
The Land Division Committee met in regular session on Monday, February 9, 2015 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

CHAIR: R. Strachan

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1. CALL TO ORDER

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

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2015-09

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on January 19, 2015 be approved as circulated and amended as follows:

1/ Section 8.1 – para 1 - remove Michael Macpherson and replace with Tom Clark.

2/ Section 8.1 – para 2 – change 'as submitted' to 'as requested'."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-10

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"THAT, the agenda be adopted as presented."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None

6. NEW APPLICATIONS

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

6.1 B14/096, B14/097 and B14/098 – Michael L Saull – 3 new lots

Pt. Lot 12 and 13 Con 7, Township of Beckwith.
7th Line Beckwith.

6.2 B14/103 – James Campbell – lot addition

Pt. Lot 25 Con 8, geographic Township of Pakenham, now in the Town of Mississippi Mills.
8th Con N Pakenham.

6.3 B14/105 – Eric and Frances Dixon – new lot

Pt. Lot 5 Con 2, geographic Township of Bathurst, now in Tay Valley Township. Christie Lake North Shore Road.

6.4 B14/106 – Brenda MacDonald-Rowe & Ernest A Rowe – new lot

Lot 20 Plan 1844, Town of Carleton Place. Mary Street.

**6.5 B14/117 – Richard and Shirley Montcalm – R-O-W
B14/118 – Wayne and Joanne Wesley – R-O-W**

Concurrent applications. Pt Lot 9 Con 10, geographic Township of South Sherbrooke, now in Tay Valley Township. Silver Lake Lane 12.

6.6 B14/119 – 1427386 Ont. Ltd. – new lot

Lot 16 Plan 1222, Town of Carleton Place.
Dufferin Street.

7. DEFERRED APPLICATIONS

7.1 B14/092 – John Ronald Fournier – lot addition

Pt. Lot 13 Con 1, geographic Township of South Sherbrooke, now in Tay Valley Township.
O'Brien Lake Lane.

7.2 B14/099 – William Edmund Avery – lot addition

Pt. Lot 5 Con 10, geographic Township of Bathurst, now in Tay Valley Township. Arthur Road.

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

9.1 Hydrogeological Investigations

9.2 Committee Member Expenses – The Secretary-Treasurer advised that the Deputy Clerk will be presenting a new policy to County Council in March which deals with expenses of Council Members and Board/Committee members.

9.3 Ontario Municipal Board – notice of Pre-hearing Conference Young Consent Applications – Thursday April 16, 2015 at 11:00 a.m. Mississippi Mills Council Chambers, 3131 Old Perth Road

10. PROVISIONAL CONSENT GRANTED

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

- 5 - 7 10.1 **B14/092 – John Ronald Fournier – lot addition**
- 8 - 23 10.2 **B14/096, B14/097 and B14/098 – Michael L Saull – 3 new lots**
- 24 - 27 10.3 **B14/099 – William Edmund Avery – lot addition**
- 28 - 42 10.4 **B14/103 – James Campbell – lot addition**
- 43 - 53 10.5 **B14/105 – Eric and Frances Dixon – new lot**
- 54 - 60 10.6 **B14/106 – Brenda MacDonald-Rowe & Ernest A Rowe – new lot**
- 61 - 66 10.7 **B14/117 – Richard and Shirley Montcalm – R-O-W**
B14/118 – Wayne and Joanne Wesley – R-O-W
- 67 - 73 10.8 **B14/119 – 1427386 Ont. Ltd. – new lot**

11. UPCOMING MEETINGS AND NOTICES

- March 9, 2015 at 9:00 a.m.
- April 13, 2015 at 9:00 a.m.
- May 11, 2015 at 9:00 a.m.
- June 8, 2015 at 9:00 a.m.

12. ADJOURNMENT

MOTION #LD-2015-11

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the meeting do now adjourn at 11:45 a.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John Ronald Fournier

Hearing Date: January 19, 2015

Re-convened Hearing – Feb 9/15

Agent: Mary Foss (Anderson Foss)

LDC File #: B14/092

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 13

Conc.: A

Roll No.: 0911 914 020 00600

Consent Type: Lot addition

Purpose and Effect: To sever a 700 sq.m. parcel of land as a lot enlargement to lands owned by Colleen Sarah Fournier at 1141 O'Brien Lake Lane and to retain a 64.0-ha landholding with an existing dwelling and two garages (2010 Althorpe Road). The lands to be enlarged are accessed via O'Brien Lake Lane.

(a) ADDITIONAL INFORMATION

Ms. Foss has met with Tay Valley Township and has submitted an application for re-zoning.

(b) MINUTES – February 9, 2015

John Fournier, owner attended the hearing and gave evidence under oath.

Mr. Fournier confirmed that he had applied to the Township for a re-zoning for the lands to be changed from 'rural' to 'seasonal residential' and to acknowledge the lot size as less than the required minimum for 'seasonal residential'. Mr. Fournier also noted that the zoning of the lands as 'rural' was an error by the Township.

Committee reviewed the staff report and draft conditions.

(c) 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 Colleen Sarah Fournier described as Parts 1, 2, 3 and 6, Plan 27R-275 (1141 O'Brien Lake Lane), 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. That the lot to be consolidated be zoned to an appropriate zoning category for the intended use.

9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that should any shoreline works be proposed in the future, prior written approval from the Rideau Valley Conservation Authority is required for alteration, straightening, changing, diverting or interfering with the shoreline of O'Brien Lake as per our Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Waterways Regulation).*
2. *The Mississippi Rideau Septic System office advises that an approved septic permit is required prior to the issuance of most building permits.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Michael Leonard Saull **Hearing Date:** February 9, 2015

Agent: N/A **LDC File #:** B14/096, B14/097 & B14/098

Municipality: Township of Beckwith

Geographic Township: N/A **Lot:** 12 & 13 **Conc.:** 7

Roll No.: 0924 000 020 14100 **Consent Type:** 3 New Lots

Purpose and Effect: To sever three (3) 1.87-ha residential building lots and retain a 45.79-ha vacant landholding. The lands are accessed via 7th Line Beckwith.

DETAILS OF PROPOSAL	Lands to be Severed B14/096	Lands to be Severed B14/097
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.87 ha 101 m 185 m Municipal Road	1.87 ha 101 m 185 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

DETAILS OF PROPOSAL	Lands to be Severed B14/098	Lands Retained
Existing Use Proposed Use	Vacant Residential	Vacant Vacant
Area	1.87 ha	45.79 ha
Frontage	101 m	119 m
Depth	185 m	1,283 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	None
Sewage Disposal	Proposed septic	None
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	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.

2.3 Agriculture

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

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

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 4 General Development Policies, Section 6.5 Rural Lands, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

The Township of Beckwith advises that the proposals conform to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone, Section 15 Constraint Zone.

The Township of Beckwith advises that the proposals comply with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

DESCRIPTION OF PROPOSAL

The applicant has submitted three (3) severance applications to create approximately 5 acre rural lots within the Township.

DESCRIPTION OF SUBJECT LANDS

The subject lands appear to be partially vegetated and partially cleared fields with frontage on the 7th Lin. There are two barns in the surrounding area, and MDS appears to impact a small portion of one of the severances but given the proposed size of the severances, this is not anticipated to generate any issues. The lands appear to be level with good drainage.

