
The Land Division Committee met in regular session on Monday, January 19, 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

Page

1. CALL TO ORDER

The Secretary-Treasurer called the first meeting of the new Land Division Committee term to order.

2. APPOINTMENT OF CHAIR

The Secretary-Treasurer called for nominations for the appointment of Chair for the term 2015 to 2019.

MOTION #LD-2015-01

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, R. Strachan be nominated as chair for the Land Division Committee for the 2015 to 2019 term."

ADOPTED

There were no further nominations. R. Strachan assumed the position of Chair.

3. DISCLOSURE OF PECUNIARY INTEREST

None

4. APPROVAL OF MINUTES

MOTION #LD-2015-02

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on November 24, 2014 be approved as circulated."

ADOPTED

5. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-03

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

"THAT, the agenda be adopted as presented."

ADOPTED

6. DELEGATIONS & PRESENTATIONS

6.1 iPad training - Ryan Carroll and Mike Bothwell
(2:00 p.m.)

7. NEW APPLICATIONS

The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. and 1:30 p.m. public hearings.

7.1 B14/071 and B14/072 – Jeffrey and Kelly Ann McMaster – two new lots

Pt. Lot 5 Con 2, geographic Township of Ramsay, now in the Town of Mississippi Mills. Tatlock Road.

7.2 B14/073, B14/074, B14/075 & B14/076 – Bernard Cameron – four new lots

Lot 88 to 91 Plan 6262, geographic Town of Almonte, now in the Town of Mississippi Mills.
Malcom Street and Dunn Street.

7.3 B14/077 – William Brien Paul – new lot

E Pt. Lot 15 Con 2, geographic Township of Dalhousie, now in the Township of Lanark Highlands.
Sugar Bush Way.

7.4 B14/084 & B14/085 – Walter Iwaniw - two lot additions

Pt. Lot 10 Con 7, Township of Beckwith.
9th Line Beckwith.

- 7.5 **B14/086 – McSweeney Const. Ltd – lot addition**
Pt. Lot 3 Con 4, geographic Township of Dalhousie, now in the Township of Lanark Highlands.
Iron Mine Road.
- 7.6 **B14/090 – Carolin Benoit – lot addition (concurrent application)**
B14/091 – Cynthia Cullen – lot addition (concurrent application)
Pt. Lot 29 Con 4, Township of Montague, Rideau Ave N.
- 7.7 **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.
- 7.8 **B14/094 – Howard and Judith Farrell – lot addition**
Pt. Lot 12 Con 8, geographic Township of North Burgess, now in Tay Valley Township.
Narrow’s Lock Road.
- 7.9 **B14/095 – Ian and Moe Rowsom – lot addition**
Pt. Lot 19 Con 1, geographic Township of Ramsay, now in the Town of Mississippi Mills. Clayton Lake Road.
- 7.10 **B14/099 – William Edmund Avery – lot addition**
Pt. Lot 5 Con 10, geographic Township of Bathurst, now in Tay Valley Township. Arthur Road.
- 7.11 **B14/102 – Georges Marchand & Susan Tannahill – new lot**
Pt. Lot 19 Con 11, geographic Township of Bathurst, now in Tay Valley Township. Hunter Side Road.
- 7.12 **B14/109 – Eleanor and Allan Code – lot addition**
Plan 276 Lot 61, Town of Carleton Place. Mill Street.

8. CHANGED APPLICATIONS

- 8.1 **Request to amend decision - B13/069 to B13/073 – Young**

Chad Young and Lisa Young, owners, Murray Chown (Novatech), Emma Blanchard (solicitor for the owners),

Tineke Kuiper (MVFN), Michael Macpherson (See Motion LD-2015-09) Tom Clark (MVFN), Tim Chadder (J.L.Richards) and Val Wilkinson (Mississippi Mills Councillor) attended the hearing.

The chair outlined the purpose of the hearing, which was to consider the changes to Conditions No. 8 and 11 for applications B13/070, B13/071, B13/072 and B13/073 as submitted (See Motion LD-2015-09) requested by the Town of Mississippi Mills Planning Consultant.

Mr. Chown, noted that the conditions for the consent application are before the Ontario Municipal Board and the Town has the opportunity to ask for these changes before the Board.

Committee reviewed the staff report and agreed that the changes requested clarify the intent of the conditions, and therefore should be deemed as minor.

MOTION #LD-2015-04

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

(NOTE: deleted wording is shown as "~~deleted~~" and new wording is shown as "**new wording**".

