



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, October 28, 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-2013-031**

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

**“THAT,** the minutes of the Land Division Committee meeting held on September 23, 2013 be approved as circulated.”

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2013-032**

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

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None.

## 6. COMMUNICATIONS

None

## 7. REPORTS

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

7.1.1 **B13/049 – Douglas and Gloria Brown – New Lot**

Pt. Lot 4 Conc 1 geographic Township of Lanark, now in the Township of Lanark Highlands. 1<sup>st</sup> Con A Dal.

7.1.2 **B13/058 – James & Elaine Mikolaitis – New Lot**

Pt. Lot 5 Conc 1 geographic Township of Lanark, now in the Township of Lanark Highlands. Storie Road.

7.1.3 **B13/059 – Kim and Ian Campbell – New Lot**

Pt. Lot 23 Conc 10 Township of Montague. McLachlin Road.

7.1.4 **B13/066 and B13/067 – Stephanie Harte – 2 New Lots**

Pt. Lot 9 Conc. 6 Township of Montague. Weedmark Road.

7.1.5 **B13/076 – Russell Constable – New Lot**

Pt. Lot 24 Conc 11 geographic Township of Lanark, now in the Township of Lanark Highlands. Galbraith Road.

7.1.6 **B13/077 – Ryan Stead – New Lot**

Pt. Lot 16 Conc 3 geographic Township of Lanark, now in the Township of Lanark Highlands. Hwy 511.

7.1.7 **B13/078 – Robert Neilson – R-O-W**

Pt. Lot 7 Conc 2 geographic Township of Lanark, now in the Township of Lanark Highlands. Hwy 511.

7.1.8 **B13/080 – Dustin Hirst – New Lot**

Pt. Lot 23 Conc 10 geographic Township of Darling, now in the Township of Lanark Highlands. Pickerel Bay Road.

7.1.9 **B13/083 – Robert & Theresa Peters – Lot addition**

Pt. Lot 4 N Halton Plan 8828., Town of Perth. Halton Street.

7.1.10 **B13/084 – Steven Babluck – Easement**

Pt. Lot 7/8 & 9 Conc. 2 geographic Township of Lanark, now in the Township of Lanark Highlands. Hwy 511.

**7.1.11 B13/095 – 1803736 Ont. Inc. – Lot addition**

Pt. Lot 10 Conc 10 geographic Township of Pakenham, now in the Town of Mississippi Mills. Lynx Hollow Road.

**7.1.12 B13/097 – Carol-Ann Leishman – New Lot**

Pt. Lot 14 Conc 9 geographic Township of Ramsay, now in the Town of Mississippi Mills. Country Street.

**7.1.13 B13/100 – Malcolm Condie – New Lot**

Pt. Lot 19 Conc 2, Township of Montague. Wood Road.

**7.2 Applications Previously Heard and Re-Circulated**

**7.2.1 B12/107 – Edward and Deborah Weaver – New Lot**

Pt. Lot 9/10 Conc 3 geographic Township of Lanark, now in the Township of Lanark Highlands. Herron Mills Road.

**7.3 Re-convened Hearing**

**7.3.1 B13/050 and B13/051 – Laurentian Camp Cherith – R-O-W & Lot Addition.**

Pt. Lot 8 & 9 Conc. 1 geographic Township of Darling, now in the Township of Lanark Highlands. River Farm Lane.

**7.3.2 B13/028 – Gary & Marilyn Simpson – new lot**

Pt. Lot 5 Conc. 9, geographic Township of Pakenham, now in the Town of Mississippi Mills. County Road 29.

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

None

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B13/028 – Gary & Marilyn Simpson – new lot**

- 10.1.2 B13/049 – Douglas and Gloria Brown – New Lot**
- 10.1.3 B13/050 and B13/051 – Laurentian Camp Cherith – R-O-W & Lot Addition.**
- 10.1.4 B13/058 – James & Elaine Mikolaitis – New Lot**
- 10.1.5 B13/059 – Kim and Ian Campbell – New Lot**
- 10.1.6 B13/066 and B13/067 – Stephanie Harte – 2 New Lots**
- 10.1.7 B13/076 – Russell Constable – New Lot**
- 10.1.8 B13/077 – Ryan Stead – New Lot**
- 10.1.9 B13/078 – Robert Neilson – R-O-W**
- 10.1.10 B13/080 – Dustin Hirst – New Lot**
- 10.1.11 B13/083 – Robert & Theresa Peters – Lot addition**
- 10.1.12 B13/084 – Steven Babluck – Easement**
- 10.1.13 B13/095 – 1803736 Ont. Inc. – Lot addition**
- 10.1.14 B13/097 – Carol-Ann Leishman – New Lot**
- 10.1.15 B13/100 – Malcolm Condie – New Lot**
- 10.1.16 B12/107 – Edward and Deborah Weaver – New Lot – Revised and recirculated.**

**11. UPCOMING MEETINGS**

Monday, November 25, 2013 @ 9:00 a.m.;  
Monday, December 16, 2013 @ 9:00 a.m.;  
Tuesday, January 28, 2014 @9:00 a.m.; and  
Tuesday, February 18, 2014 @9:00 a.m.

**12. ADJOURNMENT – 12:15 p.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Douglas E. Brown & Gloria J. Brown      **Hearing Date:** October 28, 2013

**Agent:** N/A

**LDC File #:** B13/049

**Municipality:** Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 4      **Conc.:** 1

**Roll No.** 0940 934 010 00800

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 2.63-ha residential lot with an existing dwelling at 324 1st Con A Dal and retain a 6.88-ha residential building lot. The lands to be retained are accessed via a Private Road adjoining Forbes Road.

| <b>DETAILS OF PROPOSAL</b>                    | <b>Land to be Severed</b> | <b>Land to be Retained</b>                            |
|---|---------------------------|---|
| <b>Existing Use</b>                           | Residential               | Wood Lot  |
| <b>Proposed Use</b>                           | Residential               | Residential   |
| <b>Area</b>                                   | 2.63 ha                   | 6.88 ha   |
| <b>Frontage</b>                               | 182.88 m                  | 128 m   |
| <b>Depth</b>                                  | 144.78 m                  | 671 m   |
| <b>Road - Access to</b>                       | Municipal Road            | Registered R-O-W                                      |
| <b>Water Supply</b>                           | Private Well              | Proposed Well   |
| <b>Sewage Disposal</b>                        | Private Septic            | Proposed Septic                                       |
| <b>Official Plan Designation -Conformity?</b> | Rural<br>Yes              |   |
| <b>Zoning By-law Category</b>                 | Rural                     | Rural – does not comply with Road Access requirements |
| <b>-Area Required (min.)</b>                  | 1.0-ha                    | 1.0-ha  |
| <b>-Compliance?</b>                           | Yes                       | Yes   |
| <b>-Frontage Required (min.)</b>              | 60 m                      | 60 m  |
| <b>-Compliance?</b>                           | Yes                       | Yes   |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

County Official Plan – Section 3.0 Rural Area 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 7.4.3 Local Roads, Section 7.4.4 Private Roads (Currently under appeal), Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0-Rural Zone, section 10.0 Limited Service Rural Zone.

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

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

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

#### **Township Planning Report**

##### **1.0 Review of Proposal and Application**

An application has been received from the County of Lanark Land Division Committee for the creation of a lot. The property is legally described as Pt. Lot 4 Concession 1, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 6.5 acre developed residential building lot commonly known as 324 1st Con A Dal and retain a 17 acre vacant parcel. Access to the retained parcel is via a private road adjoining Forbes Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2003-451.

##### **1.1 PROVINCIAL POLICY**

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

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

## 1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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.

## 1.3 ZONING

The proposal will if approved result in the creation of two new lots 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.
6. That the applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the right-of way. A copy shall be provided to the Township of Lanark Highlands.

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

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

### **Septic Office** – Leeds, Grenville and Lanark District Health Unit

Severed - 6.5 acre parcel of land with an existing house, outbuilding, well and partially raised septic system. Land slope and drainage can vary and land is a mix of brush, vegetation and rock. Additional sandy loam fill will be required in the area of the replacement septic system in the future. Severing the land will not negatively impact onsite sewage system.

Retained – 17 acres of land consisting of brush and rock. Soil and drainage can vary. Additional sandy loam fill will be required in the 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**

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

to Mary Kirkham  
Planning Administrator  
County of Lanark

August 19, 2013.

Re: File No.: B 13/049  
Subject Land: Pt. lot 4 Conc. 1 geographic Township  
of Lanark  
Municipality: Township of Lanark Highlands  
Owner: Douglas C and Gloria Brown

Dear Mary Kirkham,

I wish to be notified of the decision of the  
Land Division Committee in respect of the proposed  
consent.

Sincerely,  
Marion Peice-White

RECEIVED  
LANARK  
COUNTY

AUG 22 2013

Marion Peice-White  
4 Elvina St.

Gloucester ON K1J 7L1

Clerk's Department

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.63-ha residential lot with an existing dwelling located at 324 Dal Con 1A and retain a 6.88-ha residential building lot with access to a private r-o-w locally known as Irish Road.

The subject lands are located in an area characterized by typical estate lot residential (large rural lots). The Village of Lanark is located to the east.

The lands to be severed are accessed via Dal Con 1A, a municipally maintained road and the lands to be retained are accessed via a private right-of-way, locally known as Irish 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.

The policies of the new Official Plan regarding development on Private Roads has been appealed to the OMB, therefore the provisions of the old Official Plan regarding Private Road Development remain in effect. The old Official Plan permits development on private roads, provided that the lot is zoned appropriately (i.e. Limited Service Rural).

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

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. However, the lot to be retained no

longer has access to an opened and maintained public highway and will therefore require re-zoning from Rural to Limited Service Rural to acknowledge that the lands do not have access to municipal services which would normally be provided on an opened public highway.

#### 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.

#### (c) **MINUTES – October 28, 2013**

The hearing for B13/049 was held concurrently with B13/058 as the land access the same private road.

Douglas and Gloria Brown, owners and James and Elaine Mikolaitis, owners, attended the hearing and gave evidence by affirmation.

Mr. Brown advised that the road maintenance agreement has already been developed.

Committee reviewed the staff report and draft conditions.

#### (d) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

#### **CONDITIONS**

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

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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).
8. 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.
9. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private right-of-way providing access to the retained lands.
10. The lot to be retained shall be zoned to an appropriate zoning category for the intended use. 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 #3 through #10 has been fulfilled to their satisfaction.

**NOTES**

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

indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** James R. Mikolaitis & Elaine M. Mikolaitis    **Hearing Date:** October 28, 2013

**Agent:** N/A

**LDC File #:** B13/058

**Municipality:** Lanark Highlands

**Geographic Township:** Lanark Township    **Lot:** 5    **Conc.:** 1

**Roll No.** 0940 934 010 01000    **Consent Type:** New Lot

**Purpose and Effect:**

To sever a 4.7-ha residential lot with an existing dwelling at 289 Storie Road and retain a 7.7-ha residential building lot with access to a private road adjoining Forbes Road.

| <b>DETAILS OF PROPOSAL</b>                    | <b>Land to be Severed</b> | <b>Land to be Retained</b>                            |
|---|---------------------------|---|
| <b>Existing Use</b>                           | Residential               | Vacant  |
| <b>Proposed Use</b>                           | Residential               | Residential   |
| <b>Area</b>                                   | 4.7 ha                    | 7.7 ha  |
| <b>Frontage</b>                               | 200 m                     | 100 m   |
| <b>Depth</b>                                  | 234 m                     | 385 m   |
| <b>Road - Access to</b>                       | Municipal Road            | Registered R-O-W                                      |
| <b>Water Supply</b>                           | Private well              | Proposed well   |
| <b>Sewage Disposal</b>                        | Private septic            | Proposed septic                                       |
| <b>Official Plan Designation -Conformity?</b> | Rural<br>Yes              |   |
| <b>Zoning By-law Category</b>                 | Rural                     | Rural – does not comply with Road Access requirements |
| <b>-Area Required (min.)</b>                  | 1.0-ha                    | 1.0-ha  |
| <b>-Compliance?</b>                           | Yes                       | Yes   |
| <b>-Frontage Required (min.)</b>              | 60 m                      | 60 m  |
| <b>-Compliance?</b>                           | Yes                       | Yes   |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

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 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads (Currently under appeal), Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0-Rural Zone, section 10.0 Limited Service Rural Zone.

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

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

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

#### **Township Planning Report**

##### **1.0 Review of Proposal and Application**

An application has been received from the County of Lanark Land Division Committee for the creation of a lot. The property is legally described as Pt. Lot 5 Concession 1, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 11.6 acre developed residential building lot commonly known as 289 Storie Road and retain a 19 acre vacant parcel. Access to the retained parcel is via a private road adjoining Forbes Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2003-451.

### 1.1 PROVINCIAL POLICY

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

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

### 1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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.

### 1.3 ZONING

The proposal will if approved result in the creation of two new lots 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.
6. That the applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the right-of way. A copy shall be provided to the Township of Lanark Highlands.



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

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a developed parcel of land measuring 4.7 ha and retain a vacant parcel of land measuring 7.7 ha.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of Kerr Lake flows across the southern half of the proposed retained land. In addition, organic soil has been identified on the southern half of the retained land. No significant natural heritage features or natural hazards were identified on the proposed severed lands

### REVIEW

#### Natural Heritage Values

##### *Watercourse*

Sufficient area appears to exist on the retained lands to accommodate future development that complies with the current standards for development adjacent to a watercourse. The severed lands are already developed with no new development proposed at this time. Therefore, impacts to the watercourse are not anticipated as result of the subject application.

#### Natural Hazards

##### *Organic Soils*

The poor drainage and unstable characteristics of organic soil makes it unsuitable for development. Therefore, development should be directed outside of areas containing organic soils. Sufficient area appears to exist on the proposed retained lands to accommodate future development outside of these areas. The severed lands are already developed with no new development proposed at this time.

### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse.

2. The shoreline vegetation surrounding the unnamed watercourse shall be retained to a minimum depth of 15 metres.
3. Future development shall be directed away from areas consisting of organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed watercourse, or onto adjacent properties.

#### NOTES

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

In addition, any proposed works in or near the unnamed watercourse 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 – The property to be severed is 4.7 hectares and contains a residence and garage. Elevations and soil conditions vary. The severance will not affect any future replacement of the septic system.