PROVINCIAL POLICY STATEMENT

Section 1.1.4 regards development in Rural areas. These policies are intended to ensure that rural development is appropriate to the services available in the area. The proposed severance is located in an area that receives all available services within the Township.

Section 1.6 regards Infrastructure. Within rural areas, these policies intend to ensure that development is appropriate for private services for the long-term. Given the size of the parcels, problems locating a septic system are not anticipated. This being said, the local Health Unit reviews severance applications prior to draft approval.

Section 2.1 regards Natural Heritage features. The proposed severances would not appear to generate any affects on natural heritage features,

as severances appear to be former agricultural land.

OFFICIAL PLAN

The subject property is designated Rural. Severances are permitted within this designation. The adjacent designations do not appear to limit the severance potential; it is important to note that there is an operating quarry approximately 650m from the proposed severances. The Area of Influence policies within the OP regulate a 500m buffer surrounding quarry designated lands. The proposed severances are located beyond this buffer and are therefore assumed to be in a suitable location.

Section 4.5 of the plan regards land division. In accordance with the severance interpretation policy approved by Council, the subject lands qualify for up to three (3) severances from the east half of Lot 12/13. The proposed severances satisfy the minimum frontage requirements of 45m and the minimum lot size for a severance of 2 acres. Staff completed a preliminary MDS calculation for the adjacent livestock facilities and two of the proposed severances are located beyond the setback, while the third severance contains a building envelope of 1 hectare beyond the required distance. As such, MDS does not appear to be a constraint.

ZONING BY-LAW

The proposed severances are located in an area considered Rural by the Township's Zoning By-law. Residential uses are a permitted use within this zone, provided the lots have at least 45m frontage and are 1 acre in size. The proposed severances exceed these requirements.

The proposed severance that is affected by the MDS setback would need to have the dwelling setback slightly greater than the other two severances, but as stated previously, there is sufficient building envelope to do so.

OPTIONS / ANALYSIS

It is difficult to determine how the boundary of the subject lands came to be. The property owner indicates that the subject property was formerly joined with the lands to the west, but was severed when the gas line bisected the property in the mid 1970s. Since this period, the subject land does not appear to have been severed. It would appear to Staff that the property qualifies for up to three severances given the Township's severance policy.

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

- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;

- The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;
- The applicant confirm with the Public Works Superintendent that entrances can be obtained.

Advisory notes:

- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority – Mississippi Valley Conservation Authority

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

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever three vacant parcels of land; each measuring 1.87 ha. The retained land is 45.79 ha and is currently vacant.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, one unclassified wetland occupies the central portion of the proposed retained lands. A second larger wetland exists in the northern section of the retained lands. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

Natural Heritage Values

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.

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

Sufficient area appears to exist on the retained land for potential future development that complies with a 30 metre development setback. 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 applications.

MVCA does not have any objection to the subject applications provided the following mitigative measures are implemented on the retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from any wetland.
2. The shoreline vegetation surrounding the 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 the wetlands 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.

We advise consultation with Fisheries and Oceans Canada (DFO) 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.

Ministry of Natural Resources -

Natural Heritage Values

The Ministry of Natural Resources (MNR) Kemptville District has carried

out a preliminary review of the area in order to identify any potential natural resource and natural heritage values.

The MNR works closely with partner agencies and local municipalities in order to establish concurrent approval process and to achieve streamlined and efficient service delivery. The MNR strongly encourages all proponents to contact partner agencies (e.g. MOE, Conservation Authority, etc.) and appropriate municipalities early on in the planning process. This provides the proponent with early knowledge regarding agency requirements and approval timelines.

Natural heritage features and values contribute to the province's rich biodiversity and provide habitat for a variety of species. The following Natural Heritage values were identified:

- Unevaluated Wetland (Not evaluated per OWES)

Municipal Official Plans contain additional information related to natural heritage features. Please see the local municipal Official Plan for more information such as specific policies and direction pertaining to activities which may impact natural heritage features. For planning advice or Official Plan interpretation, please contact the local municipality.

Where natural values and natural hazards exist (e.g., floodplains), there may be additional approvals and permitting required from the local Conservation Authority. The MNR strongly recommends contacting the local Conservation Authority for further information and approvals.

Please see the MNR Kemptville Information Guide (2012) for contact information pertaining to Conservation Authorities located within the Kemptville District area.

For additional information and online mapping tools, please see the Natural Heritage Information Centre (NHIC), where additional data and files can be downloaded in both list and digital format. In addition sensitive species information can be requested and accessed through the NHIC.

As per the Natural Heritage Reference Manual (Section 13; OMNR 2010) the MNR strongly recommends that an Ecological Site Assessment be carried out to more thoroughly determine the presence of natural heritage features, and Species at Risk and their habitat located on site. The MNR can provide survey methodology for particular species at risk and their habitats. In addition, the local planning authority may have more details pertaining to the requirements of the assessment process, which will result in allow for the municipality to make planning decisions which are consistent with the Provincial Policy Statement (2005).

Species at Risk

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 the legislation. A review of the Natural Heritage Information Centre (NHIC) and internal records and aerial photograph interpretation indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Blanding's Turtle (THR)
- Bobolink (THR)
- Eastern Meadowlark (THR)
- Bam Swallow (THR)
- Butternut (END)

All Endangered and Threatened species receive individual protection under section 9 of the ESA and receive general habitat protection under Section 10 of the ESA, 2007. Thus any potential works should consider disturbance of possible important habitat (e.g. nesting sites). Please note that as of June 30, 2013 general habitat protection applies to all Threatened and Endangered species. The habitat of these listed species is protected from damage and destruction and certain activities may require authorization(s) under the ESA. Please keep this date in mind when planning any species and habitat surveys Species receiving General Habitat protection:

- Bam Swallow (THR)
- Blanding's Turtle (THR)
- Bobolink (THR)
- Butternut (END)
- Eastern Meadowlark (THR)

If the proposed activity is known to have an impact on the species mentioned above or any other SAR, an authorization under the Endangered Species Act, 2007 (ESA) may be required. It is recommended that MNR Kemptville be contacted prior to any activities being carried out to discuss potential survey and mitigation measures to avoid contravention of the ESA.

Habitat has been identified within the project area that appears suitable for one or more species listed by SARO as Special Concern (SC). In Addition, one or more Special Concern species has been documented to occur either on the site or nearby. Species listed as Special Concern are not protected under the ESA, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Species of Special Concern for consideration:

- Snapping Turtle (SC)
- Milksnake (SC)

If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations be modified to avoid any negative impacts

to species at risk or their habitat until further direction is provided by MNR.

