
The Land Division Committee met in regular session on:
Monday, November 10, 2014 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

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1. CALL TO ORDER

The meeting was called to order at 9:00 a.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2014-44

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, the minutes of the Land Division Committee
meeting held on October 14, 2014 be approved as
circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2014-45

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"**THAT**, the agenda be adopted as presented."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None

6. NEW APPLICATIONS

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

6.1 B13/167, B13/168 and B13/169 – Howard Carley – three new lots (revised applications)

Pt. Lot 9 Conc. A Township of Montague. Burchill Road

6.2 B14/050 & B14/051 – Gregory and Paula Coleman – two new lots

Pt. Lot 16 Conc. 9 geographic Township of South Sherbrooke, now in Tay Valley Township. Fagan Lake Road.

6.3 B14/062 – Ken & Rachelle Ferguson – new lot

Pt. Lot 26 Conc. 10 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 11.

6.4 B14/064 – Edmond and Vera Hassett – new lot

Pt. Lot 3 Conc. 10 geographic Township of Darling, now in the Township of Lanark Highlands. Munro Line.

6.5 B14/065 and B14/066 – Freela Holdings Inc. – two new lots

Pt. Lot 24 Conc. 11 Township of Beckwith. Cavanagh Road.

6.6 B14/070 – Thomas Gardiner – lot addition

Pt. Lot 2 Conc. 8 Township of Beckwith. Scotch Corners Road.

7. DEFERRED APPLICATIONS

The Land Division Committee reviewed the addendums to the following deferred applications to be considered at the 10:00 a.m. public hearings.

7.1 B14/053 – Allan and Ruth Flinn - new lot

Pt. Lot 5 Conc. 10 Township of Montague. Pinery Road.

7.2 B13/069 to B13/073 – Young / Patterson – cluster lot (4) and R-O-W

Pt. E ½ Lot 14 Conc. 12 geographic Township of Ramsay, now in the Town of Mississippi Mills. Golden Line Rd.

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

9.1 Hydrogeological Investigations - Deferred

9.2 Tay Valley Township - RE: B14/030 Seligman Rezoning of previously merged lots. - Deferred

9.3 Committee travel expenses - Deferred

10. PROVISIONAL CONSENT GRANTED

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

- 5 - 13 10.1 **B13/069 to B13/073 – Young / Patterson – cluster lot (4) and R-O-W**
- 14 - 21 10.2 **B13/167, B13/168 and B13/169 – Howard Carley – three new lots (revised applications)**
- 22 - 36 10.3 **B14/050 & B14/051 – Gregory and Paula Coleman – two new lots**
- 37 - 57 10.4 **B14/053 – Allan and Ruth Flinn - new lot**
- 58 - 70 10.5 **B14/062 – Ken & Rachelle Ferguson – new lot**
- 71 - 81 10.6 **B14/064 – Edmond and Vera Hassett – new lot**
- 82 - 95 10.7 **B14/065 and B14/066 – Freela Holdings Inc. – two new lots**
- 96 - 105 10.8 **B14/070 – Thomas Gardiner – lot addition**

11. PROVISIONAL CONSENT DEFERRED

None

12. UPCOMING MEETINGS AND NOTICES

- Monday, November 24, 2014, 9:00 a.m. - Land Division Committee Meeting
- Tuesday, December 16, 2014 - Inaugural Meeting of New County Council
- Wednesday, December 17, 2014 - Appointment of new Land Division Committee

13. ADJOURNMENT

MOTION #LD-2014-46

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, the meeting do now adjourn at 12:37 p.m."

ADOPTED



LAND DIVISION STAFF REPORT - ADDENDUM

APPLICATION FOR CONSENT

Owner: Chad Young & Lisa Patterson Young
Hearing Date: Oct 17, 2014
Re-convened Hearing: Nov 10/14

Agent: Chad Young

LDC File #: B13/069, B13/070, B13/071, B13/072 and B13/073

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay **Lot:** 14 **Conc.:** 12

Roll No. 0931 929 020 60000 **Consent Type:** Cluster Lot Development

Purpose and Effect: Cluster Lot Development consisting of:

B13/069 – new private road;
B13/070 – residential building lot 1.01-ha;
B13/071 - residential building lot 1.01-ha;
B13/072 – residential lot 1.03-ha – with an existing dwelling located at 1463 Golden Line Road;
B13/073 - residential building lot 1.05-ha;
and retain a 40.8-ha vacant landholding.

(a) ADDITIONAL INFORMATION

The following information was received by the Secretary-Treasurer between Oct. 28 and Nov. 5, 2014.

1. Smith and Associates Ecological Research – undated – signed by Paul A Smith.
2. Mississippi Valley Field Naturists – October 22, 2014
3. Tineke Kuiper – email dated Oct 31, 2014 – affidavit of Eleanor Simonyi dated Oct 24, 2014
4. Tineke Kuiper – e-mail dated Oct 31, 2014 – notes from Colin Weldon Oct. 23, 2014.
5. Tineke Kuiper – e-mail Oct 31, 2014 – notes from Grace Howie Oct 21, 2014.
6. Tineke Kuiper – e-mail Oct 31, 2013 – notes from Colin Weldon Oct 21, 2014.
7. Tineke Kuiper – e-mail Oct 31, 2014 – notes from Tanya & Terry Belland Oct 21, 2014.
8. Tineke Kuiper – e-mail Oct 31, 2014 – notes from Colin Weldon Oct 20, 2014.
9. Tineke Kuiper – e-mail Oct 31, 2014 – additional comments

(b) ADDITIONAL INFORMATION

The following information was received by the Secretary-Treasurer between Nov. 6 and Nov. 9, 2014.

1. Tineke Kuiper – e-mail Nov 6, 2014 – notes from Eleanor Thomson
2. Tineke Kuiper – e-mail Nov 6, 2014 – notes from The Peterson's

3. Stephen Stirling – e-mail Nov 7, 2014 – advising that Tim Chadder would be representing the Town at the Nov 10, 2014 hearing.
4. J.L. Richards (Tim Chadder) – Nov 7, 2014 – review of revised draft conditions and suggested recommendations.
5. Lyn Garrah (MNR) – e-mail Nov 7, 2014 – advising that revised EIS has been reviewed – additional whip-poor-will survey required and possible C Permit.
6. Tineke Kuiper – e-mail Nov 9 – comments on revised draft conditions.
7. Mississippi Valley Field Naturalist – Nov 9, 2014 – comments on proposal.

(c) **MINUTES – November 10, 2014**

Chad Young and Lisa Young, applicants, Murray Chown (Novatech), James McEwen (Houle Chevier) and Bernie Muncaster (Muncaster Environmental) representing the applicants, Val Wilkinson (Councillor Mississippi Mills), Tineke Kuiper (Mississippi Valley Field Naturalists), Michael Macpherson (MVFN), Thomas Coleman (MVFN), attended the hearing. The Chairman advised these attendees that they were still under oath from the previous hearing on October 17, 2014.

Emma Blanchard (Solicitor for the applicant) and Tim Chadder (Planning Consultant with J.L. Richards, representing the Town of Mississippi Mills) attended the hearing and gave evidence by affirmation.

The Chairman thanked everyone for attending today's hearing and noted that one purpose of the reconvened hearing was to present and review revised draft conditions for consideration without prejudice of the final decision to approve. The other purpose of the reconvened hearing was to make a decision on whether or not to approve the application. The revised draft conditions would reflect the two different applications – r-o-w versus new lots.

The chair then proceeded to review the draft conditions for B13/069 – Right-of-Way.

Mr. Chown noted that this application is to create an R-O-W only in a very specific location. And that this location was chosen to get away from the wetland area. Mr. Chown requested minor wording changes to Condition No. 1 to reflect that this is for an R-O-W as opposed to 'severed lands'.

Mr. Chadder advised that the Town would prefer to have the existing driveway used as the R-O-W rather than creating another driveway through this sensitive area. He indicated that it would be up to the committee to determine the location in their approval process and requested a condition that the driveway be located in the location of the present driveway.

The chair then proceeded to review the draft conditions for B13/070, B13/071, B13/072 and B13/073 – four new lots.

Mr. Chown requested a minor wording change to Condition No. 4 - change "...following condition..." to "...following notice...". And to Condition No. 11 by adding the wording after the first sentence "and permitted building envelope on the severed and retained lands." Mr. Chown also requested that the last sentence in Condition No. 12 and 13 be deleted as they are unaware of who all the owners are within the ANSI or that it be amended to refer only to the owners of the severed and retained lands which are the subject of these severance applications.

The Chair then turned to the additional materials that were received since the last hearing.

Ms. Kuiper advised that the MVFN looked at and focused their review on the species at risk and the issue of disturbance of the natural habitat, particularly the Alvar. Noting that there is considerable information and evidence to support the Alvar and that there are flaws in the EIS report that was prepared i.e. only one field review, time of year was wrong, focus was incorrect.

The committee complimented the MVFN on their dedicated work and suggested that the MVFN continue their work advising the Town to develop policies within the Official Plan and subsequent zoning by-law that would protect sensitive locations of the ANSI from being developed.

Val Wilkinson – submitted the following written brief.

Chad & Lisa Young Cluster Lot application: ANSI Golden Line Road

- June 26th MVCA review on EIS by Muncaster

"It is not clear that no negative impacts have been adequately demonstrated."

*August 13th JLR MVCA report: The intent of the PPS has not been clearly met
Email from Ms. Reid July 28th confirming that in MVCA's opinion the EIS did not demonstrate no impacts to the ANSI.*

Recommendation: based on information from MVCA, JLR recommends that the application be refused as they have not demonstrated to the MVCA's satisfaction that there will be no negative impacts on the natural features and their ecological functions.

