enter into a development agreement with the Municipality to the satisfaction of the Conservation Authority that includes the following clauses:
 - a. That the Owner acknowledges and agrees to that any proposed development shall be within the building envelope identified in the report “RE: Severance of Lot 6, Concession 7, Montague Twp” (dated February 1, 2012, prepared by the Ontario Ministry of Natural Resources.
 - b. That the Owner acknowledges and agrees that all (development shall be setback a minimum of 30 metres from the normal highwater mark of any waterbody.
 - c. That the Owner acknowledges and agrees that the watercourse is subject to Ontario Regulation 174/06 made pursuant to Section 28 of the Conservation Authorities Act as administered by the Rideau Valley Conservation Authority. The prior written approval of the RVCA is required for any alteration, straightening, changing, (diverting or interfering in any way with any watercourse (including watercourse crossings).

Notes

It is the Owners responsibility to contact the Ontario Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for any development.

B13/025

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee’s consideration.

PROPOSAL

The proposal is to sever a new 45 hectare residential lot from the existing 94.03 hectare parcel. We note that this is the second of two severance applications which would ultimately result in a total of 3 lots (2 new lots, 1 retained) from the existing parcel.

PROPERTY CHARACTERISTICS

A watercourse traverses the severed parcel on the south—west corner of the property. The first half of the parcel is mainly cleared with stands of trees. The northern portion of the parcel is more densely treed with fewer cleared areas.

The retained parcel is partially’ cleared with a Permanent wetland located on the eastern side of the property and the Pinery Road Provincially Significant Wetland located on the northern portion of the property. Two watercourses (tributaries to the Pinery Road Provincially Significant Wetland) traverse the property. A small portion of the retained parcel has been identified as Significant Woodland in the Township’s Official Plan. The severed and retained parcels have been identified as Significant Wildlife habitat in the Township’s Official Plan.

REVIEW

Natural hazards

There have been no natural hazards identified on this property which would preclude this application.

Natural Heritage

Significant Woodland

A portion of the retained parcel has been identified as being within a Significant Woodland in the Townships Official Plan. The retained parcel is already developed with a residence and a garage. No new development is being proposed on the retained parcel.

The severed parcel appears to be entirely outside of the Significant Woodlands and the 120 metre adjacent lands.

Significant Wildlife Habitat

The entire severed and retained parcels have been identified as Significant Wildlife Habitat in the Township's Official Plan. We note that the applicant has provided a report by the Ministry of Natural Resources dated February 1, 2013 which discusses potential impacts on Endangered Species and their habitat. The report has made recommendations based on an identified building envelope. Given the nature of the report authored by the Ministry of Natural Resources, it is the Conservation Authority's recommendation that the report would satisfy the intent of the Township's Official Plan for an EIS for a site within the Significant Wildlife Habitat designation provided that the recommendations are carried over into a development agreement as a condition of consent

Watercourses

A tributary to the Pinery Road Provincially Significant Wetland traverses the south—west corner of the severed parcel. In accordance with the Official Plan, a minimum setback of 30 metres is required from the normal high water mark of any water body. Based on the location of the severed lot and the large size, there is a sufficient building envelope on the property entirely outside of the 30 metre setback.

Provincially Significant Wetland

A portion of the retained parcel is within the Pinery Road Provincially Significant Wetland and the 120 metre adjacent lands. In this instance the retained parcel is already developed and no further development is proposed. The severed parcel is entirely outside of the Provincially Significant Wetland and the 120 metre adjacent lands. Therefore it is the Conservation Authority's opinion that an ETS is not required to support the application from a Provincially Significant Wetland policy perspective.

Conservation Authority Regulation

For the applicant's information the watercourse and the Pinery Road Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

2. Any development within a PSW and the 120 metre adjacent lands requires the written approval of the Conservation Authority. Development within a PSW is not permitted.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application subject to the following condition:

1. That the applicant enter into a development agreement with the Municipality to the satisfaction of the Conservation Authority that includes the following clauses:
 - a. That the Owner acknowledges and agrees to that any proposed development shall be within the building envelope identified in the report "RE: Severance of Lot 6, Concession 7, Montague Twp" dated February 1, 2012, prepared by the Ontario Ministry of Natural Resources.
 - b. That the Owner acknowledges and agrees that all development shall be setback a minimum of 30 metres from the normal highwater mark of any waterbody.
 - c. That the Owner acknowledges and agrees that the watercourse is subject to Ontario Regulation 174/06 made pursuant to Section 28 of the Conservation Authorities Act as administered by the Rideau Valley Conservation Authority. The prior written approval of the RVCA is required for any alteration, straightening, changing, diverting or interfering in any way with any watercourse (including watercourse crossings).