Please note that information regarding species at risk is based on documented occurrences only and does not include an interpretation of potential habitat within or in proximity to the site in question. Although this data represents the MNR's best current available information, it is important to note that a lack of information for a site does not mean that additional features and values are not present. I.e.: Species at Risk (SAR) or their habitat could still be present at the location or in the immediate area. It is the responsibility of the proponent to ensure that species at risk are not killed, harmed, or harassed; or their habitat is not damaged or destroyed through the activities carried out on the site. The MNR continues to strongly encourage ecological site assessments to determine the potential for SAR habitat and occurrences. When a SAR or potential habitat for a SAR does occur on a site, it is recommended that the proponent contact the 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 ESA (such as Section 9 or 10), the proponent must contact the MNR to discuss the potential for a permit (Section 17). For specific questions regarding the Endangered Species Act (2007) or SAR, please contact a district Species at Risk Biologist.

As of July 1, 2013, the approvals processes for a number of activities that have the potential to impact SAR or their habitat were changed in an effort to streamline approvals processes while continuing to protect and sustainably manage Ontario's natural resources. For those activities that require registration with the Ministry, businesses and individuals will be able to do so through a new online system. The online system will also include information to help guide individuals and businesses through the new processes. For further information on which activities are authorized through this new online registration process and how to apply, please refer to the following website: General inquiries may be directed towards Kemptville District MNR, while questions and comments involving the new online forms can be directed to the Registry Approvals Service Centre (RASC) at 1-855-613-4256 or mnr.rasc@ontario.ca.

Please note: The advice in this letter may become invalid if:

- The Committee on the Status of Species at Risk in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species.
- Additional occurrences of species are discovered.
- Habitat protection comes into force for one of the above-mentioned species through the creation of a habitat regulation (see general habitat

protection above).

This letter is valid until: Tue. Sep 15, 2015

MNR is streamlining and automating its approvals processes for natural resource-related activities. Some activities that may otherwise contravene the ESA may be eligible to proceed without a permit from MNR provided that regulatory conditions are met for the ongoing protection of species at risk and their habitats. There are regulatory provisions for projects that have attained a specified level of approval prior to, or shortly after, the specified species or its habitat became protected under the ESA. These requirements include registering the activity with the Ministry of Natural Resources, taking steps to immediately minimize adverse effects on species and habitat, and developing a mitigation plan. Anyone intending to use this regulatory provision is strongly advised to review Ontario Regulation 242/08 under the Endangered Species Act, 2007 for the full legal requirements.

For more information please check out the MNR link. The MNR would like to advise, by way of this letter, that we continue to be circulated on information with regards to this project.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed (Same report for all three lots to be severed) – A vacant 1.87 hectare parcel. The land is relatively flat open field. Soil depth was undetermined due to weather conditions at the time of inspection. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 45 hectare remnant vacant parcel of land that is a mix of field and bush. Slope and drainage can vary throughout parcel. 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

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.

(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 three (3) residential building lots, each containing 1.87-ha and to retain a 45.79 vacant landholding.

The lands are accessed via 7th Line Beckwith, 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. The applicant has undertaken a review with the MNRF, and those comments are found in Section (b) – Agency Review. As noted in their comments it is recommended that the proponent contact the MNR for technical advice and to discuss future development plans.

Agricultural Operations

Due to an agricultural operation being located on the 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 250 m, the actual distance from the barn to the closest proposed lot line for B14/096 is approximately 230m. Sufficient area is available outside the MDS for a building envelope. However, a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Official Plan Policies

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

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

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

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

3 Woodlands

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

Zoning

The subject property is currently within the rural 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 Beckwith and could be given favourable consideration.

(e) MINUTES – February 9, 2015

Michael Saull, owner attended the hearing and gave evidence under oath.

Mr. Saull advised that there is a well on the retained lands, however it has not been used for several years and that the adjacent landowner has not indicated any problems with his well. Mr. Saull also noted that the gas line easement is on the retained lands.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The same conditions apply to all three severances.

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 Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant consult with the Township's Public Works Superintendent to review potential entrance locations for the proposed severance.
7. A letter shall be received from the Township of Beckwith 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 the future tile bed.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *For B14/096 - The Township of Beckwith will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
6. *The Mississippi Valley Conservation Authority advise that future development and the retained lands, including a septic system shall be setback a minimum of 30 m from any wetland.*
7. *In additional, the MVCA advises that (a) The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 m. (b) Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands or onto adjacent properties. (c) Future development shall be directed away from wetland areas consisting of organic soils, and (d) The wetlands shall remain undisturbed.*

8. Also, consultation with Fisheries and Oceans Canada (DFO) 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.
9. It is recommended that MNR Kemptville Office be contacted prior to any activities being carried out to discuss potential survey and mitigation measures to avoid contravention of the ESA.
10. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
11. 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: William Edmund Avery

Hearing Date: January 19, 2015

Re-convened: Feb 9, 2015

Agent: Joseph & Virginia Beckett

LDC File #: B14/099

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 5

Conc.: 10

Roll No.: 0911 916 030 04300

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.8-ha parcel of land as a lot addition to lands owned by Joseph Kevin Beckett and Virginia Joyce Beckett at 101 Arthur Road and retain an 80-ha landholding at 2275 Bennett Lake Road.

(a) ADDITIONAL INFORMATION

The applicant and owner have been contacted and advised to attend the hearing in order to provide additional information regarding the closed road and unopened road allowance.

(b) MINUTES – February 9, 2015

Bill Avery, owner and Virginia Beckett, purchaser attended the hearing and gave evidence under oath.

Mr. Avery advised that the road allowance next to the river (described as Part 8 Plan 27R-3672) had been closed in the late 1980's and conveyed to the previous owner of the Beckett property.

Ms. Beckett advised that they had requested to close the northerly portion of the road allowance between Lots 5 and 6 Conc. 10 from their lands northerly a distance of 208 feet and the small triangular part of the road allowance at the south west corner of their property.

Mr. Avery advised that the request to close the road was presented to Township Council on December 3, 2013.

Committee reviewed the staff report and draft conditions.

(c) 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 Joseph Kevin Beckett and Virginia Joyce Beckett described as Part 7, 8 and 9 Plan 27R-3672 (101 Arthur Road), 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that an approved septic permit is required prior to the issuance of most building permits.*
2. *The MVCA recommend the following for any new development on the retained land:*
 - a/ *Future development, including a septic system shall be setback a minimum of 30 m from the seasonal high water mark of the lake.*
 - b/ *With the exception of a maximum 9 m wide clearing for water access, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 m. Existing vegetation on the face of the slope leading to the shoreline shall also be maintained in its entirety. This effort will help to mitigate the effects of erosion and surface runoff on the lake and help to maintain slope stability.*
 - c/ *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed towards the lake, or onto adjacent properties.*
3. *The MVCA also advise that in accordance with Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the property owner should be advised that in the event that shoreline work is proposed in the future, written permission is required from MVCA.*
4. *In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the watercourse, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *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.*
6. *Residents and users of Bennett Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James Campbell

Hearing Date: February 9, 2015

Applicant: James Campbell

LDC File #: B14/103

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: 25

Conc.: 8

Roll No.: 0931 946 020 21900

Consent Type: Lot Addition

Purpose and Effect:

To sever a 37.92-ha landholding as a lot addition to lands owned by James Campbell at N Pt Lot 25 Conc. 8 Pakenham and retain a 1.74-ha residential lot with an existing dwelling and farm buildings.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Agricultural Agricultural	Residence & Barns Residence & Barns
Area Frontage Depth Road - Access to	37.92-ha 599 m 663.9 m Municipal	1,74-ha 12.19-m 433.43 m Municipal
Water Supply Sewage Disposal	None None	Private Well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Agriculture n/a Lot Addition	Non-Farm Residential 1.0-ha Yes 45 m No

Official Plan Designation: Agriculture

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, prime agricultural areas, natural heritage features and areas, and other resource areas.