"THAT, *the provision consent conditions No. 8, No. 11 and No. 15, for Consents B13/070, B13/071, B13/072 and B13/073 be changed to read as follows:*

No. 8 *The applicant shall submit a ~~final~~ hydrogeological report prepared by a qualified professional, **confirming that each of the residential lots being created can be supported by private individual water and sewage systems.** ~~supporting development of private individual water and sewage systems for each of the residential lots being created.~~ The report shall be **to the satisfaction** ~~submitted to~~ **of** the Town of Mississippi Mills **and the Mississippi Valley Conservation Authority.***

No. 11 ~~The applicant shall submit an application for an~~

~~amendment to the Town's Zoning By-law to address frontage on a private road and permitted building envelope on the severed and retained lands. **That prior to final approval by the County, the Land Division Committee Secretary-Treasurer be advised by the Town of Mississippi Mills that any zoning issues identified are appropriately satisfied and that the lots to be severed and the lot to be retained are zoned to an appropriate zoning category for the intended use.** The applicant shall consult directly with the Town of Mississippi Mills in this regard.~~

No. 15 A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #8, 9(e), 10, 12 and 13 has been fulfilled to their satisfaction.

AND THAT, in accordance with Section 53(26) of the Planning Act, the Committee deems the changes to the conditions as minor and no notice is required."

ADOPTED

9. CONFIDENTIAL REPORTS

None

10. COMMUNICATIONS/OTHER BUSINESS

10.1 Hydrogeological Investigations

10.2 McIntosh Perry Surveying – John Goltz OLS

Request to consider revision to Consent Application B14/064 – Hassett.

It was discovered through the survey process that the frontage shown on the sketch as 108 metres, may have been in error, as the actual distance needed to include the driveway to the lot is 169.6 metres.

Seldon and Jamie Gravel were in attendance and explained that they had written the wrong dimensions on their application.

The dimensions shown on the application are – 108 x 135 m or 1.458-ha – the revised dimensions are 169.6 x 135 m or 2.289-ha.

MOTION #LD-2015-05

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

"THAT, the provisional consent conditions for B14/064 approved Nov 10, 2014 be amended/changed to reflect the revised sketch based on the e-mail dated January 9, 2015.

AND THAT, in accordance with Section 53(26) of the Planning Act, the Committee deems the changes to the conditions as minor and no notice is required."

ADOPTED

11. PROVISIONAL CONSENT GRANTED

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

The hearings recessed for lunch between 12:15 p.m. and 1:30 p.m.

- 9 - 25 11.1 **B14/071 and B14/072 – Jeffrey and Kelly Ann McMaster – two new lots**

- 26 - 44 11.2 **B14/073, B14/074, B14/075 & B14/076 – Bernard Cameron – four new lots**

- 45 - 55 11.3 **B14/077 – William Brien Paul – new lot**

- 56 - 67 11.4 **B14/084 & B14/085 – Walter Iwaniw - two lot additions**

- 68 - 77 11.5 **B14/086 – McSweeney Const. Ltd – lot addition**

- 78 - 85 11.6 **B14/090 – Carolin Benoit – lot addition (concurrent application)**
 B14/091 – Cynthia Cullen – lot addition (concurrent application)

- 86 - 95 11.7 **B14/094 – Howard and Judith Farrell – lot addition**

- 96 - 107 11.8 **B14/095 – Ian and Moe Rowsom – lot addition**

- 108 - 118 11.9 **B14/102 – Georges Marchand & Susan Tannahill – new lot**

119 - 125 11.10 **B14/109 – Eleanor and Allan Code – lot addition**

12. PROVISIONAL CONSENT DEFERRED

126 - 133 12.1 **B14/092 – John Ronald Fournier – lot addition**

MOTION #LD-2015-06

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

"THAT, Consent Application B14/092 be deferred to provide the applicant and his agent with an opportunity to discuss the non-compliance / non-conformity of the consolidated lot with the Planner for Tay Valley Township."

ADOPTED

134 - 142 12.2 **B14/099 – William Edmund Avery – lot addition**

MOTION #LD-2015-07

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

"THAT, Consent Application B14/099 be deferred to enable the owner / applicant to attend the hearing to provide additional background information on the unopened road allowance."

ADOPTED

13. UPCOMING MEETINGS AND NOTICES

- February 9, 2015 at 9:00 a.m.
- 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.

14. ADJOURNMENT

MOTION #LD-2015-08

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

"THAT, the meeting do now adjourn at 3:10 p.m."



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jeffery & Kelly McMaster

Hearing Date: January 19, 2015

Agent: Tracy Zander, ZanderPlan

LDC File #: B14/071 & B14/072

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 5

Conc.: 2

Roll No.: 0931 929 030 04300

Consent Type: New Lots

Purpose and Effect: To sever two residential building lots (4.06-ha each) and retain a 32.24-ha vacant landholding. The lands are accessed via Tatlock Road.