Retained – The property to be retained is primarily wooded, vacant land of 7.7 hectares. In some areas, rock is within 0.3 metres of existing grade. The septic system for the proposed house may need to be fully raised using imported sandy loam fill. The exact amount will depend on location of septic system.

**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 4.7-ha residential lot with an existing dwelling located at 289 Storie Road and retain a 7.7-ha residential building lot with access to a private r-

o-w locally known as Irish Road.

The subject lands are located in an area characterized by typical estate lot residential (large rural lots). The Village of Lanark is located to the east.

The lands to be severed are accessed via Dal Con 1A, a municipally maintained road and the lands to be retained are accessed via a private right-of-way, locally known as Irish 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.

The policies of the new Official Plan regarding development on Private Roads has been appealed to the OMB, therefore the provisions of the old Official Plan regarding Private Road Development remain in effect. The old Official Plan permits development on private roads, provided that the lot is zoned appropriately (i.e. Limited Service Rural).

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

### 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. However, the lot to be retained no longer has access to an opened and maintained public highway and will therefore require re-zoning from Rural to Limited Service Rural to acknowledge that the lands do not have access to municipal services which would normally be provided on an opened public highway.

### 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, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

### (e) **MINUTES – October 28, 2013**

The hearing for B13/058 was held concurrently with B13/049 as the land access the same private road.

Douglas and Gloria Brown, owners and James and Elaine Mikolaitis, owners, attended the hearing and gave by evidence by affirmation.

Mr. Brown advised that the road maintenance agreement has already been developed.

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 the Township.

4. The applicant shall provide the Township with a copy of the deed/transfer for the property.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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).
8. 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.
9. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private right-of-way providing access to the retained lands.
10. The lot to be retained shall be zoned to an appropriate zoning category for the intended use. 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 #3 through #10 has been fulfilled to their satisfaction.

**NOTES**

1. Mississippi Valley Conservation advises that the following mitigative measures should be adhered to for any future development on the proposed retained lands:
  - a. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse.
  - b. The shoreline vegetation surrounding the unnamed watercourse shall be retained to a minimum depth of 15 metres.
  - c. Future development shall be directed away from areas consisting of organic soils.
  - d. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed watercourse, or onto adjacent properties.
2. The property owner should be advised that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 153/06- "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

3. In addition, any proposed works in or near the unnamed watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
4. 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 on the retained lands.
5. The Leeds Grenville and Lanark District Health Unit advise that additional sandy local fill will be retained in the area of the future tile bed area on the retained lands.
6. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
7. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Ian George Campbell & Kim S. Campbell    **Hearing Date:** October 28, 2013

**Agent:** N/A

**LDC File #:** B13/059

**Municipality:** Montague

**Geographic Township:** Montague

**Lot:** 23    **Conc.:** 10

**Roll No.** 0901 000 025 30502

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 0.53-ha residential building lot and retain a 0.89-ha residential lot at 2937 McLachlin Road.

| <b>DETAILS OF PROPOSAL</b>  | <b>Land to be Severed</b>            | <b>Land to be Retained</b>            |
|---|--------------------------------------|---------------------------------------|
| <b>Existing Use</b>   | Vacant                               | Residential                           |
| <b>Proposed Use</b>   | Residential                          | Residential                           |
| <b>Area</b>   | 0.53 ha                              | 0.89 ha                               |
| <b>Frontage</b>   | 45.72 m                              | 76.20 m                               |
| <b>Depth</b>  | 114.30 m                             | 114.30 m                              |
| <b>Road - Access to</b>   | Municipal Road                       | Municipal Road                        |
| <b>Water Supply</b>   | Proposed well                        | Private well                          |
| <b>Sewage Disposal</b>  | Proposed Septic                      | Private Septic                        |
| <b>Official Plan Designation<br/>-Conformity?</b>   | Rural<br>Yes                         |                                       |
| <b>Zoning By-law Category<br/>-Area Required (min.)<br/>-Compliance?<br/>-Frontage Required (min.)<br/>-Compliance?</b> | Rural<br>0.4-ha<br>Yes<br>46 m<br>No | Rural<br>0.4-ha<br>Yes<br>46 m<br>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.

## **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 3.3 and 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

The Township of Montague advises that the conforms to the provisions and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone

The Township of Montague advises that the proposal complies with the Zoning By-law regulations.

## **(b) AGENCY REVIEW**

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

### **Township Planner's Report**

Please be advised that I have reviewed the above noted consent application and as I understand it, the applicant owns a 1.42 ha (3.5 acre) residential lot (civic address 2937 McLachlin Road) and is looking to split the lot in two, resulting in the creation of a new 0.53 ha residential building lot. The severed land is currently vacant. According to my records the existing Campbell lot and its two neighbours were originally severed from a larger lot around the 1970's and then in 1994, two more lots were severed to the west. Since this lot existed as a separate lot of record in 2001, the Official Plan's consent policies would allow consideration of a new lot proposal.

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. This section of McLachlin Drive already has a considerable amount of residential development that is arranged in a linear pattern along the road on both sides. While the Official Plan discourages the creation or extension of strip development in the Rural Designation, given that this proposal is in the middle of this more developed area, the effect is more of an infill. As such, this proposal is compatible with the existing rural landscape and does not create or exacerbate an undesirable situation and therefore is consistent with the



intent of the Designation. When reviewing the Official Plan's Constraints mapping, I noted significant woodland, significant wildlife habitat and organic soils close to the property however the severed lands are just beyond what would be considered adjacent lands and as such supporting compatibility studies were not required.

The severed lot is however about 110m (at the closest point) from an active rail line. While I would expect that any future residential development, due to the orientation of the property, would be at least 200 m from the rail and buffered somewhat by the existing tree cover, I believe it would be prudent to include a note to be registered on title that the lots are within close proximity of a rail line and may be susceptible to impacts such as noise. I also note that according to the Township's mapping there appears to be a substantial livestock facility situated on neighbouring lands (owned by Robert Campbell at 2997 McLachlin) and about 420 m from the proposed severed lot. While the applicability of MDS I would not apply in this case given that there are more than four existing dwellings located closer to the supposed barns (as per MDS Implementation Guideline 12), I suggest that a note should also be registered on title advising as to the possible impacts of a nearby agricultural use (provided that the use is confirmed).

The entire Campbell property is zoned Rural in the Township's Zoning By-law and this application complies with all provisions of the zone with regards to the severed and retained lands, provided that the survey confirms an adequate frontage of 46 m.

Given the foregoing, Montague Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall confirm that residential entrances to the proposed lots are viable. The Applicant shall consult directly with the Township in this regard.
- The Applicant shall obtain Civic Address Numbers from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.
- 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 300 metres of an active rail line which is located to the north in part of Lots 22& 23, Concession 10, Township of Montague. As such from time to time it may be exposed to impacts typically associated with such a use including noise;

And, if nearby lands are or can be used for intensive agricultural uses,

TAKE NOTICE that this lot is located within 500 metres of an intensive agricultural operation. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

### **Conservation Authority - RVCA**

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 1.31 acre residential lot from the existing 3.52 acre parcel. The severed parcel will contain the existing residence.

#### **PROPERTY CHARACTERISTICS**

The severed parcel is primarily wooded. The retained parcel is mainly cleared with an existing residence.

#### **REVIEW**

##### **Natural Hazards**

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

##### **Natural Heritage**

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

#### **CONCLUSION**

In conclusion, the Conservation Authority has no objections or conditions to this consent application.

##### **Septic Office** – Leeds, Grenville and Lanark District Health Unit

Severed – The property to be severed is a 1.31 acre vacant wooded lot. There is rock within 0.15 m. of surface. There is room to accommodate a conventional class 4 septic system. It will need to be partly to fully raised using imported sandy loam fill, depending on the exact location.

Retained – The property to be retained is a 2.21 acre developed lot containing a dwelling. The existing septic system is to the front and the left of the house. It is raised. If the severance is granted, there will still be room for future replacement.

**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.

**CPR Rail** – 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 a 0.53-ha. residential building lot and retain an 0.89-ha residential lot with an existing dwelling located at 2937 McLachlin Road. The original lot was created in 1996 – this predates the ‘lot creation date’ established by the Township of Montague (Jan 2001) and therefore may be eligible to sever provided all other Official Plan Policies can be met.

The subject lands are located in an area characterized by typical rural residential intermixed with large landholdings along McLachlin Road. The effect of the lot creation is ‘infill’, a process recommended by the PPS.

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

Agricultural Operations

Two existing livestock facilities are located within the area of the lands to be severed. Facility 1 is located to the north west approximately 200 metres from the proposed lot line. No MDS was calculated as there are 4 or more existing residential dwellings within closer proximity than the lot to be created. Facility 2 is located to the south west approximately 400 metres. No MDS was calculated as there are 4 or more existing dwelling within closer proximity. (See OMFRA Guideline MDS 1 - #12). However, a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Rail Line

The main CPR-VIA Rail Line is located approximately 115 metres to the east of the lot to be created. A condition should be included on the deed to advise future purchasers of the rail line and the potential for noise, etc. from the operation.

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  
There are no areas on the lands to be development that are mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Montague.

#### 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 – October 28, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

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

agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities”.

4. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition “The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, odours, vibration and related impacts from time to time”.
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 Montague.
6. 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.
7. Satisfactory evidence shall be provided to the Township of Montague confirming that the lot to be severed complies with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
8. 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).
9. 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.
10. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from the Township of Montague stating that condition #5 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. The Leeds Grenville and Lanark District Health Unit advises that the septic system will need to be partly to fully raised using imported sandy loam fill, depending on the exact location.
2. It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.
3. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
4. 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.



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

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

## **2.1 Natural Heritage**

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

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

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

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

## **3.1 Natural Hazards**

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

County Official Plan – Section 3.0 Rural 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 3.3 and 3.4 Natural Heritage, Section 3.5 Natural Hazards, 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 designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provision, Section 18 Rural – Special A-40

The Township of Montague advises that the proposal does not comply with the zoning 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 as I understand it, the applicant owns a roughly 43 ha (1 07 acre) landholding fronting on Weedmark Road, a Township road, and is looking to sever two residential building lots, each about 0.8 ha (2 acres in size) from the north end. The two proposed lots are both



vacant and the retained lot has a house at the far end (120 Weedmark). According to my records, there have been no prior severances from 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. This section of Weedmark Drive consists mostly of open woodland, fallow fields and a limited number of rural residential dwellings. The creation of two additional building lots in this area will not have a negative impact on this setting and I suggest it is in keeping with the character of this area as envisioned in the Plan.

When reviewing the Official Plan's Constraints mapping however, I noted significant woodland, significant wildlife habitat, organic soils and provincially significant wetland on the property. The organic soils are located on the retained lands and far from the proposed severances, so that would not affect this evaluation. The woodlands, wetlands and wildlife habitat are all on or immediately adjacent the severed lands and as per the Natural Heritage sections of the Plan (2.21), an Environmental Impact Assessment would ordinarily be required. To address these issues, the applicant arranged a meeting with an ecologist from the Ministry of Natural Resources to undertake an evaluation of the wetland and species at risk. The ecologist identified no habitat of species at risk on the severed lots, however possible habitat for Blanding's turtles in the provincially significant wetlands, which were described as an extension of the much larger Porter's Swamp. Based on his assessment, the wetland boundaries were also enlarged somewhat and as a result, part of one of the lots (identified as B13/067) was well within the designated adjacent lands. As per Section 2.21.8.3 of the Plan, the scope and scale of any environmental impact assessment required would be determined in consultation with the Rideau Valley Conservation Authority. In consultation with RVCA and as per their comments on this application, they suggested that the PPS requirements regarding the protection of the PSW could be adequately addressed through the creation and enforcement of a 50 metre no-alteration buffer, which would encompass much of the proposed lot but leave an adequate building envelope. Given that, I would concur with the recommendation to implement such a buffer through a development agreement as a condition of severance approval for that lot. That would address those concerns.

With regards to the zoning, I note that the entire property is currently zoned Rural - Special Exception 40, which allows a mobile home as a permitted use, subject to all other provisions of the Zoning By-law. This special provision allows a total of one mobile home on the lot and this application looks to divide the one lot so that two new lots, plus the retained are created, which could conceivably provide for three mobile homes. As the general intent of the Zoning By-law and Official Plan is that mobile homes be directed to mobile home parks (aside from certain exception zones), in my opinion, the lands should be rezoned to Rural. The Township's draft Zoning By-law however already proposes the base Rural Zone for this property, which would address that issue. So while zoning compliance would still be suggested as a condition of any severance approval, should the new Zoning By-law be adopted by Council within the year of the provisional consent, the zoning issue would be satisfied at that point without the need for any further action or expense by the proponent.

Given the foregoing, Montague Township supports the above applications provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township for both the severed and retained lands. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The applicant shall confirm that residential entrances to the subject lots are viable.  
The Applicant shall consult directly with the Township of Montague in this regard.
- The Applicant shall obtain a Civic Address Number from the Township of Montague for all new lots. The applicant shall consult directly with the Township in this regard.
- The applicant shall enter into a Development Agreement with the Township to address the concerns raised by the Rideau Valley Conservation Authority to appropriately manage development adjacent the provincially significant wetland. The wording of the agreement shall address development and site alteration setbacks from the wetland.
- The lands shall be zoned to accommodate those uses permitted in the Rural Zone.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Conservation Authority** – Rideau Valley Conservation Authority

**B13/066** - 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 0.8096 hectare residential lot from the existing 39.08 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

The Porter Swamp (Provincially Significant Wetland) has been identified on the retained parcel. A watercourse traverses through the wetland proper. The area surrounding the wetland is well vegetated with trees and woody vegetation. The remainder of the retained parcel is mainly clear with sparse vegetation. A small portion of the retained parcel has been identified as Significant Woodland in the Township's Official Plan.

The severed parcel (Lot # 1) is mainly cleared with some woody vegetation near the southern proposed lot line.

## 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. No new development is being proposed on the retained parcel.

Majority of the severed parcel (Lot# 1) appears to be entirely outside of the Significant Woodlands and the 120 metre adjacent lands.