Notes

It is the Owners responsibility to contact the Ontario Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for any development.

Ministry of Natural Resources

The Ministry of Natural Resources (MNR) has reviewed the information that you provided on your proposed project "Severance of Lot 6, Concession 7, Montague Twp" to assess the potential impacts of the proposal on Loggerhead Shrike (Endangered) and their habitat. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) Part of your lot will be severed to enable two residential developments (areas to be developed shown in Figure 1).
- b) Individual Loggerhead shrike and their habitat are known to occur near the area of proposed work.

Based on a review of the above information, the Ministry has determined that the activities associated with the project, as currently proposed, will not contravene section 9 (species protection) or section 10 (habitat protection) of the ESA of the *Endangered Species Act, 2007* (ESA 2007) since the exact location of the proposed work should not impact this species. However, activities beyond the area described in Figure 1 (delineated in blue and red) may impact loggerhead shrike and their habitat. Please contact the MNR Kemptville District office if other activities are proposed so that we can

assess if there will be impacts to the species.

Should any of the project parameters change please notify the MNR Kemptville District office immediately to obtain advice on whether the changes may require authorization under the ESA 2007. Also, if any other protected species and/or habitats are observed on your property, please contact the District office as soon as possible.

It is important to be aware that changes may occur in both species and habitat protection. The ESA 2007 applies to species listed on the Species at Risk in Ontario List. Because the list is updated from time to time, it is recommended that you visit this web page regularly and/or check with the Kemptville District about species status changes as well as information on protected habitats that may occur in your area.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – B-13/024 – Poor drainage, 10-20 cm of topsoil on bedrock. Mostly flat cleared pasture. Lot size is adequate for on-site sewage disposal. Imported leaching bed fill will be required to construct a raised septic system on this site.

Severed – B13/025 – Large lot, mostly flat. Partially cleared, 10-20 cm of topsoil over bedrock. Lot size is adequate for on-site sewage disposal. Imported leaching bed fill will be required to construct a raised septic system on this site.

Retained – Poor drainage, 10-20 cm of topsoil over bedrock. Mostly flat pasture and bush. Large property with existing home and outbuildings. This severance will not negatively impact on-site sewage disposal on the retained lands. There were no obvious signs of failure for the existing septic system.

Hydro One Networks

Please be advised that Hydro One Networks Inc. ("Hydro One") has no objection *in principle* to the proposed severance, provided our easement rights on the subject property are protected and maintained.

At the Site Plan stage for any future development, lot grading and drainage plans showing existing and final grades must be submitted in triplicate to Hydro One for our review and approval.

Detailed site servicing plans showing placement of any proposed utilities and lighting systems must also be forwarded to this office for review at that time. Any placement of permanent structures, facilities or landscaping within the easement corridor will be prohibited without prior written approval.

The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Bell Canada R-O-W – Bell Canada has no installations over these lands and therefore no requirement for easement protection. We have no concerns or objections to the proposed severances.

(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 – a 2.03-ha residential building lot and 45.0-ha landholding and retain a 47.0-ha landholding with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by large landholdings interspersed with smaller type residential lots along William Campbell Road. The CPR main line tracks run along the northerly boundary of the lot.

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

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

MDS – An MDS was undertaken for the livestock facility located on the retained lands. The calculation resulted in a required minimum setback of 85 m from the livestock facility. Drape Imagery shows an approximate distance of 130 m from the facility to the westerly lot line of application B13/024.

SAR – the applicant has reviewed the application with MNR, due to the known loggerhead shrike habitat. The MNR has no objection to the proposal provided that the building envelopes are located as close to the municipal road as possible.

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

applies to lands within designated settlement areas.

3/ Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback 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 Montague and could be given favourable consideration.

(e) **MINUTES – June 24, 2013**

Leisa Smith, applicant/agent, attended the hearing and gave evidence under oath.

Ms. Smith advised that she will obtain ownership of the retained lands and Mr. Hyland will obtain ownership of 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.