DETAILS OF PROPOSAL	Severed B14/071	Severed B14/072
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	4.06 ha 60 m 325 m irregular County Road	4.06 ha 120 m 338 m County Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 1.0-ha Yes 45 m Yes	Rural 1.0-ha Yes 45 m Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Vacant
Proposed Use	Vacant
Area	32.24 ha
Frontage	186.47 m
Depth	526.54 m irregular
Road - Access to	County Road
Water Supply	Proposed well
Sewage Disposal	Proposed septic
Zoning By-law Category	Rural (non-residential)
-Area (minimum)	10.0-ha
-Compliance?	Yes
-Frontage (minimum)	150 m
-Compliance?	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.

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan - Section 2 Basis of Plan, section 3.1 Environmental Land Use Policies, Section 3.3 Rural Policies, S 4 General Policies, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

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

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

(b) AGENCY REVIEW

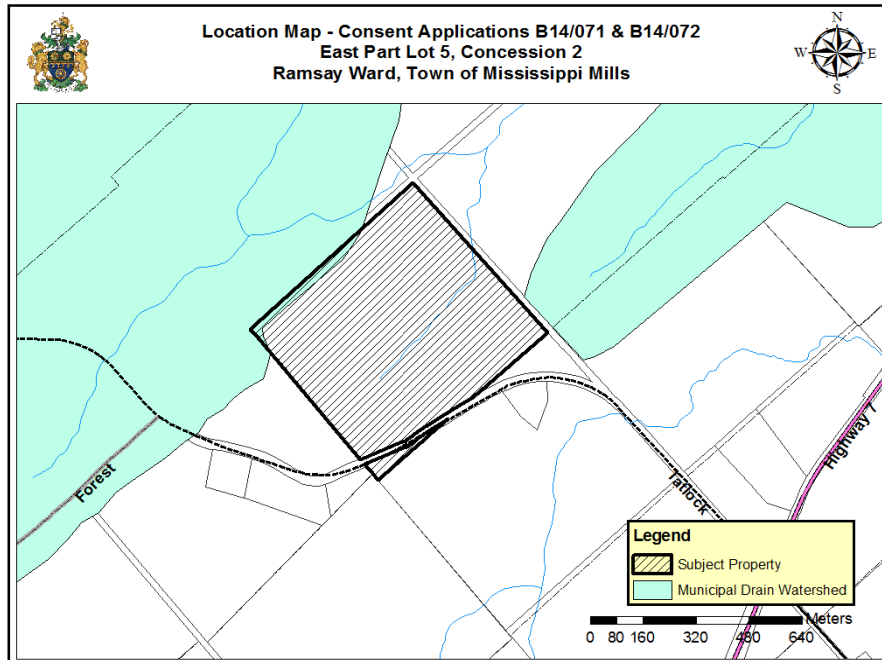
This application has been circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Town Planner's Report -

PURPOSE AND EFFECT OF APPLICATIONThe applicant has submitted consent applications to the County of Lanark requesting to create two (2) rural-residential building lots by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on each of the intended severed lots, while the retained lot would remain vacant. The proposed severed lots would comprise approximately ± 4.06 ha (10.02ac) in lot area with lot frontages of ± 120 m (393.70ft) and ± 60 m (196.85ft) along Tatlock Road. The proposed retained lot would maintain a lot area of ± 32.22 ha (79.63ac) and a lot frontage of ± 186.47 m (611.78ft) along Tatlock Road. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USEThe subject property is located on the north side of Tatlock Road, east of Old Perth Road and in the Ward of Ramsay. The property is ± 40.34 ha (99.67ac) in size with a lot frontage of ± 366.47 m (1202.33ft) along Tatlock Road and resembles an original township lot. The vacant property is heavily treed, surrounded by rural properties and has a small stream flowing through it from the east side.

The property is designated "Rural" in the Town's Community Official Plan (COP) and zoned "Rural (RU)" by Zoning By-law #11-83. The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject lands are currently vacant and front onto Tatlock Road, a County owned and maintained road. The applicant has applied for residential entrance permits to provide access to the proposed severed parcels (County Road Entrance Permit Nos. 2498 and 2499). The proposed severed parcels would be serviced by new private well and septic services and the proposed retained parcel would remain vacant.

The Town's Director of Roads and Public Works has noted that the property falls within the watershed of the Hilliard Municipal Drain and should the severed parcels fall within this area that the prospective buyers should be notified that Drainage Act requirements apply. However, as depicted in the above location map, it is clear that the watershed only covers a small portion at the north side of the property and that the severed parcels at the south side of the property would be unaffected. As such, the watershed would remain completely on the retained parcel and should the owner wish to sell this parcel prospective buyers should be notified of the applicable Drainage Act requirements.

