



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, August 26, 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-2013-025

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

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

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-026

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. public hearing:

7.1.1 B13/026 – Patricia Jacobson – new lot

Pt. Lot 9 Conc. 9 Township of Beckwith. 9th Line Beckwith.

7.1.2 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.

7.1.3 B13/031 – William & Arlene McGee – lot addition

Pt. Lot 10 Conc 11/12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Gold Creek Road.

7.1.4 B13/032 – Roger Perry – lot addition

Pt. Lot 10 Conc. 10, geographic Township of Ramsay, now in the Town of Mississippi Mills. Old Almonte Road.

7.1.5 B13/033 – Julie Lowe & Linda Bennett – new lot

Pt. Lot 23 Conc. 10, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Ebbs Bay Road.

7.1.6 B13/040 & B13/041 – Byron Budd & Val Wyman – two new lots

Pt. Lot 2 & 3 Conc 10 Township of Montague. Pinery Road and Beckwith Boundary Road.

7.1.7 B13/042 & B13/043 - William Clarke & Rita Redner – two new lots

Pt. Lot 3 Conc 3 geographic Township of Bathurst, now in Tay Valley Township. Christie Lake Road North Shore Road.

7.1.8 B13/044 – John & Patricia Brathwaite – new lot

Pt. Lot 10 Conc 2, geographic Township of Ramsay, now in the Town of Mississippi Mills. Old Perth Road.

7.1.9 B13/052 – The Incorporated Synod Diocese of Ottawa – new lot

Pt. Lot 19 Conc. 5 Township of Montague. Rosedale Road North.

7.1.10 B13/053 – Geoffrey & Maureen Kerr – R-O-W

Pt. Lot 16/17 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. Black Lake Lane 11A.

7.1.11 B13/061, B13/062, B13/063 & B13/064 – 1503893 Ontario Inc. – 4 new lots

Lots 224, 226, 228 & 230 Miguel St, Town of Carleton Place. Miguel St.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.12 B13/027 – Ellard Enterprises – lot addition

Pt. Lot 11 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. Lally Lake Lane.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B13/026 – Patricia Jacobson – new lot

10.1.2 B13/027 – Ellard Enterprises – lot addition

10.1.3 B13/031 – William & Arlene McGee – lot addition

10.1.4 B13/032 – Roger Perry – lot addition

10.1.5 B13/033 – Julie Lowe & Linda Bennett – new lot

10.1.6 B13/040 & B13/041 – Byron Budd & Val Wyman – two new lots

10.1.7 B13/042 & B13/043 - William Clarke & Rita Redner – two new lots

10.1.8 B13/044 – John & Patricia Brathwaite – new lot

10.1.9 B13/052 – The Incorporated Synod Diocese of Ottawa – new lot

10.1.10 B13/053 – Geoffrey & Maureen Kerr – R-O-W

**10.1.11 B13/061, B13/062, B13/063 & B13/064 – 1503893 Ontario Inc. – 4
new lots**

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B13/028 – Gary & Marilyn Simpson – new lot

MOTION #LD-2013-027

MOVED BY: D. Murphy

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

11. UPCOMING MEETINGS

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

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

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

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

Committee reviewed the 2014 Meeting Schedule. The secretary will provide a draft for the next meeting.

12. ADJOURNMENT – 11:50 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Patricia Jacobsen Hearing Date: August 26, 2013
Applicant: Jeff Powell & Patricia Jacobsen
Agent: Bridgette Alchawa, McIntosh Perry Consulting Engineering
LDC File #: B13/026
Municipality: Beckwith
Geographic Township: N/A Lot: 9 Conc.: 9
Roll No. 0924 000 035 16200 Consent Type: New Lot

Purpose and Effect: To sever a 0.84-ha residential building lot and retain a 39.43-ha landholding. The retained lands are for a proposed 47 lot plan of subdivision. The lands are accessed via 10th Line Beckwith.

Table with 3 columns: DETAILS OF PROPOSAL, Land to be Severed, Land to be Retained. Rows include Existing/Proposed Use, Area, Frontage, Depth, Road Access, Water/Sewage, Official Plan Designation, and Zoning By-law Category.

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

Local Official Plan – Section 4 General Development Policies, Section 4.5 Consent Policies, Section 6.6 Rural Lands, Section 7.3 Local Roads, Section 9.10 Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

DESCRIPTION OF APPLICATION

The property owner has submitted a severance application to create a new 2.1 acre lot in the Township. The proposed severance would provide approximately 101 m of frontage on the 10th Line and would be approximately 77m deep. The proposed lot will compliment a plan of subdivision application that the property owner is currently preparing; the applicant pre-consulted with the Planning Committee during the March, 2013 meeting.

DESCRIPTION OF SUBJECT LANDS

The lands to be severed currently consist of cleared lands that may have been used for agricultural purposes in the past. The severed lands are largely flat and level with no vegetation.

PROVINCIAL POLICY STATEMENT

Section 1.1.4 regards development in rural areas of municipalities. These policies promote development that is scaled to the level of services available in the rural portions of municipalities. All services offered by the Township are available for the subject property.

Section 1.6.4.4 of the PPS regards private on-site services. This policy discusses the requirement for suitable site conditions to support the long-term operation of these

services. The Health Unit has commented on the application that the site appears to provide a suitable envelope for a septic system.

Section 2.3 regards natural heritage features. The lands to be severed appear to be just grass lands that may have been used for agricultural purposes in the past. The proposed severance does not appear to generate any adverse effects for the natural environment.

OFFICIAL PLAN

The subject property is designated as rural land and abuts the Community Development Area of Black's Corners. Residential uses are permitted in the rural designation.

Section 4.5 regards land division and permits a maximum of 3 severances for an original Township -lot. The subject property has been severed twice since 1973 and therefore qualifies for an additional severance. The proposed severance provides sufficient frontage and area to meet the requirements of the OP.

ZONING BY-LAW

The subject lands are zoned Rural. Within this zone, the minimum lot size is 4,000m² with 45m of frontage. The proposed severance conforms to these requirements.

The property is not subjected to MDS requirements and future development of the lot does not appear to have to adhere to any other buffers.

OPTIONS I ANALYSIS

The proposed severance will compliment a future 47 lot plan of subdivision, which was presented to the Planning Committee in March of 2013.

The proposed severance will have frontage along 10th Line and will eventually have approximately 77m of frontage along the internal subdivision road. Typically civic addresses are issued along the shortest property boundary abutting a road. As this severance application precedes the subdivision application, it is likely that a dwelling will be constructed prior to the finalization of the subdivision application, resulting in a civic address on the 10th Line. After the subdivision is constructed, the lot will have 77m of frontage on the internal subdivision road versus 101 m frontage on the 1 Line, meaning that typically the civic address would be issued along the internal subdivision road. This has the potential to cause confusion for emergency services and delivery vehicles.

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

1. That the applicant provides the Township of Beckwith with a paper copy of the reference plan;
2. That the applicant pay the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) to the Township of Beckwith;
3. That the applicant confirms with the Public Works Superintendent that an entrance is feasible;
4. That the entrance to the severed lot shall be moved to the internal subdivision road, should a subdivision be constructed adjacent to the severance.

Advisory Notes:

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

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.

PROPOSAL

According to the information provided, the purpose of the subject application is to sever a vacant 0.84-ha building lot, and retain a vacant 39.43—ha parcel. We understand that the retained land is part of a future proposal for a 47 lot subdivision.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, an unclassified wetland exists on the southern end of the subject retained lands. The land is otherwise well forested. The severed land is open field with no natural heritage features or natural hazards identified. MVC does not have any objection to the subject application. Additional comments and recommendations, concerning the anticipated application for a Plan of subdivision on the retained lands, will be provided through the subdivision review process.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – Large property, mostly flat. Cleared land. 15-25 cm of clayey loam topsoil over rock. Drainage appears to be good. The severed lot will be large enough to accommodate on-site sewage disposal. Depending on the location of proposed sewage disposal system, imported leaching bed fill may be required to construct a conforming system.

Retained – Large, mostly flat and wooded property, 15-25 cm of clay and loam topsoil. Drainage appears to be good. Severing this lot will not negatively impact 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

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:

David and Darene Brash
2303 9th Line Beckwith
Carleton Place, Ont. K7C 3P2

June 7, 2013

Mary Kirkham, Planning Administrator
County of Lanark
Administration Building
99 Christie Lake Road
Perth, Ont. K7H 3C6

Re:

File No: B13/026
Subject Land: Pt. Lot 9, Conc. 9
Municipality: Township of Beckwith
Owner: Patricia Jacobson
Agent: McIntosh Perry

Dear Ms. Kirkham:

Thank you for providing us with the Circulation Notice regarding the above property.

We do not object to the severance of the .84-ha lot on said property but are extremely concerned about the retention of the 39.43-ha landholding for a proposed 47 lot subdivision.

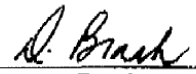
The purposed subdivision is adjacent to a 101 Lot subdivision that is currently being developed. We have concerns with regard to how this will affect our water table and the quality of our water supply also on the effects on our home to additional blasting in the area.

We definitely would like to be advised of the Public Meeting with regard to this purposed development.

Sincerely,



David Brash



Darene Brash

Bryan and Jennifer Brydges
2304 9th Line Rd.
R.R.#2
Carleton Place, ON
K7C 3P2

June 6, 2013

Mary Kirkham, Planning Administrator
County of Lanark
Administration Building, 99 Christie Lake Rd.
Perth, ON, K7H 3C6

RE: File No.: B13/026, Subject Land: Pt. Lot 9 Conc. 9

We (Bryan & Jennifer Brydges) are submitting an appeal regarding the above mentioned file number. We are ok with the .84 ha building lot on the 10th Line. However, we are very concerned with the future plans of the 47 lot subdivision. As we are landowners within 60 metres of the subject lands we have several concerns.

We have experienced a lot of action on the 9th Line in the past 2 years with the 101 lot subdivision that is currently being built, Maggies Place).

We are concerned about there being an increased risk of contamination problems to arise in the drinking water and the potential risk of sewage leaching into the soils with an increased number of lots and homes within the proposed future subdivisions. Since the disturbance in our area with the newest subdivision, Maggies Place, being built we have had difficulty with our water tests. Our water tests have not been perfect since the construction began within this nearby subdivision.