- Sept 2nd Muncaster response to June 26th report by MVCA

- Sept 10th Miss Mills

Consultant from JLR recommending that Mississippi Mills not support the current application until the concerns with the EIS identified by MVCA are satisfied.

- Sept 26th MVCA Response to Muncaster response

MVCA does not have sufficient expertise to dispute this opinion. Consultation with MNR is recommended.

We do not support that the cumulative impacts should be addressed on a site by site basis as suggested in the report. This approach is non-sustainable management

practice. The township should still consider the overall maintenance of the resource.

Based on the above reports I am requesting

Either: 1. That this application be refused as recommended in the original JLR report of June 26th

Or: 2. That this decision be deferred until the additional information recommended by MVCA in their report of Sept 26th has been requested and received.

(Recommendation to accept incomplete EIS only issued September 10th and included in JLR report of Oct 6th and presented at the hearing on Oct 17th. prior to the election, more time is needed).

(Val Wilkinson: Councillor Mississippi Mills and Lanark County)

Emma Blanchard noted that she disagreed that the decision should be deferred and at some point in the process her clients need to have a decision made by the Land Division Committee, noting that J.L. Richard has, on behalf of his client (the municipality) put forth planning issues and has provided recommendations for consideration.

Tim Chadder advised that as outlined that the original submission by the Town accepted the expertise of Bernie Muncaster. Also noting that MVCA has accepted the expertise of Bernie Muncaster. Mr. Chadder also noted that the Town feels that its position can be

addressed through a Development Agreement and re-zoning.

Ms. Wilkinson expressed concerns with the reports from MVCA suggesting that they do not have the expertise to report on the Alvar and once again requested that a decision be deferred until such time that the MNRF gets all the information needed as outlined in their e-mail of Nov 7, 2014.

Mr. Muncaster advised that MNRF has received and reviewed the updated EIS and it is his understanding that the email of Nov 7, 2014 refers only to Species at Risk legislation. Mr. Muncaster also noted that any development must respect the SAR Legislation and through the process to satisfy conditions, additional information on the SAR and any necessary permits will be obtained.

Ms. Kuiper advised that new information has been obtained and presented in her correspondence with the Committee and this needs to be considered.

Mr. Chown noted that the proposed development has been through an extensive review process and he respects the concerns and interest raised with the ANSI and Alvar, however it is time for the Town to work towards developing new policies to address these issues for the future.

The committee members thanked all those in attendance for their interest noting that they have listened to and reflected upon all information provided. It was pointed out to all present that this is a planning process where the Committee must rely mostly on the written documentation received from the various agencies identified with authority on certain aspects of the application. These agencies are the ones that provide the expertise on the existing legislation however; third party information has been received and considered by the Committee in their deliberations.

(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.

B13/069 – R-O-W

1. An acceptable reference plan or legal description of the right-of-way and the deed or Instrument conveying the r-o-w 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 those lands being created by Consent Applications B13/070, B13/071, B13/072 and B13/073 and the retained lands.

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 private road being created shall be designed and constructed by a professional engineer or other persons competent in road construction, as approved by the Town of Mississippi Mills. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The private right-of-way width shall meet the required road geometric and infrastructure requirements as set out by the Town of Mississippi Mills. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
9. The existing private laneway at 1463 Golden Line Road shall be removed and rehabilitated to a condition appropriate to complement the requirements of the EIS. Confirmation shall be provided by the Public Works Department of the Town of Mississippi Mills.
10. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private road. Such agreement shall include the following:
 - a) The private road shall serve the severed and retained lands.
 - b) The agreement absolves the Town of Mississippi Mills of any liability or responsibility for its upkeep or the provision of services.
11. The applicant shall submit a suitable road name for the private right-of-way to the Town of Mississippi Mills for consideration.
12. The applicant shall obtain a Civic Address Number for each of the lots being created and the retained lands from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
13. The applicant shall provide a drainage easement to the Town of Mississippi Mills as outlined in the Jp2g Consultants Inc. report dated January 8, 2014.
14. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #13 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

2. *In addition, any proposed works in or near the lake, unnamed watercourse or wetland should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *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.

B13/070, B13/071, B13/072 and B13/073

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lots to be severed over the right-of-way being created by consent application B13/069.

4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following wording "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant 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.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
8. The applicant shall submit a final hydrogeological report prepared by a qualified professional, supporting development of private individual water and sewage systems for each of the residential lots being created. The report shall be submitted to the Town of Mississippi Mills.
9. The applicant shall enter into a Development / Subdivision Agreement to be registered on title between the Town of Mississippi Mills and the applicant, that shall include but not be limited to the following:
 - a) The agreement shall contain wording regarding compliance with Ontario Regulation 153/06.
 - b) The agreement shall contain wording advising that the lots are adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
 - c) The agreement shall contain any recommendations for development outlined in the final hydrogeological report developed as per Condition No. 8.
 - d) The agreement shall contain provisions that a lot grading and drainage plan be prepared which demonstrates the locations of the well envelope, septic envelope (including septic tank and leaching bed) and building envelope to be accommodated on each lot, lots which require clay seal over rock prior to construction of the leaching bed are to be noted, the discharge of water softener waste shall be shown and this waste is not to enter the septic system and that this plan be subject to approval of the Leeds, Grenville and Lanark District Health Unit.
 - e) The agreement shall implement any and all recommendations contained in the final approved EIS and any conditions from the MVCA and MNRF resulting from the EIS.
 - f) A review and inspection of the lots will be carried out with the proponent or engineering representative once lot frontage corners are identified and staked.
10. The applicant shall provide a detailed site plan for the severed and retained lands to address Section 3.3.7.12 of the Town's Community Official Plan, to the satisfaction of the Town and the MVCA. The applicant shall consult directly with the

Town of Mississippi Mills in this regard.

11. The applicant shall submit an application for an amendment to the Town's Zoning By-law to address frontage on a private road and permitted building envelope on the severed and retained lands. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
12. The applicant shall prepare a "Homeowners Stewardship Information" package to be provided to future purchasers, to address the function of the ANSI, impacts on woodlands and potential presence of Species at Risk. The applicant shall consult with the Ministry of Natural Resources and the Mississippi Valley Conservation Authority in this regard. A copy of the information package shall be filed with the municipality and made accessible to all owners within the ANSI.
13. The applicant shall prepare a "Homeowner's Stewardship Information" package to address well construction, well best management practices, water testing and treatment, septic system care and water conservation and infiltration. The applicant shall consult with the Mississippi Valley Conservation Authority in this regard. A copy of the information package shall be filed with the municipality and made accessible to all owners within the ANSI.
14. A letter shall be received from the Town of Mississippi Mills stating that condition #5 through #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #9(e), 10, 12 and 13 has been fulfilled to their satisfaction.
16. A letter shall be received from the Leeds Grenville and Lanark District Health Unit advising that condition #9 (d) has been fulfilled to their satisfaction.
17. A letter shall be received from the Ministry of Natural Resources and Forestry stating that condition #9 (e), and 12 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the lake, unnamed watercourse or wetland should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The 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: Howard Carley

Hearing Date: November 10, 2014

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B13/167, B13/168 & B13/169 (RECIRCULATION)

Municipality: Township of Montague

Geographic Township: N/A

Lot: 9 **Conc.:** A

Roll No.: 0901 000 010 14600

Consent Type: New Lot

Purpose and Effect:

The original applications as approved was to sever three (3) residential building lots (4.0-ha each) and retain a 39.4-ha vacant landholding.

The owners has resubmitted these applications which will increase the lot sizes to 8.1-ha each. The retained lands will then decrease to 26.68-ha.

(a) AGENCY REVIEW

The revised applications were re-circulated to those agencies who had originally submitted comments, namely Township of Montague, Rideau Valley Conservation Authority, Health Unit and Bell Canada.

The following comments were received:

Township Planner's Report – Township of Montague

Thank you for circulating the Township of Montague on this revised application. Township staff have reviewed the application and note that the application has been revised to increase the lot size and frontage of the proposed three lots from 10 acres (4 ha) and 100 m of frontage to 20 acres (8 ha) and 150 m of frontage. Roughly 66 acres would be retained and the lots would continue to front on Burchill Road. Township staff supported the original application, advising in their letter March 21st that it is consistent with the intent of the Rural Designation, does not unacceptably impact services and infrastructure, would not otherwise inhibit potential exploitation of the bedrock deposit and through the appropriate development conditions, will not negatively impact the natural heritage features identified on that site. These

development conditions include establishing a building envelope, a maximum road setback and implementing the conditions outlined in an EIS provided by EcoTec in December 2013. These would be administered through a development agreement and are intended to minimize the fragmentation of that substantial intact woodland habitat. Without such a condition the other alternative to minimize the fragmentation is to require smaller lot sizes.

In this case, the revised application doubles the size of the lots, however the revision will have little impact on most of the planning considerations evaluated in the previous report. As such, that recommendation and supporting conditions will continue to apply, however the matter of the impact would require some additional consideration, and to that end was supported by the submission of an EIS addendum dated July 29, 2014. This EIS upheld the recommendations in the previous EIS that the future development of these lots will not have a negative impact on the various natural heritage features of the site provided that site alteration is minimized and directed away from certain features. With a concern about the fragmentation of woodland habitat, this revision cannot be viewed as an improvement. With that in mind however and considering the prior approval of the 10 acre lots subject to conditions, provided that the same development conditions are implemented in a development agreement registered on title and binding on all future owners, there should be minimal additional impact on the identified interior woodland and habitat conditions.

