



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, March 10, 2014 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: D. Murphy and W. Guthrie

Member Absent: R. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

In the absence of the Chair, the Secretary-Treasurer called the meeting to order.

1. CALL TO ORDER

A quorum was present.

Moved by: W. Guthrie

“THAT, Dan Murphy be appointed ‘Chair’ for the Land Division Committee meeting March 10, 2014.”

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2014-07

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, the minutes of the Land Division Committee meeting held on February 10, 2014 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2014-08

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, the agenda be adopted as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 Ministry of Municipal Affairs and Housing – Provincial Policy Statement 2014 - Takes effect April 30, 2014

MOTION #LD-2014-09

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

“THAT, the correspondence be accepted as information.” **ADOPTED**

7. REPORTS

- 7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. public hearing:

7.1.1 B13/143 – Christopher & Erin Charby – new lot

Pt. Lot 15 Conc. 3 geographic Township of Lanark, now in the Township of Lanark Highlands. Highway 511.

7.1.2 B13/144 – Wilfred Hall – lot addition

Pt. Lot 9/10 Conc. 9 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Hall Shore Road.

7.1.3 B13/150 – Brenda Lee – new lot

Pt. Lot 9 Conc. 3 geographic Township of Darling, now in the Township of Lanark Highlands. Highway 511.

7.1.4 B13/153 – Donald and Sharon Bell – new lot

Pt. Lot 25/26 Conc. 8 geographic Township of Bathurst, now in Tay Valley Township. Falbrooke Road.

7.1.5 B13/154 – Salim and Salha Houchaimi – new lot

Pt. Lot 14 Conc. 10 geographic Township of Ramsay, now in the Town of Mississippi Mills. Paterson Street.

7.1.6 B13/138 - Georgie & Robert Martin – lot addition

Pt. Lot 11 Conc. 7 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Station Road.

7.1.7 B13/161 and B13/162 – Chris McFarlane – two new lots

Pt. Lot 13 Conc. 10, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Ferguson's Falls Road.

7.1.8 B13/163 – Guenter and Gail Grabe – new lot

Pt. Lot 1 & 2 Conc. 7 geographic Township of Ramsay, now in the Town of Carleton Place. Bates Road.

7.1.9 B13/164 and B13/165 – Jackson Homes Inc. – two new lots

Pt. Lot 1 Conc. 11 geographic Township of Lanark, now in the Township of Lanark Highlands. Crampton Road.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B13/128 & B13/129 – Robert and Georgette Cameron – lot addition & new lot

SW Pt Park Lot 9W Plan 320 Village of Lanark, now in the Township of Lanark Highlands. Foster Drive.

Cameron's to provide a revised sketch for B13/129. MDS information required.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Hydrogeological Investigations – carried forward to next meeting

9.2 2013 Year-End Report – D Murphy provided revisions. Revised draft to be brought back to next meeting for approval.

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B13/128 & B13/129 – Robert and Georgette Cameron – lot addition & new lot

10.1.2 B13/138 - Georgie & Robert Martin – lot addition

10.1.3 B13/143 – Christopher & Erin Charby – new lot

10.1.4 B13/144 – Wilfred Hall – lot addition

10.1.5 B13/150 – Brenda Lee – new lot

10.1.6 B13/153 – Donald and Sharon Bell – new lot

10.1.7 B13/154 – Salim and Salha Houchaimi – new lot

10.1.8 B13/161 and B13/162 – Chris McFarlane – two new lots

10.1.9 B13/163 – Guenter and Gail Grabe – new lot & easement

10.1.10 B13/164 and B13/165 – Jackson Homes Inc. – two new lots

11. UPCOMING MEETINGS

Monday, April 14, 2014,
Tuesday, May 13, 2014 and
Monday, June 9, 2014

12. ADJOURNMENT – 11:42 a.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a large initial "M" and "K".

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert Gordon Cameron **Hearing Date:** February 10, 2014
 Georgette Elaine Cameron **Reconvened Hearing Date:** Mar. 10, 2014
Applicant: Robert Cameron
LDC File #: B13/128 & B13/129
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Village **Lot:** 94 **Plan:** 320
Roll No. 0940 936 015 38002 **Consent Type:** Lot Addition & New Lot

Purpose and Effect:

B13/128 – To sever a 1.0-ha parcel of land as a lot addition to lands owned by Jason & Helen Wilkinson at 161 Foster Dr.

B13/129 – To sever a 2.0-ha residential building lot and retain a 4.86-ha residential lot at 127 Foster Dr.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/128	B13/129	
Existing Use	Vacant	Vacant	Residential
Proposed Use	Lot addition	Residential	Residential
Area	1.0 ha	2.0 ha	4.86 ha
Frontage	30 m	60 m	170 m
Depth	278 m	278 m	278 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	None	Proposed	Private well
Sewage Disposal	none	Proposed	Private septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning By-law Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

The Township of Lanark Highlands advises that the proposals conform 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 proposals comply with the zoning by-law regulations.

b) AGENCY REVIEW

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

Township Planning Report

1.0 Review of Proposal and Application

Two applications have been received from the County of Lanark Land Division Committee for a lot addition and the creation of a new lot. The property is legally described as Pt Lot 3 Concession 6, geographic Township Lanark, now in the Township of Lanark Highlands.

B13-128: The applicant wishes to sever a 2.47 acre parcel of land as a lot addition to an abutting property.

B13-129: The applicant wishes to sever a five (5) acre residential building lot, and retain a 12 acre vacant landholding. Access for the new lot is via Foster Drive.

The property is designated as Rural on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 5' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. 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 will have access to a municipally maintained road.

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve these directives.

1.3 ZONING

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

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

Township of Lanark Highlands –

That Council recommends to the Land Division Committee of Lanark County that application B13/128 (lot addition) be approved 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.

That Council recommends to the Land Division Committee of Lanark County that application B13/129 for the creation of a new lot be approved subject to the following conditions;

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has

a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.

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

Conservation Authority – Mississippi Valley Conservation

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed B13/128 – A 2.5 acre parcel of land to be added onto an existing developed lot. Land is a mix of field and bush. This parcel is an addition to an existing lot of record.

Severed B13/129 – A 5 acre parcel of land that is primarily a bush lot that has a gentle slope. The frontage width is 60 meters (for the first 3 meters) and then the lot narrows to 44 meters in width. This parcel of land may require additional sandy loam fill in the area of the tile bed.

Retained – A 12 acre parcel of land with an existing newly built home and sewage system. Land is primarily a treed lot. Additional sandy loam fill may be required in the area of the future replacement tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Bell Canada has no installations over these lands and therefore no requirement for easement protection. We have no concerns or objections to the proposed severances.

c) **PUBLIC INPUT**

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

Chris Lucas – Jan 7, 2014

Regarding the letter I received titled "Notice of Application For Consent" – File No.: B13/128 & B13/129 for applicant Robert Cameron.

I would like to make an appointment, as indicated in the letter I received, to review the above noted application by Mr. Cameron. Furthermore, I would like to be notified of the decision by the Land Division Committee regarding this application, as well as any and all public meetings pertaining to this matter.

I will be submitting a letter, as indicated I am permitted to do, before January 16th with my concerns and recommendations after I have had the opportunity to review the application at the Land Division Office.

I may be contacted at (613) 868-4654 or (613) 253-5555 to arrange an appointment time. Thank-you for your assistance.

NOTE: The Secretary-Treasurer met with Mr. Lucas on Jan 16, 2014 to review the application, who indicated he had a barn (livestock facility) on his property. Mr. Cameron was requested to provide an MDS calculation prior to the hearing date. An MDS livestock information sheet was provided to the Lucas's who are working with the Township to complete the MDS Calculation.

d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an 819.47 sq.m. residential building lot and retain an 819.47 sq.m. residential building lot. Both lots are currently vacant. One previous severance was taken from the original lot – Application B2009/090.

The subject lands are located in an area characterized by rural residential on larger type landholdings, intermixed with typical residential building lots along 2nd Con A Lanark.. The Village of Lanark is located to the south east. Livestock facilities are locate to the west of the lot to be enlarged and to the south of the lot to be created.

The Lanark Village Waste Site is located approximately 270 m south of the southerly boundary line of the lands the be severed. The Waste Site Influence Area (500m from the boundary of the waste site) covers the southern ½ of the lands. No development will be permitted within the influence area without further site investigation and the preparation of an Environmental Impact Assessment in consultation with MOE.

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information on the adjacent lands owned by C & J Lucas to calculate the Minimum Distance Separation for the proposed new lot. The MDS has not been submitted at this time. It is recommended that Consent Application B13/129 be deferred until such time as the MDS is provided to the Land Division Committee.