Conditions apply to both applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one**

year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of April 23, 2013, 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.
9. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. A letter shall be received from the Township of Montague stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that Imported leaching bed fill will be required to construct a raised septic system on this site.*
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 lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
4. *The Rideau Valley Conservation Authority advises that the watercourse and the Pinery Road Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
 - *Any development within a PSW and the 120 metre adjacent lands requires the written approval of the Conservation Authority. Development within a PSW is not permitted.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

Additional Note for B13/025

7. *Hydro One Networks Inc. advises that at the Site Plan stage for any future development, lot grading and drainage plans showing existing and final grades must be submitted in triplicate to Hydro One for our review and approval.*

Detailed site servicing plans showing placement of any proposed utilities and lighting systems must also be forwarded to this office for review at that time. Any placement of permanent structures, facilities or landscaping within the easement corridor will be prohibited without prior written approval. The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

LANARK COUNTY LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Andy Clarke **Hearing Date:** June 24, 2013
Applicant: Wayne Carnrite
Agent: Julie Stewart, McIntosh Perry
LDC File #: B13/029
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 20 **Conc.:** 8
Roll No. 0911 916 025 11700 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 975.5 sq.m. parcel of land as a lot addition to lands owned by Wayne Earl Carnrite at Pt. Lot 20 Conc. 8, Bathurst being Part 4 Plan 27R-1108 (207 Old Morris Road) and retain a 30.0-ha landholding (183 Old Morris Road).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot Addition	Residential
Area	975.5 sq. m.	30.0 ha
Frontage	21.3 m	600 m
Depth	45.7 m	300 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 Organic Soils Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha n/a – lot addition	Rural 1.0-ha Yes 60 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.

County Official Plan – Section 3.0 Rural 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.

Local Official Plan – Section 2 General Development Policies, 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 policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever a 975.5 sq.m. parcel of land for a lot addition.

The area to be severed is a lot addition 975.5 square metres with 21.3 metres frontage on Old Morris Road. The resulting parcel would be 3418 sq. metres, still undersized but improved, and with a 71 metre frontage. The retained lot is approximately 30 ha with an existing dwelling. The retained lot meets minimum zoning provisions.

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

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- 2 copiers of Deed/transfer
- 2 copies of the reference plan

Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 0.9755 ha. parcel of land as a lot addition to the adjacent lands. The retained land is 30 ha, which is already developed. The lot to-be-enlarged is already developed.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, Campbell's Creek and one of its tributaries travels through the northern half of the retained land. In addition, the portion of Campbell's Creek that crosses the northern half of the retained lands is utilized as the H. Mather Municipal Drain. A branch of this drain travels across the southern half of the retained land. A small unclassified wetland exists in the northern part of the retained land. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

The retained land and lot to be enlarged are already developed with no new development proposed at this time. Therefore, impacts to the aforementioned natural features are not anticipated as a result of the subject application.

MVC does not have any objections to the subject lot addition.

NOTES

The property owner should be advised that in the event shoreline work is proposed along Campbell's Creek, its tributary, or the Municipal Drain, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near Campbell's Creek, its tributary, the Municipal Drain, or 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.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted April 18, 2013.

The applicant proposes to sever 0.9755 hectare parcel, for the purpose of a lot addition to, 207 Old Morris Road to allow for the construction of an addition to the existing dwelling. The proposed area to be added is currently an open field with a tree line along Old Morris Road. No test pits were provided.

The retained parcel is approximately 29.9 hectares (-74 acres). The property is developed with a dwelling which is serviced by a well and a Class 4 sewage system — Permit 1 OVOO1.

The severance will not interfere with the ability to install, replace, operate or maintain an 080 compliant sewage system in the future on either the severed or retained lot. 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.

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 an 819.47 sq.m. residential building lot and retain an 819.47 sq.m. residential building lot. Both lots are currently vacant.

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

- 3/ Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the

minimum setback requirements of the Zoning By-law. The lot to be severed will increase the lot to be enlarged so that it is more in keeping with 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 – June 24, 2013

Andy Clarke, owner and Julie Stewart, 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.

