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The Land Division Committee met in regular session on Monday, November 24, 2014 at 10:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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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 9:55 a.m.  
A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES  
MOTION #LD-2014-47**

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

"**THAT**, the minutes of the Land Division Committee meeting held on October 17, 2014 and November 10, 2014 be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA  
MOTION #LD-2014-48**

**MOVED BY:** D. Murphy

**SECONDED BY:** W. Guthrie

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

5.1 Lanark County IT Department - iPads. Ryan Carroll  
Ryan Carroll provided an overview of how the iPad  
would receive the Land Division Committee staff reports  
and also advised that he could set up a Lanark County  
e-mail address so they would no longer have to use  
their personal e-mail.

**6. NEW APPLICATIONS**

The Land Division Committee reviewed the report for the  
following new application to be considered at the 11:00 a.m.  
public hearings.

6.1 **B14/046 and B14/047 – Lynda Vanat, Henry  
Goralczyk, Mark White and Karen White – two  
new lots.**

Pt. Lot 21 Conc. 3 Township of Montague. Rosedale  
Road South.

**7. DEFERRED APPLICATIONS**

The Land Division Committee reviewed the addendum to the  
following deferred application to be considered at the  
11:00 a.m. public hearings.

7.1 **B14/030 – Joan Seligman – new lot**

Pt. Lot 20 Conc. 6 geographic Township of Bathurst,  
now in Tay Valley Township. Harper Road.

**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.

The Secretary-Treasurer to respond to Reeve Kerr  
outlining the Land Division Committee's process.

9.3 Committee travel expenses – review of similar LDC's -  
Deferred

9.4 2015 OACA Membership

**MOTION #LD-2014-49**

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

*"**THAT**, the 2015 OACA Membership be submitted for the Committee Members following appointment of the same."*

**ADOPTED**

9.5 RVCA – Around the Rideau – Nov/Dec edition.

**10. PROVISIONAL CONSENT GRANTED**

The meeting recessed at 11:00 a.m. for the purpose of conducting the public hearings in the Lanark County Council Chambers.

5 - 13

10.1 **B14/030 – Joan Seligman – new lot**

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10.2 **B14/046 and B14/047 – Lynda Vanat, Henry Goralczyk, Mark White and Karen White – two new lots.**

**11. PROVISIONAL CONSENT DEFERRED**

None

**12. UPCOMING MEETINGS AND NOTICES**

- Tuesday, December 16, 2014 - Inaugural Meeting of New County Council
- Wednesday, December 17, 2014 - Appointment of new Land Division Committee

In 2014, the Land Division Committee changed the schedule for meeting/hearing dates to the 2nd Monday of each month commencing at 9:00 a.m.

The 2015 Calendar has been prepared using this same schedule with the exception of the following dates:

- January 2015 meeting which has been changed to January 19, 2015 to accommodate notice requirements in view of the Christmas Holiday season,

- October 2015 meeting which has been changed to October 19, 2015 to accommodate the scheduling of the Thanksgiving holiday,
- November 2015 meeting which has been changed to November 16, 2015 for hunting season.

**MOTION #LD-2014-50**

**MOVED BY:** D. Murphy

**SECONDED BY:** W. Guthrie

*"THAT, the 2015 Land Division Committee meeting/hearing calendar be accepted as presented."*

