



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Friday, May 24, 2013 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan, D. Murphy and W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2013-017

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

“THAT, the minutes of the Land Division Committee meeting held on April 29, 2013 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-018

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

“THAT, the agenda be adopted as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

- 7.1 New Applications to be heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. public hearings:
- 7.1.1 **B10/069 and B10/070 – Peter Jones – two new lots**
Pt. Lot 10 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. Elm Grove Road.
- 7.1.2 **B12/149 – James and Caroline Quattrocchi – lot addition**
Pt. Lot 27 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Three Bay Road.
- 7.1.3 **B12/159 and B12/160 – Paul and Susan Martin – two new lots**
Pt. Lot 5 Conc. 1, geographic Township of Dalhousie, now in the Township of Lanark Highlands. Dal Con 1A.
- 7.4 **B13/001 – Sandra Wilson – R-O-W**
Pt. Lot 6 Conc. 8, geographic Township of Lavant, now in the Township of Lanark Highlands. South Lavant Road.
- 7.5 **B13/011 and B13/012 – Kevin and Jennifer Cooney – two new lots**
Pt. Lot 23 Conc. 3, geographic Township of Darling, now in the Township of Lanark Highlands. Highway 511.
- 7.6 **B13/013, B13/014 and B13/015 - John and Genna Keindel – lot consolidation and two new lots**
Pt. Lot 27 Conc. 8, geographic Township of Pakenham, now in the Town of Mississippi Mills. Barrie Road,
- 7.7 **B13/016 – Norma Clobridge & Philip Anderson – lot addition**
Pt. Lot 26 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Echo Bay Drive.
- 7.8 **B13/018 – Donald Gibson – new lot**
Pt. Lot 16 Conc. 9, geographic Township of Lanark, now in the Township of Lanark Highlands. Theresa Lane.
- 7.9 **B13/021 – Helen Natterer – lot addition / r-o-w**
Pt. Lot 8/9 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township. Featherston Lane.

7.10 B13/022 – 2193536 Ontario Ltd. – new lot

Pt. Lot 15 Conc. 11, geographic Township of Beckwith, now in the Town of Carleton Place. Miguel Street.

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B12/149 – James and Caroline Quattrocchi – lot addition

10.1.2 B12/159 and B12/160 – Paul and Susan Martin – two new lots

10.1.3 B13/001 – Sandra Wilson – R-O-W

10.1.4 B13/011 and B13/012 – Kevin and Jennifer Cooney – two new lots

10.1.5 B13/013, B13/014 and B13/015 - John and Genna Keindel – lot consolidation and two new lots

10.1.6 B13/016 – Norma Clobridge & Philip Anderson – lot addition

10.1.7 B13/018 – Donald Gibson – new lot

10.1.8 B13/021 – Helen Natterer – lot addition / r-o-w

10.1.9 B13/022 – 2193536 Ontario Ltd. – new lot

10.2 PROVISIONAL CONSENT DEFERRED

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

MOTION #LD-2013-19

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

“**THAT**, applications B2010/069 and B2010/070 be deferred pending receipt of comments from MNR – Parks Division (re: proximity to Murphy’s Point Park)”

ADOPTED

11. UPCOMING MEETINGS

Monday, June 24, 2013 @9:00 a.m.
Monday August 26, 2013 @ 9:00 a.m.
Monday September 23, 2013 @ 9:00 a.m.
Monday October 28, 2013 @ 9:00 a.m.
Monday, November 25, 2013 @ 9:00 a.m. and
Monday, December 16, 2013 @ 9:00 a.m.

D. Murphy advised that he would not be able to attend the September Meeting or Hearing.

12. ADJOURNMENT – 11:15 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James & Caroline Quattrocchi **Hearing Date:** May 24, 2013

Agent: ZanderPlan Inc.

LDC File #: B12/149

Municipality: Township of Drummond / North Elmsley

Geographic Township: North Elmsley **Lot:** 27 **Conc.:** 7

Roll No. 0919 908 020 10800 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.137-ha parcel of land as a lot addition to lands owned by Augustus Quattrocchi and retain a 0.366-ha residential lot with an existing dwelling located at 195 Three Bay Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot Addition	Residential
Area	0.137-ha	0.366-ha
Frontage	36.36 m	15.45 m
Frontage - water	9.45 m	29.81 m
Depth	Irregular	Irregular
Road - Access to	Private Road	Private Road
Water Supply	N/A	Proposed
Sewage Disposal	N/A	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category	Limited Service Rural	Limited Service Rural
-Area Required (min.)	n/a lot addition	0.4-ha
-Compliance?		No
-Frontage Required (min.)		50 m
-Compliance?		No

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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 – Under review with MMAH

Local Official Plan – Section 3 General Provisions, Section 3.6 Cultural Heritage, Section 3.13 Natural Heritage, Section 3.18 Water and Wastewater Services, Section 4.3 Rural, Section 5.5 Private Roads, Section 6.3 Division of Land

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

Zoning By-law - Section 4 General Provisions, Section 10 Limited Services Residential
The Township advised that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's 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.

This particular application involves the severing and consolidation of several small lots of record on Three Bay Road, located on the southeastern end of Otty Lake. As I understand it, the applicants are severing a 0.137 hectare parcel of land off of 195 Three Bay Road and adding it to an abutting undersized (0.16 ha) lot owned by Joseph Quattrocchi, resulting in a newly configured 0.29 hectare lot.

The retained land will be reduced in size to around 0.37 ha, however a small vacant legal lot of record on the water (0.073 ha) will be merged with it to create a 0.439 ha lot that will meet the Township's lot size and frontage requirements. The lands to be enlarged currently contain a trailer and the lands to be severed contain a garage, which is to be removed. The remaining lands contain a single family dwelling.

The severed and retained lands are all designated Rural according to the Township's Official Plan. This application does not directly enable new development in and of itself, rather re-configures lot lines around existing built lots. While it is expected that both reconfigured lots will be redeveloped at some point in the future, the planning issues with respect to waterfront development will be addressed at that point. I should note however that there is another small legal lot of record adjacent to the retained lot, fronting only on the water and containing a boathouse and accessory sleeping area. As already noted in the Rideau Valley Conservation Authority's comments, this is a good opportunity to look at merging that lot with the larger Quattrocchi property in order to more comprehensively manage development on that geographic point as a whole.

The Quattrocchi's appear receptive in principle to this idea, provided that some of their legal non-conforming rights are retained. While I will not insist on the merger as part of this application, since I understand it to be a separate legal lot of record, I encourage the proponents to continue investigating this option.

According to the Township's Zoning By-law, the Quattrocchi landholdings are zoned Limited Services Residential in their entirety. While the lot to be enlarged will not meet the minimum lot size of 0.4 hectares or frontage of 50 m, I note that the proposed lot

addition improves on both existing non-conformances.

The retained lands meet the lot size and frontage requirements with the merger with the other remnant lot. I do note that the proposed severance line bisects an existing garage, which will need to be removed prior to final approval.

Given the foregoing, Drummond/North Elmsley Township supports the above application provided that the conditions as indicated on the attached Municipal Reply form require any further information please do not hesitate to contact me.

