

---

The Land Division Committee met in regular session on Monday, March 9, 2015 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**

Page

**1. CALL TO ORDER**

A quorum was present. R. Strachan advised that he would not be in attendance.

**2. APPOINTMENT OF CHAIR**

**MOTION #LD-2015-12**

**MOVED BY: W. Guthrie**

**"THAT,** Dan Murphy be appointed as chair for the March 9, 2015 meeting and hearing."

**ADOPTED**

**3. DISCLOSURE OF PECUNIARY INTEREST**

None

**4. APPROVAL OF MINUTES**

**MOTION #LD-2015-13**

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

**"THAT,** the minutes of the Land Division Committee meeting held on February 9, 2015 be approved as circulated."

**ADOPTED**

**5. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2015-14**

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

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

**ADOPTED**

**6. DELEGATIONS & PRESENTATIONS**

None

**7. NEW APPLICATIONS**

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 B13/122 and B13/123 – Peter A Dunn – two new lots  
Pt. Lot 15 Con 10, geographic Township of Lanark, now in the Township of Lanark Highlands. Wolf Grove Road.
- 7.2 B14/104 – Daniel Jibb and Nancy Veary – new lot & easement  
Pt. Lot 7 Con 6, geographic Township of Darling, now in the Township of Lanark Highlands. Caldwell Lane.
- 7.3 B14/114, B14/115 and B14/116 – Jackson Homes Inc. – three new lots.  
Pt. Lot 29 Con 10, Township of Montague.  
McLachlin Road.
- 7.4 B14/087 – Donald Wilson Cartage Ltd. – New Lot  
Pt. Lot 21 Con 12 geographic Township of Drummond, now in the Township of Drummond/ North Elmsley.  
Drummond Con 12C.
- 7.5 B14/108 – Janice and Garrett Reid – lot addition  
Pt. Lot 13 Con 11, geographic Township of Ramsay, now in the Town of Mississippi Mills. Ramsay Con 12.
- 7.6 B14/110 – Larry and Victoria Gaines – new lot  
Pt. Lot 4 Con 8, geographic Township of Ramsay, now in the Town of Mississippi Mills. Ramsay Con 8.

7.7 B14/123- Arthur Dyke and Lorna Firth – new lot  
Pt. Lot 3 Con 6, geographic Township of Pakenham,  
now in the Town of Mississippi Mills.  
7th Con S Pakenham.

7.8 Concurrent Applications

B14/126 – David Alexander Stewart – R-O-W  
Pt. Lot 26 Con 11, geographic Township of Darling, now  
in the Township of Lanark Highlands.  
Windy Point Side Road.

B14/127 – Neil Duncan Stewart – R-O-W  
Pt. Lot 25 Con 11, geographic Township of Darling, now  
in the Township of Lanark Highlands.  
Windy Point Side Road.

B14/128 – Heather McDowall-Black – R-O-W  
Pt. Lot 27 Con 11, geographic Township of Darling, now  
in the Township of Lanark Highlands.  
Windy Point Side Road.

**8. DEFERRED APPLICATIONS**

None

**9. CONFIDENTIAL REPORTS**

None

**10. COMMUNICATIONS/OTHER BUSINESS**

10.1 Hydrogeological Investigations – deferred.

10.2 Committee Member Expenses – deferred pending policy  
report for 'Members of Council and Committees/Boards  
of Council' to be presented to County Council  
March 2015.

10.3 County Public Works – standard conditions.

10.4 ZanderPlan Inc. – request for consideration for  
refunding application fees – Ganz B14/010, B14/011  
and B14/012.  
Deferred until April.

**11. PROVISIONAL CONSENT GRANTED**

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

- 6 - 21            11.1 B13/122 and B13/123 – Peter A Dunn – two new lots
- 22 - 36           11.2 B14/104 – Daniel Jibb and Nancy Veary – new lot & easement
- 37 - 47           11.3 B14/114, B14/115 and B14/116 – Jackson Homes Inc. – three new lots
- 48 - 59           11.4 B14/087 – Donald Wilson Cartage Ltd. – new Lot
- 60 - 67           11.5 B14/108 – Janice and Garrett Reid – lot addition
- 68 - 76           11.6 B14/110 – Larry and Victoria Gaines – new lot
- 77 - 87           11.7 B14/123- Arthur Dyke and Lorna Firth – new lot
- 88 - 94           11.8 Concurrent Applications  
  
                      B14/126 – David Alexander Stewart – R-O-W  
  
                      B14/127 – Neil Duncan Stewart – R-O-W  
  
                      B14/128 – Heather McDowall-Black – R-O-W

**12. PROVISIONAL CONSENT DEFERRED**

None

**13. UPCOMING MEETINGS AND NOTICES**

- April 13, 2015 at 9:00 a.m.
- May 11, 2015 at 9:00 a.m.
- May 31 to June 3, 2015 – OACA Conference, Kingston.
- June 8, 2015 at 9:00 a.m.
- August 10, 2015 at 9:00 a.m.
- September 14, 2015 at 9:00 a.m.

**14. ADJOURNMENT**  
**MOTION #LD-2015-15**

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

**"THAT,** the meeting do now adjourn at 11:35 a.m."

**ADOPTED**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Peter A. Dunn

**Hearing Date:** March 9, 2015

**Agent:** Tracy Zander, ZanderPlan Inc.

**LDC File #:** B13/122 & B13/123

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 15

**Conc.:** 10

**Roll No.:** 0940 934 020 05100

**Consent Type:** 2 New Lots

**Purpose and Effect:** To sever a 1.88-ha residential building lot and a 39.57-ha vacant landholding and retain a 28.3-ha landholding with an existing dwelling, barns and outbuildings located at 2904 Wolf Grove Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B13/122</b>	<b>Lands to be Severed B13/123</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	1.88 ha	39.57 ha	28.3 ha
<b>Frontage</b>	190.6 m	429.5 m	190.6 m
<b>Depth</b>	99.1 m	Irregular	Irregular
<b>Road - Access to</b>	County Road	County Road	County Road
<b>Water Supply</b>	Proposed Well	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Proposed Septic	Private Septic
<b>Zoning By-law Category</b>	Rural & EP	Rural & EP	Rural & EP
<b>-Area (minimum)</b>	1.0-ha	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m	60 m
<b>-Compliance?</b>	Yes	Yes	Yes

**Official Plan Designation:** Rural, Floodplain and PSW

**Compliance:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

#### **1.1.5 Rural Lands in Municipalities**

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

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

#### **1.6 Infrastructure and Public Service Facilities**

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

#### **2.1 Natural Heritage**

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

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

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

#### **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

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

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

## **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 3.0 Planning Sustainable Communities, Section 5.0 Our Environment, Section 6.4 Hazardous Lands a – Flooding and Erosion, 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, Section 17.0 Environmental Protection 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 -**

Two applications have been received by the County of Lanark Land Division Committee for the creation of a residential lot and a vacant land holding. The property is legally described as Pt. Lot 15 Concession 10, geographic Township Lanark, now in the Township of Lanark Highlands.

The purpose of application B13/122 is to sever one 4.64 acre residential building lot. Application B13/123 proposes to sever a vacant land holding of 96.49 acres. The retained parcel is a 70 acre landholding with an existing dwelling, barns and outbuildings located at 2964 Wolf Grove Rd. The lands to be severed are



accessed by Wolf Grove Road, which is maintained by the County of Lanark.

The subject property is primarily designated as Rural Communities on Schedule 'A' of the Township's Official Plan. A significant area of B13/123 and a small area of B13/122 are designated as Provincially Significant Wetland (PSW). A portion of the retained lands also have a PSW. An area of B13/123 is within the 150m influence area of a nearby Mineral Aggregate Resource-holding Zone (MXP-h).

The property is zoned Rural (RU) and Environmental Protection Flood Plain (EP).

#### PROVINCIAL POLICY

The Provincial Policy Statement 2014 (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved.

#### 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.

As previously stated, a portion of the subject property is designated as PSW. A very small area of a deer yard is also located on the lands subject to B13/123.

#### ZONING

The subject property is predominantly zoned Rural. A large area of the lot is zoned EP.

#### DISCUSSION

Due to the presence of the PSW on the subject property, this proposal was evaluated by the Mississippi Valley Conservation Authority as well as an Environmental Impact Study (EIS) was prepared in support of a previous version of this application. The MVCA determined that the EIS sufficiently addressed the modified application. As noted by MVCA, the EIS concluded that there would be no negative impacts to the natural heritage features as a result of creating B14/122 (severance 1). However, mitigative measures have been identified and recommended by MVCA.

With respect to B14/123 and the retained lands, it was identified that there is sufficient area beyond 120m of the PSW to support potential development. It was recommended however that if future development is proposed then an EIS should be undertaken at that time.

B14/122 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.

**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 (MVC) has been circulated the above noted applications to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues.

Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. An Environmental Impact Study (EIS), prepared by EcoTec Environmental Consultants Inc., dated May, 2014 was included as part of the application. We note that the EIS was prepared in support of a previous version of the subject application which was subsequently modified. However, MVCA has accepted this EIS to address the revised applications as it still applies to Severance 1. The EIS did not address Severance 2; however sufficient area exists on this potential lot for development beyond any area of concern.

**PROPOSAL**

It is our understanding that the purpose of the subject applications is to sever (2) vacant lots, one measuring 1.9 ha (Severance 1) and the second measuring 32.4 ha (Severance 2). The retained land is also vacant and measures 28.3 ha.