**ADOPTED**

**13. ADJOURNMENT**

**MOTION #LD-2014-51**

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

*"THAT, the meeting do now adjourn at 12:18 p.m."*

**ADOPTED**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Joan Seligman

**Hearing Date:** Sept 8, 2014

**Agent:** Joan Seligman

**Reconvened Hearing:** Nov. 24, 2014

**LDC File #:** B14/030

**Municipality:** Tay Valley Township

**Geographic Township:** Bathurst

**Lot:** 20    **Conc.:** 6

**Roll No.** 0911 916 025 04600

**Consent Type:** new lot

**Purpose and Effect:** To sever a 0.42-ha residential lot and retain a 1.7-ha residential lot with an existing dwelling and outbuildings located at 1089 Harper Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Vacant	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road Access to</b>	0.42-ha 64.3 m 64.3 m Municipal	1.7-ha 69.8 m 75 m Municipal
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Proposed	Private Well Septic System
<b>Official Plan Designation</b> <b>Conformity?</b>	Rural Yes	
<b>Zoning By-law Category</b> <b>Area Required (min.)</b> <b>Compliance?</b> <b>Frontage Required (min.)</b> <b>Compliance?</b>	Rural 1.0-ha No 60 m Yes	Rural 1.0-ha Yes 60 m 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 2 General Development Policies, Section 2.18 Cultural Heritage and Archaeological Resources, Section 3.4 Natural Heritage, Section 3.6 Rural, Section 4.4 Local Roads, Section 5.2 Land Division Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** - Section 3 General Provisions, Section 10 Rural Zone Tay Valley Township advises that while the severed lot is undersized, the purpose of the application is to recognize the lands which were inadvertently merged on title.

**(b) AGENCY REVIEW**

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

**Town Planner's Comments**

The proposal is to sever a 0.42-ha parcel of land with an existing wood shed and retain a 1.7-ha parcel with an existing house and outbuildings at 1089 Harper Road. The two landholdings have inadvertently merged on title following the death of Ms. Seligman's spouse.

The retained lot meets minimum zoning provisions. While the severed lot is undersized, the purpose of this application is to bring the lots back to historical status.

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

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

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

**Septic Office** - Mississippi Rideau Septic System Office  
A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted June, 2014.

The applicant proposes to sever 0.4225 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, flat, open and well treed along the proposed lot boundaries. A soil probe was used to estimate the depth of soil on the proposed lot. In the areas probed, more than 90cm of soil was found. No test pits were provided.

The retained parcel is 1.7024 hectares. The property is developed with a dwelling and two outbuildings. The dwelling is serviced by a well and sewage system (Permit # SF87191). No test pits were provided.

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. 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 not requirement for easement protection.

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.4225-ha parcel of land with an existing storage shed and retain a 1.7-ha residential lot with an existing dwelling and outbuildings located at 1089 Harper Road. The lands were inadvertently merged on title with the transfer of the lands following the death of Mr. Seligman in 2013.



The subject lands are located in an area characterized by typical hamlet residential. The effect of the lot creation is to re-establish the separate lot.

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

Bedrock Inventory – granodiorite, granite, syenite

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:

- Eastern Meadowlark THR
- Bobolink 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/ 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 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. 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 Tay Valley Township and could be given favourable consideration.

### (e) **MINUTES – Sept 8, 2014**

Joan Seligman, owner attended the hearing and gave evidence under oath.

Mrs. Seligman advised that the lots had merged on title following the death of her husband, whose will indicated that the lands would revert to her. Mrs. Seligman also noted that she had considered splitting the property in two equal parts to make a more viable building lot.

The chair explained that if the committee were to approve the lot as presented, then they would be creating an undersized lot. Therefore, given that there is sufficient area to increase the lot to be more in keeping with the minimum zoning requirements, that she should consider this option, otherwise there would be a requirement to rezone the lot.

**Moved by D Murphy and seconded by W Guthrie**

**THAT** application B14/030 be deferred to provide the applicant with an opportunity to consider alternative options:

- 1/ Increase the lot size by splitting the merged lands in two parts; or
- 2/ Re-zone the lot to be severed to recognize the undersized lot.

**AND** that the application be brought back to committee at the request of the applicant.

**ADOPTED**

**(f) ADDITIONAL INFORMATION**

Ms. Seligman has submitted a re-zoning application to Tay Valley Township for the proposed lot. The purpose of the amendment is to change the zoning of the property from Rural to Residential.

Residential Zoning provides for the following:

Lot Area (minimum)	4050 m <sup>2</sup>
Lot Frontage	60 m

The public meeting for the re-zoning will be Nov. 25, 2014.

