



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, January 28, 2013 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Member Absent: W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

1. CALL TO ORDER

A quorum was present.

2. APPOINTMENT OF CHAIR

At the Inaugural Meeting of the Land Division Committee (January 24, 2011) Robert Strachan agreed to be appointed chair for a two year term, this ended December 31, 2012.

D. Murphy nominated R. Strachan as Chair for the balance of the term.

R. Strachan accepted the nomination.

3. DISCLOSURE OF PECUNIARY INTEREST

None.

**4. APPROVAL OF MINUTES
MOTION #LD-2013-01**

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

"THAT, the minutes of the Land Division Committee meeting held on December 18, 2012 be approved as circulated and amended as follows:

1. New and Other Business

That the draft Procedural Manual include a policy and/or best practice regarding Bell Canada requests re: anchor locations and Conservation Authority requests re: Development Agreements adjacent to intermittent creeks in order to apply consistent messaging and conditions of approval. and that the hearing minutes for B12/111 & B12/112 Ashmore/Simpson be amended to reflect the discussion regarding Development Agreement requirements adjacent to intermittent watercourses." **ADOPTED**

5. **ADDITIONS & APPROVAL OF AGENDA
MOTION #LD-2013-02**

MOVED BY: D. Murphy
SECONDED BY: R. Strachan
ADOPTED

“THAT, the agenda be adopted as circulated.”

6. **DELEGATIONS & PRESENTATIONS**

None.

7. **COMMUNICATIONS**

None

7. **REPORTS**

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

7.1 Applications Previously Heard, Decision given and Recirculated

7.1.1 **B11/132 to B11/136 – Robert & Ziba Miller – Cluster Lot Dev & ROW**
Pt. Lot 27 Conc. 12, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Panmure Road)

7.2 New Applications to be Heard

7.2.1 **B12/119 – David Brunton – New Lot**
Pt. Lot 21 Conc. 3 Township of Beckwith. (Brunton Sideroad)

7.2.2 **B12/120 – 134791 Ontario Ltd. – New Lot**
Pt. Lot 22 & SW ½ Lot 23 Conc. 3 Township of Beckwith. (King's Creek Road)

7.2.3 **B12/126, B12/127 & B12/128 – Robert & Wanda McCreary – Lot Addition and 2 New Lots.**
Pt. Lot 22 Conc. A Township of Montague. (Rideau River Road).

7.2.4 **B12/129 - Donald Gibson – New Lot**
Pt. Lot 16 Conc. 9, geographic Township of Lanark, now in the Township of Lanark Highlands. (Theresa Lane)

7.2.5 **B12/136 – Frederick Thomas – New Lot**
Pt. Lot 1 Conc. 9, geographic Township of Darling, now in the Township of Lanark Highlands. (Tatlock Road).

7.2.6 B12/137 and B12/138 – Reynold & Beverly Burchill – 2 New Lots
Pt. Lot 1 Conc. 9, geographic Township of Drummond, now in the
Township of Drummond / North Elmsley. (Drummond Con 9A).

7.2.7 B12/145 – Philip Barber – Lot Addition
Pt. Lot 16 Conc. 6 Township of Montague. (Rideau River Road).

7.2.8 B12/148 – Kerry and Alison White – New Lot
Lots 47, 48, 205 & 206 Plan 3389 Section Q, Town of Carleton Place.
(Francis Street)

7.3 Applications Previously Heard and Awaiting a Decision

7.3.1 B12/061 – Terry and Joan Dutton – New Lot
Pt. Lot 4 Conc. 7 Township of Montague. (William Campbell Road)

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 B11/132 to B11/136 – Robert & Ziba Miller – Cluster Lot Dev & ROW

10.1.2 B12/120 – 134791 Ontario Ltd. – New Lot

**10.1.3 B12/126, B12/127 & B12/128 – Robert & Wanda McCreary – Lot
Addition and 2 New Lots.**

10.1.4 B12/129 - Donald Gibson – New Lot

10.1.5 B12/136 – Frederick Thomas – New Lot

10.1.6 B12/145 – Philip Barber – Lot Addition

10.1.7 B12/148 – Kerry and Alison White – New Lot

10.1.8 B12/061 – Terry and Joan Dutton – New Lot

10.2 PROVISIONAL CONSENT REFUSED

10.2.1 B12/119 – David Brunton – New Lot

MOTION #LD-2013-03

MOVED BY: D. Murphy
SECONDED BY: R. Strachan

“**THAT** application B2012/119 be refused – does not conform to Official Plan Policies in the County Official Plan – Section 6.1, 6.2 and 8.22 or Official Plan Polices in the Township of Beckwith Official Plan – Section 4.5 Division of Land, 6.1 Agriculture, Section 6.2 Mineral Aggregate and Section 9.6 Subdivision of Land.”

ADOPTED

10.3 PROVISIONAL CONSENT DEFERRED

10.3.1 B12/137 and B12/138 – Reynold & Beverly Burchill – 2 New Lots

MOTION #LD-2013-04

MOVED BY: D. Murphy
SECONDED BY: R. Strachan

“**THAT**, applications B2012/137 and B2012/138 be deferred pending clarification - influence area and/or setback requirements for the County owned lands (proposed landfill site) at Lot 25 and 26 Conc. 9, geographic Township of Bathurst, now in Tay Valley Township.”

ADOPTED

11. UPCOMING MEETINGS

Monday, February 25, 2013 @9:00 a.m.
Tuesday, April 9, 2013 @9:00 a.m.,
Monday, April 29, 2013 @9:00 a.m. and
Friday, May 24, 2013 @9:00 a.m.

12. ADJOURNMENT – 1:00 p.m.



Mary Kirkham, Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert Miller & Ziba Nouraeiyan

Hearing Date: January 28, 2013

Agent: Jp2g Consultants (Kevin Mooder)

LDC File #: B11/132, B11/133, B11/134, B11/135 and B11/136

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 27 **Concession:** 12

Roll No. 0931 929 025 39500

Consent Type: 4 new lots + Road

Purpose and Effect:

To review a request for amendments / revisions to Applications B11/133, B11/134, B11/135 and B11/136 as a result of lot size changes in excess of 10% to 15%.

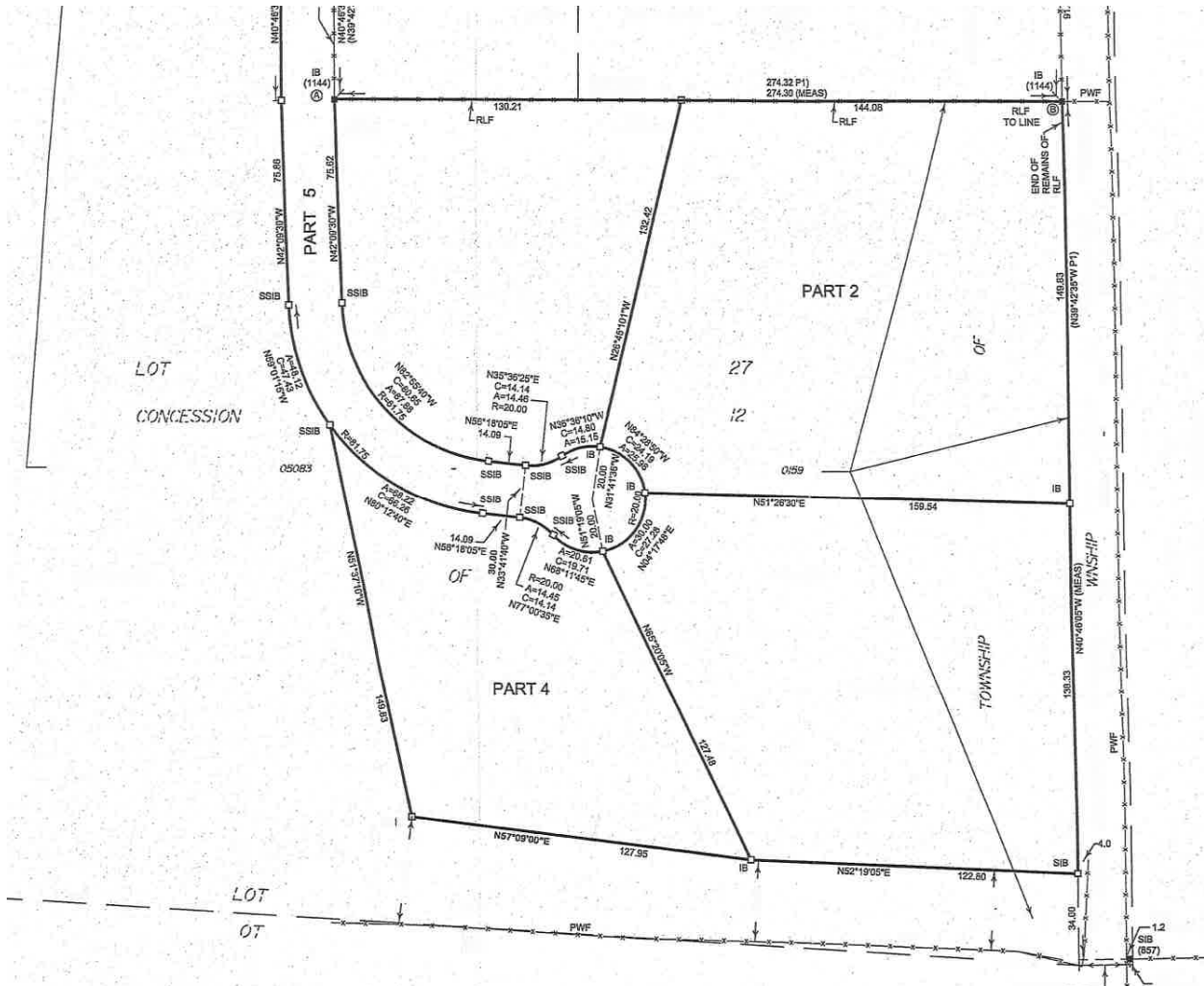
Through the review process following approval in February 27, 2012 amendments to the lots size to provide for an increased setback from the creek along the eastern boundary of the development and to shorten and widen the private road.