**PROPERTY CHARACTERISTICS**

A review of available GIS mapping shows that a significant portion of Severance 2 is located within the Clayton/Taylor Complex and largely within the 120 m adjacent lands of this feature. This wetland complex has been classified by the Ministry of Natural Resources as a Provincially Significant Wetland (PSW). A small unclassified wetland has also been identified along Wolf Grove Road, on Severance 2. According to GIS mapping, an unnamed watercourse connects this small wetland to the larger PSW to the north. However, it was not observed by MVCA on site. Mapping also shows the headwaters of an unnamed watercourse flowing through Severance 1; however, the EIS did not identify this watercourse as present. Severance 1 is located almost entirely within the 120 m adjacent lands to the PSW. With respect to the retained lands, a portion of the PSW extends into its

northern property line. A portion of the retained lands in the northern and south eastern sections are within the 120 m adjacent lands to the PSW.

## REVIEW

### Natural Heritage Features

#### PSW

The Provincial Policy Statement (PPS) requires that new development within 120 m of a PS W only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. In order to address this requirement, an EIS was provided to assess Severance 1.

In summary, the EIS concluded that there would be no negative impacts to significant features as a result of creating Severance 1. Several mitigative measures were recommended (outlined below). MVCA's Biologist has reviewed the EIS and concurs with the conclusion and recommendations.

Concerning Severance 2 and the Retained lands, sufficient area exists for potential future development beyond the 120 m adjacent lands. Therefore, it is our opinion that there would be limited value in conducting an EIS at this time to assess these lots. However, if future development is proposed within these adjacent lands, an EIS will be recommended.

#### Unclassified Wetland

We understand that the small unclassified wetland on Severance 2 has not been evaluated as a significant natural heritage feature, as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

#### Other

We note that the EIS identified ephemeral pools on Severance 1.

#### Natural Hazards

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

## RECOMMENDATIONS & CONCLUSION

MVCA does not have any objections to the proposed severances provided the following mitigative measures are adhered to:

As per the EIS, on Severance 1:

- As much of the forest is to be retained and left for wildlife habitat.
- A 15 m vegetated buffer and development setback shall be maintained around ephemeral pools.
- Potential development shall occur within the dry-moist old field meadow and dry-fresh white cedar coniferous forest, with a 30 m setback from the PSW.
- A "sweep" of the area for species at risk is recommended prior to any work or development being completed.
- MNR shall be contacted immediately if any species at risk are observed.

Additional MVCA Recommendations:

Severance 1:

- The road access and buildable areas shall be placed as close to Wolf Grove Road as possible to minimize disturbance of the forest and maximize the buffer to the PSW.
- Overland drainage from the building sites shall be addressed onsite or directed south to the roadside ditch which will provide flow attenuation and filtering before the waters reach the PSW.
- A maximum of 10% of the site, between 30m and 120m of the PSW, shall be disturbed.
- During Site Construction:
  - Natural areas to be retained shall be isolated by sturdy construction fencing or similar barrier at least 1m in height during construction.
  - Construction equipment shall remain within the areas of active construction and not cross the sediment control measures.
  - Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
  - Following construction, disturbed areas shall be re-vegetated with native plant species. Use of invasive non-native plant material is discouraged.
  - Erosion and sediment control measures shall remain in place for the duration of construction and until the site is re-vegetated. They shall be monitored and maintained in good condition until exposed soils are stabilized. Follow MTO OPSD standards for appropriate control methods and designs.
  - Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNRF should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNRF.
  - Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the proposed development.

Severance 2:

- The driveway access and buildable area for Severance 2 be located in such a way to provide a 30m setback with a 15m vegetated buffer to the smaller wetland.
- The unclassified wetland shall remain undisturbed.

Severance 2 and Retained Lands:

- An EIS shall be required for any proposed development within 120 m of the PSW.

## NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction on Severance 1. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on Severance 2 and the Retained Lands.

We advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca) prior to conducting any work within the unclassified wetland on Severance 2, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

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

Severed B13/122 – Approximately 1 ha parcel of land consisting of bushland, grass and bedrock. Slope and drainage vary. Additional sandy loam fill will be required in area of the septic system (tile bed).

Severed B13/123 - Approximately 1 ha parcel of land consisting of bushland, grass and bedrock. Slope and drainage vary. Additional sandy loam fill will be required in area of the septic system (tile bed).

Retained – Approximately 153 acre parcel of land with existing dwelling, well and septic system. Combination of agricultural land, bush, bedrock and some areas subject to seasonal wetness (low lying area) Slope and drainage vary. The severance will not affect future replacement of the septic system. Additional sandy loam fill will be required in the area of the replacement of the septic system (tile bed).

### **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.

### **Lanark County Public Works**

- 1/ Application has approved existing entrance to the County Road for the retained lands. No. 2513
- 2/ Application has an approved entrance location to the County Road for the Severed Lands. No. 2509 and 2510.
- 3/ Full entrance applications must be submitted and entrance installed prior to deed endorsement.
- 4/ Standards conditions for Road Widening, Road Closure, Approvals and Documentation to apply.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential lots 4.66-ha and 33.997-ha and retain a 28.3-ha landholding with an existing dwelling, barns and outbuildings. Three previous severances were taken from the original land parcel – one in 1985 and two in 1995. However these predate the severance calculation date of the Township's Official Plan.

The subject lands are located in an area characterized by large landholdings intermixed with smaller residential lots along Wolfe Grove Road. The north portion of the lands abut Clayton/Taylor Lake which is also classified as a Provincially Significant Wetlands. A licensed Aggregate Extraction Operation is located approximately 640 m to the west of the lands to be severed.

The lands are accessed via Wolfe Grove Road, a county maintained road.

PSW and SAR

Due to the proximity of a PSW on the lands, the applicant was required to undertake an EIS. The EIS was reviewed by the Conservation Authority and their comments and recommendation should be included in a development agreement between the Township and the applicant. The EIS was also reviewed by the MNRF, who identified the potential for a number of species at risk, namely Blanding's Turtle, Barn Swallow, Bobolink, Butternut, Eastern Mush Turtle, Little Brown Bat, Northern Long-eared Bat and Whip poor will. It is recommended that MNRF Kemptville be contacted prior to any activities being carried out to discuss potential survey and mitigation measures to avoid contravention of the ESA.

Agricultural Operations

Due to an agricultural operation being located on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 226 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as approximately 200m. Both lots to be created exceed 1 ha and have a suitable 1 ha building envelope outside the MDS setback area in which to construct a residential dwelling. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Archaeological

Severance No. 2 (B13/123) is located within 300 m of Primary Water Source (Clayton-Taylor Lake) and therefore are subject to archaeological potential.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-cilicate

#### 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. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as

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

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

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

**(e) MINUTES – March 9, 2015**

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

Ms. Zander questioned the need for a Development Agreement/Site Plan Agreement for the large parcel (B13/123) given that there is approximately 8.0-ha of land that is available outside the PSW and the adjacent lands area. And, given that the Official Plan and Zoning By-law for the Township have adequate controls when a building permit is obtained.

Mr. Dunn questioned the amount of the cash-in-lieu of Parklands and was advised that this is a fixed rate of \$200.00 per lot

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.

**B13/122**

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 of the Planning Act (Cash-in-Lieu of Parklands).
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 16, 2015, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. 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.
12. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
13. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
14. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality

has a good and marketable title.

15. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Lanark Highlands, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
16. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
17. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #16 has been fulfilled to their satisfaction.
18. A letter shall be received from the Mississippi Valley Conservation Authority stating that Condition # 9 has been fulfilled to their satisfaction.
19. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 (and #15 if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that MNRF Kemptville be contacted prior to any activities being carried out to discuss potential survey and mitigation measures to avoid contravention of the ESA.*
2. *The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction on the lot.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The 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.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the septic system (tile bed).*

**B13/123**

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 of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
12. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
13. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality

has a good and marketable title.

14. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Lanark Highlands, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
15. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #15 has been fulfilled to their satisfaction.
17. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 (and #14 if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that MNRF Kemptville be contacted prior to any activities being carried out to discuss potential survey and mitigation measures to avoid contravention of the ESA.*
2. *The Mississippi Valley Conservation Authority advises that the driveway access and buildable area be located in such a way to provide a 30m setback with a 15m setback vegetation buffer to the smaller wetland. And that the unclassified wetland shall remain undisturbed. An EIS shall be required for any proposed development within 120 m of the Provincially Significant Wetland.*
3. *The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction on the lot. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the Severed and Retained Lands.*
4. *We advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca) prior to conducting any work within the unclassified wetland on the lands, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The 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.*

- 7. The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the septic system (tile bed).*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Daniel D. Jibb & Nancy Veary

**Hearing Date:** March 9, 2015

**Agent:** Tracy Zander, ZanderPlan Inc.

**LDC File #:** B14/104

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 7

**Conc.:** 6

**Roll No.:** 0940 944 015 10000

**Consent Type:** New Lot & Easement

**Purpose and Effect:** To sever a 1.98-ha residential building lot together with an existing easement over Pt 3 & 4 Plan 26R-302 and retain a 29.7-ha landholding with a dwelling, shop and small barn at 699 Caldwell Lane.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.98 ha	1.98 ha
<b>Frontage</b>	143.22 m	143.22 m
<b>Depth</b>	152.71 m	152.71 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Private Septic
<b>Zoning By-law Category</b>	Limited Service Rural	Limited Service Rural/Commercial
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Compliance:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

### **1.1.5 Rural Lands in Municipalities**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

### **2.1 Natural Heritage**

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** - Section 3.0 Planning Sustainable Communities, Section 5.0 Our Environment, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads.

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 10.0 – Limited Service Rural , Section 13.0 Commercial Industrial Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**Review of Proposal and Application**

The purpose of application 814/104 is to sever a 4.89 acre residential building lot together with an existing easement over Part 3 & 4, Plan 26R-302; and to retain a 73.3 acre landholding. The retained lands are developed and support a dwelling, workshop and a small barn. The municipal address of the retained lot is 699 Caldwell Lane, which is a municipally maintained road. The existing easement to be used by the severed lot, also exits onto Caldwell Lane.