No MDS calculation is required for the lot addition as the lands to be enlarged are already developed.

The lands are accessed via Foster Drive, a municipally maintained road.

Bedrock Inventory – marble, calc-silicate.

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 been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

B13/128 – Lot Addition

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.

B13/129 – New Lot

It is recommended that B13/129 be deferred until such time as an MDS Calculation for the Lucas livestock facility has been provided. This will determine if a suitable building envelope is available outside the MDS area.

e) MINUTES – February 10, 2014

Robert and Georgette Cameron, owners, attended the hearing and gave evidence under oath.

Ms. Cameron advised that they had attempted to obtain the MDS information from the adjacent landowner. The Secretary-Treasurer advised the committee that the adjacent landowner had been contacted and provided with the MDS information sheet which would need to be completed and submitted to the Township for calculation.

The Committee reviewed B13/128 (lot addition) and advised that they could proceed with this application, however the applicant requested that the two applications be dealt with concurrently.

The Committee also questioned the lot configuration. Mr. Cameron advised that this was done in consultation with the Township and that the jog at the road frontage was to accommodate the existing entrance and to stay away from the existing dwelling and outbuildings. Mr. Cameron was requested to provide additional information on the setback from the proposed lot line as there appeared from the sketch to be ample distance to obtain a 60m wide lot for the entrance depth of the proposed lot.

Moved by W. Guthrie and seconded by D. Murphy

“THAT, application B13/128 and B13/129 be deferred pending receipt of MDS information for B13/129.

AND THAT the Secretary-Treasurer follow-up with the adjacent landowner regarding the MDS information to be submitted to the municipality to enable them to calculate the separation distance required.” Cd.

f) **ADDITIONAL INFORMATION**

The Township of Lanark Highlands provided (using GIS and DRAPE Data) an estimated MDS based on the area of the largest barn configuration on the Lucas property using a livestock fact of “Horses: 9 Large-framed” with 9-ha tillable land area. The resulted in a setback distance of 150 m.

g) **MINUTES – March 10, 2014**

Robert and Georgette Cameron, owners, attended the hearing and were advised that they were still under oath from the previous hearing.

The Secretary-Treasurer provided an update since the February Hearing Date.

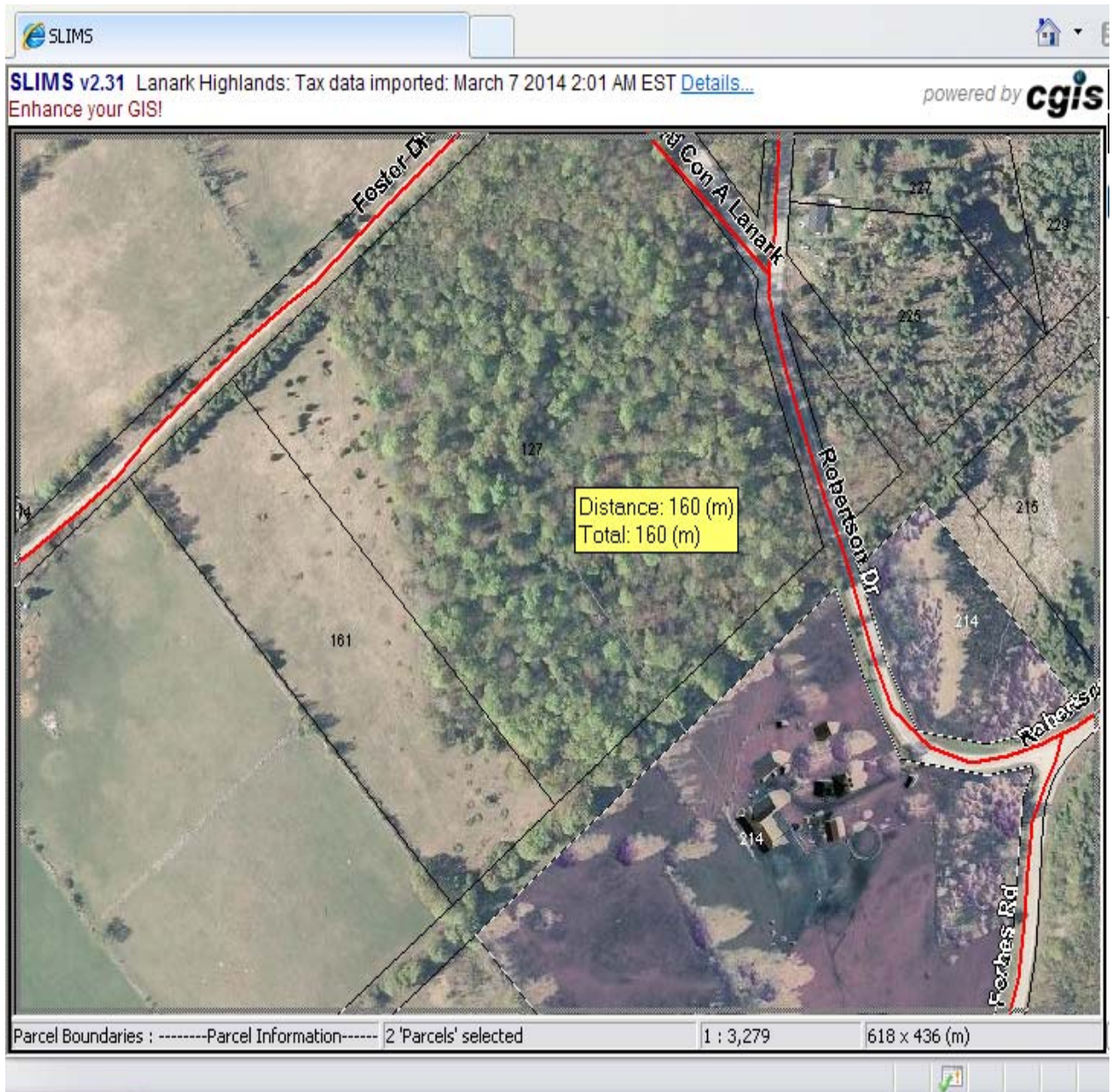
- 1/ Several attempts by the Township and Land Division Secretary were made to obtain the Lucas’s provide the livestock information in order for the Township to prepare an MDS Calculation.
- 2/ The Township provided a ‘best guessed’ calculation for the MDS setback from the Lucas livestock facility resulting in a 155 m setback.
- 3/ The Cameron’s were requested to provide a revised sketch which is to be made available at the re-convened hearing.

Mr. and Mrs. Cameron submitted a revised sketch for Application B13/129 which indicated a lot area of 1.02-ha (2.52) acre parcel of land measuring 60 m frontage and depth of 170 m. This would take the property entirely out of the influence area of the Lanark Village Waste Site. And allows for a 30ft setback from the existing garage to the

side lot line.

The Committee reviewed the additional material, noting that the 155 m MDS setback came to approx. the read lot line of the revised lot layout.

The staff report and draft conditions were reviewed and revised to indicate the revised lot size and dimensions.



h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS - B13/128

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 Jason Wilkinson and Helen Wilkinson described as Pt Park Lot 9 Plan 320, Plan 27R-9692 Part 1, 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 Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered

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

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

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

CONDITIONS - B13/129

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" presented March 10, 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The 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

7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. 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.
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 matter.
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. 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).
13. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #12 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 advised that additional sandy loam fill may be required in the area of the tile bed.*
3. *The southern portion of the lands is located within the influence area of the Lanark Village Waste Site. Any development proposal in this area will require the preparation of an "Environmental Site Assessment" in accordance with MOE Guidelines.*
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: Georgie K. Martin & Robert C. Martin

Hearing Date: March 10, 2014

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B13/138

Municipality: Township of Drummond/North Elmsley

Geographic Township: North Elmsley

Lot: 11 Conc.: 7

Roll No. 0919 908 010 41901

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.70-ha parcel of land as a lot addition to lands owned by Thomas Harold Oakes at Pt. Lot 9/10 Conc. 7 North Elmsley and retain a 13.43-ha landholding with an existing dwelling located at 334 Station Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	0.70 ha	13.43 ha
Frontage	61.56 m (Stone Rd. E.)	430m (Station Rd.)
Depth	116 m	400 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
Official Plan Designation	Rural and Wetlands	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	n/a lot addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5 Natural heritage, 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 Natural Heritage, 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, Section 24 Wetlands (Adjacent lands)

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

b) AGENCY REVIEW

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

Township Planner's Report

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 on the application, the Martins seek permission to sever a 1.7 acre parcel from their larger lot and transfer it as a lot addition to adjacent lands owned by Thomas Harold Oakes. The severed lands are vacant and partially wooded as is the ~ 173 acre recipient lot. An unopened road allowance forms the northern border of both parcels, which are otherwise landlocked. The Martin property is part of a much larger lot of record, which has been severed several times over the years, with the effect of creating three new lots on Station Road and a lot at the end of Moore Place (in an ongoing but unrelated application), as well as the retained. Given this, the lot creation policies of the Township's Official Plan would normally not support an additional severance however since this application involves a lot line adjustment that does not have the effect of creating an additional lot, this application is not contrary to that policy.