As such, the Township of Montague does not object to this amended application, provided that the conditions outlined below are fulfilled to the satisfaction of the Township:

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. 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 for assumption. The Township Roads Superintendent shall be consulted

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

4) That sufficient lands from B13/167 be deeded to the Township of Montague for road re-alignment purposes on the north east corner of the lot abutting Burchill Road.

5) The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague in this regard.

6) The Applicant shall obtain Civic Address Numbers from the Township of Montague for all lots identified in the applications. The applicant shall consult directly with the Township in this regard.

7) The Applicant shall enter into a Development Agreement with the Township to administer the development conditions as outlined in the Environmental Impact Study submitted by EcoTec Environmental Consultants dated July 29, 2014 and include additional provisions establishing a maximum clearing envelope of 0.5 acres and maximum road setback of 100 m.

8) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

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

We have no concerns or objection to the proposed severance.

(b) PUBLIC INPUT

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

(c) PLANNING REVIEW

Background and Summary

The applicant proposes to sever three (3) residential building lots (8.1-ha each) and retain a 26.67-ha vacant landholding.

The subject lands are located .5-lm north of the Village of Merrickville. A number of larger type residential type lots are located to the north and an inactive Aggregate Operation is to the north-west.

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

As requested by the Municipality, the applicant submitted an Environmental Impact Study (EIS) prepared by EcoTec Environmental Consultants Inc. The EIS was reviewed by the RVCA. The original EIS report was updated / revised to reflect the increased lot area.

The report concluded as follows:

- a) Should development occur within the proposed lots, as much of the forest should be retained as possible and that the larger mature trees, such as sugar maple, oak, ironwood, bitternut hickory, ash, beech, trembling aspen, white cedar and elm are left for wildlife habitat.
- b) It is recommended that removal of live healthy trees and vegetation should not occur within or adjacent to, the fresh white cedar-hemlock coniferous forest.
- c) It is also recommended that should future development occur, a 15 m buffer be maintained around the ephemeral pools.
- d) It is also recommended that efforts be made to minimize clearing operations and it be restricted to a period between August 16th and April 30th in order to avoid impacts during the bird breeding / nesting season, should clearing be required.
- e) Should future development occur it is recommended that a sweep of the area for species at risk be completed prior to any work being completed.
- f) It is recommended that MNR be contacted immediately if any species at risk are observed.

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

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

Zoning

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

Conclusion

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

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

(d) **MINUTES – November 10, 2014**

Tracy Zander (ZanderPlan Inc.), agent, attended the hearing and gave evidence under oath.

Ms. Zander advised that the applications had been revised to accommodate the following:

- 1/ when discussing with the Township their road widening requirements the suggested that the road be aligned and therefore additional lands would be taken from B13/167 thus reducing the original 4.1-ha size;
- 2/ there was a desire to make the lots larger, therefore more saleable.

The revised lot sizes were reviewed by her biologists which resulted in the requirement of a defined building envelope.

Committee reviewed the staff report and draft conditions.

(e) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The same conditions may apply to all three lots with the exception of No. 10 which should only apply to B13/167

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by Condition #1 above shall relate to the "revised Sketch" dated June 27, 2014.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The Applicant shall enter into a Development Agreement with the Township to administer the development conditions as outlined in the Environmental Impact Study submitted by EcoTec Environmental Consultants dated July 29, 2014 and to establish a maximum clearing envelope of 0.2023-ha and a maximum road setback of 100 m.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. That sufficient lands from B13/167 be deeded to the Township of Montague for road re-alignment purposes on the north east corner of the lot abutting Burchill Road.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. A letter shall be received from the Township of Montague stating that condition #4 through #11 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 septic system area.*

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: Gregory & Paula Coleman **Hearing Date:** November 10, 2014

Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B14/050 & B14/051

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke **Lot:** 16 **Conc.:** 9

Roll No.: 0911 914 010 37600 **Consent Type:** New Lots

Purpose and Effect: To sever a 12.14-ha residential building lot and a 24.68-ha lot landholding with an existing dwelling located at 461 Fagan Lake Road and retain a 20.23-ha landholding. The lands area accessed via Fagan Lake Road.

DETAILS OF PROPOSAL	Lands to be Severed B14/050	Lands to be Severed B14/051
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	12.14 ha	24.68 ha
Frontage	260 m	337 m
Depth	840 m	1,070 m to 840 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use Proposed Use	Vacant Residential
Area Frontage Depth Road - Access to	20.23 ha 208 m 1,195 m to 1,070 m Municipal Road
Water Supply Sewage Disposal	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 0.405-ha Yes 60 m Yes

Official Plan Designation: Rural

Compliant: Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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, and
- c) hazardous sites.

County Official Plan – Section 2.0 Settlement Policies, Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 General Development Policies, Section 2.21 Natural Heritage Features, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2.3 Consent Policies.

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

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

(b) **AGENCY REVIEW**

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

Township Planner's Notes

The proposal is to sever two lots. 12.14 ha vacant and 24.68 ha with existing house and outbuildings, and retain a 20.23 ha vacant landholding. The lands are accessed by Fagan Lake Road.

The retained and second severed lot have small areas within the 150 m minimum separation distance from a holding "EX" across the road.

However, the retained lot is over 1070 metres deep so there is ample building area. The house on the second severed lot was built in 1911 and is within the 150m setback (at approximately 100m).

The retained lot and the first (east) severed lot have small areas within the required MDS setback to neighbouring properties, but again have sufficient building space outside the setbacks.

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 for each property
- 3 copies of the reference plan.
- Parkland contribution of \$100 for each new property

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever one vacant lot measuring 12.14 ha (Severance 1); and one

developed lot measuring 24.68 ha (Severance 2); and retain a vacant lot measuring 20.23 ha.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, an unnamed watercourse flows through the northern section of the proposed severed and retained lands. In addition, one small unnamed waterbody, and a second larger one appear on the mapping in the southwest section of the retained lands. Another small unnamed waterbody appears in the southern section of Severance 2. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Waterbody

Provincial guidelines, prepared in support of the Natural Heritage section of the Provincial Policy Statement (PPS), indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no negative impacts to this natural heritage feature. In addition, Tay Valley Township's Zoning By-law requires a 30 m setback from water and fish habitat.

In accordance with the municipal zoning by-law, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from the unnamed watercourse and waterbodies identified on the subject lands.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject applications provided the following mitigative measures are implemented for any future development:

Severance 1

1. Future development, including a septic system shall be setback a minimum of 30 m from the unnamed watercourse.
2. The shoreline vegetation along the unnamed watercourse shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed watercourse or onto adjacent properties.

Severance 2 and Retained

1. Future development, including a septic system shall be setback a minimum of 30 m from the unnamed waterbodies and unnamed watercourse.

2. The shoreline vegetation along the unnamed waterbodies and unnamed watercourse shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed waterbodies, unnamed watercourse, or onto adjacent properties.

NOTES

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

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the unnamed waterbodies or unnamed watercourse.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed waterbodies or unnamed watercourse, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Septic Office – Mississippi Rideau Septic System Office

B14-050

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

The applicant proposes to sever 12.14 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, with areas of open field, trees and exposed rock. Based on aerial photos, there is a stream in the northern portion of the severance.

The retained parcel is 44.91 hectares. The property is developed with a dwelling and four outbuildings. The dwelling is serviced by a well and sewage system (Permit # S4401).

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system on either lot greater than 30m from surface water. Given the above information, our office has no objections to the severance as proposed.

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

B14/051

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

The applicant proposes to sever 24.68 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a dwelling and four outbuildings. The dwelling is serviced by a well and sewage system (Permit # S4401). Based on aerial photos, there is a stream in the northern portion of the severance.

The retained parcel is 20.23 hectares. The property is currently vacant, with areas of open field, trees and exposed rock and surface water in the South West portion of the lot.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system on either lot greater than 30m from surface water. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 12.14-ha residential building lot and a 24.68-ha lot landholding with an existing dwelling located at 461 Fagan Lake Road and retain a 20.23-ha landholding.

The subject lands are located in an area characterized by large landholdings intermixed with rural residential lots along Fagan Lake Road. A mineral aggregate extraction area (pit) is located to the north of the road. Minimum separation distance will be required for any new

development on B14/050 or the retained lands. A condition should be included to advise future purchasers of the aggregate operation and potential for noise, odours etc.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – B14/051 – Granodiorite, granite
B14/050 – marble, calc-silicate

Agricultural Operations

Due to an agricultural operation being located on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS from the G England barns indicated a minimum setback of 209 m, this setback protrudes into B14/050, however sufficient area remains outside the area to have a 1-ha building envelopment. The MDS from the V England barns indicated a minimum setbacks of 209 m, this setback protrudes into the retained lands, however sufficient area remains outside this area to have a 1-ha building envelopment. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is not a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

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

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

3 Woodlands

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – November 10, 2014**

Tracy Zander, (ZanderPlan Inc.) agent, attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B14/050

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a **period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to 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 a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from Tay Valley Township stating that condition #5 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that an approved septic permit is required prior to the issuance of a residential building permit.*
2. *The Mississippi Valley Conservation Authority advise that*
 - *future development, including a septic system shall be setback a minimum of 30 m from the unnamed watercourse.*
 - *the shoreline vegetation along the unnamed watercourse shall be retained to a minimum depth of 15 m.*
 - *natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed watercourse or onto adjacent properties.*
3. *The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the unnamed waterbodies or unnamed watercourse.*
4. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed waterbodies or unnamed watercourse, in*

order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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.