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

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

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

PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

1.1.5 Rural Lands in Municipalities

1.1.5.2 On rural lands located in municipalities, permitted uses are:

c) limited residential development.

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

Staff notes that the addition of two (2) rural-residential building lots would be considered "limited residential development", and that such developments would be compatible with the rural character of the surrounding area as there are a number of rural-residential properties located along Tatlock Road.

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

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

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

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

COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural" in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and accessory uses.

Rural Consent Policies

Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation.

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

The sketch submitted in consideration of the application demonstrates that the proposed entrance locations to the intended retained and severed parcels are located 150 metres from each other.

As the proposed severed lots would comprise ± 4.06 ha, there would appear to be sufficient area to accommodate the required on-site private services. The proposed retained lot would comprise ± 32.22 ha in area, so there would be sufficient space to accommodate private services if the owner chooses to construct a detached dwelling at some point in the future. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The proposed retained and severed lots would have frontage along Tatlock Road, a County owned and maintained public road. As noted, the applicant has applied to the County for residential entrance permits to the proposed severed parcels (County Road Entrance Permit Nos. 2498 and 2499).

The intended severed parcels would be ± 4.06 ha in size, while the proposed retained parcel would maintain a lot area of ± 32.22 ha.

There are no active agricultural operations within 30 metres of the subject property.

The majority of the subject property contains much vegetation and trees. In order to proceed with the subject consent application, the removal of existing trees and vegetation is unavoidable. While the removal of trees and vegetation to make way for development is never ideal, Staff notes that the retained parcel would remain vacant. As such, Staff is supportive of the proposed building envelope location, but recommends as a condition of consent approval that a tree retention plan be provided by the applicant to the satisfaction of the Town. Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

ZONING BY-LAW #11-83

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

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	PROPOSED SEVERED LOT #1	PROPOSED SEVERED LOT #2	BY-LAW REQUIREMENT (RURAL LOT)	PROPOSED RETAINED LOT
Lot Area (ha)	1	4.06	4.06	10	32.22
Lot Frontage (m)	45	120	60	150	186.47

As noted in the above table, the proposed severed lots would exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone. With a proposed lot area of 32.22ha and a proposed lot frontage of 186.47m, the intended retained lot would also exceed the minimum lot area and lot frontage requirements for a rural lot. As an existing stream would flow through the proposed severed parcels, both lots would need to ensure that the proposed detached dwellings are located at least 30 metres from the watercourse as required by Section 6.24 of Zoning By-law #11-83. In addition, the residences must be located greater than 30 metres from the centreline of the County road (Tatlock Road), as per Section 6.27 of the zoning by-law.

CONCLUSION

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

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 property;
4. That the applicant acquires all required building permits;
5. That the applicant provides a tree retention plan to the satisfaction of the Town; and,
6. That the applicant demonstrates to the Town of Mississippi Mills that access can be provided to the severed parcels, and obtains

residential entrance permits to access the lands.

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 two vacant lots, each measuring 10.02 ha, and retain a vacant lot measuring 79.63 ac.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, a large section of an unclassified wetland exists onto the subject property. This wetland occupies a large portion of the eastern section of the retained lands and extends into the northern section of both proposed severed parcels. In addition, an unnamed watercourse flows through this wetland, into the retained and severed parcels. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Heritage Values

Wetland

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

Watercourses

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

A development setback of 30 m appears to be achievable from the wetland and unnamed watercourse.

Natural Hazards

Organic Soils

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

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the subject applications provided the following mitigative measures are implemented on the retained and severed lands, for future development:

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

NOTES

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

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

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed B14/071 – Relatively flat bush lot with several visible rock outcrops. 0-50 centimetres of silty clay soil. Fair drainage. The lot proposed for severance is large enough to accommodate on-site sewage disposal. Imported leaching bed fill will be required to construct a conforming septic system.

Severed B14/072 – Fair drainage. 0-50 centimetres of silty loam soil over bedrock. Several visible rock out-crops. Relatively flat lot that slopes away at the northern boundary and slightly to the east. Imported leaching bed fill will be required to construct a conforming septic system on this lot. The lot is large enough to accommodate on-site sewage disposal.

Retained – Large bush lot with varying slopes and soil conditions. Fair drainage. No existing buildings. Severing this lot will not negatively impact the potential for on-site sewage disposal on the retained land.