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

- a) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- b) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application.
- c) The applicant shall confirm that the proposed side yard setbacks from existing buildings on the severed, retained, enlarged and neighbouring lots complies with all requirements of the Township's Zoning By-Law. To that end, the applicants shall remove an existing garage that is located partially on the severed lands.
- d) The severed lands shall be for a lot addition only to adjacent lands as identified in the Application and the lands to be consolidated.
- e) The 0.073 acre parcel identified on the application shall be consolidated with the retained lands.
- f) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the lot to be enlarged. The applicant shall consult directly with the Township in this regard.

Conservation Authority - Rideau Valley Conservation Authority – Jan. 14, 2013

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

Proposal

The purpose of this application is to sever a 0,139 ha parcel of land with 9.2 m of frontage on Otty Lake and add it to a 0.069 ha parcel on which is situated a mobile home and which has 24 m of water frontage. The combined lot will have a lot area 0.208 ha and 33.2 m of water frontage. The 0.366 ha retained parcel, which has an existing two storey dwelling and garage (to be removed) situated on it, will be consolidated with a 0.073 ha vacant parcel of land to the north that has 23 111 of water frontage. The combined lot will have an area of 0.439 ha. The retained parcel currently has two separate water frontages; 24 m and 28.6 m. The continuity of the shoreline frontage is interrupted by a separate 0.051 ha parcel with 40 III of frontage on the lake and which is occupied by a 2 storey boat house with sleeping accommodation on the second level.

Site Characteristics

The site is developed as described above and is characterized by cleared areas (lawn), with scattered individual trees and treed patches. There are some trees along the waterfront but riparian vegetation cover is lacking along most of the shoreline. The site

is generally flat. The 1: 1 00 year flood elevation on Otty Lake is 132.69 m above mean sea level. This is 0.49111 above the normal high water mark (123.2 m). We do not have geodetic contour information for this area and therefore we cannot conclusively determine to what extent the site is subject to a flood risk. Given that the tableland is approximately 0.5 m above the normal high water mark, it is likely that portions of the property are subject to shallow depth flooding during a 1: 100 year flood event of the lake. The boat house as currently situated would be subject to an even greater flood risk. Access to and egress from the property may be compromised due to flooding over Three Bay Road during periodic high water levels on the lake.

We recommend to the Township and the owners that all new development on his site be flood proofed to an elevation of 132.99 111 geodetic (1: 1 00 year flood elevation of 132.69 m plus a 0.3 m. freeboard). Particular attention will have to be given to the elevation of lower level openings for all buildings.

Assessment

The effect of this application is to essentially reconfigure lot lines such that the western most lot has a larger lot area. This lot is currently occupied by a trailer and we understand that it is not serviced (i.e. no well or sewage disposal system). We note that the combined lot (consisting of the severed parcel and the lot currently occupied by the trailer) with an area of 0.208 ha will still fall significantly short of the minimum lot size (0.4 ha) required in the zoning by-law. It is intended that this lot will be redeveloped, presumably in accordance with current standards for servicing and setbacks from the lake. The existing trailer (excluding the deck) is approximately 30 metres from the normal high water mark.

We also understand that the retained parcel will be redeveloped. The existing cottage is situated approximately 12 m from the water's edge. The lot has sufficient depth to accommodate a 30 m setback upon redevelopment. The application indicates that although this lot is not serviced with a well, it is serviced with a sewage disposal system. The location of the system is not indicated on the sketch.

We recommend that, prior to further consideration of this application, the location of all components of the sewage system and the sewage system condition be confirmed by a qualified licensed professional engineer to ensure that the system is entirely contained and/or approved within the proposed lot lines and with the required lot line setbacks. We note that there is a boat house, with second floor sleeping accommodation, situated on the separate, 510m² lot (PIN 05227 -0 196(L T)) to the east of the retained parcel. The lot has no road frontage. We understand that it is serviced with a holding tank, the location of which has not been indicated on the sketch. As with the retained parcel, the location and condition of the holding tank should be confirmed. The applicant's agent has indicated that it is the applicant's intention to repair / renovate the boat house. We have received information from the Ministry of Natural Resources indicating the owners will likely need to establish tenure for the footprint of the boathouse, in so far as it is on the Crown bed of the lake which is administered by the Province.

The current effort to adjust lot lines and consolidate the holdings to provide for redevelopment presents an opportunity to rectify the deficiencies with this lot by merging it with the retained parcel. This approach would further provide an opportunity to address what is likely a deficient sewage disposal system (i.e. holding tank). The redevelopment of the combined lots could then account for sewage flows based on all sleeping accommodation with a properly sized sewage disposal system in accordance

with current standards. Therefore we recommend that the boathouse parcel be merged with the retained lands.

Conservation Authority Regulations

The "alterations to shorelines" component of the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act) applies to this property. Any works that involve an alteration to the shoreline requires prior written approval of the Conservation Authority. As noted, there are concerns with flooding in and around the boat house.

Conclusion

The RVCA recommends that a decision on this application be deferred, until such time as the applicant has had an opportunity to consider the recommendations in this letter, particularly with respect to merging the boat house Jot with the retained parcel, and to provide the information necessary to ensure that sewage disposal is adequately addressed either as existing or which will be proposed to service new development.

Conservation Authority - Rideau Valley Conservation Authority E-Mail to ZanderPlan Inc.

March 20, 2013

Thank you for the information from the Health Unit. It appears that the Health Unit is satisfied that sewage systems can be constructed on both the severed parcel (lot addition to the lot currently occupied by the trailer) and the retained parcel (existing two storey dwelling and garage). The Health Unit has not addressed the condition or the exact location of the existing systems but it is understandable that it is not easily done at this time of year. Since the Conservation Authority is not responsible for Part 8 Sewage Systems (OBC) in Drummond North Elmsley Township, we will defer to the opinion of the Health Unit in this regard.

We take this position based on the assumption that the Health Unit is satisfied that the existing sewage disposal systems are contained wholly on the lots to be created by the adjusted lot lines.

The Conservation Authority does not object to the application in so far as:

- a) The lot addition to the trailer lot will provide a more reasonable opportunity for redevelopment in accordance with current zoning standards for setbacks from water and the installation of a sewage disposal system that meets current standards under the OBC.
- b) The retained parcel has sufficient depth to accommodate a 30m development setback (building and sewage system) which will be a significant improvement over the existing situation.

The above benefits were noted in our January 14, 2013 letter to the Land Division Committee. However, you will recall that in that letter we requested that consideration be given to merging the boat house lot with the retained parcel in order to rectify the deficiencies with that lot (no road frontage, insufficient lot area, inadequate sewage disposal system). Our objective was and continues to be to eliminate or reduce deficiencies that have potential implications for water quality, aquatic habitat and the health/functionality of the riparian zone on Otty Lake.

I understand that you have discussed this matter with your clients and although they are not opposed in principle to merging the lots, there is concern that merging the lots will result in a loss of the non-conforming use (boat house). In the absence of any assurances to the contrary, we can understand that it is a reasonable concern for your clients.