The changes are as follows;

File #	Original	Revised	File #	Original	Revised
B11/132	Road	Increase width to 30m	B11/135	1.83-ha (131m x 133m)	1.43-ha (124m x 132.5m)
B11/133	1.73-ha (68m x 133m)	2.37-ha (25.98m x 132.4m)	B11/136	1.86-ha (145.5m x 124m)	1.3-ha (124m x 149.8m)
B11/134	1.94-ha (51m x 124m)	2.08-ha (30m x 127.5m)			

The purpose and effect of the applications was to sever four (4) residential building lots and to sever a 30m wide private road which is to be held in title by the owners of the lots to be severed as a "common elements condominium" This proposal was submitted as a "Cluster Lot Development" under the Town of Mississippi Mills Community Official Plan.

REVISED SUBMISSION



DECISION APPROVED FEB 27, 2012 as follows:

CONDITIONS: The same conditions apply to all severances

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.

4. The applicant shall provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The applicant shall provide the Towns of Mississippi Mills with a copy of all reference plans associated with this application.
6. The applicant shall submit an application for an amendment to the Zoning By-law to address the frontage on a private road.
7. The applicant shall submit a detailed lot grading and drainage plan, complete with building locations, septic and well locations, road location, natural vegetation to be retained and enhanced, prepared by a qualified individual to the satisfaction of the Town of Mississippi Mills.
8. That the applicant shall submit details of the location and nature of tree retention and tree planting on the portion of land to be developed to the satisfaction of the Town of Mississippi Mills.
9. That the applicant submit a hydrogeologic assessment of the site be prepared by a qualified individual to the satisfaction of the Town of Mississippi Mills.
10. That the applicant submit engineered plans detailing the construction of the private road to municipal emergency vehicle standards be provided.
11. That the applicant submit an application to the County of Lanark for a "Common Elements Condominium" for the private road and all servicing requirements.
12. That the applicant enter into a Development Agreement with the Town of Mississippi Mills and Mississippi Valley Conservation which shall include as a minimum the details associated with the lot grading and drainage plans, hydrogeologic assessment and private road development.
13. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills for each new lot being created. The applicant shall consult directly with the Town in this regard.
14. That the applicant shall submit an acceptable road name to the municipality for inclusion in the Civic Addressing System. The applicant shall consult directly with the Town in this regard.
15. That the applicant enter into a Development Agreement with the Town of Mississippi Mills. The wording of the agreement shall be acceptable to the Municipality and the Mississippi Valley Conservation and shall address the recommendations found in the "Potential Development Impacts and Mitigation" section of the Environmental Impact Assessment. provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority
16. That the applicant submit a stormwater management plan prepared by a qualified individual, to address future development on the subject property; particularly with

respect to the new road proposed under B 11/132 to the satisfaction of the Mississippi Valley Conservation.

17. A letter shall be received from Mississippi Valley Conservation stating that condition #12, #15 and #16 has been fulfilled to their satisfaction.
18. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through to #16 has been fulfilled to their satisfaction.

NOTES:

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area on the severed and retained lands.*
3. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Mississippi Valley Conservation advise that pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission may be required from MVC prior to any alterations to the shoreline of the identified watercourses.*
6. *The MVC also advise that any proposed works in or near the wetlands and 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.*
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.

(a) PLANNING REPORT

The revised applications were re-circulated to the Town of Mississippi Mills and Mississippi Valley Conservation, and to those adjacent landowners within 60 metres of the lands.

The following is the rationale provided by the applicant for the revisions:

Please accept this application to revise the conditions of consent for the Panmure development (file no. B11/132 to B11/136; Feb 27/12). This application is being submitted because the sizes of the 5 proposed lots (including lot 5 for the private road) have changed by amounts in excess of 10% of the original design plan. Please refer to the attached plan for the revised layout.

These changes were made to increase the set-back from the creek located along the Eastern edge of the proposed development, while still maintaining adequate building envelopes for lots 2 and 3.

In summary, the road was reduced in length, lots 1 and 4 were reduced in size slightly, and lots 2 and 3 situated along the Eastern side of the proposed development were made larger. The borders of lot 4 were also altered slightly to ensure retention of some existing trees. With these changes, the smallest of the residential building lots (lot 4) will be about 1.3 ha, still well in excess of the minimum required lot size.

We request that you please revise the conditions of consent to reflect these changes.

Comments were received from Mississippi Mills, as follows

Mississippi Mills planning staff have reviewed the recirculation of B11/132, B11/133, B11/134, B11/135 Pt. Lot 27, Concession 12, geographic Township of Ramsay, Town of Mississippi Mills and supports the revision.

The Town requests that the conditions recommended for the original application be applied to this revision.

Should you have any questions or require any clarification, please do not hesitate to contact me.

Comments were received from Mississippi Valley Conservation, as follows:

Mississippi Valley Conservation previously conducted a review of the subject applications in a letter to the County of Lanark dated Oct 9, 2011. We understand that the purpose of the re-circulation is to address subsequent revisions to these applications.

MVC has reviewed the proposed change and do not have any objections. Our comments remain the same as outlined in our previous review.

If you have any questions, please do not hesitate to call.

The applicant is working through the conditions and to date has submitted the Hydrogeological Report, Stormwater Management Report and the application for Condominium for the Road.

(b) PUBLIC INPUT

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

(c) MINUTES – January 28, 2013

Robert Miller and Ziba Nouraeiyan, owners attended the hearing and gave evidence under oath.

Mr. Miller provided background information of the purpose of the re-circulation request also advising that the private road will also change by greater than 10%-15% as the road has been shortened slightly but widened to 30 m from the original 15m.

It was agreed that the conditions as set out February 27, 2012 would remain unchanged with one addition –“That the reference plan or legal description and the deed or instrument required by condition #1 shall relate to the “revised Sketch” dated December 11, 2012.”

Moved by D. Murphy

Seconded by R. Strachan

“THAT, applications B11/132, B11/133, B11/134, B11/135 and B11/136 as revised and re-circulated receive provisional consent with the same conditions as were applied to the original submissions approved Feb 27, 2012, with the addition that the reference plan or legal description and the deed or instrument required by condition #1 shall relate to the “revised Sketch” dated December 11, 2012.”

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: David Brunton

Hearing Date: January 28, 2013

Agent: N/A

LDC File #: B12/119

Municipality: Beckwith

Geographic Township: N/A

Lot: 21 **Con** 3

Roll No. 0924 000 015 03500

Consent Type: New Lot

Purpose and Effect: To sever a 1.0-ha residential lot with an existing dwelling at 828 Brunton Sideroad and retain a 27.2-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Hay fields & vacant land
Proposed Use	Residential	Hay fields & vacant land
Area	1 ha.	27.2-ha
Frontage	91.5 m	310 m, 900 m & 72 m
Depth	137 m	1,100 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	None
Sewage Disposal	Private septic	None
Official Plan Designation -Conformity?	Agriculture, Mineral Aggregate & Rural No	
Zoning Category	Agriculture, & Aggregate	Aggregate, Agriculture & Rural
-Area Required (min.)	39.0-ha	39.0-ha
-Compliance?	No	Existing non-conforming
-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.

2.3 Agriculture

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

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

County Official Plan – Section 3.0 Rural Area Policies, Section 6.1 Agricultural Policies, Section 6.2.2 Mineral Aggregate Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal does not conform to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 4 General Policies, Section 4.5 Division of Land, Section 6.1 Agriculture Land Use Policies, Section 6.2 Mineral Aggregate Land Use Policies, Section 6.5 Rural Land Use Policies, Section 7.3 Local Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 10 Agriculture Zone, Section 11 Rural Zone, Section 14 Mineral Aggregate 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 Planners Report

EXECUTIVE SUMMARY

The applicant pre-consulted with Council in September. The applicant submitted a consent application to sever the existing dwelling and approximately 2.5 acres of land from the surrounding vacant land. The subject property has already been severed four (4) times in the past and does not qualify for an additional severance. The existing dwelling is located within an Aggregate Pit Reserve area, and the severance would contain agricultural lands. Staff does not support the severance.

DESCRIPTION OF PROPOSAL

The applicant pre-consulted with Council in September. The applicant has submitted a consent application to the County to create a 2.5 acre lot and retain a 67 acre parcel.

DESCRIPTION OF SUBJECT LANDS

The subject property is partially treed and partially used for agricultural purposes. The

property is not located within a community development area and has been severed four (4) times since 1973. This would be the fifth (5) severance.

The proposed lot is located within the mineral aggregate pit and agricultural designations.

PROVINCIAL POLICY STATEMENT

Section 2.3.4 of the PPS regards lot creation within Agricultural areas. The proposed severance would partially be within the agricultural designation. Severances within agricultural areas are discouraged by the PPS and only permitted in certain circumstances, such as agricultural uses, lands surplus to an agricultural operation, or infrastructure. Staff does not believe this proposal conforms to any of these circumstances. Dwellings are not permitted to be constructed on lands surplus to an agricultural designation.

Section 2.5 of the PPS regards Mineral Aggregate Resources. The PPS encourages these resources to be protected for long-term Use. The proposed severance would sever the existing dwelling and approximately 2.5 acres of land from the surrounding lands. The existing house and surrounding lands are located in a mineral aggregate designation for pits. Staff acknowledges that the severance application would not appear to cause any further detriment to the aggregate areas, as two residential dwellings have been constructed within the aggregate area already — but the severance application would qualify the retained land for further development.

OFFICIAL PLAN

The area of proposed severance is located within areas designated as Agriculture and Mineral Aggregate Pit.

Section 6.1 states that severances within agricultural designations may be permitted if the consent is intended to consolidate or re-divide good agricultural lands. This severance application does not consolidate or re-divide good agricultural lands. Furthermore, a dwelling is not to be permitted on the surplus agricultural lands.

Section 6.1 states that consents within the agricultural designation to create a new residential lot shall be prohibited.