We are worried about a change in our water table and worry that our supply will diminish with the already increased use and demand due to the fact that there are a number of new subdivisions in and around this same area. We have heard many horror stories of water disturbances taking place within developing areas. Water is the #1 most used natural resource so let's ensure that we do not jeopardize its supply and purity.

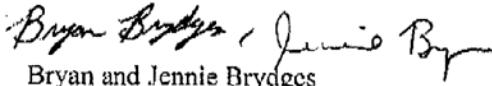
We also have reason to be worried about all of the blasting that will need to take place during the development of these lands. We are disappointed that our home was not monitored when all of the blasting took place during the development of the Maggies Place subdivision. Jennie was off on maternity leave and both her and the baby were awoken by the shaking ground and house movements that took place because of the continuous blasting that had to be done. It is not fair to home owners like us to have to put up with that non sense. Nor should we have make repairs to our home because of the

blasting that took place during the development of the Maggies Place subdivision and during the development of this future planned 47 lot subdivision.

As for the Public meeting we would like to be informed of where and when it will take place so we can attend.

We would also like to be informed of the Land Division Committee decision of the 2 proposals.

Yours Truly,


Bryan and Jennie Brydges

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.84-ha residential building lot and retain a 39.43-ha vacant landholding. The landowner is proposing to submit an application for a 47-lot residential subdivision on the retained lands.

The subject lands are located in an area characterized by typical rural residential development. The lands abut the Settlement Area of Greater Black's Corners to the east. Mississippi Lake is located .8-km west of the lot.

The lands are accessed via 10th Line Beckwith, a municipally maintained road.

Soils Inventory – Name: Lanark

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

Bedrock Inventory – Dolostone sandstone

Official Plan Policies

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

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

- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands
The retained lands have has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

Zoning

The subject property is currently 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 Zoning Bylaw which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – August 26, 2013

Patricia Jacobson, owner and Jeff Powell, applicant attended the hearing and gave evidence under oath.

Mr. Powell advised that they had discussed the entrance issue with the Township, and will be position the new dwelling in such a way that the entrance could come from either the 10th Line Beckwith or a new subdivision road, if the subdivision proceeds and is approved.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the location of proposed sewage disposal system, imported leaching bed fill may be required to construct a conforming system.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The applicant is advised that the entrance to the severed lands shall be moved to the internal subdivision road/street, should a subdivision be approved on the retained lands.
It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

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

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Ellard Enterprises Hearing Date: June 24, 2013
Re-convened Hearing: Aug. 26, 2013
Applicant: Richard Ellard
Agent: Alison Alexander
LDC File #: B13/027
Municipality: Tay Valley Township
Geographic Township: North Burgess Lot: 11 Conc.: 5
Roll No. 0911 911 025 21720 Consent Type: Lot Addition

Purpose and Effect: To sever a 1.29-ha parcel of land as a lot addition to lands owned by Ellard Enterprises at Pt. Lot 11 Conc. 5 North Burgess being part 4 on Plan 27R-4772 and to retain a 6.1-ha vacant lot. The lands are accessed via Lally Lake Lane.

Table with 3 columns: DETAILS OF PROPOSAL, Land to be Severed, Land to be Retained. Rows include Existing/Proposed Use, Area, Frontage, Depth, Road Access, Water Supply, Sewage Disposal, Official Plan Designation, and Zoning By-law Category.

(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.

2.5 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.

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 General development Policies, Section 2.15 Existing Land Uses, section 2.18 Cultural Heritage, Section 2.19 Natural Hazards, Section 2.21 Natural Heritage Features, section 2.23 Water Quality, section 3.3 Mineral Resource, section 4.5 Private Roads, section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Planner's Report

The proposal is to sever a 1.2-ha parcel of land for a lot addition to an existing building lot and retain 6.0 ha vacant landholding. Official Plan Policies – Rural, Mine, Significant Wildlife Area (Deer Yard). The deer yard and the abandoned mine site are not on the developable part of the property. The mine appears to be finned in with water and has become a pond.

Zoning – Rural: The retain lot meets minimum zoning provisions. The proposed new lot will meet the Zoning By-law requirements for area but will maintain the existing undersized frontage. As this is a lot addition, the Township looks for improvement but the zoning by-law does not have to be met.

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

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

Conservation Authority – Rideau Valley Conservation Authority

May 3, 2013

The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-I of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for the addition of a 2.2 ha Parcel (identified as D) to an existing waterfront lot of record. The retained parcel, also a waterfront lot (identified as C) will be left with a large sector of backlands; about 80% of both C and D are part of an identified local wetland.

The Property

The property (both the retained and lot to which the addition applies) has an undulating topography typical of the Shield along the waterfront but the grades are generally not restrictive. The waterfront area progresses fairly gently from the high water mark of Round Lake to top of slope and levels at/around the 30 metre mark from the lake, Sand over bedrock with varied depths are evident. The site in and around the waterfront is subject to little disturbance (save for the development areas with some recent vegetation removal upland and/or behind the crest of slope (i.e. greater than 30 metres from the water). There has been no disturbance of the wetland area and, it appears, no recent alteration of the watercourse/crossing Lally Lake Lane immediately adjacent to parcel C waterfront.

The area immediately north of Lally Lake Lane is upland forested area, but the lands then fall to the larger wetland area and creek depression. This wetland and the associated watercourse connect to a large pond to the north are identified as locally significant on our mapping (see attached).

We note that the existing right of way (Lally Lake Lane) crosses the creek immediately upland of the outlet to Round Lake. At the time of inspection, the crossing/causeway appears to have had some recent minor flooding.

Review Comments and Recommendations

By the proposal, the wetland area will be divided between the lands added to the existing lot (A) and retained lot (C). Although this is not a *provincially significant wetland as identified by the Ministry of Natural Resources*, we support the protection of wetland. In this respect we recommend that the lot addition be designed so as not to fragment the wetland. In this respect, we cannot support the application as proposed. We suggest that the lot lines be delineated so that the wetland area will remain as one parcel; in this way, there will be long term protection for the wetland.

Should the Committee approve an amended application which does not result in the fragmentation of the wetland, the Conservation Authority continues to recommend for a minimum 30 metre development and disturbance setback be applied to the watercourse and wetland areas and the lake.

We note that written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek or the shoreline of Round Lake, as per our Regulation 174/06 ("Interference with Wetlands, Development and Alterations to Shorelines and Watercourses").

We also caution that the access road immediately adjacent to Round Lake appears to be subject to periodic flooding. The owners should satisfy themselves that access to the property will not be compromised in the event of a major flood event.

RVCA - May 13, 2013

Thank you for circulating the revised application for this lot addition.

The revision addresses our recommendation to maintain the wetland as one parcel, consolidating the upland area expressed as "C" (1.29 ha) with the existing waterfront lot "A" and adding "D" to the wetland area and creek to the retained. "B" parcel, also a waterfront lot.

The RVCA has no objection to the revised application.

The Conservation Authority continues to recommend a minimum 30 metre development and disturbance, setback to be applied to the watercourse, wetland areas and the lake as a condition of approval.

We note that written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek or the shoreline of Round Lake, as per our Regulation 174/06 ("Interference with Wetlands, Development and Alterations to Shorelines and Watercourses").

We also note as a caution, that the access road immediately adjacent to Round Lake appears to be subject to periodic flooding. The owners should satisfy themselves that access to the property will not be compromised in the event of a major flood event.

Septic Office – Mississippi-Rideau Septic Office

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

The applicant proposes to sever 2.2 hectare parcel, for the purpose of creating a new lot. The severed parcel will be added to 0911 911 025 21708. The proposed lot is currently vacant, well treed with Ironwood being the dominant species, areas of exposed rock, and surrounded by a wetland to the north and east.

The retained parcel is 5.1 hectares and contains the same site features as the land to be severed. The applicant has applied for a Sewage System Permit (13V003) and received approval on April 15, 2013.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all surface waters. There is exposed rock, which may indicate shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the

environment and therefore is recommended.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future on either the severed or retained lot. Given the above information, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits.

NOTE: The MRSSO has no objection to the revised application – 1.29-ha severed and 6.1-ha retained.

(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 1.29-ha parcel of land as a lot addition to lands owned by Ellard Enterprises at Pt. Lot 11 Conc 5 North Burgess, being Part 4 on Plan 27R-4772 and retaining a 6.1-ha residential building lot. The lot to be enlarged was originally created in 1989 from the same parcel of land that is now the subject of a lot addition.

The original configuration of the lot to be severed was 2.2-ha, through the review with the Conservation Authority, the applicant agreed to reduce the lot to include only those lands outside the wetland area.

The subject lands are located in an area characterized by limited seasonal development on the easterly side of Round Lake. The lands abut Murphy's Point Provincial Park to the west.

The lands are accessed via Lally Lake Lane, a private road which adjoins Elm Grove Road, a county maintained road.