B14/051

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a **period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to 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 a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that*
 - *future development, including a septic system shall be setback a minimum of 30 m from the unnamed waterbodies and unnamed watercourse.*
 - *the shoreline vegetation along the unnamed waterbodies and unnamed watercourse shall be retained to a minimum depth of 15 m.*
 - *natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed waterbodies, unnamed watercourse, or onto adjacent properties*
2. *The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to any alterations to the shoreline of the unnamed waterbodies or unnamed watercourse.*
3. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed waterbodies or unnamed watercourse, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
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: Alan & Ruth Flinn

Hearing Date: October 14, 2014

Agent: N/A

LDC File #: B14/052, B14/053 &

Municipality: Montague

B14/054

Geographic Township: N/A

Lot: 5 **Conc.:** 10

Roll No.: 0901 000 015 21200

Consent Type: New Lots

Purpose and Effect: To sever three (3) residential building lots (1.1-ha, 4.5-ha and 0.96-ha) and retain a 188.7-ha landholding, located at 701 Pinery Road. The lands to be severed are accessed via Pinery Road.

DETAILS OF PROPOSAL	Lands to be Severed B14/052	Lands to be Severed B14/053
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.1 ha	4.5 ha
Frontage	46 m	59.1 m
Depth	206 m (average)	420 m (average)
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	46 m	46 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands to be Severed B14/054	Lands Retained
Existing Use Proposed Use	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	0.96 ha 46 m 181.5 m (average) Municipal Road	188.7 ha 47.5 m irregular Municipal Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 m Yes

Official Plan Designation: Rural, Bedrock and Woodlands

Compliant: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- a) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- b) hazardous sites.

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

Local Official Plan – Section 2 General Development Policies, Section 3.2 Mineral Resource, Section 3.3 and 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township Roads, Section 4.5 Private Roads, Section 5.2 Land Division. The Township of Montague advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, section 18 Rural Zone. The Township of Montague advises that the proposal complies with the Zoning By-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owners Allan and Ruth Flinn seek permission to

sever three residential lots from an existing 480 acre landholding. The proposed lots (and retained) will front on Pinery Road and the two northern lots (2.4 and 2.7 acres respectively) are vacant and the lot proposed for the southwestern corner is about 11 acres with an existing dwelling and outbuildings. The retained lands will be vacant, with only about 150 feet of frontage on Pinery Road and opening up to the large landholding at the rear. According to the Township's records, no lots have been taken off of this lot of record since 2001 and as such, the three proposed consents could be considered under the Township's lot creation policies.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" that are consistent with a rural setting within the rural areas. This includes limited and low density residential development. The northeastern part of Pinery Road, in the vicinity of the Flinn property, is a mixed rural development area, including single family building lots, farms and woodland areas. According to the information provided to the Township there is a livestock barn on an adjacent property however the Minimum Distance Separation calculation as part of this application shows an adequate separation distance from the proposed new building lots. With respect to development constraints, the severed lands been identified as a bedrock deposit (potential aggregate source) and much of the retained lands as "potentially significant woodland". The Official Plan (Development Adjacent to Mineral Resources) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. In this case, given that the proposed lots are at the edge of the bedrock deposit and that there is some adjacent existing residential development to the north on Pinery Road, it is staff's expectation that these nearby sensitive uses would realistically preclude the future exploitation of this resource. While there is some significant woodland mapped to the east of the two northern (B14/054 and B14/052) lots, the area appears to be more edge habitat in this case and as such those two applications would likely have minimal impact on that feature. Given this, Staff are of the view that this application complies with the Township's Official Plan regarding rural residential development.

Of note however, affecting the southern lot (B14/053) is what appears to be a forced road allowance that is identified traversing the lot and connecting with the unopened road allowance in between Concessions 9 and 10. While that allowance appears not to be used by others, forced road allowances in other municipalities that were not closed by by-law, including those not indicated on land registry parcel fabrics, have created legal difficulties relating to lot creation. At this point, the legal status and ownership of that allowance is uncertain and Staff have

sought legal clarification on it. As this may affect the legal title of the lot being proposed and possibly legal access rights of others, it is Staff's opinion that an approval of B14/053 is premature until the legal context of that allowance is confirmed. This would allow the Township and affected property owners to determine the best course of action, if any is required, with the comfort for all involved that this could be done within the year prescribed to fulfill consent conditions. This road allowance issue does not affect the northern two lots.

From a zoning perspective, the severed and retained lands are zoned Rural and this application is consistent with all lot provisions.

Upon review of this application, Staff are of the view that this application is generally consistent with the Township's planning policies with respect to B14/052 and B14/054 and recommend that the Land Division Committee considers approving those two, subject to the conditions outlined below:

Township of Montague - recommends approval of applications **B14/052** and **B14/054**, subject to the following conditions:

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. 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 for assumption. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 4) The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 5) The Applicant shall obtain Civic Address Numbers from the Township of Montague for all lots identified in the applications. The applicant shall consult directly with the Township in this regard.
- 6) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

With respect to **B14/053**, Staff recommend that a decision be deferred until the ownership and title status of the identified road allowance is confirmed.

Conservation Authority – Rideau Valley Conservation Authority

B14/052

We have undertaken our review within the context of Sections 2, 1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a 1.1 ha residential lot from the existing 195.3 ha parcel. We note that this application is being heard concurrently with B14/053 and B 14/054.

PROPERTY CHARACTERISTICS

Severed parcel

The severed parcel has some medium to large sized trees along Pinery Road and the rear portion of the property has been identified as Significant Woodlot in the Township or Montague's Official Plan, The remainder of the parcel consists of a low lying area, which can be considered a wetland, between the road and the woodlot, and a small meadow on the north eastern portion of the parcel. The land is currently vacant.

Retained Parcel

The retained parcel is mainly a meadow with a portion on the north identified as Significant

Woodlot in the Township's Official Plan, According to the application, the parcel is currently vacant.

REVIEW

Natural Hazards - Low-lying and flood-prone areas

Severed Parcel

A portion of the parcel is low-lying, and can be considered a wetland , However, the RVCA does not have regulations that cover this area.

The Provincial Policy Statement and the Official Plan both encourage development to be located outside of hazardous sites unless it has been demonstrated that the hazard can be overcome. For the applicants' knowledge, future development on this parcel may face constraints in order to meet requirements of the Ontario Building Code, including septic installation on low-lying and flood-prone lands.

Retained parcel

There have been no natural hazards identified on this parcel.

Natural Heritage - Significant Woodland

Severed parcel

A Significant Woodlot exists on the rear portion of the parcel, as identified on Schedule B "Constraints and Opportunities" of the Township of Montague's Official Plan.

A natural heritage feature such as this woodlot should be preserved to the greatest extent, and fragmentation should be avoided to minimize the disturbance on the forest interior habitat. Therefore, to reduce environmental impacts on the significant woodland, any proposed residential development should not be located within this area.

Retained parcel

The retained parcel contains Significant Woodlands, as identified in Schedule B of the Township's Official Plan. Any future development should be located away from the identified natural heritage feature.

Watercourse

Severed parcel

No watercourses have been identified in this parcel.

Retained parcel

No watercourses have been identified in this parcel.

CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, should any watercourse exist on the property, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:

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

CONCLUSION

In conclusion, the Rideau Valley Conservation has no objection to this consent application. We have provided the above information for the applicants' awareness and consideration.

B14/053

We have undertaken our review within the context of Sections 2, 1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial

Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a 4.5 ha residential lot from the existing 195.3 ha parcel. We note that this application is being heard concurrently with B14/052 and B14/054.

PROPERTY CHARACTERISTICS

Severed parcel

The severed parcel contains a house, garage and storage sheds, and lacks significant tree cover.

The southern portion of the property is at a slightly lower elevation than the remainder of the property.

Retained Parcel

The retained parcel is mainly a meadow with a portion on the north identified as Significant Woodlot in the Township's Official Plan, According to the application, the parcel is currently vacant.

REVIEW

Natural Hazards - Low-lying and flood-prone areas

Severed Parcel

A low-lying area is present on the southern portion of this parcel, which can be considered flood susceptible.

However, the existing structures are located away from this low-lying area and a sufficient building envelope exists on this parcel. Given the size of this parcel and the location of existing development, the effect of the mentioned natural hazards should be limited.

Retained parcel

There have been no natural hazards identified on this parcel.

Natural Heritage - Significant Woodland

Severed parcel

The severed parcel does not have Significant Woodlands as identified by the Township's Official Plan.

Retained parcel

The retained parcel contains Significant Woodlands, as identified in Schedule B of the Township's Official Plan. Any future development should be located away from the identified natural heritage feature.

Watercourse

Severed parcel

No watercourses have been identified in this parcel.

Retained parcel

No watercourses have been identified in this parcel.

CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, should any watercourse exist on the property, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:

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

CONCLUSION

In conclusion, the Rideau Valley Conservation has no objection to this consent application. We have provided the above information for the applicants' awareness and consideration.

B14/054

We have undertaken our review within the context of Sections 2, 1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a 0.96 ha residential lot from the existing 195.3 ha parcel. We note that this application is being heard concurrently with B14/052 and B14/053.

PROPERTY CHARACTERISTICS

Severed parcel

The severed parcel contains significant tree cover on the western portion of the property along the road, with a meadow existing on the remaining portion. The parcel is currently vacant.

Retained Parcel

The retained parcel is mainly a meadow with a portion on the north identified as Significant Woodlot in the Township's Official Plan, According to the application, the parcel is currently vacant.

REVIEW

Natural Hazards

There have been no natural hazards identified on this parcel.

Retained parcel

There have been no natural hazards identified on this parcel.