Section 6.2 regards mineral aggregate pit and quarry designations. These designations have been established to protect these resources for long-term use. These policies discuss the concept of influence area and the importance of separating incompatible uses. The subject property is recognized as mineral aggregate pit reserve area and as such, future development should be limited. Staff recognizes that there are residential dwellings in the surrounding area, and as such, the feasibility of a pit operation in the area has already been impacted. However, Staff acknowledges that permitting the severance of the existing house from the surrounding vacant land would enable a new dwelling to be constructed on the vacant land. This dwelling would further impact the feasibility of a pit operation in the future.

Section 4.5 regards land division within the Township. These policies typically limit the number of severances on properties to three after July 1, 1973. The County of Lanark has confirmed that the subject property has already been severed four (4) times since 1973 and as such, does not qualify for an additional severance.

The applicant submitted minimum distance separation calculations for several adjacent agricultural operations. MDS does not appear to be a constraint.

ZONING BY-LAW

The area affected by the proposed severance application is zoned mineral aggregate reserve and agriculture.

Dwellings are not a permitted use within the reserve zone. As such, there is no minimum frontage requirement or lot area.

OPTIONS I ANALYSIS

The subject property has already been severed four (4) times in the past. The application would create the fifth (5) severance, whereas the policies permit a maximum of three (3) severances. The subject property does not qualify for an additional severance.

RECOMMENDATION

In light of the above information, Staff recommends:

That the Planning Committee not support the severance application to sever the existing dwelling with 2.5 acres of land from the subject property located in S Pt. Lot 21, Con 3.

Should the Planning Committee wish to support the severance application, Staff recommends the following conditions:

Conditions:

- That the applicant registers a notice on the retained lands notifying future property owners that a dwelling cannot be constructed on the property. The wording of the notice shall be approved by the Township prior to registration;
- That the applicant consults with the Township Public Works Superintendent that an entrance permit for the retained lands is viable;
- That the applicant provides the Township with a copy of the reference plan;

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

- That the applicant registers a notice on the retained lands notifying future property owners that a dwelling cannot be constructed on the property. The wording of the notice shall be approved by the Township prior to registration;
- That the applicant consults with the Township Public Works Superintendent that an entrance permit for the retained lands is viable;
- That the applicant provides the Township with a copy of the reference plan;

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 – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new residential lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information a permanent wetland feature has been identified on the retained parcel. In addition a watercourse has also been identified on the retained parcel.

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 objections or conditions to this application for consent.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The severed land is 1.0 hectare. Drainage appears to be toward Brunton Side Road. The property contains a house and above ground pool. The septic system appears to be in front of the house and appears to have been raised with imported fill. The severance will not impact future replacement.

Retained – The land to be retained is 27.2 hectares. There is approximately 0.6 metres of soil above rock. Drainage varies as the property has some hilly portions. The portion fronting Richmond Road slopes toward Richmond Road. There is a portion that is low lying and wet. The retained portion contains a barn, fields, wooded area and a swamp area.

The intent for the land is to remain as fields and vacant. Should a septic system be required in the future, one could be accommodated. Setbacks to swamp would need to be considered. Also, due to soil conditions, the system may need to be raised.

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 1.0-ha residential lot with an existing dwelling located at 828 Brunton Sideroad and to retain a 27.2-ha vacant landholding.

The subject lands are located in an area characterized by agricultural development to the west and north and residential development to the south along Kings Creek Road. Four (4) previous severances were taken from the original township lot - 2 in 1976, 1 in 1989 and 1 in 1990. The fourth severance in 1990 was for the purpose of a 'retirement lot' for the farm owner of the lands. This application would be the 5th from the original lot.

The proposed lot is accessed via an existing entrance to Brunton Sideroad, a municipally maintained road.

Soils Inventory – Severed Lands	Retained lands
- Name: Tennyson	Farmington
- Stoniness: slightly stony	slightly
- CLI: 2 – moderate limitations	CLI 6 - natural grazing only
- Drainage: well drained	well drained
- Hydrogeology: moderate	moderate
Bedrock Inventory – Dolostone, sandstone	

Official Plan Policies

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

Section 6.1.4 of the SCOP states:

Lot Creation – farm related residential severance in agricultural resource areas may only be considered for a dwelling made surplus through farm consolidation.

- 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 Local Municipal Official Plan

Section 6.1.7 of the OP states:

Farm-related severances will only be permitted for the following:

- 1) *An existing residence that is surplus to a farming operation resulting from a farm consolidation, provided the minimum lot area is 0.6 hectares and no new residential dwelling is permitted on any additional remnant parcel that may be created by severance.*
- 2) Woodlands
The lands to be retained have 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 Beckwith.

3) **Aggregate Resources**

Both the Official Plan for the County and the Township recognize that the lands where the proposed severance is located is an aggregate reserve and agriculture area. In both instances, severance of the lands is prohibited. The Township OP does provide for removal of areas from the Aggregate designation, provided there is justification and an amendment to the Plan. It is recognized that the lands are already developed which may sterilize these lands from any future extractive operation.

Zoning

The subject property is currently zoned Agriculture (A) and Aggregate Reserve (AG) which permits a number of uses. Agriculture does permit a single family dwelling - (1) on a retirement lot - (2) on a lot rendered surplus as a result of farm consolidation, or - (3) on an existing lot of record. Mineral Aggregate Reserve does not permit single family dwellings. The proposed lot meet the minimum frontage and area as set out in the Zoning By-law for the Rural Zone but does not meet the requirements of the Agriculture or Aggregate Reserve Zones.

Agricultural Operation

Due to an agricultural operation being located on the 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 137 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 310 m. If the application is approved, a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lot is 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 do not meet the minimum requirements of Township's Official Plan. The application cannot 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. However, in light of the foregoing, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Beckwith and should not be given provisional approval.

(a) **MINUTES – January 28, 2013**

David Brunton, owner attended the hearing and gave evidence under oath.

Mr. Brunton advised that the Township was satisfied that with an agreement on the retained lands that no lands currently be used for agriculture could be built on. This

would protect the farmlands and satisfy the OP policies.

Chairman Strachan asked Mr. Brunton if he was concerned that there were only two members at this hearing and would he prefer to defer the hearing until all members were in attendance. Mr. Brunton did not express any concerns.

Committee reviewed the staff report noting that the area where the proposed severance is proposed to occur is on lands designated as aggregate with a small portion agriculture, however recognizing that these lands are already developed. As well this would be the 5th severance on the original parcel of land, with the potential for further development on the retained lands if such an agreement were to be considered.

(b) DECISION & CONDITIONS

DECISION: REFUSED

REASONS: Does not conform to Official Plan Policies in the County Official Plan – Section 6.1, 6.2 and 8.22 or Official Plan Polices in the Township of Beckwith Official Plan – Section 4.5 Division of Land, 6.1 Agriculture, Section 6.2 Mineral Aggregate and Section 9.6 Subdivision of Land.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 134791 Ontario Ltd. **Hearing Date:** January 28, 2013
Agent: McIntosh Perry (Adam O'Connor)
LDC File #: B12/120
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** Pt. 22 & SW 1/2 /23 **Conc.:** 3
Roll No. 0924 000 015 03900 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.9-ha residential building lot and retain a 13.3-ha residential lot (proposed Cam's Ridge Subdivision Phase 2).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Proposed Subdivision
Area	0.9-ha	13.3-ha
Frontage	75 m	226.28 m
Depth	121.6 m	499.63 m
Road - Access to	Municipal	Municipal
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural Residential 0.4-ha Yes 45 m Yes	Rural Residential 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

Official Plan – Section 4 General Policies, Section 4.5 Division of Land, Section 6 Rural Area Policies, Section 7.3 Local Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5.4 Rural Residential Zone

The Township of Lanark 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 Notes

The policies for the Rural designation permit residential development.

Section 4.5 of the Official Plan regards land division. The severance application was submitted prior to the approval of OPA No. 25. The policies that were in effect at the time indicated that consents were generally used to create one or two new lots. The subject property has been severed more than twice in the past – however, the applicant has demonstrated the subject lands cannot efficiently be incorporated into the forthcoming plan of subdivision application to create Phase 2 of Cam's Ridge subdivision. The Township believes there is merit in permitting an additional severance in this instance as it would result in the proper development of lands.

The proposed severance meets the minimum lot area and frontage requirements of the Rural Residential zoning.

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

- 1/ That the Township receives confirmation of water quality and quantity prior to final approval of this consent application.
- 2/ That the existing 0.3 m reserve across the frontage of the severed lands be removed.
- 3/ That the applicant registers a 5.0 m drainage easement across the frontage of the severed lands to accommodate drainage from Cam's Way Phase 2.
- 4/ That the applicant provides the Township of Beckwith with a paper copy of the reference plan.

- 5/ 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.
- 6/ That the applicant confirms with the Township of Beckwith Public Works Superintendent that an entrance permit for the severed lands is feasible.

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 Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

There have been no natural hazards or heritage features identified on this site which would preclude this application.

Conclusion

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

Septic Office: Leeds Grenville & Lanark District Health Unit

Severed Lands – The land to be severed is 0.90 hectares. The property consists of woods and brush. There is approximately 0.15 metres to 0.6 metres of soil before encountering rock. Recommendation – the property can accommodate the installation of a Class 4 septic system which will need to be at least partly raised using imported sandy loam fill.

Retained Lands – The retained area is 13.3 hectares. It is primarily wooded, with low lying wet areas bordering King's Creek Road. There is some soil (approximately 0.3 – 0.6 metres) above rock. Recommendation – the land is intended as the second phase of the exiting Cam's Ridge Subdivision.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

Barry Hughes – Nov 25, 2012

RE: Notice Of Consent For Severance. File no. B12/120

I recently received the above noted Notice Of Application For Consent. Please forward my comments to the Land Division Committee for their meeting to determine the outcome of this consent to sever a 0.90-ha building lot.