Deer Yard

The subject property is located within proximity of the locally known 'Long Lake Deer Yard'. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

Archaeological

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

Mining

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major

excavations and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.
Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

Zoning

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

Conclusion

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

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

(e) **MINUTES – June 24, 2013**

Richard Ellard, agent, attended the hearing and gave evidence under oath

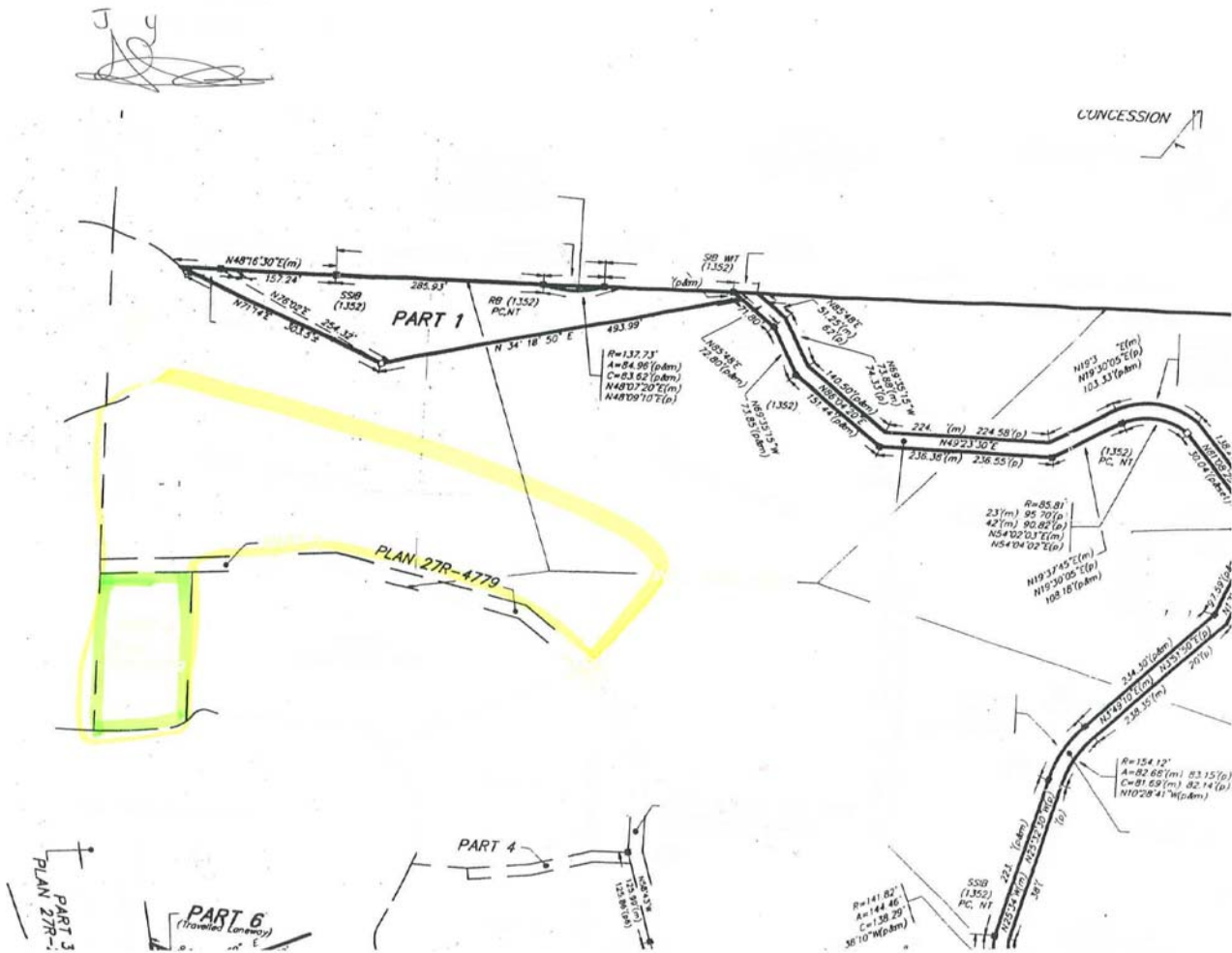
Mr. Ellard explained that the sketch provided with the application was incorrect as the lands that are the subject of the consent has water frontage which does not show on the Conservation Authority map either.

Due to the discrepancy in the mapping, it was agreed that the hearing be deferred to allow Mr. Ellard time to redraw the sketch based on survey information.

MOVED BY: D. Murphy **SECONDED BY:** W. Guthrie
"THAT, application B13/027 be deferred to provide the applicant / agent with an opportunity to submit a revised sketch to resolve the lot location / size issue."
ADOPTED

(f) **ADDITIONAL INFORMATION**

Alison Alexander provided a revised sketch as requested at the June 24th 2013 hearing.



(g) **MINUTES – August 26, 2013**

Alison Alexander, agent attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by Condition #1 above shall relate to the "revised sketch" dated July 6, 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 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 Ellard Enterprises described as Part 4 Plan 27R-4772, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles

Office.

8. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
9. A letter shall be received from Tay Valley Township stating that condition #5 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO advises that there is exposed rock, which may indicate shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment and therefore is recommended.*
2. *The Rideau Valley Conservation Authority advises that written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek or the shoreline of Round Lake, as per our Regulation 174/06 (“Interference with Wetlands, Development and Alterations to Shorelines and Watercourses”).*
3. *The RVCA also note as a caution, that the access road immediately adjacent to Round Lake appears to be subject to periodic flooding. The owners should satisfy themselves that access to the property will not be compromised in the event of a major flood event.*
4. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *Residents and users of Round Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing,*

hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William J. McGee & Arlene McGee **Hearing Date:** August 26, 2013

Agent: ZanderPlan Inc.

LDC File #: B13/031

Municipality: Drummond/North Elmsley

Geographic Township: Drummond

Lot: 10 Conc.: 11,12

Roll No. 0919 919 020 23202

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.2153-ha parcel of land as a lot addition to lands owned by Kim and Danny Dalrymple at 393 Gold Creek Road and retain a 4.5443-ha landholding at 391 Gold Creek Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Rural
Proposed Use	Vacant	Rural
Area	0.2153 ha	4.5443 ha
Frontage	Irregular along R-O-W	149.3 m
Depth	Irregular	Irregular
Road - Access to	Registered R-O-W	Registered R-O-W
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Private Septic
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Limited Service Rural	Limited Service Rural
-Area Required (min.)	n/a – lot addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		50 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.5 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.

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 8.2.2 Consents.

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.5 Private Roads, Section 6.3 Division of Land.

The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, section 10 Limited Services Residential. The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is consistent with the Township's Official Plan and Zoning By-law. It is my understanding that this application seeks to sever a 0.2 ha (0.5 acre parcel) off of the larger property owned by the McGees and transfer it as an addition to abutting land owned by Kim and Danny Dalrymple. Both properties are accessed by Gold Creek Road, which is a private road and the lands to be severed abut (but do not take in) a shared driveway that accesses the Dalrymple and McGee dwellings.

There are no buildings on the severed parcel and it is mostly forested. As this has the effect of being a minor boundary adjustment, this application does not enable or facilitate any additional development. The Dalrymple property, which is to be enlarged, is currently about 2 acres in size and the remaining McGee landholding will be about 11 acres.

The severed, retained and recipient lands are all designated Rural in the Township's Official Plan, although I do note that almost the entire property is identified as having potentially significant woodland. With respect to this application, there is no additional development proposed and as such, I will not require any supporting studies to that end.

This application complies with all other applicable policies of the Official Plan, including Sections 6.3.1 and 6.3.2 regarding land division. With respect to the zoning, the entire area is appropriately zoned Limited Services Residential and this application does not create nor exacerbate any non-complying conditions on either the recipient or retained lands.

Given the foregoing, Drummond/North Elmsley Township supports this application, provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

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

Conservation Authority – Mississippi Valley Conservation

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 0.21 ha parcel of land as a lot addition to the adjacent lands. The retained land is 4.5 ha, and is already developed. The lot to-be-enlarged is also developed.

PROPERTY CHARACTERISTICS

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

REVIEW

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

CONCLUSION

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

NOTES

Using information provided by MVC, a topographic survey of the subject property was conducted in the year 2006 to estimate the 1:100 year flood plain on the subject property (refer to Schedule "C" of the Development Agreement between the township and the applicant under application B 16/014). MVC should be consulted prior to any fill placement or development within this flood plain area.

The property owner should be advised that in the event shoreline work is proposed along the Mississippi 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.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an 0.2153-ha parcel of land as a lot addition to lands owned by Kim Dalrymple and Danny Dalrymple described as Pt. Lot 10 Conc 11/12 Drummond, being parts 1 and 2 on Plan 27R-9173 and retain a 4.5443-ha residential lot with an existing dwelling and outbuildings. The severed lands are vacant.

The subject lands are located in an area characterized by typical seasonal residential lots along the shore of the Mississippi River to the north and west and larger lots to the south and east. An aggregate area is located approximately 395 m to the southeast; however this is not affected by the consent as no new buildings are proposed.

The lands are accessed via Gold Creek Road, a private road that adjoins Ferguson's Falls Road, a County maintained road.

The lands are located within 300 m of Primary Water Source (Long 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/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

3/ Woodlands

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

Zoning

The subject property is currently within the limited services rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The lot enlargement will increase the width of the existing Dalrymple lot and thereby increasing the sideyards to be more in keeping with the minimum requirements of the Zoning By-law. 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 Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – August 26, 2013**

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

Mr. Powell advised that they had discussed the entrance issue with the Township, and will be position the new dwelling in such a way that the entrance could come from either the 10th Line Beckwith or a new subdivision road, if the subdivision proceeds and is approved.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper

and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

CONDITIONS:.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Kimberley Ann Dalrymple and Daniel Harold Dalrymple described as Drummond Con 11 and 12 Lot 10 Pt. Rd Allow RP27R-9173 Pts. 1 and 2, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed along the Mississippi 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 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.

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: Roger & Karen Perry **Hearing Date:** August 26, 2013
Applicant: Roger Perry
LDC File #: B13/032
Municipality: Mississippi Mills
Geographic Township: Ramsay **Lot:** 10 **Conc.:** 10
Roll No. 0931 929 020 49400 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 10.6-ha agricultural landholding as a lot addition to lands owned by Stuart Lackey at Pt. Lot 10 Conc. 10 Ramsay and retain a 10.1-ha landholding with an existing dwelling and barn at 4835 Appleton Side Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Agricultural	Agricultural
Proposed Use	Agricultural	Agricultural
Area	10.6 ha	10.1 ha
Frontage	176.8 m	512 m
Depth	600.2 m	600.2 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Private Well
Sewage Disposal	None	Private Septic
Official Plan Designation	Agricultural	
-Conformity?	Yes	
Zoning By-law Category	Agricultural	Agricultural
-Area Required (min.)	40-ha	40-ha
-Compliance?	n/a - Lot addition	n/a - existing
-Frontage Required (min.)	150 m	150 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.3 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 6.0 Agricultural Resources, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 4.6.4 Local 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

Roger Perry currently owns a 20.7ha (51.2ac) parcel of land with an existing dwelling, barn and outbuildings in the former Township of Ramsay, now the Town of Mississippi

Mills. The parcel has frontage onto two local roads, Appleton Side Road and Old Almonte Road, both of which are municipally owned and maintained by the municipality year round.