**PROVINCIAL POLICY**

The Provincial Policy Statement 2014 (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. New development is evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This application is not anticipated to impact existing infrastructure. The easement being used to access the proposed lot is a travelled and maintained area of Caldwell Lane. Furthermore, this application has been examined by Mississippi Valley Conservation Authority for possible natural heritage impacts.

Due to the presence of a barn on the retained lands with the capability to house 10 cows, a minimum distance separation (MDS) calculation was provided for this application. The MDS calculation does not impact the proposed severance and an adequate buffer exists between the farming activities and the proposed lot.

**OFFICIAL PLAN**

Any application for consent must be evaluated with the policy directives of Section 8.4.2 - Consents, which provides direction when considering the division of lands within the Township. The subject property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. This application meets the policies of the Township's Official Plan. No development constraints were present with respect to the Official Plan Schedules A or B. Despite using the easement for access, 143.22m of road frontage exists for the land intended to be severed.



## ZONING

The subject property is zoned as Limited Services Rural (LSR). This zone is compatible with residential development. The minimum lot area per dwelling in the LSR zone is identified as 2.47 acres in Zoning By-law 2003-451, which this application exceeds.

## DISCUSSION

This proposal was evaluated by the Mississippi Valley Conservation Authority. The MVCA determined that no natural heritage features or natural hazards were identified on the proposed severed lands and therefore, impacts to natural heritage features or natural hazards are not anticipated as a result of the subject application.

B14/104 will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Approval from the Health Unit will be required prior to any new development being permitted.

**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 Highlands.

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

## PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant parcel of land measuring 1.98 ha and retain a developed parcel of land measuring 29.7 ha, with 75.4 m of water frontage.

## PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, the proposed retained lands have frontage on Robbs Lake. In addition, two relatively small unclassified wetlands exist on the retained property. Also, two tributaries of Robbs Lake flow through the retained land. No natural heritage features or natural hazards were identified on the proposed severed lands.

## REVIEW

### Natural Heritage Values - Wetland

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

These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems; as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

### Natural Hazards

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

## RECOMMENDATIONS AND CONCLUSIONS

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

MVCA does not have any objection to the subject application.

## NOTES

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

The wetlands should remain undisturbed with a 30 m development setback for any future proposals.

Shoreline vegetation surrounding the wetlands should be retained to a minimum depth of 15 m.

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

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

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

Severed – A 4.9 acres (+/-) parcel of land that is vacant. The land is forested and is sloped toward the (North) lake direction. There is sufficient area for placement of a future tile bed area. Additional sandy loam fill will be required in the area of future tile bed area.

Retained – A 73.5 acre parcel of land with an existing house serviced by an existing well and septic system. There are various outbuildings – shop and barn. Land is a mix of open field and wooded lot. Additional sandy loam fill will be required in the area of future replacement tile bed.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W** – 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**

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:

**Jim Matsell – February 17, 2015**

I would like to take this opportunity to address the File No. B14/104 severance, as attached, and express my concerns and objections. I will list my objections/concerns in a detailed manner below.

- As owner and CEO of the above # company, my lot was purchased with the anticipation of developing a very high end, executive cottage on this property that would improve the overall value of all the **lake front** properties.
- A large lot severed without lakefront exposure, in my opinion, decreases the overall appeal and value of the already existing lakefront properties, for the listed reasons:
  - Increased pressure on a very small lake.
  - Increased population density
  - Reduction of natural and agricultural property existing
  - Noise and other additional influences
  - Environmental impact, well water and the water table, septic, and other uses this property might entertain in the future, we must think beyond today and to the years to come.
- They will not have, and approved lake access, if the parents allow it that is fine as of today but for the future once a lot is severed what is stopping that lot from being resold to some other completely non related parties....
- As the Jibbs get older I will assume the main frame lot will also become an available property, again which could easily become a different family ownership.

- This lot would encourage a house overlooking all adjacent waterfront properties and would become a visual and continuous presence looking over, what are intended to be cottage properties with the primary purpose of being for relaxation. It would be difficult to be relaxed with someone's home overlooking you all the time.
- I purchased my property with the understanding that future development behind us with difficult or next to impossible due to being agricultural and natural lands...
- There is absolutely no guarantee that this lot will remain in family hands nor is there a guarantee that the Jibbs will remain on the farm, again making two distinct lots.

I will take this opportunity to indicate that it is also the long-term intention of my company to monitor the Jibbs lot/farm and make long-term efforts to secure this land and maintain it as a natural/agricultural in order to stop and limit the severing of and portioning of land around Robb's Lake. These lands are becoming more and more rare as time and pressure from city dwellers increases.

I am sure you are aware that Ontario Inc. #1738531 also owns a 100 acre parcel at 2570 Darling Road and is maintaining as a true natural area and hunt camp type property, with no intention to ever develop beyond that, as you can see from title below I have been involved in the environmental sustainability game for over 20 years and ultimately the environmental impact is my biggest concerns.

I hope I have made my points clear and concise, should you need any further clarification please do not hesitate to contact me in the future at this email.

Best regards,

Jim Matsell

James (Jim) G. Matsell, B. Sc. Chemistry  
President, International Enviro Auditing Inc.  
Environmental Auditor ULE/EcoLogo Program



**International Enviro Auditing Inc.**

[jmatsell@interenviroaudit.com](mailto:jmatsell@interenviroaudit.com)

Office: 613.492.0444 Cell: 613-291-6936

395 Cedar Crest Drive, Carleton Place, ON , K7C 3P2

**Laraine Bigham – February 20, 2015**

I am writing to submit some recommendations on File #: B14/104  
Subject Land: Pt. Lot 7 Conc. 6 geographic Township of Darling  
Municipality: Township of Lanark Highlands  
Owner: D Jibb and Nancy Veary  
Agent: ZanderPlan Inc.

I own the pieces of property north of the subject lands ( pt's 1,2,3,4,6&7) and I am concerned about the proposed road on the existing easement over Pt 3&4 Plan26-302. This easement runs directly through my property and the lane is the access from our upper cottage and our path to access the lake. This lane is used by our Grandchildren and other family and visitors. I am aware that a party that benefits from a right of way cannot overburden the right of way by using it excessively or significantly expanding the rights and nature of the right of way conveyed in the grant of the easement. I am concerned for safety for all who use the lane and so these are my recommendations.

I wish to be notified of the public meeting and to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Respectfully,  
Laraine Bigham  
574 Courtenay Ave.  
Ottawa, On. K2A 3B3  
613-722-1167

**Tom Hayes – February 17, 2015**

February 17, 2015

Mary Kirkham, Planning Administrator  
Lanark County, 99 Christie Lake Rd.  
Perth, Ontario K7H 3C6

Re: File # B14/104  
Pt. Lot7 Con. 6 geographic Township of Darling  
Township of Lanark Highlands  
Owner: Daniel D Jibb and Nancy Veary  
Agent: Zander Plan Inc.

Dear Mary Kirkham:

Please accept this as notice of concern for the application of severance and use of land for above stated property. Please consider these concerns when contemplating granting severance of noted property.

The property in question is directly across from my lakefront property at 592 Caldwell Lane. The 1.98 ha lot is currently an untouched old growth forest.

The concerns I have are the placement of the dwellings on the lot, what type of shop, barn and dwelling are being proposed. As well as the environmental impact the development of this land will have.

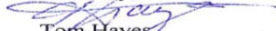
In the past and currently, Mr. Gibb and Ms. Veary have been instrumental in having a negative impact on the environment in the area, both from a re- growth perspective and an aesthetic perspective. The Tatlock Community center is located on a parcel of land that was once a mature Pine Grove. This Pine Grove was forested to make way for a park and ball diamond. I believe the committee was spear headed by Ms. Veary and Mr. Gibb. That was 15-20 years ago. To this day what was a mature pine grove sits as an empty overgrown field.

Furthermore, Mr. Gibb and Ms. Veary have waterfront property on Robbs Lake that they have recently clear cut having little regard for the environment or surrounding neighbours.

Taking these past and current actions into account, I have concerns as to what they may actually do to the forest and environment now and in the future if allowed to sever the above parcel of land.

Please take these concerns into consideration when considering the application to sever the above property.

Sincerely,



Tom Hayes  
592 Caldwell Lane  
Tatlock, Ontario

**Barbara Cole – Feb 19, 2015**

Mary Kirkham, Planning Administrator  
Lanark County,  
99 Christie Lake Rd.  
Perth, Ont.  
K7H 3C6

304 Selby Ave  
Ottawa, Ont.  
K1Z 6R1

Feb. 19/15  
**RECEIVED**  
LANARK  
COUNTY

FEB 17 2015

Clerk's Department

Dear Mary Kirkham:

Subject: Site # B14/104, Pt Lot 7,  
cont. to geographic Township of Darling  
Owner: Daniel D. Jibb & Nancy Veary

I wish to be notified of the decision  
of the Land Div. Comm in respect of the  
above proposed consent. I would also  
like to be notified of the decision of the  
Land Div. Comm in respect of the above  
proposed consent. Please address this  
information to the above address in Ottawa.  
Thank you in advance.

Yours truly  
Barbara Cole

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1.98-ha residential building lot together with an existing r-o-w and retain a 29.7-ha landholding with an existing residence and commercial building, and small barn located at 699 Caldwell Lane. Previous lot creation around Robb's Lake pre-date the lot creation date of the Township's Official Plan.

The lands are accessed via Caldwell Lane, a municipally maintained road.

**Archaeological**

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

**Agricultural Operations**

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 113 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant greatly exceeds the minimum requirements. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – diorite, gabbro, peridotite

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

Flooded Jellyskin (THR)

**Official Plan Policies**

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

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



2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). 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. No ‘Old Growth Forests’ have been identified in this area.

Zoning

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

Conclusion

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

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

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

**(e) MINUTES – March 9, 2015**

Tracy Zander, agent and Laraine and Fred Bigham, adjacent landowners attended the hearing and gave evidence under oath.