County Roads Department -

- 1/ Applicant has a approved entrance location to the County Road.
- 2/ Entrance to be installed prior to deed endorsement.
- 3/ Land to be severed y B14/071 has an approved entrance location. Permit #2497 applies. Land to be severed by B14/072 has an approved entrance location. Permit application #2498 applies. Land to be retained has an approved entrance location. Permit application #2499 applies. Full entrance applications must be submitted and entrances installed prior to deed endorsement.
- 4/ Standard clauses for road widening, road closing approvals and documentation to be included as conditions.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two (2) residential building lots 4.06-ha each and retain a 32.24-ha vacant landholding.

The subject lands are located in an area characterized by typical rural

development on larger type landholdings intermixed with larger tracts of vacant land.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – diorite, gabbro

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

Official Plan Policies

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

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

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

3 Woodlands

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

established by the Town of Mississippi Mills.

Zoning

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

Conclusion

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

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

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

(e) MINUTES – January 19, 2015

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

Ms. Zander noted that road widening for Tatlock Road had taken place previously, and a by-law was adopted to incorporate the lands into the road system, however the by-law was not registered. This will be undertaken as part of the Public Works conditions.

Ms. Zander also noted that the requirements of a 'tree retention plan' may be premature as these lands are going for sale as vacant lots. Therefore the plan would be better served during the building permit stage.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The same conditions apply to both lots

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed/transfer required by Condition #1 above, shall include the following condition "A tributary of the unnamed watercourse and unnamed wetland. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the tributary and the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG and a .PDF file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.

8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
10. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
11. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
12. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Town of Mississippi Mills, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
13. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
14. A letter shall be received from the County of Lanark Public Works Department stating that conditions #8 through 13 has been fulfilled to their satisfaction.

15. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Mississippi Mills advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws, at which time a Tree Retention Plan may be required.*
2. *The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the unnamed watercourse.*
3. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the wetland or watercourse, in order to assess potential impacts to fish habitat.*
4. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will be required to construct a conforming septic system.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate

species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Bernard Cameron

Hearing Date: January 19, 2015

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B14/073, B14/074, B14/075 & B14/076

Municipality: Town of Mississippi Mills

Geographic Town: Almonte

Lots: F,G & H **Plan.:** Cameron Section, Plan 6262

Roll No.: 0931 010 015 06500

Consent Type: New Lots

Purpose and Effect: To sever four (4) residential building lots (484.65 m² each) and retain an 8.65-ha residential lot with an existing dwelling and outbuildings located at 297 Strathburn Street. The lands are accessed via Dunn Street and Malcom Street.

DETAILS OF PROPOSAL	Lands to be Severed B14/073	Lands to be Severed B14/074
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	484.65 m ² 18.0 m 27.0 m Municipal Road	484.65 m ² 18.0 m 27.0 m Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Proposed Public System Proposed Public System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Development Will require re-zoning	Development Will require re-zoning

DETAILS OF PROPOSAL	Lands to be Severed B14/075	Lands Severed B14/076
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	484.65 m ² 18.0 m 27.0 m Municipal Road	484.65 m ² 18.0 m 27.0 m Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Proposed Public System Proposed Public System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Development Will require re-zoning	Development Will require re-zoning

DETAILS OF PROPOSAL	Lands Retained
Existing Use Proposed Use	Residential Residential
Area Frontage Depth Road - Access to	9.65-ha 451.84 m 181.04 m Municipal Road
Water Supply Sewage Disposal	Individual Well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Development Existing uses permitted

Official Plan Designation: Residential

Compliance: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.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, Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 Basis of Plan, Section 3.6 Residential, Section 4 General Policies, Section 5.3.11 Consent to Sever Land. The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan.

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

The Town of Mississippi Mills advises that the proposal will require rezoning as a condition of consent in order to be development as a Residential lot.