I am not in agreement with this proposed severance and believe that approval would not follow the spirit of the official plan in the following ways:

- Will encourage fragmentation of the rural. The Official Plan states that development will be directed to occur primarily in the Community Development areas, whereas development will be discouraged in areas where services are not readily available and where road improvements are a low priority. There are no services in this area and Kings Creek Road is one lane that turns to a sea of mud in wet weather and has inconsistent ditching and culverts.
- Encourages strip development. There already is over development by severance on Kings Creek Road without any improvements to services and the road. Over the last 30 years 32 severances have occurred (we have lived here since 1982).
- Will place more stress on Kings Creek Road, an underdeveloped dirt road. We have lived on Kings Creek Road for 30 years and note that other than the occasional top up of the dirt surface, no major road improvements have been implemented to accommodate the strip development.
- This lot is included in the proposed phase 2 of Cam's Ridge subdivision (which has not yet been approved or posted for approval by those within 60 metres) with road access off of Franktown Road. At a public meeting regarding Cam's Ridge subdivision phase 1, the consultant hired by Beckwith Township clearly indicated that all road access to this subdivision would be from Franktown Road. We were also categorically advised that no severances will be allowed due to the approval of the plan of subdivision. This severance request is contrary to the conditions contained in the subdivision plan and the County staff.
- Will not meet the policies for severance contained in revised Official Plan (update to 1989 plan). The new proposed Official Plan clearly defines how severance will occur (from presentation to Beckwith Planning Committee October 2, 2012 by Tim Chadder, Senior Planner, J.L. Richards and Associates Ltd.).

interpretation of Consents

~The consent process shall be used for creating new lots in the Community Development Areas and Rural Lands designation in Accordance with the relevant policies of this plan and the following:

1. The original survey of the Township of Beckwith created 2'7' original Township lots' within each of its 12 concessions. Each 'original Township lot' was typically subdivided vertically to create two 'original Township half-lots'. Portions of these 'original Township Half-lots' were further subdivided sub-divided horizontally to create four 'original Township quarter-lots' Consents for lands shall be in accordance with the following:

(a) a maximum of:

(i) three consents, excluding the retained parcel, may be considered for an 'original Township lot, or an 'original Township half-lot~ as defined above; or

(ii) two consents, excluding the retained parcel, may be considered for an 'original Township quarter-lot', as defined above;

For the purposes of the above policies, consents from a land holding prior to July 1, 1973 will not contribute to the maximum permitted

severances.

In addition to the fore noted issues related to the actual application there are a multitude of process issues. The letter we received indicated that the "Subject Land;" was Lot 22 and 23 Conc. 1 and that comments were due November 27, 2012. The map on the reverse of the letter stated it was Concession 2. In fact, the lot is on Concession 3. Neither of the coordinates were correct. The notice that is posted on the actual property was posted on a tree on November 21, 2012 with the notice stating that it was on Concession 1. I understand that such notices are required to be posted a minimum of fifteen days in advance of the date that comments are due. There have been numerous procedural mistakes. This process should be started again with correct information provided to those who live within 60 meters of the subject land and the posting on the actual property for the required number of days with correct information should occur. Since our conversation last week about the short posting date I have not seen any new information of direction.

I would appreciate your assistance to confirm that you received this letter, and to keep me informed on the status of how you are to rectify the incorrect procedures related to this severance and any further information related to this severance

Maureen McIntyre – December 9, 2012

My husband, Barry Hughes recently received notice of a meeting to be held on December 17, 2012 regarding an application of consent number B12/120.

As you are aware a revised letter was sent out due to incorrect information in the first letter and on the notice on the said property. However, I own a piece of property closer to the subject property and was notified the first time, but have yet to receive any revised notice. There also has not been a revised posting on the said property with the correct information. I understand that this must be posted on the property for 15 days.

Furthermore the revised letter my husband received indicated the date for submission about the proposed severance is December 14, 2012. The letter states "a public meeting will be scheduled once we have completed our review of the proposal. If you wish to be notified of the proposed consent, you must make a written request to the undersigned." Given the deadline for submission is Friday, December 14, 2012 I do not know how those who make a written request will be notified in order to attend a public meeting on December 17, 2012 at 10 am.

I am requesting that a revised letter be sent to myself, the posting be put on the property for 15 days and that the scheduled meeting on December 17, 2012 be cancelled and rescheduled to allow sufficient time for the consent to be posted on the property and written submission made and adequate notification is given to those who do submit a written request by the revised due date, which cannot be the December 14, 2012 as process has not been followed (letters not received and notification not posted).

I trust this provides adequate explanation of my concerns, however, should you like to speak with me further I can be reached at my office at 613- 283-6798 ext. 307 on Monday December 10, 2012 or Wednesday afternoon December 12, 2012.

Note – Maureen McIntyre's name appears on the mailing list, however there is no civic address only RR #. Notice of the application (revised) was e-mailed to Ms. McIntyre on Dec 10 and a notice of the hearing was mailed and e-mailed) n Dec 10, 2012.

I believe the proper notice procedures have been followed.

Maureen McIntyre – January 2, 2013 (Rec'd Jan 1, 2013)

As a land owner adjacent to the property which is applying for an application for consent I would like to object to this consent for a number of reasons:

- This consent is on the same piece of land where a subdivision has been approved.

At the meeting where the application for the subdivision was discussed the question was posed as to whether additional severances could occur and the answer was an unqualified “no”. So, needless to say it was very surprising to see this request.

- King’s Creek Road has seen a great deal of development and the road has not undergone any substantial upgrade for the 30 years we have lived here. It is basically a one lane road and requires one to pull over when two vehicles pass each other. It turns into a muddy mess every time it rains. Although the speed limit is posted at 60 kilometers few actually travel at this speed, which is problematic especially for individuals like myself who enjoy walking on the road to ensure good health. Further more, this road seems to be one of the last to be attended to in the winter, especially since the development has occurred near Carleton Place and in other subdivisions. On December 17, 2012, on a very icy Monday the road had not received any sand/salt by 8:30 in the morning — it was a skating rink. We used to be able to count on the road being attended to by at least 7:30 am, but not so now.

- The new official plan for the Township of Beckwith is under review by the Ministry, of Municipal Affairs and Housing and the input received by this Ministry discourages development by severance particularly where the infrastructure is inadequate which in this instance is indeed the case. It further supports development in the Community Development areas, which this is most definitely not.

I also would like to express my concern with regard to the process by which this consent was handled. I received a notice in the mail with incorrect information on it. On the front side it indicated the subject property was Concession 1 and on the side with the map it indicated Concession 2, when in fact the property is actually in Concession 3. In addition to this the sign on the property was not posted for 15 days and the sign also had incorrect information on it — stating it was Concession 1. When I asked the Planning Administrator about this she said that the sign is put up by the property owner and that he had been sick the first time and that is why it was not posted for 15 days. When these errors were brought to the attention of the Planning Administrator revised letters were sent out (although I did not receive one in the mail until I questioned why I had not). However, a new sign with the correct information was never posted on the property the second time. I was not aware it was the responsibility of the developer to post the sign as the sign states, “Lanark County”. If this is the case it is very troubling that Lanark County is relying on the good will of, in this case, a developer to post the sign for the correct period of time. I would like clarification as to whether this is routine practice. According to the Notification of Application for Consent the agent for this application is McIntosh Perry Consulting Engineers who I assume must be fully aware of the required process.

As you are aware, this is the third time this process for this property has occurred due to a number of errors in the two previous processes. This is disconcerting. I am not sure if this speaks to the speed at which requests are being made of Lanark County given its proximity to Ottawa or whether such processes are merely seen as procedural.

The Township of Beckwith has utilized the taxpayers' money to hire consultants to update the Official Plan which involved public input. I truly hope the Lanark County Land Division Committee will take the time to review this document, even though it may still be in draft format, as it reflects the input from the Ontario Government and public input going forward for planning in this township.

Please notify me of any further meetings regarding this application for consent.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.9-ha residential building lot and retain a 13.3-ha vacant lot, which is to be developed as Phase 2 of Cam's Ridge Subdivision.

The subject lands are located in an area characterized by residential development on a mixture of lot sizes along King's Creek Road. The designated settlement area of Prospect is located to the west and Cam's Ridge Subdivision is located to the north.

The lands are accessed via King's Creek Road, a municipally maintained road.

This consent application represents a fourth severance on Lot 22; however, the owner intends to develop the remnant lands as "Phase II" of the Cam's Ridge Subdivision. It is intended that the internal road would not access King's Creek Road, but would wind its way through the remnant lands and the adjoining lands to the east in a 'U' shape ending in a cul-de-sac in the north east portion of lot 23. The removal of the lands which are the subject of this consent application from the landholding provides a more efficient use of the remnant lands for sub-division purposes.

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

Bedrock Inventory – Dolostone, sandstone.

The notice of application was initially sent out on Nov 5, 2012. Mr. Hughes contacted the Secretary-Treasurer (Dec 3/12), and advised that there was an error in the property description on the notice. On December 4th, 2012 a 'revised' notice was sent by mail to the adjacent landowners. The date for responses was extended to December 14, 2012. However, it is noted that the Committee will accept comments up to an including the day of the hearing.

Posting Notice – there was a delay in posting the notice of application as the owner was unable to attend the site due to health reasons. The posting notice was not revised as it was located in the proper location.

However, to recognize that there was an error in the property description, the application was re-circulated and re-posted and the hearing date postponed until January.

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 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 Beckwith.

Zoning

The subject property is currently within the Rural Residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and a lot area.

Conclusion

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

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

(e) **MINUTES – January 28, 2013**

Sylvia Coburn, agent, and Barry Hughes, adjacent landowner, attended the hearing and gave evidence under oath. Mr. Hughes advised that he was also representing Maureen McIntyre.

Ms. Coburn provided background information on the proposed lot, acknowledging that this would be the 4th severance on the original lot, however the Official Plan Section 4.5 provides that 'generally' the consent process will be used for the purpose of creating one or two lots, which would indicate that Council recognizes there are limited circumstances when it may be appropriate to permit more than one or two new lots by consent.

In this case the proposed severance together with the proposed Phase 2 of Cam's Ridge Subdivision, will complete the lot creation and lot configuration of the entire property.