Ms. Zander explained that the easement which is currently with the retained lands is intended to be transferred to the new lot only, and that it is not to be used as a driveway, as the new lot will be required to have its own entrance onto Caldwell Lane.

Ms. Bigham advised that the easement was on her deed when she purchased the lands a number of years ago. This easement provides access to the 'upper' cottage, which at one time was on a separate deed, but has since merged on title.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The existing easement (R-O-W) in favour of Part East Half of Lot 7 in the 6<sup>th</sup> Concession of the Township of Darling per instrument Number LT53916 and described as Part 3 on Reference Plan 26R-302 to be transferred with the deed/transfer required by Condition #1 above, and relinquished from PIN05057-0121 (LT).
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 all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

9. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall obtain a residential entrance permit. The applicant shall consult directly with the Township in this regard.
11. 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #11 has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advise that the wetlands on the retained lands should remain undisturbed with a 30 m development setback for any future proposals.*
2. *Also, shoreline vegetation surrounding the wetlands on the retained lands should be retained to a minimum depth of 15 m.*
3. *Consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca) prior to conducting any work within the wetland, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of future tile bed and in the future replacement area on the retained lands.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *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 9, 2015  
**Agent:** Tracy Zander, ZanderPlan Inc.      **LDC File #:** B14/114, B14/115 & B14/116  
**Municipality:** Township of Montague  
**Geographic Township:** N/A      **Lot:** 29      **Conc.:** 10  
**Roll No.:** 0901 000 025 32200      **Consent Type:** Three (3) New Lots

**Purpose and Effect:** To sever three (3) residential building lots (4.05-ha each) and retain a 27.2-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B14/114</b>	<b>Lands to be Severed B14/115</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	4.05 ha 120 m 337.5 m Municipal Road	4.05 ha 120 m 337.5 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed Septic	Proposed Well Proposed Septic
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

DETAILS OF PROPOSAL	Lands to be Severed B14/116	Lands Retained
Existing Use Proposed Use	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	4.05 ha 120 m 337.5 m Municipal Road	27.36 ha 189.6 m 711.5 m Municipal Road
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Proposed Well Proposed Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

**Official Plan Designation:** Rural and Organic Soils

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

**1.1.5 Rural Lands in Municipalities**

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

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

**1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services

may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

## **2.1 Natural Heritage**

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

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

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

## **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, section 2.21 Natural Heritage Features, section 3/5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Land Division.

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

**Zoning By-law** – Section 3 General Provisions, Section 18 Rural Zone.

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

### **(b) AGENCY REVIEW**

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

#### **Township Planner's Report -**

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-Law. As indicated, the property owners seek permission to sever three residential lots (4.05 ha / 10.0 acres each), while retaining 27.2 hectares. The proposed lots all front on McLachlin Road, which is a municipally owned road shared by Montague and Drummond/North Elmsley Townships.

The Jackson property is primarily wooded at the front near the road and opens up to pasture behind that. To the rear on the retained lands is a mixture of pasture, unevaluated wetland and woodland.

According to Township information there is no prior severance history on this lot of record and as such this application could be considered under the Township's lot creation policies.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development. This section of McLachlin Road passes through a mix of pastureland and woodland, although there are a number of residential dwellings on large lots to the east and west of the Jackson property. While the severed lands are partially treed, these woods are not considered "significant" as per the Official Plan and there are no other natural hazard or heritage constraints affecting the severed lands. In this landscape the larger lot sizes allow some degree of privacy for the dwellings and is in keeping with the established character of the area, while not impacting on a significant natural feature.

An area of organic soils, as well as significant woodlands are located to the south on the retained lands however these do not impact the severance applications and there is adequate room on the retained lands for Township future development while avoiding these features.

It should be noted that to the southwest, off of Carroll Road is an active pit . The Ministry of Natural Resources advises that it is a Class "B" Pit, meaning the excavation is above the water table, which means that there is a 150 metre influence area buffer around the site. Since the severed (and the north portion of the retained lands) are outside of this buffer, this is not a constraint as per the Official Plan, however it is prudent that a note be registered on the title to the properties advising of the proximity of the pit and potential impacts thereof. As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16) and while located relatively distant from a main transportation artery it is felt that three additional residential lots will not have a consequential impact on municipal services or infrastructure.

From a zoning perspective, the entire Jackson property is zoned Rural and this application is consistent with all provisions of the Zone with respect to the severed lots and the retained.

In conclusion and for the reasons outlined above, staff are of the view that these consent applications are consistent with the Township's planning policies .

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.



- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof;
- 6) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:  
"TAKE NOTICE that this lot is located within proximity of an aggregate pit which is located to the southwest in part of Lot 30, Concession 10, Geographic Township of Montague. As such it may be exposed to impacts typically associated with such a use including noise, dust and vibration.

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever 3 - 4.05 hectare residential lots from the existing 39.42 hectare parcel.

**PROPERTY CHARACTERISTICS**

Severed Parcel B14/114 - The severed parcel is slightly treed with majority of the property cleared fields. The lot is currently vacant.

Severed Parcel B14/ 115 - The first half of the severed parcel is primarily treed while the back half of the lot is primarily cleared fields. The lot is currently vacant.

Severed Parcel B14/116 - The majority of the severed parcel is treed. The lot is currently vacant.

Retained Parcel - The retained parcel is partially treed towards McLachlin Road. A watercourse and an unevaluated wetland have been identified in the back half of the retained parcel. A Significant Woodland has also been identified on the back half of the lot. Cleared fields separate the treed area towards McLachlin Road and the unevaluated wetland feature/Significant Woodlands. The retained parcel is currently vacant.

## REVIEW

### Natural Hazards - Organic soils

Severed Parcels - There have been no natural hazards identified on the severed parcels which would preclude these severance applications.

Retained Parcel - Portions of the retained parcel adjacent and within the unevaluated wetland have been identified as Organic Soils on Schedule B of the Township's Official Plan. In accordance with Section 2.19.2 of the Township's Official Plan, development is encouraged to be located in areas outside of areas identified as organic soils. In addition organic soils are considered as a hazardous site under Section 3.1 of the Provincial Policy Statement. The PPS also encourages development to be located outside of hazardous sites unless it has been demonstrated that the hazard can be overcome.

Given the large size of the retained parcel there is a sufficient building envelope entirely outside of the Organic Soils. Therefore there is no anticipated impact on the Organic Soils as a result of these consent applications providing all development is situated towards McLachlin Road away from the identified Organic Soils.

### Natural Heritage - Significant Woodlands

Severed Parcels - The severed parcels are entirely outside of the area identified as a Significant Woodland. Therefore the severed lots will not have any impact on the Significant Woodlands.

Retained Parcel - Portions of the retained parcel within and adjacent to the unevaluated wetland have been identified as being Significant Woodlands on Schedule B of the Township's Official Plan. Given the large size of the retained parcel, there is ample room entirely outside of the area identified as Significant Woodlands to establish a development envelope. Therefore there is no anticipated impact on the Significant Woodlands as a result of these consent applications.

### Watercourses

Severed Parcels - No watercourses have been identified on the severed parcels.

Retained Parcel - A watercourse has been identified on the retained parcel. The watercourse traverses through the unevaluated wetland. As per the Municipality's Official Plan, a development setback of a minimum of 30 metres is required from the normal highwater mark of any waterbody. Given the size of the retained parcel, there is a sufficient building envelope well beyond the 30 metre setback requirement. Therefore there is no anticipated impact on the watercourse as a result of these consent applications.

### Conservation Authority Regulation

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

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to these consent applications. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

Please forward notice of the decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.

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

Severed – B14/114 – Lot #1. A 4.05 hectare vacant parcel of land. Property is densely treed. Land soil depth and drainage difficult to verify due to winter conditions. Additional sandy loam fill will be required in the area of the future tile bed.

Severed – B14/115 – Lot #2. A 4.05 hectare vacant parcel of land. Property is densely treed. Land soil depth and drainage difficult to verify due to winter conditions. Additional sandy loam fill will be required in the area of the future tile bed.

Severed – B14/116 – Lot #3. A 4.05 hectare vacant parcel of land. Property is densely treed. Land soil depth and drainage difficult to verify due to winter conditions. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 27.36 hectare parcel of vacant land. Slope and drainage can vary throughout parcel. Additional sandy loam fill will be required in the area of the future tile bed.

#### **Township of Drummond / North Elmsley**

The Township of Drummond / North Elmsley does not have any concerns or objects to these applications provided that any requirements for road widening at the time of survey be identified to the satisfaction of the Roads Department.

**Hydro One Networks** – No comments were received.

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

We acknowledge receipt and thank you for your correspondence dated January 16, 2015.

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 three (3) residential building lots, each containing 4.05-ha and retain a 27.3-ha vacant landholding.

The lands are accessed via McLachlin Road, a boundary road between Montague and Drummond / North Elmsley.

**Aggregate Operations**

An existing operational pit / quarry is located approximately 340 m to the west of the lands to be severed. If approved a condition should be included to advise future purchasers of the aggregate operation and the potential for noise, odours, etc.

**Soils Inventory – Mixture – West Side**

- Name: White Lake
- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: rapidly
- Hydrogeology: low runoff

**East Side**

- Monteagle
- Very stony
- 6 – natural grazing only
- well drained
- moderate

**Bedrock Inventory – Dolostone, sandstone**

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

- gray ratsnake (THR)
- Eastern meadowlark (THR)

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to

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

3. Woodlands

The area has not been mapped as 'woodlands'.

Zoning

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

Conclusion

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

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

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

**(e) MINUTES – March 9, 2015**

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

The committee questioned the proximity of the pit and asked if there would be any impact on these lands. Ms. Zander explained that the pit is licensed for 'above ground' and that if this was to change, the pit owner would be required to go through an extensive amendment process.