We still maintain that this is an opportunity to rectify the deficiencies with this lot, but we will not force the issue through the current severance process since the boat house lot is a completely separate parcel. We could only proceed in that regard if your clients were in full agreement to merge the lots and, although it has been considered as we requested, at least for the short term they are not in agreement with that approach.

By copy of this e-mail to Mary Kirkham, we are advising the Land Division Committee that the RVCA has no objection to this application. We request that the following notes be appended to the Committee's decision:

- a) Redevelopment on the severed parcel (lot addition to the lot currently occupied by the trailer) and redevelopment on the retained lot, shall meet the minimum 30 metre development setback from the normal high water mark of Otty Lake for all buildings, structures and sewage disposal systems.
- b) The 1: 100 year flood elevation on Otty Lake is 132.69 metres above mean sea level. All new development/redevelopment on the severed and retained lots should be floodproofed to an elevation of 132.99 metres above mean sea level (1: 100 year flood elevation of 132.69 metres plus a 0.3 metre freeboard) so as to minimize risk of flood damage to buildings and contents during periodic high water levels on the lake.
- c) Access to and egress from both the severed and retained lots may be compromised due to flooding over sections of Three Bay Road during periodic high water levels on Otty Lake.
- d) The "alteration to shorelines" component of the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act) applies to the shoreline of Otty Lake. Any works that involve an alteration to the shoreline requires the prior written approval of the Conservation Authority.
- e) Shoreline vegetation is lacking along the lake frontage of both the merged lot and the retained lot. Suitable plantings of native species of trees, shrubs and groundcover vegetation shall be undertaken to rehabilitate the shoreline to a more natural condition so as to benefit water quality and aquatic and terrestrial habitat.

The owners are advised to contact http://www.rvca.ca/programs_shorelinenaturalization_program/index.html for assistance.

Please forward notice of the Committee's decision on this application to our Manotick office.

Septic Office – Leeds Grenville & Lanark Health Unit

Severed Lands – A 0.339 acre parcel of land that is a cottage parcel with a garage that is presently on both sides of property line. Garage to be removed. Recommendation – this is an addition to an existing lot of record only.

Retained Lands – 1 0.94 acre parcel of land with an existing sewage servicing the existing cottage. Recommendations – additional sandy loam fill will be required in area of future replacement septic system.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.137-ha parcel of land as a lot addition to lands owned by Augustus Quattrocchi at Pt. Lot 27 Conc. 7 North Elmsley, increasing this lot to from 0.069-ha to 0.208-ha and to retain a 0.366-ha parcel of land with an existing seasonal dwelling at 195 Three Bay Road. The retained lands are to be consolidated with a 0.073-ha parcel of land, thereby the retained lands will conform to the minimum lot area required by the Township's Zoning By-law (0.439-ha)

The subject lands are located in an area characterized by typical seasonal type small lots around Otty Lake. The lands are accessed via Three Bay Road, a private road which adjoins Elm Grove Road, a County maintained road.

Archaeological

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

A "State of the Lake Environment Report" was undertaken on Otty Lake in 2002 with sampling in 2003 and 2004. The reports were able to conduct a comparison between water quality conditions as they existed in 2002, 2003 and 2004, to results obtained some 30 years earlier. In general the water quality in Otty Lake is good. Chlorophyll a testing indicated an above average exceedance which has an impact on plant or algae growth. Total phosphorus has been fairly evenly distributed, with slightly higher elevations at inlet streams. The lake is at the higher end of the range for TKN and TP. The elevated concentrations of TP and TKM are to blame for blooms of blue-green algae and profuse weed growth in the shallow areas of the lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Zebra Mussel veligers were found in sampling in 2003 and further testing in 29004 confirmed their presence however, none of the samples indicated that the Spiny Water Flea was present. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general

policies' also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

3/ Woodlands

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

Zoning

The subject property is currently within the Limited Services Residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot addition will increase the lot to be enlarged to 0.208-ha which is less than the minimum requirement, but improves the suitability of the lot. The lands to be retained will be consolidated with abutting lands to increase its size to 0.439-ha which meets the minimum lot size and frontage requirements. A garage that currently straddles the new lot line will be removed in order to comply with lot line setback requirements.

Conclusion

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

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

(e) **MINUTES – May 24, 2013**

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

Ms. Zander provided background information on the exchange of parcels.

Committee reviewed the staff report and draft conditions.

(f)

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Augustus Quattrocchi described as Part Lot 27 Conc. 7 North Burgess (PIN 05227-0193(LT)), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The applicant shall provide an 'undertaking' to the Land Division Secretary and the Township of Drummond / North Elmsley to consolidate the retained lands with the lands described under PIN 05227-0265(LT).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
8. The applicant shall obtain a Civic Address Number for the lot to be enlarged from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. The 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.
2. Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.
3. The Lanark Leeds and Grenville District Health Unit advises that additional sandy loam fill will be required in area of future replacement septic system on the retained lands.
4. The Rideau Valley Conservation Authority advises that:
 - a) Redevelopment on the severed parcel (lot addition to the lot currently occupied by the trailer) and redevelopment on the retained lot, shall meet the minimum 30 metre development setback from the normal high water mark of Otty Lake for all buildings, structures and sewage disposal systems.
 - b) The 1: 100 year flood elevation on Otty Lake is 132.69 metres above mean sea level. All new development/redevelopment on the severed and retained lots should be floodproofed to an elevation of 132.99 metres above mean sea level (1: 100 year flood elevation of 132.69 metres plus a 0.3 metre freeboard) so as to minimize risk of flood damage to buildings and contents during periodic high water levels on the lake.
 - c) Access to and egress from both the severed and retained lots may be compromised due to flooding over sections of Three Bay Road during periodic high water levels on Otty Lake.
 - d) The "alteration to shorelines" component of the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act) applies to the shoreline of Otty Lake. Any works that involve an alteration to the shoreline requires the prior written approval of the Conservation Authority.
 - e) Shoreline vegetation is lacking along the lake frontage of both the merged lot and the retained lot. Suitable plantings of native species of trees, shrubs and groundcover vegetation shall be undertaken to rehabilitate the shoreline to a more natural condition so as to benefit water quality and aquatic and terrestrial habitat.

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.

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 – under review by MMAH

Local Official Plan – Section 3.3 Rural Communities, Section 7.4.5 Water and Waste Water, Section 7.4.3 Local Roads, Section 8.4.2 Consents

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

1.0 Review of Proposal and Application

Two applications have been received from the County of Lanark Land Division Committee for the creation of two lots. The property is legally described as Pt. Lot 5 Concession 1, geographic Township Dalhousie, now in the Township of Lanark Highlands.

The applicant wishes to sever a 3.0 acre residential building lot (B12/159) and a 2.5 acre residential building lot (B12/160) and retain a 28 acre developed parcel commonly known as 109 Sheridan Rapids Road. Access for the two new lots is via Concession 1 A Dalhousie.

The property is designated as Rural on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 2' 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 lots have access to a municipally maintained road.

1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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 is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.
7. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

Conservation Authority – Mississippi Valley Conservation

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

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant parcels of land; one measuring 1 ha and the other 1.21 ha. The retained land is 11.29 ha and is already developed with a residence and barns.