**(g) MINUTES – November 24, 2014**

Judy Dupuis and Ron Braaten, authorized agents for Joan Seligman attended the hearing and gave evidence under oath.

Ms. Dupuis advised that Ms. Seligman could not be in attendance due to a family emergency and that she had briefed her and Mr. Braaten on the file.

The Chair outlined the reasons for the deferral and noted that a re-zoning application had been submitted and the public meeting is to be held on Nov 25, 2014.

Committee reviewed the staff report and draft conditions.

**(h) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. 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.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. A letter shall be received from Tay Valley Township stating that condition #3 through #6 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 most building permits.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing,*

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

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

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



(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.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

**1.6 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.

**County Official Plan** – Section 2.0 Settlement Policies, Rural Policies, Section 4.3.2 County 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 2.16 Road Access, section 2.21 Natural Heritage Features, Section 3.3 & 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 3.7 Settlement Area, section 4.3 County Roads, Section 5.2 Land Division.

The Township of Montague advises that the proposal conforms to the designations and policies of the Official Plan upon submission of a satisfactory EIA.

**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 seek permission to sever two residential lots (1.39 ha /3.43 acres each), one of which already has a house, while retaining 13.84 hectares. The severed and retained lands all front on Rosedale Road South, which is owned and maintained by the County of Lanark. The retained lands contain two farm storage buildings and several hayfields. The property is divided by the Rosedale Creek, which forms the natural western boundary of the severed lots. While there is some previous severance history on this landholding, the two previous lots were created prior to 2001 and the property is also within the designated settlement area and as such this application could be considered under the Township's lot creation policies.

While the Official Plan designates the part of the property to the west of Rosedale Creek as Rural, the area fronting on Rosedale Road and the two severed lots are designated as part of the Rosedale Settlement Area. The intent of that designation is to support "more concentrated development than would typically be found or permitted within the Rural designation, subject to servicing constraints" and that is "consistent with the maintenance of the character of Settlement Area lands".



Rosedale is a small, primarily residential community and while it includes residential subdivisions, development has traditionally been focused along Rosedale Road, with a community centre being a focal point. While agricultural uses predominate to the west of Rosedale Road, and are proposed on the retained lands, the approval of two residential lots on the main road have the effect of infilling an already built up area which is consistent with the intent of the Settlement Area designation. While the two farm storage buildings on the retained lands may be suitable for livestock, Section 2.17.2 of the Official Plan allows the Township to exempt new development in settlement areas from MDS I and II guidelines.

When reviewing the Official Plan's Constraints mapping however, it should be noted that the entirety of the White property is within an area identified as significant wildlife habitat. While the Plan does not describe the exact nature of the habitat with respect to this lot, it is understood that this area has been identified as having a higher level of ecological significance, which could indicate the presence of endangered species or a particularly vulnerable natural feature that requires additional protection. This may relate to either the watercourse and surrounding lands or the prevalent grassland habitat. Section 2.21.4.5 of the Plan requires that prior to the approval of development in such areas (including lot creation), the applicant shall undertake an environmental impact assessment (EIA) to demonstrate that the proposal will not have a negative impact on the natural features or their ecological functions on or adjacent the lot. These assessments are usually submitted and reviewed prior to a decision being made on an application. This helps inform applicants, municipal staff and decision makers as to the findings and any development conditions that may be required. As such, the Land Division Committee may wish to defer a decision on this application pending receipt of an EIA, or alternatively, an approval can be considered conditional on submission of a satisfactory EIA and fulfillment of any conditions that may arise.

From a zoning perspective, the severed and retained lands are all zoned Rural and this application is consistent with all lot requirements within that zone. In terms of use, it is noted in the application that the buildings on the retained lands are identified as "storage buildings" however it is understood that the ultimate intention of the property is for the continuation of a farming operation. While a "farm" is a permitted use as-of-right in the Rural Zone on its own without a dwelling, storage buildings, if not accessory to a permitted use, are normally not permitted on a Rural-zoned lot. Staff suggest that these uses be clarified prior to final approval to ensure that that all structures on the retained lands conform to the Zoning By-law.