Natural Heritage - Significant Woodland

Severed parcel

The severed parcel does not have Significant Woodlands as identified by the Township's Official Plan.

Retained parcel

The retained parcel contains Significant Woodlands, as identified in Schedule B of the Township's Official Plan. Any future development should be located away from the identified natural heritage feature.

Watercourse

Severed parcel

No watercourses have been identified in this parcel.

Retained parcel

No watercourses have been identified in this parcel.

CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, should any watercourse exist on the property, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:

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

CONCLUSION

In conclusion, the Rideau Valley Conservation has no objection to this consent application. We have provided the above information for the applicants' awareness and consideration.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – B14/052 – Approximately a 1.1 hectare parcel of land consisting of mixed vegetation (bushland/grass field). Low lying area subject to seasonal wetness. Approximately 1-2 feet of soil until bedrock. Fill required to construct septic system (tile bed).

Severed – B14/053 – Approximately a 5.5 hectare parcel of land with existing house, outbuildings, drilled well and septic system. Slope,

drainage and soil depth variable. The severance will not affect future replacement of septic system. Fill will be required to construct future replacement septic system.

Severed – B14/054 – Approximately a 0.96 hectare parcel of land consisting of mixed vegetation (bushland). Lot is relatively flat and may be subject to seasonal wetness. No outbuildings. Approximately 1-2 feet of soil until bedrock. Fill will be required to construct a septic system (tile bed).

Retained – Approximately a 188.7 hectare parcel of land consisting of agricultural fields and bushland. Drainage, slope and soil depth variable. Some areas subject to seasonal wetness.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two (2) residential building lots (1.1-ha, and 0.97-ha), a 4.5-ha residential lot with an existing dwelling, garage and sheds at 701 Pinery Road and retain a 188.7-ha vacant landholding. The subject lands are located in an area characterized by rural residential intermixed with larger type vacant landholdings.

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

Bedrock Inventory – Dolostone, sandstone

Agricultural Operations

Due to an agricultural operation being located on the adjacent lands to the west, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 241 m, the actual distance from the barn to the closest proposed lot line of B14/053 is 157 m, however this lot is already developed. A condition may be considered to advise future purchasers of the farming operation and potential for noise, odours etc.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate any potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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 with regards to applications B14/052 and B14/054. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration.

It is recommended however, that application B14/053 be deferred due to the uncertainty of the ownership of the road allowance shown on the proposed lot connecting Pinery Road with the Road Allowance between concession 9 and 10 Montague.

(e) MINUTES – October 14, 2014

Allan and Ruth Flinn, owners attended the hearing and gave evidence under oath.

The committee reviewed the concerns raised by the Township regarding the uncertainty of the ownership of the road traversing B14/053, and outlined the road closing procedures if this was required.

Moved by W Guthrie and Seconded by D Murphy, THAT B14/053 be deferred pending further discussion with the Township regarding the road traversing B14/053. Cd.

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.

B14/052 and B14/054

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for

review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct an OBC compliant septic system (tile bed).*
2. *For the applicant's information, should any watercourse exist on the property, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:
- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
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.

(g) ADDITIONAL INFORMATION

The Township of Montague was contacted to provide additional information regarding the 'road' shown on the Ontario Base Mapping (GIS) traversing B14/053 from Pinery Road to the Road Allowance between Concessions 9 and 10.

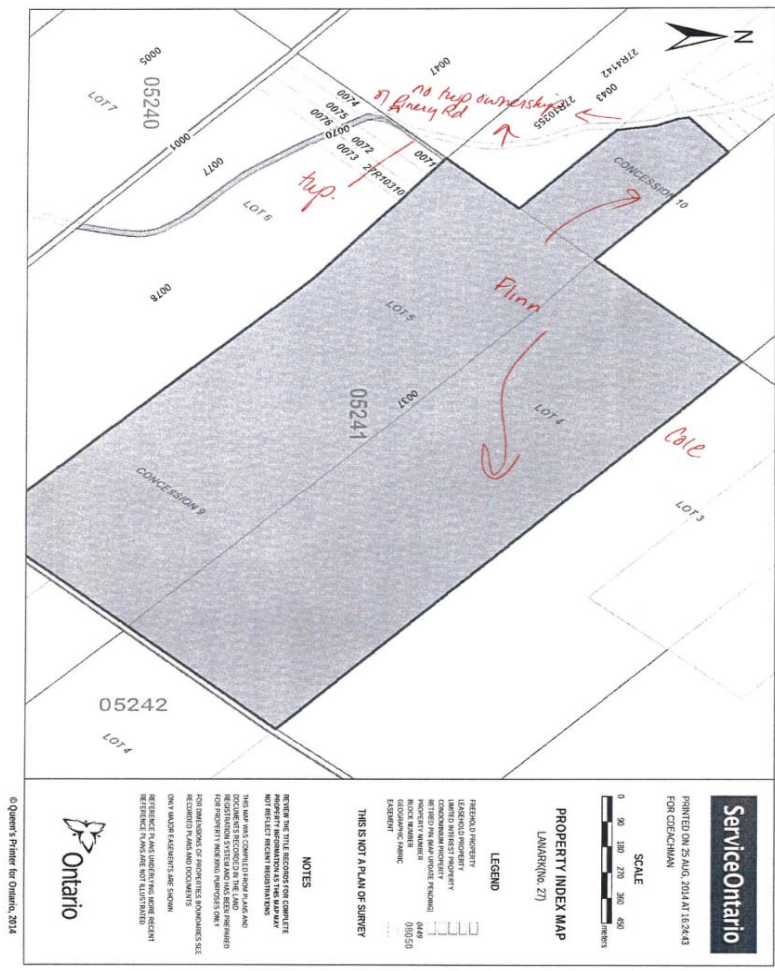
The following has been provided by Glenn Barnes CAO – Township of Montague:

"In reference to the subject application and in response to the question of any lands owned by Montague Township which may have bearing on this application, information collected by the Township indicates that the Township does not appear to own lands adjacent to or entering onto the subject land. However we have been advised that the subject land has not been surveyed and if there is sufficient evidence of an existing road crossing the property, the surveyor would be obligated to show that on a plan. Survey evidence is often key in determining the existence/status of a road.

For your records I enclose the following relevant excerpts of correspondence and documentation respecting the Township's ownership of lands between Concession 9 & 10, commonly referred to as 10th Line, presented by Bond and Hughes, Barristers and Solicitors."

Starting at the Pinery Road in lot 6 the Land Titles system shows the township owning the strip of land in dark (PIN 0070 see map page 1), which curves away from the actual location of the road and follows the

division line between Con 9 & 10. Based on 27R10310 title was deeded to the township at some early point (Instrument No. 6239). This title appears to end at the eastern boundary of Lot 6. It does not continue through Lot 5 and 4, which is the Flinn property (PIN 0037). The Flinn property is described "as in RS75156...lying S of the forced road". This instrument is attached and does not make any reference to excepting out any existing roads, and it is clear from the mapping that the reference in the description to the forced road is the Pinery Road. I note their property is shown as contiguously extending into Con 10 in Lot 5 with no indication of a road intersecting the property. Their land has never been surveyed however, so if there is sufficient evidence of an existing road crossing their property, the surveyor would be obligated to show that on the plan. Survey evidence is often key in determining the existence/status of these roads.



(h) MINUTES – November 10, 2014

Allan Flinn, owner attended the hearing. The chair advised Mr. Flinn that he was still under oath from the previous hearing October 27, 2014.

Mr Flinn advised that he had been in contact with his surveyor and they were aware of the Township’s requirements regarding the old road.

Committee reviewed the staff report and draft conditions.

(i) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the

municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

9. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the Township of Montague for the purposes of completing a road closing and transfer of the identified former road property.
10. A letter shall be received from the Township of Montague stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct an OBC compliant septic system (tile bed).*
2. *For the applicant's information, should any watercourse exist on the property, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:
- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either

based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Ken & Rachelle Ferguson **Hearing Date:** November 10, 2014
Agent: Ken Ferguson **LDC File #:** B14/062
Municipality: Township of Drummond/N. Elmsley
Geographic Township: Drummond **Lot:** 26 **Conc.:** 10
Roll No.: 0919 919 025 45000 **Consent Type:** New Lot

Purpose and Effect: To sever a 43.63-ha vacant landholding and retain a 2.77-ha residential lot with an existing dwelling and garage located at 305 11th Con Drummond.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Recreation Residential & Vacant	Residential Residential
Area Frontage Depth Road - Access to	43.63 ha 45.7 m 1,280 m Municipal	2.77 ha 125 m 183 m Municipal
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

Official Plan Designation: Rural and Significant Wooded Area

Compliance: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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, and
- c) hazardous sites.

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

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

Local Official Plan – Section 3 General Provisions, Section 3.13.5 Significant Woodlands, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law Section 4 General Provisions, section 7 Rural Zone. The Township of Drummond / North Elmsley advises that the proposal complies with the Zoning By-law Provisions.

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the applicant seeks permission to sever the vacant wooded back lot (108 acres / 43.6 ha) and retain the house and garage on a smaller 6.8acre (2.8 ha) lot. The severed and retained lands will both front on Drummond Concession 11, which is a municipally owned road. Since two severances were previously approved around 1993 from this original lot of record, the Township's planning policies would only entertain one additional severance from this area of land. Given that the majority of the severed and retained lands are designated as potentially significant woodlands according to the Township's constraints mapping as well as containing several unclassified wetlands, an Environmental Impact Study was requested by the Township and submitted. The report, prepared by Hans von Rosen, advised that no negative impacts on natural heritage features, including woodland habitat, are expected so long as any future residential development is directed to the area

close to the road. While the severed lands have a minimal 46 metre road frontage, there is room close to the road for a future dwelling, although access to the rear of the lot would be encumbered by a beaver pond that stretches across most of the width of the property.