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

1.6.8 Transportation and Infrastructure Corridors

Section 1.6.8.1 Major goods movement facilities and corridors shall be protected for the long term.

Section 1.6.8.3 New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

2.3 Agriculture

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

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.1 Agricultural Resources, Section 8.2.2 Consents.

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

Local Official Plan - Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 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 complies with the Town's Community Official Plan policies.

Zoning By-law – Section 6 General Provisions, Section 6.27.1© setback to TransCanada Pipeline right-of-way, Section 11 Agricultural Zone.

The Town of Mississippi Mills advises that the proposal complies with the Town's 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

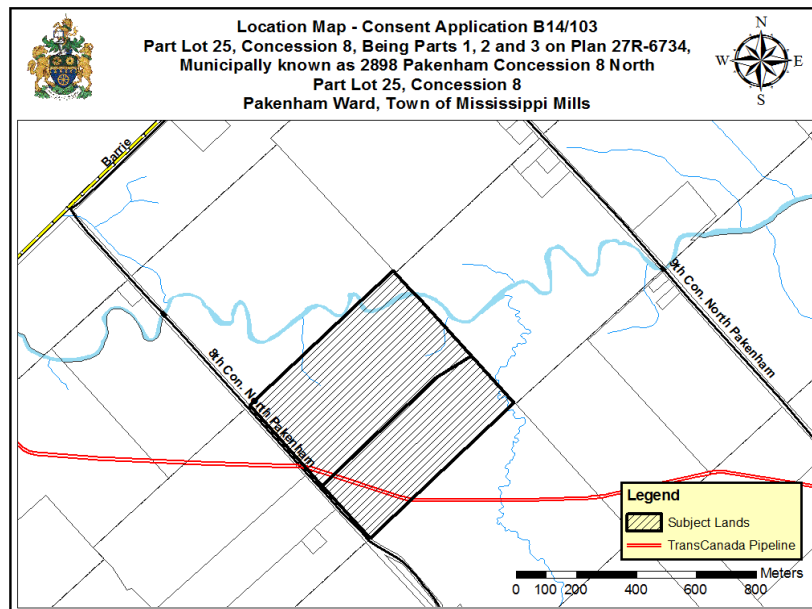
The owner of the above-noted properties has submitted a consent application to the County of Lanark requesting to sever a ±14.2ha (35.1ac) parcel of land as a lot addition of the lands and retain a ±1.74ha (4.3ac) land holding containing a detached dwelling and two (2) barns located at 2898 Pakenham Concession 8 North. The benefitting lot from the lot addition severance would have a new lot area of ±38.53ha (95.22ac), with a frontage of ±414.57m (1360.14ft)

along Pakenham Concession 8 North. The retained lot would maintain $\pm 12.19\text{m}$ (40ft) of frontage along Pakenham Concession 8 North. The purpose of the application is to consolidate two (2) abutting agricultural land holdings with existing cash crop farming operations and retain a parcel containing a surplus farm dwelling. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject properties are located on the east side of Pakenham Concession 8 North, south of Barrie Road and in the Ward of Pakenham. The property to be retained from the lot addition severance (2898 Pakenham Concession 8 North) is currently $\pm 15.94\text{ha}$ (39.4ac) in size, has a lot frontage of $\pm 242.21\text{m}$ (794.64ft) along Pakenham Concession 8 North, and abuts the north side of the proposed benefitting lot. The proposed benefitting lot currently has a lot area of $\pm 24.33\text{ha}$ (60.1ac) and a lot frontage of $\pm 365.08\text{m}$ (1197.77ft) along Pakenham Concession 8 North.

The location of the subject lands within the Town is depicted in the following figure:



The properties are currently designated "Agriculture" in the Town's Community Official Plan (COP) and zoned "Agricultural (A)" by Zoning By-law #11-83. The surrounding area consists of agricultural properties with active farming operations to the north, west and east, and rural and rural-residential properties to the south.

SERVICING & INFRASTRUCTURE

The subject lands are currently serviced by private well and septic services and front onto Pakenham Concession 8 North, a municipally owned and maintained road. The existing residence is accessed via a long gravel driveway from Pakenham Concession 8 North. The servicing and infrastructure demands will not change as a result of the application.

EVALUATION OF THE APPLICATION

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 application against these policies:

2.3.4 Lot Creation and Lot Adjustments

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
- 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.*

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The Provincial Policy Statement discourages lot creation in prime agricultural areas, but does allow for lot adjustments. Section 2.3.4.2 states lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons for severances as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot. The intent of this policy and Section 2.3.4.1 is to keep as much of the agricultural land in production as possible.

The purpose of the proposed lot addition severance is to expand the land available to support an active farming operation, which would result in the proposed benefitting agricultural lot's area increasing in size by ±14.2ha (35.1ac). The area of the retained parcel has been kept to a minimum by only including the existing detached dwelling, well and septic systems, and barns. Virtually no agricultural land would be taken out of production as the area around the buildings is not actively being

farmed. As a condition of consent approval, the applicant will be required to rezone the proposed benefitting lot to prohibit a residential dwelling on the lands in order to protect its long-term agricultural integrity. Thus the application is consistent with Sections 2.3.4.1 and 2.3.4.2 to keep as much agricultural land in production as possible.

As the proposed lot addition severance would result in a minor boundary adjustment to expand a farming operation with no new additional lots being created, Staff views the application to be an efficient and logical form of development which is consistent with the relevant policies of the PPS.

Community Official Plan (COP)

The subject lands are designated "Agriculture" in the Town's Community Official Plan (COP). The Agricultural designation permits agricultural uses, as well as non-farm residential dwellings and accessory uses. Section 3.2.7.2 states that severances for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created and the size of the lots are appropriate for the type of agriculture proposed.

The proposed lot severance is not creating a new residential or agricultural lot, but rather is increasing the farm land holding of a local farmer to maintain a secure and viable farming operation. These lands are currently being used for a cash crop farming operation and increasing the lands to a new lot area of $\pm 38.53\text{ha}$ (95.22ac) would bring the lot closer to the 100-acre target established under Subsection 3.2.7.3(i) for agricultural lots.

As noted, a condition of consent approval will be that the applicant rezones the retained parcel to prohibit the construction of a residential dwelling on the lands. Another condition of consent approval will be that the applicant registers a covenant on title of the severed parcel stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities. In addition, the retained parcel would be $\pm 1.74\text{ha}$ (4.3ac) in lot area and $\pm 12.19\text{m}$ (40ft) in lot frontage in order to reduce the lot to a minimum size necessary to accommodate the existing buildings on the property and the driveway access. These parameters will ensure that the application conforms to the intent of the severance and lot creation policies listed under Section 3.2.7. Given the above, Staff views the application to conform to the goals, objectives and policies of the Agricultural designation of the COP.