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 Wayne Earl Carnrite described as Part 4, Plan 27R-1108, 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 two copies 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 two copies of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advise that in the event shoreline work is proposed along Campbell's Creek, its tributary, or the Municipal Drain, written permission may be 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 Campbell's Creek, its tributary, the Municipal Drain, or 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.*
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: Shirley Ashby **Hearing Date:** June 24, 2013
Agent: Ken Scanlon
LDC File #: B13/030
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 9 **Conc.:** 10
Roll No. 0911 916 030 26300 **Consent Type:** New Lot

Purpose and Effect: To sever a 2.01-ha residential building lot and retain a 1.085 –ha residential lot with an existing dwelling at 150 Ennis Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	2.01 ha	1.085 ha
Frontage	92.97 m	112.74 m
Depth	177.2 m	157.6 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 By-law 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.

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 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 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.

Local Official Plan – Section 2 General Development Policies, 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 policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever a 2.01 ha parcel of land for a building lot, and retain a 1.085 ha parcel with a mobile home located on the property with an approved septic permit from 1982.

The lot to be severed as a residential building lot is 2.01-ha with 92.97 metres frontage on Ennis Road. The retained lot is 1.085 ha with 112.74 metre frontage on Ennis Road with an existing dwelling. Both lots meet minimum zoning provisions. There is a wet low lying area in the south-west corner.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement.
5. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required."

Conservation Authority - Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands,

wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

It is our understanding that the purpose of the subject application is to sever a vacant 2 ha building lot, and retain 1.1 ha with an existing mobile home.

According to a review of aerial photography, a lowland area extends into the southwest corner of the proposed severed land. No other natural heritage or natural hazards were identified.

Given that sufficient area appears to remain on both the proposed severed and retained land to support future development outside of the lowland area, MVC does not have any objections to the subject application. We recommend that development occur outside of the lowland area as it may contain organic soils that are unstable for development.

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.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 3, 2013.

The applicant proposes to sever approximately a 2.01 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is open field with several knolls and a wet low lying area in the south west corner. Amongst the knolls were areas of exposed rock. No test pits were provided.

The retained parcel is approximately 1.085 hectares. The property is developed with a dwelling which is serviced by a well and a sewage system — Permit #P2382.

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 surface water bodies. Due to the exposed rock, there may be shallow soils, which could result in a requirement for a clay seal and significant amounts of imported sand fill to construct a conventional septic system. Tertiary treatment of the on-site wastewater 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 on either lot. 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.

Hydro One Networks – No comments were received.

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 2.01-ha residential building lot and retain a 1.085-ha residential lot with an existing mobile home at 150 Ennis Road.

The subject lands are located in an area characterized by large type building lots along Ennis Road. The Bennett Lake control dam is located to the northwest and a portion of the lands are within the Bennett Lake PSW.

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

Archaeological

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

Official Plan Policies

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

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

Consideration of 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 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 within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the

minimum setback 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 – June 24, 2013**

Ken Scanlon, agent, attended the hearing and gave evidence under oath.

Mr. Scanlon questioned if the Township would be taking all the required lands to make up the 66 ft width from this property and was advised that the normal practice is to share to required width on each side of the road.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. Payment of \$100.00 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).
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 Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township 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 Tay Valley Township stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic System Office advises that due to the exposed rock on the lands, there may be shallow soils, which could result in a requirement for a clay seal and significant amounts of imported sand fill to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
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. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Peter Jones **Hearing Date:** May 24, 2013
Reconvened Hearing: June 24, 2013

Agent: Roger A. Harris

LDC File #: B10/069 & B10/070

Municipality: Tay Valley Township

Geographic Township: North Burgess **Lot:** 10 **Concession:** 5

Roll No. 0911 911 025 21000 **Consent Type:** New Lots

Purpose and Effect:

To sever two (2) residential building lots – 1.01-ha each, and retain a 50.58-ha landholding with an existing seasonal dwelling. The lands to be severed are accessed via Elm Grove Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/069	B10/070	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Cottage/vacant land Cottage/vacant land
Area Frontage Depth Road - Access to	1.01-ha 70 m 146m Mun Road	1.01-ha 70 m 146m Mun Road	50.58-ha 424 m 1036 m Mun Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Private well Septic System
Official Plan Designation -Conformity?	Rural with Deer Yard and Mining Overlay Yes		
Zoning Category	Rural		Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha Yes 60 m Yes		1.0-ha Yes 60 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 2.1.6 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 – under review by MMAH

Local Official Plan – Section 2 General development Policies, Section 2.18 Cultural and Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.22 Water Supply and Sewage Disposal, Section 3.3 Mineral Resource, Section 3.6 Rural, Section 4.3 County Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever two 1.01 ha parcels of land for new building lots and retain a 50.58 ha landholding with a seasonal dwelling.