PROPERTY CHARACTERISTICS

A review of available mapping and aerial photography revealed that an unclassified wetland exists on the retained land. An unnamed tributary flows northeasterly through this wetland; southeasterly through both severed parcels; and eventually into Kerr Lake. MVC initially visited the site on January 7th, 2013. At this time, the watercourse was observed crossing Con 1A; however, the snow cover was too deep for a more thorough assessment. A second site visit was then conducted on January 14th following a significant snow melt. This visit re-confirmed the presence of the watercourse; however revealed that it is not channelized along its entire length; rather, it spreads out, in two locations, into more of a low lying, seasonally wet area that is unlikely to support fish habitat. In terms of its terrain and vegetation cover, the subject property is primarily open field.

REVIEW

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

RECOMMENDATIONS AND CONCLUSIONS

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

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

NOTES

The wetland on the retained land should remain undisturbed.

Alterations to the shoreline of the tributary may require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". MVC should be contacted prior to any proposed work.

Any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat.

Authorization under Section 35 of the Fisheries Act may be required for such work. A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

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

Severed B12/159 - A 1.21 ha parcel of land which is comprised of open field and bush. Land is undulating. Recommendation – additional sandy loam fill required in the area of the future leaching bed.

Severed B12/160 – A 1 ha parcel of vacant land comprised of both bush and open field. Land is undulating. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

Retained Lands – A 12.29 ha parcel of land that has an existing house services with a newly installed sewage system in 2012. There are farm out buildings on site. Recommendation – additional sandy loam fill may be required in are of future replacement leaching bed.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots – 1.21-ha and 1.0-ha and retain a 12.29-ha landholding with an existing dwelling located at 109 Sheridan Rapids Roads. The lands to be severed are accessed via Dal Con 1A.

The subject lands are located in an area characterized by a mixture of large landholdings and smaller type residential lots. The original lot was created in 2000, and meets the requirements of the Township's Official Plan for re-severance.

The lands are accessed via Dal No. 1A, a municipally maintained road.

An MDS calculation was undertaken for the livestock facility located on the retained lands. The calculation requires a 151 m setback. The distance from the facility to the closest lot line (B12/160) exceeds the minimum requirement. However, if approved a note should be placed on the deed of land advising of the adjacent livestock facility, and that there may be noise, dust, odours from the operation of the facility.

Soils Inventory – Name: Tweed
- Stoniness: moderately stony

- CLI: 7 – no capability for agriculture
 - Drainage: well drained
 - Hydrogeology: moderate
- South-eastern portion of B12/159 is muck

Bedrock Inventory – marble, calc-silicate, skarn.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

Section 3.3.3 has been appealed to the Ontario Municipal Board, therefore the polices under the previous Official Plan still apply.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

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 – May 24, 2013**

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

Ms. Zander provided background information on the exchange of parcels.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS - The same conditions apply to both consents:

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

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

NOTES

1. *The Mississippi Valley Conservation advise that the following should be implemented for future development on the proposed severed lands:*
 - a) *No buildings or septic systems shall occur within 15 m of the seasonal high water mark of the tributary.*
 - b) *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the tributary, or onto adjacent properties.*
 - c) *Existing vegetation along the shoreline of the tributary shall be retained to a minimum depth of 15m.*

And that the wetland on the retained land should remain undisturbed.
2. *The MVC also advise that alterations to the shoreline of the tributary may require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". MVC should be contacted prior to any proposed work.*
3. *Any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of the future leaching bed on the severed lands and on the future replacement area on the retained lands.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The 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.

- and
c) issues of public health, public safety and environmental impact are addressed.

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan – under review by MMAH

Local Official Plan – Section 3.3 Rural Communities, Section 4.1.7 Abandoned Mine Hazard Sites, Section 7.4.3.3 Private Roads, Section 8.4.2 Consents.

The Township of Lanark Highlands advises that the proposal conforms with the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for a ROW which will provide legal access to the property located adjacent to 4099 South Lavant Road.

1.1 OFFICIAL PLAN

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

The property owners should be aware that the Township is under no obligation to service

or maintain the right of way.

1.2 ZONING

The lands are zoned Rural and Lake Front Development on Schedule 'A I' of Zoning By-law 2003-451.

2.0 Discussion

At present the property owner adjacent to 4099 South Lavant Road accesses their land by crossing over the lands located at 4099 South Lavant Road. The application is housekeeping exercise to provide the property owner with direct access to their land via the South Lavant Road. The proposal is consistent with township land use policy and is supported by staff.

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.

(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 right-of-way to provide access across lands owned by Sandra Wilson to lands owned by Sandra and Robert Wilson. The r-o-w is existing.

The subject lands are located in an area characterized by smaller type lots around Robertson's Lake. South Lavant Park and Beach is located to the north.

The r-o-w adjoins the South Lavant Park road which adjoins South Lavant Road, a County maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

Section 3.3.3 of the OP is currently under appeal to the Ontario Municipal Board.

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

R-O-W and/or Easement are not affected by the Zoning By-law requirements.

Conclusion

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

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

(e) **MINUTES – May 24, 2013**

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

Ms. Zander provided background information on the exchange of parcels.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only in favour of Sandra Bain Wilson and Robert Bruce Wilson, Lavant Con 8 Pt. Lot 6 described on Reference Plan 26R-2662 Pt. 2
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Kevin & Jennifer Cooney **Hearing Date:** May 24, 2013
Agent: ZanderPlan Inc.
LDC File #: B13/011 and B13/012
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 23 **Conc.:** 3
Roll No. 0940 944 010 14600 **Consent Type:** Two new lots

Purpose and Effect: To sever a 1.01-ha residential building lot and a 4.49-ha residential lot with an existing dwelling and outbuildings and retain a 44.2-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	Existing Use Proposed Use	Vacant Residential	Residential Residential
Area	1.01-ha	4.49-ha	44.2-ha
Frontage	81.2 m	383.9 m	284.7 m
Depth	Irregular	Irregular	Irregular
Road - Access to	Municipal	County	County
Water Supply	Proposed	Well	None
Sewage Disposal	Proposed	Septic	None
Official Plan Designation -Conformity?	Rural Communities & AMHS Yes		
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes		Rural 1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.3 Agriculture

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

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

2.5 Mineral Aggregate Resources

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

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

County Official Plan – under review by MMAH

Local Official Plan – Section 3.3 Rural Communities, Section 4.1.7 Abandoned Mine Hazard Sites, Section 7.4.2 County Roads, Section 7.4.3 Local Roads, Section 7.4.5 Water & Waste Water, Section 8.4.2 Consents.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

1.0 Review of Proposal and Application

Two applications have been received from the County of Lanark Land Division Committee for the creation of two lots. The property is legally described as Part Lot 23, Concession 3, geographic Township Darling, now in the Township of Lanark Highlands.

The applicant wishes to sever a 2.5 acre residential building lot (B13/011) and a 11.0 acre residential building lot (B13/012) and retain a 109 vacant parcel. Accesses for the proposed lots are on municipal or county roads.