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- Sec. 3.13.4 (Significant Woodlands): Almost the entire property, including a future building envelope on the retained lands is within an area defined as a significant woodland. The EIS provided in support of this application advises that the woodlands are "significant" by virtue of being part of a very large forested area and also providing interior habitat. As provided for in this section, development within or adjacent the significant woodland can only occur if there will be no negative impact on the features that make it significant. The EIS, undertaken in accordance with Section 6.8 advised that there will be no negative impacts provided that a future residence is located near the public road. Due to the constraints of the lot, including the beaver pond and unclassified wetland to the rear it would regardless be unlikely that the rear portions of the lot could be feasibly developed.
- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. This area, in the northeastern corner of the Township is heavily forested and includes local wetlands and gentle hills consistent with the southern fringe of the Canadian Shield. Drummond Concession 11 has become relatively well developed in recent years with a pattern of linear residential development built close to the road. A single severance in this case is compatible with the intent of the designation as future residential development would essentially infill the existing residential pattern and this does not adversely impact the existing rural character.
- Sec. 5.3 (Local Roads): The proposed severance fronts on a road owned and maintained by the Township.
- Sec. 6.3.2 (Lot Creation- Consents): The application complies with the Township's policies regarding lot creation by consent.

In consideration of the above noted policies, Staff are of the view that this application generally complies with the Township's planning goals. The most significant development constraints are the woodland and wetland features that would effectively direct development towards the front of the property. As described above, it is not felt that those constraints would preclude this application.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry office.
- 3) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the severed lot. The applicant shall consult directly with the Township in this regard.
- 4) The applicant shall confirm that a residential entrance is viable From Drummond Concession 11 to the severed lands. The applicant shall consult directly with the Township in this regard.
- 5) Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 43.63 ha, and retain a developed lot measuring 2.77 ha. Note: The lot lines provided with the consent

application and Environmental Impact Statement, dated July 10, 2014, have since been modified as shown in an Addendum to the Environmental Impact Statement (EIS), dated November 4, 2014. This review references the adjusted lot lines.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, one unclassified wetland occupies the southern portion of the proposed retained lands ("A") and the northern portion of the severed lands ("8"). A second unclassified wetland is shown on the severed lands, extending across the western property line into the adjacent property. In addition, two different watercourses flow through each of the two wetlands previously identified. The presence of these features was confirmed in the EIS. Refer to the EIS and Addendum for additional details. Mapping also shows a third unnamed watercourse flowing through the southern end of the severed lands.

REVIEW

Natural Heritage Values

Wetland

We understand that the aforementioned wetlands have not been evaluated; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse.

Sufficient area appears to exist on the severed lands for future development that complies with the recommended setbacks from the wetlands and watercourses. Ideally, development should be directed to the road (Drummond Con 11) side of the most northerly watercourse previously identified. This would eliminate the requirement to cross the watercourse and potentially the wetland for a building envelope.

However, we note that any proposal to cross this watercourse or any other watercourse on the subject property would require a permit from

MVCA. Any proposed crossing would have to be designed to span across watercourse, without interfering with its function. We would also recommend that the wetland remain undisturbed.

The retained lands are already developed with no new development proposed at this time. Therefore, impacts to natural heritage features on the retained lands are not anticipated as a result of the subject application.

Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application provided the following is implemented on the proposed severed lands:

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

NOTES

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

The wetland on the retained lands should remain undisturbed.

Shoreline vegetation surrounding the wetland and watercourse should be retained to a minimum depth of 15 m, on the retained lands.

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

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work

within the wetlands or watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Approximately 4.63 hectare parcel of land consisting of bushland, variable soil depth and drainage. Some areas subject to high water table / marsh area. Fill will be required to construct a partial to fully raised septic system (tile bed). Amount of fill needed depends on exact location.

Retained – Approximately a 2.77 hectare parcel of land with existing house, outbuilding, drilled well and septic system. Soil depth and drainage variable and parcel consists of mixed vegetation and some areas subject to high water table / marsh area. The severance will not impact future replacement of septic system. Fill will be required to construct future replacement septic system.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 43.63-ha vacant landholding and retain a 2.77-ha residential lot with an existing dwelling located at 305 Con 11 Drummond. Two previous consents were taken from the landholding in 1992. A 'closed' waste site is located approximately 1 km to the west of the site.

The subject lands are located in an area characterized by large landholdings intermixed with typical residential lots along Drummond Con 11.

The lands are accessed via Drummond Con 11, a municipally maintained road.

Soils Inventory – Muck – not rated

Bedrock Inventory – flows, tuffs, breccias

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Due to the significant woodlands and unclassified wetlands the applicant had an Environmental Impacts Study prepared by Pinegrove Biotechnical. The report concluded that:

- 1/ The Managed Forest Tax Incentive Program will need to be amended to reflect the changed lot line boundary and area.
- 2/ The MFTIP should be maintained on the severed lands to protect wildlife habitat.
- 3/ Development should occur within close proximity of the existing public road, to maintain the interior forest habitat and unclassified wetland.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

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

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

1, 1979.

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

3 Woodlands

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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 – November 10, 2014**

Ken and Rachelle Ferguson attended the hearing and gave evidence under oath.

Mr. Ferguson requested that the severed and retained lands be switched in order to avoid additional survey costs.

Committee reviewed the staff report and draft conditions and revised them accordingly.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented November 10, 2014.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the retained lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number for the retained lands from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
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 Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct a future OBC compliant septic system (tile bed). Amount of fill needed depends on exact location.*
2. *The Mississippi Valley Conservation Authority advise that an unclassified wetland and unnamed watercourse traverses the retained lands. No building or septic systems shall occur within 30 metres from any watercourse and wetland, shoreline vegetation surrounding all wetlands and watercourse shall be retained to a minimum depth of 15 metres, natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into any wetland, watercourse or onto adjacent properties, future development shall be directed away from wetland areas consisting of organic soils, and the wetland shall remain undisturbed.*
3. *The applicant if advised that the Managed Forest Tax Incentive Program will need to be amended to reflect the changed lot line boundary and area. The MFTIP should be maintained on the retained lands to protect wildlife habitat. And development should occur within close proximity of the existing public road, to maintain the interior forest habitat and unclassified wetland.*
4. *MVCA also advise that shoreline vegetation surrounding the wetland and watercourse should be retained to a minimum depth of 15 m, on the retained lands.*
5. *MVCA advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the unnamed watercourses.*

6. *In addition, the MVCA advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the wetlands or watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Edmond & Vera Hassett

Hearing Date: November 10, 2014

Agent: Seldon & Jamie Gravel

LDC File #: B14/064

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 3 **Conc.:** 10

Roll No.: 0940 944 015 31700

Consent Type: New Lot

Purpose and Effect: To sever a 1.45-ha residential building lot and retain a 36.4-ha landholding with a dwelling, barn and Quonset located at 455 Munro Line.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Residential	Farm House N/A
Area Frontage Depth Road - Access to	1.45 ha 108 m 135 m Municipal Road	36.4 ha 510.27 m 612.6 m Municipal Road
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

Official Plan Designation: Rural

Compliant: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

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

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

Local Official Plan – Section 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

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

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

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 -

An application has been received from the County of Lanark Land Division Committee for the creation of one residential lot. The property is legally described as Part Lot 3, Concession 10, geographic Township of Darling, now in the Township of Lanark Highlands.

The purpose of application B14/064 is to sever one residential building lot of 3.5 acres. The retained parcel is an 89.9 acre developed landholding at 455 Munro Line. The lands to be severed are accessed by Munro Line, which is a municipally maintained road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. The property is zoned Rural (RU).

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. This proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has access to a Township maintained road.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township. This application meets the requirements of the Township's Official Plan.

ZONING

The subject property is predominantly zoned Rural. The proposed lot meets the minimum frontage and area requirements of the RU zone and all other provisions of the Zoning By-law.

DISCUSSION

This application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law. A minimum distance separation calculation was prepared for this application.

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

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

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

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 1.46 ha, and retain a developed lot measuring 36.4 ha.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, the proposed retained land consists of an unclassified wetland. In addition, an unnamed watercourse is connected to the aforementioned wetland. No natural heritage features or natural hazards were identified on the severed lands.

REVIEW

Natural Heritage Values

Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse, including the unnamed watercourse on the subject retained lands.

Wetland

We understand that the unclassified wetland on the retained lands has not been evaluated; therefore, it is not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation, with a 30 m development setback.

Natural Hazards

Organic Soils

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application. The retained is already developed with no new development proposed at this time. No natural heritage features or natural hazards were identified on the severed lands. Therefore, impacts to the identified wetland and watercourse are not anticipated as a result of this application.

NOTES

We recommend that the wetland on the retained lands remain undisturbed.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Approximately 14,580 metres squared parcel of land consisting of mixed vegetation / bushland. Property is relatively flat, soil depth and drainage variable. Some areas subject to seasonal wetness. Fill will be required to construct a partial to fully raised septic system.

Retained – Approximately 364,179.26 metres squared parcel of land with existing dwelling, outbuildings, drilled well and septic system. Property consists of agricultural fields and bushland. Variable soil depth, drainage and slope. Some areas subject to seasonal wetness. Fill will be required to construct future replacement septic system.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(b) PUBLIC INPUT

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

(c) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 1.45-ha residential building lot and retain a 36.2-ha landholding with an existing dwelling, barn and Quonset located at 455 Munro Line

The subject lands are located in an area characterized by large landholding with a limited number of smaller type residential lots along Munro Line.