The severed lands are designated Rural in the Township's Official Plan, with wetland influence and a partial significant woodland overlay however since the application does not propose nor facilitate new development, an EIS was not requested by the Township. The application does have the effect of extending the Oakes property to line up with a separate lot owned by Mr. Oakes fronting on Station Road and effectively squares off the Martin property. The application is expected to have a minimal impact on the character of the area and any future development would be evaluated according to the applicable planning provisions of the day.

With respect to the zoning, the entire area is zoned Rural and this application does not create nor exacerbate any non-complying conditions on either the recipient, severed or retained lands.

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

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

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

Conservation Authority – Rideau Valley Conservation Authority

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

The application seeks approval for a .7 hectare lot addition to an existing lot, retaining 3.43 hectares with frontage on Station Road. There is no new development proposed as a result of this application.

The Property

As per our attached mapping, the lot addition is situated within the 120 metre adjacent lands of the provincially significant wetland (Port Elmsley #2). Much of the retained parcel is within the 120 metre adjacent lands and/or the large pocket of provincially significant wetland itself. We note that the unopened section of Stone Road at the location of the lot addition is not within the 120 metres adjacent lands/regulated area of the RVCA. (See attached mapping).

Review Comments and Recommendations

The lot addition as well as most of the retained lands are subject to per our Ontario Regulation 174-06 (Development, Interference with Wetlands and Alteration to Watercourses and Shorelines) for any site alteration. We would generally require that an Environmental Impact Statement (815) be prepared to address any potential effects the lot addition and potential development may have on the wetland. However, as no additional development is proposed and there is no further fragmentation of the wetland area as a result of the proposal and the lands affected appear to be recognized and protected as per the current zoning, we have no objection.

Should any works be proposed within 120 metres of the wetland boundary in the future, and EIS and prior written approval from the RVCA is required as per our Regulation 174/06.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – A 0.70 hectare parcel of vacant land that is mainly wooded and scrub brush. Addition to an existing lot only.

A 13.43 hectare parcel of land with an existing house serviced by a raised sewage system. Additional sandy loam fill will be required in the area of the future replacement tile bed.

c) PUBLIC INPUT

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

d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.7-ha parcel of land as a lot addition to lands owned by Thomas Harold Oakes and retain a 13.43-ha residential lot with an existing dwelling located at 334 Station Road.

The subject lands are located in an area characterized by typical urban type residential (Pine Arbour Subdivision) to the south and residential on larger type (estate Lots) along Station Road to the North West. Three (3) previous severances were taken off the original landholding – 1992, 1993 and 1996, however all three of these fronted on Station Road. A “Closed Waste Site” is located approximately 400 m to the North West.

This site was closed in approximately 1980 which required subsequent testing to ensure no contamination to adjacent properties. The Township received notice in 2011, that no further testing would be required.

The lands are accessed via the unopened road allowance between Concessions 7 and 8 North Elmsley, which adjoins Station Road, a municipally maintained road.

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/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979. Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

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

Zoning

The subject property is currently zoned Rural which permits a variety of uses including single family dwellings. The lot to be severed will increase the lot to be enlarged to gain access to Stone Road East which is partially constructed.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development

that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

e) **MINUTES – March 10, 2014**

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

Ms. Zander explained that the purpose of the lot addition was for Mr. Oakes to acquire the lands on which his access/entrance to Stone Road West was located on.

Committee reviewed the staff report and draft conditions.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Thomas Harold Oakes described as NE Pt Lot 9 and 10 Con 7 geographic Township of North Elmsley, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

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

NOTES

1. *The Rideau Valley Conservation Authority advises that should any works be proposed within 120 metres of the wetland boundary in the future, and EIS and prior written approval from the RVCA is required as per our Regulation 174/06.*
2. *The Leeds Grenville and Lanark District health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed on the retained lands*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Christopher & Erin Charby **Hearing Date:** March 10, 2014
Agent: Christopher Daniel Charby
LDC File #: B13/143
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Highlands **Lot:** 15 **Conc.:** 3
Roll No. 0940 934 010 22600 **Consent Type:** New Lot

Purpose and Effect: To sever a 2.0-ha residential lot with an existing dwelling located at 5214 Hwy 511 and retain a 26.7-ha landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Hobby Farm	Agricultural Residential
Area	2.0 ha	26.7 ha
Frontage	113 m	172 m
Depth	175 m	607 m
Road - Access to	County Road	County Road
Water Supply Sewage Disposal	Private Well Private Septic	Proposed Well Proposed Septic
Official Plan Designation -Conformity?	Rural yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 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 3.3 Rural Communities, Section 5.0 Our environment, Section 7.4.2 County 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 zoning by-law regulations.

b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a residential lot. The property is legally described as Pt Lot 15 Concession 3, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a ±4.9 acre developed lot and retain a ±66 acre undeveloped parcel commonly known as 5214 Highway 511. Access to the lands is via Highway 511.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with the rear portion of the property being designated as Organic Soils and a portion to the southern boundary being designated as Aggregate Reserve 2. The property is predominantly zoned Rural with a small portion on the southern boundary being zoned as Mineral Aggregate Resource Reserve by Zoning By-law 2003-451.

PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has access to a county 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. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The proposal as submitted can achieve those directives.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with the rear portion of the property being designated as Organic Soils and a portion to the southern boundary being designated as Aggregate Reserve 2. Section 4.1.5 of the Official Plan pertaining to Adjacent Lands to a Mineral Aggregate Reserve states that these areas should be protected from development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources, and that development shall only be permitted if it is demonstrated that the resource use would not be feasible. In this circumstance, there are existing permanent dwellings in closer proximity to the resource area than the proposed lot. As such, a potential dwelling on the retained lot would not impact access to the resource area.

ZONING

The proposal will, if approved, result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy Statement. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval. The property is predominantly zoned Rural with a small portion on the southern boundary being zoned as Mineral Aggregate Resource Reserve by Zoning By-law 2003-451.

The application as proposed can be considered appropriate.

DISCUSSION

This proposal seeks to sever an existing dwelling and outbuildings and to create a potential building lot on the retained lands. This general area already supports residential development and as such an additional residence in this area would not impact the nearby Aggregate designation.

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. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the County of Lanark.

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 (1) developed lot measuring 4.94 ac, and retain 66.06 ac of farm land.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of the Clyde River flows through the retained lands. In addition, mapping shows a large area of organic soil in the eastern half of the proposed retained land. No natural heritage or natural hazards were identified on the proposed severed land.

REVIEW

Natural Heritage Values - Watercourse

Sufficient area appears to remain on the retained lands to accommodate future development that complies with the current standards for development adjacent to a watercourse. Therefore, impacts to this natural feature are not anticipated as result of the subject application. Natural heritage features were not identified on the proposed severed lands.

Natural Hazards - Organic Soils

The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Sufficient area appears to remain on the proposed retained lands to

direct future development outside of these areas. Organic soils were not identified on the proposed severed lands.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the proposed retained land:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse.
2. The shoreline vegetation surrounding the unnamed watercourse shall be retained to a minimum depth of 15 metres.
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.
4. Future development shall be directed away from areas consisting of organic soils.

NOTES

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

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – A 4.94 acre parcel of land with an existing farm house serviced by a well and septic system. Due to winter weather conditions, soil depth could not be verified, however, the existing septic system is raised, therefore, soils are either shallow or possibly clay. Additional sandy loam fill will be required in the area of the replacement tile bed.

Retained – A 66.06 acre parcel of vacant farm land. The land has a gentle slope and is open field for most of the front section, hardwood bush is towards the back area of the parcel. Additional sandy loam fill will be required in the area of the future tile bed.

County Roads Department –

Lands to be severed have an approved existing entrance. Permit # 2467 applies.

Lands to be retained have an approved entrance location. Permit # 2454 applies.

Retained Lands - A full entrance application must be submitted and entrance installed prior to deed endorsement.

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

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

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

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

c) **PUBLIC INPUT**

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

d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.0-ha residential lot with an existing dwelling located at 5214 Hwy 511 and to retain a 26.7-ha vacant landholding.