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 all three 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 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 Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that residential entrances to the subject lot and the retained lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
10. The Township of Drummond / North Elmsley Public Works Department shall be consulted prior to commencing a survey to determine if road widening is required.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

## NOTES

1. *The Rideau Valley Conservation Authority advises that the watercourses on the retained lands are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the severed and retained lands.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Donald Wilson Cartage Inc.

**Hearing Date:** April 13, 2015

**Agent:** N/A

**LDC File #:** B14/087

**Municipality:** Township of Drummond/North Elmsley

**Geographic Township:** Drummond

**Lot:** 21

**Conc.:** 12

**Roll No.:** 0919 919 025 76100

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 0.57-ha residential lot with an existing dwelling and retain a 64.3 ha vacant landholding located at 756 Drummond Conc 12C.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Vacant
<b>Area</b>	0.57 ha	64.3 ha
<b>Frontage</b>	63 m	20 m and 90 m
<b>Depth</b>	90 m	1,036 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Private Well	Proposed
<b>Sewage Disposal</b>	Private Septic	Proposed
<b>Zoning By-law Category</b>	Rural	Rural, Wetland, PSW
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural, PSW

**Conformity:** Yes, provided setbacks from PSW can be maintained.

**(a) APPLICATION REVIEW**

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

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

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



Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

### **1.1.5 Rural Lands in Municipalities**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

### **2.1 Natural Heritage**

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

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

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 PSW, Section 7.0 Public Health and Safety, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 3 General Provisions, Section 3.10.2 Natural Hazards, Section 4.3 Rural Policies, Section 4.6 Wetland 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 Wetland 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 and Council have reviewed the proposal with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the ultimate intention of this application is to sever three building lots (all at or a little over an acre in size) from a farm property recently purchased by the applicant. The lots would be accessed from Drummond Concession 12C, which was recently extended by a different developer to service new residential lots on the south side. The larger of the proposed lots (B14/089) includes the farmhouse and some outbuildings and fronts on the established part of Cone. 12C. The two westerly lots (B14/087 and 088) are vacant and front mostly on the newly built part of the road. The retained portion of the lot abuts a draft approved subdivision to the east (also owned by the applicant) and consists of rolling farmland sloping downwards to the Haley Lake Provincially Significant Wetland complex and ANSI to the west. If the three lots are approved as applied for, public road frontage on the retained lot would be limited to a 20 metre wide corridor and either a road extension or zoning relief would be required in order to address the deficient frontage. This corridor may eventually accommodate future development on the retained lands.

As part of the evaluation process, the need for an Environmental Impact Study was identified to assess potential impacts of development in B14/087 and 088 which are located adjacent to the ANSI and close to the PSW. To accommodate this, a study was prepared by Hans von Rosen that advised that the severances are reasonable however a seasonally appropriate survey for certain nesting birds may be advisable. These studies have been provided to MVCA and MNR to review and it is understood that no severance decision on the affected lots would be made until the natural heritage issues are addressed and any development conditions identified and included.

With that in mind, Mr. Wilson requested that the Township and County consider support and approval of the easterly lot (B 14/089) only at this time with the other two to be considered following review and approval by the other agencies. This lot is already developed and as such any environmental impacts would have already occurred and it fronts on a previously opened portion of Drummond Concession

12C. There is also sufficient room on the retained lands for single residential development outside of these influence areas if no further lot creation were to ever occur.

For those reasons the Township is of the view that the single lot (B14/089) can be considered at this time and on its own. With respect to the lot frontage and access, this is also not an issue with the single lot as more than adequate frontage for the retained land exists. Mr. Wilson is aware that were the other two lots to be approved in the future, a zoning amendment or road extension would be required as well as likely other conditions. B14/089 complies with all other applicable provisions of the Township's Official Plan as it would allow a modest amount of new residential development in an area of existing low density residential development adjacent a settlement area, with no negative impacts expected on natural heritage features, neighbouring residents or existing public services.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the retained lot. The applicant shall consult directly with the Township in this regard
- 4) The applicant shall confirm that a residential entrance is viable from Drummond Concession 12 to the retained lands. The applicant shall consult directly with the Township in this regard.
- 5) Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 6) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:  
"TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the south in part of Lots 21 and 22, Concession 11, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."

**Conservation Authority** – Mississippi Valley Conservation Authority

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted applications to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues.

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

#### PROPOSAL

According to the information provided, the purpose of the subject applications is to sever (2) vacant building lots measuring 00405 ha each and (1) developed lot measuring 0.57 ha. The retained land is vacant and measures 60.73 ha.

#### PROPERTY CHARACTERISTICS

A review of available GIS mapping and Drape Imagery revealed that the approximate western half of the proposed retained land is comprised of a Provincially Significant Wetland (PSW) referred to as the Stewart Lake-Haley Lake Complex. This area has also been classified as an Area of Natural and Scientific Interest (ANSI) referred to as the Innisville Wetlands, which has been classified as a Life Science ANSI. We have estimated that the 120 m adjacent lands to the PSW extend into the western half of severed lands B 14/089. We have also estimated that the 120 m adjacent lands to the ANSI occupy the entire area of Severances B 14/089 and B 14/088, and a portion of B14/087. In addition, three unnamed watercourses are identified on GIS mapping on the retained land; one in the northwest corner, one across the central portion, and one in the southeast corner, all through the PS W.

#### REVIEW

##### Natural Heritage Features

##### ANSI & PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. These guidelines also suggest an evaluation for development within 120 m (increased from 50 m in the year 2010) for a Life Science ANSI, such as the subject ANSI. In order to address this requirement, an Environmental Impact Statement (EIS) was provided by Pinegrove Biotechnical, dated December 10, 2014, on behalf of the applicant. We note that the EIS did not address the retained lands.

In summary, the EIS concluded that" ... the proposed severances, is subject to constraints described in this report, will not harmfully impact Natural Heritage Values." Suggested mitigative measures are outlined below. MVCA's Biologist has reviewed the EIS and concurs with the conclusion and recommendations for the severed lands. However, we note a discrepancy between the EIS and MVCA findings with respect to the extent of the ANSI and its adjacent lands. The EIS indicates that the ANSI adjacent lands only extend into B14/089; however, according to MVCA estimates, the adjacent lands extend entirely into B14/089,

B14/088 and a portion of B14/087. Our review findings are not affected by this discrepancy.

Concerning the retained lands, sufficient area exists for potential future development beyond the 120 m adjacent lands of both the ANSI and PSW. Therefore, it is our opinion that there would be limited value in conducting an EIS at this time to assess this land. However, we recommend that access to the retained land be directed to the east of Severance B14/087 in order to avoid interference with the ANSI and PSW, or their adjacent lands, which are located to the west of B14/089. Notwithstanding, if development and/or access are proposed within or adjacent to these features, an assessment through an EIS would be recommended at that time.

#### Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse. Sufficient area appears to exist on the retained lands for future development that complies with the recommended setbacks from the three identified watercourses.

#### CONCLUSION AND RECOMMENDATION

MVCA does not have any objections to the proposed severances provided the following mitigative measures are adhered to:

As per the EIS on Severance B14/089:

1. Build an artificial incubation site for Blanding's Turtle and Snapping Turtle.
2. Retain large over-mature hardwoods in the fence rows for Flying Squirrel
3. Retain milkweed for Monarch Butterflies
4. Retain old bush piles for Milk Snake habitat
5. Potential additional mitigation pending Bobolink and Meadowlark survey

#### MVCA Recommendations for the Retained Lands:

1. Future development, including a septic system and driveway shall be setback a minimum of 30 m from any watercourse.
2. Future development, including a septic system and driveway shall be located outside the boundaries of the ANSI, PSW, and their 120 m adjacent lands, unless supported by an EIS to the satisfaction of MVCA.
3. The shoreline vegetation surrounding the watercourses shall be retained to a minimum depth of 15 m.
4. Natural drainage patterns on the site shall not be substantially altered such that the volume of run-off towards the PSW is modified.
5. Removal of terrestrial vegetation shall be kept to the minimum required in order to develop the site (building envelope, septic, and access road) while maintaining as many trees as possible.
6. A maximum of 10% of the site, between 30m and 120m of the PSW, shall be disturbed.
7. Following construction, disturbed areas shall be revegetated with native plant species. Use of invasive non-native plant material is discouraged.
8. During Site Construction:
  - Natural areas to be retained shall be isolated by sturdy construction fencing or

similar barrier at least 1 m in height during construction.

- Construction equipment shall remain within the areas of active construction and not cross the sediment control measures.
- Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
- Erosion and sediment control measures shall remain in place for the duration of construction and until the site is re-vegetated. They shall be monitored and maintained in good condition until exposed soils are stabilized. Follow MTO OPSD standards for appropriate control methods and designs.
- Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNRF should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNRF.

#### NOTES

In the event that development and/or access are proposed within or adjacent to the ANSI or PSW on the retained lands, an assessment through an EIS will be recommended to evaluate potential impacts to these features.

The applicant should be advised that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses, and prior to any development or interference within 120 m of the PSW on Severance B14/089 and the retained lands.

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

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

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

Severed – Approximately 0.57 hectares with existing house, outbuildings, well and septic system. Land consists of cleared land and brushland. Variable soil depth, slope and drainage. Fill may be required to construct replacement septic system in the future.

Retained – Approximately a 64.3 hectare vacant parcel of land consisting of rolling hills of agricultural fields and bushland. Slope, soil depth and drainage vary. No proposed development on property. In future, if septic system is constructed, fill may be required.

#### **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 0.57-ha residential lot with an existing dwelling and outbuildings, located at 756 Drummond Con 12C and retain a 64.3-ha vacant landholding.

The original submission consisted of three (3) concurrent consent applications, B14/088 and B14/089 have been held over to allow the applicant time to resolve road frontage requirements. As well, additional work is required on the EIS to address the PSW, ANSI and Natural Heritage Features on the retained lands.