The property is designated as Rural on Schedule 'A' 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 well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

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

1.2 OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 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 is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.
7. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

Septic Office

B13/011 - A 1.01 hectare parcel of land which is 'bowl-shaped' with high hills sloping down to a lower flat area. This flat area is the space for development. A site plan provided by ZanderPlan and owner has been submitted to support the application for severance. Recommendation – The site plan as provided depicts an area that will support a conventional tile bed with mantle area. Additional sandy loam fill will be required in the area of the tile bed.

B13/012 – A 4.49 hectare parcel of land with an existing house, well, septic system and farm outbuildings on the property. Recommendation – additional sandy loam fill will be required in area of future replacement of tile bed.

Retained Lands - A 44.2 hectare parcel of land with variable slope & drainage. Land is a mix of open field and bush. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Ministry of North Development and Mines

This letter is in response to your request for information on proposed severances in Concession 3, Lot 23, Darling Township.

The proposed severances are located less than 1000 metres away from 2 AMIS sites. Marc Stewart, Technical Mines Hazards Specialist with the Ministry of Northern Development and Mines was consulted regarding the 2 sites. He determined AMIS sites #07464 and #07459 are far enough away that he has no concerns with the severances.

The abandoned mines information system (AM IS) dataset is current to February 2013. As always, the information provided in the AMIS database has been compiled from various sources and the Ministry of Northern Development and Mines (MNDM) makes no representation and takes no responsibility that such information is accurate, current or complete. The user is warned to undertake his or her own independent investigation to validate the information.

There are Crown mineral rights on the property. There are 8 active mining claims within 1000 metres of the lot. There are no known mineral occurrences on the property but 2 gold occurrences are located within 1000 metres. This property is underlain by tectonites (Type 51) as indicated in 1:250 000 Scale Bedrock Geology of Ontario (MRD126REV1).

The property lies in an area of high mineral potential for gold, silver, copper, antimony and bismuth. This area has seen extensive mineral exploration, indicative of its high mineral potential. Claim maps, published reports, Mineral Deposit Inventory and Abandoned Mines records are available for viewing or free download through the Geology Ontario portal using the following link:
<http://www.geologyontario.mndm.gov.on.ca/>

If you have any questions in this regard please do not hesitate to contact me. MNDM has no further comments regarding the 2 severances.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works

- 1/ Applicant has an approved existing entrance to the County Road for B13/012 – Permit No. 2422.
- 2/ Applicant has an approved entrance location permit to the County Road for the retained lands – Permit No. 2423.
- 3/ Entrance to be installed prior to deed endorsement for the retained lands.
- 4/ Lands to be severed by B13/011 to gain access from local municipal road known as Luker Road.
- 5/ Sufficient lands to be deed to the County for road widening.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two lots, a 1.01 residential building lot and a 4.49-ha lot with an existing dwelling and outbuilding, and to retain a 44.2-ha vacant landholding.

The subject lands are located in an area characterized by large landholding, intermixed with smaller type residential lots along Highway 511.

The lands to be severed by B13/011 is accessed via Luker Road, a municipally maintained road and the lands to be severed by B13/012 and the retained lands are accessed via Highway 511, a County maintained road.

Bedrock Inventory – tectonites, gneisses

An MDS calculation was undertaken for the livestock facility located on B13/012 and the adjacent lands. The calculation requires a 109m and 81 m setback. The distance from the facility to the closest lot line (B13/011 exceeds the minimum requirement. However, if approved a note should be placed on the deed of land advising of the adjacent livestock facility, and that there may be noise, dust, odours from the operation of the facility.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. Section 3.3.3 Consents is under appeal to the Ontario Municipal Board, Section 10.11.13 of the old Official Plan continues to apply until a decision has been rendered.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

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 – May 24, 2013**

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

Ms. Zander provided background information on the exchange of parcels.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

B13/011

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall confirm that a residential entrance to the subject lot is viable.

The applicant shall consult directly with the Township of Lanark Highlands in this regard.

8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

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

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

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

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

B13/012

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. 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.
10. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
11. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate

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

12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #12 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John & Genna Keindel **Hearing Date:** May 24, 2013
Agent: John and Genna Keindel
LDC File #: B13/013, B13/014 and B13/015
Municipality: Town of Mississippi Mills
Geographic Township: Pakenham **Lot:** 27 **Conc.:** 8
Roll No. 0931 946 020 22301 **Consent Type:** Lot consolidation & two new lots

Purpose and Effect: To consolidate lands which were severed in 2000 with the abutting lands, sever two new residential lots and retain 37.6-ha landholding.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/014	B13/015	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Farm & Dwelling Farm & Dwelling
Area	2.03-ha	2.03	37.6-ha
Frontage	121.9 m	121.9 m	1.3 km
Depth	169.1 m	169.1 m	300 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed	Proposed	Private well
Sewage Disposal	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Rural and Agriculture		
Zoning By-law Category	Rural		Agriculture
-Area Required (min.)	1.0-ha		40-ha
-Compliance?	Yes		Yes (Existing)
-Frontage Required (min.)	45 m		150 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.3 Agriculture

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

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

County Official Plan – Under review by MMAH.

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

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

BACKGROUND:

John and Genna Keindel currently owns two parcels of lands totalling 39.5ha (97.Sac) with frontage on both 9th Concession North Pakenham and Barrie Road, both of which are municipally owned and maintained by the municipality. The first parcel is approximately 2ha (Sac) in size with 128m of direct road frontage onto Barrie Side Road. The abutting property is approximately 37.5ha (92.5ac) in size with 309m of road frontage onto 9th Concession North Pakenham. The subject property is located in the north-east quadrant of Pakenham Ward, in the Town of Mississippi Mills. The 2ha (Sac) parcel of land is currently occupied by a single family dwelling, with various accessory buildings, while the 37.ha (92.ac) parcel of land is currently vacant.

The intent of the application is to consolidate the previous severance, which created the 2ha 5ac) with the vacant parcel of land and create two new residential building lots on the corner of Barrie Road and 9th Concession North Pakenham. The two new lots would have an approximate 1 ha lot size of 2ha (5ac) with approximately 121 .9m of frontage onto 9th Concession North Pakenham.

All of the lands subject to the consent application are designated Agricultural and Rural in the Official Plan. All of the lands are zoned Agricultural (A) and Rural (RU).

SEVERANCE APPLICATION SUMMARY

Lot Consolidation

This application is to consolidate the 2ha (5ac) parcel of land severed from the retained lands which will create a 39.5ha (97.5ac) parcel and recreate the original land holding. The lot would have 309m (1,013.8ft) of frontage along 9th Concession North Pakenham.

Lot Severances

This application is to sever two (~2ha) each parcels of land from the lands being consolidated to create two new rural residential lots. The proposed lots would have ~121.m (400ft) of frontage along 9th Concession North Pakenham. The retained lot would have ~61 m (200ft) of frontage along 9th Concession North Pakenham.

Both the severed and retained lots are being created for the construction of a single residential dwelling on each lot.