#### Watercourses

A watercourse traverses through the Porter Swamp Provincially Significant Wetland on the retained parcel. There is no new development proposed on the retained parcel as the development on the property has already been established.

#### 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.

#### Conservation Authority Regulation

For the applicant's information the watercourse and the Porter Swamp 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.

## CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application.

### **Conservation Authority** – Rideau Valley Conservation Authority

B13/067 – We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3. 1 Natural 1-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 0.8096 hectare residential lot from the existing 39.08 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

The Porter Swamp (Provincially Significant Wetland) has been identified on the retained parcel. A watercourse traverses through the wetland proper. The area surrounding the wetland is well vegetated with trees and woody vegetation. The remainder of the retained parcel is mainly clear with sparse vegetation. A small portion of the retained parcel has been identified as Significant Woodland in the Township's Official Plan.

The severed parcel (Lot #2) is mainly cleared with some woody vegetation and trees near the southern and eastern lot boundaries. Based on the proposed lot lines it would appear that the boundary of the Significant Woodland identified in the Official Plan may extend slightly into the south portion of the parcel.

## 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. No new development is being proposed on the retained parcel.

Majority of the severed parcel (Lot #2) appears to be entirely inside the 120 metre adjacent lands of the Significant Woodlands. The Conservation Authority notes that there has been no EIS prepared in support of the application. However, the RVCA has reviewed the application and notes that the construction of a residence on the severed parcel would likely not have a negative impact on the Significant Woodland.

#### Watercourses

A watercourse traverses through the Porter Swamp Provincially Significant Wetland on the retained parcel. There is no new development proposed on the retained parcel as the development on the property has already been established.

#### Provincially Significant Wetland

We have been informed that the MNR recently conducted an Ecological Site Assessment/Loggerhead Shrike Survey in May, 2013. As part of the survey, additional wetlands were identified as being Provincially Significant Wetland. The new boundary for the Porter Swamp Provincially Significant Wetland ns provided by the MNR identifies a portion of the wetland boundary to be at or almost at the proposed southerly lot line for the severed parcel (Lot #2). Majority of the severed parcel (Lot #2) is within the 120 metre adjacent lands.

The Conservation Authority notes that an EIS in accordance with the Townships Official Plan has not been submitted in support of this application. However the RVCA has reviewed this application and it is the Authority's position that in lieu of an EIS, a 50

development setback should be applied from the Provincially Significant Wetland boundary. The 50 metre setback would provide sufficient protection from the wetland and its features

There is no new development proposed on the retained lands. Therefore there are no anticipated impacts on the retained parcel.

#### Conservation Authority Regulation

For the applicant's information the watercourse and the Porter Swamp Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. A good portion of the severed parcel is within the 120 metre adjacent lands. 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.

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application. Subject to the following conditions:

1. That the applicant enter into a development agreement with the Township with wording to the satisfaction of the Township of Montague and the Rideau Valley Conservation Authority that:
  - a. The Owner acknowledges and agrees that all development including septic systems and their mantles shall be setback a minimum of 50 metres from the Porter Swamp Provincially Significant Wetland boundary as defined by MNR on May 21, 2013.
  - b. The Owner acknowledges and agrees that all existing vegetation within 50 metres from the Porter Swamp Provincially Significant Wetland shall be left in its natural state
  - c. The Owner acknowledges and agrees the watercourse and the Porter Swamp Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. A good portion of the severed parcel is within the 120 metre adjacent lands. 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:

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

**Septic Office** – Leeds, Grenville and Lanark District Health Unit

Severed – (Same report for both B13/066 & B13/067) – There is a thin layer of topsoil, 0-15 cm over bedrock on this lot. The lot slopes gently toward the southeast. The drainage is poor on this lot. Imported leaching bed fill would be required to construct a fully raised septic system on this lot. The lot is large enough to accommodate on-site sewage disposal.

Retained – Large property, partially cleared. The topsoil is thin over bedrock. There is a wetland that bisects the property at a low point in the middle. There is a home with an existing septic system on the retained land. Severing this land will not negatively impact on-site sewage disposal for the retained property. There were no obvious signs of failure for the existing system.

**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**

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

**Debbie Morand** – Sept 10, 2013

My name is Debbie Morand and my request for information is pertaining to file #B13/066 and B13/067, owner Stephanie Harte (Township of Montague).

I would like to know when the public meeting will be scheduled once you have completed your review of this proposal and also would like to be notified of the decision of the Land Division Committee in respect of the proposed consent.

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a two residential building lots 0.8096-ha each and retain a 39.4-ha landholding with an existing dwelling located at 120 Weedmark Road.

The subject lands are located in an area characterized by rural residential development on larger type lots along Weedmark Road. Porter Swamp, a Provincially Significant

Wetland is located on the western portion of the lands. As noted by the RVCA proposed lot B13/067 has development constraints, however these may be mitigated through increased development setbacks.

The lands are accessed via Weedmark 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 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 various areas mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Montague.

### Zoning

The subject property is currently within the rural special exception section of the Zoning By-law, which zoned Rural - Special Exception 40, which allows a mobile home as a permitted use, subject to all other provisions of the Zoning By-law. As noted by the Township's Planner, it is the general intent of the Zoning By-law and Official Plan that mobile homes be directed to mobile home parks (aside from certain exception zones). The Township's requested that the lands be rezoned to eliminate 'mobile home' as a permitted use. 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 – October 28, 2013**

Stephanie Harte, owner attended the hearing and gave evidence under oath.

Ms. Harte questioned if the 50 m setback requested by the RVCA was in addition to the 120 m PSW setback. The chair advised that this was 'instead of' the 120 m requirement.

Ms. Harte confirmed that she was aware that she would need to undertake a re-zoning application to remove the special exception provision from the property.

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.

**B13/066**

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 lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.



6. 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).
7. 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.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
9. 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.
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 advise that the drainage is poor on this lot. Imported leaching bed fill would be required to construct a fully raised septic system on this lot.
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 Rideau Valley Conservation Authority advises that the watercourse and the Porter Swamp 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.
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.

### **B13/067**

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 lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.

6. 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).
7. 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.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
9. 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.
10. 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 August 15, 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.
11. A letter shall be received from the Township of Montague stating that condition #3 through #10 has been fulfilled to their satisfaction.

**NOTES**

1. The Leeds Grenville and Lanark District Health Unit advise that the drainage is poor on this lot. Imported leaching bed fill would be required to construct a fully raised septic system on this lot.
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 Rideau Valley Conservation Authority advises that the watercourse and the Porter Swamp Provincially Significant Wetland (including its 120 metre adjacent lands) are subject to Ontario Regulation 174/06. A good portion of the severed parcel is within the 120 metre adjacent lands. 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.
- 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.



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

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

## **2.1 Natural Heritage**

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

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

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

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

## **3.1 Natural Hazards**

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

County Official Plan – Section 3.0 Rural Area 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 3.3 Rural Communities, Section 5.3.6 Deer Yards, section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

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

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

## **(b) AGENCY REVIEW**

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

### **Town Planning 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 Pt. Lot 24 Concession 11, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.7 acre residential building lot (B13/076) and retain a 17 acre developed parcel commonly known as 2556 Lanark Con 11 E. Access for the proposed lot is via the Galbraith Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' 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.

### 1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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.

### 1.3 ZONING

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

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

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

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

municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.

5. The applicant shall obtain ~ Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.
7. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

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

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA 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 one vacant lot measuring 1.1 ha and retain 7 ha with an existing dwelling and outbuilding.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained and severed lands are entirely located within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area. In addition, an unnamed tributary of Clayton Lake flows through the northwest corner of the proposed retained land. With the exception of a clearing for the existing development, the retained land consists of a mix of an unclassified wetland, cedar grove, mixed forest, and open field. The aforementioned wetland is located along Con Rd. 11 in the northwest section of the lot. The proposed severed land is a combination of open field and a tree plantation. No other significant natural heritage features or natural hazards were identified.

### REVIEW

Natural Heritage Features-

#### *Watercourse*

Guidelines (Natural Heritage Reference Manual, 1999) prepared in support of the Provincial Policy Statement (PPS) indicate that new development, including lot creation, should not be permitted within 30 m of a watercourse unless it has been determined that there will be no additional negative impacts to this natural heritage feature.

As previously mentioned, the retained lands consist of a watercourse. However, given that this land is already developed with no new development proposed at this time, impacts to this feature are not anticipated as a result of the subject application.



### *Deer Yard*

The aforementioned guidelines also require that new development and site alterations, including the creation of new lots, within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement (EIS). The deer yard identified on the severed and retained land is considered to be significant wildlife habitat.

Therefore, in order to address the aforementioned guidelines, the landowners have completed a simplified EIS (Received week of Sept 9, 2013). MVCA has reviewed the EIS. In summary, impacts to the deer yard from development is expected to be mitigated by limiting the amount of vegetation removal throughout the site, and directing a future building envelope to the open pasture area rather than the tree plantation.

### *Unclassified Wetland*

An unclassified wetland was identified on the retained land. Wetlands provide numerous environmental benefits, which range from potential fish habitat to acting as a natural filtration system for clean groundwater; therefore, MVC strongly encourages their preservation. Given that the retained land is already developed with no new development proposed at this time, impacts to this feature are not anticipated as a result of the subject application.

### Natural Hazards

#### *Organic Soils*

Wetlands inherently consist of organic soils, which provide poor drainage and unstable characteristics, making them unsuitable for development. It is, therefore, recommended that development occur outside of these poorly drained areas. Given that the retained land is already developed with no new development proposed at this time, organic soils are not considered a constraint to the subject application.

### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following mitigative measure is implemented in the proposed severed lands:

- Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site. In order to help achieve this, future development should be directed to the open pasture area.

### NOTES

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

In addition, any proposed works in or near the tributary should be reviewed by MVCA 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.

Pet dogs should not be allowed to roam freely and harass deer.

The unclassified wetland on the retained land should remain undisturbed.

Should any Species at Risk be discovered, and/or their habitat is potentially impacted by onsite activities, the Ministry of Natural Resources should be contacted immediately.

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

**Septic Office** – Leeds Grenville and Lanark District Health Unit

Severed – The property to be severed is 1.1 hectares and currently undeveloped. It is partly treed. Rock is within 0.3 metres of the surface. Drainage varies but main drainage is toward north-west (in the direction of Indian River). Recommendation – The septic system for any proposed residence will need to be partly to fully raised using imported sandy loam fill. The amount will be determined by the exact location of the septic system.

Retained – The property to be retained is 8.8 hectares with wooded areas and contains a residence and stable. Recommendation – the septic system is raised. The severance will not affect future replacement.

**Hydro One Networks** – No comments were received.

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

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 objections 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 1.1-ha residential building lot and retain 7.0-ha landholding with an existing dwelling.

The subject lands are located in an area characterized by estate type rural lots (large building lots) along Galbraith Road and 11<sup>th</sup> Con E Lanark. The Clayton Lake / Taylor Lake PSW and waterbody is located to the East

The lands to be severed are accessed via Galbraith Road, a municipally maintained road and the lands to be retained are accessed via Lanark Con 11E, a municipally maintained road.

**Deer Yard**

The subject property is located within the locally known “Clayton 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).

### 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 not been established by the Town of Mississippi Mills.

### 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 Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 28, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The 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.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. 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).
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
8. 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.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be

consulted prior to commencing a survey to determine the amount, if any, of road widening required.

10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. The property owner should be advised that in the event shoreline work is proposed along the unnamed tributary of Clayton Lake, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
2. In addition, any proposed works in or near the tributary should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
3. The unclassified wetland on the retained land should remain undisturbed.
4. The LGL Health Unit advises that the septic system for any proposed residence well need to be partly to fully raised using imported sandy loam fill. The amount will be determined by the exact location of the septic system.
5. 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.
6. 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.
7. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
8. 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.



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.

## **2.3 Agriculture**

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

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

## **2.5 Mineral Aggregate Resources**

Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

## **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 3.0 Rural Policies, Section 4.3.2 and 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 6.0 Resources 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 3.2 Hamlet Communities, Section 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 7.4.2 County Roads, Section 8.4.2 Consents. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, section 6.0 Rural Zone, Section 9.0 Hamlet Zone.

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

**(b) AGENCY REVIEW**

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

Town 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 Pt. Lot 16 Concession 3, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 1.0 acre developed residential building lot commonly known as 5360 Highway No. 511 (B13/077) and retain a 99 acre agricultural parcel. The property is designated as Village Communities on Schedule 'A' of the Township's Official Plan and zoned Hamlet on Schedule 'A 4' 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 proposed lot is developed and privately serviced. The proposal appears to have sufficient area to support a private well and septic system. The Health Unit validates the proposal as the attachment indicates.

1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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.

### 1.3 ZONING

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.. Although the lot area is one (1) acre, the Zoning By-law does allow for a reduced minimum lot area provided that the lot can be serviced. These objectives can be met as stated by the Health Unit.

Finally by reducing the lot size to one acre (1), less agricultural lands are being affected by the proposal. The application as such 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.

### **Conservation Authority - MVCA**

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 parcel of land measuring 0.4 ha and retain 40.1 ha. The retained has river frontage while the severed lands do not. The severed lands have an existing residence and the retained has an existing barn.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained land has frontage on the Clyde River. In addition, mapping indicates that organic soil is present in the eastern half of the retained land, as well as unclassified wetland along the edge of the river. No significant natural heritage features or natural hazards were identified on the proposed severed lands.

### REVIEW

#### Natural Heritage Value - *Waterbody & Unclassified Wetland*

Sufficient area appears to exist on the retained lands to accommodate future residential development that complies with the current standards for development adjacent to a waterbody and wetland. The severed lands are already developed with no new

development proposed at this time. Therefore, impacts to these features are not anticipated as result of the subject application.

#### Natural Hazards - *Organic Soils*

The poor drainage and unstable characteristics of organic soil makes it unsuitable for development. Therefore, development should be directed outside of areas containing organic soils. Sufficient area appears to exist on the proposed retained lands to accommodate future development outside of these areas. The severed lands are already developed with no new development proposed at this time.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the seasonal high water mark of the river and unclassified wetland.
2. The shoreline vegetation surrounding the river and wetland shall be retained to a minimum depth of 15 m.
3. Future development shall be directed away from areas consisting of organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, wetland, or onto adjacent properties.
5. Wetland areas shall remain undisturbed.