Over the last number of years, approximately 12ha (30ac) of land of the subject property has been leased and farmed by the abutting farming operation for crop production. The abutting farming operation has expressed an interest to expand their land holding to ensure long term viability of the existing farming operation.

The intent of the application is a boundary adjustment between two agricultural land holdings. The lands subject to the consent application are designated Agricultural in the Official Plan and zoned Agricultural in the zoning by-law.

Severance Application Summary

Lot Severance

The application is to sever approximately 10.6ha (26.2ac) of land from the 20.7ha (51.2ac) parcel of land to expand the agricultural farm holdings of the purchaser. The intent of the application is to sever the portion of the agricultural lands currently being used for cash crop by the Lackey farm and to expand the Lackey (abutting farming operation) agricultural land holdings. For the last number of years the cash crop lands have been rented by the potential purchaser to support their agricultural land and support their cash crop operations.

The retained portion of land would maintain an approximate lot area of 10.1ha (25ac) with approximately 56.5m (185ft) of frontage onto Old Almonte Road.

Provincial Policy Statement

The Provincial Policy Statement discourages lot creation in prime agricultural areas, but does allow for lot adjustments. Section 2.3.4.2 states lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons for severances as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot. The intent of the policy is to keep as much of the agricultural land in production as possible. The proposed consent application is a boundary adjustment to sell the land to the farm operation that is currently using the land for a cash crop. While the proposed consent application is not creating any new non-farm residential lots, the concern is the size of the retained agricultural land that does not reflect the intent of the PPS. In order to reflect the intent of the PPS, it is recommended that the retained lands be reduced in size to keep as much of the land in agricultural production as possible.

Community Official Plan:

The subject property has an Official Plan designation of Agricultural. Section 3.2.7- Severances and Lot Creation, permits severances for boundary adjustments between agricultural holdings provided no new lot is created and the size of the lots are appropriate for the proposed type of agriculture.

The proposed lot severance is not creating a new residential or agricultural lot, but rather is increasing the farm landholding of a local farmer to maintain a secure viable farming operation. These lands are currently being used for a cash crop farming operation and the acquisition of the farm land will keep the lands in an agricultural use associated with a cash crop operation. The retained lands will be used for a non-farm residential use with a minor personal agricultural use.

Zoning By-law 01-70:

The subject properties are currently zoned Agricultural (A). The Agricultural (A) zone permits a range of agricultural uses and a single detached residential dwelling. For lands intended to be used for agricultural purposes, the by-law requires a minimum lot area of 40 ha (98ac) and a minimum lot frontage of 150m (492ft). The lands intended to be used for Non-Farm Residential, require a minimum lot area of 0.4ha (1ac) and a minimum of 45m (147.6ft) minimum lot frontage. Application B13/032 is proposing a boundary adjustment to expand the abutting agricultural land holdings by approximately 10.6ha (26.2ac) with 176.8m (580ft) of frontage onto Old Almonte Road. The retained lands would have a lot area of 10.1ha (25ac) with approximately 56.5m (185ft) of frontage onto Old Almonte Road. For the lands to be considered non-farm residential the retained lands should be kept to a minimum, while maximizing the amount of lands being added to the agricultural land holdings in order to keep as much farm/agricultural land in production as possible and to provide future agricultural flexibility. By adjusting the proposed severance in this manner, the applicant will benefit with a reduced minimum lot area and frontage, which they can comply with. It is recommended that the applicant amend the proposed severance boundaries to be more reflective of a Non-Farm Residential use to ensure compliance with the local by-law. Should the applicant choose not to modify the proposed appropriate zoning relief from by-law 11-83 regarding minimum lot area and frontage will have to be sought.

Conclusion

Subject to the proposed enlargement being amended in order to maximize the amount of land in agricultural production and future agricultural flexibility, the proposed severance would be consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the application being modified as discussed with the applicant on August 9th, 2013, 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 pay any outstanding property taxes on the subject property.
4. That the applicant modify the proposed lot configuration to the Town's satisfaction

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 10.6 ha, and retain a developed lot measuring 10.1 ha.

PROPERTY CHARACTERISTICS

A review of available GIS mapping and aerial photography revealed several natural heritage features as follows:

Retained:

- Unnamed tributary of the Mississippi River travels through the northeast corner.

Severed:

- Unnamed tributary of the Mississippi River travels through the northeast corner.
- A second unnamed tributary of the Mississippi River travels through the southwest corner.
- The *Appleton Wetland*, which has been classified by the Ministry of Natural Resources as Provincially Significant Wetland (PSW) is located within 120 metres. The adjacent lands extend into the southwest corner.
- In addition to natural heritage features, the 1:100 year flood plain extends into the southwest corner.

REVIEW Natural Heritage

PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the features identified.

However, given that there is sufficient area, on the proposed severed lands, to support future development beyond the 120 metre adjacent lands, it is MVC's opinion that there is limited value in conducting an EIS at this time.

Watercourse

As previously indicated, unnamed watercourses travel through the proposed severed and retained lands. However, sufficient area appears to exist on the severed lands for development that complies with the current standards for development adjacent to a watercourse. And, the retained lands are already developed with no new development proposed at this time. Therefore, additional impacts to the watercourses are not anticipated as a result of the subject application.

Natural Hazards

Flood plain

Sufficient area appears to exist on the severed lands for future development to occur beyond the 1:100 year flood plain. And, floodplain was not identified on the retained lands. Therefore, it is not considered a constraint to the subject application.

CONCLUSION

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

NOTES

Any new development on the subject property should comply with the zoning provisions; particularly with respect to the minimum waterbody setback, development within the adjacent lands to a PSW, and the retention of a shoreline vegetated buffer.

In the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.

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 for any development, interference and site alteration within 120 metres of the PSW.

Any proposed works in or near the unnamed watercourses 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

A 26.2 acre parcel of land. No existing buildings. Agricultural land, gentle slope and drainage may vary. Portion of land located in flood plain. Additional sandy loam may be required in the tile bed area.

A 25 acre parcel of land. Existing dwelling and barn. Combination of agricultural/farm land, brush and grass. Slope of land and drainage vary. Existing septic system and well that services dwelling.

(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 10.6-ha parcel of land as a lot addition to lands owned by Stuart Lackey at Pt. Lot 10 Conc 10 Ramsay and retain a 10.1-ha landholding with an existing dwelling and barn at 4835 Appleton Sideroad. The intent of the application is a boundary adjustment between two agricultural landholdings. The lands are currently being used for cash crops.

The subject lands are located in an area characterized by farm on large landholding intermixed with smaller type residential lots along Appleton Sideroad and Old Almonte Road.

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

Soils Inventory – Name: Snedden

- Stoniness: non-stony
- CLI: 1 – no limitations
- Drainage: imperfectly
- Hydrogeology: high run-off

Bedrock Inventory – Dolostone, sandstone, limestone

Agricultural Operations

Livestock facilities are located on both the lands to be enlarged and the retained lands. An MDS calculation was not required as no new residential uses are being proposed. The lands are currently being used for cash crops. The Town of Mississippi Mills has requested that the application be revised to decrease the lands being retained in order to be more in keeping with the intent of the Community Official Plan and Zoning By-law regulations (revised sketch attached). Should the application not agree with the reduction in size of the retained lands a re-zoning will be required.

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 retained lot will meet the minimum requirements of the zoning by-law, provided the lands to be severed are enlarged as shown on the revised sketch dated August 14, 2013.

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 – August 26, 2013**

Roger Perry, owner attended the hearing and gave evidence under oath.

Mr. Perry advised that he does not agree with the suggested revision by Mississippi Mills to the property lines. In his discussion with Mississippi Mills he had agreed to revise the application to include those lands at the rear of 4915 Appleton Sd Rd, but not those lands which would include the small creek with frontage on Appleton Side Road. This area would not benefit the farming operation by Mr. Lackey.

Mr. Perry submitted a revised sketch which would include only those lands between 4915 Appleton Side Road abutting Old Almonte Road.

Committee agreed to this revision.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated August 26, 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 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 Stuart William Lackey

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

5. The Certificate of Consent “Schedule” attached to the deed/transfer required by Condition #1 above, shall include the following condition “Two unnamed tributaries of the Mississippi River travels through the lot. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the tributary and the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres. The Appleton Wetland, which has been classified by the Ministry of Natural Resources as Provincially Significant Wetland (PSW) is located within 120 metres. Future development will only be permitted if it has been demonstrated that there will be no negative impacts on the natural feature or ecological function of the features identified.”.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
7. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
9. Satisfactory evidence shall be provided to the Town of Mississippi Mills confirming that the lot to be retained 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.
10. A letter shall be received from the Town of Mississippi Mills stating that condition #6 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advise 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 for any development, interference and site alteration within 120 metres of the PSW.*
2. *Any proposed works in or near the unnamed watercourses 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 sandy loam fill may be required in any future tile bed area on the severed lands and in any future area of a replacement tile bed system on the retained lands.*
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: Julie Lowe & Linda Bennett **Hearing Date:** August 26, 2013
Agent: Jason Gervais
LDC File #: B13/033
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot: 23 Conc.: 10**
Roll No. 0919 919 025 44600 **Consent Type:** New Lot

Purpose and Effect: To sever a 19.0-ha landholding and retain a 19.0-ha landholding with an existing dwelling and outbuildings at 1135 Ebbs Bay Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Pasture/Bush/Shed	Residential & Farm
Proposed Use	Same	Residential & Farm
Area	19 ha	19 ha
Frontage	94.25 m	94.25 m
Depth	488 m	1.3 km
Road - Access to	Municipal Road	Municipal Road
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	10-ha	10-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	yes	yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is generally consistent with the Township's Official Plan and Zoning By-law. It is my understanding that this application involves the division of the Lowe/Bennett landholding into two equal 19 hectare (47 acre) parcels. The retained lands contain a house, a barn and various other outbuildings. The rear

portion of the retained land is a mix of woodland and wetland. The severed lands are vacant (except for a small shed) and consist of pasture at the front and woodland and wetland at therear. There are a number of trails throughout the property. While no specific land use was specified for the severed lands, it is anticipated that there may be residential development at some point in the future.