COMMUNITY OFFICIAL PLAN

The subject property has two Official Plan designations being Agricultural and Rural. The severance policies in the Community Official Plan for lands that are designated Agricultural are limited and do not permit the creation of new residential building lots. Section 3:2.7.2 does permit severances for boundary adjustments between agricultural land holdings provided that no new lot is created and the size of the lots are appropriate for the type of agricultural use proposed. In this case the applicant is proposing to consolidate the original severance, which is designated Agricultural, with the retained lands which has two Community Official Plan designations on the property, being Agriculture and Rural.

The proposed addition will consolidate the land holdings and will not create any new residential lot(s) on the lands that are designated Agricultural. For the lands that are designated Rural, Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6- Severances and Lot Creation, permits severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original Township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire the proposed severance on the property.

The consolidation of the two parcels would recreate the original land holding and would permit the creation of two new rural residential lots on the portion of land that is designated Rural. Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. It also requires that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. The proposed lots frontages are large enough to accommodate a driveway for each lot and satisfy the requirements of the policy.

Section 3.3.6.5 (iii) of the Community Official Plan requires that the retained lot and the severed lots have frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Both the severed and retained lots have direct frontage onto 9th Concession North Pakenham and Barrie Road,

which is owned and maintained by the Town of Mississippi Mills.

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

ZONING BY-LAW 11-83

The lands being consolidated are currently zoned Agricultural (A) and Rural (RU), where the lands being severed are zoned Rural (Ru). The Agricultural (A) zone permits a range of agricultural uses, including a single family dwelling, while the Rural (RU) zone permits a range of rural and agricultural uses including a single detached residential dwelling. Consolidate Lands For lands proposed to be consolidated, the intended use of the lots are for non-farm residential, the by-law requires a minimum lot area of 0.4 ha (1 ac) and a minimum lot frontage of 45m (147.6ft) for lands that are zoned Agricultural (A) Zone. For the portion of the lands that are zoned Rural (Ru) Zone, the by-law requires a minimum lot area of 10ha (24.7ac) and a minimum lot frontage of 150m (492ft). Applications 813/013, B13/014 and 813/015 requests approval to consolidate the subject lands and sever two vacant parcels of land from the land holdings. 80th the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

Severed Lots

For lands proposed to be severed, the intended use of the lots are for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft). Applications B13/014 and B 13/015 requests approval to sever two rural residential building lots from the consolidated land holding. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

CONCLUSION

The proposed severance is consistent with the Community Official Plan policy regarding severances.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant acquire entrance permits;
5. That the applicant acquires a PIN/Municipal address for each lot.

Septic Office – Leeds Grenville and Lanark Health Unit

B13/013 – A 4.96 acre parcel of land. There is an existing house serviced by a well and septic system. Land slope and drainage can vary. There is an existing barn and outbuildings. Many mature maple trees on property. “Hobby Farm”. Recommendation – additional sandy loam fill will be required in the area of the future tile beds.

B13/014 – a 5.03 acre vacant parcel of land comprised of pine and scrub bush. Land is relatively flat. Recommendation – addition sandy loam fill will be required in area of future tile bed.

B13/015 – a 5.03 acre of vacant land comprised of mainly scrub bush and pines. Land is

relatively flat. Additional sandy loam fill will be required in the area of the future tile bed.

Retained Lands – a 93 acre farm parcel with an existing house serviced by a well and septic system. There are various outbuildings and barn on parcel. Land slopes and drainage varies. Recommendation – additional sandy loam fill will be required in the area of future replacement tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Bell has advised that they have no concerns or objection to the proposed severances.

Twp. of McNabe / Braeside – 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 consolidate a 2.0-ha parcel of land with an existing dwelling, garage and barns (Hobby Farm) located at 577 Barrie Road with the abutting 37.6-ha landholding. Following which, the applicant will sever two (2) residential building lots (2.03-ha each) with access to 9th Con N Pakenham.

The subject lands are located in an area characterized by large landholding, intermixed with smaller type residential lots.

The lands to be consolidated are accessed via Barrie Road and the lands to be severed are accessed via 9th Con N Pakenham, both municipally maintained road.

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

Bedrock Inventory – limestone, Dolostone, shale

Agricultural Operations

An agricultural operation is located on the consolidated lands. No MDS was undertaken as the separation distance from the livestock facility to the read lot line of the lands to be severed is approximately 580 m. However as the lands to be severed are east of the barns (i.e prevailing winds), a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Official Plan Policies

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

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

Conclusion

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

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

(c) **MINUTES – May 24, 2013**

John and Genna Keindel, owners attended the hearing and gave evidence under oath.

Mr. Keindel advised that they had originally purchased the farmhouse in 2000 and then the large parcel of land surrounding the dwelling. And now wished to return reattach the house and farm buildings with the farm lands.

Committee reviewed the staff report and draft conditions.

(d) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

B13/013 – Lot consolidation

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 John Keindel and Genna Keindel described as Part Lot 27 Conc. 8 Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

B13/014 and B13/015 – same conditions apply to both lots.

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Norma Joanne Clobridge **Hearing Date:** May 24, 2013
 Philip George Anderson
Agent: N/A
LDC File #: B13/016
Municipality: Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 26 **Conc.:** 8
Roll No. 0919 908 020 213400 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.72-ha parcel of land as a lot addition to lands owned by Philip George Anderson at Pt. Lot 26 Conc. 8 North Elmsley Pt. 1 Plan 27R-2710 and Pt. 1 Plan 27R-1441. The lands are accessed via Echo Bay Drive.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	0.72 ha 27.07 m Irregular County Road	2.08 ha 55.76 m Irregular County Road
Water Supply Sewage Disposal	N/A N/A	N/A N/A
Official Plan Designation -Conformity?	Rural, Significant Woodlands Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural n/a Lot Addition	Rural 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.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.

County Official Plan – Under review of MMAH

Local Official Plan – Section 3 General Provisions, section 3.13 Natural Heritage, Section 4.3 Rural, section 5.5 Private Roads, section 6.3 Division of Land.

The Township of Drummond / North Elmsley has advised that the proposal conforms to the Official Plan policies.

Zoning By-law – Section 4 General Provisions, Section 7 Rural Zone, Section 24 Wetlands Zone (Adjacent Lands).

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

(b) AGENCY REVIEW

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

Township Planner's Report

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

It is my understanding that this application seeks to sever a 0.72 hectare (1.8 acre) parcel from lands owned by Philip Anderson and Norma Clobridge and convey those lands as a lot addition to a property also owned by Mr. Anderson. The effect of this application is to enlarge an existing waterfront lot (only about half an acre in size) that is accessed by Echo Bay Drive, which is a private road also owned by the applicants. The lands on the northwestern side of this private road are to be transferred to the waterfront lot and the retained lands, approximately 5 acres in size, are vacant. No development is proposed resulting from this application.