The subject lands are located in an area characterized by typical rural development with smaller type lots intermixed with larger landholdings.. The Clyde River is locate to the east of the lot and the Hamlet of Hopetown is located approximately 0.5km north of the lot.

The lands are accessed via Highway 511, a County maintained road.

Soils Inventory – Name: White Lake

- Stoniness: slightly stony
- CLI: 65– severe limitations
- Drainage: rapidly
- Hydrogeology: low

Bedrock Inventory – tetonites, gneisses

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 some lands mapped as 'woodlands', however none on the lands to be severed. Care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

e) **MINUTES – March 10, 2014**

Christopher Charby, owner, attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

CONDITIONS:

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

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

11. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 and #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that any future development on the retained lands, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse. That the shoreline vegetation surrounding the unnamed watercourse shall be retained to a minimum depth of 15 metres. That 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. And that any future development shall be directed away from areas consisting of organic soils.*
2. *The MVCA also advise that in the event shoreline work is proposed along the unnamed watercourses, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the replacement tile bed on the severed lands and on any future tile bed area on the retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *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: Wilfred Hall

Hearing Date: March 10, 2014

Agent: N/A

LDC File #: B13/144

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 9 & 10 Conc.: 9

Roll No. 0940 004 035 13901

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.069-ha parcel of land as a lot addition to lands owned by Robert & Deborah Saunders at 155 Hall Shore Road and retain a 40.0-ha landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Rural Lot addition	Rural Rural
Area Frontage Depth Road - Access to	0.069 ha N/A 15 m N/A	40 ha 132 m Hall Shore Rd. 253 m County Rd. 8 15 m N/A
Water Supply Sewage Disposal	N/A Private Septic	Private Communal Well N/A
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural n/a lot addition	Rural 1.0-ha Yes 60 m Yes

a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 8.2.2 Consents.

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

Local Official Plan – Section 3.3 Rural Communities, Section 7.4.4 Private 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 zoning by-law regulations.

b) **AGENCY REVIEW**

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition on the lands legally described as Part Lot 10, Concession 9 East, RP 27R6643 Part 3, Geographic Township of Dalhousie now in the Township of Lanark Highlands. It should be noted that the application references the municipal address known as 178 Hall Shore Road. According to the Township records, the recipient parcel should be referenced as 155 Hall Shore Road.

The applicant wishes to sever a 0.17 acre parcel of land from Part of Lots 9 & 10, Concession 9 (Retained Parcel) and add it to lands located at Part Lot 10, Concession 9East, RP 27R6643 Part 3, Dalhousie municipally known as 155 Hall Shore Road (Recipient Parcel).

The subject property is designated as Rural, on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 1' in Zoning By-law 2003-451.

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.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these policies.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

ZONING

The lands are zoned as Rural on Schedule "A 1" by Zoning By-law 2003-451.

DISCUSSION

The application will not result in the creation of a new lot and is a lot line adjustment. This lot line adjustment will reposition the lot line to encompass existing buildings on the lot to be within the lot lines. In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning Bylaw.

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

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

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 – Leeds, Grenville and Lanark District Health Unit

Severed – A 0.17 acre parcel that has a shed straddling the lot line between the lot it is to be “added to” and the retained parcel. An addition to an existing lot only.

Retained – A 100 acre parcel of land that has an existing garage. Land is mainly open field. Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

c) **PUBLIC INPUT**

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

d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.069-ha parcel of land as a lot addition to lands owned by Robert and Deborah Saunders at 155 Hall Shore Road and retain a 40.0-ha landholding with an existing garage.

The subject lands are located in an area characterized by typical recreational type lots along the shore of Dalhousie Lake and larger type backshore lots. The lot addition will increase the small ‘backshore type lot’ to approximately 0.33-ha and ensure that the shed is located on the Saunders lot. The committee may wish to ask the applicant if they would consider a larger lot addition to bring the Sanders lot up to at least 0.4-ha (or 1.0-ac).

Archaeological

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

The lands are accessed via Hall Shore Road a privately owned road which adjoins Watson's Corners Road, a county maintained road.

Official Plan Policies

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

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

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

- 2/ 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 not been mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently zoned Rural which permits a variety of uses including single family dwellings. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of the zoning by-law.

Conclusion

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

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

e) **MINUTES – March 10, 2014**

Wilfred Hall, owner, attended the hearing and gave evidence under oath.

The Committee asked if Mr. Hall would consider increasing the lot addition to bring the lands to be enlarged up to at least 0.4-ha. Mr. Hall advised that there is a private laneway that traverses along the rear of the lot addition and this restricts the depth of the lands. Mr. Hall also advised that Mr. Saunders has only asked for additional lands so that the entire shed was on his property. The lot addition also provided for the required setbacks.

Committee reviewed the staff report and draft conditions.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert Saunders and Deborah Saunders described as E Pt Lot 10 Con 9 Dalhousie RP27R-6643 Part 3, 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 Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Leeds Grenville and Lanark District Health Unit advised that additional sandy loam fill will be required in the area of the future tile bed on the retained lands.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Alfred Lee (deceased) & Brenda Lee

Hearing Date: March 10, 2014

Agent: Brenda Lee

LDC File #: B13/150

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 9 Conc.: 3

Roll No.0940 944 010 09200

Consent Type: New Lot

Purpose and Effect: To sever a 1.0-ha residential lot with an existing dwelling located at 7799 Hwy 511 and retain a 39.47-ha vacant landholding. This is a resubmission of application No. B2004/080 which was allowed to lapse.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Vacant
Area Frontage Depth Road - Access to	1.0 ha 152.4 m 70.104 m County Road	39.47 ha 396.24 m 609.60 m County Road
Water Supply Sewage Disposal	Private Well Private Septic	None none
Official Plan Designation -Conformity?	Rural, Abandoned Mine Hazard Buffer, Mineral Aggregate Reserve Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural -14 1.0-ha Yes 60 m Yes	Rural Holding, Rural, MAR-h 1.0-ha Yes 60 m Yes - Any new Development requires removal of Holding Zone

a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.5 Mineral Aggregate Resources

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

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

3.1 Natural Hazards

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

County Official Plan – Section 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 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 7.4.2 County 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 General Provisions, section 14 Rural Zone, By-law 2004-544 Rural – 14

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

b) **AGENCY REVIEW**

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a residential lot. The property is legally described as Pt Lot 9 Concession 3, geographic Township Darling, now in the Township of Lanark Highlands. This is a resubmission of application No B04/80 which was allowed to lapse.

The applicant wishes to sever a ±2.5 acre developed lot and retain a ±97.5 acre undeveloped parcel commonly known as 7799 Highway 511. Access to the lands is via Highway 511.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with patches of the property being designated as Mineral Aggregate Reserve and the southern portion of the property is within the Abandoned Mine Hazard Sites 1km buffer.

The property is predominantly zoned Rural. The portion of the property being severed is zoned Rural-14. A remainder of the property is zoned as Rural (RU), an area of Mineral Aggregate Resource Reserve Holding (MAR-h) Commercial Industrial (CM) and the frontage along Hwy 511 is zoned as Rural Holding (RU-h).

PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has access to a county 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. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

Section 4.1.7.1 of the Abandoned Mine Hazard Sites Section of the Official Plan states that "*Any development proposed within one (1) kilometre of these (AMHS) areas requires consultation with the Ministry of Northern Development and Mines prior to any*

further review of development by the planning authority". The AMHS area extends into both the retained and severed portions of the property. The severed portion of the property which is completely within the AMHS is already developed and supports an existing residence. It would be possible to construct a residence outside of the AMHS area on the retained portion of the property.

A portion of the subject property is designated as Aggregate Reserve 2. Section 4.1.4 of the Official Plan, pertaining to Mineral Aggregate Reserve states that development shall only be permitted when it can be demonstrated that the resource use would not be feasible. There is an existing permanent dwelling in close proximity (~27m) to the resource area. Any future development of the retained vacant parcel would have to be done in such a way that there wouldn't be any further restriction on a future mineral extraction operation and how it might be impacted by any mine hazard. The future development of the retained parcel may be restricted by a potential mine hazard and/or future aggregate operations.

ZONING

The subject property is predominantly zoned Rural. The portion of the property being severed is zoned Rural-14 (By-law 2004-544). The retained parcel has multiple zones. Much of the property is zoned as Rural (RU), an area of Mineral Aggregate Resource Reserve Holding (MAR-h) a small area is zoned Commercial Industrial (CM) and the frontage along Hwy 511 is zoned as Rural Holding (RU-h).