#### NOTES

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

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

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

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

#### **Septic Office** – LGL Health Unit

**Severed Lands** – The property to be severed is 0.4 hectares and contains a residence and a shed. Two wells are located on the property at the rear, left of house. Drainage appears to be to the rear of the property. There is at least 0.9 metres of soil.

Recommendation – the septic system appear to be mounded and located to the rear right of the house. It appears to be within the proposed boundaries of the severance.

There will be enough land to accommodate the future replacement of the system. NOTE: Decommissioning of the dug well on the property would provide more options for future replacement of the septic system as clearance distances would be reduced.

Retained lands – The property to be retained is 40.1 hectares consisting of fields and some trees. Elevations and soils varies. Recommendations – the intent is to continue farming this property. It could accommodate a conventional Class 4 septic system is one is required in the future.

**Hydro One Networks** – No comments were received.

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

Subsequent to review by our 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 objections to the proposed severance.

**County Public Works Dept.**

- 1/ Applicant has an approved existing entrance to the County Road. Permit No. 2434 and 2435.
- 2/ 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 a 0.4-ha residential lot with an existing dwelling located at 5360 Hwy 511 and retain a 40.1-ha agricultural landholding. An equipment storage shed is located on the lands to be retained.

The subject lands are located in an area characterized by typical hamlet residential lots along Hwy 511 to the north and large landholdings to the south. An existing farming operation is located to the north along Wolf Grove Road. It is intended that the retained lands continue to be used as part of the farming operation. An aggregate reserve pocket

is located to the south, which is not affected by the farming operation. The lands are accessed via Hwy 511, a county maintained road.

Soils Inventory – Name: White Lake  
- Stoniness: non stony  
- CLI: 5 – very severe limitations  
- Drainage: rapid  
- Hydrogeology: low

Bedrock Inventory – marble, calc-silicate, skam

### Official Plan Policies

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

### Zoning

The subject property is currently within the hamlet section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. Section 9.2 of the Zoning By-law provides for a minimum area of 1.0-ha however, under the Official Plan consent policies may consider a lesser area when deemed appropriate to a minimum of 0.5-ha. The Township and the Health Unit have no objection to a reduced area as less agricultural lands are being affected. The proposal will need to be increased from 0.4-ha to 0.5-ha in order to comply with this section of the Zoning By-law. The proposed lot meets the minimum lot frontage. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

It is also recommended that the 'dug well' on the property be de-commissioned in order to ensure adequate area for any replacement septic system in the future.

### Conclusion

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

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

### (e) **MINUTES – October 28, 2013**

Ryan Stead, owner and Glenn Stead, adjacent landowner attended the hearing and gave evidence under oath.

R Stead questioned why he would be required to de-commission the dug well now rather than waiting until they were required to install a new septic system. Noting that they currently use this well for watering plants, garden, etc but not for household use.

The Committee agreed, and changed the condition to de-commission the well, to adding this as a note to the conditions.

Mr. Stead agreed to increase the size of the lot to meet the minimum Township standard of 0.5-ha.

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. That the lands to be severed be increased to 0.5-ha to meet the minimum lot area required by the Township of Lanark Highlands Zoning By-law – Section 9.2.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #6 has been fulfilled to their satisfaction.

**NOTES**

1. Mississippi Valley Conservation advises that the following mitigative measures should be adhered to for any future development on the proposed retained lands:
  - a) Future development, including a septic system shall be setback a minimum of 30 m from the seasonal high water mark of the river and unclassified wetland.
  - b) The shoreline vegetation surrounding the river and wetland shall be retained to a minimum depth of 15 m.
  - c) Future development shall be directed away from areas consisting of organic soils.
  - d) Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, wetland, or onto adjacent properties.
  - e) Wetland areas shall remain undisturbed.

2. MVC also advise that in the event shoreline work is proposed along the river, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
3. The LGL District Health Unit advise that decommissioning the dug well located on the severed lands would provide more options for future replacement of the septic system as clearance distances would be reduced.
4. In addition, any proposed works in or near the river or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries.
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 J Neilson **Hearing Date:** October 28, 2013  
**Agent:** n/a  
**LDC File #:** B13/078  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 7 **Conc.:** 2  
**Roll No.** 0940 934 010 08310 **Consent Type:** R-O-W

---

**Purpose and Effect:** To sever an existing r-o-w across Pt. Lot 7 Conc. 2 Lanark R-1136 to gain access to Pt. Lot 7 Conc. 2 Lanark R-1136 Pt. 5. No new lands are being created.

**(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 1.1.4.1 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.

County Official Plan – Section 3.0 Settlement Policies, Section 4.3.4 Local Roads, 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 7.4.4 Private Roads, Section 8.4.2 Consents.

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

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

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

**(b) AGENCY REVIEW**

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

## **Town Planning 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 right of way on lands legally described as Part of Lot 7, Concession 2, geographic Township of Lanark now in the Township of Lanark Highlands.

The proposal is to provide legal access across the applicant's property to separate parcel with no direct access to Highway No. 511. The applicant has legal access to cross the strip of land currently owned by the Mississippi Valley Conservation Authority. The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2.

### 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). No new development is proposed and therefore the proposal is consistent with the PPS.

### 1.2 OFFICIAL PLAN

The lands are designated Rural Community on Schedule "A" of the Township's Official Plan. In section 4.5.4 Private Roads of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way. Demonstration that the right of way is constructed to a standard as required by the Township will also be necessary. Conditions of severance outlining the foregoing will be required if and when the property is developed.

### 1.3 ZONING

The lands are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451. The proposal provides improved access to the parcel to the west with restricted access and therefore represents good planning.

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

1. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township,

### **Conservation Authority** - MVCA

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 create a new right-of-way along the rear lot line of the subject property. The retained land is currently vacant and measures 1.5 ac. Water frontage is not affected by the subject proposal.

## PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained lands have frontage on the Clyde River. The property slopes from the rear of the lot to a road which currently provides access across the property, and continues to slope to the river. It is estimated that the slope on the subject property is potentially steeper than 3:1 (H:V). No other significant natural heritage features or natural hazards were identified.

## REVIEW

### Natural Heritage Values - *Waterbody*

MVC reviews waterbody setback requirements in accordance with guidelines prepared in support of the Provincial Policy Statement (PPS). These guidelines indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no additional negative impacts to this natural heritage feature.

### *Slope*

Provincial policy states that: *Development shall generally be directed to areas outside of hazardous lands adjacent to river and stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (PPS, Section 3.1.1.b). It is therefore recommended that new development be directed beyond a 3:1 (h:v) slope that is higher than 3 m, unless supported by a geotechnical investigation prepared by an engineer. Following a visual inspection by MVCA, it is our estimation that the slope leading to the river may fall under the definition of a potential *erosion hazard*.

It is unclear as to whether or not a sufficient building envelope exists on the retained lands to support a dwelling, well and septic, and driveway, that complies with the various setback requirements and zoning provisions discussed above.

## RECOMMENDATIONS

We recommend that, as a condition of approval, the applicants provide a site plan demonstrating that sufficient building envelope exists, as per the discussion above.

We also recommend the following mitigative measures for any future development on the proposed retained lands:

1. The shoreline vegetation shall be retained to a minimum depth of 15 metres.
2. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.

## NOTES

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

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

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

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

**(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 across Pt. Lot 7 Conc. 2 Plan 26R-1136 Pt. 7 to gain access to Pt. Lot 7 Conc. 2 Plan 26R-1136. The applicant has advised that he has access across the lands currently owned by Mississippi Valley Conservation Authority which lie between Pts. 5 and 7 Plan 26R-1136.

The R-O-W adjoins Hwy 511, 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/ 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 of Lanark Highlands.

### Zoning

The subject property is currently within the rural section of the Zoning By-law. The granting of an easement / r-o-w is not affected by zoning.

### 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, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 28, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

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 lands being severed are for r-o-w purposes only in favour of Robert James Neilson, Lanark Con 7 Pt. Lot 2, described as Part 5 on Reference Plan 26R-1136.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.

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

## NOTES

1. That prior to development of the lands to be retained, the applicant submit a site plan to the Township of Lanark Highlands demonstrating that sufficient building envelope exists, as per the discussion above.
2. Mississippi Valley Conservation advises that the following mitigative measures for any future development on the proposed retained lands:
  - a) The shoreline vegetation shall be retained to a minimum depth of 15 metres.
  - b) Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.
3. The MVC also advise that in the event shoreline work is proposed along river, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
4. In addition, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
5. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change

the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Pickerel Bay Lodge Inc. **Hearing Date:** October 28, 2013  
**Agent:** Dustin Hirst  
**LDC File #:** B13/080  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Darling **Lot:** Pt. 23 **Conc.:** 10  
**Roll No.** 0940 944 020 32200 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.1-ha residential building lot and retain an 11.0-ha landholding with an existing campground and 11 rental cabins.

| <b>DETAILS OF PROPOSAL</b>  | <b>Land to be Severed</b>   | <b>Land to be Retained</b>                                  |
|---|---|---|
| <b>Existing Use</b><br><b>Proposed Use</b>  | Vacant<br>Residential   | Commercial / Campgrounds<br>Commercial / Campgrounds        |
| <b>Area</b><br><b>Frontage</b><br><b>Frontage Water</b><br><b>Depth</b><br><b>Road - Access to</b>  | 1.1-ha<br>60 m<br>72 m<br>113 m<br>Unopened Road<br>Allowance                       | 11.0-ha<br>750 m<br>750 m<br>200 m<br>Municipal Road        |
| <b>Water Supply</b><br><b>Sewage Disposal</b>   | Proposed<br>Proposed  | Private Well<br>Septic System                               |
| <b>Official Plan Designation</b><br><b>-Conformity?</b>   | Rural<br>Yes  |   |
| <b>Zoning By-law Category</b><br><br><b>-Area Required (min.)</b><br><b>-Compliance?</b><br><b>-Frontage Required (min.)</b><br><b>-Compliance?</b> | Commercial Recreational<br>Requires rezoning to LSR<br>1.0-ha<br>Yes<br>60 m<br>Yes | Commercial Recreational<br><br>1.0-ha<br>Yes<br>60 m<br>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 Area 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 3.3 Rural Communities, Section 5.0 Our Environment, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Policies, Section 11.0 Lakefront Development Zone, Section 15.0 Commercial Recreational Zone.

The Township of Lanark Highlands advises that the proposal will require rezoning in order to comply with the current zoning provisions.

#### **(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 Planning 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 residential lot. The property is legally described as Pt. Lot 23 Concession 10, geographic Township Darling, now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.7 acre residential building lot and retain a 27 acre developed parcel. Access to the lands is via Pickerel Bay Road. This is a re-submission of application B10/138 which was allowed to lapse.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Commercial Recreation 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.

## 1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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.

## 1.3 ZONING

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

In order to develop the land for residential use, further planning approvals will be required in the form of a re-zoning application. The application as proposed can be considered appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. That the applicant provides to the Township copy of the previously executed maintenance agreement for the unopened road allowance and that the agreement is registered on title of the proposed severed lot.
6. 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.
7. That the applicant undertakes a zoning amendment to change the zoning from Commercial Recreation to Lakefront Development.

**Ministry of the Environment** – Jon Orpana, Environmental Planner – Aug 20, 2013  
I have reviewed the above mentioned Application for Consent and supporting documentation (map(s)).

I note that this severance proposes the creation of a 1.1 hectare vacant lot with approximately 72 metres of water frontage and 60 metres of road frontage. The retained lot will be 11 hectares with approximately 750 metres of water frontage and 750 metres of road frontage. The retained lot is currently operating as a campground with 11 rental cabins.

A review of Ministry of Environment (MOE) records indicates that there is currently no MOE Environmental Compliance Approval or Certificate of Approval for the existing sewage works. This review was conducted upon advisement by the local health unit which indicated that the subsurface sewage system's rated daily capacity was greater than 10,000 litres per day and the MOE would be the commenting agency. Ottawa

district staff of the MOE will be following up regarding the status of the private on site subsurface sewage system (s).

White Lake is a recreation class lake which falls along the shared boundary of Renfrew and Lanark Counties. MOE recommends the following with regards to development on newly created waterfront lots via a Severance consent application and is accepted as standard Official Plan policy.

"For new lot creation, development, including the septic system tile bed, must be set back a minimum of 30 metres from the high water mark of the lake with non-disturbance of the native soils and very limited removal of shoreline vegetation; also:

- a) location of the septic system tile field as far back as possible from the lake;
- b) storm water management will be via infiltration galleries, grassed swales and ditches and other best management practices.

This office has no objection to the approval of this Consent application if the direction above is implemented.

If you have any questions or comments please feel free to contact me at my coordinates below.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W** –

Subsequent to review by our 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.

**White Lake Cottage Association** – No comments 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**

To sever a 1.1-ha residential building lot and retain an 11.0-ha landholding with an existing campground and 11 rental cabins. This application was previously submitted in 2008, was approved and allowed to lapse.

The subject lands are located in an area characterized by seasonal residential on typically smaller type lots surrounding the existing campgrounds/ cabin complex.

The lands to be severed are to be accessed via an unopened road allowance; the lands to be retained are accessed via a municipally maintained road.

### Archaeological

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

### Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.  
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.  
Consideration of 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 of Lanark Highlands.

### Zoning

The subject property is currently within the commercial recreational zone, which permits a number of uses, excluding single-detached dwellings. Therefore the lands being severed will require re-zoning to an appropriate zoning designation. The proposed lot meets the minimum lot frontage and size for both the Rural and Limited Service Rural Zone. 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 – October 28, 2013**

Dustin Hirst, agent, attended the hearing and gave evidence under oath.

Mr. Hirst asked if he would be required to develop a new road maintenance agreement or could he just amend the existing one that was prepared for the lots on the east side of the Road Allowance. This would be determined by the Township.

Mr. Hirst requested the Committee to re-consider asking that MOE provide a clearance letter, knowing that he has had delays in responses from the Ministry in the past. The committee agreed that the condition could be re-worded to provide for a respond time-frame.