The severed and retained lands are both designated Rural in the Township's Official Plan, although I do note that almost the entire property (aside from the area around the street) is identified as having potentially significant woodland. Additionally, the area on the other side of Rideau Ferry Road is identified as being in an area of Natural and Scientific Interest. With respect to this application, there is no additional development proposed and as such, I will not require any supporting studies to that end. With respect to the zoning, the severed and retained lands are zoned Rural however the lands to be enlarged are zoned Limited Services Residential. The existing use of the retained lot (164 Echo Bay Road) meets the definition of a limited services residential use (albeit on a small lot) however this lot addition would provide a small amount of frontage on Rideau Ferry Road, although not enough to provide reasonable access. While an administrative zoning amendment to recognize the changed property circumstances can be considered, I believe that the LSR zoning of the portion of the enlarged lot is consistent with the intent of the OP (since the dwelling is essentially inaccessible directly from the County road). If, on the other hand the applicant at some point wishes to build an accessory building on the severed lot (which could now be considered from a zoning perspective since the lands are tied to a developed lot), I advise that the lands may need to be rezoned to LSR to permit this, since the Rural Zone does not allow development that does not have direct access to an opened public road. While the applicants may wish to consider this, provided that no development is proposed I do not believe that an administrative zoning amendment is otherwise necessary at this time to further a particular planning objective.

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

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

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

Conservation Authority – Rideau Valley Conservation Authority

We have received the noted application and undertaken a site visit to the Property.

The Rideau Valley Conservation Authority has reviewed this application considering;

- Section 2.1 Natural Heritage and 3. 1 Natural Hazards of the Provincial Policy
- Statement under Section 3 of the Planning Act.
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act.
- The considerations for waterfront setbacks and best management practices derived from the “Rideau Lakes Study” and the related “Municipal Site Plan Evaluation Guidelines”.
- Fish habitat concerns as per Section 35(1) of the Federal Fisheries Act.

The Proposal

The proposed lot addition will add 5.14 acres to the current 1.79 developed lot. The lot addition will increase the area and depth of the recipient lot, extending it to the Rideau Ferry Road. There is no waterfront added to the property.

The lot addition to the developed lot leaves the wetland more fully intact, in effect restoring the continuity of ownership of that wetland area. There is no additional development associated with this planning application.

The Property

The current lot is a residential lot fronting on Otty Lake, adjoining a locally significant unnamed wetland. This wetland encompasses the top of the bay and extends about 100 metres along the proposed new boundary before veering northerly away from the new lot line. Development is currently situated on a high area, well back from the shore and well above the wetland area associated with the lake.

Progressing to the Rideau Ferry Road, the narrow lot addition lands are affected by the 120 metre “adjacent lands” boundary of the Tay Marsh (a provincially significant wetland or “PSW”)

Review Comments and Recommendations

Provincial Planning Policy dictates that we must have regard for the area contained within the 120 metre adjacent lands associated with the Tay Marsh. While the adjacent lands of The Marsh extend on to the lot addition (see attached mapping), it is our opinion that the effect of this lot addition on The Tay Marsh would be negligible. We therefore

recommend that an Environmental Impact Statement, normally required to address impacts on the PSW within the 120 metre distance from its boundary, is not needed in this case.

There is no additional development proposer! within 30 metres of the identified locally significant wetland or within 30 metres of the normal high water mark of Otty Lake. Therefore, the Rideau Valley Conservation Authority has no objection to this lot addition.

Notes

For the owner's information, the RVCA has determined a 1:100 year regulatory flood elevation of 132.69 metres geodetic for Otty Lake. While this application has no implications as regards a flood concern for the current planning application, we take the opportunity to advise that future site alterations and development should have regard for this elevation. Likewise, we note that approval is required from the RVCA for any alteration, straightening, diverting or interference of the shoreline of Otty Lake.

Septic Office – Leeds Grenville a& Lanark District Health Unit

Severed – A 1.79 acre parcel of vacant land. Property is a narrow strip of bush and forest (Maple trees) which is going to be added to an existing residential lot of record. An addition to an existing lot only.

Retained – A 5.14 acre parcel of land which appears to be naturally severed by an existing road (Echo Road). The land is a vacant parcel/treed lot. Additional sandy loam fill will be required in the area of the future tile bed.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an 0.72-ha parcel of land as a lot addition to lands owned by Philip G Anderson and retain a 2.08-ha vacant parcel of land.

The subject lands are located in an area characterized by typical seasonal residential type lots around Otty Lake.

The lands are accessed via Echo Bay Road, a privately maintained road.

Archaeological

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the

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

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

3/ Woodlands

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

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. The additional lands will enlarge the existing parcel to meet the current Zoning By-law requirements.

Conclusion

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

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

(e) **MINUTES – May 24, 2013**

Philip Anderson, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

CONDITIONS

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 George Anderson described as Part 1 on Plan 27R-2710 and Pt. 1 on 27R-4441, being Part Lot 26 Conc. 8, geographic Township of North Elmsley, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advise that, the RVCA has determined a 1:100 year regulatory flood elevation of 132.69 metres geodetic for Otty Lake. While this application has no implications as regards a flood concern for the current planning application, we take the opportunity to advise that future site alterations and development should have regard for this elevation. Likewise, we note that approval is required from the RVCA for any alteration, straightening, diverting or interference of the shoreline of Otty Lake.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the future septic system area on the retained lands.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Donald Gibson **Hearing Date:** May 24, 2013
Applicant: Ricky and Casey Wark
LDC File #: B13/018
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 1.0-ha residential building lot together with a r-o-w and retain a 38.0-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	Agricultural	Agricultural & Dwelling
Proposed Use	Residential	Agricultural & Dwelling
Area	1.0-ha	38 ha
Frontage	90 m	23 m
Depth	112 m	Irregular
Road - Access to	Registered Right-of-way	Municipal
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Private Septic
Official Plan Designation -Conformity?	Rural Community, Organic Soils, Deer Yard Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan – under review by MMAH.

Official Plan – Section 3.3 Rural Communities, Section 5.0 Our Environment, Section 7.4.3.3 Private Roads, Section 7.4.5 Water and Waste Water, Section 8.4.2 Consents. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General 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 94 acre landholding with an existing dwelling, barn and outbuildings located at 228 Gibson Road.

Access for the new lot is via a registered right-of-way over the existing private road known as Theresa Lane.

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

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 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 *Clay ton-Taylor Complex*. On the west side of Theresa Lane, the proposed retained land is largely forested, while it is largely open field on the east side of the lane. The severed land consists of a mix of forested land and open field. 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 (EIS).

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. Provided that future development occurs in the open field identified on the severed lands, where there is inadequate winter cover and food resources, impacts to the deer wintering yard are not anticipated as a result of this application.

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.

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 provided the following mitigative measure is implemented for future development on the proposed severed lands:

- In order to limit the removal of terrestrial vegetation and deer wintering habitat, future development should be concentrated in the open field located on the severed lands.
- Removal of terrestrial vegetation, including trees, in the forested areas should be limited to a maximum of 10% of the existing cover.

NOTES

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.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – A 2.5 acre parcel of land. Land is wooded and has gentle slopes.
Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – A large agricultural farm parcel with an existing house serviced with a well and septic system. There are various outbuildings on parcel. Recommendation - Additional sandy loam fill will be required in the future replacement tile bed area.

Hydro One Networks - HONI advised that they have no comments or concerns.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 1.0-ha residential building lot, together with an r-o-w

and retain a 38-ha landholding with an existing dwelling, barn and outbuildings. One previous severance was taken from the original parcel in 2012.