Official Plan Designation: Rural, mine, significant wildlife are (Deer Yard). The abandoned mine site is over 1 km away from the proposed lots. An EIS was conducted for the two lots to be created and the recommendations will be included in a development agreement to be a condition of severance.

Zoning By-law Category: Rural.

Applicable sections: 10.1.2 – B10/69 and B10/070 will each create a 1.01 ha building lot with 70 metres frontage. The retain lot is 50.58 ha with 424 metres frontage. All frontages are on Elm Grove Road. All lots meet minimum zoning provisions.

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

- 1/ That, the applicant pay all outstanding taxes owing;
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval;
- 3/ That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.
- 4/ That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for each new lot;
- 5/ That, the applicant enter into a Development Agreement with Tay Valley Township the wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Rideau Valley Conservation Authority and as outlined in the Environmental Impact Statement dated February 2013.

Conservation Authority - Rideau Valley Conservation Authority Jan 21, 2011

The Rideau Valley Conservation Authority has reviewed the noted application. A site inspection was undertaken,

We have no objection to the creation of these lots provided development and disturbance can be shown to allow for a 30 metre setback from the local wetland (an associated watercourse). Ideally, we would support lot creation which does not extend lot boundaries into a wetland area.

We note that the wetland area adjoins an unnamed watercourse which outlets downstream to Big Rideau Lake. Ideally, we suggest that the rear lot lines do not encroach into the wetland area.

Any alteration to the watercourse and wetland area is subject to Ontario Regulation 174/06, regulating "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written approval of the RVCA will be required prior to any development within the flood prone area of the retained lands or altering, straightening, changing, diverting or interfering with the watercourse.

We also note the hydro line transecting both severed lots. Given the topography of the area, these lots may be challenging to develop while maintaining the Wetland setback and existing drainage. Our support is subject to the satisfaction of the Township and the MRSSO for servicing and planning restrictions. The RVCA recommends that approval be subject to the submission of a site development plan showing that development can be accommodated on the lots considering our comments above.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613-264 5419 should you have any questions. Please advise us of the Committees decision respecting this application.

Conservation Authority - Rideau Valley Conservation Authority March 8, 2013

Thank you for circulating the Environmental Impact Statement for the noted applications,

The EIS prepared by Ecotec does not make any recommendation to preclude the new lot lines extending their boundaries. into the local wetland identified on the documents we have reviewed. Although the Rideau Valley Conservation Authority (RVCA) supports lot creation which *does not* extend lot boundaries into a wetland area, we are satisfied that protection of the local wetland area and the connecting watercourse 011 the retained lands can be maintained with appropriate site management and setbacks. In this respect, we reiterate our 2011 comments:

- a) No objection to the creation of these lots provided development and disturbance maintain a 30 metre setback from the local wetland (and associated watercourse on the retained lands).
- b) *Alteration to the watercourse and wetland area* is subject to Ontario Regulation 174/06, regulating "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written approval of the RVCA will be required prior to any development within the flood prone area of the retained lands or altering, straightening, changing, diverting or interfering with the watercourse.
- c) Submission of a site development plan (identifying a development envelope for services, structures, site alterations) recognizing water and wetland setbacks and other restrictions summarized in the EIS (relating to species protection considerations identified by the Ministry of Natural Resources).
- d) Our support is subject to the satisfaction of the Township and the MRSSO for servicing and planning restrictions, The RVCA continues to recommend that

approval be subject to the submission of a site development plan showing that development can be accommodated on the lots considering our comments above.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned. At 613-267-5353 x 131. Please advise us of the Committees decision regarding these applications.

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

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on December 17, 2010.

The applicant proposes to sever a 1.01 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot currently is currently vacant. There is an area of open water and wetland vegetation in the Northern portion of the proposed lot approximately 100m from Elm Grove Rd. The topography of the area is undulating, sloping up from the road to a plateaued area and sloping back down to the wet area. There is exposed bedrock, low lying shrubs, and a combination of deciduous and coniferous trees. Soil test pits were not provided.

The retained parcel is approximately 46 hectares in area. The retained lot is currently developed with a dwelling and an existing septic system; permit number SF54394, as provided by CGIS (Tay Valley Geographical Information Provider).