DISCUSSION

This proposal seeks to sever an existing dwelling and to create a potential building lot on the remaining lands. This application is the re-submission of a lapsed application from 2004. In 2004, a letter was received by the Township from the Ministry of Northern Development and Mines dated August 14th, 2003 which stated that they had no concerns with the proposed consent.

As a condition of application B80/04 the owner was required to entertain a zoning amendment to remove the 'holding' symbol from the lands. This condition was met by way of zoning amendment By-law 2004-544. The area subject to the amendment encompasses only area proposed to be severed. The RU-h zone is still in place on the proposed retained parcel.

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. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.*
- 6. The applicant shall obtain an entrance location permit from the Township of Lanark.*

Conservation Authority - Mississippi Valley Conservation

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 (1) developed lot measuring 2.5 ac, and retain a vacant parcel of land measuring 97.5 ac.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, areas of organic soil exist in the western half of the proposed retained land. No natural heritage or natural hazards were identified on the proposed severed land.

REVIEW

Natural Heritage Values

None identified.

Natural Hazards - Organic Soils

The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Sufficient area appears to remain on the proposed retained lands to direct future development outside of these areas. Organic soils were not identified on the proposed severed lands.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA has no objection to the subject application provided that any future development on the proposed retained land is directed away from areas consisting of organic soils.

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.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - A 2.5 acre lot (+/-) with an existing house serviced by a well and septic system. The land slopes toward Highway 511. Additional sandy loam fill will be required in the area of the replacement tile bed.

Retained - A 97.5 acre parcel of vacant land. The land is comprised mainly of bush. Lot drainage and soil depths can vary. Additional sandy loam will be required in the area of the future tile bed location.

County Roads Department –

Lands to be retained and severed have an existing approved Common Residential entrance. Permit #1782 applies

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

County.

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

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

Hydro One Networks – No comments were received.

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

c) **PUBLIC INPUT**

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

d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.0-ha residential lot with an existing dwelling located at 7799 Hwy 511 and retain a 39.47-ha vacant landholding. This is a re-submission of application B2004/080 which was inadvertently allowed to lapse.

The subject lands are located in an area characterized by rural with limited residential development along Highway 511. The Tatlock Quarry is located to the south east and the lands are within the influence area of the calcium carbonite deposit.

Aggregate Operations

An existing operational pit / quarry is located in proximity of the subject lands. If approved a condition should be included to advise future purchasers of the aggregate operation and the potential for noise, odours, etc.

Mining

The Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered. The lands are accessed via Hwy 511, a county maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – marble, calc-silicate

During the previous consent application B2004/080, the Township consulted with the Ministry of Northern Development and Mines who advised that they had no concerns with the proposed consent which was to create a lot of approximately 2.5-ha to encompass the existing residential dwelling.

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 been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

e) **MINUTES – March 10, 2014**

No persons attended the hearing.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

9. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
10. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the replacement tile bed on the severed lot and in any future tile bed area on the retained lot..*
2. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

habitat for the species.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Donald Bell & Sharon Bell **Hearing Date:** March 10, 2014
Agent: N/A
LDC File #: B13/153
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 25 & 26 **Conc.:** 8
Roll No. 0911 916 025 12800 **Consent Type:** Lot Addition
and 0911 916 025 13000

Purpose and Effect: To sever a 40-ha agricultural landholding as a lot addition to lands owned by Willows Farms and retain a 40-ha agricultural landholding with an existing dwelling located at 384 Fallbrook Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Farm	Farm / Residential
Proposed Use	Farm	Farm / Residential
Area	40.0-ha	40.0-ha
Frontage	334 m	615 m
Depth	1,330 m	615 m
Road - Access to	County Road	County Road
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation	Agricultural Lands	
-Conformity?	Yes	
Zoning By-law Category	Agriculture	Agriculture
-Area Required (min.)	40.0-ha	40.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.3 Agriculture

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

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

County Official Plan – Section 6.1 Agricultural Resources, Section 4.3.2 County Roads, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 General development Policies, Section 3.2 Agriculture Policies, Section 4.3 County 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 11 Agriculture 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 a 40 ha agricultural landholding as a lot addition and retain a 40 ha parcel of agricultural lands with an existing dwelling at 384 Fallbrook Road.

Zoning category – Agriculture. Both lots meet minimum zoning provisions.

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

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

Notes: Willows to be informed of location of drain and responsibility in future for cost sharing when drain is maintained and that they don't degrade drain. E.g. no pasturing of cattle unless fenced.

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 a vacant 40 ha parcel of land. The retained parcel is approximately 40 ha, with an existing dwelling, barn and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a drain referred to as the H. Mather Municipal Drain, flows through the severed and retained lands. This drain has been classified as Class B, indicating that it is a warm water system with sensitive fish species present. No other significant natural heritage features or natural hazards were identified.

REVIEW

Given the identification of sensitive fish species, MVCA recommends a minimum setback of 30 m from the municipal drain for any new development on the subject property. Sufficient area appears to exist on the proposed severed lands to accommodate this setback. The retained lands are already developed with no new development proposed at this time.

RECOMMENDATIONS & CONCLUSION

With all of the above in consideration, MVCA has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the municipal drain.
2. The shoreline vegetation surrounding the municipal drain shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the municipal drain, or onto adjacent properties.

NOTES

Potential future development on the retained lands should be setback a minimum of 30 metres from the seasonal high water mark of the municipal drain. Shoreline vegetation along the drain should be retained to a minimum depth of 15 metres.

The property owner should be advised that in the event shoreline work is proposed along the municipal drain, written permission may be required from MVCA pursuant to Ontario

Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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.

County Roads Department –

Applicant has an approved existing entrance to the County Road. Permit #2463 & #2462. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

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

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

c) PUBLIC INPUT

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

d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 40.0-ha parcel of agricultural lands as a lot addition to lands owned by Kevin and Vicky Willows and retain a 40.0-ha farm/residential landholding at 384 Fallbrook Road. The PPS encourages the protection of agricultural lands for long-term agriculture use and expansion of existing operations.

The subject lands are located in an area characterized by farm and farm / residential. The hamlet of Balderson is located to the east of the lands.

The lands are accessed via Fallbrook Road, a County maintained road.

Soils Inventory – Front
Name: - Franktown

Rear
North Gower

Stoniness: slightly stony
CLI: 3 – Moderately Severe
Drainage: well drained
Hydrogeology: moderate

Non-stony
2 – Moderate limitations
poor drainage
High run-off

Bedrock Inventory – Conglomerate, sandstone, shale

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'. Woodland Development Policies have not been established Tay Valley Township.

Zoning

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

Conclusion

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

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

e) **MINUTES – March 10, 2014**

Donald and Sharon Bell, owners, attended the hearing and gave evidence by affirmation.

Mr. Bell advised that there was a change of plans, and that the lot would not be a 'lot addition' but rather a new lot, with the same purpose, to continue to be farmed. Mr. Bell also advised that they had obtained approval from the Provincial Examiner of Surveys, that no survey would be required as the property has a good 'standalone' description.

Committee reviewed the staff report and draft conditions.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. 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.
4. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
5. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

6. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from Tay Valley Township stating that condition #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *The purchaser to be advised of the location of the municipal drain and the responsibility in future for cost sharing when drain is maintained. Degrading of the drain is prohibited e.g. no pasturing of cattle unless drain is fenced.*
2. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be adhered to for any future development on the severed lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the municipal drain.*
 - b) *The shoreline vegetation surrounding the municipal drain shall be retained to a minimum depth of 15 metres.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the municipal drain, or onto adjacent properties.*
3. *The MVCA also advise that potential future development on the retained lands should be setback a minimum of 30 metres from the seasonal high water mark of the municipal drain. Shoreline vegetation along the drain should be retained to a minimum depth of 15 metres.*
4. *The property owner should be advised that in the event shoreline work is proposed along the municipal drain, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
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: Salim Houchaimi & Salha Houchaimi Hearing Date: March 10, 2014
Agent: Billy Houchaimi
LDC File #: B13/154
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay Lot: 14 Conc.: 10
Roll No. 0931 929 020 50900 Consent Type: New Lot & Easement

Purpose and Effect: To sever a 3.08-ha residential lot and retain a 37.4-ha landholding. The lands are accessed via Paterson Street.

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

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

Section 1.1.3.3 Planning authorities shall identify and promoted opportunities for

intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

1.6 Infrastructure and Public Service Facilities

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

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

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

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

Local Official Plan– Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 3.3 Rural Policies, Section 3.6 Residential, Section 3.7.5 Industrial, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 40 Development Zone.

The Town of Mississippi Mills advises that the lands are currently zoned “Development” and that a re-zoning will be required.