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 the Township of Lanark Highlands.
4. 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.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

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. 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).
8. That the applicant provide to the Township of Lanark Highlands a copy of the previously executed maintenance agreement for the unopened road allowance and that this agreement be registered on title of the proposed severed lot.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.
11. That the applicant enters into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Ministry of the Environment as outlined in their report of August 20, 2013, provided that in the event the MOE 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 Ministry.
12. The Township of Lanark Highlands to forward a copy of the Development Agreement to the Ministry of the Environment, with a request to respond within 60 days. If no response is received within this time frame, the Township may deem the agreement acceptable.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #12 has been fulfilled to their satisfaction.

**NOTES**

1. It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.
2. The 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.

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

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

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





existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

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

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

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of existing municipal sewage services and municipal water services should be promoted, wherever feasible.  
property affected by the adjacent development or site alterations.

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 3.0 Basis of the Plan, Section 5.0 Functional Support Policies, Section 8.1 Residential Areas, Section 9.11.15 Subdivisions, Consents and Part-lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 7.0 Residential Second density.  
The Town of Perth advises that the proposal complies with the zoning by-law regulations.

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

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

#### **Township Planner's Report**

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Town's Planner), please be advised that the Town has no objection to the granting of provisional consent regarding the above noted application proposing a lot addition subject to the comments herein and the conditions set out on the attached municipal commenting form.

**Town of Perth** - recommends approval of this application subject to the following conditions:

1. The Town's consent review fee of \$300 and any outstanding invoiced municipal service fees or taxes due at the time a clearance letter is requested be paid.
2. The severed parcel be stipulated as exempt from the part lot provisions of the Planning Act (Section 50 (3) per Section 50 sub (12) and (13) to ensure it will merge with the benefitting parcel 34 Halton St. and the applicant's solicitor confirm that the benefitting parcel was not created by consent and/or that the parcels will merge as intended.

3. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
4. The retained property should maintain zoning requirements of a minimum frontage being 14 m (45.9 ft.) on Halton Stand a minimum lot area of 420 m<sup>2</sup> (4,520.9 ft<sup>2</sup>).
5. The new lot line be preferably located a minimum of 1.2 m from any accessory building and , in any event not less than 0.6 m from an accessory building.

NOTES: The minimum rear yard setback required in the Town's zoning by-law for an accessory building is 0.6m (1.9 ft). To provide sufficient room for maintenance around an accessory building the Town encourages a minimum of 1.2 m (3.9 ft).

**(c) PUBLIC INPUT**

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

RECEIVED  
LANARK  
COUNTY

SEP 04 2013

Clerk's Department

To - Mary Kirkham  
Planning Admin.  
County of Lanark.  
File No: B13/083.

From - Pat & Bertha Tovey  
We have no problem with the  
application of Glen and Linda Richardson  
for the severance of Pt of Lot 3 N Halton  
Plan 8828

Pat Tovey 37 Halton St  
Perth  
Bertha Tovey

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 650.44 sq.m. parcel of land as a lot addition to lands owned by Glen and Linda Richardson at 34 Halton St. Perth and retain a 663.46 sq.m. residential lot with an existing dwelling and garden/storage shed located at 36 Halton St. The lands to be severed have a garden/storage shed located on the lands.

The subject lands are located in an area characterized by typical urban residential.

The lands to be severed have no access to a street; however the lands to be enlarged and the retained land access Halton Street, a municipally maintained road.

Official Plan Policies

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

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Perth Official Plan Polices for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3/ Woodlands  
Woodland policy do not apply to urban areas. These areas are generally regulated by a 'tree conservation plan'.

#### Zoning

The subject property is currently within the residential 2<sup>nd</sup> density section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The lot to be enlarged and retained meet 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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

#### (e) **MINUTES – October 28, 2013**

Glen and Linda Richardson, agents, 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 Glendon Stanely Richardson and Linda Darlene Richardson described as Part 4, Plan 88828 N Halton, Town of Perth, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The applicant shall provide the Town of Perth with 2 copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan to the Town of Perth.
6. Satisfactory evidence shall be provided to the Town of Perth confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. The applicant should ensure that the new lot line is located a minimum of 1.2 m from any accessory building and, in any event not less than 0.6 m from an accessory building.
8. The applicants shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
9. A letter shall be received from the Town of Perth stating that condition #4 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. The Town of Perth advises that the minimum rear yard setback required in the Town's zoning by-law for an accessory building is 0.6m (1.9 ft). To provide sufficient room for maintenance around an accessory building the Town encourages a minimum of 1.2 m (3.9 ft).



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

|                             |                    |                      |                  |
|-----------------------------|--------------------|----------------------|------------------|
| <b>Owner:</b>               | Steven N. Babluck  | <b>Hearing Date:</b> | October 28, 2013 |
| <b>Applicant:</b>           | Brent T. Easton    |                      |                  |
| <b>LDC File #:</b>          | B13/084            |                      |                  |
| <b>Municipality:</b>        | Lanark Highlands   |                      |                  |
| <b>Geographic Township:</b> | Lanark             | <b>Lot:</b>          | 7, 8, and 9      |
|                             |                    | <b>Conc.:</b>        | 2                |
| <b>Roll No.</b>             | 0940 934 010 10400 | <b>Consent Type:</b> | Easement         |

---

**Purpose and Effect:** To sever an easement for an existing hydro line across Pt. Lot 7, 8 and 9 Conc. 2 Lanark – Plan 27R-9719 Pts. 1, 2 & 3.

(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.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section, 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 7.4.12 Utility and Communication Facilities Corridors, Section 8.4.2 Consents.

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

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

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

(b) **AGENCY REVIEW**

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

**Township Planning Report**

**1.0 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 Pt. Lot 7 to 9 Concession 2, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a Hydro easement (B13/084) for an existing hydro line. The current hydro line crosses land owned by Mr. Babluck and services land owned by Mr. Easton.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' 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.

The proposal is consistent with the PPS.

**1.2 OFFICIAL PLAN**

Any application for consent must be evaluated with the policy directives of Section 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.

**1.3 ZONING**

The proposal will if approved result in the creation of an easement 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 condition:

1. An acceptable reference plan of the easement is submitted to the Township.



(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 easement for the existing Hydro Line crossing Mr. Babluck's property to lands owned by Brent Thomas Easton and Cynthia Michelle Easton.

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. Easement consents do not affect the number of consents allowable on any given property.
- 3/ Woodlands  
The area has areas mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the rural section of the Zoning By-law. The easement is not affected by the zoning by-law.

Conclusion

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal

maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – October 28, 2013**

Steven Babluck, owner, attended the hearing and gave evidence under oath.

Mr. Babluck questioned what could be included in the easement agreement e.g. ongoing maintenance financial contribution. The Committee advised that he should review the easement agreement with his solicitor.

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 lands being severed are for only easement purposes in favour of Brent Thomas Easton and Cynthia Michelle Easton, Lanark Conc. 2 Pt. Lots 7, 8 and 9 Plan 27R-9677 Pts. 1, 2 and 3.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 1803736 Ont. Inc. **Hearing Date:** October 28, 2013  
**Applicant:** Terry F. Scheel  
**LDC File #:** B13/095  
**Municipality:** Mississippi Mills  
**Geographic Township:** Pakenham **Lot:** 10 **Conc.:** 10  
**Roll No.** 0931 946 025 02905 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever an existing laneway to lands owned by Terry Scheel at 231 McWatty Road.

| <b>DETAILS OF PROPOSAL</b>                    | <b>Land to be Severed</b> | <b>Land to be Retained</b> |
|---|---------------------------|----------------------------|
| <b>Existing Use</b>                           | Gravel Lane               | Abattoir                   |
| <b>Proposed Use</b>                           | Gravel Lane               | Abattoir                   |
| <b>Area</b>                                   | 1,661.1 sq. m.            | 17,376.6 sq. m.            |
| <b>Frontage</b>                               | 10.3 m                    | 114.6 m                    |
| <b>Depth</b>                                  | 167.6 m                   | 167.6 m                    |
| <b>Road - Access to</b>                       | Municipal Road            | Municipal Road             |
| <b>Water Supply</b>                           | N/A                       | Private Well               |
| <b>Sewage Disposal</b>                        | N/A                       | Private Septic             |
| <b>Official Plan Designation -Conformity?</b> | Rural<br>Yes              |                            |
| <b>Zoning By-law Category</b>                 | Commercial 5              | Commercial 5               |
| <b>-Area Required (min.)</b>                  | n/a – lot addition        | 0.4-ha                     |
| <b>-Compliance?</b>                           |                           | Yes                        |
| <b>-Frontage Required (min.)</b>              |                           | 30 m                       |
| <b>-Compliance?</b>                           |                           | 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.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, 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 3.3 Rural Policies, Section 4 General Policies, section 4.6.4.1 Access, Section 4.6.4.2 Right-of-way

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

Zoning By-law - Section 6 General Provisions, section 12 Rural Zone, Section 23 Rural Commercial 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**

1803736 Ontario Inc. currently owns a 2.1 ha (5.2ac) parcel of land which is municipally known as 223 McWatty Road. This parcel was created by way of consent in 1989 when it was severed from the large rural farm parcel which currently surrounds the lot. The lot currently contains an active abattoir/butcher shop which is known as "Mr. Beef".

The applicant has indicated that when this lot was created, an existing gravel laneway which had historically been used to access the rural farm parcel was inadvertently included in the new lot. As such, the applicant now wishes to remedy the situation by severing the portion of land containing this existing laneway and then consolidating it back with the farm property.

**PROPOSAL**

An application for consent (B13/095) has been submitted to the County of Lanark to sever a narrow 1,726 m<sup>2</sup> (18,579 ft<sup>2</sup>) strip of land containing an existing gravel laneway from the subject property with the intent to then consolidate this strip of land with the 34.9ha (86.3ac) rural farm property (described as Concession 10 North Part Lot 1 0) which abuts the lot. The lot to be enlarged was the lot in which the subject property was severed from in 1989. A sketch of the proposed boundary adjustment is included in the Appendix.

**COMMUNITY OFFICIAL PLAN (COP)**

All parcels of land subject to this application are designated as Rural by the Town's COP. This designation permits a range of rural land uses including, but not limited to; the abattoir/butcher shop currently operating on the retained lands, as well as the farm operating on the enlarged lands.

As per Section 3.3.6(4) of the COP, the number of rural residential lots created by severance per land holding (defined as parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot) is limited to two (2) lots plus the remnant lot. This section further states that consents for a boundary adjustments shall not be considered toward the maximum number of consents per holding.

In this instance, as the proposed consent would result in a minor boundary adjustment between two (2) existing lots of record, with no new lot being created, the limitation of two (2) severances is not applicable. Furthermore, other provisions within the Official Plan regarding rural severances, such as access, lot area, lot frontage, demonstrate capacity for private services would also not be applicable as no new lot is being created. As such, the proposed consent is in keeping with the Rural designation and the consent policies of the COP.

#### ZONING BY-LAW #11-83

The retained lot is currently zoned as Rural Commercial Special Exception One (CS-1) within the Town's Zoning By-law. Notwithstanding the C5 zoning designation, this site specific zoning also permits an 'abattoir' to operate.

The proposed boundary adjustment would result in both the retained lot, and the existing structure on the lot, to remain in compliance with the minimum CS Zone provisions outlined in Table 23.2 of the Zoning By-law. The lot to be enlarged is currently zoned as Rural (RU).

#### PROVINCIAL POLICY STATEMENT (PPS), 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

Section 1.1.1(a) of the PPS states that: "healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term". As the proposed severance would result in a minor boundary adjustment with no new additional lots being created, Staff view it as an efficient and logical form of development which is in keeping with the PPS.

#### SERVICING & INFRASTRUCTURE

The applicant has indicated that the current owners of the retained lot do not make use of the driveway being severed; instead, he indicated the owners utilize an additional driveway to access the lot. The proposal would not result in any additional entrances onto McWatty Road.

A sketch provided with the application shows the existing well and septic field on the retained lot to fall well outside the proposed area to be severed. Furthermore, Staff also consulted with the Town's Director of Roads and Public Works who voiced no concerns or objections with the proposal.

#### CONCLUSION

Staff view the proposed minor boundary adjustment to be a logical and appropriate form of development as it would provide the enlarged lot with legal access onto McWatty Road while having no negative impact on the function of the retained lands. Staff view the proposal as being consistent with the consent policies Community Official Plan, in keeping with the PPS, and satisfying the development standards of the Zoning By-law.

**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 parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owner's existing property; and,
4. That the owner pay any outstanding property taxes on the subject property."

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 1661 sq.m. parcel of land as a lot addition to lands owned by Terry Scheel at Pt. Lot 10 Conc. 10 Pakenham and retain a 17.4-ha landholding with an existing abattoir located at 223 McWatty Road.

The existing laneway, which is the subject of the consent was inadvertently transferred with the lands on which the abattoir is located when the lands were created in 1989. .

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

### Zoning

The subject property is currently within the rural section of the Zoning By-law. The lot addition is not affected by the zoning requirements.

### Conclusion

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

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

#### (e) **MINUTES – October 28, 2013**

Terry Scheel, agent, attended the hearing and gave evidence under oath.

Mr. Scheel confirmed that the property to be enlarged has now been transferred from Lillian Theresa Scheel to Terrance Francis Scheel.

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

Terrance Francis Scheel described as Part Lot 10 Conc. 10 Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.





existing or planned infrastructure and public services facilities required to accommodate projected needs.

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

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

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

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

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

Local Official Plan – Section 2 Basis of Plan, Section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever.

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

Zoning By-law - Section 6 General Provisions, Section 13 Residential First Density.

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**

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

The applicant has submitted a consent application to the County of Lanark to create a  $\pm 467 \text{ m}^2$  (5,026  $\text{ft}^2$ ) residential infill building lot by way of severance from the above noted property. The proposal would result in a  $\pm 703 \text{ m}^2$  (7567  $\text{ft}^2$ ) retained parcel containing an existing detached bungalow dwelling and attached garage. A sketch of the proposed lots is contained within the Appendix.

##### **DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject property is located within a residential neighbourhood of Almonte which is mainly comprised of single-detached dwellings. The property is  $\pm 1169 \text{ m}^2$  (12 583  $\text{ft}^2$ ) in area, has a lot frontage of  $\pm 36.6 \text{ m}$  (120ft) along Country Street, a lot depth of  $\pm 31.9 \text{ m}$  (104.9ft), and is zoned as First Density Residential (R1) by the Town's Zoning By-law #11-83 and is designated as Residential in the Town's Community Official Plan. There is currently an existing bungalow and attached garage situated on the north west side of the property, as well as a small shed in the south corner.