In conclusion, Staff note that the creation of two residential lots in a designated settlement area is a desirable form of development. While the Committee may wish to defer a decision on the application pending receipt of an environmental impact assessment, Staff suggest that an approval can also be considered, subject to the conditions outlined below:

**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) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the County of Lanark in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall undertake an Environmental Impact Assessment with respect to the Significant Wildlife Habitat that demonstrates to the satisfaction of the Township that the proposed development does not result in negative impacts on the natural features of the area or their ecological functions. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development.
- 6) Prior to final approval, satisfactory evidence shall be provided to the Township that the retained lands and structures thereon conform to the Township's zoning policies.
- 7) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Township of Montague** – Nov 18, 2014

Further to the Township's planning report dated September 24th Township staff have received an Environmental Impact Study prepared by Hans von Rosen in support of the White application and offer further comment on this application. In the initial Township review of the application, the provisions of the Official Plan were considered and staff were of the view that the proposed two lots were generally consistent with the Township's planning policies provided the natural heritage features identified on the Township's constraints mapping (significant wildlife habitat) are reviewed and addressed prior to the final approval

of the lots. This would be done through an EIS that would evaluate the natural heritage functions and habitat on the site and advise as to whether development would have an impact on these features and how it could be mitigated. In this case, Mr. von Rosen's report identified the Rosedale Creek as an important wildlife corridor between large woodlands and wetlands to the north and the Rideau River to the south, and also potentially habitat for certain species at risk. He reported that impacts on these features could be reduced or eliminated provided that development is directed to the eastern end of the properties closer to the public road. The Rideau Valley Conservation Authority has reviewed the application with respect to their regulatory context and agreed with the findings and conclusion of the EIS.

The recommended mitigative conditions could be implemented in either a site specific zoning amendment and/or a development agreement which would be established as a condition of a severance approval. In this case, Staff are suggesting that a development agreement would be appropriate with respect to the severed and retained lands and would best incorporate the conditions suggested in the EIS as well as the RVCA report.

All other evaluation and recommendations contained in the Township report of September 24th would continue to apply.

Trusting this is sufficient for now, please do not hesitate to contact the undersigned if you require any additional information or clarification.

**Conservation Authority** – RVCA - Aug 11, 2014

**B14/046**

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 1.39 hectare residential lot from the existing 16.62 hectare parcel. We note that this application is being heard concurrently with B14/047.

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

The severed parcel is primarily agricultural/hayfields. There is a residence, a shed and a private sewage system on the parcel. Rosedale Creek bisects the property north to south.

#### Retained Parcel

The retained parcel is primarily agricultural/hayfields. There is a storage building and shed on the parcel. Rosedale Creek bisects the property north to south.

#### REVIEW

##### Natural Hazards

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

##### Natural Heritage

##### Significant Wildlife Habitat

Portions of the severed and retained parcels have been identified as Significant Wildlife Habitat in Schedule B of the Township's Official Plan. It is our understanding that the Township will be requesting that an LIS be prepared in accordance with the Official Plan, therefore, the Conservation Authority supports this recommendation and recommends that the EIS be submitted and reviewed prior to the consent application moving forward.

##### Watercourses

Rosedale Creek runs through the severed and retained parcels. As per the Municipality's Official Plan, a development of a minimum of 30 metres is required from the normal highwater mark of any waterbody. Given the size of the proposed lots, there is a sufficient building envelope well beyond the 30 metre setback requirement.

##### Conservation Authority Regulation

For the applicant's information the Rosedale Creek is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

#### CONCLUSION

In conclusion, the Conservation Authority has recommends that this application be placed on hold until such time as an EIS is submitted and reviewed in accordance with the Township's Official Plan.

## **B14/047**

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 1.39 hectare residential lot from the existing 16.62 hectare parcel. We note that this application is being heard concurrently with B14/046.