Mr. Hughes, expressed his concerns as follows:

- 1/ that the Committee should follow the rules of the Official Plan, which limits the number of severances that can be created through the consent process.
- 2/ that at the Planning Meeting for Cam's Ridge Phase 1 at the Township of Beckwith it was indicated that there would be no further severances on these lands.

Mr. Hughes agreed with the principle of land division through the subdivision process.

The Committee noted that in reviewing the application, it becomes a question as to the best use of the land with regards to planning rationale.

It was also noted that there may be potential for access from Cam's Ridge Phase 2, across the proposed lot to King's Creek Road and that this should be prevented. The applicant and agent are to address this concern within the subdivision agreement for the proposed Subdivision.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. That the applicant provide confirmation of water quality and quantity to the satisfaction of the Township of Beckwith prior to final approval.
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. That the existing 0.3 m reserve across the frontage of the severed lands be removed.
6. That the applicant registers a 5.0 m drainage easement across the frontage of the severed lands to accommodate drainage from Cam's Way Phase 2.
7. That the applicant provides the Township of Beckwith with a paper copy of the reference plan.
8. That the applicant confirms with the Township of Beckwith Public Works Superintendent that an entrance permit for the severed lands is feasible.
9. A letter shall be received from the Township of Beckwith stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Leeds Grenville and Lanark District Health Unit advises that the septic system will need to be at least partly raised using imported sandy loam fill.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert & Wanda McCreary **Hearing Date:** January 28, 2013
Agent: N/A
LDC File #: B12/126, B12/127 & B12/128
Municipality: Montague
Geographic Township: N/A **Lot:** 22 **Conc.** A
Roll No. 0901 000 020 10000 **Consent Type:** Lot Addition & Two New Lots

Purpose and Effect: To sever a 2.4-ha parcel of land as a lot addition to lands owned by Ann Bernes at Pt. Lot 22 Conc. A Montague, to sever two (2) residential building lots (2.0-ha and 2.4-ha) and retain a 16.5-ha vacant landholding. The lands are accessed via Rideau River Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/126 Lot Addition	B12/127 New Lot	B12/128 New Lot	
Existing Use	Pasture	Pasture	Pasture	Pasture
Proposed Use	Lot Add	Hobby Farm	Residential	Pasture
Area	2.4-ha	2.0-ha	2.4-ha	16.5 ha
Frontage	105 m	87.4 m	105 m	725 m
Depth	230 m	230 m	230 m	230 m
Road - Access to	Mun Rd.	Mun Rd.	Municipal Rd.	Municipal Rd.
Water Supply	N/A	Proposed	Proposed	N/A
Sewage Disposal	N/A	Proposed	Proposed	N/A
Official Plan Designation -Conformity?	Rural, Hamlet, Bedrock Yes			
Zoning Category	Rural		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.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.

County Official Plan - Section 2.0 Settlement Policies, 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.

Official Plan – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.18 Cultural Heritage, Section 2.21 Natural Heritage Features, section 2.22 Water Supply and Sewage Disposal, Section 3.6 Rural Policies, 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 2 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 Planners Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is generally consistent with the Township's Official Plan and Zoning By-law. As I understand it, the applicant is intending to create two residential building lots (2 ha and 2.4 ha) and also sever a 2.4 hectare parcel to serve as a lot addition for adjacent lands owned by Ann Bernes. The applicants will retain 16.5 hectares fronting on Rideau River Road, which is owned and maintained by the Township of Montague. The two severed lots and the lot addition for Ms. Bernes will also front on Rideau River Road. Significantly, this application gives the Bernes property frontage on a public road. The McCreary property is presently vacant and consists mostly of pasture and open scrubland. According to my records, no previous severances appear to have been created out of this lot of record since 2001.

The proposed severed lands and lot addition are all located within the Rural Designation as outlined in the Township's Official Plan, although a portion of the retained lands are within the Kilmarnock village designation. 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. Generally, the creation of two relatively large building lots would be consistent with that policy but in this case, a significant portion of the property is located in a designated settlement area, whose development policies support more concentrated residential development. As such, and absent any other constraints, in my view the Plan would be more favourable to lot creation in the settlement area and it is my suggestion that the applicant would consider a revision to the application to incorporate the new lots at the northern end of the existing lot. That being said, I do note that the proposed 5 and 6 acre building lots are not 'intense' development and suitable for a rural setting and this application does not sterilize future development of the settlement area portion since Section 5.2.3.1 of the Plan allows additional lot creation in settlement areas beyond the three ordinarily permitted. There are no such concerns regarding the lot addition.

A review of the constraints mapping of the Official Plan indicates there is significant woodland near to the subject property (but not on it) and bedrock underneath the south eastern portion of the lands. Section 2.17.1 of the Plan protects aggregate deposits for future use by limiting nearby incompatible development, however due to the existing residential development near the proposed lots that would likely preclude any quarrying operation, it is my view that the proposal is not contrary to the intent of the policy. A small creek traverses the retained lands and it is understood that any development on those lands will have to respect the appropriate watercourse setbacks. I have identified no other constraints on the property that would preclude this application.

The proposed lots, lot addition and retained lands are all within the Rural (A) Zone as indicated in the Township's Zoning By-Law, and meet the requirements of the zone in terms of lot area, frontage and use.

Provided that the Land Division Committee is satisfied that the orientation of the lots in the Rural designation is desirable, I have not identified any other planning constraint regarding this application and as such, the Township of Montague would support the application, provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall confirm that residential entrances to the proposed lots are viable. The Applicant shall consult directly with the Township in this regard.
- The Applicant shall obtain Civic Address Numbers from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the requested severed lot to service the intended single family residential use.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority

B12/126 - 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 2.4 ha parcel from the existing parcel. The severed parcel will be conveyed to the adjacent property to the west known municipally as 110 Kilmarnock Road.

PROPERTY CHARACTERISTICS

The severed parcel is characterized by unimproved pasture while the retained parcel is characterized by hay fields and improved pasture. Rideau Creek runs through the retained parcel. A small permanent wetland has been identified on western side of the retained parcel adjacent to Rideau Creek.

REVIEW

Natural Hazards

There have been no natural hazards identified all the site which would preclude this application.

Natural Heritage - Rideau Creek

The Rideau Valley Conservation Authority administers Ontario Regulation 174/106 "*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 (including watercourse crossings).

We note that in accordance with the Municipality's Official Plan a 30 metre setback is required from any water body. Therefore should any future development be proposed on the severed parcel, in particular on the northern portion, then the required 30 metre setback from Rideau Creek and its tributary will need to be factored into the placement of any development.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this lot line addition. Portions of the retained parcel are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration. 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.

B12/127 - 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 2 ha parcel from the existing parcel. The severed parcel is proposed to be used for a future hobby farm.

PROPERTY CHARACTERISTICS

The severed parcel is characterized by unimproved pasture while the retained parcel is characterized by hay fields and improved pasture. Rideau Creek runs through the retained parcel. A small permanent wetland has been identified on western side of the retained parcel adjacent to Rideau Creek.

REVIEW

Natural Hazards

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

Natural Heritage - Rideau Creek

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 (including watercourse crossings).

We note that in accordance with the Municipality's Official Plan a 30 metre setback is required from any water body. Therefore should any future development be proposed on the severed parcel, in particular on the northern portion, then the required 30 metre setback from Rideau Creek and its tributary will need to be factored into the placement of any development.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this severance application. Portions of the retained parcel are affected by the Conservation Authorities regulation and we have provided the above information in this regard for the applicants' awareness and consideration. 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.

B12/128 - 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 2.4 ha parcel from the existing parcel. The severed parcel will be conveyed to the adjacent property to the west known municipally as 110 Kilmarnock Road.

PROPERTY CHARACTERISTICS

The severed parcel is characterized by unimproved pasture while the retained parcel is characterized by hay fields and improved pasture. Rideau Creek runs through the retained parcel. A small permanent wetland has been identified on western side of the retained parcel adjacent to Rideau Creek.

REVIEW

Natural Hazards

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

Natural Heritage - Rideau Creek

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 (including watercourse crossings).

We note that in accordance with the Municipality's Official Plan a 30 metre setback is required from any water body. Therefore should any future development be proposed on the severed parcel, in particular on the northern portion, then the required 30 metre setback from Rideau Creek and its tributary will need to be factored into the placement of any development.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this lot line addition, Portions of the retained parcel are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

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

Severed – B12/126 – Land is presently vacant. Property is 2.4 hectares in size. Land has shallow soil depths. Juniper bushes and open field. Land is relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/127 – Land is presently vacant. Property is 2 hectares in size. Land has shallow soil depths. Juniper bushes and open field. Land is relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/128 – Land is presently vacant. Property is 2.4 hectares in size. Land has shallow soil depths. Juniper bushes and open field. Land is relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 16.5 hectare parcel of vacant farm land used for pasture and hayfield. Land is relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Please be advised that Bell Aliant has no objections to the proposed Applications for Consent B12/126, B12/127 and B12/128 on Rideau River

Road in the Township of Montague.

(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 2.4-ha parcel of land as a lot addition to lands owned by Ann Bernes at Pt. Lot 22 Conc. A Montague, to sever two (2) residential building lots (2.0-ha and 2.4-ha) and retain a 16.5-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings along Bourne Road.

The lands to be severed gain access via Rideau River Road, a municipally maintained road.

Soils Inventory – Severed Lands

- Name: Farmington
- Stoniness: non stony
- CLI: 6 – natural grazing only
- Drainage: well
- Hydrogeology: moderate

Retained Lands

- North Gower
- non-stony
- 2 – moderate limitations
- poor
- high run-off

Bedrock Inventory – unknown

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 pockets 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 lots meet the minimum frontage and a lot area.

Conclusion

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

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

(e) **MINUTES – January 28, 2013**

Robert and Wanda McCreary, owners attended the hearing and gave evidence under oath.

Mr. McCreary confirmed that they have plenty of good quality water.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B12/126

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 Elizabeth Ann Bernes described as Parts 5 to 7 Plan 27R-5544, Pt. 2 Plan 27R-9658, Part Lots 22 and 23 Conc. A Township of Montague, 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 Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
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. A letter shall be received from the Township of Montague stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

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

hibernation, migration or feeding.