The entire lands are designated Rural in the Township's Official Plan and the intent of the Rural designation is to "protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting", which include limited residential development that does not impact on the rural character of the area. This proposal in and of itself complies with the intent of these policies however I do note that there is an existing pattern of linear residential development along Ebbs Bay Road to the west. In order that this application not result in an extension of strip development (as referenced in Section 6.3.2 of the Official Plan), it is important that the existing tree line along the road allowance and other vegetation near the front of the lot be retained in order to mitigate visual impacts. Staff met with the applicant at the pre-consultation stage and a number of property configurations were discussed. While it was suggested that the severance be drawn such that lot lines follow features such as fences or tree lines in order to create a compactly shaped new lot that retained all woodlands and wetlands on the remainder, the applicant indicated a preference for an equal division of the land that would result in long relatively narrow lots. In this case, the mapped significant woodlands and unclassified wetlands occupy most of the existing property; however the northern end of the property is open and no natural features have been identified that would preclude development within that large envelope. It is understood that any proposed development further from the road may be subject to the applicable natural heritage sections of the Township's OP. Aside from that, I did not identify any other constraints as identified in the Official Plan that would affect this application.

With regards to zoning, the severed and retained lands are all within the Rural Zone and the proposal complies with the zone provisions. I do note however that there is an existing shed that appears to be very close to where the proposed property line will fall. Depending on the ultimate location of the surveyed line, the applicant may need to either move the shed or seek the appropriate relief from the applicable provisions of the Zoning By-law.

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

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

4. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
5. With the sole exception of what may need to be removed for a driveway access, the applicant shall cause no trees or shrubs to be removed from the Township's road allowance.
6. The applicant shall provide satisfactory evidence to the Township of Drummond / North Elmsley that the severed and retained lands comply with all provisions of the Zoning By-law, particularly but not exclusively in relation to accessory buildings.

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 19-ha lot with an existing shed, and retain a developed parcel of land measuring 19 ha.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, three unclassified wetlands exist on the subject property. One wetland is located in the central portion of the subject property spanning across both the retained and severed lands. The second wetland is located in the lower third of the subject property and also spans across both resulting parcels. The third wetland is much smaller and is located in the lower third of the proposed severed land. In addition, one unnamed tributary of the Mississippi River travels through the southerly wetlands and both of the resulting parcels. The entire property is largely forested with the exception of the northern portion of both resulting parcels which appears as open field.

REVIEW

Natural Heritage Values

Watercourse & Wetland

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

Natural Hazards

Organic Soils

Wetland areas inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development should be directed outside of areas containing organic soils. Sufficient area appears to exist on the proposed severed lands to accommodate future development outside of these areas. The retained 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 severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and wetlands.
2. The shoreline vegetation surrounding the wetlands and the unnamed watercourse shall be retained to a minimum depth of 15 metres.
3. Future development shall be directed away from wetland 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 wetland, unnamed watercourse, or onto adjacent properties.
5. The wetlands shall remain undisturbed.

NOTES

The above mitigative measures should also apply to the proposed retained lands.

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

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

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – A 19 hectare parcel of land which is a mixture of field & bush. Land slope & drainage can vary. Additional sandy loam fill will be required in the area of the future tile beds.

Retained – A 19 hectare parcel of land with an existing house. A sewage system installed under permit #SF-89-95 services the house. Land slope & drainage can vary and land is a mix of field and bush. Additional sandy loam fill will be required in the area of the replacement septic system in future.

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 19-ha landholding with an existing shed which is to be removed / relocated and retain a 19 hectare landholding with an existing dwelling and farm buildings. The retained lands have an existing entrance and civic address.

The subject lands are located in an area characterized by a mixture of residential / vacant lots along Ebb's Bay Road. Two previous consents were taken from the original landholding in 1988 and 1994 – the lot creation date for D/NE is 1979.

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

Soils Inventory is considered "Muck" (non-farm lands)

Bedrock Inventory – flows, tuffs, breccias.

Official Plan Policies

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

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

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

2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

3/ Woodlands

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

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 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 Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – August 26, 2013**

Julie Lowe and Linda Bennett, owners and Jason Gervais, observer, attended the hearing and gave evidence under oath.

Ms. Bennett confirmed that the barns on the property are unusable as livestock facilities. Once the survey has been completed, they will know whether or not the shed on the property will need to be moved or removed in order to comply with the minimum side yard setback requirements.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed/transfer required by Condition #1 above, shall include the following condition "An unnamed watercourse and wetlands traverses these lands. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the unnamed watercourse and wetland. Shoreline vegetation surrounding the wetlands and the unnamed watercourse shall be retained to a minimum depth of 15 metres. Future development shall be directed away from wetland areas consisting of organic soils. Natural drainage on the site shall not be substantially altered, such that additional run-off is directed into the wetland, unnamed watercourse or onto adjacent properties. And the wetlands shall remain undisturbed".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley 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.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The applicant is advised that no trees or shrubs shall be removed from the Township Road Allowance between Concessions 10 and 11 abutting the severed and retained lands, except those that are required to be removed for the purpose of installing an entrance to the lots.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the tile bed area.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The MVC advises that the following mitigative measures shall apply for any future development on the retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and wetlands.*
 - b) *The shoreline vegetation surrounding the wetlands and the unnamed watercourse shall be retained to a minimum depth of 15 metres.*
 - c) *Future development shall be directed away from wetland 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 wetland, unnamed watercourse, or onto adjacent properties.*
 - e) *The wetlands shall remain undisturbed.*
5. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
6. *In addition, any proposed works in or near the unnamed watercourse or wetlands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Byron Budd & Val Wyman **Hearing Date:** August 26, 2013
Agent: N/A
LDC File #: B13/040 & B13/041
Municipality: Montague
Geographic Township: N/A **Lot:** 2 & 3 **Conc.:** 10
Roll No. 0901 000 015 21000 **Consent Type:** 2 New Lots

Purpose and Effect: To sever two residential building lots 0.736-ha and 0.8-ha and retain a 36.0-ha landholding with an existing dwelling and barns located at 643 Beckwith Boundary Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/040	B13/041	
Existing Use Proposed Use	Bush/Pasture Building Lot	Bush/Pasture Building Lot	Dwelling & Barns Dwelling & Barns
Area	0.736 ha	0.8 ha	36.0 ha
Frontage	115 m	64 m	673 m
Depth	64 m	128 m	366 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Private well
Sewage Disposal	Proposed septic	Proposed septic	Private septic
Official Plan Designation -Conformity?	Rural, Bedrock & Woodlands Yes		
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 2.0-ha Yes 46 m Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 – General Development Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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 applications and determined that the applications meet the intent of the Township's Zoning By-law and Official Plan. As I understand it, the applicant owns a 22.5 hectare landholding with a civic address of 643 Beckwith Boundary Road and this application seeks to sever two residential building lots: a 0.74 hectare lot at the south end of the property fronting on Pinery Road (B13/040) and a 0.8 hectare lot fronting on Beckwith Boundary Road (B13/041). In this area, Beckwith Boundary Rd and Pinery Rd are parallel to each other, and the Budd/Wyman lot, fronts on both. The retained lands contain a house and barns

and the severed lots are primarily open fields. According to my records, three lots have been severed off of the existing landholding around 1990, but none since 2001, which would mean that this property may be eligible for three new severances.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development. The overall built density in the general vicinity is relatively low, with some farms, much pasture and woodlands and some rural residential development and I believe this application is consistent with that intent, particularly since the proposed lots are located on different roads, which reduces cumulative impacts. When reviewing the Official Plan's Constraints mapping however, there are a number of issues that bear consideration (see map appended to this report). Firstly, the entire Budd/Wyman property has been identified as being on a bedrock deposit. The Official Plan (Development Adjacent to Mineral Resources) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. In this case, given that the proposed lots are both adjacent to small clusters of residential development, it is my expectation that this area would not be considered suitable for large scale extraction and these lots would not further impact that, although the Committee would need to be satisfied of that. Additionally, a substantial portion of the retained lands and a very small portion of the proposed Pinery Road severance are within mapped potentially significant woodlands. With that in mind, it is noted that this portion of the woodland is fragmented by existing adjacent development and is not near to existing interior habitat. As such, given the amount of buildable land well outside the woodland boundaries, I do not believe an environmental impact assessment is required at this point.

It should be mentioned however that an aerial review of the area indicates that there may be at least one livestock barn on the existing Budd/Wyman property. I note that the closer of the two proposed lots (B13/040) is at its centre around 500 m from the: closer of the two barns, however within that radius is at least four other existing dwellings and as such 1 would apply MDS Implementation Guideline 12. While I am satisfied that this would exempt this application from the MDS process, the Committee may wish to consider this further.

With regards to zoning, the entire Budd/Wyman property is zoned Rural and this application is consistent with the provisions of the Township's Zoning By-law with respect to the severed lots and the retained.

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 a residential entrance to the subject lot is 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 the new lot. 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.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted applications for the creation of two new lots. 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 purpose of these applications is to sever two vacant lots. Lot 1 is 0.736 ha and Lot 2 is 0.8 ha. It is intended that the severed lots be used for residential purposes. The retained parcel has an area of approximately 20 ha. Please refer to the attached map which shows the location of the severed parcels in white.

Site Characteristics

Lot 1 is characterized by a mix of regenerating vegetation (grasses and shrubs) with tree cover becoming more predominant on the west half Lot 2 is characterized predominantly by regenerating field. The retained lot is characterized by a house, two barns as well as a mix of regenerating field and forest. A tributary to Kings Creek flows through the west portion of the retained lot. There is also a permanent wetland in the southeast corner. The lots to be severed do not include any mapped permanent wetland or PSW. Furthermore, there are no defined watercourses on the lots to be severed.

Conservation Authorities Act Regulations

The severed lots do not include any areas or watercourses that are subject to the regulation by the Conservation Authority. The tributary to Kings Creek that flows through the retained lot is subject to the "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act).