The topography, exposed bedrock and assumed shallow soil depths are all limiting factors for the installation of an OBC compliant septic system, on the proposed lot. A significant amount of imported fill and alteration of the topography is conceivable to achieve compliance. It is possible Tertiary treatment of the effluent be required to maintain a 30 meter water setback and meet the requirements of the OBC.

There is sufficient area on the retained lot to support the replacement of a septic system with a water setback of greater than 30 meters.

The Application for Consent as provided will not impact the ability to maintain, operate, install or replace a septic system on the retained or new parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

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

County Roads Department

- 1/ Retained lands – Applicant has an approved existing entrance to the County Road. Permit 2145
- 2/ Severed lands – Applicant has an approved entrance location permit to the County Road – Permit No. 2144.
- 3/ Entrance to the severed lands to be installed prior to deed endorsement.
- 4/ Land proposed to be severed by B10/069 and B10/070 has an approved location for common residential access.
- 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.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two residential building lots (1.01-ha each) and retain a 50.58-ha landholding with an existing seasonal dwelling located at 2182 Elm Grove Road.

The subject lands are located in an area characterized by Residential on large landholdings along the north side of Elm Grove Road and waterfront development along the south side of Elm Grove Road. Murphy's Point Provincial Park is located south and west of the lands.

The lands are accessed via Elm Grove Road, a County maintained road.

Soils Inventory – Name: Franktown
- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: imperfectly
- Hydrogeology: moderate

Mining

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.

Archaeological

The retained lands are located within 300 m of Primary Water Source (Long Lake) and therefore are subject to archaeological potential. A cautionary note may be considered on the provisional conditions.

Deer Yard

The subject property is located within the locally known 'Long Lake Deer Yard'. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. 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).

Environmental Impact

Tay Valley Township requested that the applications be forwarded to the Ministry of Natural Resources for review, in light of the fact that the lands had Species at Risk Potential. The MNR review suggested that an Environmental Impact Assessment be undertaken due to the number of SAR identified as potential within this area of North Burgess.

An EIA was undertaken by Ecotec in February 2013, which concluded as follows:
These recommendations have been created in order to reduce environmental impacts as a result of potential development:

- *In order to minimize impacts to vegetation communities and wildlife habitat, the limits of vegetation clearing should be minimized outside of the proposed 35' x 60' building footprint.*
- *Should butternut removal be required, a qualified butternut health assessor must be contacted prior to removal.*
- *No clearing or alteration of vegetation should occur within 30 m of any waterbody or wetland feature.*
- *It is recommended that, prior to any site development, appropriate sediment and erosion control measures be installed and maintained in order to prevent deleterious materials from entering waterbodies.*
- *Should clearing be required, it should be completed after August 15th in order to avoid impact to the bird breeding/nesting season.*
- *It is recommended that MNR be contacted immediately if any species at risk are observed.*
- *Care should be taken along the gravel driveway to ensure no disturbance/destruction occurs to snapping turtle nesting sites.*

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(d) PUBLIC INPUT

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

(e) MINUTES – May 24, 2013

Peter Jones, owner and Roger Harris, agent attended the hearing and gave evidence by affirmation.

Mr. Harris noted that the EIS had been undertaken but it had not included a Butternut Assessment as required by MNR, and that they were in the process of contracting a specialist to undertake this work.

Chairman Strachan advised that the Murphy's Point Park Superintendent has requested that they be offered time to provide comments on the applications. It was noted that the original notice was sent to the landowner, Ministry of Natural Resources at a Toronto address, however the notice had not been forwarded to the MNR Kemptville Office for consideration.

The applicant and agent agreed to defer decision on the applications to allow time for MNR – Parks Division to comments.

Moved by D. Murphy and seconded by W. Guthrie; THAT application B10/069 and B10/070 be deferred to June 2013 to allow MNR – Parks Division to provide comments. Carried.

(f) **ADDITIONAL INFORMATION**

Ontario Parks – June 18, 2013

This letter is in response to the above noted application for consent in Tay Valley Township, Lanark County which was circulated to Curtis Thompson, Superintendent of Murphys Point Provincial Park on May 22, 2013. The Southeast Zone is responsible for management of Murphys Point Provincial Park, near the subject property, and we provide the following comments as an adjacent landowner.

Murphys Point Provincial Park is a 1244 hectare Natural Environment class park located immediately southeast of County Road 21 and the subject properties. The park provides both overnight camping and day use facilities. Between May and October, the park receives approximately 45 thousand visitors. In the off-season between, December and March, the park receives approximately 3000 visitors. The park's main entrance and several day use areas are accessed via County Road 21.