The subject lands are located in an area characterized by rural residential to the east and wetland to the west (Stewart Lake- Haley Lake PSW) – the area to the west has also been designated as an ANSI. The settlement area of Innisville is located to the south and a newly created rural residential subdivision is located to the north east. Highway 67, a Provincial Highway is located approximately 250 m to the south east.

Due to the proximity of the PSW and ANSI, the applicant was required to submit and EIS. The EIS was prepared by Pinegrove Biotechnical and reviewed by the Conservation Authority. As noted by the MVCA additional work is required on the retained lands. Therefore applications B14/088 and B14/089 are being deferred at this time.

The lands are accessed via Drummond Con 12C, a newly created municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – flows, tuffs, breccias

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there are no Threatened (THR) and/or Endangered (END) species on

the site or in proximity to it. The EIS does, however list habitat of Species of Special Concern, which can be addressed through mitigation measures.

#### Official Plan Policies

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

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

2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

- 3 Woodlands

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

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It



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

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

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

**(e) MINUTES – March 9, 2015**

Craig Wilson, agent attended the hearing and gave evidence under oath.

Mr. Wilson noted that this application is for the existing residential dwelling, and that two further applications would be presented to Committee in the future, following additional reporting requirements (EIS).

Also, the 20 m strip between the lot lines and the eastern boundary of this lot is to be maintained with the retained lands to allow for access to the retained lands should additional lot development (subdivision) occur.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within 250 metres of a Provincial Highway No. 7 which is located to the south in part of Lots 21 and 22 Concession 11 geographic Township of Drummond and may be

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

#### **NOTES**

1. *The Mississippi Valley Conservation Authority advise that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses, and prior to any development or interference within 120 m of the PSW on the retained lands.*
2. *The MVCA advises that any new development, including a septic system and driveway shall be closeted outside the boundaries of the ANSI, PSW and their 120 m adjacent lands, unless supported by an EIS to the satisfaction of MVCA. Additional development constraints are outlined in their review letter of January 27, 2015.*
3. *Consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within unnamed watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*

4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill may be required to construct a replacement septic system in the future or for any new septic system on the retained lands.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the retained lands.*

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:** Janice A. Reid & Garrett C. Reid      **Hearing Date:** March 9, 2015  
**Agent:** Same      **LDC File #:** B14/108  
**Municipality:** Town of Mississippi Mills  
**Geographic Township:** Ramsay      **Lot:** 13      **Conc.:** 11  
**Roll No.:** 0931 929 020 55403      **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 0.61-ha parcel of land as a lot addition to lands owned by Michael and Laurie McCabe at 1647 Ramsay Con 11 and retain a 12.34-ha residential landholding at 1665 Ramsay Con 12.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Vacant	Residential
<b>Area</b>	0.61 ha	12.34 ha
<b>Frontage</b>	18.29 m	137.25 m
<b>Depth</b>	201.17 m	674.65 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	N/A	Private Well
<b>Sewage Disposal</b>	N/A	Private Septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		45 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural

**Compliance:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

#### **1.1.5 Rural Lands in Municipalities**

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

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

#### **1.6 Infrastructure and Public Service Facilities**

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 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 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, 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 Community Official Plan.

**Zoning By-law** - Section 6 General Provisions, Section 12 Rural Zone.

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

#### **(b) AGENCY REVIEW**

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

##### **Township Planner's Report -**

##### **PURPOSE AND EFFECT OF APPLICATION**

The applicant has submitted a consent application to the County of Lanark requesting to sever a ±0.61ha (1.5ac) parcel of land as a lot addition to lands owned by Michael and Laurie McCabe located at 1647 Ramsay Concession 12 and retain a ± 14. 77ha (36.49ac) landholding owned by Janice and Garrett Reid at

1665 Ramsay Concession 12. The benefitting lot from the lot addition severance would have a new lot area of  $\pm 1.23$ ha (3.05ac), with a frontage of  $\pm 64.01$ m (210ft) along Ramsay Concession 12. The retained lot would maintain  $\pm 137.25$ m (450.28ft) of frontage along Ramsay Concession 12. The purpose of the application is to enlarge the lands owned by Michael and Laurie McCabe, which in turn will bring the lot into compliance with the Town's Zoning By-law #11-83. Sketches of the proposed lots are contained within the Appendix.

#### DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject properties are located on the west side of Ramsay Concession 12, south of Stonehome Crescent and in the Ward of Ramsay. The property to be retained from the lot addition severance (1665 Ramsay Concession 12) is currently  $\pm 15.38$ ha (37.99ac) in size, has a lot frontage of  $\pm 155.53$ m (510.28ft) along Ramsay Concession 12, and abuts the north side of the proposed benefitting lot. The proposed benefitting lot (1647 Ramsay Concession 12) currently has a lot area of  $\pm 0.62$ ha (1.55ac) and a lot frontage of  $\pm 45.72$ m (150ft) along Ramsay Concession 12. Both properties would continue to be occupied by a detached dwelling post severance. The properties are currently designated "Rural" in the Town's Community Official Plan (COP) and zoned "Rural (RU)" by Zoning By-law # 11-83. The surrounding area consists of rural and rural-residential properties to the north, south, east and west, as well a residential subdivision to the north. The location of the subject lands within the Town is depicted in the following

#### SERVICING & INFRASTRUCTURE

Both properties are serviced by private well and septic services and front onto Ramsay Concession 12, a municipally owned and maintained road. The servicing and infrastructure demands would not change as a result of the proposed lot addition severance.

#### EVALUATION OF THE APPLICATION COMMUNITY OFFICIAL PLAN

The subject properties are currently designated "Rural" in the Town's Community Official Plan (COP). Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation. The following provides an analysis of the proposal against the applicable policies:

##### 3.3.6.5

*(iii) The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged.*

The proposed retained and severed lots would have frontage along Ramsay Concession 12, a municipally owned and maintained public road.

*(iv) Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation.*

The intended retained parcel would be  $\pm 14.77$ ha in size, while the proposed benefitting parcel would have a lot area of  $\pm 1.23$ ha.

The proposed lot addition severance is not creating a new rural lot, but rather is transferring land from one property to another. Therefore, the proposal would not conflict with the goals, objectives and policies of the Rural designation in the COP.

#### ZONING BY-LAW #11-83

The subject properties are zoned "Rural (RU)" by the Town's Comprehensive Zoning By-law #11-83. The RU Zone permits residential uses. The following table demonstrates that the lot specifications of the proposed retained and benefitting lots would comply with the minimum development standards of the RU Zone:

Table 1: RU Zone Development Standards vs. Proposed Lot Dimensions

ZONING BY-LAW # 11-83 PROVISIONS	BY-LAW REQ'T	RETAINED LOT	PROPOSED NEW LOT
Lot Area	1-ha	14.77ha	1.23ha
Lot Frontage	45m	137.25m	64.01m

#### CONCLUSION

As the application involves a minor boundary adjustment by way of a lot addition severance in order to transfer land from one land holding to another, Staff has no objection to the proposal. In addition, the intended benefitting lot would have a new lot area of ±1.23ha, which would bring the property into compliance with the minimum lot area requirement of Zoning By-law #11-83. As such, Staff views the subject consent application to be a logical form of development.

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

1. That the applicant provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That the owners pay any outstanding property taxes on the subject properties; and,
4. That the parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owner's existing property.

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

Severed – A 1.5 acre parcel of vacant land that is mainly forest/bush. Land is relatively flat. Additional sandy loam fill will be required in the area of future tile bed.

Retained – A 36+ acre parcel with an existing house serviced with an existing septic system and well. There is an above-ground pool near the house. Land surrounding the house is well treed. 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 0.61-ha parcel of land as a lot addition to vacant lands owned by Michael Joseph McCabe and Laurie Jean McCabe and retain a 12.34-ha landholding with an existing dwelling located at 1665 Ramsay Con 12. The existing McCabe lot was created in 1985 and measured 0.63-ha in size. The lot addition will increase the McCabe lot from 0.63-ha to 1.24-ha.

The subject lands are located in an area characterized by large lots intermixed with smaller type residential lots along Ramsay Con 12. A rural residential subdivision is located 330 m to the north of the lot.

The lands are accessed via Ramsay Con 12, a municipally maintained road.

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

Bedrock Inventory – limestone, Dolostone, shale.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there are no Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

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

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

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



rural designation.

3 Woodlands

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

Zoning

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

Conclusion

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

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

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

**(e) MINUTES – March 9, 2015**

No persons attended the hearing.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 Michael Joseph McCabe and Laurie Jean McCabe described as Con 11 E ½ Pt Lot 13 Part 1, Plan 26R-2063, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of future replacement tile bed area on the severed and retained lands.*
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:** Larry & Victoria Gaines

**Hearing Date:** March 9, 2015

**Applicant:** Larry Gaines

**LDC File #:** B14/110

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 4

**Conc.:** 8

**Roll No.:** 0931 929 010 10300

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 2.5-ha residential building lot and retain a 4.7-ha residential lot at 474 Ramsay Con 8.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	2.5 ha	4.7 ha
<b>Frontage</b>	76 m	236.8 m
<b>Depth</b>	336 m	304 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Proposed well
<b>Sewage Disposal</b>	Proposed septic	Proposed septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural

settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

### **1.1.5 Rural Lands in Municipalities**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 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 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, 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 Community Official Plan.

**Zoning By-law** - Section 6 General Provisions, Section 12 Rural Zone.

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

#### **(b) AGENCY REVIEW**

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

##### **Town Planner's Report -**

##### **PURPOSE AND EFFECT OF APPLICATION**

The applicant has submitted a consent application to the County of Lanark requesting to create a rural-residential building lot by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on the intended severed lot. The proposed severed lot would comprise approximately ±2.5ha (6.18ac) in lot area with a lot frontage of ±76m (249.34ft) along Ramsay Concession 8. The proposed retained lot would maintain a lot area of ±4.7ha (11.62ac) and a lot frontage of ±236.79m (776.87ft) along Ramsay Concession 8.

#### DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the east side of Ramsay Concession 8, south of Drummond Side Road and in the Ward of Ramsay. The property is ±7.2ha (17.80ac) in size with a lot frontage of ±312.79m (1026.21ft) along Ramsay Concession 8. The property is occupied by a detached dwelling and three (3) outbuildings, all of which will remain on the intended retained parcel. The property is surrounded by agricultural properties with active farming operations to the northeast, and rural and rural-residential properties to the north, west and south.

The majority of the property is designated "Rural" in the Town's Community Official Plan (COP), with a smaller portion along the rear of the lot designated "Agriculture". The property is zoned "Rural (RU)" and "Agricultural (A)" by Zoning By-law #11-83. These zoning boundaries follow the boundaries of the appropriate land use designations in the COP listed above.

#### SERVICING & INFRASTRUCTURE

The subject lands are currently serviced by private well and septic services and front onto Ramsay Concession 8, a municipally owned and maintained road. The proposed severed parcel would be serviced by new private well and septic services.

#### EVALUATION OF THE APPLICATION

##### PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the criteria to consider when reviewing an application to subdivide land. Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

##### PROVINCIAL POLICY STATEMENT (PPS), 2014

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. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

##### *1.1.5 Rural Lands in Municipalities*

*1.1.5.2 On rural lands located in municipalities, permitted uses are: c) limited residential development.*

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

Staff notes that the addition of one rural-residential building lot would be considered "limited residential development", and that such a development would be compatible with the rural character of the surrounding area as there are a number of rural-residential properties located along Ramsay Concession 8.

The proposed severed lot would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

*1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

*There are no livestock facilities located in close proximity to the proposed severed lot.*

Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

#### COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural" and "Agriculture" in the Town's Community Official Plan (COP). The Rural and Agricultural designations permit non-farm residential dwellings and accessory uses.

Rural Consent Policies Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation. The applicant has noted that the subject property has had one previous severance since July 1, 1973 (LDC File #B247/81).

Based on the severance sketch submitted in consideration of the application, it appears that there is more than 150 metres between the existing driveway located at 474 Ramsay Concession 8 and the frontage of the proposed severed parcel.

As the proposed severed lot would comprise  $\pm 2.5$ ha, there would appear to be sufficient area to accommodate the required on-site private services. The owners will be required to receive the necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The proposed retained and severed lots would have frontage along Ramsay Concession 8, a municipally owned and maintained public road.

The intended severed parcel would be  $\pm 2.5$ ha in size, while the proposed retained parcel would maintain a lot area of  $\pm 4.7$ ha.

There is an appropriate building envelope outside of the 30 metre setback between the active agricultural operation located on the abutting property to the north.

The majority of the subject property contains much vegetation and trees. In order to proceed with the subject consent application, the removal of existing trees and vegetation is unavoidable. That being said, there are areas of the proposed severed lot that are less vegetated where a building envelope could be located. As such, Staff recommends as a condition of consent approval that a tree retention plan be provided by the applicant to the satisfaction of the Town.

Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

#### ZONING BY-LAW #11-83

The subject property is zoned "Rural (RU)" and "Agricultural (A)" by the Town's Comprehensive Zoning By-law #11-83. Due to the property being split between the RU and A Zones, the zoning provisions for each zone apply to each part as if said part was a separate lot

As noted, a detached dwelling is proposed on the intended severed parcel. As such, the severed and retained parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU and A Zones for a non-farm residential lot against the dimensions of the proposed severed and retained lots:

Table 1: Development Standards vs. Proposed Lot Dimensions

<b>Table 1: Development Standards vs. Proposed Lot Dimensions</b>						
ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (RU ZONE)	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT	BY-LAW REQUIREMENT (A ZONE)	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT
Lot Area (ha)	1	2.08	4.16	0.4	0.42	0.54
Lot Frontage (m)	45	76	236.8	45	N/A	N/A

As noted in the above table, the proposed severed and retained lots would exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU and A Zones. Provided the applicant does not modify the dimensions of the proposed severed lot, both the severed and retained lots would comply with the minimum lot area requirement for a non-farm residential lot located within the A Zone.

**CONCLUSION**

Overall, Staff views the proposal to be a desirable and logical form of development. The proposed consent application is compatible with the rural character of the surrounding area and can be sustained by rural service levels. Furthermore, Staff views the proposal to conform to the rural consent policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the applicant provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That the owners pay any outstanding property taxes on the subject property;
4. That the applicant acquires all required building permits;
5. That the applicant provides a tree retention plan to the satisfaction of the Town;
6. That the applicant obtains a residential entrance permit to access the severed parcel; and,
7. That the applicant obtains a civic address/PIN sign for the severed parcel.

**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.

We note that GIS mapping shows a small unclassified wetland straddling the lot line between the proposed severed lands and the adjacent property to the northwest. However, based on a review of Drone Imagery, we are of the opinion that this area is not actually wetland; rather it appears heavily forested.

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

Severed – A 2.5 hectare vacant well wooded property. Land is relatively flat. Due



to winter conditions soil type and depth not verified. Additional sandy loam fill will be required in the area of the tile bed.

Retained – A 4.7 hectare parcel of land with an existing stone farm house and various outbuildings. There is sufficient area to replace the sewage system in the future.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W**

We acknowledge receipt and thank you for your correspondence dated January 15, 2015.

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 2.5-ha residential building lot and retain a 4.7-ha residential lot with an existing dwelling located at 474 Ramsay Con 8. One (1) previous consent was taken from the original parcel in 1981.

The subject lands are located in an area characterized by larger type residential lots along Ramsay Con 8. The Town of Carleton Place is located 1.3 km to the south and a rural subdivision is located 1 km to the north. A licenced pit is located approximately 175 m to the north west of the lot. A caution should be included on the deed.

The lands are accessed via Ramsay Con 8, a municipally maintained road.

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

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

### Official Plan Policies

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

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

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

3. Woodlands

The area has not been mapped as 'woodlands'.

### Zoning

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

### Conclusion

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the

applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – March 9, 2015**

Larry Gaines, owner attended the hearing and gave evidence by affirmation.

The committee questioned if there were any water problems in this area. Mr. Gaines advised that has good water and understands that there is no problems with his neighbors wells/water.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall obtain a residential entrance permit to the subject lot. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.

9. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Town of Mississippi Mills advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws, at which time a Tree Retention Plan may be required.*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system / tile bed area.*
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:** Arthur Dyke & Lorna Firth

**Hearing Date:** March 9, 2015

**Agent:** N/A

**LDC File #:** B14/123

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Pakenham

**Lot:** 3

**Conc.:** 6

**Roll No.:** 0931 946 015 12200

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 16.0-ha landholding and retain a 41.0-ha landholding with an existing dwelling and garage at 365 7th Con Pakenham S.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	16 ha	41 ha
<b>Frontage</b>	205 m	410 m
<b>Depth</b>	678 m	678 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	None	Private well
<b>Sewage Disposal</b>	None	Private Septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province

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

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

### **1.1.5 Rural Lands in Municipalities**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

### **2.1 Natural Heritage**

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 Basis of Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, 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 Community Official Plan.

**Zoning By-law** - Section 6 General Provisions, Section 12 Rural Zone.  
The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

**Town Planner's Report -**

**PURPOSE AND EFFECT OF APPLICATION**

The applicants have submitted a consent application to the County of Lanark requesting to create a rural-residential building lot by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on the intended severed lot, while the retained lot would be occupied by the existing detached dwelling and detached garage. The proposed severed lot would comprise ±16ha (39.54ac) in lot area, with a lot frontage of ±205m (672.57ft) along Pakenham Concession 7 South. The proposed retained lot would maintain a lot area of ±25.61 ha (63.29ac) and a lot frontage of ±41 Om (1345.14ft) along Pakenham Concession 7 South. Sketches of the proposed lots are contained within the

**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject property is located on the west side of Pakenham Concession 7 South, south of Cedar Hill Side Road and in the Ward of Pakenham. The property is ±41.61 ha (102.82ac) in size with a lot frontage of ±615m (2017.72ft) along Pakenham Concession 7 South and is an original township lot. The property is surrounded by rural properties to the east and south, and rural properties with active agricultural operations to the west and north. The southwest corner of the property contains a municipal drain of the Fulton-Lowe subwatershed. The property is designated "Rural" in the Town's Community Official Plan (COP) and zoned "Rural (RU)" by Zoning By-law #11-83.

**SERVICING & INFRASTRUCTURE**

The subject lands are currently serviced by private well and septic services and front onto Pakenham Concession 7 South, a municipally owned and maintained road. The proposed severed parcel would be serviced by new private well and septic services and would also front onto Pakenham Concession 7 South. It should be noted that the entire property falls within the subwatershed of the Fulton-Lowe Municipal Drain. As such, prospective buyers of the proposed severed parcel should be notified that the property relies on a municipal drain for lot drainage and that the applicable Drainage Act requirements apply.

**EVALUATION OF THE APPLICATION**

**PLANNING ACT, R.S.O 1990**

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

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

#### PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Staff notes that the addition of one (1) rural-residential building lot would be considered "limited residential development", and that such a development would be compatible with the rural character of the surrounding area. The proposed severed lot would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

With respect to complying with minimum distance separation (MDS) requirements, Staff notes that the applicant has carried out MDS calculations for various livestock facilities in the surrounding area. These calculations appear to show a sufficient building envelope for a new dwelling and accessory uses on the proposed severed parcel. Additional MDS calculations will take place prior to a building permit being issued.

Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

#### COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural" in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and accessory uses. Rural Consent Policies Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation.

The subject property does not appear to have had any previous severances since July 1, 1973 as it is an original township lot.

The severance sketch submitted in consideration of the application demonstrates that the proposed entrance location to the intended severed parcel would be located at least 150 metres from neighbouring driveways.