Assessment

The lots to be severed do not exhibit any natural heritage features (wetland, fish habitat) or natural hazards that would otherwise be a constraint to development. The lot to be retained has some natural heritage features (watercourse, permanent wetland and forested areas) that would have to be taken into consideration if this lot was to be further developed in the future,

Conclusion

The Rideau Valley Conservation Authority has no objection to these severance applications. Should the Committee approve the applications, we request that the following note be appended to the Committee's decision:

The tributary to Kings Creek that flows through the retained land is subject to the “Development, interference with Wetlands and Alteration to Shorelines and Watercourses Regulation” (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – B13/040 – Flat lot, partially cleared pasture. 0-20 cm of sandy topsoil on bedrock. This lot is large enough to accommodate on-site sewage disposal. Because of the shallow topsoil imported leaching bed fill will be required to construct a raised system.

Severed – B13/041 – Flat lot, partially cleared pasture. 0-20 cm of sandy topsoil on bedrock. This lot is large enough to accommodate on-site sewage disposal. Because of the shallow topsoil imported leaching bed fill will be required to construct a raised system.

Retained – Large property with thin topsoil over bedrock. Existing farm and residence. Pasture and wooded areas. Severing this lot will not negatively impact on-site sewage disposal on the retained lands. There were no obvious signs of failure for the existing system.

Hydro One Networks – No comments were received.

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

Township of Beckwith – No comments were received.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots 0.736-ha and 0.8-ha and retain a 36-ha landholding with a residential dwelling and livestock facilities at 643 Beckwith Boundary Road.

The subject lands are located in an area characterized by large landholdings, intermixed with residential lots along Pinery Road. Two previous consents were taken from the original lot in 1990. The severance consent date for Montague is January 2001.

Lot B13/040 is accessed via Pinery Road and B13/041 is accessed via Beckwith Boundary Road, both municipally maintained roads.

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

Agricultural Operations

An agricultural operation is located on the retained lands, however is located in excess of 500 m from either of the proposed sites. Therefore an MDS calculation was not undertaken, however a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Official Plan Policies

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

(e) **MINUTES – August 26, 2013**

Byron Budd, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: - The same conditions apply to both lots:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. 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.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of 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.

9. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the tributary to Kings Creek that flows through the retained land is subject to the "Development, interference with Wetlands and Alteration to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.*
2. *The Leeds Grenville and Lanark District Health Unit advises that because of the shallow topsoil imported leaching bed fill will be required to construct a raised system.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources continues to encourage ecological site assessments

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William Thomas Clarke & Rita Redner **Hearing Date:** August 26, 2013
Agent: ZanderPlan Inc.
LDC File #: B13/042 and B13/043
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 5 **Conc.:**3
Roll No. 0911 916 010 15800 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.0-ha residential building lot and a 1.2-ha residential lot with an existing dwelling at 220 Christie Lake North Shore Road and retain a 29.0-ha landholding with an existing dwelling and outbuildings located at 218 Christie Lake North Shore Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/042	B13/043	
Existing Use	Hay field	Residential	Farm
Proposed Use	Residential	Residential	Farm/Residential
Area	1.0 ha	1.2 ha	29 ha
Frontage	62 m	62 m	62 m
Depth	167 m	172 m	1,340 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic	Private septic
Official Plan Designation	Rural, Organic Soils and Mineral Resource		
-Conformity?	Yes		
Zoning By-law Category	Rural		Rural
-Area Required (min.)	0.405-ha		0.405-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

Section 2.1.4 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 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 2 General Development Policies, section 3.3 Mineral Resources Policies, section 3.6 Rural Policies, section 4.4 Township Roads, section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies

of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

Township Planner's Report

The application is to sever two lots B13/042 a 1.0 hectare building lot; B13/043 severs a 1.2 hectare lot with an existing dwelling. The lands are designated Rural, Organic Soils and Mineral Resources – both the Mineral Resource and Organic Soils areas are located on the retained portion of the property.

The lands are zoned Rural – applicable sections 10.1 – B13/042 severs a 1.0-hectare building lot with 62 metres road frontage; B13/043 severs a 1.2 hectare lot with 62 metres road frontage, and has an existing dwelling, well, sewage system and barn. All frontages are on Christie Lake North Shore Road. All lots meet minimum zoning provisions.

RVCA has no objection to either severance provided that a 30 metre setback is maintained for site alterations mead the creek and wetland on the retained parcel. Prior written approval of the RVCA is required for any interference with the channel of the Elliott Drain on the retained parcel.

MRSSO has no objection to this application. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system. The leaching field on the B13/043 severance appears to be stressed but not showing signs of failure.

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

- 1/ Payment of all taxes owing;
- 2/ Payment of all costs incurred by the Township for review;
- 3/ 2 copies of Deed / transfer by the Township for review;
- 4/ 2 copies of the reference plan for each severed property.
- 5/ That the applicant submit to the Township \$100 cash-in-lieu of parkland requirement for each newly created lot.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:
Proposal

The application seeks approval for a new lot creation approximately 1 ha in area (B 13/042) and a second lot (B 13/043), 1 hectare, and 1.2 hectare in area, fronting on Christie Lake North Shore Road. The retained parcel will be approximately 29 hectares in area.

The Property

As per our attached mapping, there is a small tributary known locally as the Elliot Drain and associated locally significant wetland (of varying width along the watercourse) traversing the proposed retained parcel. The creek outlets to Christie Lake approximately 1.5 km downstream of the site. Fish habitat for several warm water species has been identified along this reach of the creek. The property is otherwise unremarkable insofar as our considerations for natural heritage and natural hazards and fish habitat are concerned.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to either B 13/042 or B13/043 provided an appropriate setback is maintained for site alterations near the creek and wetland.

Notes

In relation to the retained lands, a standard 30 metre setback is required from the wetland and/or watercourse for any new development or site disturbance.

Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Elliot Drain as per our Regulation 174/06.

Septic Office – Mississippi Rideau Septic Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 21, 2013.

The applicant proposes to sever approximately a 1.04 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is vacant open hay field. No test pits were provided.

The retained parcel is approximately 30 hectares. The property is developed with a dwelling which is serviced by a well and a sewage system — Permit #1 2V035, and Barn. The property is bisected by a creek and railroad tracks towards the northern boundary.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all surface water bodies. Tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.

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

An approved septic permit is required prior to the issuance of most building permits.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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: McPhee's <tomsuem@xplornet.com>
Sent: June 14, 2013 7:27 AM
To: Mary Kirkham
Subject: B13/042 and B13/043

Hi Mary,

We just received notice in the mail from you that the farm next to us wishes to sever two actually three lots off beside our home. We object to this and would like to be heard when and if there is a hearing on the matter. The main point I would like to mention to you is that there has been no severance to the 218 from 220. These people went and put in hydro, well and building along with lane way with no severe from the main farm prior to. They township said it was workers home and as such was not separate front the main farm yet it has a separate pin which I thought you need severance for. I am unsure how they are serving these lots without serving 218 first. Also this farm next to us is prime agriculture land. We were told the present people were going to farm the land not carve it into lots. If there is any paper work or more info from us you need please feel free to email or call us at your convince.

Tom and Sue McPhee
252 Christie Lake Road
RR#4 Perth, On
K7H 3C6
613-464-1113

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential lots – B13/042 is a 1.0-ha vacant residential building lot, B13/043 is a 1.2-ha lot with an existing dwelling, and retain a 29.0-ha landholding with an existing livestock facility. The applicant plans to construct a new dwelling on the retained lands.

The subject lands are located in an area characterized by large landholdings intermixed with smaller types residential building lots.

The lands are accessed via Christie Lake North Shore Road, a municipally maintained road. It is the intention of the applicant to gain access to the retained lands from the

existing laneway that is being severed by B13/043. An easement over B13/043 will be required.

The northern section of the retained lands is classified as mineral resource and organic soils. Any development on these lands will be required to adhere to the requirements of the Township's Official Plan.

Agricultural Operations

An agricultural operation is located on the retained lands, the applicant provided information for which an MDS was calculated. The MDS Calculation requires a minimum setback of 182m between the livestock facility and the residential dwelling. The actual distance is 80m, However both the dwelling and livestock facility are existing and it is the intention of the owner to utilize the livestock facility along with the new residential dwelling. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

As well the lot to be created by B12/042 will require an MDS calculation prior to the issuance of a building permit.

Soils Inventory – Name: Wemyss

- Stoniness: moderately stony
- CLI: 4 – severe limitations for crops
- Drainage: imperfectly
- Hydrogeology: moderate

Bedrock Inventory – marble, calc-silicate rocks.

Official Plan Policies

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

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

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

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

Zoning

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

Conclusion

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

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

(e) **MINUTES – August 26, 2013**

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

Ms. Zander provided a brief background of the property. A second dwelling had been partially constructed on the proposed retained lands; however a stop work order was issued as the Tay Valley Zoning By-law did not permit a second dwelling on a property. Therefore the owners are now proceeding to legally separate the older home from the farm so that each dwelling would have its own legal lot.

The committee expressed concern with the proposal to utilize the existing laneway for both the severed and retained for B13/042.

The hearing recessed briefly, to provide Ms. Zander with the opportunity to discuss this with Mr. Clarke by telephone.

Ms. Zander advised that Mr. Clarke would prefer to have a joint or shared laneway, but would agree to a separate laneway if the committee required it. Mr. Clarke also noted that he had discussed the joint laneway with the Township and they had no issue with his proceeding in this manner.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B13/042

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 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".
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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. A letter shall be received from the Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that a tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.*
2. *The Rideau Valley Conservation Authority advises that In relation to the retained lands, a standard 30 metre setback is required from the wetland and/or watercourse for any new development or site disturbance.*
3. *Also prior written approval of the RVCA is required prior to any altering, straightening,*

changing, diverting or interfering with the channel of the Elliot Drain as per our Regulation 174/06.

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.*
5. *Tay Valley Township will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.