(b) **AGENCY REVIEW**

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

Town Planner's Report-

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted consent applications to the County of Lanark requesting to create four (4) residential infill building lots by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on each of the intended severed parcels. The proposed severed lots would comprise $\pm 484.65\text{m}^2$ (0.12ac) in lot area with lot frontages of $\pm 18\text{m}$ (59.06ft). The first of the two proposed severed lots (Severed Lot Nos. 1 and 2) are accessed via Dunn Street, while the second two proposed lots (Severed Lot Nos. 3 and 4) are accessed via Malcolm Street. As the third proposed severed lot is a corner lot, it would also have a frontage of $\pm 27\text{m}$ along Dunn Street. The proposed retained lot would have a lot area of $\pm 8.65\text{ha}$ (21.38ac) while maintaining $\pm 25.62\text{m}$ (84.06ft) of frontage along Dunn Street, $\pm 181.04\text{m}$ (593.96ft) along Malcolm Street, $\pm 451.84\text{m}$ (1482.41ft) along Strathburn Street and $\pm 241.72\text{m}$ (793.04ft) along Christian Street.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located at the approximate northwest corner of the Ward of Almonte, south of Strathburn Street and east of Christian Street (County Road 29). Based on the existing $\pm 8.85\text{ha}$ (21.86ac) lot area of the property, Staff would describe the lot as being significantly oversized compared to other lots in the surrounding neighbourhood. The property contains many trees and vegetation and is currently occupied by a detached dwelling and a detached garage. A watercourse known as the "Wolfe Grove Creek" flows through the property and up into the Mississippi River and a second small stream flows into the creek from the southwest corner of the property. The property itself is known as "The Glen" and is designated as being of architectural and historical value and interest by way of former Town of Almonte By-law #3-1984, in accordance with the *Ontario Heritage Act, R.S.O. 1990*.

The subject property is generally surrounded by vacant future residential properties to the north, low density residential properties to the east and south, and land designated for future industrial development to the west. An unopened right-of-way borders the south side of the property from Christian Street to the intersection of Dunn Street and Colina Street. The property is designated "Residential" in the Town's Community Official Plan (COP) and zoned "Development (D)" by Comprehensive Zoning By-law #11-83.

SERVICING & INFRASTRUCTURE

The subject property is currently serviced by private well and septic services and accessed via Strathburn Street and Malcolm Street, municipally owned and maintained roads. The property also has frontage along Christian Street, a County owned and maintained road, as well as Dunn Street, a municipally owned and maintained road. The proposed severed parcels would be serviced by municipal water and sewer services and would have driveway access from either Dunn Street or Malcolm Street. The Town's Director of Roads and Public Works reviewed the proposal and provided the following comments:

Severance 1 and Severance 2

- No road dedication required;
- These lots front onto a street that does not presently have existing water and sanitary sewers available however there are lines nearby on Colina Street to the south;
- There are no storm sewers on Dunn Street;
- Applicant to enter into a Development Agreement for the extension of water and sewer mains and services to serve the subject properties;
- Drinking Water Works Permit required for watermain extension as per MOE requirements under Safe Drinking Water Act;
- MOE approval required for sanitary extension as per Ontario Water Resources Act;
- Owner shall submit detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
- Owner shall submit detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

Severance 3 and Severance 4

- No road dedication required;
- These lots front onto a street that has existing water and sanitary sewers are available;
- There are no storm sewers on Malcolm Street;
- Applicant to enter into a Development Agreement for the extension of water and sewer services to service the subject properties;
- Owner shall submit detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
- Owner shall submit detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

As the proposal is an infill development, the above requirements will be addressed through the Site Plan Control process.

EVALUATION OF THE APPLICATION - HERITAGE DESIGNATION

As previously noted, the subject property is designated as being of architectural and historical value and interest by way of former Town of Almonte By-law #3-1984, in accordance with the *Ontario Heritage Act, R.S.O. 1990*. A review By-law #3-1984 reveals that while the entire site appears to be protected, the designation is largely tied to the architectural and historical significance of the existing residence on the site.

To assist with the review of the application, Staff circulated the proposal to the Town's Heritage Committee. The Committee reviewed the proposal at their November 18th, 2014 meeting and expressed no concerns with the proposed severances. However, the Committee did pass a motion requesting the following:

"THAT the Heritage Committee has no objections to the proposed lot severances on The Glen as presented.

AND FURTHERMORE THAT the Heritage Committee would like to engage the owner in updating their designation by-law to reflect any new information, any updates to the structure as well as possibly including the historical garden.

Staff notes that as per Section 4.3.3(1) of the Town's COP, Council is required to consult with the Heritage Committee for any development on land involving heritage resources or adjacent to heritage resources. Due to the infill nature of the proposal, any future development would be subject to Site Plan Control. Such a review would help ensure that any new development satisfies Section 4.3.3(2) of the COP, which requires development to be compatible with the conservation or enhancement of the heritage values of identified resources.

As the heritage designation currently affects the entire property, the severed lots would continue to maintain this heritage designation. As noted above, the Heritage Committee will be engaging the owner in updating the designation by-law to reflect any new information, any updates to the existing residence and possibly including the garden. At this time, the by-law would be amended to reflect the updated legal description of the retained parcel from the severances so that the severed parcels would no longer be designated.