### PROPERTY CHARACTERISTICS

#### Severed Parcel

The severed parcel is primarily agricultural/hayfields. The severed parcel is vacant Rosedale Creek bisects the property north to south.

#### Retained Parcel

The retained parcel is primarily agricultural/hayfields. There is a storage building and shed on the parcel. Rosedale Creek bisects the property north to south.

### REVIEW

#### Natural Hazards

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

#### Natural Heritage

#### Significant Wildlife Habitat

Portions of the severed and retained parcels have been identified as Significant Wildlife Habitat in Schedule B of the Township's Official Plan. It is our understanding that the Township will be requesting that an LIS be prepared in accordance with the Official Plan, therefore, the Conservation Authority supports this recommendation and recommends that the EIS be submitted and reviewed prior to the consent application moving forward.

#### Watercourses

Rosedale Creek runs through the severed and retained parcels. As per the Municipality's Official Plan, a development of a minimum of 30 metres is required from the normal highwater mark of any waterbody. Given the size of the proposed lots, there is a sufficient building envelope well beyond the 30 metre setback requirement.

#### Conservation Authority Regulation

For the applicant's information the Rosedale Creek is subject to Ontario

Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation' under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

#### CONCLUSION

In conclusion, the Conservation Authority has recommended that this application be placed on hold until such time as an EIS is submitted and reviewed in accordance with the Township's Official Plan.

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.

#### **Conservation Authority** – RVCA – Nov. 13, 2014

##### PROPOSAL

The proposal is to sever two residential lots (1.39 hectare each) from the existing 16.62 hectare parcel.

##### PROPERTY CHARACTERISTICS

###### *Severed Parcel (B14/046)*

The severed parcel is primarily agricultural/hayfields. There is a residence, a shed and a private sewage system on the parcel. Rosedale Creek bisects the property north to south.

###### *Severed Parcel (B14/047)*

The severed parcel is primarily agricultural/hayfields. The severed parcel is vacant. Rosedale Creek bisects the property north to south.

###### *Retained Parcel*

The retained parcel is primarily agricultural/hayfields. There is a storage building and shed on the parcel. Rosedale Creek bisects the property north to south.

##### REVIEW

###### Natural Hazards

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

## Natural Heritage

### Significant Wildlife Habitat

Portions of the severed and retained parcels have been identified as Significant Wildlife Habitat in Schedule B of the Township's Official Plan. In accordance with the Township's Official Plan, the applicant has submitted an EIS "*Environmental Impact Statement for Ms. Caitlin White – re: Severance, Pt. Lot 21, Concession II, Montague Twp.*" dated October 18<sup>th</sup>, 2014, prepared by Pinegrove Biotechnical. The report has concluded that the severance of two residential parcels is considered to cause no significant negative impacts upon Natural Heritage Values, provided constraints outlined under sec. 5 of the report are implemented. Amongst these recommendations, the report recommended that no building envelope be permitted on the parcels A or B farther west than 120 m from Rosedale Road. Therefore it is imperative that these recommendations are carried over in a development agreement or site plan agreement as a condition of consent.

### Watercourses

Rosedale Creek runs through the severed and retained parcels. As per the Municipality's Official Plan, a development of a minimum of 30 metres is required from the normal highwater mark of any waterbody. Given the size of the proposed lots, there is a sufficient building envelope well beyond the 30 metre setback requirement.

### Conservation Authority Regulation

For the applicant's information the Rosedale Creek is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

## CONCLUSION

In conclusion, the Conservation Authority has no objection to these consent applications subject to the following conditions:

1. That the applicant enter into a development agreement or a site plan agreement with the Township to the satisfaction of the Conservation Authority and the Township that includes the following clauses:
  - a. That the Owner acknowledges and agrees to implement all of the recommendations in the EIS "Environmental Impact Statement for

Ms. Caitlin White – re: Severance, Pt. Lot 21, Concession II, Montague Twp.” dated October 18th, 2014, prepared by Pinegrove Biotechnical including that no building envelope be permitted on the parcels A or B farther west than 120 m from Rosedale Road.