(b) AGENCY REVIEW

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

Town Planner’s Report

BACKGROUND & PROPOSAL

Mr. Salim Houchaimi and Ms. Salha Houchaimi (the “owners”) currently own a 40.5ha (100ac) property which has a frontage of ±562m on Paterson Street and a frontage of ±611m on Appleton Side Road. The owners have requested to sever a 3.08ha (7.62ac) portion of land from the subject property for the development of a retirement home, and to retain a 37.42ha (92.5ac) for a future development.

The 40.5ha (100ac) parcel of land is currently vacant. The uses surrounding the property consist of the municipal business park to the west, rural lands with a single family dwelling to the east and a residential development, known as Riverfront Estates, located to the south. Approximately 16.2ha (40ac) of the lands subject to the application falls within the urban settlement area known as Almonte Ward, with the majority of the parcel remaining outside the settlement area. The portion of land subject to this application falls within the Almonte Ward.

EXECUTIVE SUMMARY

The purpose of this report is to provide an analysis of the consent application against the relevant policies of the Town's Community Official Plan (COP), the Town's Zoning By-law #11-83, the Provincial Policy Statement (PPS) 2005, and the Planning Act, R.S.O. 1990, and to provide recommendations/suggested conditions to the County of Lanark's Land Division Committee.

DESCRIPTION OF SUBJECT LANDS

The subject property is located in the northeast quadrant of the settlement area, known as Almonte Ward. The property is 40.5ha (100ac) in area with a frontage of ±611m on Paterson Street and a frontage of ±611m on Appleton Side Road. The property is currently vacant and has been identified for development.

Surrounding land uses consist primarily of vacant business park lands to the west, rural lands to the east and urban residential lands to the south, known as Riverfront Estates.

The subject property currently does not have an approved access to the property. Access to the proposed severed lot would be from Paterson Street and would have to be approved as part of the severance process, while the retained lands can be accessed from both Paterson Street and Appleton Side Road.

PROVINCIAL POLICY STATEMENT (PPS), 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS.

Generally speaking, the PPS encourages new residential development to occur within established settlement areas, on full municipal services, and in the form of intensification or redevelopment. This policy direction is highlighted in the following sections of the PPS:

1.1.3.3

Planning authorities shall identify 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.

1.4.3

Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) *permitting and facilitating:*
 - i) *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*

- ii) *all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The proposed consent would result in a future infill opportunity on existing municipal services. With this in mind, Staff views the proposed severance application to be consistent with the relevant policies of the PPS.

PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).

Staff views the proposed consent to be in keeping with the above noted criteria.

COMMUNITY OFFICIAL PLAN (COP)

The COP provides direction regarding lot creation in the urban settlement areas in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Town shall support the creation of new lots by consent when the severance criteria have been satisfied. The following provides an analysis of the proposal against the applicable criteria.

- *the scale of development proposed or the total development potential of the property would not require a plan of subdivision;*
As the proposal is to create one (1) additional lot, a plan of subdivision would not be required.
- *the application represents infilling in an existing built up area;*
The proposal represents a natural infill development progression within the settlement area of Almonte Ward.
- *the proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*
The proposed severed lot would be consistent with other institutional uses in the immediate vicinity. The lands directly abutting the subject land are rural lots and inherently large in size. Taking into account the required site provisions, Staff believe there would be more than sufficient area to accommodate the proposed institutional development and required off-street parking on the property.
In addition, once developed, the combined density of the severed lot would be consistent with the surrounding institutional and abutting rural uses. Overall, the proposal is not anticipated to detract from the urban character of the area.
- *the creation of lots would not create or worsen traffic, access or servicing problems;*
The creation of one (1) additional building lot will not negatively impact the traffic of the area. The Town's Director of Roads and Public Works has indicated that access and servicing is available to the subject property.
- *the application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*
The infill nature of the proposal on lands with full municipal services available represents an efficient and desirable form of development. The retained lot has over 350m of road frontage that is partially in the existing urban boundary and outside, which provides sufficient access and area for future development.
- *the application meets all other policies of this Plan.*

The proposed proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned as Development (D) Zone by the Town's Zoning By-law #11-83. Staff note that the proposed severance provides a logical division of land that meets the minimum lot size requirements, both minimum lot frontage and minimum lot area. The size of the parcel being created is appropriate for the intended use. That being said, the proposed use for the parcel of land will require an amendment to the Town's Zoning By-law.

CONCLUSION

Staff views the proposal as being consistent with the policies of the Community Official Plan, in keeping with the PPS, and satisfying the development standards of the Zoning By-law.

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

1. That the owner provide a copy of the registered reference plan to the Town;
2. That the owner provide a digital copy of the registered reference plan in a .DWG file format to the Town;
3. Sufficient land for a Road Widening on the severed and retained lot shall be deeded to the Town of Mississippi Mills by registered deed, to meet the municipality's road widening requirements, at no cost to the Town. 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 Director of Roads and Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required;
4. That the owner be required to rezone the severed parcel of land to reflect the proposed institutional development;
5. That the owner be required to obtain an entrance permit to access the severed parcel;
6. That the owner be required to obtain a property identification number (PIN) for the severed and retained lands and,
7. That the owner pays any outstanding property taxes on the subject property.

Hydro One Networks – No comments were received.

Bell Canada R-O-W –

It has been determined that Bell Canada has no installations over these lands and therefore not requirement for easement protection.

(c) **PUBLIC INPUT**

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

Jean Labelle – Feb 4, 2014.

I would like to be notified of the public meeting and the decision.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 3.08-ha residential building lot and retained a 37.42-ha landholding. The purpose of the lot is to construct a 'retirement home'.

The subject lands are located in an area characterized by typical urban residential. A school and water tower are located to the north of the lot , a residential subdivision is located to the west and vacant lands are located to the east and south of the lot.

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

Official Plan Policies

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

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

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

- 3/ Woodlands
The area not been mapped as 'woodlands'. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the "Development" zone and therefore require re-zoning in order to proceed with the development of the lot. The applicant has submitted a re-zoning application to the municipality.

Conclusion

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

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

(e) **MINUTES – March 10, 2014**

Billie Houchaimi, agent, attended the hearing and gave evidence by affirmation. Mr. Houchaimi advised that the owners propose to construct a 120-unit retirement home on the property. A re-zoning application has been submitted to the Town and the Public Meeting has been held. The re-zoning also takes into consideration the setback requirements from the Town's Water Tower. The required testing adjacent to the well has also been undertaken. A new entrance to the lot has been approved, the location to be approximately in the centre of the frontage of the lot to be created.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The 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.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Town in this regard.
7. The applicant shall obtain an entrance permit to access the severed parcel. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills for the severed and retained lands. The applicant shall consult directly with the Town in this regard.

9. Sufficient land for a Road Widening on the severed and retained lot shall be deeded to the Town of Mississippi Mills by registered deed, to meet the municipality's road widening requirements, at no cost to the Town. 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 Director of Roads and Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Chris McFarlane **Hearing Date:** March 10, 2014
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B13/161 & B13/162
Municipality: Township of Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 13 **Conc.:** 10
Roll No. 0919 919 020 16620 **Consent Type:** New Lots

Purpose and Effect: To sever two residential building lots (0.8-ha and 0.81-ha) and retain a 5.425-ha vacant landholding which is to be conveyed to the adjacent landowner as a lot addition. The lands are accessed via Ferguson’s Falls Road and Prestonavale Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/161	B13/162	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Vacant
Area	0.80 ha	0.81 ha	5.425 ha
Frontage	83.4 m	83.4 m	209.4 m
Depth	97 m	97 7 m	260 m
Road - Access to	County Road	County Road	Municipal Road
Water Supply	Proposed well	Proposed well	None proposed
Sewage Disposal	Proposed septic	Proposed septic	None proposed
Official Plan Designation -Conformity?	Rural with Aggregate Influence area Yes		
Zoning By-law Category	Rural	Rural	
-Area Required (min.)	0.4-ha	0.4-ha	
-Compliance?	Yes	Yes	
-Frontage Required (min.)	45 m	45 m	
-Compliance?	Yes	Yes	

a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.5 Mineral Aggregate Resources

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.2 County Road, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.2.2 Mineral Aggregates, Section 8.2.2 Consents.