B13/043

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 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”.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

4. The applicant shall provide a separate single residential entrance from the lands to be retained to Christie Lake North Shore Road. The applicant shall consult directly with Tay Valley Township in this regard.
5. Notwithstanding Condition No. 4 above, the applicant may with the approval of Tay Valley Township, utilize a portion of the existing laneway as a 'shared or common' laneway for the lands to be severed and retained. If such approval is obtained, the applicant shall reserve a right-of-way over the lands to be severed to benefit the lands to be retained and the applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the shared or common laneway. A copy of such agreement shall be provided to Tay Valley Township.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
10. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. A letter shall be received from the Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that In relation to the retained lands, a standard 30 metre setback is required from the wetland and/or watercourse for any new development or site disturbance.*
2. *Also prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Elliot Drain as per our Regulation 174/06.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John F. Brathwaite & Patricia J. Brathwaite **Hearing Date:** August 26, 2013

Agent: N/A

LDC File #: B13/004

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 10 **Conc.:** 2

Roll No. 0931 929 030 05601

Consent Type: New Lot

Purpose and Effect: To sever a 2.02-ha residential building lot and retain a 36.62-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Old Perth Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Dwelling & Outbuildings
Proposed Use	Residential	Dwelling & Outbuildings
Area	2.02 ha	36.62 ha
Frontage	250 m	500 m
Depth	80 m	640 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Private Septic
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.2.2 Mineral Aggregates, 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 3.5 Aggregate Resources, Section 4.6.4 Local 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 Community Official Plan.

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

Background

John and Patricia Brathwaite currently own a 38.64ha (95.48ac) parcel of land with frontage on Old Perth Road which is a municipally owned and maintained road. The subject property is located in the south-west quadrant of Ramsay Ward, in the Town of Mississippi Mills. The subject land currently has a single family dwelling and an accessory detached garage located on the property. The intent of the application is to create a new residential building lot approximately 2.02ha (4.99ac) in area from the existing lot.

All of the lands subject to the consent application are designated Rural in the Official Plan. The subject lands are zoned "Rural (RU)" and "Rural Commercial (C5)" Zone.

Abutting the subject lands to the southwest is an active pit located on 31.2ha (77ac) of land.

Severance Application Summary - Lot Severance

This application is to sever a 2.02ha (4.99ac) parcel of land from the existing rural lot to create a new rural residential lot. The proposed lot would have 250m (820.21ft) of frontage on Old Perth Road. The retained lands would have a lot area of 36.62ha (90.49ac) with 500m (1,640.42ft) of frontage on Old Perth Road.

The principle land use for both the severed and retained lots will be for single residential dwellings.

Community Official Plan

The subject property has an Official Plan designation of 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. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire the proposed 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. The driveway between the proposed severed lot and the existing non-farm residential lot is well over 300m (984.3ft), providing the ability to provide a new entrance for the retained lot and to satisfy the requirements of the policy.

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

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 3.5.4.1, titled Aggregate Resource Influence Area addresses the issue of protecting sensitive lands uses when they abut a mineral extraction use. The COP requires that the zoning by-law require a 300m setback from a licensed pit or Aggregate Resource-Pit reserve areas. The proposed lot exceeds the setback requirement from a licensed pit.

Zoning By-law 11-83:

The property subject to the consent application has a split zoning designation, with the principle portion of the land being zoned Rural (Ru) and the detached garage being zoned "Rural Commercial (C5) Zone" for the cabinet making business. The land where the severance is occurring is zoned "Rural (Ru)". The Rural (RU) zone permits 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).

Section 6.23 of Zoning By-law 11-83 sets out zoning provisions regarding sensitive lands setback from mineral aggregate zones. The by-law prohibits the construction of any new building consisting of a sensitive lands use within 300m (984ft) of a Mineral Aggregate Pit (MP) Zone or an Aggregate Resource-Pit Reserve Zone.

Evaluation

The proposed consent application is to create the new residential building lot in the south end of the original lot with direct frontage onto Old Perth Road. The applicants are proposing a lot area of 2.02ha (4.99ac) with 250m of frontage on to Old Perth Road while keeping a retained lot with 36.62ha (90.5ac) and approximately 500m of frontage onto Old Perth Road. In both situations the severed and retained land exceeds the minimum standards set out on the COP and the local zoning by-law. Frontage of the proposed lot is more than 300m away from the existing driveways to 1483 and 1477 Old Perth Road, which will ensure that the new driveway will exceed the driveway separation policies contained in the COP.

As noted in the consent application, the lands subject to the consent application abut lands that are zoned Mineral Aggregate Pit (MP) Zone where a licensed aggregate pit is operating. Rural lot creation policies have anticipated the potential conflict between aggregate uses and sensitive land uses, such as residential dwellings and has required 300m buffer between these uses to mitigate potential impact. The land subject to the application has a minimum lot depth that exceeds 400m, which will ensure that the proposed lot will not only respect buffer requirements between conflicting lands uses but exceed them.

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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 pay any outstanding property taxes on the subject property;
4. That the applicant must acquire entrance permits;
5. That the applicant must acquire a PIN/Municipal address for each lot

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 2.02-ha lot and retain 36.62 ha of developed land.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, Wolf Grove Creek travels across the northeast corner of the retained lands. No other natural heritage features or natural hazards were identified.

REVIEW

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 creek 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

We recommend that the existing vegetation along the shoreline of the creek be maintained to a minimum depth of 15 m.

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

Any proposed works in or near the creek 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 2.02 hectare parcel of land consisting of bush (trees) and bedrock.

Drainage and slope may vary. Lot is large enough to accommodate an on-site sewage system. Additional sandy loam may be required in area of septic system (tile bed).

Retained – A 36.62 hectare parcel of land (bush vegetation, open field) consisting of a house, outbuildings and existing well and septic system. Severing the lot will not negatively affect the existing on-site sewage system. Additional fill may be required to replace existing sewage system (tile bed) in the future.

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 2.02-ha residential building lot and retain a 336.63-ha multi-use lot (dwelling, workshop, barn, shed & implement shed) landholding at 1483/1477 Old Perth Road.

The subject lands are located in an area characterized by larger type residential lots and hobby farm lots.

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

Soils Inventory – Name: White Lake

- Stoniness: slightly stony
- CLI: 3 – moderately severe limitations
- Drainage: imperfectly
- Hydrogeology: low run-off

Bedrock Inventory – marble, Calc-silicate

Agricultural Operations

Due to an agricultural operation being located on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lot. The MDS indicated a minimum setback of 142 m, the actual distance from the barn to the Old Perth Road is 174 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Aggregate Operation

A licensed aggregate (extractive) operation is located on the West half Lot 10 Conc 2 Ramsay. A minimum separation distance of 300m is required between the aggregate operation and any residential uses. The distance between the proposed lot line and the lot line for the extractive operation is in excess of 450 m. However the proposed lot may be susceptible to noise, etc from the pit operation due to prevailing winds. A condition should be included to advise future purchaser of the aggregate operation and potential for noise, odours, etc.

Official Plan Policies

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

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

Consideration of location and development criteria by the approval authority shall

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

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

Zoning

The subject property is currently within the 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 Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – August 26, 2013**

John and Patricia Brathwaite, owners attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 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".
5. 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 aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
9. 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.
10. A letter shall be received from the Town of Mississippi Mills stating that condition #6 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation recommends that the existing vegetation along the shoreline of the creek on the retained lands be maintained to a minimum depth of 15 m.*
2. *The MVC advises that in the event shoreline work on the retained lands is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

3. *Any proposed works in or near the creek 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 may be required in area of septic system (tile bed) on the severed lands and in the future replacement area on the retained lands.*
5. *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.*
6. *The Town of Mississippi Mills will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: The Incorporated Synod of the **Hearing Date:** August 26, 2013
Diocese of Ottawa, St. Bede’s Anglican Church

Applicant: Rev. Dr. Ronald Hunt

LDC File #: B13/052

Municipality: Montague

Geographic Township: N/A

Lot: 19 **Conc.:** 5

Roll No. 09011 000 020 40310

Consent Type: New Lot

Purpose and Effect: To sever a 1.18-ha residential building lot and retain a 2.65-ha lot with a church and cemetery a 1641 Rosedale Road North.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Church & Cemetery
Proposed Use	Residential Building Lot	Church & Cemetery
Area	1.18 ha	2.65 ha
Frontage	46 m	103.02 m
Depth	256.77 m	256.77
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Official Plan Designation	Hamlet	
-Conformity?	Yes	
Zoning By-law Category	Institutional / Rural	Institutional/Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

Local Official Plan – Section 2 General Development Polices, Section 3.7 Settlement Area 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 8 Institutional Zone, Section 18 Rural Zone.

The Township of Montague advises that the proposal does not comply with the zoning by-law regulations. 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 applications and as I understand it, the applicant (Rev. Ronald Hunt of the Anglican Diocese of Ottawa) wishes to sever a 1.18 hectare building lot from the existing St. Bede's Church landholding, leaving 2.65 hectares which contain the church, attached hail and cemetery. The severed lot is vacant and consists mostly of woodland. Both the severed and retained lands front on Rosedale Road North, which is a Township owned road. According to the information available to me, two lots have previously been severed off of this landholding in 2009. As Section 5.2.3.1 of the Township's Official Plan allows the creation of three lots (plus the retained) from an area of land as it existed on January 1st 2001, this third lot can be considered as the final severance available off of this landholding.

The entire property is within the Nolan's Corners Settlement Area as designated in the Township's Official Plan. The intent of that designation is to support "more concentrated development than would typically be found or permitted within the Rural designation,

subject to servicing constraints” and that is “consistent with the maintenance of the character of Settlement Area lands”. Nolan’s Corners is a small community built around an intersection of two historic transportation routes and includes both new and historic development. In this case, the approval of a building lot within the existing context would have the effect of infilling an already built up area and in my view is consistent with the intent of the Settlement Area designation. When reviewing the Official Plan’s Constraints mapping however, it should be noted that a portion of the subject lands (severed and retained) are within a significant woodland and the entire property is identified as significant wildlife habitat. While the Plan does not identify the exact nature of the habitat with respect to this lot, it is understood that this area has been identified as having a higher level of ecological significance, which could indicate the presence of endangered species or a particularly vulnerable natural feature that requires additional protection. Section 2.21.4.5 of the Plan requires that prior to the approval of development (including lot creation), the applicant undertake an environmental impact assessment to demonstrate that the proposal will not have a negative impact on the natural features or their ecological functions on or adjacent the lot. This assessment would also consider the habitat and function of the woodland. As such, it is my recommendation that a satisfactory EIA, and the implementation of any conditions contained therein, be a condition of the approval of this application. Further, I note that the St. Bede’s Church property contains a cemetery which appears to have been established prior to 1945 and as such, pursuant to Section 2.1 8.2.1 of the Plan, may trigger the requirement for an archaeological assessment. In this case, since the proposed lot is more than 10 metres from the evident boundaries of the cemetery, I have determined that such a study is not necessary.