Zoning By-law #11-83

The subject lands are zoned "Agricultural (A)" by the Town's Comprehensive Zoning By-law #11-83. The A Zone has different zoning standards depending on whether the property is an agricultural lot or a

non-farm residential lot. The proposed retained lot would contain an existing detached dwelling and two (2) barns while the proposed benefitting lot would remain vacant for the agricultural operation. As such, the retained lot would be subject to the non-farm residential standards and the benefitting lot would be subject to the agricultural standards. The following table outlines the minimum development standards of the A Zone against the lot and siting specifications of the proposed retained and benefitting lots:

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

Zoning By-law #11-83 Provisions	By-law Requirement (Non-Farm Residential Lot)	Proposed Retained Lot	By-law Requirement (Agricultural Lot)	Proposed Benefitting Lot
Lot Area (ha)	0.4	1.74	40	38.53
Lot Frontage (m)	45	12.19	150	414.57
Interior Side Yard (m)	6	21.34/ 33.53	20	N/A
Rear Yard (m)	9	9.14	20	N/A
Front Yard (m)	9	418.19	20	N/A
Exterior Side Yard (m)	9	N/A	20	N/A
Maximum Height of detached dwelling (m)	11	<11	11	N/A
Maximum Lot Coverage	15%	<15%	5%	N/A
Separation from accessory detached dwelling to any structure where animals are housed (m)	30	>30	30	N/A

As noted in the above table, the sketches submitted in consideration of the application demonstrate that the proposed retained lot would exceed the minimum lot area requirement for a non-farm residential lot, but would have now have a deficient lot frontage. The purpose of the deficient lot frontage is to only accommodate the existing driveway and hydro lines leading to the residence in order to keep as much

agricultural land in production as possible. The applicant will have to address the deficient lot frontage by way of a zoning by-law amendment or a minor variance as a condition of consent approval.

The proposed benefitting lot would exceed the minimum lot frontage requirement, but would still have a slightly deficient lot area. As the benefitting lot would be increasing in area, relief of the minimum lot area requirement is not necessary. In addition, the two (2) barns on the proposed retained lot also appear to satisfy the minimum development standards for accessory buildings located within the A Zone.

Conclusion

Overall, Staff supports the subject consent application. As the proposed lot addition severance would result in a minor boundary adjustment to expand a cash crop farming operation with no new additional lots being created, Staff views the application to be an efficient and logical form of development. The severed lot will be kept to a minimum size needed to accommodate existing buildings and driveway access to ensure that as much agricultural land is kept in production as possible. Furthermore, Staff views the application as being consistent with the lot creation and lot adjustment policies of the PPS, conforms to the policies of the Agricultural designation of the Community Official Plan, 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 owner pays any outstanding property taxes on the subject properties;
4. That the applicant registers a covenant on title of the retained parcel stating that 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. That the applicant seeks relief from the Town's Zoning By-law #11-83 to address the deficient lot frontage of the retained parcel by way of a zoning by-law amendment or a minor variance;
6. That the applicant rezones the parcel to be enlarged to prohibit the construction of a residential dwelling on the lands; and,
7. That the parcel intended to be severed be conveyed to the abutting landowner to the immediate north and be consolidated with said owner's existing property.

TransCanada Pipelines

We have received the above-noted consent application for comment. We understand the purpose of the consent is to sever a 37.92 hectare parcel for the purposes of a lot addition.

TransCanada has two high pressure natural gas pipelines crossing the proposed severed parcel. TransCanada reviews all proposed development within 200 metres of its facilities to ensure it does not affect the safety and integrity of those facilities.

We request as a condition of approval the landowner be required to enter into an agreement with TransCanada and same be registered on title. Our recommended wording for the condition is as follows:

1) The conditions, restrictions or covenants specified by TransCanada Pipelines Limited (TransCanada) shall be registered against title (by agreement) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto.

The agreement set out in the recommended condition would contain the following items:

1. No permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.
2. All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board Act (NEB Act) Section 112 must have TransCanada's prior written authorisation. A crossing facility may include, but is not limited to, driveways, roads access ramps, trails, pathways, utilities, berms and attenuation fences. In accordance with the NEB Act, the owner shall be required to enter into a crossing agreement with TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Act Pipeline Crossing Regulations. Please contact TransCanada's crossing staff at crossings@transcanada.com or call 1-877-872-5177 for more information.
3. Wells or septic systems shall not be located on TransCanada's right-of-way. Construction of any septic system within 30 metres of the right-of-way requires prior notification to TransCanada to ensure the septic bed will not permit drainage to affect pipeline integrity.
4. Any grading not otherwise permitted by Section 112 of the NEB Act and regulations that may affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will only be permitted when a

TransCanada representative is present to inspect and supervise them.

5. TransCanada requests notification prior to commencement of construction works for any blasting undertaken within 300m of the pipeline right-of-way. Notification is required by the NEB Act prior to any blasting being undertaken within 40m of the right-of-way. A description of the methods and charges to be used must be prepared, at the owner's expense, by a qualified technician and submitted for TransCanada's written approval. Regional personnel from TransCanada shall help the third party contractor complete the relevant blasting forms and send it to the Pipe Integrity group for approval.

6. Section 112 of the National Energy Board Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this NEB Act requirement, you may send your request for leave through Ontario One Call at 1-800-400-2255 at least 72 hours before the start of any excavation using power operated equipment and the use of explosives within 40m of the pipeline right-of-way limits.

7. No fill or building material may be stored on the pipeline right-of-way before, during or after construction unless prior written approval is obtained from TransCanada.

8. Notice must be given to Ontario One Call (1-800-400-2255) a minimum of 72 hours before the start of any construction on or within 30m of the pipeline right-of-way and 5 business days before conducting any work involving explosives.

9. Landscaping of TransCanada's right-of-way is to be approved in Writing by TransCanada and done in accordance with TransCanada's Landscaping Guidelines.

10. The developer or owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

II. In addition to the aforementioned conditions, the appropriate agreements from the Land Services Department must be in place prior to any work being undertaken on the right-of-way including crossings, landscaping or ground disturbance.

Thank you for the opportunity to comment. We would appreciate receiving a copy of the decision. If the decision can be provided either by email to DarJene@lehmanplan.ca or by fax at 705-727-9217 it would be greatly appreciated. If you have any questions, please do not hesitate to contact our office.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Lands – a 37.0-ha agricultural parcel that is mainly open flat agricultural field. The parcel is intersected by proposed retained lane-way to access farm house. Recommendation – additional sandy loam fill will be required in the area of the tile bed in the future.

Retained Lands – a 4.3 acre agricultural parcel of land with an existing house serviced with a well and septic system. There are outbuildings and barn on the property. Land was snow covered at the time of inspection and ground frozen. Recommendation – additional sandy local 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 37.0-ha parcel of land as a lot addition to lands owned by James Douglas Campbell at N Pt Lot 25 Conc 8 Pakenham, and retain a 1.74-ha residential lot with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by typical large landholdings primarily used for agricultural purposes. The lot addition will enlarge the abutting agricultural operation and permit the potential disposal of the excess dwelling unit on the agricultural lands.