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

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

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

B12/127 and B12/128

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. 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).
6. The applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the severed lot to service the intended single family residential use.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.

9. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Donald Gibson

Hearing Date: January 28, 2013

Applicant: Jay Gibson

LDC File #: B12/129

Municipality: Lanark Highlands

Geographic Township: Lanark

Lot: 16 Con 9

Roll No. 0940 934 015 23300

Consent Type: New Lot & R-O-W

Purpose and Effect: To sever a 1.01-ha residential building lot together with a r-o-w and retain a 39.0-ha landholding with an existing dwelling, barn and outbuildings at 228 Gibson Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Agricultural Residential	Agricultural Agricultural
Area Frontage Depth Road - Access to	1.01 ha 137 m 128 m Registered Right-of-way	39 ha 23 m Irregular Municipal
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Private Well Private Septic
Official Plan Designation -Conformity?	Rural, Organic Soils, Deer Yard Yes	
Zoning Category	Rural	Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha Yes 60 m Yes	1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 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 5.0 Natural Heritage, Section 4.4 Water and Wastewater, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, section 8.2 Organic Soils, Section 10.11.13 Consents. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Policies, Section 6.0 Rural Zone The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planning Report
Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The property is legally described as Pt. Lot 16, Concession 9, geographic Township Lanark, now in the Township of Lanark Highlands. The applicant wishes to sever a 2.5 acre residential building lot, and retain a 96 acre landholding with an existing dwelling, barn and outbuildings located at 228 Gibson Road.

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

1.1 PROVINCIAL POLICY

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

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

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

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

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

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

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

4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.

Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one lot measuring 2.5 acres and retain 96.5 acres. The retained land is currently developed while the severed land is vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained and severed lands are entirely located within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area. In addition, the proposed retained lands have frontage on Taylor Lake which has been classified by the MNR as a Provincially Significant Wetland (PSW) referred to Clayton-Taylor Complex. No other significant natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Features

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

The aforementioned guidelines also require that new development and site alterations, including the creation of new lots, within significant wildlife habitat or within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement

Fish Habitat

The proposed retained lands have frontage on Taylor Lake, which is considered to be fish habitat. Given that these lands are already developed with no new development proposed at this time, we do not anticipate any further impacts to fish habitat as a result of this application.

Deer Yard

The deer yard identified on the severed and retained land is considered significant wildlife habitat. Therefore, in order to address the aforementioned guidelines, the landowners have completed a simplified EIS. MVC's Biologist has reviewed the completed EIS and concludes that the subject application will not significantly impact upon the ecological functions of the deer yard. This conclusion is based on the observation that the severed land is mostly an open area that does not provide good cover or food resources to deer. Concerning the retained land, it is already developed with no new development proposed at this time; therefore, no further impacts to the deer yard are anticipated as a result of this application.

PSW

The proposed retained lands are located within 120 metres of a PSW. However, an EIS was not requested to evaluate potential impacts given that these lands are already developed with no new development proposed at this time. Therefore, further impacts to the PSW, as a result of this application, are not anticipated.

Natural Hazards

None Identified.

RECOMMENDATIONS AND CONCLUSIONS

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

NOTES

In order to maintain deer habitat, removal of terrestrial vegetation should be limited, primarily on the west side of Theresa Ln.

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

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

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

Severed – A 2.5 acre parcel of land that is mainly open field with shallow soil depth and rock outcroppings. No existing buildings. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 96.5 acre parcel with an existing house serviced with a well and septic system. There is a barn and out buildings on site. Additional sandy loam fill will be required in the future replacement tile bed area.

Hydro One Networks

I was out to the above proposed severance. I was unable to find property stakes, to verify exactly the lot size. However, I wanted to make the new owners aware, that there is a privately owned hydro line (private primary), that crosses this property, that supplies hydro service, to the property owners at the end of Theresa Lane.

It would be strongly suggested that there be written into the deeds of the existing property owners who are serviced by this line, and the new severed lot owner, hydro service access, as the existing customers hydro connection, could potentially be jeopardized.

Just to reiterate the hydro line on this property is not Hydro One owned. Ownership issues should be verified and deeded on each customer's property, to retain future Hydro connection.

Thank you, if the Mr. Gibson, has any questions of concerns, please do not hesitate to have him contact me.

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 1.01-ha residential building lot, together with a r-o-w and retain a 39-ha landholding with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by limited Residential development intermixed with large landholdings. An active farming operation is located on the lands to be retained. The distance from the barn has been indicated as in excess of 500m therefore no MDS was calculated. A caution should be included to advise that an MDS calculation may be required at the time of applying for a building permit.

The lands are located within the locally known 'Clayton-Taylor Lake Deer Yard'. A 'simplified EIS' was prepared by the applicant and submitted to MVC for review. 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).

The lands are accessed via Theresa Lane, a private road which adjoins Gibson Road, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate, skarn

Official Plan Policies

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

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

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

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. The property to be created more than exceeds the minimum lot size and frontage requirements of the zoning by-law.

Conclusion

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

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

(e) **MINUTES – January 28, 2013**

Donald Gibson, owner and Jay Gibson, applicant attended the hearing and gave evidence under oath.

The Committee noted that there is a private customer hydro connection located on the lands and advised Mr. Gibson to contact Hydro One directly to ascertain the procedures that are needed to ensure future hydro connection.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

NOTES

1. *The applicant is advised that the lands are within a recognized “Wintering Area – Deer Yard”, the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
5. *The Township of Lanark Highlands may 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.

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 5.0 Natural Heritage, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, section 8.2 Organic Soils, Section 10.11.13 Consents.

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

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

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

(b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The property is legally described as Pt. Lot 1, Concession 9, geographic Township Darling, now in the Township of Lanark Highlands.

The applicant wishes to sever a 15.0 acre residential building lot, and retain a 73 acre landholding with an existing dwelling, barn and outbuildings located at 142 Concession 9 Darling.

The property is designated as Rural on Schedule 'A 3' of the Township's Official Plan and zoned Rural on Schedule 'A 3' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

1.2 OFFICIAL PLAN

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

1.3 ZONING

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

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

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

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

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.

BACKGROUND

MVC previously conducted a review of the subject property under Consent Application B09/1 18, in a letter to the County of Lanark dated May 12, 2011. It is our understanding that this previous application received conditional approval from the county. However, the file lapsed as conditions were not satisfied within the allowable time frame. The original proposal has been modified to the current submission.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 6.0 ha residential building lot and retain a 29.5 ha landholding with an existing residence and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed severed and retained lands are entirely located within an area identified by the Ministry of Natural Resources as a significant deer wintering area. An unclassified wetland was also observed on the proposed retained and severed lands. No other natural heritage features or natural hazards were identified.

Natural Heritage Features

Deer Yard

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

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, in order to address the aforementioned policy, the landowner completed a simplified Environmental Impact Statement (EIS) form during the original submission in May of 2011. Upon receipt of the completed form, MVC's Biologist conducted a review and made the following recommendations:

- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- Removal of vegetation shall not occur between May 15th and July 15th to protect breeding birds.
- If any species at risk is observed during construction, the Ministry of Natural Resources shall be contacted immediately.
- Use of invasive non-native plant material shall be discouraged.
- Use Best Management Practices (BMP's) for low impact construction is recommended.
- Pet dogs shall be controlled and not allowed to disturb or harass deer.

This EIS will also be used for the current submission with the same recommendations as outlined above.

Unclassified Wetland

As previously indicated, unclassified wetland was observed on the proposed severed and retained lands. The retained lands are already developed with no new development proposed at this time. Therefore, we do not anticipate any impacts to the wetland, from the retained lands. With respect to the severed lands, sufficient area appears to exist to located future development with a sufficient setback from the wetland to adequately mitigate potential impacts.

Natural Hazards

Wetland has been identified on the severed and retained lands. Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. The retained lands are already developed with no new development proposed at this time. Therefore, organic soils are not considered a constraint on the retained lands, for the subject application. With respect to the severed lands, sufficient area appears to exist for future development outside of the wetland.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objections to the subject application provided the following mitigative measures are implemented for any future development on the proposed severed lands.

- No buildings or septic systems shall occur within 30 metres of the unclassified wetland.
- Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, or onto adjacent properties.
- Wetland shall remain undisturbed.
- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- Removal of vegetation shall not occur between May 15th and July 15th to protect breeding birds.
- Use of invasive non-native plant material shall be discouraged.
- Use Best Management Practices (BMP's) for low impact construction is recommended.

NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard. If any species at risk is observed during construction, the Ministry of Natural Resources should be contacted immediately.

Pet dogs should be controlled and not allowed to disturb or harass deer.

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

Severed – A 6.0 hectare parcel of vacant land of mainly bush off the Tatlock Rd.

Drainage and slope varies. Additional sandy loam fill will be required in the area of future tile bed.

Retained – A 29.5 hectare parcel of land with an existing house with barn and outbuildings. There is a well and septic system servicing the house. There will be sandy loam fill required in future replacement tile bed area.

County Roads Department – lands to be severed have an approved entrance location. Permit #2154 applies. Entrance must be installed prior to deed endorsement. Retained lands are accessed from a local municipal road (9th Concession Darling).

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

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

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

Hydro One Networks – No comments were received.

Bell Canada R-O-W – 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 6.0-ha residential building lot and retain a 29.5-ha landholding with an existing dwelling & hobby farm at 142 Con 9 Darling. Mr. Thomas had applied for consent in this same location in 2009, however the decision was allowed to lapse. Three previous severances were taken from the original lot – 2 in 1993 and 1 in 2004 (The lot creation date for Lanark Highlands is March 2003).

The subject lands are located in an area characterized by Residential on large landholdings intermixed with smaller type residential lots along Tatlock Road.

The severed lands are accessed via Tatlock Road, a county maintained road, while the retained lands are accessed via an existing entrance onto 9th Con Darling a municipally maintained road.