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 – Under review by MMAH.
- 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.

Section 3.3.3 has been appealed to the Ontario Municipal Board, therefore the polices under the previous Official Plan still apply.

- 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 – May 24, 2013**

Don Gibson, owner and Ricky and Casey Wark, agents attended the hearing and gave evidence under oath.

Ms. Wark confirmed that the lot to be created would abut Theresa Lane, and that Mr. Gibson would continue to own the right-of-way.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. 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.

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 on the lands to be severed and in the area of future replacement tile bed on the retained lands..*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Helen Natterer **Hearing Date:** May 24, 2013
Agent: N/A
LDC File #: B13/021
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 8 & 9 **Conc.:** 2
Roll No. 0911 914 015 21000 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.17-ha parcel of land as a lot addition to lands owned by Richard Balson at Pt. Lot 8 Conc. 2 South Sherbrooke (406 Featherstone Lane) together with a right-of-way in favour of the retained lands.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Cottage
Proposed Use	Vacant	Cottage
Area	0.17 ha	0.46 ha
Frontage	N/A	N/A
Depth	27 m	72 m
Road - Access to	Registered R-O-W	Registered R-O-W
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Seasonal Residential n/a Lot Addition	Seasonal Residential 0.405-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.

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 – Under review by MMAH.

Local Official Plan – Section 2 General development Policies, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township has advised that the proposal conforms to the Official Plan Policies.

Zoning By-law - Section 3 General Provisions, section 5.2 Seasonal Residential Zone. Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever a 0.17 ha parcel of land for a lot addition. Official Plan designation: Rural. Applicable Sections 5.2 Land Division and 3.6 Rural. Zoning Category: Seasonal Residential (RS). Applicable section 10.2 – retained is 0.48 ha with 60 metres water frontage on Farren Lake. Lot addition would result in a 0.45 ha with 60 metre frontage on Farren Lake. Both lots meet minimum zoning provisions.

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

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an 0.17-ha parcel of land as a lot addition to lands owned by Richard Balson together with a r-o-w in favour of Helen Natterer and to retain a 0.46-ha seasonal residential lot.

The subject lands are located in an area characterized by typical seasonal residential lots around Farren Lake.

The lands are accessed via Featherston Lane, a private road, which adjoins Althorpe Road, a County maintained road.

Archaeological

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

Farren Lake

A "State of the Lake Environment Report" was undertaken on Farren Lake in 2001. The report was able to conduct a comparison between water quality conditions as they existed in 2001 to results obtained from 1975 to 2001. The historical data and the results of the 2001 sampling indicate that Farren Lake has a low level of nutrients well below the accepted threshold values above which impacts can be expected. Minor algae blooms may occur occasionally but the impact will be minimal. There was no indication of any bacterial pollution occurring. The lake was also tested for invasive species. Neither the zebra mussels or spiny water flea were found. However, residents need to take precautions to avoid bringing in invasive species as well as to ensure that access points to the lake have signs indicating what boaters can do to avoid infesting the lake. Farren Lake enjoys some renown for high quality fishing of species not found in other area lakes. To preserve this status, residents have undertaken shoreline replanting, septic surveys, etc.

Official Plan Policies

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The additional lands will enlarge the existing parcel to meet the current Zoning By-law requirements.

Conclusion

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

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

(e) **MINUTES – May 24, 2013**

No persons attended the hearing.

(g) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Richard Alan Balson described as East Part Lot 8 Conc. 2 South Sherbrooke, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
9. A letter shall be received from Tay Valley Township stating that condition #5 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Farren Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *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: 2193536 Ontario Inc. **Hearing Date:** May 24, 2013
Agent: P.H. Robinson Consulting
LDC File #: B13/022
Municipality: Town of Carleton Place
Geographic Township: Township of Beckwith **Lot:** 15 **Conc.:** 11
Roll No. 0928 030 055 7302 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.33-ha future residential lot and retain a 0.25-ha lot for the purpose of constructing 12 – 2-unit townhouse structures. The lands to be severed are accessed via Miguel and Coleman Streets.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant 2 blocks of 6 townhouse units
Area Frontage Depth Road - Access to	1.33345 ha 81.31 on Miguel 157.54 m on Coleman 110.12 m Municipal Road	0.25 ha 86.5 m on Miguel St. 29.42 m Municipal Road
Water Supply Sewage Disposal	Municipal Municipal	Municipal Municipal
Official Plan Designation -Conformity?	Residential Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Primary Residential 60% coverage 10.6 m Yes	Primary Residential 60% coverage 10.6 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

County Official Plan – Under review by MMAH

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

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

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

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property located on the south side of Miguel Street, north of Coleman Street and west of McGregor Street as shown on the key map on the next page.

The severed lot would be approximately 110 metres wide and 1 3345 m². The retained parcel would be approximately 86.5 metres wide and 2545 m². Access for both the retained and severed parcel will be from Miguel Street. This is a consolidated parcel of land which includes the former road allowance for Lenore Street.

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 which will allow 12 freehold townhouse units to be constructed. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law.

The applicant has submitted a concurrent Class 2 Development Permit application for the 2 blocks of townhouse units which will be developed on the retained parcel and subject to further severance applications. Each block will have 6 townhouse units with frontage on Miguel Street. The circulation period has been completed and comments will be incorporated in the final approved plans and Development Permit agreement. A complete set of drawings was provided which included a site plan, landscape plan, grading and drainage plan, servicing options report, stormwater management report, Environmental Impact study, building elevations and floor plans. Development of the severed parcel will occur through additional planning applications which will include a plan of subdivision, condominium application and development permit amendment.

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

1. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant enters into a Development Permit agreement which satisfies all requirements of the Development Permit Bylaw and required securities associated with the development of 12 freehold townhouse units.

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 1.33-ha residential building lot to accommodate a future townhouse and stacked townhouse unit and to retain a 2,545 m² residential lot for 2 blocks of 6 townhouse units. There is no limit to the number of severances per lot within the Town of Carleton Place. The applicant has applied to the Town for a Development Permit No. DP2-02-2013 to construct 2 blocks of townhouse units on the retained lands.

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

The lands are accessed via Miguel Street and Coleman Street, both municipally maintained roads. The retained land access only Miguel street.

Official Plan Policies

- 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, and 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. A Development Permit application has been submitted to the Town of Carleton Place to provide for the multi-unit development.

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 – May 24, 2013**

Paul Robinson, agent attended the hearing and gave evidence under oath.

Mr. Robinson advised that his client has already proceeded with a Development Permit application with the Town for the dwellings and the concept plan for the retained lands. And that they will be proceeding with a condominium application for the severed lands and the consent applications for the townhouse units on the retained lands.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan to the Town of Carleton Place.
5. That the applicant enters into a Development Permit agreement which satisfies all requirements of the Development Permit Bylaw and required securities associated with the development of 12 freehold townhouse units. The applicant shall consult directly with the Town of Carleton Place in this regard.
6. 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.
7. 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.
8. A letter shall be received from the Town of Carleton Place stating that condition #3 through #8 has been fulfilled to their satisfaction.