The lands are accessed via 8th Con N Pakenham, a municipally maintained road.

Soils Inventory – Name: Rideau

- Stoniness: non stony
- CLI: 3 – moderately severe limitations
- Drainage: imperfectly
- Hydrogeology: high run-off

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 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)
- 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. 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 agricultural section of the Zoning By-law, which limits the permitted uses. The existing residential unit meets the non-farm residential use area; however a re-zoning or minor variance application will be required to address the minimum frontage requirements.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 – February 9, 2015

No persons attended.

(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 James Douglas Campbell described as North Part Lot 25 Conc. 8 Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3)

(or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The “Schedule” attached to the deed / transfer for the retained lands (if required) 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 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 appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
8. The lot to be severed and the lot to be consolidated shall be zoned to prohibit the construction of a residential dwelling on the lands. The applicant shall consult directly with the Town in this regard.
9. 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.
10. The applicant shall enter into an agreement with TransCanada PipeLines Limited (TransCanada). The conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against the title (by agreement) in relation to the ‘lands’ by way of application to register conditions, restrictions or covenants as applicable pursuant to the Land Titles Act, or any amendments thereto.
11. A letter shall be received from the TransCanada PipeLines Limited stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Town of Mississippi Mills stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

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

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: Eric & Frances Dixon

Hearing Date: February 9, 2015

Agent: Eric Dixon

LDC File #: B14/105

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 5

Conc.: 2

Roll No.: 0911 916 010 08300

Consent Type: New Lot

Purpose and Effect: To sever a 1.0-ha residential building lot and retain a 23.0-ha landholding with an existing dwelling located at 178 Althorpe Road. The lands to be severed are accessed via Christie Lake North Shore Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Farm & House
Proposed Use	Residential	Farm & House
Area	1 ha	23 ha
Frontage	60 m	767 m
Depth	167 m	379 m
Road - Access to	Municipal Road	County Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	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, prime agricultural areas, natural heritage features and areas, and other resource areas.

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.2 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 4.3.3 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0 Natural Heritage, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan - Section 2 General Development Policies, Section 3.6 Rural Policies, Section 4.3 County Road, Section 4.4. Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms with the Township's Official Plan.

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

The proposal is to sever a 1.00 ha parcel of land for a new building lot, and retain a 23.0 ha landholding with an existing dwelling located at 178 Althorpe Rd. OP Designation: Rural – Single dwellings are a permitted under in the Rural Zone. The parcel would front on a public road – Christie Lake North Shore Road.

Zoning By-law Category: Rural. Applicable Sections: 10.2 – lot size and frontage requirements are met for both the proposed lots. Severed lot 1.0 ha as a new lot with 60 metre frontage on Christie Lake North Shore

Rd. Retained lot: 23 ha with over 300 m frontage on Althorpe Rd and over 400 m frontage on Christie Lake North Shore Rd.

Rideau Valley Conservation authority has no objections to the proposed severance. They point out that the retained parcel is within the floodplain of the Tay River but the existing buildings on the property are located outside of the floodplain.

MRSSO has no objections to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation of an OBC compliant septic system greater than 30 m from all surface waters.

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

1. That, the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands, and the deed/transfer(s) be submitted to the Township.
4. That t, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for the new lot.

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 a 1.0 hectare residential lot from the existing 24 hectare parcel.

PROPERTY CHARACTERISTICS

Severed Parcel

The severed parcel is primarily agricultural fields. The severed parcel is vacant.

Retained Parcel

The retained parcel is primarily agricultural fields with a small portion identified as being unevaluated wetland directly adjacent the Tay River. The Tay River is located on the southern boundary of the property. There is a residence and barn located on the retained parcel.

REVIEW

Natural Hazards - Floodplain

Severed Parcel

The severed parcel is entirely outside of the 1:100 year floodplain of the Tay River.

Retained Parcel

A portion of the retained parcel has been identified as being within the 1:100 year floodplain of the Tay River identified as being 156.09 metres geodetic. A residence and barn have already been established on the retained parcel. Based on the flood risk mapping, the existing development is located entirely outside of the 1:100 year floodplain of the Tay River with additional area available on the property outside of the floodplain. Therefore there is no anticipated impact on the floodplain as a result of this application.

Natural Heritage

Severed

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

Retained

Unevaluated Wetland

A small portion of the retained parcel has been identified as being within an unevaluated wetland directly adjacent to the Tay River. The development has already been established on the retained parcel therefore there is no anticipated impact on the wetland as a result of this severance application.

Watercourses

The Tay River has been identified along the southern boundary of the retained parcel. There is no anticipated impact on the Tay River as a result of this application.

Conservation Authority Regulation

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

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- Any development within the 1:100 year floodplain of the Tay River and the regulation limit requires the prior written approval of the Conservation Authority.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this severance application. 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.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted November 24, 2014.

The applicant proposes to sever 1.0 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, open field and treed along three sides. Tay Valley's geographic information system, CGIS, RVCA – Floodplain and Regulation Limit layer indicates that a portion of the proposed lot is on encroaching into the Regulation limit. No test pits were provided.

The retained parcel is 23 hectares. The property is developed with a dwelling and several outbuildings. The topography is similar to the proposed lot although a large portion of the land is within the Floodplain. The retained has approximately 450m of frontage on the Tay River with localized wetlands along the shoreline. No test pits were provided.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot. The MRSSO strongly suggests the reconfiguration of the proposed lot or a site specific survey to ensure that the proposed lot is outside the Floodplain Regulation Limit. Any sewage system replacement on the retained lot will be subject to approvals or permits from the Conservation Authority and the MRSSO. Given the above information, our office has no objections to the severance as proposed.

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

Lanark County Public Works

- 1/ Applicant has an approved existing entrance to the County Road. Permit No. 2511 applies. Lands to be severed to gain access off local municipal road (Christie Lake North Shore Road).
- 2/ Road Widening may be required.
- 3/ Survey to check for any former road.
- 4/ Survey plan to be submitted to Public Works prior to registration.

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 1.0-ha residential building lot and retain a 23.0-ha landholding with an existing dwelling and barns.

The subject lands are located in an area characterized by a mixture of residential lot types. The Tay River Tent and Trailer Park is located to the west approximately 300 m from the lot to be created.

The lands to be severed are accessed via Christie Lake North Shore Road, a municipally maintained road and the retained lands are accessed via Althorpe Road, a county maintained road.

Archaeological

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

Soils Inventory – Name: Wemyss

- Stoniness: moderately stony
- CLI: 4 – severe limitations
- Drainage: imperfectly
- Hydrogeology: moderate

Bedrock Inventory – marble, calc-silicate

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)

Official Plan Policies

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

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

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

- 3 Woodlands

The area has not been mapped as 'woodlands'.

Zoning

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

Conclusion

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

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

Statement.

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

(e) MINUTES – February 9, 2015

Eric Dixon, owner attended the hearing and gave evidence under oath.

Mr. Dixon advised that the r-o-w traverse along the westerly lot line of the proposed new lot and that they intended on widening the r-o-w to have it a shared entrance to this new lot.

Mr. Dixon also noted that there has been no problem with water that he is aware of.