The lands are located within the locally known ‘Tatlock Deer Yard’. A ‘simplified EIS’ was prepared by the applicant and submitted to MVC for review. 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).

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate, skarn

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands is March 2003.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. The property to be created more than exceeds the minimum lot size and frontage requirements of the zoning by-law.

Conclusion

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

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

(e) **MINUTES – January 28, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 28, 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

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

NOTES

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Philip Barber Hearing Date: January 28, 2013
Agent: n/a
LDC File #: B12/145
Municipality: Township of Montague
Geographic Township: Montague Lot: 16 Conc.: A
Roll No. 0901 000 010 18000 Consent Type: Lot Addition

Purpose and Effect:

To sever a 2880 sq.m. parcel of land as a lot addition to lands owned by Philip and Candace Barber at 456 Rideau River Road, and retain a 17.0-ha vacant landholding.

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

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

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

Official Plan – Section 2 General Development Policies, section 2.14 Existing Uses, Section 2.19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 3.2 Mineral Resource, Section 3.3 & 4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, 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 2 General Provisions, Section 18 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

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

It is my understanding that this severance application seeks to sever a 0.288 hectare (0.7 acre) parcel from lands owned by Philip Barber and convey the lands as a lot addition to an adjacent 1 acre parcel also owned by Mr. Barber. This lot to be enlarged

already has a house (456 Rideau River Road) and fronts on an opened Township Road. The parcel to be added is entirely wooded (with no buildings) and would be added to the back of the recipient Barber lot. This application would leave a 17 hectare (42 acre) vacant and wooded retained landholding.

The severed, retained and enlarged lands are all designated Rural in the Township's Official Plan and zoned Rural in the Zoning By-Law. Since this application does not seek to enable new development, nor create a new lot, the proposal does not contradict any of the applicable Official Plan policies related to rural development or lot creation. Upon review of the Township's constraints mapping however, a variety of overlay constraints have been identified that should be noted. For instance, organic soils and bedrock have been identified on the retained lands. Additionally, the severed, retained and to be enlarged lands have all been shown to contain potentially significant woodland and significant wildlife habitat.

Given this, such an application would normally need to be accompanied by an environmental impact statement showing that the proposal would not have a negative impact on the sensitive ecological function of these features. In this case however, given that the building envelope on the lot has already been established with the construction of the existing dwelling, I think there would be little value in insisting on an EIS at this point with regards to the small parcel to be added. It is understood that Township planning policies would require that any future site alteration or development in the significant woodlands would need to be supported by such a study however.

While I will not insist on it, the Land Division Committee may wish to include a condition that the owner enters into an agreement with the Township acknowledging this. With regards to the zoning, the severed parcel is landlocked and too small to exist as its own lot; however the proposed enlargement of 456 Rideau River Road (which is presently near the minimum lot size) is desirable from a zoning perspective. This application has no adverse zoning impact on the retained lands.

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

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is 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.
4. Any development or site alteration on the land to be severed or retained shall be undertaken outside the lands designated "Significant Woodlands" or adjacent (within 50 m) said lands unless an Environmental Impact Assessment demonstrates there will be no negative impact on the natural features or ecological function of the habitat.

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 small parcel from the existing parcel. The severed parcel is to be conveyed to the adjacent property known municipally as 456 Rideau River Road.

PROPERTY CHARACTERISTICS

The severed and retained parcels are primarily wooded with some clearings on the north of the property.

REVIEW - Natural Hazards

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

REVIEW - Natural Heritage - Significant Woodlands

Majority of the retained parcel and the entire severed parcel have been identified as Significant Woodlands in the Township's Official Plan. Typically in accordance with the Township's Official Plan, an Environmental Impact Assessment is required for any development or site alterations that require the approval of a planning application.

Although strictly speaking an EIA would appear to be required for this application, we feel it is important to consider the context in which this application is being made. In this case a new lot for development is not being created. Rather it is an application for a lot line adjustment. The severed parcel is being conveyed to the adjacent parcel known municipally as 456 Rideau River Road. This parcel is already developed with a residence and outbuilding, therefore the building envelope for the parcel has already been established and there is no anticipated change as a result of this lot line adjustment. Therefore the Conservation Authority's is not recommending that an EIA be required for this application.

REVIEW - Organic Soils

For the applicant's information portions of the retained parcel have been identified as organic soils in the Township's Official Plan. Organic soils are considered hazardous sites "under the Provincial Policy Statement 2005. Therefore in accordance with the PPS and the Township's Official Plan, future development should be directed to areas outside of the area identified as organic soils unless sufficient soils and engineering information is provided which addresses the requirements of the PPS 2005 and the Official Plan.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this lot line addition. Thank you for the opportunity to comment. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.

Septic Office – Leeds Grenville & Lanark Health Unit

Severed Lands – parcel of land is a vacant strip of land to be added to an existing residential parcel. Recommendation – lot addition only.

Retained Lands – a 17 hectare parcel of vacant land. Property is bush and open field. Recommendation – additional sandy loam fill will be required in future file bed area.

(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 2880 sq.m. parcel of land as a lot addition to lands owned by Philip Bruce Barber at Pt. Lot 16 Conc A Montague and retain a 17.0-ha vacant landholding. The lot to be enlarged was created in 1977.

The subject lands are located in an area characterized by rural residential along Rideau River Road and a variety of lot sizes intermixed with large vacant parcels. County Road 43 runs along the northerly side of the lot to be retained as well as the CPR Rail Line.

Rideau River and Canal lies to the south approx. 100 metres therefore there is archaeological potential. A notes should be included in the provisional conditions should the application be approved.

The lands to be enlarged at accessed via Rideau River Road, a municipally maintained road. The retained lands are accessed via both County Road 43; a County maintained road and Rideau River Road

Soils Inventory –	Severed	Retained
	- Name: Mountain	Farmington
	- Stoniness: moderately stony	moderately stony
	- CLI: 2 – moderate limitations	2 – moderate limitations
	- Drainage: imperfectly	imperfectly
	- Hydrogeology: slow infiltration	slow infiltration

Bedrock Inventory – unknown

Official Plan Policies

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

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

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

- 2/ Montague Official Plan Polices for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural

features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

3/ Woodlands

The area has 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 property that will be enlarged with this severance application meets the minimum lot size, and the additional lands will serve to provide additional area for site development.

Conclusion

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

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

(e) **MINUTES – January 28, 2013**

Philip and Candace Barber, owners attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the

Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. 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 Philip Bruce Barber described as Part 1, Plan 27R-1206 Pt. Lot 16 Conc. A Township of Montague, 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 Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that portions of the retained parcel have been identified as organic soils in the Township's Official Plan. Organic soils are considered hazardous sites "under the Provincial Policy Statement 2005. Therefore in accordance with the PPS and the Township's Official Plan, future development should be directed to areas outside of the area identified as organic soils unless sufficient soils and engineering information is provided which addresses the requirements of the PPS 2005 and the Official Plan.*
2. *The Leeds Grenville and Lanark District Health Unit advise that additional sandy loam fill will be required in the future tile bed area on the retained lands.*
3. *The Township of Montague advises that any development or site alteration on the land to be severed or retained shall be undertaken outside the lands designated "Significant Woodlands" or adjacent lands (defined as within 50 metres) unless an Environmental Impact Assessment demonstrates there will be no negative impact on the natural features or ecological function of the habitat.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the*

Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Kerry and Alison White Hearing Date: January 28, 2013
Agent: ZanderPlan Inc.
LDC File #: B12/148
Municipality: Town of Carleton Place
Geographic Township: Carleton Place Lot: 47, 48, 204 & 205 Plan.: 3389
Roll No. 0928 030 050 03800 Consent Type: New Lot

Purpose and Effect:

To sever a 0.05-ha residential building lot and retain a 0.08-ha residential lot with an existing dwelling at 37 Francis Street.

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

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 37 Francis Street as shown on the attached key maps. The lot is located on the east side of Francis Street.

The severed lot would be approximately 17.48 metres wide and 509 m². The retained parcel would be approximately 29.28 metres wide and 830.9 m². There is an existing single family house on the retained portion of land.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the

severance will be to create an infill building lot. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law. The applicant will be required to provide building elevations and a plan that demonstrates how a house will be able to be accommodated on for the severed lot. The design of the residential unit will be required to retain the character of the community as inventoried in the Development Permit Bylaw. In addition, a grading and drainage plan will need to demonstrate that the severed parcel will function without impacting the neighbouring properties.

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 Surveyor 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 provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
- 5 Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
- 6 That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.

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 509.25 sq.m. residential lot and retain an 830.9 sq.m. residential lot with an existing dwelling located at 37 Francis Street. Three previous consents were approved on this lot in 2011 – 1 failed to meet the required conditions and lapsed. There is no limit to the number of severances per lot within the Town of Carleton Place.

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 Francis Street, a municipally maintained road.

Official Plan Policies

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

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

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

Zoning

The subject property is currently within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots 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 – January 28, 2013

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

Ms. Zander provided a background of the proposal.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant provides 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 Surveyor 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 provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
7. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
8. That the applicant provide the Town of Carleton Place with building elevations for the severed lot that demonstrate that the existing character of the neighbourhood is maintained.
9. 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.

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.
10. A letter shall be received from the Town of Carleton Place stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Terry & Joan Dutton

Hearing Date: October 16, 2012

Re-convened Hearing: Jan 28, 2013

Agent: Terry Dutton

LDC File #: B12/061

Municipality: Montague

Geographic Township:

Lot: 4 Con 7

Roll No. 0901 000 015 09500

Consent Type: New Lot

Purpose and Effect: To sever a 2.0-ha residential building lot and retain an 80.0-ha landholding with an existing residence located at 262 Bennett Road. The lands proposed to be severed are accessed via William Campbell Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	2 ha 110 m 183 m Municipal Road	80 ha Bennett Rd 606 m, Campbell Rd. 110m 1,793 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private well Private septic
Official Plan Designation -Conformity?	Rural with constrain overlays – Endangered Species, Woodlands & Locally Significant Wetlands. EIS required	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-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 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

the adjacent development or site alterations.