- b. That the Owner acknowledges and agrees that the Rosedale Creek is subject to Ontario Regulation 174/06 made pursuant to Section 28 of the *Conservation Authorities Act* as administered by the Rideau Valley Conservation Authority. The prior written approval of the RVCA is required for any alteration, straightening, changing, diverting or interfering in any way with any watercourse (including watercourse crossings).

Thank you for the opportunity to comment. Please forward notice of the Authority’s decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.

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

Severed – B14/046 – Approximately a 1.39 hectare parcel of land with existing house, drilled well and septic system. Lot is relatively flat. The severance will not impact future replacement of septic system. Fill may be required to construct replacement septic system in the future.

Severed – B14/046 – Approximately a 1.39 hectare parcel of land consisting of agricultural land (hay field). Lot is relatively flat. Property backs onto creek. The severance will not impact future replacement of septic system. Fill required to construct septic system (tile bed).

Retained – Approximately 13.84 hectares consisting of agricultural fields (hayfields) and bushland. Gentle slope and soil depth variable. Property backs onto a creek. Some areas subject to high water table / seasonal wetness. Two outbuildings located on property. Fill may be required to construct septic system (tile bed).

**County Roads Department**

Lands to be retained have an existing approved entrance. Permit #2484 applies. Lands to be severed by B14/046 have an approved entrance location. Permit #2485 applies. Lands to be severed by B14/047 have an approved entrance location. Permit #2486 applies. Full entrance applications must be made and entrances to be installed prior to deed endorsement.

Road Widening: Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements,



and in these cases, the applicant shall enter into a land purchase agreement with the County.

The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.

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

Road Closing: If 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 County of Lanark" for the purposes of completing a road closing and transfer of the identified former road property.

Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

**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 residential lots, each containing 1.39-ha – lots 1 has an existing dwelling and outbuilding located at 795 Rosedale Road South, lot 2 is vacant. The retained lands consist of 13.84-ha with a storage buildings, these lands are currently used as hayfields.

The subject lands are located within the designated settlement area of Rosedale. The rear of the retained lands is designated as rural. The area is characterized by typical urban residential with two plans of subdivision located to the south east of the lots. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Rosedale Road S, a county maintained road.

The lands are within proximity of Rosedale Creek which is classified as a Wildlife Corridor; therefore the applicant was required to have an Environmental Impact Assessment undertaken. Pinegrove Biotechnical prepared the report (dated October 18, 2014) , and concluded as follows: *The severance of two residential parcels named sub-parcels A & B, is considered to cause no significant negative impacts upon Natural Heritage Values, provided constraints outlined, are implemented:*

- 1/ *No building enveloped to be permitted on parcels A & B further west than 120m from Rosedale Road.*
- 2/ *No landscaping, mowing or other maintenance work within 30 metres of either edge of Rosedale Creek.*
- 3/ *No stream side alterations without the approvals of MNR and DFO.*
- 4/ *All future residences and outbuildings to be fitted with eave-troughs.*
- 5/ *Roof run-off and ground run-off to be led into ground re-infiltration pits.*
- 6/ *All open soils to be re-seeded to a grass / clover ground cover.*

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:

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

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

**(e) MINUTES – November 24, 2014**

Karen and Mark White, owners attended the hearing and gave evidence under oath.

Mr. White advised that they are aware of the recommendations contained in the EIA and their future development designs.

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 consents.**

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

5. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. Satisfactory evidence shall be provided to the Township of Montague confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. 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).
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of November 13, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
10. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
11. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.

12. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
13. 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 County of Lanark" (or the Township of Montague, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
14. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
15. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

**NOTES**

1. *The Rideau Valley Conservation Authority advises that the Rosedale Creek is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*

2. *The Leeds Grenville and Lanark District Health Unit advise that fill may be required to construct a new OBC compliant septic system (B14/046) or a new OBC compliant septic system on B14/047 or the retained lands.*
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.*