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 4.9 Mineral Resource, Section 5.2 County Roads, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

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

b) AGENCY REVIEW

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

Township Planner's Report

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 two 2 acre lots, fronting on Ferguson Falls Road, from an existing 17 acre lot that extends south to also front on Prestonvale Road. As part of this process, the retained lands will be merged with adjacent vacant lands owned by Glenn Earl McFarlane. The severed, retained and enlarged lands are all open field with no dwellings. It should be noted that this area was subject to a severance application in 2009 that created three relatively large lots, leaving a retained parcel fronting on Prestonvale Road. This application seeks to divide the middle of those lots and the retained area will be merged with the easternmost 2009 lot. While the Township's Official Plan allows a maximum of three lots to be created out of an area of land that existed in 1979, Section 6.3.2.6.5 allows consideration of additional lots when the property fronts on two or more public roads. It is the Township's position that this policy contemplates

further severance of post-1979 lots, provided that no more than three total lots are created on each frontage. The proposed merger of the retained and adjacent lands, which enlarges one of the 2009 lots, is necessary to implement this intent.

The McFarlane landholding is designated both Rural and Aggregate Reserve, according to the Township's Official Plan and the 300 m aggregate influence area extends across most of the retained lands however does not include the proposed severed lots. As such, an impact study is not required. It should be noted that with the northern lots taken off there is no viable building envelope on the retained lands outside the influence area, however with the merger of this parcel with the McFarlane lot to the east, an adequate building envelope on the combined lot would exist. While no other natural or manmade influence areas have been identified that affect the severed lands, Staff note the significant agricultural character of the area and the presence of Class 3 soils on the property. Section 4.3.2.2 of the Plan specifies that the Township should consider impacts on agricultural uses and function (and the policies of Section 4.4) when evaluating new development in the Rural designation. When considering lot creation it is preferable to size and orient lots such that overall impacts on agricultural operations and uses are minimized. In this case, the applicants propose two 2 acre lots and have provided MDS calculations that show adequate distance between the lots and existing livestock facilities on neighbouring properties. Also, the consolidation of the retained and adjacent lands to allow a larger farming parcel would improve the overall agricultural functionality. This application is also consistent with the intent of the Rural Designation that new (and limited) residential development does not have a negative impact on the rural character of the area. It should also be noted that a development agreement, that was passed as a condition of the 2009 severances, is on file for the entire landholding and requires acknowledgement of the nearby aggregate reserve and the agricultural nature of the area. This application does not affect the terms of the agreement and Staff suggest that this agreement should continue in full force and effect for the severed and retained lots.

Access and frontage is another matter that was considered in the Township's evaluation of this application given that the Plan (Section 6.3.1.6) expresses a preference for the creation of lots fronting on Township rather than County roads. In this case, given that planning constraints would effectively preclude lot creation on Prestonvale and with the understanding County will approve a shared entrance for the two lots on Ferguson Falls Road, Staff advise that this application satisfies the general intent of that policy. The retained lands are to be merged with a larger parcel that has frontage on both roads and it is the Township's position that any future development on that resultant lot must be accessed from Prestonvale Road. If the Land Division Committee includes a development agreement provision to ensure this, the Township would be supportive.

From a zoning perspective, Staff advise that the severed lands and majority of the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law. While several constraints have been identified, Staff are confident that this application is generally consistent with the Township's Official Plan, provided that the conditions as indicated on the attached Municipal Reply Form are met. As such, the Township of Drummond/North Elmsley Township supports this application as submitted.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots and lot to be enlarged. The applicant shall consult directly with the Township in this regard.
- Prior to final approval, the retained lands shall be merged with the adjacent lands identified on the application.
- The applicant shall confirm that a residential entrance is viable from Prestonvale Road to the enlarged lands. The applicant shall consult directly with the Township in this regard.
- The existing development agreement in effect for the severed, retained and adjacent lands (dated September 10, 2009) shall remain in effect and, if necessary, shall be amended to clarify that any development on the lands to be enlarged shall be accessed from the abutting Township road

Conservation Authority – Mississippi Valley Conservation Authority

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – (Same report for applications B13/161 and B13/162) - A 1.98 acre vacant parcel of land. There is a tree line that fronts the property, however, most of the property is an open field. Land has a gentle slope. Soil depths undetermined due to winter conditions. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 15.42 acre vacant parcel of land that is situated between both Prestonvale Road and Ferguson Falls Road. Land is mainly open field. Additional sandy loam fill will be required in the area of the future tile bed.

County Roads Department

Lands to be severed have an approved Common Residential entrance location. Permit #2449 applies.

A full entrance application must be submitted and entrance installed prior to deed endorsement.

Lands to be retained to gain access from local municipal road known as Prestonvale Road.

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

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

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

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

c) **PUBLIC INPUT**

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

d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a two (2) residential building lots (0.80-ha each and retain a 5.425-ha vacant landholding to be added to the adjacent lands owned by Glenn E McFarlane. All lots are currently vacant.

These lands were created in 2009 by Consent Application B2009/041. The original landholding was divided into three large lots and a retained landholding. B2009/041 and 042 to gain access from Ferguson's Falls Road and B2009/040 and the retained lands to gain access from Prestonvale Road. These applications will created two additional lots and merge the retained lands with the lands that were created by B2009/040. In effect the original parcel will be divided a total of four times. Changes to the D/NE Official Plan allows for additional consents where the lands have frontage on more than one road. By merging the retained lands with the lands to the east the application can meet the intent of the Official Plan Policies.

The lands to be severed are accessed via Ferguson's Falls Road, a county maintained road and the lands to be retained and added to the adjacent property is accessed via Prestonvale Road, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located within the vicinity, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated the following:

Leever - required setback 227 m – actual setback 546 m

Ferril – required setback – 160 m – actual setback 500 m

Couch – required setback 210 m – actual setback 570 m

Ennis – required setback 216 m – actual setback 445 m.

The Committee may consider adding a condition to advise future purchasers of the farming operations and potential for noise, odours etc.

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/ 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 not been mapped as ‘woodlands’. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s 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 – March 10, 2014**

Tracy Zander (ZanderPlan Inc.) agent and Elizabeth Gelians-McFarlane, adjacent landowner, attended the hearing and gave evidence under oath.

Ms. Zander advised that the retained lands have limited potential for development as they are constrained by the adjacent Aggregate Resource Designation and that any development would occur on the lands to be enlarged with access onto Prestonvale Road. Ms. Zander also confirmed that the lands to be enlarged are owned by Stephen Craig McFarlane – Pt 3 On Plan 27R-9595, Drummond Conc 10 Pt. Lot 13.

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. The applicant shall submit an undertaking and transfer/deed to the Secretary-Treasurer of the Land Division Committee and the Township of Drummond / North Elmsley confirming that the retained lands shall be merged on their with the adjacent lands owned by Stephen Craig McFarlane and described as Conc 10 Pt Lot 13 Drummond RP27R-9595 Part 3.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall confirm that a residential entrance to the subject lot is viable from Prestonvale Road to the lands to be enlarged. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
9. That the existing Development Agreement in effect for the severed, retained and adjacent lands (dated Sept. 10, 2009) shall remain in effect and, if necessary, shall be amended to clarify that any development on the lands to be enlarged shall be accessed from the abutting Township Road.
10. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 and #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District health Unit advises that additional sandy loam fill will be required in the area of the future tile bed.*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Guenter Grabe & Gail Grabe

Hearing Date: March 10, 2014

Applicant: Spencer Grabe

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B13/163

Municipality: Town of Carleton Place

Geographic Township: Ramsay

Lot: 1 & 2 **Conc.:** 7

Roll No.0928 010 010 16811

Consent Type: New Lot & Easement

Purpose and Effect: To sever a 0.28-ha vacant industrial landholding with access to Bates Road together with a mutual access easement across the retained lands and retain a 1.0-ha industrial landholding with an existing structure located at 160 Industrial Ave.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Industrial/Warehouse	Industrial/Employment lands Industrial/Employment lands
Area Frontage	0.28 ha 57.4 m (Smyth Rd.) 52.5 m (Bates Rd.)	1.0 ha 57.4 m (Smyth Rd.) 52.5 m (Bates Rd.) 56.35 m (Industrial Rd.)
Depth Road - Access to	52.5 m Municipal Road	52.5 m Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Public System Public System
Official Plan Designation -Conformity?	Industrial Yes	
Development Permit By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Employment Lands n/a 70% lot coverage maximum n/a	Employment Lands n/a 70% lot coverage maximum n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.3 Employment Areas

Section 1.3.1 Planning authorities shall promote economic development and competitiveness by:

- (a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- (b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable suites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

1.6 Infrastructure and Public Service Facilities

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

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 3 General Policies, Section 4.6 Industrial Policies, section 5.5 Local Roads Section 7.7 Land Division.
The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

Development Permit By-law - Section 3.0 General Provisions, Section 6.6 Employment Lands.
The Town of Carleton Place advises that the proposal complies with the Development Permit regulations.