The abutting properties along Country Street each contain a single detached dwelling, are zoned R1, and have a lot area and frontage comparable to the subject property. Similarly, the abutting properties to the rear which front onto St. George Street each

contain a detached dwelling, and are zoned R1; however, the area and frontages of these lots are approximately half that of the subject property.

To the east of the property is a long term care facility "Almonte Country Haven", a municipally owned recreational facility "Almonte Lawn Bowling Club", a municipally owned sports field "Snedden Casey Ball Diamond", as well as a residential townhouse subdivision "Almonte Mews" which is currently under construction.

#### COMMUNITY OFFICIAL PLAN (COP)

##### Residential Designation

The subject property is designated as Residential in the Town's COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Town. The following provides an analysis of the proposal against relevant objectives:

- *To promote and support development which provides for affordable, rental and or increased density of housing types;*

Based on the area of the proposed severance, it is anticipated that a relatively compact and affordable dwelling would likely be developed on the lands. The infill nature of the proposal would effectively double the density of the subject property.

- *To direct the majority of new residential development to areas where municipal sewer and waterservices will be available and which can support new development;*

The Town's Director of Roads and Public Works has indicated that municipal water and sewer services would be available, and able to support a single-detached dwelling on the severed lot.

- *To ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*

The dimension and area of the retained lot satisfy the minimum development standards of the R1 Zoning and are comparable to other properties in the surrounding neighbourhood. The proposed severed lot is slightly deficient with respect to lot frontage; however, it exceeds the minimum lot area requirement of the R1 zoning. That being said, Staff note that the applicant would be required to receive relief from the frontage requirements of the R1 zoning as a condition of provisional consent with such an application being subject to a public meeting where members of the public would have the opportunity to express their support or opposition of the proposal. Overall, Staff believe the severed lot would be compatible with the surrounding neighbourhood.

##### General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11 .2 entitled "General Consent Policies". This section states that the Town shall support the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- *the scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create one (1) additional lot, a plan of subdivision would not be required.

- *the application represents infilling in an existing built up area;*

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- *the proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

While the proposed severed lot is slightly deficient with respect to lot frontage, it exceeds the minimum lot area requirement of the R1 zoning. Taking the setback requirements of the R1 Zone into account, Staff believe that there would be more than sufficient area to accommodate a single-detached dwelling, the existing ancillary structure, and required off street parking on the property.

In addition, once developed, the combined density of the severed and retained lot would be consistent with the surrounding neighbourhood. Overall, the proposal is not anticipated to detract from the residential character of the area.

- *the creation of lots would not create or worsen traffic, access or servicing problems;*

The creation of one (1) additional building lot will not negatively impact the traffic of the area. The Town's Director of Roads and Public Works has indicated that access and servicing is available to the subject property.

- *the application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*

The infill nature of the proposal on lands with full municipal services available represents an efficient and desirable form of development. The retained lot satisfies all development standards of the R1 Zone.

- *the application meets all other policies of this Plan.*

The proposed proposal satisfies all other relevant policies of the COP.

### **ZONING BY-LAW #11-83**

The subject property is currently zoned as Residential First Density (R1) by the Town's Zoning By-law #11-83. This zone permits detached single family residential uses as well as various associated ancillary uses.

As the subject property is on full municipal water and sewer services, the following minimum development standards of the R1 Zone apply:

**Table 1: R1 Development Standards**

|                            |                     |
|----------------------------|---------------------|
| Lot Area (m <sup>2</sup> ) | 450                 |
| Lot Frontage (m)           | 18                  |
| Front Yard Setback         | 6                   |
| Side Yard Setback (m)      | 1.2                 |
| Rear Yard Setback (m)      | 7.5                 |
| Lot Coverage (%), Maximum  | 40% / 45%(bungalow) |

The following table summarizes the proposed development

|                            | <b>Retained Lot</b> | <b>Severed Lot</b> |
|----------------------------|---------------------|--------------------|
| Lot Area (m <sup>2</sup> ) | ±703                | ±467               |
| Lot Frontage (m)           | ±21.9               | ±14.6              |
| Front Yard Setback (m)     | ±9.5                | No building        |
| Side Yard Setback (m)      | ±1.2                | No building        |
| Rear Yard Setback (m)      | ±11                 | No building        |
| Lot Coverage, Maximum      | ±20%                | No building        |

As noted in Table 2, with the exception of the severed lot being slightly deficient with regards to lot frontage, both the retained and severed lots satisfy the minimum development standards of the R1 Zone.

In order to accommodate for the deficient lot frontage of the served lot, the applicant would be required to receive relief from the minimum frontage requirements of the R1 Zone. This could more than likely be done through the minor variance process; however may in fact require a zoning by-law amendment. Nonetheless, each of these processes includes a public meeting where members of the public may express their support or opposition of the application. Staff recommends that this requirement to receive relief from the minimum frontage requirements of the R1 Zone provision be included as a condition of provisional consent.

#### PROVINCIAL POLICY STATEMENT (PPS), 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the *Planning Act R.S.O. 1990*, all planning decisions must be consistent with the PPS.

Generally speaking, the PPS encourages new residential development to occur within established settlement areas, on full municipal services, and in the form of intensification or redevelopment. This policy direction is highlighted in the following sections of the PPS:

##### 1.1.3.3

Planning authorities shall identify and promote 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 service facilities required to accommodate projected needs.

##### 1.4.3

Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

- i) all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
- ii) all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, Infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and

e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed consent would result in a future infill opportunity on existing municipal services. With this in mind, Staff views the proposed severance application to be consistent with the relevant policies of the PPS.

#### SERVICING & INFRASTRUCTURE

The subject property is currently serviced by municipal water and sewer and fronts onto Country Street, a municipally owned and maintained road. The Town's Director of Roads and Public Works reviewed the proposal and provided the following comments:

- *Curb modifications will be required at the applicants expense to provide access to the lot (currently all barrier curb). An Entrance Permit will ultimately be required.*
- *Water and Sewer lines are in the street however service laterals will need to be provided to the lot at the proponent's expense. This work will also involve all necessary roadway reinstatements.*
- *There are no storm sewers in this block of Country Street*
- *The lot has excellent grading and drainage characteristics. When the lot is ultimately developed, a grading and drainage plan will need to be prepared by the developer.*

As these requirements will be required prior to any construction on the severed lot, they would not limit the ability to create the lot at this time. That being said, the staff believes the applicant should be aware of what will be required prior to developing the lot. Furthermore, the Town must be in receipt of all development charges prior to any construction on the lot.

#### CONCLUSION

Overall, Staff view the proposed consent application to be a desirable and logical form of development. The proposal would result in a new residential infill opportunity which could be serviced by existing municipal services. Such development should be promoted as it accommodates new growth without the need to construct and maintain new infrastructure.

While the proposal is increasing the density of the area, the retained and severed lots are not anticipated to detract from the character of the surrounding neighbourhood.

Furthermore, the proposal is consistent with the residential and consent policies of the Community Official Plan, is in keeping with the PPS, and generally satisfies the development standards of the Zoning By-law.

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

1. That the applicant provides 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 owner pay any outstanding property taxes on the subject property; and,
4. That the owner receives relief from the minimum lot frontage provisions of the Residential First Density (R1) Zone to accommodate the deficient frontage of the severed lot."

**Mississippi Power Corp.** – No comments were received.

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

(c) **PUBLIC INPUT**

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

**Denis and Sally Lee Pepin Sept 9, 2013**

We received a notice of consent concerning the above noted file, my question / concern is this is a residential area, and if so, will remain residential after the severance?

**NOTE:** the Secretary-Treasurer advised Mr. Bertrand that the proposed lot is shown on the application form as "Residential Building Lot" and that any change in use would require a re-zoning through the Town of Mississippi Mills.

**Claude Bertrand** Sept 15, 2013

Thank you for the opportunity to provide comments as it pertains to the above-referenced. We are the owners of the property at 303 St. George that backs onto the proposed lot.

We would not want to see a structure being allowed to be built on the proposed severed lot that would be more than a single family dwelling.

We presume that the zoning is residential and no commercial endeavours would be allowed, otherwise we would not be in favour of allowing such a request. We wish to be notified of the Land Division's decision.

**NOTE:** the Secretary-Treasurer advised Mr. Bertrand that the proposed lot is shown on the application form as "Residential Building Lot" and that any change in use would require a re-zoning through the Town of Mississippi Mills.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 461.36 sq.m. residential building lot and retain a 692.04 sq.m. residential lot with an existing dwelling located at 300 County Street. The lot is on full municipal services.

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 Country Street, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.  
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.  
Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ 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  
Woodland policy do not apply to urban areas. These areas are generally regulated by a 'tree conservation plan.'

Zoning

The subject property is currently within the residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage, but does not meet the minimum lot frontage. The Town has indicated that they will consider a 'minor variance' in order to bring the lot frontage into compliance with the zoning by-law. An application for minor variance will be required as a condition of consent. 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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

### (e) **MINUTES – October 28, 2013**

John Leishman, spouse of the owner, attended the hearing and gave evidence under oath.

Mr. Leishman confirmed that the purpose of the application was for residential purposes and that he was aware that they would require a re-zoning or minor variance application due to the lot frontage being less than the minimum requirement.

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 the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. 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.
7. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
8. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #7 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Malcolm Stirling Condie      **Hearing Date:** October 28, 2013

**Applicant:** Marie Buldt

**LDC File #:** B13/100

**Municipality:** Montague

**Geographic Township:** Montague      **Lot: 19      Conc.: 2**

**Roll No.** 0901 000 020 20200      **Consent Type:** New Lot

**Purpose and Effect:** To sever a 0.39-ha residential building lot and retain a 9.2-ha vacant landholding. The lands are accessed via Wood Road.

| <b>DETAILS OF PROPOSAL</b>                    | <b>Land to be Severed</b> | <b>Land to be Retained</b> |
|---|---------------------------|----------------------------|
| <b>Existing Use</b>                           | Farm                      | Farm                       |
| <b>Proposed Use</b>                           | Residential               | Residential                |
| <b>Area</b>                                   | 0.39 ha                   | 0.39 ha                    |
| <b>Frontage</b>                               | 46.0 m                    | 46.0 m                     |
| <b>Depth</b>                                  | 88.4 m                    | 88.4 m                     |
| <b>Road - Access to</b>                       | Municipal Road            | Municipal Road             |
| <b>Water Supply</b>                           | Proposed well             | Proposed well              |
| <b>Sewage Disposal</b>                        | Proposed septic           | Proposed septic            |
| <b>Official Plan Designation -Conformity?</b> | Rural<br>Yes              |                            |
| <b>Zoning By-law Category</b>                 | Rural                     | Rural                      |
| <b>-Area Required (min.)</b>                  | 0.4-ha                    | 0.4-ha                     |
| <b>-Compliance?</b>                           | No                        | Yes                        |
| <b>-Frontage Required (min.)</b>              | 46 m                      | 46 m                       |
| <b>-Compliance?</b>                           | Yes                       | Yes                        |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.3 Agriculture**

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

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

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 Development Policies, 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 designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

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

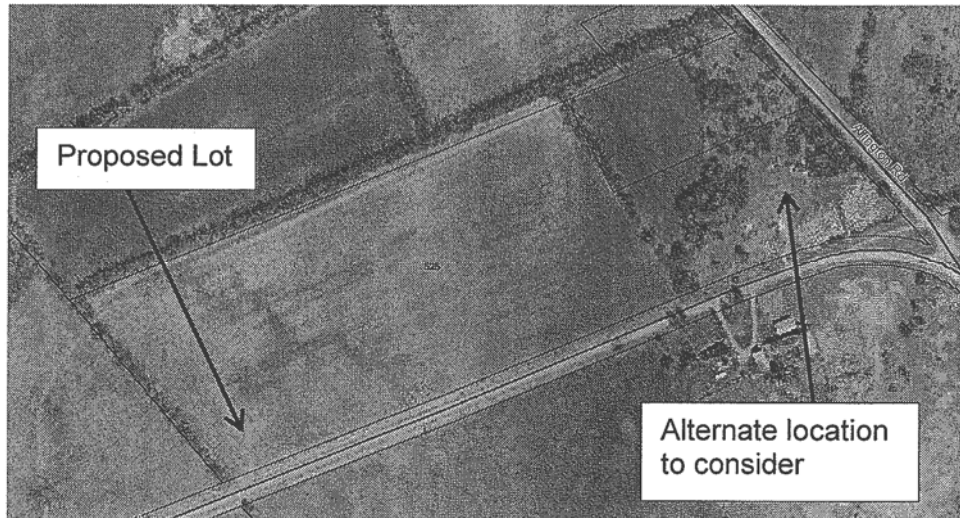
This application has been circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

#### **Township Planner's Report**

Please be advised that I have reviewed the above noted consent application and as I understand it, the applicant is looking to sever a 0.39 ha (1 acre) residential building lot from a 9.6 ha (24 acre) vacant lot just south of Rosedale. The subject land fronts on Wood Road and Arlington Road (both Township owned and maintained), with the severed lot to come off of the western end of the property to be accessed from Wood Road. Mr. Condie also owns property on the other side of Wood Road. According to our records, one lot was severed from this area of land in the mid 1990's, however none since 2001 and as such the Official Plan's consent policies would allow consideration of a new lot proposal.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan and are primarily farmland (with some mixed open scrubland to the east). Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that is consistent with a rural setting. While this includes limited and low density residential development, the section also outlines the "retention of the natural and cultural heritage and landscapes of lands" as an evaluation consideration. Further, Section 1.3.3 (Objectives of the Plan) identifies the protection of agricultural lands. While I note that these lands are not designated agricultural (and as such specifically protected by the PPS), and the single lot

development is consistent with the 'limited residential development' envisioned in the Plan it is my opinion that the intent and spirit of the Plan would be best maintained by considering a revision of the application to such that the severance would be considered at the eastern end of the lot, near the intersection of Wood and Arlington (as shown to the right), where there is some natural tree cover. This would accommodate a proposed consent however minimize the fragmentation of the agricultural land.