We have reviewed this application relative to our mandate to promote the protection of significant natural, cultural and recreational environments within Murphys Point Provincial Park.

It is possible that the proposed severance may not have a direct negative effect on the values within the park, so we do not object to the proposal. However, we are concerned that the subject lands may provide habitat for Gray (formerly Black) Ratsnake, a species at risk found within the park, which is ranked as Threatened under Ontario's Endangered

Species Act (ESA). The ESA protects individual animals, as well as their habitat (O. Reg 242/08). If development within the subject property affects this species or its habitat, it may directly affect the park's ecological integrity.

We request that these types of applications be circulated in advance to the Southeast Zone, Ontario Parks office: 51 Heakes Lane, Kingston ON K7M 9B1 . Please keep Ontario Parks informed of any decisions made with regards to the application of subdivision for these subject lands.

(g) **MINUTES – June 24, 2013**

No persons attended the re-convened hearing.

(h) **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.

The same conditions apply to both consent applications.

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

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

2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of the entrance to Murphy's Point Provincial Park, and that the occupants of the lot may be subject to increased vehicular traffic between May and October".
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 2 copies 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. Payment of \$100.00 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).
9. 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 March 8, 2013 and the EIA prepared by EcoTec dated February 2013 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.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. 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.
12. 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.
13. 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.

14. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 to #13 has been fulfilled to their satisfaction.
15. A letter shall be received from Rideau Valley Conservation Authority stating that condition #9 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any alteration to the watercourse and wetland area is subject to Ontario Regulation 174/06, regulating "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written approval of the RVCA will be required prior to any development within the flood prone area of the retained lands or altering, straightening, changing, diverting or interfering with the watercourse.*
2. *The Mississippi-Rideau Septic System Office advises that a significant amount of imported fill and alteration of the topography is conceivable to achieve compliance. It is possible Tertiary treatment of the effluent be required to maintain a 30 metre water setback and meet the requirements of the OBC.*
3. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
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.*
6. *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.*

7. *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.*
8. *The applicant / purchaser is advised that if during the process of development on the retained lands 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.*
9. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
10. *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: Edward & Deborah Weaver **Hearing Date:** November 26, 2012
Re-Circulated Hearing Date: June 24, 2013

Agent: N/A

LDC File #: B12/108

Municipality: Lanark Highlands

Geographic Township: Lanark **Lot:** 9 & 10 **Con 3**

Roll No. 0940 934 010 16900 **Consent Type:** New lots

Purpose and Effect: To sever residential building lot 6.07-ha and retain a 26.9-ha landholding with an existing dwelling and outbuildings at 3107 Herron Mills Road. The lands to be severed are accessed via Rogers Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/108	B12/108- Revised	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	4.7 ha	6.07 ha	26.9 ha
Frontage	60 m	122 m	380 m
Water Frontage	118 m	117.9 m	450 m
Depth	274 m	274 m	Irregular
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) RE-CIRCULATION INFORMATION

The applicant submitted an application to revise an approved consent that was in excess of the 10% to 15% allowable, therefore the application required re-circulation and a new hearing.

The original consent was approved by Committee on December 19, 2012.

(b) AGENCY REVIEW

The revised application was re-circulated to those agencies providing comments: The Township of Lanark Highlands, Mississippi Valley Conservation and Leeds Grenville & Lanark District Health Unit.

All agencies advised that they had no objection and that the same conditions would apply to the revised application for the Species at Risk Act.

(c) MINUTES – June 24, 2013

No persons attended the re-convened hearing.

(d) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT CHANGES IS GRANTED

REASONS: The conditions of provisional consent given by the Lanark County Land Division Committee on December 17, 2012 for application B2012/108 are changed to insert the following condition:

2. The reference plan or legal description and the deed or instrument required by Condition #1 above shall relate to the "revised Sketch" dated May 28, 2013.

Conditions 2 through 12 shall be renumbered 3 through 13.

Condition 12 shall read: A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.

Condition 13 shall read: A letter shall be received from the Township of Lanark Highlands stating that Condition #4 through #11 has been fulfilled to their satisfaction.

The above changes to conditions are not minor and therefore, notice of the changes is required to be given pursuant to Section 53(24) of the Planning Act.