3.1 Natural Hazards

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

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

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

Official Plan – section 2 General development Policies, Section 2.21 Natural Heritage Features, section 3.6 Rural Policies, section 4.4 Township Roads, section 5.2 Land Division.

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 as I understand it, the applicant owns an 82 hectare landholding with a civic address of 262 Bennett Road, which is a publicly owned street. It is their intention to sever a 2 hectare (5 acre) residential building lot that will have frontage on William Campbell Road. The retained lands contain a house, surrounded by fields and woodland. The proposed severed lot is wooded and does not have any existing development.

Section 5.2.3.1 of the Township's Official Plan allows the creation of three lots (Plus the retained) from an area of land as it existed on January 1st, 2001 and in this case, four lots have already been severed from the original lot, however it appears as though they were all created around 1989. As such, the Plan would not preclude that additional lot.

The entire property is designated Rural in the Township's Official Plan and the proposed use is consistent with that designation, which is intended to accommodate limited residential development that is consistent with the rural character of the Township. Additionally, the proposed severance complies with the Plan's consent policies (Sec. 5.2.3). When reviewing the Official Plan's Constraints mapping however, I do note that portions of the Dutton property are identified as containing significant woodland, containing organic soils and consisting of significant wildlife habitat (see attached map). All three of these features are also present on the proposed severed lot. While the Plan does not identify the exact nature of the habitat with respect to this lot, it is understood that this area has been identified as having a higher level of ecological significance, which could indicate the presence of endangered species or a particularly vulnerable natural feature that requires additional protection.

Section 2.21.4.5 of the Plan would require, prior to the approval of development (including lot creation), that the applicant undertake an environmental impact assessment to demonstrate that the proposed development of this lot will not have a negative impact on the natural features or their ecological functions with respect to the wildlife habitat. 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. With respect to the organic soils, Section 2.19.2 stipulates that development, where possible, occurs outside the areas identified as containing organic soils. While the approval authority may ask for a geotechnical study to review the suitability of these lands for development, in my view there is a significant building envelope outside the organic soils portions to feasibly permit development. It should be understood however that any development within those areas should consider that section.

The Dutton property is entirely zoned Rural in the Township's Zoning By-law and the severed and retained lands both comply with the provisions of that zone.

In conclusion, provided that the environmental issues are addressed, Montague Township supports the above severance, noting that it would otherwise be consistent with the Township's planning policies. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township for both the severed and retained lands. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required. –
- 4/ The Applicant shall confirm that a residential entrance to the subject lot is viable.
- 5/ The Applicant shall consult directly with the Township of Montague in this regard.
- 6/ The Applicant shall obtain a Civic Address Number from the Township of Montague for the new lot. The applicant shall consult directly with the Township in this regard.
- 7/ The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the severed lot to service the intended single family residential use.

- 8/ The applicant shall undertake an Environmental Impact Assessment with respect to the Significant Wildlife Habitat and Woodland 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.
- 9/ The applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that a portion of this lot has been identified by the Canada Land Inventory for Agricultural Capability as having organic soils. Prior to undertaking development on the lot, the property owner should confirm that the subject area is suitable or can be made suitable for development.
- 10/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new residential lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information some tributaries to the Pinery Road Provincially Significant Wetland as well as some permanent wetlands have been identified on the retained parcel.

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 (including watercourse crossings).

We note that there were no watercourses identified on the severed parcel.

The land to be retained is 80 hectares, containing fields and treed areas and a house. The elevations and drainage varies on the property. The septic system is raised. The severance would not affect future replacement of the septic system.

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. Portions of the severed parcel are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The land to be severed is 2 hectares. The land is mainly wooded. Drainage

appears to be toward William Campbell Road. There is rock within 0.3 metres of ground. There is sufficient land to accommodate a conventional Class 4 septic system. It will need to be at least partly raised using sandy loam fill.

Retained – The land to be retained is 80 hectares, containing fields and treed areas and a house. The elevations and drainage varies on the property. The septic system is raised. The severance would not affect future replacement of the septic system.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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 2.0-ha residential building lot and retain an 80.0-ha landholding with an existing dwelling located at 262 Bennett Road.

The subject lands are located in an area characterized by Residential on large landholdings along William Campbell Road, interspersed with typical residential building lots. Four previous lots were created from the original landholding, however these pre-date the consent 'lot creation date of Jan 2001.

The Official Plan shows a number of constraints (Endangered Species and Woodland Habitat) as well as an area of Locally Significant Wetlands. The Canada Land Inventory also indicates that the area is classified as 'much' or organic soils, which may constrain development potential. As noted by the Township Planner, it is important that the constraints be identified and that it be determined if there is any mitigative measures to be undertaken should development occur. It is advisable that the EIS be undertaken prior to any decision on the application.

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

Soils Inventory – Name: Muck (organic soils)

Bedrock Inventory – Dolostone, sandstone.

Official Plan Policies

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

Act, R.S.O. 1990 with necessary modifications.

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

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single-detached dwellings. The property to be created exceeds the minimum lot size and frontage requirements of the zoning by-law.

Conclusion

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

As outlined in section 2.1 Natural Heritage of the PPS, natural features and areas shall be protected for the long term. And that development shall not be permitted in significant habitats of SAR. Section 3.1 Natural Hazards of the PPS also outlines that development shall generally be directed to areas outside of hazardous sites (organic soils). The application without the benefit of an Environmental Impact Statement does not meet the consistent with test of the Provincial Policy Statement.

There were concerns raised by the Township of Montague, regarding the suitability of this lot to be developed, given the constraints as shown on the Official Plan. In light of the foregoing, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Montague and should be deferred, pending the outcome of an EIS, to address the constraints on the property i.e. SAR, woodlands, organic soils.

(e) **MINUTES – October 16, 2012**

Terry Dutton, owner, attended the hearing and gave evidence under oath.

Mr. Dutton confirmed that there had been previous severance on these lands; however they pre-dated the Township's new 'lot creation' date.

Mr. Dutton also advised that he had spoken to the Township who had indicated that due to the area already being developed and disturbed that there should be no problem with the significant wildlife feature as indicated on the Township's Official Plan schedule.

The Committee outlined to Mr, Dutton that in order to comply with the Official Plan, an Environmental Impact Statement is required to address the Significant Wildlife designation.

MOTION #LD-2012-023

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

“THAT, application B12/061, Dutton be deferred to provide the applicant an opportunity to resolve the issues raised regarding the requirement for and Environmental Impact Statement.

ADOPTED

The hearing to be re-convened following either receipt of an EIS (followed by review) or the submission of a revised application to change from New Lot to Lot Addition.

(f) ADDITIONAL INFORMATION

As requested Mr. Dutton had an EIS prepared by Pinegrove Biotechnical. A copy of which was submitted to the Township Planner for review and comment.

The EIS was undertaken to determine whether any Natural Heritage Features exist on the land proposed to be developed, on adjacent lands, in an environmental protection zone around the proposed development or whether the size or functions for which the area was identified will be impaired.

The report concluded that that the lot to be created is not considered detrimental to the Natural Heritage Values of the general area, provided mitigative conditions outlined are entered into the severance agreement and future building permits:

- 1/ The future building envelope to be situated no more than 50 m north of Campbell Road and no more than 30 m east of the western parcel boundary, to safeguard the remaining interior forest values.
- 2/ All roof run-off to be collected by eave-troughs and channeled into ground infiltration pits.
- 3/ Domestic pets to be kept under control.

Township Planner's Comments

With regards to B12/061 as circulated, the applicant has undertaken an Environmental Impact Study (pursuant to Sec. 2.21.6.4 of the Township's Plan) that concluded that the single severance on William Campbell should not be detrimental to the natural heritage values of the general area, provided that certain mitigative measures are undertaken. Further, the EIS did not detect any of the threatened, endangered or special concern species for Montague Township on the proposed lot.

In my previous comments on this application, I suggested as a condition of severance approval, the applicant undertake an EIS and implement any of the conditions contained in that EIS. If the Land Division Committee approves B12/061, in addition to my previous

conditions I suggest the following, in order to implement the conditions suggested by Mr. von Rosen:

- Applicant rezones the property to allow for a maximum development setback from Campbell Road of 50 m and a maximum side yard setback of 30 m from the western parcel boundary, in order to best protect the remaining interior forest values.
- In order to implement the condition regarding run-off and eavestroughing, as well as addressing concerns related to domestic pets, I suggest that the applicant enters into a Site Plan Control or other agreement with the Township to manage this.

I appreciate the opportunity to review and comment on the EIS submission. If you require anything additional, please let me know.

Planning Report Addendum

I concur with the comments by the Township Planner and have revised the recommended conditions to reflect these comments.

(g) MINUTES – January 28, 2013

Terry Dutton, owner attended the hearing. Chairman Strachan reminded Mr. Dutton that he was still under oath from the previous hearing held October 16, 2012.

Mr. Dutton advised that the building envelope as required by the setbacks restrictions are in fact the best citing area for a residential dwelling on the lot.

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.

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 confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
8. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the severed lot to service the intended single family residential use.
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. That the applicant enter into a Site Plan Agreement or Development Agreement with the Township of Montague, the wording of which shall address the concerns outlined in the EIS prepared by Pinegrove Biotechnical dated Dec 8, 2012 re: eavestroughing and domestic pets.
11. The lot to be severed shall be rezoned to provide for a maximum development setback and a maximum side yard setback in order to protect the interior forest values as outlined in the EIS prepared by Pinegrove Biotechnical dated Dec. 8, 2012.
12. A letter shall be received from the Township of Montague stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

1. *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 (including watercourse crossings).*
2. *The Leeds Grenville and Lanark Health Unit advises that any Class 4 septic system may require at least to be partly raised using sandy loam fill.*

3. *The applicant shall include in all Agreements of Purchase and Sale the following wording:
“TAKE NOTICE that a portion of this lot has been identified by the Canada Land Inventory for Agricultural Capability as having organic soils. Prior to undertaking development on the lot, the property owner should confirm that the subject area is suitable or can be made suitable for development”.*
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.