According to Township constraints mapping, the severed and retained lands are not within any natural features that could preclude the application. I do note that there is a mapped bedrock deposit at the eastern end of the property outside the farmland, which should be considered. However in light of existing nearby development it is unlikely that this area would be used for a future extractive operation and as such a severance could still be considered on this property. It should also be noted that the Rideau Trail, which is a 300 kilometre active transportation trail between Ottawa and Kingston passes along Wood Road, in front of the subject lot, before connecting to Rosedale Road. As such, there will be more pedestrian and bicycle traffic on this road compared to most rural roads. Section 2.10.3 of the Plan requires that all adjacent development should not affect the connectivity or function of this important recreational and tourist route. While this feature warrants mentioning in this report, I do not believe this application is inconsistent with that important goal.

The entire Condie property is zoned Rural in the Township's Zoning By-law and this application complies with all provisions of the zone with regards to the severed and retained lands, provided that the survey confirms an adequate lot size of 0.4 hectares.

Given the foregoing, Montague Township advises that a severance on the subject land is supportable as per the policies of the Official Plan, however suggests that in order to best fulfil the intent of the Plan, the applicants consider an alternate location on the lot. That being said, the Township would not object to the application as submitted, provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.

- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the County of Lanark in this regard.
- The Applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The applicant provides satisfactory evidence to the Township that the proposed lot conforms to all provisions of the Township's Zoning By-law, including required lot frontage and lot size.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

### **Conservation Authority**

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 0.39 hectare residential lot from the existing 9.59 hectare parcel.

#### PROPERTY CHARACTERISTICS

The severed parcel is currently a farm field. The retained parcel is primarily treed along the south-east corner with the remainder of the parcel mainly farm field.

#### REVIEW

##### Natural Hazards

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

##### Natural Heritage

There have been no natural heritage features identified on the property which would preclude this application.

#### CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application. Thank you for the opportunity to comment. Please forward notice of the Authority's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

### **Septic Office** – Leeds, Grenville and Lanark District Health Unit

Severed – Flat hayfield on 1 m. deep clay soil. Fair drainage. The lot is large enough to accommodate on-site sewage disposal. Imported leaching bed fill will be required to construct a conforming system.

Large farm property with varying slope and soil depths. 1 m. of clay soil adjacent to severed lot. There is an existing residence and several out-buildings on the retained land. This severance will not negatively impact on-site sewage disposal on the retained land.

**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 0.39-ha residential building lot and retain a 9.2-ha vacant landholding which is part of the Condie farming operation located on the south side of Wood Road.

The subject lands are located in an area characterized by larger type lots with interspersed residential lots along Wood Road.

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

Soils Inventory – Name: Lanark

- Stoniness: non-stony
- CLI: 2 – moderate limitations
- Drainage: imperfectly
- Hydrogeology: slow infiltration

Bedrock Inventory – Dolostone, sandstone

**Agricultural Operations**

The Township has asked for consideration to change the location of the lands to be severed from the west side of the lot to the east side of the lot. An agricultural operation is located south of Wood Road at this location, and therefore the lands would be within the MDS setback, thereby no residential dwelling would be permitted. Although the lands are in agricultural production they have not been designated as such in the Township's Official Plan or Zoning By-law. The location of the proposed lot is in excess of 400 m from the existing livestock facility.

**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 Polices 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 not been mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Montague.

#### 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 – October 28, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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



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. That the lands to be severed be increased in area to comply with the minimum requirements of the Township of Montague's Zoning By-law.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. 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).
7. Satisfactory evidence shall be provided to the Township of Montague confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment
8. 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.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Montague stating that condition #4 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 conforming septic system.
2. It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.
3. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
4. 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

**Original Hearing Date:** December 19, 2012

**Re-Circulated Hearing Date:** Oct. 28, 2013

**Agent:** N/A

**LDC File #:** B12/107

**Municipality:** Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 9 & 10 **Con** 3

**Roll No.** 0940 934 010 16900

**Consent Type:** New Lot

**Purpose and Effect:** To sever residential building lot 141.2-ha landholding with an existing dwelling located at 1307 Herron Mills Road and retain a 6.0- ha vacant landholding with access to Rogers Road.

| DETAILS OF PROPOSAL  | Land to be Severed                          |  | Land to be Retained                            |
|--|---|--|--|
|  | B12/107                                     | B12/107- Revised                         |  |
| <b>Existing Use</b><br><b>Proposed Use</b>   | Vacant<br>Residential                       | Residential<br>Residential               | Vacant<br>Residential                          |
| <b>Area</b><br><b>Frontage</b><br><b>Depth</b><br><b>Road - Access to</b>  | 2.42 ha<br>140 m<br>150 m<br>Municipal Road | 14.2 ha<br>300 m<br>300 m<br>County Road | 6.0 ha<br>200 m<br>Irregular<br>Municipal Road |
| <b>Water Supply</b><br><b>Sewage Disposal</b>  | Proposed well<br>Proposed septic            | Private well<br>Septic System            | Proposed well<br>Proposed septic               |
| <b>Official Plan Designation</b><br><b>-Conformity?</b>  | Rural<br>Yes                                |  |  |
| <b>Zoning Category</b><br><br><b>-Area Required (min.)</b><br><b>-Compliance?</b><br><b>-Frontage Required (min.)</b><br><b>-Compliance?</b> | Rural<br><br>1.0-ha<br>Yes<br>60 m<br>Yes   |  | Rural<br><br>1.0-ha<br>Yes<br>60 m<br>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 17, 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. The application was also circulated to County Public Works, as the revised application access Herron's Mills Road.

**Lanark Highlands** advised that the same conditions apply.

**LGL Health Unit** advised that they have no comments or concerns.

**Mississippi Valley Conservation Authority –**

Mississippi Valley Conservation Authority (MVCA) previously conducted a review of the subject application, in a letter to the County of Lanark dated September 20, 2012. We understand that the current submission represents a modification to this previously approved severance. The area of the severed lands has been from 2.42 ha to 14.2 ha; while the retained lands have changed from 28.3 ha to 6.0 ha. We note that as a result of this modification, the severed lands now have frontage on the river. Therefore, we recommend that several conditions previously recommended for concurrent application B12/108 also apply to 812/107 as follows:

1. Any new buildings or structures, including a septic system, shall be setback 30 m from the high water mark of the Clyde River
2. With the exception of a maximum clearing of 9 m along the shoreline for water access, the existing vegetated buffer along the shoreline of the river shall be maintained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.

MVCA does not have any objection to the proposed revision provided the above conditions are adhered to.

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

**Lanark County Public Works**

The applicant has an approved existing entrance to the County Road. Permit # 2447 Lands to be severed have an approved existing entrance. Permit #2447 applies. Lands to be retained to gain access from local municipal road. Road Widening requirements apply.

**(c) MINUTES – October 28, 2013**

No person attended the hearing

**(d) DECISION & CONDITIONS**

**Moved by** D Murphy

**Seconded by** W Guthrie

**THAT**, the conditions of provisional consent given by the Lanark County Land Division Committee December 17, 2012 for application B2012/107 are changed to insert the following conditions:

1. The reference plan or legal description and the deed or instrument required by Condition #1 above shall relate to the 'revised sketch' dated September 20, 2013.
2. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of October 4, 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.
3. A letter shall be received from Mississippi Valley Conservation stating that condition noted above has been fulfilled to their satisfaction.
4. 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.
5. A letter shall be received from the County of Lanark Public Works Department stating that condition noted above has been fulfilled to their satisfaction.

The Conditions 8 and 9 be amended as follows:

8. The applicant shall confirm that a residential entrance to the retained lands is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. The applicant shall obtain a Civic Address Number for the retained lands from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.

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.



## **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.

## **2.3 Agriculture**

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

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.2 County Roads, Section 4.4 Water and Wastewater, Section 6.1 Agricultural Resources, 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 4 General Policies, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 11 Agricultural 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**

Gary and Marilyn currently own a 35.9ha (88.7ac) parcel of land on Country Road 29, at the intersection of County Road 29 and Indian Hill Road in Pakenham. The subject land currently has an existing dwelling with four accessory buildings, being a workshop and three sheds. There are currently four entrances onto the property, one of which is for the residential dwelling and the other three are for farm entrances. The parcel has frontage onto County Road 29, which are municipally owned and maintained year round by the County of Lanark.

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

The intent of the application is to sever a new 3.5ha (8.6ac) non-farm residential building lot from the existing 35.9ha (88.7ac) property leaving a retained lot approximately 32.4ha (80ac).

## Severance Application Summary

### Lot Severance

The application is to sever approximately 3.5ha (8.6ac) of land from the 35.5ha (87.7ac) parcel of land, creating a new lot on the rural portion of the subject lands described as Part of lot 5, Concession 9, Pakenham Ward, Town of Mississippi Mills. The severed lot would have frontage of approximately 600m (1,968.5ft) onto County Road 29. The proposed entrance to the property is from the north side of the lot which will bring the laneway across lands that are designated agriculture. The retained portion of land would maintain a lot area of 32.4ha (80ac) with approximately 600m (1,968.5ft) of frontage onto County Road 29.

### Community Official Plan:

The subject property has an Official Plan designation of Agriculture and Rural. The proposed severance as proposed, is to create a new lot on the rural portion of the land, with the entrance to the dwelling crossing over lands designated Agriculture. The Community Official Plan does not permit the creation of new non-farm residential lots on Agricultural lands. All efforts should be made to accommodate the proposed driveway to the southwest side of the property to prevent any portion of the new lot being created on agriculturally designated lands.

The portion of the land where the new lot is being proposed is designated Rural. Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6-Severances and Lot Creation, permits severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original Township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Approximately 39 years ago, the owner of the property successfully severed off one non-farm residential building lot. Based on the rural policies in the Community Official Plan, the owner has the potential to acquire one additional severance on the property.

Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. It also requires that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road, unless there are sound planning reasons justifying a reduce distance. In this case, the rural portion of the lot sites in the curve of the right of way and there is a significant topographic constraint (rock noel and vegetation) which impact visibility and limits the ability to shift the entrance. Furthermore, there is an existing farming entrance near the propose lot location that could be used to gain access to the proposed lot in order to minimize the total number of access points. Based on the these constraints a reducing in driveway separation from 150m to approximately 90m is appropriate and is consistent with the requirements of the policy and would keep any portion of the newly created lot out of the agriculturally designated lands.

Section 3.3.6.5 (iii) of the Community Official Plan requires that the retained lot and the severed lots have frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Both the severed and retained lots have direct frontage onto County Road 29, which is currently owned and maintained by the County of Lanark.



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

Section 3.3.5 – Residential Development, in the Community Official Plan requires all residential dwellings to be subject to the minimum distance separation calculation. In this case, there are three large barns are being used as sheds. These sheds cannot be converted into livestock barns, as they will not comply with the minimum distance separation requirements in their current location. It is important that the current owner and future owners are aware that the shed cannot be converted into livestock barns unless they can show that the converted barn can meet minimum distance separation requirements. It is recommended that a covenant be registered on title to ensure those future purchasers are aware of this restriction.

Zoning By-law 01-70:

The subject lands are currently zoned Agriculture in By-law 11-83. This zoning classification is not consistent with the Community Official Plan designations on the property, to which the municipality will amend the zoning of the property to be Agriculture and Rural to reflect the COP. The amended zoning for the subject property would permit a range of rural and agricultural uses including a single detached residential dwelling. For lands intended to be used for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft). The retained agricultural lands are required to have a minimum lot frontage of 150m (492ft) and a minimum lot area of 40ha (98.8ac).

Application B13/028 requests approval to sever a 3.5ha (8.6ac) building lot for a non-farm residential dwelling. The retained lands would have a lot area of 32.4ha (80ac) with approximately 600m (1,968ft) of frontage. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

Zoning by-law 11-83 requires that no residential, institutional, commercial, industrial or recreational use may be located on a separate lot within the required minimum distance separation setback. In this case, the accessory structures are not being used to house livestock and as a result minimum distance separation is not required.

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject provided that the application is modified as discussed with the applicant on August 16<sup>th</sup>, 2013, with the following conditions the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property.
4. That the applicant acquires an entrance permit from County Road 29, on the southwest side of the property acceptable to the municipality

5. That the applicant acquires a municipal address for the subject property acceptable to the municipality.
6. That the applicant modify the proposed lot configuration to the Town's satisfaction.
7. That the applicant register a covenant on title of the retained lands, notifying future purchasers that the sheds cannot be converted into livestock barns unless they can show that the barns is able to meet minimum distance separation requirements.

#### **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**

According to the information provided, the purpose of the subject application is to sever (1) vacant lot measuring 3.5 ha and retain a developed parcel of land of approximately 32 ha.

#### **PROPERTY CHARACTERISTICS**

A review of available GIS mapping and aerial photography revealed that three unnamed tributaries of the Mississippi River exist on the retained lands; one in the northeast section, a second in the middle, and a third travels across the southwest corner. A portion of the tributary in the middle of the retained, as well as the section that crosses the southwest corner is also used as Municipal Drains (Woods Municipal Drain). No natural heritage features or natural hazards were identified on the proposed severed lands.

#### **REVIEW**

##### **Watercourse & Municipal Drain**

The proposed retained lands are already developed with no new development proposed at this time. No natural heritage features or natural hazards were identified on the severed land. Therefore, further negative impacts to the identified features are not anticipated as a result of this application.

#### **CONCLUSION AND RECOMMENDATIONS**

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

#### **NOTES**

The shoreline vegetation surrounding the unnamed watercourses shall be retained to a minimum depth of 15 m, and to the greatest extent feasible along the municipal drain.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the unnamed watercourses or municipal drain.

Any proposed works in or near the unnamed watercourses or municipal drain 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: A 3.5 hectare parcel of irregular shaped land consisting of rock, trees and agriculture land (hay field). Slope and drainage vary. Additional Sandy loam fill will be required to construct a sewage system on this parcel of land.

Retained: A 32 hectare parcel of land. A portion of the property is residential with a house, existing well, raised septic system and several outbuildings. The rest of the property is a mixture of rock, vegetation, bush, and agricultural land. Slope and drainage vary. Severing this lot will not negatively impact onsite sewage system. Additional sandy loam will be required in the area of the replacement of the septic system tile bed in the future.

**County Roads Department:**

Lands to be severed have an approved existing entrance. Permit # 1941 applies.