PLANNING ACT, R.S.O 1990

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

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

PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

1.1.1 Healthy, liveable and safe communities are sustained by:

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

The proposed severance arrangement leaves a ±25.62m gap along Dunn Street between the first two proposed severed lots and the second two. A future residential building lot could be accommodated in this area, so the Town's Director of Roads and Public Works has noted that the proposed severance arrangement may prevent future development in this location as it may be costly and/or difficult to extend municipal services again to this area. The owner has noted that the reason for the gap between the proposed severed lots is to protect a historical garden which exists in this area, but later clarified that the garden has no heritage value. As such, the Town asked the applicant to provide further justification for the proposed severance arrangement.

The applicant has noted that although it may be more costly to extend services again to this specific area, the development potential of the retained parcel has not been blocked off in any way. The retained parcel consists of ±8.65ha (21.38ac) of land, with frontage in numerous places. This portion of the retained lands between the two sets of severances could be any number of things in the future, including a new street access onto the retained lands, a separate lot, or even a park block. As such, the proposal is consistent with the above policy.

1.1.2 Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

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

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.

The subject property is designated "Residential" in the Town's COP and zoned "Development (D)" by Zoning By-law #11-83. As such, the property is designated for future residential development. The property is considered significantly oversized compared to surrounding residential properties and the COP identifies the Ward of Almonte as a "settlement

area" suitable for residential development and intensification. Appropriate municipal water and sewer services are also available to service the proposed development. Therefore, this property has been identified as suitable for low density residential infilling and the proposal is consistent with the relevant policies of the PPS.

COMMUNITY OFFICIAL PLAN

Residential Designation

The subject property is designated "Residential" in the Town's COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement the goal of a balanced supply of housing within the Town. The following provides an analysis of the proposal against relevant objectives:

- *Promote and support development which provides for affordable, rental and/or increased density of housing types.*

The infill nature of the proposal would provide an additional four (4) residential lots, thereby increasing density of the subject property.

- *Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development.*

Municipal water and sewer services are available in order to support the new development. The applicant will be required to submit municipal servicing plans to demonstrate how the severed parcels will be serviced, which can be achieved through the Site Plan Control process.

- *Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*

The dimensions and area of the proposed severed lots are comparable to other properties in the surrounding area and generally meet the minimum performance standards of the R1 Zone. Also, due to the infill nature of the proposal, the application would be subject to Site Plan Control. Therefore, Staff is of the opinion that the subject consent proposal is compatible with the surrounding neighbourhood.

Infilling Policies

Section 3.6.7 of the COP also contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

- *The Town shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots*

or *the development/redevelopment of existing lots.*

As the proposal is for the creation of four (4) additional residential lots within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above-noted policy.

- *Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for infill development are found in the design section of this Plan.*

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The severance sketch submitted in consideration of the application demonstrates that the lots are of sufficient size to maintain the setback requirements of the R1 Zone. As noted, the proposal is also subject to Site Plan Control to ensure compatibility.

- *Infilling development proposals shall be required to prepare "lot grading and drainage plans" that take into consideration potential drainage impacts on abutting properties.*

The applicant will be required to provide lot grading and drainage plans at the Site Plan Control stage.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Town shall support the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- *The scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create four (4) additional residential building lots, a plan of subdivision would not be required. Municipal water and sewer services are available to service the development and there are existing roads (Malcolm Street and Dunn Street) that can be used to access the severed parcels. The application notes that a road extension of Dunn Street is required to access Severed Lot No.1, as the road curves southbound into Colina Street and only a portion of the property would have road frontage. The Town's Director of Roads and Public Works has noted that a road extension is not required, as the driveway access could be provided along the easterly side of the property where the road begins to curve. Despite the deficient lot frontage of the parcel needing to be addressed to comply with the R1 Zone category, this is the preferred option of the Town as it would mean less roadway that would require maintenance by the Roads and Public Works Department. That being said, the Director does not have an objection to an extension of Dunn Street to allow the entire width of the parcel to have road

frontage, provided the owner pays for the cost of such extension.

- *The application represents infilling in an existing built up area;*

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- *The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. As noted, the subject property is considered to be an oversized lot in comparison to lots in the surrounding residential area, so severing it would make it more compatible by offering more consistency in terms of lot sizes and dimensions.

- *The creation of lots would not create or worsen traffic, access or servicing problems;*

The creation of four (4) additional lots will not negatively impact traffic in the area. As noted, access to Severed Lot No. 1 can be achieved through a driveway to Dunn Street along the east side of the property or by extending the roadway so that the entire width of the property has road frontage. The applicant will also be required to demonstrate that the lots can be serviced through the submission of municipal servicing plans at the Site Plan Control stage.

- *The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*

As the proposal involves a total of four (4) additional residential lots that are of similar size to surrounding properties which would generally comply with the development standards of the R1 Zone, the application represents an orderly and efficient use of land. In addition, the proposal would not hinder the development of the retained lands as the as the ±8.65ha (21.38ac) parcel has extensive frontage in multiple locations with potential for development.