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 181 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 175 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

The lands are accessed via Munro Line, a municipally maintained road.

Soils Inventory – Name: White Lake

- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: rapidly
- Hydrogeology: low

Bedrock Inventory – granodiorite, tonalite

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Blanding's Turtle - THR

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

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

2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3 Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) MINUTES – October 14, 2014

Seldon and Jamie Gravel agents attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality,

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The 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. 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).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
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. 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority recommends that a 30 m development setback be maintained from any watercourse.*
2. *The Leeds Grenville and Lanark Health Unit advises that fill will be required to construct a partial to fully raised OBC compliant septic system.*
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: Freela Holdings Inc.

Hearing Date: November 10, 2014

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B14/065 & B14/066

Municipality: Township of Beckwith

Geographic Township: N/A

Lot: 24 Conc.: 11

Roll No.: 0924 000 030 16801

Consent Type: New Lot

Purpose and Effect: To sever two (2) commercial / industrial building lots (1.47-ha and 1.33-ha) and retain a 1.5-ha commercial / industrial building lot. The lands are accessed via Cavanagh Road.

DETAILS OF PROPOSAL	Lands to be Severed B14/065	Lands to be Severed B14/066
Existing Use	Vacant	Vacant
Proposed Use	Commercial/Industrial	Commercial/Industrial
Area	1.47 ha	1.33 ha
Frontage	99.06 m	99.06 m
Depth	152.36 m to 143.95 m	136.30 m to 132.15 m
Road - Access to	Provincial Highway	Provincial Highway
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	Re-zoning required	Re-zoning required
-Compliance?		
-Frontage (minimum)		
-Compliance?		

DETAILS OF PROPOSAL	Lands Retained
Existing Use Proposed Use	Vacant Unknown
Area Frontage Depth Road - Access to	1.5 ha 108.61 m 143.95 m to 136.30 m Provincial Highway
Water Supply Sewage Disposal	Proposed well Proposed septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural Re-zoning required

Official Plan Designation: rural

Compliance: Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.1 Provincial Highways, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 4 General Development Policies, Section 6 Rural Areas, Section 7.1 Provincial Highways, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law Section 3 General Provisions, Section 11 Rural Zone. The Township of Beckwith advises

(b) AGENCY REVIEW

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

Township Planner's Report -

DESCRIPTION OF APPLICATION

The applicant has submitted two severance applications to create two commercial Industrial lots of 1.47 hectares and 1.33 hectares (3.6 and 3.3 acres) on Cavanagh Road.

DESCRIPTION OF SUBJECT LANDS

The lands are cleared and have been used for agricultural uses in the past. The lands front onto Cavanagh Road and back onto the Trans Canada Trail. The lands are used as access for the land-locked parcel on the north side of the Trans Canada Trail.

PROVINCIAL POLICY STATEMENT

Section 1.3 regards Employment Areas. The Highway 7 Corridor designation has not been fully developed, but it exists to create more

employment lands in the Township. The proposed severance recognizes this and proposes to create two parcels of land suitable for commercial or light industrial uses. It is proposed that the Township request a zoning bylaw amendment as a condition of the severances to ensure that these two future severances are used for employment activities, rather than residential uses.

OFFICIAL PLAN

The lands are within the newly created Highway 7 Corridor designation. This designation is intended to be used for commercial and light industrial uses and is to take advantage of the accessibility to the expanded Highway 7.

As the Planning Committee is aware, the Highway 7 Corridor designation calls for a secondary plan to be prepared that will provide further guidance on lot sizes and patterns, permitted uses, access to the lands via internal roads, landscaping and buffering, etc. The policies indicate that plans of subdivision will be the preferred method of land division and that lots will be 'appropriately' sized. The Township attempted to have this requirement removed late in the OPA 25 process, but MMAH did not accept the modification. Staff understands there is minimal interest in preparing a secondary plan to further develop these policies at this time.

The applicant pre-consulted with the Planning Committee in June, 2013 regarding these severances. It was accepted that a zoning by-law amendment would be completed to establish appropriate zoning for commercial/industrial uses on the lands, rather than completing a secondary plan for the area.

At the June, 2013 Planning Committee meeting, it was acknowledged that the lands qualify to provide two severances as the original parcel was severed by the railway.

ZONING BY-LAW

The subject lands are zoned Rural by the Township's zoning by-law no. 91-14. Permitted uses within this zone include residential, agriculture, kennels, communication facilities and wayside pits/quarries. The permitted uses within this zone do not necessarily correspond with the type of uses identified in the OP designation.

The minimum lot size in the Rural zone is 4,000m² with 45m of frontage. The proposed severances exceed both these requirements. As indicated above, it was determined that a zoning by-law amendment would be requested as a condition of the severances. This zoning amendment will establish the permitted uses on the property and shall ensure the use of the property is generally consistent with the Highway 7 Corridor designation. Further direction from the Planning Committee will be required to determine the permitted uses for the property.

OPTIONS I ANALYSIS

Additional research will need to be completed in order to determine what uses should be permitted on the property. Depending on the proposed uses, servicing studies may be appropriate to ensure adequate water supply or no adverse effects on the environment.

RECOMMENDATION

In light of the above information, Staff forwards the following recommendation for consideration of the Committee:

THAT the Planning Committee recommends to Council to support severance application B14-065 and B14-066 in Pt SW ~ Lot 24, Con 11, submitted by Zander Plan Inc. to create two commercial / industrial lots, subject to the following conditions.

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

1. That the Township's Zoning By-law No. 91-14 be amended to remove residential uses from these lands and to update the permitted uses to be compatible with the Township's Official Plan. The permitted uses shall support the light industrial and commercial intent for this portion of the Township;
2. That the applicant consult with the Township's Public Work's Superintendent to review potential entrance locations for the proposed severances, as per the direction from Ministry of Transportation;
3. That the applicant provides the Township with a paper copy of the reference plan;
4. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

Advisory Notes:

1. That all buildings and structures are constructed in accordance with the Ontario Building Code and all other municipal by-laws;

Conservation Authority – Rideau Valley Conservation Authority

B14/065

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

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

PROPOSAL

The proposal is to sever a 1.47 hectare parcel from the existing 4.3 hectare parcel.

PROPERTY CHARACTERISTICS

Severed Parcel

The severed parcel is primarily a cleared vacant field.

Retained Parcel

The retained parcel is primarily a cleared vacant field.

REVIEW

Natural Hazards

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

Natural Heritage

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

CONCLUSION

In conclusion, the Conservation Authority has no objection to these consent applications.

B14/066

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

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

PROPOSAL

The proposal is to sever a 1.33 hectare parcel from the existing 4.3 hectare parcel.

PROPERTY CHARACTERISTICS

Severed Parcel

The severed parcel is primarily a cleared vacant field.

Retained Parcel

The retained parcel is primarily a cleared vacant field.

REVIEW

Natural Hazards

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

Natural Heritage

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

CONCLUSION

In conclusion, the Conservation Authority has no objection to these consent applications.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed B14/065 – Approximately a 1.47 hectare vacant parcel of land. Gentle slope towards Cavanagh Road consisting of agricultural land and some mixed vegetation (trees). Some areas may be subject to seasonal wetness. Fill may be required to construct future septic system (tile bed).

Severed B14/066 – Approximately a 1.33 hectare vacant parcel of land. Gentle slope towards Cavanagh Road, consisting of agricultural land and some mixed vegetation (trees). Some areas may be subject to seasonal wetness. Fill may be required to construct future septic system (tile bed).

Retained – Approximately a 1.5 hectare parcel of land consisting of open agricultural land. Gentle slope towards Cavanagh Road. Some areas may be subject to seasonal wetness.

City of Ottawa

- Application purpose: to sever two commercial/industrial building lots (1.47-ha & 1.33-ha) and retain one commercial/Industrial lot (1.5-ha).
- City of Ottawa owns the Carleton Place Subdivision rail corridor, also known in the interim as the trans-Canada trail, adjacent to the subject property.
- Provincial Policy Statement:
 - 1.6.8.1 Planning authorities shall plan for and protect corridors and right-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

- 1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purposes of which it was identified.
- New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation.
- The City of Ottawa acquired the rail corridor for future transportation purposes and wishes to preserve its future intended use.
- The City of Ottawa has adopted the Guidelines for New Development in Proximity to Rail Operations, created by the Railway Association of Canada and the Federation of Canadian Municipalities, see: http://www.proximityissues.ca/asset/image/reference/guidelines/2013_05_29_Guidelines_NewDevelopment_E.pdf
The main objective is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of a building's residents and users is not negatively affected. The guidelines are intended to be applied primarily to new residential development but may be useful for all other types of new development as well.
- The highest and best use of this linear corridor is for future commuter train service designated as a Principal Main Line. According the guidelines, a 30 metre setback from the property line to the face of the building is recommended (page 27). Typically on an active rail corridor the stated setback combined with an earthen berm (page 36) is preferred. Given that the future intended use is potentially a 30 + year plan and the proposed non-sensitive land use, the berm would not be required today. It is, however, recommended that the future potential and the existence of the rail corridor be registered on title. The following clause should be inserted in all developments, offers to purchase, and agreements of Purchase and Sale or Lease for all developments within 300 meters of the railway right-of-way.
- Warning: The City of Ottawa or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including

the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

- Appropriate uses within the 30 metre setback area include public and private roads; landscaping, parking spaces/structures; and storage sheds.
- In the long term, these measures will protect the rail corridor for the future transit and transportation options and is consistent with PPS 1.6.8.1 & 1.6.8.3.