With respect to the zoning the entire frontage of the landholding is zoned Institutional. I understand that this zoning is also proposed to carry forward with the new Township Zoning By-law, which is currently in draft form. Since the application proposes the conversion of a portion of this property to a residential use (which is not included in the “I” Zone), the severed lands would need to be rezoned to allow for single family residential development. This can either be done through a site specific zoning amendment, or as part of the comprehensive zoning review which is currently underway. The severed and retained lands meet the lot size and frontage requirements of the Rural, Residential and Institutional Zones, however it should be understood that additional lot or building requirements may be requested as a result of the upcoming EIA in order to address environmental considerations.

In conclusion, provided that the environmental issues and zoning issues are addressed, Montague Township supports the above severance, noting that it is otherwise consistent with the Township’s planning policies.

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 obtain a Civic Address Number 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 undertake an Environmental Impact Assessment with respect to the Significant Wildlife Habitat and Significant Woodlands that demonstrates to the satisfaction of the Township that the proposed development does not result in negative impacts on the natural features of the area or their ecological functions. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development.
 - Prior to final approval, the severed lands shall be rezoned to a zone which permits single family residential development.

Conservation Authority – Rideau Valley 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 1.18 hectare residential lot from the existing 3.83 hectare parcel. It is our understanding that if this application is approved; a zoning by-law amendment application will be required to allow for residential development on the severed parcel.

PROPERTY CHARACTERISTICS

The severed and retained parcels are well vegetated with trees throughout with some cleared areas fronting on Rosedale Road. Rosedale Creek has been identified running north to south on the severed and retained parcel. The treed portions of the property on the severed and retained parcels have been identified as Significant Woodland in the Township's Official Plan.

REVIEW

Natural Hazards

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

Natural Heritage

Significant Woodland

Portions of the severed and retained parcels have been identified as Significant Woodlands in the Township's Official Plan. The area has also been identified as Significant Wildlife Habitat. It is our understanding that the Township has requested that an EIS be prepared in accordance with the Official Plan. The Conservation Authority supports this recommendation which should be included as a condition of consent.

Watercourses

Rosedale Creek runs through the severed and retained parcels. As per the Municipality's Official Plan, a development of a minimum of 30 metres is required from the normal highwater mark of any waterbody. Therefore, while there may be a sufficient development envelope on the retained and severed parcels, the applicant needs to be aware that those development envelopes may be limited.

Conservation Authority Regulation

For the applicant's information the Rosedale Creek is 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.

CONCLUSION

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

1. That the applicant provide an EIS in accordance with the Township's Official Plan for the Significant Wildlife Habitat and Significant Woodlands to the satisfaction of the Township of Montague and the Rideau Valley Conservation Authority. Any recommendations in the EIS shall be addressed through either the rezoning application required or a development agreement, whichever is deemed appropriate by the Township.

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.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - A partially-cleared lot with 0 – 20 cm of topsoil over bedrock. There is a creek 90 m. from road frontage. The lot is flat near the road then slopes steeply into the creek bed. There is enough space between the road and creek to install a septic system. Imported fill will be required to construct a fully raised system.

Retained – Large lot, thin topsoil with fair drainage. Existing church and cemetery. Large property. There is an existing drilled well and septic system. No obvious signs of failure for existing system. Severing this lot will not negatively impact 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 1.18-ha residential building lot and retain a 2.65-ha lot with an existing church with attached hall and cemetery. Two previous severances were taken from the original landholding in 2009.

The subject lands are located in an area characterized by typical settlement area

residential. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Rosedale Road North, 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/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Montague.

Zoning

The subject property is currently within the rural and institutional sections of the Zoning By-law. The lands will be need to be re-zoned to permit the residential use. The proposed lot meets the minimum lot frontage and size for single family residential.

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 Township's Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – August 26, 2013

Rev. Ron Hunt, agent and Eric Edmunds, adjacent landowner attended the hearing and gave evidence under oath.

Rev. Hunt confirmed that they were aware of the requirement for an EIS and re-zoning.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
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. 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.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of 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.
9. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall undertake an Environmental Impact Assessment (EIA) with respect to the Significant Wildlife Habitat and Significant Woodlands that demonstrates to the

satisfaction of the Township that the proposed development does not result in negative impacts on the natural features of the area or their ecological functions. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development, either through a Development Agreement, Site Plan Agreement or through re-zoning, whichever is appropriate.

11. A copy of the EIA shall be provided to the Township, the Conservation Authority and the Land Division Office.
12. 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 of Montague in this regard.
13. A letter shall be received from the Township of Montague stating that condition #3 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #10 and #11 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advise that Imported fill will be required to construct a fully raised 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 Rideau Valley Conservation Authority advises that any alteration, straightening, Changing, diverting or interfering in any way with any watercourse on the retained lands requires the prior written approval from the Conservation Authority.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Geoffrey J. Kerr & Barbara M. Kerr **Hearing Date:** August 26, 2013
Applicant: Monica Robidoux & Philip Robidoux
LDC File #: B13/053
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 16 & 17 **Conc.:** 6
Roll No. 0911 911 020 40000 **Consent Type:** R-O-W

Purpose and Effect: To sever an existing right-of-way in favour of Monica Elizabeth Robidoux and Philip Robidoux – 432 Black Lake Lane Route 11A.

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.6 Infrastructure and Public Service Facilities

Section 1.6.1 Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

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.

2.6 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 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 General Development Policies, Section 2.15 Existing Uses, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.23 Water Quality and Quantity, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever an existing right-of-way. Official Plan Designation – Rural. Zoning By-law Category – Seasonal Residential. The application is to sever an existing right-of-way in favour of the cottage owners at 432 Black Lake Lane 11A.

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

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

(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 in favour Monica E Robidoux and Philip Robidoux.

The subject lands are located in an area characterized by Residential and Seasonal Residential on smaller type 'cottage' lots along Black Lake.

The private r-o-w is locally known as Black Lake Lane 11A and adjoins Narrow's Lock Road, a County maintained road.

A "State of the Lake Environment Report" was undertaken on Black Lake 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1975. The sampling indicates that Black Lake has moderate quantities of nutrients that are below the accepted threshold values at which significant problems occur. Therefore best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. Precautions need to be taken to avoid the spread of invasive species from other lakes.

The lands are located within 300 m of Primary Water Source (Black 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/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

- 3/ Woodlands

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

Zoning

The subject property is currently within the seasonal residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. No new uses are proposed and the r-o-w is not affected by minimum lot or sideyard requirements.

Conclusion

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – August 26, 2013**

Monika Robidoux, agent attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only in favour of Monica Elizabeth Robidoux and Phillip Robidoux, North Burgess Con 6 Pt. Lot 17 – 432 Black Lake Lane 11A.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 1503893 Ontario Inc. **Hearing Date:** August 26, 2013
Agent: Holzman Consultants Inc.
LDC File #: B13/061, B13/062, B13/063 & B13/064
Municipality: Town of Carleton Place
Geographic Township: Beckwith **Lots:** Pt. Lot 113, Lot 114 Carmel Street Compiled Plan
Roll No. 0928 030 055 17300 **Consent Type:** Easement & New Lots

Purpose and Effect: To sever four residential lots (4 unit townhouse) along the foundation line of the units together with an easement on Miguel Street and retain a 575.9 sq.m. residential building lot.

DETAILS OF PROPOSAL	Land to be Severed				Land to be Retained
	B13/061	B13/062	B13/063	B13/064	
Existing Use	Vacant	Vacant	Vacant	Vacant	Vacant
Proposed Use	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse
Area	211.4 sq. m	159.62 sq. m	159.6 sq. m	159.9 sq. m	575.9 sq. m
Frontage	7.16 m	5.5 m	5.5 m	5.5 m	19.72 m
Depth	30.32 m	29.02 m	29.02 m	29.02 m	30.32 m
Road - Access to	Mun. Rd.	Mun. Rd.	Mun. Rd.	Mun. Rd.	Mun. Rd.
Water Supply	Public	Public	Public	Public	Public
Sewage Disposal	Public	Public	Public	Public	Public
Official Plan Designation -Conformity?	Residential Yes				
Zoning By-law Category -Area Required (min.) -Compliance?	Primary Residential 60% coverage		Primary Residential 60% coverage		
-Frontage Required -Compliance?	10.6 m Yes		10.6 m Yes		

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2. 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 3 – General Provisions, Section 4.2 Residential Policies, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

Consent applications have been received for the property known municipally as 224-230 Miguel Street as shown on the attached key map. The lots are located on the south side of Miguel Street.

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

COMMENT

The Official Plan designation is Residential. This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create four freehold townhouse dwelling units. The retained and

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

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

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

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever four (4) lots to construction a four-unit townhouse with separate ownership and retain a 575.9m² lot on which the owner will be constructing a 3-unit townhouse.

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

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

Official Plan Policies

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

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

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

- 2/ Carleton Place Official Plan Policies for the Division of Land are found in Section 7.4 of the OP. The intent of the OP is to develop land through the subdivision process, however, consent may be granted in accordance with specific applicable consent policies. These include: no extension of major service required, must have frontage on existing public road, infilling, conforms to Development Permit By-law. There is no lot creation date for the Town of Carleton Place.
- 3/ Woodlands
The Town of Carleton Place deals with woodlands through their requirement for a "Tree Preservation Plan".

Development Permit Bylaw

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

Conclusion

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

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

(e) **MINUTES – August 26, 2013**

Nick Dupre (Parkview Homes), agent attended the hearing and gave evidence under oath.

Mr. Dupre confirmed that they had applied for an amendment to the Development Permit By-law to allow the reduced frontage 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.

CONDITIONS: The same conditions should apply to all 4 lots.

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