Lands to be retained also have an approved existing entrance. Permit # 2249 applies.

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) **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 3.5-ha residential building lot and retain a 32.0-ha farm, residential landholding.

The subject lands are located in an area characterized by large agricultural landholdings to the south, a mixture of residential to the north and west. The Mississippi River is located 1.0-km to the east.

The lands are accessed via County Road 29N, a County maintained road.

Soils Inventory – Name: Sneddon

- Stoniness: none stony
- CLI: 1 – no limitations
- Drainage: imperfectly
- Hydrogeology: high run-off

Bedrock Inventory – flows, tuffs, breccias.

Entrance location – the Town of Mississippi Mills has expressed concerns with the location of the entrance proposed (north east corner) and requests that County Public Works consider revising the location to the south west corner. This would also reconfigure the lot to keep more of the ‘agricultural’ lands available for crops. Public Works have been requested to comment on this request – further details will be available at the Land Division hearing. The Simpson’s are aware of the request by the Town.

Agricultural Operations

No livestock facility is located on the agricultural lands, therefore an MDS was not undertaken. The current use of the lands is for ‘cash crop’.

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 limited areas of woodlands due to its agricultural natural, however 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 agricultural 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 Zoning By-law which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – August 26, 2013**

Gary Simpson, owner, Rudy and Justin Ledou, purchasers attended the hearing and gave evidence under oath.

Mr. Simpson explained that they had discussed the change that would move the entrance from the east to the west side of the property, as noted by Mississippi Mills and where in agreement that this would maintain as much agricultural lands possible.

The Public Works Department submitted an e-mail advising that they could not approve an entrance on the west side of the property, as it did not meet the minimum separation standards as set out in the County Policy. Public Works also noted that Mr. Simpson could make an application to the Public Works Committee for an exception to the minimum separation.

Moved by D Murphy and seconded by W Guthrie

**THAT** application B13/028 be deferred to provide the owner with an opportunity to resolve the issues raised regarding entrance location to County Road 29." **ADOPTED**

(f) **PLANNING REPORT - ADDENDUM**

Background and Summary

The applicant proposes to sever a 3.5-ha residential building lot and retain a 32.0-ha farm, residential landholding.

The Committee deferred decision on the application in order that the applicant could submit an application to Lanark County Public Works for an 'exception' to the road entrance policy – distance between entrances.

Mr. Simpson submitted a request to Public Works on August 26, 2013. Public Works presented a report to the Public Works Committee on October 2<sup>nd</sup>, 2013 seeking Council's approval of a proposed entrance on County Road 29, which does not meet the minimum spacing requirement of the 'Access to County Roads Policy (By-law 2004-28)'. The report was recommended by the Committee and submitted to County Council approval.

Lanark County Council approved the exception at their meeting on October 23<sup>rd</sup>, 2013.

**(g) MINUTES – October 28, 2013**

Gary Simpson, owner, attended the hearing and was reminded that he was still under oath from the previous hearing, August 26, 2013.

Committee reviewed the additional materials and staff recommendation.

**(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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated August 6<sup>th</sup>, 2013.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.

7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. The County Public Works Department shall confirm that the revised location of the proposed entrance to the lots to be severed has been installed to the satisfaction of the County.
10. Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
11. A letter shall be received from the Lanark County Public Works Department stating that condition #8 through #10 have been fulfilled to their satisfaction.
12. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #7 has been fulfilled to their satisfaction.

#### **NOTES**

1. The applicant is advised that the outbuildings and sheds on the retained lands shall not be converted to livestock facilities unless they can meet the minimum distance separation (MDS) calculation requirements.
2. The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the unnamed watercourses or municipal drain.
3. Any proposed works in or near the unnamed watercourses or municipal drain should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
4. The Leeds Grenville and Lanark District Health Unit advises that additional Sandy loam fill will be required to construct a sewage system on this parcel of land and on the replacement system on the retained lands.

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.





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 3.3 Rural Communities, Section 5.0 Planning for EcoSystem Balance, Section 6.2 Hazard Areas, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads, Section 8.4.2 Consents.

The Township of Lanark Highlands advises that the proposals conform to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 15.0 Commercial Recreational. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(a) **AGENCY REVIEW**

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

**Township Planner's Report**

**B13/050 – R-O-W**

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the relocation of an existing right of way named River Farm Lane on lands legally described as West of Lot 8 and 9, Concession 1, geographic Township of Darling now in the Township of Lanark Highlands. The property has frontage on French Line.

The existing right of way is off of the French Line, a maintained Township road and transects the buildings associated with the camp. The relocation of the right of way will remain the same as it comes off the French Line but will then be relocated around the activities of the camp and will divert any traffic away from those activities creating a safer situation. The proposed retained parcel is irregular with an area of approximately 68 ha (168ac). The lands are currently being used as a children's camp.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2.

This application is the same as B11/108 which was allowed to lapse.

1.1 PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well-being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS).

No new development is proposed and therefore the proposal is consistent with the PPS.

1.2 OFFICIAL PLAN

The lands are designated Rural Community on Schedule "A" and Mineral Aggregate Reserve on Schedule "B" of the Township's Official Plan. No development will be undertaken on the portion of the lands designated as Mineral Aggregate Reserve.

In section 4.5.4 Private Roads of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions. There is an existing private roadway on the lands; the application is for the relocation of a portion to direct any traffic around the activities association with the children's camp.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way. Demonstration that the right of way is constructed to a standard as required by the Township will also be necessary. Conditions of severance outlining the foregoing will be required.

1.3 ZONING

The lands are zoned Commercial Recreational-2 and Mineral Aggregate Reserve - holding on Schedule 'A 3' of Zoning By-law 2003-451.

## **Township Planner's Report**

### **B13/051 – Lot Addition**

#### **1.0 Introduction**

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 8 & 9, Concession 1, geographic Township of Darling now in the Township of Lanark Highlands and commonly referred to as 286 River Farm Lane.

The applicant wishes to sever approximately 0.5 acre of land as a lot addition to an existing Summer Camp at 286 River Farm Lane. The retained landholding is 167 acres.

The property is designated as Rural Community, on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 3' in Zoning By-law 2003-451. The subject lands are currently vacant. There is no new development proposed at this time.

This application is the same as B11/109 which was allowed to lapse.

#### **2.0 Provincial Policy**

As part of the province's long term commitment to economic prosperity and social well-being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS).

No new development is proposed and therefore the proposal is consistent with the PPS.

#### **3.0 Official Plan**

The subject lands are designated Rural Communities on Schedule 'A' of the Township of Lanark Highlands Official Plan. The rural designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 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 required building setbacks. The proposal must also be evaluated for potential conflicts with adjacent land uses and natural heritage features.

The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

#### **4.0 Zoning**

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. The proposal can meet the frontage and area requirements of the by-law. The applicant will need to meet the performance standards of the bylaw, including the required setbacks and maximum lot coverage when new development is proposed.

#### **5.0 Discussion**

This application for a lot addition will not result in any new lot and will ensure that the newly reconfigured lots will have sufficient area to permit appropriate development. The application as submitted is consistent with the PPS, complies with the policies of both the old and new Official Plan and the resulting lots meet zoning requirements.

**Township of Lanark Highlands** - recommends approval of these applications subject to the following conditions:

**B13/050**

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

**B13/051**

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

**Conservation Authority** – Mississippi Valley Conservation

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever a vacant 0.213 ha parcel of land as a lot addition to the adjacent lands. The retained land is 68.0 ha, and is already developed as a Children's Summer Camp. Details have not been provided on the lot to be enlarged.

**PROPERTY CHARACTERISTICS**

According to a review of GIS mapping and aerial photography, the proposed retained lands have frontage on the Clyde River, while the severed lands do not.

**REVIEW**

MVC is satisfied with the size and water frontage of the resulting lots. The retained land is already developed with no new development proposed at this time. The severed lands do not have river frontage. With all of this in consideration, impacts to the river, as a significant natural heritage feature, are not anticipated as a result of the subject application.

**CONCLUSION**

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 the Clyde River, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard. Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

**Septic Office** – Leeds, Grenville and Lanark District Health Unit  
Severed – B13/051 – Approximately 2.130 m/sq. parcel of land, irregular shape, consisting of brush. Slope and drainage vary (steep slope).

Retained – 168 parcel of land (children's camp) consisting of outbuildings with water frontage to Clyde River. The property consists of brush and open field. Slope and drainage vary. The severance will not affect future replacement of the septic system. Additional sandy loam may be required for the replacement of the tile bed in the future.

**(b) PUBLIC INPUT**

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

**Mary Kirkham**

---

**From:** Juan Runnells <juan.runnells@rogers.com>  
**Sent:** July 17, 2013 11:13 PM  
**To:** Mary Kirkham  
**Subject:** File No: b13/050 b13/051

July 17, 2013

Mary Kirkham

Planning Administrator Lanark County,

Please be advised that we would like to be notified of any public meeting, and the notice of decision regarding File No: B13/050 B13/051 subject Land Pt Lot 8 & 9 Concession 1, Township of Darling. In regard to the application for the relocation of the R.O.W. on the lands of Laurientian Camp Cherith.

I would also be interested in viewing any land survey documents held on record in the Lanark County Archives in regards to Lot 8 and 7. Our affected properties consist of Pt. 1, Pt. 2, and Pt 3. of Lot 8 Concession 1 in the Township of Darling, of Lanark County. As our private property borders directly onto the Camp ground.

Thanks in advanced.

Sincerely,

Juan. F Runnells

613-868-3402

FILE No. B13/050 & B13/051

TERRY GIFFIN

AUG 8/13

DENYSJE BRISEBOIS

1005 BOURNIE RD

RA# 6

SMITHS FALLS K9A45M

ATT. MARY KIRKHAM

613-253-2523

AS TO OUR CONVERSATION WE WOULD LIKE  
TO RECOMMEND B13/051 - 2,130 SQ. M.  
PARCEL BE ADDED TO INST. # 16895

WE WOULD ALSO LIKE TO ATTEND THE  
MEETING ON OR ABOUT AUG 26/13

Yours Truly

Terry Giffin  
Denysje Brisebois

RECEIVED  
LANARK  
COUNTY

AUG 12 2013

Clerk's Department

(c) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever lands to relocate an existing R-O-W from between the cabins and beach area to the rear of these facilities to lessen the impact on the Camp and to increase the safety of the occupants, the second application is proposed to sever a 2,130 sq.m. parcel of land as a lot addition to lands owned by T Giffin and D Brisebois. This parcel of land is actually separate from the Camp lands however has been 'pinned' by the Land Titles Office as part of the Camp lands and therefore a planning application is required to separate the property in order to convey it to the adjacent lands.

These applications are a re-submission of applications B11/108 and B11/109 which were approved and inadvertently allowed to lapse.

The subject lands are located in an area characterized by rural residential along the French Line and seasonal residential along the Clyde River.

The lands are accessed via River Farm Lane a private road which adjoins French Line Road a municipally maintained road.

#### Archaeological

The lands are located within 300 m of Primary Water Source (Clyde 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 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 lands have areas mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

#### Zoning

The subject property is currently within the Commercial Recreational section of the Zoning By-law, which permits a number of uses. The proposed r-o-w relocation meets the requirements of the zoning by-law and the lot additional will assist in increasing the lot size of an existing lot that does not meet the minimum requirements. 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.

**(d) MINUTES – September 23, 2013**

Juan Runnells, Terry Giffin and Denyse Brisbois, adjacent landowners, attended the hearing and gave evidence under oath.

Mr. Runnells advised that he also was using the r-o-w and requested that B13/051 include him as a transferee for the r-o-w.

The Chair advised that they could only make a decision in the information contained on the application, and that he would need to speak to the owner to confirm that he had a right to use the r-o-w.

Mr. Giffin confirmed that the lot addition should be in his name only.

As the applicant was not in attendance, the Committee agreed that the hearing be deferred.

**MOVED BY:** W. Guthrie

**SECONDED BY:** B. Strachan

**"THAT,** application B13/050 and B13/051 be deferred to provide the applicant / agent an opportunity to amend / revise the applications to include lands to the east in the r-o-w description."  
**ADOPTED**

**(e) PLANNING REPORT - ADDENDUM**

Background and Summary

The applicant proposes to sever lands to relocate an existing R-O-W from between the cabins and beach area to the rear of these facilities to lessen the impact on the Camp and to increase the safety of the occupants, the second application is proposed to sever a 2,130 sq.m. parcel of land as a lot addition to lands owned by T Giffin and D Brisebois. This parcel of land is actually separate from the Camp lands however has been 'pinned' by the Land Titles Office as part of the Camp lands and therefore a planning application is required to separate the property in order to convey it to the adjacent lands.

The Committee deferred decision on the applications in order that the applicant could discuss with Mr. Giffin and Mr. Runnel's the transfer information for the r-o-w leading through the Camp property.

Mr. Laughland confirmed that Juan Runnells and John Runnells should be added to those landowners who have a right-of-way across the Laurentian Camp Cherith Property.

(f) **MINUTES – October 28, 2013**

John Laughland, agent, attended the hearing and gave evidence under oath.

Juan Runnells, adjacent landowner, attended the hearing and was reminded that he was still under oath from the Sept 23<sup>rd</sup>, 2013 hearing.

Committee review the additional information and revised the recommended conditions as requested.

(g) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**B13/050 – R-O-W**

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 lands being severed are for r-o-w purposes only in favour of Terrence Gordon Giffin and Denyse Brisebois, Darling Conc 1 Pt. Lot 8, Terrence Gordon Giffin, Darling Con 1 Pt. Lot 8 Plan 26R-926 Pt. 1 and Terrence Gordon Giffin, Darling Con 1 Pt. Lot 8 Plan 27R-6979 Pts 1 & 2, and Juan Fernando Runnells and John David Runnells, Darling Con. 1 Pt. Lot 7 & 8 Plan 26R-694 Pts 1, 2 and 3.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

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

**B13/051 – Lot Addition**

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 Terrence Gordon Giffin described as Part Lot 8 Conc 1, Darling Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

## NOTES

1. The Mississippi Valley Conservation Authority advises that in the event shoreline work is proposed along the Clyde River, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
2. Any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
3. The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam may be required for the replacement of the tile bed on the retained lands.
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. 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.