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 Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

5. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
7. Payment of \$100. shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO strongly suggests the reconfiguration of the proposed lot or a site specific survey to ensure that the proposed lot is outside the Floodplain Regulation Limit. Any sewage system replacement on the retained lot will be subject to approvals or permits from the Conservation Authority and the MRSSO.*
2. *In additional the MRSSO advises that an approved septic permit is required prior to the issuance of most building permits.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The Rideau Valley Conservation Authority advise that portions of the retained parcel is subject to Ontario Regulation 174/06. The Rideau*

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

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
- Any development within the 1:100 year floodplain of the Tay River and the regulation limit requires the prior written approval of the Conservation Authority.*

6. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.

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

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brenda M. Rowe
& Ernest A. Rowe

Hearing Date: February 9, 2015

Applicant: Brenda M. Rowe

LDC File #: B14/106

Municipality: Town of Carleton Place

Geographic Township: Beckwith

Lot: 20

Plan: 1844

Roll No.: 0928 030 055 10300

Consent Type: New Lot

Purpose and Effect: To sever a 237.86 sq.m. residential building lot and retain a 365.4 sq.m. residential lot with an existing dwelling at 120 Mary St.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	237.86 sq.m.	365.4 sq.m.
Frontage	10.6 m	16.3 m
Depth	22.44 m	22.42 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Public System	Public System
Sewage Disposal	Proposed Public System	Public System
Development Permit	Residential	Residential
By-law Category		
-Area (minimum)	Coverage 60%	Coverage 60%
-Compliance?		
-Frontage (minimum)	10.6 m	10.6 m
-Compliance?	Yes	Yes

Official Plan Designation: Residential

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

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

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

Local Official Plan – Section 3 General Policies, Section 4.2 Residential Policies, Section 5.5 Local Roads, Section 7.71 Consents. The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

Development Permit By-law - Section 3 General Provisions, Section 5.0 Residential.

The Town of Carleton Place advises that the proposal complies with the Development Permit 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 - Summary

A consent application has been received for the property known municipally as 120 Mary Street. The lot is located on the south side of Mary Street, to the east of Franktown Road. The subject lands are legally described as Lot 20 on plan 1844.

This consent application is for the proposed creation of a 237.86 m² residential building lot with frontage of 10.6m. The retained parcel is to be 365.4 m² with a frontage of 16.3m and includes the existing dwelling at 120 Mary Street. Currently there is a garage located on the property which will be required to be moved off of the proposed severed lands. The applicant has consulted with the building and planning departments to determine the appropriate location for the garage on the proposed retained lands and an application form has been picked up.

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also indicates that the designation is Residential (R). The effect of the severance will be to allow for a new residential infill lot to be created. Both the retained and severed lot will have the minimum frontage required under the Development Permit By-law.

COMMENT

The proposal, if approved, will provide a new residential infill lot which is appropriately designated in both the Official Plan and Development Permit By-law. As with any severance application, staff compiles a list of conditions that the applicant must meet before final approval and the creation of new deeds. It should be noted that once the County makes a decision, the applicant must clear all conditions within one year from the date of that decision.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.

2. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
3. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
4. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
 - Adequate frontage along the maintained road
 - Adequate access along the maintained road
 - Compliance with the Ontario Building CodeShould compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
5. The new lot and any structures to be built on will not be permitted any variations to the provisions in the Development Permit By-law of the Town of Carleton Place unless a separate Development Permit application is submitted and approved.
6. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

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:

Leslie and Charles Webb – Dec 12, 2014.

The map included on the letter does not properly represent the property, as Atrim Street is not identified at all. This puts into question the representation of the entire notice, from this landowner's perspective. It appeals that the 'backyard' of 120 Mary Street may be a separate parcel. Is this a precursor to further severances.

Considering the time of year we feel that the length of time allowed for the giving and acknowledgement of recommendations is insufficient.

We wish to book an appointment to get further information on this application.

NOTE: Ms. Webb was advised that the 'sketch' was for reference purposes only and may not be to scale and that complete details with clear measurements was available with the application. A copy of the application together with the submitted survey plan was forwarded to Ms. Webb.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 237.86 sq.m. residential building lot and retain a 365.4 sq.m. residential building lot with an existing dwelling at 120 Mary Street.

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

The lands are accessed via Mary, 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. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision.
Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
- 3 Woodlands
The Town of Carleton Place utilizes a 'Tree Preservation Plan' system.

Development Permit By-law

The subject property is currently within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and any dwelling constructed on the lands will be

required to meet the 60% lot coverage requirement of the Development Permit By-law.

Conclusion

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

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

(e) MINUTES – February 9, 2015

Brenda MacDonald-Rowe and Ernest Rowe, owners attended the hearing and gave evidence under oath.

Mr. Rowe advised that they have taken out a permit to re-locate the garage approximately 3 to 4 feet west (closer to the existing dwelling) so that the structure would be located entirely on the retained lands.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
5. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
6. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
 - (a) Adequate frontage along the maintained road;
 - (b) Adequate access along the maintained road;
 - (c) Compliance with the Ontario Building Code;
 - (d) Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance; and
 - (e) That the existing garage has been relocated to conform to the Town's Development Permit By-law.
7. The new lot and any structures to be built on will not be permitted any variations to the provisions in the Development Permit By-law of the Town of Carleton Place unless a separate Development Permit application is submitted and approved.
8. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #10 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT
CONCURRENT APPLICATIONS**

Owner: Richard & Shirley Montcalm **Hearing Date:** February 9, 2015
Agent: Michael Chinkiwsky **LDC File #:** B14/117
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 9 **Conc.:** 10
Roll No.: 0911 914 010 40105 **Consent Type:** New Lot

Purpose and Effect: To sever an easement for Right-of-Way purposes in favour of Anna E Miles, Catherine E Miles, James M Miles and David W Miles at 542 Silver Lake Lane 22A.

Owner: Wayne & Joanne Wesley **Hearing Date:** February 9, 2015
Agent: Michael Chinkiwsky **LDC File #:** B14/118
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 9 **Conc.:** 10
Roll No.: 0911 914 010 43200 **Consent Type:** New Lot

Purpose and Effect: To sever an easement for Right-of-Way purposes in favour of Anna E Miles, Catherine E Miles, James M Miles and David W Miles at 542 Silver Lake Lane 22A.

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.

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

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

Local Official Plan - Section 2 General Development Policies, Section 2.18 Cultural Heritage, Section 2.19 Natural Hazards, Section 2.221 Natural Heritage Features, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 4.5 Private Roads, Section 5.2 Land Division. Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential, Section 10 Rural Zones.

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

The proposal is to sever a right of way over an existing access to a property located at 542 Silver Lake Lane 22A. Official Plan Designation: Rural. Applicable Sections: 4.5 Private Roads, 5.2.3 Consent Policies – both of these sections do not permit the creation of new private roads.

Zoning By-law Category: Rural

The severance over the right-of-way in favour of the property at 542 Silver Lake Lane is not interpreted as the creation of a new private road. The right of way is remaining in its current location.

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

1/ That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

2/ That, the applicant pay any outstanding fees to the Township prior to final approval.