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 160 Industrial Avenue as shown on the key map below. The lot is located on the western side of both Industrial and Smythe Road and to the south of Bates Road in the north Industrial Park, The legal description for this property is Part 1 & 2, Concession 7, geographic Township of Ramsay, now in the Town of Carleton Place.

The severed lot would be approximately 0.28 ha with 57.4 m (Smyth Rd) and 52.5 m (Bates Rd) frontage and a depth of 52.5.m . There is an existing building on the retained parcel (DICA).

COMMENT

The adopted Official Plan designation of both the proposed severed and retained lots are Industrial. The intention of this designation is to encourage the development of an integrated, multi-use business park which will provide for the major employment and manufacturing uses within the Town.

The Development Permit designation for the lands is Employment. The effect of the severance will be to create a lot with an existing employment use on it (DICA), with the severed lot to be developed for an Industrial Warehouse building as submitted with the application. Both the retained and severed lot will have the required lot frontage for the Employment Lands designation. The applicant be required to provide a surveyor's real property report to demonstrate and confirm that the retained lot will conform to the requirements of the Development Permit By-law.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town;
2. That the applicant provides a digital copy of the reference plan (in NADS3 datum); -
3. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development - Permit By-law.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.28-ha vacant industrial lot together with a mutual access easement across the retained lands and retain a 1.0-ha Industrial /Employment lands with an existing 1,360 sq.m. industrial facility.

The subject lands are located in the designated industrial section on the northern portion of Carleton Place.

The lands are accessed via Bates Road, a municipally maintained road and will also have access to Smythe Road over a mutual easement across the retained lands.

Official Plan Policies

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

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

- 2/ Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.

Development Permit

The subject property is currently within the Employment Lands section of the development Permit By-law, which permits a number of uses, including Industrial / Warehouse. Any development on the lands will be required to meet the 70% lot coverage requirement of the Development Permit By-law and the minimum setbacks from lot lines.

Conclusion

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

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

(e) **MINUTES – March 10, 2014**

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

Ms. Zander confirmed that the lot to be severed was not 'square' but a 'pentagon' in shape to exclude the outbuildings on the Dica property and to maintain the required setback from lot lines. A 'easement' over the retained lands would provide a second ingress/egress to the severed lands.

Mr. Zander also questioned the need for a 'site grading and drainage plan' as the Town's OP and DP By-law require this prior to any new development/building permit and that Mr. Grabe had no intentions of building at this time. The Committee agreed to include the Site Grading and Drainage Plan as a 'note' rather than a 'condition'.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
6. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed.

7. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
8. A letter shall be received from the Town of Carleton Place stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The lands are subject to development restrictions in accordance with the Development Permit By-law of the Town of Carleton Place. A Site Grading and Drainage Plan will be required by the Town of Carleton Place, prior to the issuance of a building permit.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species’ designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species. The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Josh Jackson, Jackson Homes Inc. Hearing Date: March 10, 2014
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B13/164 & B13/165
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Highlands Lot: 1 Conc.: 11
Roll No. 0940 934 035 03501 Consent Type:

Purpose and Effect: To sever two residential building lots (1.02-ha and 1.0-ha) and retain a 9.2-ha vacant landholding. The lands are accessed via Crampton Road.

Table with 4 columns: DETAILS OF PROPOSAL, Land to be Severed (B13/164, B13/165), and Land to be Retained. Rows include Existing Use, Proposed Use, Area, Frontage, Depth, Road - Access to, Water Supply, Sewage Disposal, Official Plan Designation -Conformity?, and Zoning By-law Category.

a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.5 Mineral Aggregate Resources

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural 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 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 6.2 Identifying Hazard Areas, 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 General Provisions, Section 6 Rural Zone

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

b) **AGENCY REVIEW**

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Pt Lot 1 Concession 11, geographic Township Lanark, now in the Township of Lanark Highlands.

The subject property is an undeveloped ±27.67 acre parcel. The applicant wishes to sever two residential lots of ±2.5 acres each and to retain a ±22.7 acre parcel. Access to the lands is from Crampton Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with a Mineral Aggregate Reserve overlay located along the north side of the lot and extending into the abutting property on the north side.

The property is zoned Rural (RU) with the north portion zoned as Mineral Aggregate Resources Reserve – Holding (MAR-h).

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 lots have 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. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

A portion of the subject property is designated as Mineral Aggregate Reserve Holding. Section 4.1.4 of the Official Plan, pertaining to Mineral Aggregate Reserve states that development shall only be permitted when it can be demonstrated that the resource use would not be feasible.

It is notable that the establishment of a Mineral Aggregate Operation on the lands designated Mineral Aggregate Reserve would require an amendment to the Township's Official Plan. This would require a detailed analysis involving a hydrogeology and land use compatibility assessment to evaluate potential impacts on the existing land uses that surround the Reserve lands. In considering the establishment of an aggregate pit

operation, the “adjacent lands” are considered within 300 metres of the subject property; a 500 metre “adjacent land” policy is applied to a proposed quarry operation.

ZONING

The subject property is predominantly zoned Rural. A portion of the subject property is zoned Mineral Aggregate Resource Reserve Holding MAR-h. This area is predominantly on the retained portion. The proposed lots are able to meet the minimum frontage and area requirements of the RU zone.

DISCUSSION

The planning report for this application prepared by Tracy Zander indicates that the County of Lanark utilized the rear portion of this property for aggregate extraction for road works around 1947. It is notable that the mineral aggregate overlay extends across several land holdings, thereby fragmenting the reserve into several smaller parcels. This will make the establishment of an aggregate operation more difficult given the fragmentation and also given the long narrow shape of the reserve area. As such, it is deemed that the establishment of new residential lots within the adjacent lands of the Mineral Aggregate Reserve Overlay will not provide any greater constraint to future aggregate extraction than that which already exists with the existing sensitive land uses. It is also important to consider the existing land uses on the adjacent lands. Within the immediate vicinity of the subject property, there are two farming operations and four existing residential dwellings.

A Minimum Distance Separation has been calculated due to the existence of the nearby farming operations. A suitable building envelope has been identified for each of the new lots and can be found in the planning report prepared by ZanderPlan.

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 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.
5. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
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 of Lanark.

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 (2) vacant lots; one measuring 1.02 ha and the other 1.0 ha. The retained land is approximately 9.2 ha and is also vacant.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, three unclassified wetlands exist in the eastern section of the proposed retained land. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

Natural Heritage Values

Sufficient area appears to exist on the proposed retained lands to accommodate future development that complies with the current standards for development adjacent to wetlands.

Natural Hazards

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

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA has no objection to the subject applications provided the following mitigative measures are adhered to for any future development on the proposed retained lands:

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - B13/164 – A 1.02 hectare vacant parcel of land. Land slopes toward the south easterly direction. Land is mainly open field. Soil depth undetermined due to winter

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

Severed – B13-165 - A 1.0 hectare vacant parcel of land. Land slopes toward the south easterly direction. Land is mainly open field. Soil depth undetermined due to winter conditions. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 9.2 hectare parcel of land that is mainly field/agricultural land. There are no existing buildings on this parcel of land. Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

c) **PUBLIC INPUT**

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

d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots 1.02-ha and 1.0-ha and retain a 9.2-ha landholding. All lots are currently vacant.

The subject lands are located in an area characterized by rural residential development along Crampton Road. A newly developed plan of subdivision is located south of these lots with access to Crampton Road. A portion of the retained lands is zoned as Mineral Aggregate Reserve, however the area has not been licensed for extraction, although some materials were utilized many years ago. Residential development in this area along Crampton Road has somewhat sterilized the westerly portion of the MAR-h area.

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

Agricultural Operations

Two agricultural operations are located within proximity of the proposed consents. The applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 228 m from the A Thompson operation and 263 m from the T Nephin operation. The setback affects a portion of both lots. The agent has provided mapping which indicate a suitable building envelope for both lots, however the building envelope on B13/165 is to the rear of the lot. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Tennyson

- Stoniness: moderately stony
- CLI: 3 – moderately severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – diorite, gabbro, peridotite

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 not been mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Care will be required in siting any new residential development to ensure that the MDS Calculation setback has been adhered to.

Conclusion

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

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

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

Ms. Zander advised that the depth of B13/165 is to allow access to the rear of the retained lands and to avoid the Mineral Aggregate Reserve constraint.

Committee reviewed the staff report and draft conditions.

f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS - The same apply to both lots.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
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 residential entrance location permit. 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. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the severed and retained lands.*
3. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be adhered to for any future development on the proposed retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands.*
 - b) *The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres,*
 - c) *Future development shall be directed away from wetland areas consisting of organic soils,*
 - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands or onto adjacent properties, and*
 - e) *The wetlands shall remain undisturbed.*
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.