Ministry of Transportation, Ottawa Area Office

This is to advise that the Ministry has reviewed the above referenced applications and offers the following comments.

It is noted that the subject lands are to be accessed from Cavanaugh Road, which was constructed as a service road under the Highway 7 expansion project. Although, this roadway is currently under the jurisdiction of the ministry, the intent is to ultimately transfer jurisdiction and control to the township. As such, we request that the Township of Beckwith provide their position on these applications from the perspective of the proposed access to Cavanaugh Road, and will abide by their decision.

Should the Committee's decision be favourable, and while this section of roadway remains under MTO's jurisdiction, the applicant should be advised that permits will be required prior to the construction of an entranceway and all buildings and/or structures located within 45 metres of the highway limit. Permits are administered by our Area Office at 347 Preston Street, 4th Floor, Ottawa, Ontario, K1S 3J4, tel.: (613) 745- 6841 or 1-888-362-1770.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) commercial / industrial building lots (1.47-ha and 1.33-ha) and retain a 1.5-ha commercial / industrial building lot.

The subject lands are located in an area characterized by typical rural development. Agricultural operations are located on a majority of the lands surrounding the lands to be severed.

The lands are accessed via Cavanagh Road, which is currently under the jurisdiction of the MTO. The ultimate intent is to transfer the roadway to the municipality.

Bedrock Inventory – limestone, Dolostone, shale

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

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

2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development

Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3. Woodlands

The area has not been mapped as 'woodlands'.

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. Re-zoning will be required to a commercial/industrial zone.

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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – November 10, 2014**

Tracy Zander (ZanderPlan Inc.) agent, attended the hearing and gave evidence under oath.

Ms. Zander noted that even though there are livestock facilities within proximity of the new lots, an MDS was not under as this is only required for 'sensitive uses' not commercial/industrial.

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.

The same conditions apply to both lots.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a **period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That the applicant submit an application to amend the Township of Beckwith Zoning By-law No. 91-14 to remove residential uses from these lands and to update the permitted uses to be compatible with the Township's Official Plan. The permitted uses shall support the light industrial and commercial intent for this portion of the Township. The applicant shall consult directly with the Township in this regard.
4. That the applicant consult with the Township of Beckwith Public Work's Superintendent to review potential entrance locations for the proposed severances, as per the direction from Ministry of Transportation.

5. That the applicant provides the Township of Beckwith with a paper copy of the reference plan.
6. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
7. That the applicant enter into a Development Agreement with the Township of Beckwith. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the City of Ottawa as outlined in their report of October 6, 2014 RE: developments, offers to purchase, and agreements of Purchase and Sale or Lease for all development within 300 metres of the railway right-of-way and appropriate uses with the 30 metres setback area, provided that in the event the City of Ottawa is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the City of Ottawa.
8. A letter shall be received from the City of Ottawa stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advise that fill may be required to construct future OBC compliant septic system (tile bed).*
2. *The applicant is advised that permits will be required prior to the construction all buildings and/or structures located within 45 metres of the highway limit. Permits are administered by our Area Office at 347 Preston Street, 4th Floor, Ottawa, Ontario, K1S 3J4, tel.: (613) 745- 6841 or 1-888-362-1770.*
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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Gardiner **Hearing Date:** November 10, 2014

Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B14/070

Municipality: Township of Beckwith

Geographic Township: N/A **Lot:** 2 **Conc.:** 8

Roll No.: 0924 000 025 04900 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 69.5 sq.m. parcel of land as a lot addition to lands owned by Richard and Anna Teahen at Pt Lot 2 Conc. 8 Beckwith Plan 27R-2640 Part 1. The lands are accessed via Scotch Corners Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot addition	Vacant
Area	69.50 sq. m.	4,220 sq. m.
Frontage	11.72 m	25.04 m (R-O-W)
Depth	11.86 m	25.04 m irregular
Road - Access to	Registered R-O-W	Registered R-O-W
Water Supply	n/a	n/a
Sewage Disposal	n/a	n/a
Zoning By-law Category	n/a – lot addition	Rural, Wetland, Flood Plain.
-Area (minimum)		n/a – right-of-way
-Compliance?		
-Frontage (minimum)		
-Compliance?		

Official Plan Designation: Rural, wetland, flood plain.

Compliant: Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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 (h)).

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 unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Section 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

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, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 5.5.1 Provincially Significant Wetlands, Section 7.0 Public Health and Safety, Section 8.2.2 Consents.

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

Local Official Plan - Section 4 General development Policies, section 4.6 Natural Heritage Features, section 4.19 Setbacks from water, Section 6 Rural Areas, Section 6.4 Flood Plain, Section 7.4 Private Roads, Section 9.6 Subdivision of Land.
The Township of Beckwith advises that

Zoning By-law – Section 3 General Provisions, section 11 Rural Zone, Section 12 Flood Plain Zone, Section 13 Wetlands Zone.
The Township of Beckwith advises that

(b) AGENCY REVIEW

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

Township Planner's Report -

DESCRIPTION OF APPLICATION

The applicant has submitted a lot line adjustment application to convey a 69.5m² parcel of land to an abutting land owner. The abutting landowner already uses this land for parking and will result in their parking spaces being part of their legal property.

DESCRIPTION OF SUBJECT LANDS

The lands to be severed are used for vehicle parking and are largely devoid of vegetation. The lands are near Mississippi Lake and abut the private portion of Scotch Corners Road.

PROVINCIAL POLICY STATEMENT

Section 2.1 regards natural heritage features. The lands are located within 120m of PSW.

No adverse effects are anticipated on the adjacent wetlands as a result of this lot line adjustment.

OFFICIAL PLAN

The lands to be severed are designated Rural in the Township's Official Plan and are adjacent to the flood plain. The proposed lot line adjustment will not result in any new development.

The proposed lot line adjustment is consistent with the Township's Official Plan.

ZONING BY-LAW

The lands to be severed are in zoned Wetlands. The boundary of the PSW has been updated in recent years, but the Township's Zoning By-law has not yet been amended to reflect these recent changes. As such, the property is zoned Wetlands, but it is not considered to be PSW. The lands are already cleared and used for parking. No impacts are anticipated as a result of this lot line adjustment.

OPTIONS I ANALYSIS

The property to be enlarged, being 320 Scotch Corner's Road, will be the subject of a Minor Variance and Site Plan Application in the coming weeks. The property owners propose to redevelop the property with a single family dwelling. During the pre-consultation meetings with the property owner's agent, it was noted that they required additional area to provide the number of parking spaces required by the Township's Zoning By-law No. 91-14.

RECOMMENDATION

In light of the above information, Staff forwards the following recommendation for consideration of the Committee:

THAT the Planning Committee recommends to Council to support the lot line adjustment to convey additional land to 320 Scotch Corners Road, outlined in severance application B14-070 and submitted by Thomas Gardiner.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 69.5 sq. m. parcel of land as a lot addition to the adjacent lands. The retained land is also vacant and comprises a portion of the Scotch Corners Rd. It is 4220 sq. m., with 20.9 m of water frontage. It is our understanding that the Property Deed for the retained lands indicates that it is to be used as a right-of-way (ROW) and for water access purposes only.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, the retained has frontage on Mississippi Lake. In addition, the retained lands are entirely located within the 1:100 year flood plain of the lake. The subject property is also located within the adjacent lands (i.e. within 120 m) of a Provincially Significant Wetland.

REVIEW

The use of the retained lands, as stipulated in the property deed, is not impacted by the subject application, and development is not intended on these lands. Therefore, impacts to the PSW and lake are not anticipated as a result of the subject application. The flood plain is not considered a constraint as no development is anticipated. No natural heritage features or natural hazards were identified on the proposed severed lands.

CONCLUSION

MVCA does not have any objection to the subject lot addition.

NOTES

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

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential

future development (including construction and filling activity excavations, stockpiling and site grading)) within the 1:100 year flood plain. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake or for any interference within 120 m of the PSW.

We also advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Approximately 69.5 metre squared parcel of land, irregular shape. Parcel of land consists of gravel and grass. Viewed as a lot addition.

Approximately 4,220 metre squared parcel of land, irregular shape right of way (25.04 metre unopened road allowance. No proposed development.)

(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 69.5 sq.m. parcel of land as a lot addition to lands owned by Richard and Anna Teahen at 320 Scotch Corners Road and retain 4,220 sq.m. parcel of land the use of which is 'right-of-way and access to water only'. The effect of the lot addition will increase the Teahen lot from 0.073-ha to 0.080-ha, still undersized but also increase the private r-o-w frontage from 8.42 m to 20.14 m.

The lands are accessed via Scotch Corners Road a private r-o-w adjoining Scotch Corners Road, a municipally maintained road.

Archaeological

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by

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

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

3 Woodlands

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

Zoning

The subject property is currently within the rural/wetland/floodplain section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed enlarged does not meet the minimum lot frontage and size, however the lot to be enlarged is existing and is therefore legal non-conforming. 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to

leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – November 10, 2014

Tracy Zander (ZanderPlan Inc.) agent and Richard Teahen, purchaser attended the hearing and gave evidence under oath.

Mr. Teahen confirmed that this portion of the Scotch Corners Road is a private road and that they currently have a road association to maintain the road. Also, he has been using this small portion of the r-o-w as parking for several years, and the removal of it from the r-o-w will not hinder or interfere with traffic.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Richard and Anna Teahen described as Part Lot 2 Conc. 8 Township of Beckwith, 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 Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advise that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity excavations, stockpiling and site grading)) within the 1:100 year flood plain. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake or for any interference within 120 m of the PSW.*

2. *Also, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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