That, two (2) copies of an acceptable reference plan or legal description

of the severed lands and the deed/transfer be submitted to the Township.

(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.

Mary Kirkham

From: greg ellis <ellis200@hotmail.com>
Sent: January 12, 2015 4:50 PM
To: Mary Kirkham
Subject: File # B14/118 & B14/117

Hi, I recently received letters regarding the above noted Applications for consent. I have reviewed the letters and am not quite sure of the intent. It appears that the application is for a right of way for the Miles' property (542 Silver Lake Lane 22) on the existing right of way that passes through Wayne Wesley's and Richard Montcalm's property.

I believe that my property at 564 Silver Lake Lane 22 has access to this existing right of way. I am unsure of the intent of the Miles' application, unless perhaps their entitlement to this right of way was not included on the original deed for their property.

If this is the case, we have no issue with this application. However, if my understanding is not correct, I would like to be included in the process of receiving more information.

I am wondering why the Application for Consent process does not require that the information be provided to adjacent landowners in a format that can be easily understood by adjacent landowners, and not just planners, lawyers and administrative staff that are familiar with this process.

Greg & Lynn Ellis
564 Silver Lake Lane 22
Maberly, Ontario

From: Reinhard Weise [mailto:reinhardweise@gmail.com]
Sent: January 8, 2015 12:16 PM
To: Mary Kirkham
Subject: File No.:B14/117 and 118 Notices of Application for consent, Circulation Notices

1

Dear Ms.Kirkham,

My spouse Catherine and I are owners of # 577 on Silver Lake Lane 22A and we have recently received your notifications regarding matters pertaining to the severance of an easement for Right Of Way purposes in favour of the Miles's.

We do not fully understand the details of the notices but believe that we do not need to take any action in order to preserve the status quo, i.e. our Right Of Way to access our property.

The only reason we are contacting you today is that both notices indicate "R-O-W To Be Severed" with arrows pointing to Silver Lake Lane 22 as well as to Silver Lake Lane 22A and we wish to make sure, as stated, that our ROW via these Lanes remains as is.

Thank You,

Reinhard Weise

NOTE – both of the above were advised that the purpose of the severance is to provide 'legal rights' to the owner of 542 Silver Lake Lane to use the access known as Silver Lake Lane 22 and Silver Lake Lane 22A.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever the existing easement (R-O-W) over Silver Lake Lane 22 and Silver Lake Lane 22A in favour of Anna Elizabeth Miles, Catherine Elizabeth Miles, James Mackenzie Miles and David William Miles.

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

Zoning

The subject property is currently within the rural and seasonal residential sections of the Zoning By-law. The r-o-w already exists and no changes are proposed.

Conclusion

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

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

(e) **MINUTES – February 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.

The same conditions apply to both severances:

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 Anna Elizabeth Miles, Catharine Elizabeth Miles, James Mackenzie Miles and David William Miles at Pt Lot 9 Conc. 10 South Sherbrooke being Parts 8 through 13 on Plan 27R-6244 (542 Silver Lake Lane 22A).
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 1427386 Ont. Ltd.

Hearing Date: February 9, 2015

Agent: N/A

LDC File #: B14/119

Municipality: Town of Carleton Place

Geographic Township: Ramsay

Lot: 16

Plan.: 1222

Roll No.: 0928 010 020 33400

Consent Type: New Lot

Purpose and Effect:

To sever a 359 sq.m. residential lot with a semi-detached unit at 342 Dufferin Street and retain a 274.28 sq.m. residential lot with an existing semi-detached unit at 340 Dufferin Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	359 sq.m. 10.82 m 33.18 m Municipal Road	274.28 sq.m. 8.99 m 30.51 m Municipal Road
Water Supply Sewage Disposal	Public System Public System	Public System Public System
Development Permit By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential Coverage 60% 10.6 m Yes	Residential Coverage 60% 10.6 m Yes

Official Plan Designation: Residential

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

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

a) the use of existing infrastructure and public service facilities should be optimized; and

b) opportunities for adoptive re-use should be considered, wherever feasible.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

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

Local Official Plan – Section 3 General Policies, Section 4.2 Residential Policies, Section 5.5 Local Roads, Section 7.71 Consents. The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

Development Permit By-law - Section 3 General Provisions, Section 5.0 Residential.

The Town of Carleton Place advises that the proposal complies with the Development Permit 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 - SUMMARY

The Fire Marshal and the Director, Building and Development Branch, Ministry of Municipal Affairs and Housing have jointly written the distributed letter to all CAOs, Fire Chiefs and Chief Building Officials to address any confusion that may exist about the issuance of building permits for alterations to existing buildings that may be required to bring them into compliance with the Ontario Fire Code, The Fire Protection and Prevention Act 1997 provides that any repairs, alterations or installations carried out for the purposes of complying with the Fire Code shall be deemed not to contravene the Building Code.

A consent application has been received for the property known municipally as 340-342 Dufferin Street. The subject lands are legally described as Lot 16 on Plan 1222.

This consent application is to sever a 359m lot and retain a 274.28m for a semidetached dwelling which has been constructed on Dufferin Street.

The Provincial Policy Statement, 2014 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the province depends upon a "strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy." The policy statement directs development to settlement areas and protects resources throughout the province.

Section 1.0 of the statement, Building Strong Healthy Communities, stresses efficient development patterns by supporting infill development, utilizing existing infrastructure and promoting opportunities to create a varied built form.

Section 2.0 of the statement protects resources and section 3.0 outlines policies to direct development away from areas of potential hazards.

The proposed severance complies and is consistent with policy directions within the Provincial Policy Statement.

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the

existing small town character. The Development Permit By-law also designated the property as residential (R). The severance will allow the division of the semi-detach dwelling unit into two separate units under individual ownerships. Both the retained and severed lot will meet the minimum frontage required under the Development Permit By-law.

A previous Development Permit, DP2-02-2014 has been approved which allows for the garage width to be increased from the allowable 40% coverage to 48% coverage. A severance application has previously been granted to divide the parent lot in half between Moffatt Street and Dufferin Street (B14/025).

COMMENT

The proposal, if approved, will provide for the opportunity of individual ownership to both sides of the semi-detached dwelling which is appropriately designated in both the Official Plan and Development Permit By-law. As with any severance application, staff compiles a list of conditions that the applicant must meet before final approval and the creation of new deeds. It should be noted that once the County makes a decision, the applicant must clear all conditions within one year from the date of that decision.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

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 359 sq.m. parcel of land and retain a 274.28 sq.m. parcel of land. The division of the lands will enable separate ownership of each side of the semi-detached unit constructed on the property.

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

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

Official Plan Policies

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

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

2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision.

Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.

- 3 Woodlands

The Town of Carleton Place utilizes a 'Tree Preservation Plan' system.

Development Permit

The subject property is currently within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is

required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – February 9, 2015

Len Fraser, agent attended the hearing and gave evidence under oath.

Mr. Fraser advised that the survey has been completed to determine the centre line of the basement wall separating the semi-detached dwelling unit.

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 Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

5. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan in NAD83 datum.
6. A letter shall be received from the Town of Carleton Place stating that condition #3 through #5 has been fulfilled to their satisfaction.