As the proposed severed lot would comprise  $\pm 16$ ha (39.54ac), there would be sufficient area to accommodate the required on-site private services. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The proposed severed lot would have frontage along Pakenham Concession 7 South, a municipally owned and maintained public road.

The intended severed parcel would be  $\pm 16$ ha in size, while the intended retained parcel would maintain a lot area of  $\pm 25.61$  ha.

There is an appropriate building envelope outside of the 30 metre setback from lands being utilized as part of an active agricultural operation.

The majority of the subject property contains much vegetation and trees. In order to proceed with the subject consent application, the removal of existing trees and vegetation is unavoidable. As such, Staff recommends as a condition of consent approval that a tree retention plan be provided by the applicant to the satisfaction of the Town.



Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

**ZONING BY-LAW #11-83**

The subject property is zoned "Rural (RU)" by the Town's Comprehensive Zoning By-law #11- 83. As noted, a detached dwelling is proposed on the intended severed parcel while the retained parcel would contain the existing detached dwelling and garage. As such, the parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed lots:

Table 1: RU Zone Development Standards vs. Proposed Lot Dimensions

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQ'T (NON-FARM)	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT
Lot Area (ha)	1	16	25.61
Lot Frontage (m)	45	205	410

As noted in the above table, the proposed severed and retained lots would exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone. In addition, the detached dwelling and garage appear to comply with all lot coverage and setback requirements within the RU Zone.

**CONCLUSION**

Overall, Staff views the proposal to be a desirable and logical form of development. The proposed consent application is compatible with the rural character of the surrounding area and can be sustained by rural service levels. Furthermore, Staff views the proposal to conform to the rural consent policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the applicants provide a copy of the registered reference plan to the Town;
2. That the applicants provide a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That the owners pay any outstanding property taxes on the subject property;
4. That the applicants provide a tree retention plan to the satisfaction of the Town;
5. That the applicants demonstrate to the Town of Mississippi Mills that access can be provided to the severed parcel, and obtain a residential entrance permit to access the lands; and
6. That the applicants obtain a civic address /PIN sign for the severed parcel.

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

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

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 16 ha, and retain a developed lot measuring 41ha.

#### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, several pockets of unclassified wetland exist on both the severed and retained lands. Mapping also shows a municipal drain flowing through the southwest corner of the retained lands; however, this drain does not appear to exist on the retained lands upon further examination of aerial photography.

#### REVIEW

##### Natural Heritage Values

##### Wetland

We understand that the aforementioned wetlands have not been evaluated; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended. Sufficient area appears to exist on the severed land to accommodate new development with a setback of 30 m from wetland features. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to wetlands are not anticipated as a result of the subject application.

##### Natural Hazards

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

#### RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application provided the following mitigative measures are implemented for future development on the proposed severed lands:

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

4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetlands shall remain undisturbed.

#### NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard. The wetlands on the retained lands should remain undisturbed, and shoreline vegetation retained to a minimum depth of 15 m.

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

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

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

Severed – A 40 acre parcel that is vacant. Property is well treed. Land slope and drainage can vary throughout the 40 acres. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 60 acre parcel of land with an existing house and garage. There is a well and septic system servicing the house. The property is well treed. 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**

We acknowledge receipt and thank you for your correspondence dated January 28, 2015.

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 16-ha vacant landholding and retain a 41-ha landholding with an existing dwelling and garage located at 365 Pakenham 7<sup>th</sup> Con S.

The subject lands are located in an area characterized by rural on large landholding along 7<sup>th</sup> Con S Pakenham.

The lands are accessed via 7<sup>th</sup> Con S Pakenham, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – flows, tuffs, breccias

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

- Flooded Jellyskin (THR)
- Bobolink (THR)

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

#### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The

proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

#### Conclusion

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

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

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

**(e) MINUTES – March 9, 2015**

Arthur Dyke and Lorna Firth, owners attended the hearing and gave evidence by affirmation.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

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

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of 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 applicant shall obtain a residential entrance permit to the subject lot. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #7 has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures are to be implemented for future development on the severed lands:*
  - a) *Future development, including a septic system shall be setback a minimum of 30 m from any wetland.*
  - b) *The shoreline vegetation surrounding all wetlands shall be retained to a minimum depth of 15 m.*
  - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into any wetland or onto adjacent properties.*
  - d) *Future development shall be directed away from wetland areas consisting of organic soils.*
  - e) *The wetlands shall remain undisturbed.*
2. *The MVCA also advise that the applicant should consult with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca) prior to conducting any work within the wetlands, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
5. *The Town of Mississippi Mills advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws, at which time a Tree Retention Plan may be required.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

7. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT – CONCURRENT APPLICATIONS**

**B14/126**

**Owner:** David Alexander Stewart

**Hearing Date:** March 9, 2015

**Agent:** David A Stewart

**LDC File #:** B14/126

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 26

**Conc.:** 11

**Roll No.:** 0940 944 025 38000

**Consent Type:** R-O-W (Easement)

**Purpose and Effect:** To sever an existing R-O-W in favour of Wallis Cameron Jackson at Pt Lot 27 Conc. 11 Darling.

---

**B14-127**

**Owner:** Neil Duncan Stewart

**Hearing Date:** March 9, 2015

**Agent:** David A Stewart

**LDC File #:** B14/127

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 25

**Conc.:** 11

**Roll No.:** 0940 944 025 38000

**Consent Type:** R-O-W (Easement)

**Purpose and Effect:** To sever an existing R-O-W in favour of Wallis Cameron Jackson at Pt Lot 27 Conc. 11 Darling.

---

**B14/128**

**Owner:** Heather McDowall-Black

**Hearing Date:** March 9, 2015

**Agent:** Grant R Paulson

**LDC File #:** B14/128

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot:** 27

**Conc.:** 11

**Roll No.:** 0940 944 025 38000

**Consent Type:** New Lot

**Purpose and Effect:** To sever an existing R-O-W in favour of Wallis Cameron Jackson at Pt Lot 27 Conc. 11 Darling.

---



**Official Plan Designation:** Rural, ANSI (Area of Natural and Scientific Interest).

**Compliance:** Yes – not development proposed, R-O-W (Easement already existing)

**(a) APPLICATION REVIEW**

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

**1.1.5 Rural Lands in Municipalities**

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

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

**1.6 Infrastructure and Public Service Facilities**

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

**2.1 Natural Heritage**

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

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

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 2.0 Rural Policies, Section 4.3.4 Local Roads, Section 5.5.3 Areas of Natural and Scientific Interest (ANSI's), Section 8.2.2 Consents.

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

**Local Official Plan** – Section 3.0 Planning Sustainable Communities, Section 5.0 Environment, Section 5.3.3 Areas of Natural and Scientific Interest, 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 10.0 Limited Service 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 -**

###### **INTRODUCTION**

Three applications have been received from the County of Lanark Land Division Committee to sever an existing R-O-W in favour of Wallis Cameron Jackson at Pt. Lot 27, Conc. 11 Darling.

###### **OFFICIAL PLAN**

Section 4.5.4 of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

###### **ZONING**

The lands are zoned Limited Services Rural and Lake Front Development on Schedule 'A1' of Zoning By-law 2003-451. This application is not impacted by zoning.

## DISCUSSION

This application is to formalize an existing ROW so that the owners of Pt. Lot 27, Conc. 11 Darling, parcel 6 will have legal access to their property. There are 3 applications as the ROW spans across 3 separate properties. The proposal is consistent with township land use policy and is supported by staff.

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

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

### (c) **PUBLIC INPUT**

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:

From Property Owner Paul Willson 169 Ellis Woods Lane White Lake  
Re. File No.B14/127 Pt. Lot 25 Conc. 11.

ROW Easement to be severed-Windy Point Side Road.—Does this mean the closure of Windy Point Side Road?

The map on the reverse side does not show Connelly Road which starts at the end of Ellis Wood Lane and runs next to Lands to be Retained.

If ROW is to be closed is Ellis Wood Lane to be affected?....Clarity for a non-lawyer would be appreciated. Thank you.

*NOTE: Mr. Wilson was advised that the R-O-W (easement) is to provide a 'legal' right for the Jackson's to use the existing Windy Point Side Road and Colling Loon Drive. No changes in the location of the R-O-W will occur, and the easement to Jackson will not affect any landowners, who currently have a legal existing r-o-w over Windy Point Side Road and Calling Loom Drive.*

### (d) **PLANNING REVIEW**

#### Background and Summary

The applicant proposes to sever an easement or legal access over Windy Point Side Road and Calling Loon Drive, which are private roads in favour of Wallis Cameron Jackson at Pt Lot 27 Conc. 11 Darling.

The private road accesses Windy Point Road, 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. 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. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). 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 limited service rural section of the Zoning By-law, which permits a number of uses, including development on private roads. The proposed transfer of easement (R-O-W) is not affected by the zoning by-law

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal.

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 9, 2015**

David Stewart, owner and solicitor for Neil Stewart and Frank MacMillan, solicitor for Heather McDowall-Black attended the hearing and gave evidence by virtue of their professional standing.

Mr. Stewart outlined the purpose of the three consents, which is to provide legal access to Wallis C Jackson who currently only has water access to his lot.

Mr. MacMillan advised that the purchase and sale agreement with Mr. Jackson has expired, however they are currently working on a new agreement in order to be able to complete the provisional consents if approved.

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 all three applications.**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only in favour of Wallis Cameron Jackson, Part Broken Lot 27 Con 11, Darling, now in the Township of Lanark Highlands.
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 owned is advised that the private right-of-way known as Windy Point Sideroad and Calling Loon Drive traverse through an area identified as "Areas of Natural and Scientific Interest (ANSI'S)". Any new development proposals on , adjacent to or within 120 metres of the ANSI will require an Environmental Impact Study to demonstrate that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.*