- *The application does not represent strip development; and,*

The proposed development is not considered strip development as the proposal involves the creation of four (4) residential infill building lots which would generally comply with the R1 Zoning provisions.

- *The application meets all other policies of this Plan.*

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned "Development (D)" by the Town's Comprehensive Zoning By-law #11-83. The D Zone limits the uses, buildings and structures to what legally existed on the effective date of the zoning by-law. In addition, it limits the minimum lot area and lot frontage to what currently exists. Therefore, a zoning by-law

amendment of the retained parcel to a "Development Exception (D-X)" Zone will be required to address the reduced lot area and lot frontage of the subject property.

As per the severance sketch submitted in consideration of the application, the proposed severed and retained lots would meet or exceed the minimum development standards of the "Residential First Density (R1)" Zone, which permits detached dwellings. As such, it is recommended that the severed lots be rezoned to the R1 Zone category prior to the issuance of a consent certificate. Should the owner choose not to extend Dunn Street across the frontage of Severed Lot No.1, relief of the minimum lot frontage requirement of the R1 Zone will be necessary by way of a zoning by-law amendment or a minor variance. The building envelopes of the proposed severed lots also appear to be greater than 30 metres from the two watercourses on the property, as required by Section 6.24 of Zoning By-law #11-83. The following table outlines the minimum lot area and lot frontage requirements of the D and R1 Zones against the lot specifications of the proposed retained and severed lots:

Table 1: Development Standards vs. Proposed Lot Specifications

Zoning Provisions	D Zone	R-1 Zone
Min Lot Area	existing	450 m ²
Min Frontage	existing	18 m

CONCLUSION

As the subject consent proposal involves the creation of four (4) additional residential lots of more comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the proposed consent applications to be a logical form of development that would not detract from the character of the surrounding neighbourhood. The consent proposal would also be subject to strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal to conform to the residential, infilling and consent policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the applicant provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;

3. That the owner pays any outstanding property taxes on the subject property;
4. That the applicant obtains new residential entrance permits and civic address numbers for the severed parcels;
5. That the applicant obtains the necessary site plan approvals for the severed parcels;
6. That the applicant obtains the necessary zoning approvals for the severed and retained parcels; and,
7. That the owner obtains relief from the Town's Zoning By-law #11-83 to address the deficient lot frontage of Severed Lot No. 1 (LDC File #B14/073) by way of a zoning by-law amendment or a minor variance, or pays the full cost to extend Dunn Street to the extent necessary to service the lot and comply with the minimum lot frontage requirement.

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 four vacant lots, each measuring 484.65 sq. m., and retain a developed lot measuring 8.65 ha.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, Wolf Grove Creek, and a tributary thereof, flows through the retained land. According to GIS mapping, wetland extends out from both sides of the creek and its tributary. However, according to MVCA on-site observations, the wetland does not extend onto the subject property to the degree depicted on the mapping; rather a large portion of this area is actually grass lawn, particularly in the area adjacent to the severances. No natural heritage features or natural hazards were identified on the proposed severances.

REVIEW

No natural heritage features or natural hazards were identified on the proposed severed lands and the retained lands are already developed

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

NOTES

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

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

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

Hydro One Networks – No comments were received.

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

(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: Rick Edwards <redwards@tiree.ca>
Sent: November 23, 2014 8:33 AM
To: Mary Kirkham
Cc: Elisabeth de Snaijer
Subject: Cameron Section Plan 6262, Almonte

Elisabeth de Snaijer and I, Rick Edwards, wish to make comment upon the application made by Bernard Cameron in reference to his property at 297 Strathburn.

We have two concerns:

1. The first is that the two properties facing Malcolm Street are quite small. The several lots on Malcolm between Dunn Street and Strathburn are much larger than the lots south of Dunn. It seems more appropriate that the lot size for the new lots facing Malcolm should more retain the character of the several properties between Dunn and Strathburn.
2. The second concern is the location of the driveways. It is not clear if these lots would have new access from Dunn Street, Malcolm Street, Dunn and Malcolm, or from Cameron's existing driveway off Malcolm. The location of these driveways might be a greater concern for us, but their location is not indicated.

Respectfully,

Elisabeth de Snaijer / Rick Edwards
143 Malcolm Street
Almonte

613.256.0277
613.809.8770

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever, each containing 484.65 sq.m. and retain an 8.65-ha residential lot with an existing residence and outbuildings located at 297 Stratburn St.

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 to be severed are accessed via Dunn St and Malcolm St, both municipally maintained roads. The lands to be retained also have frontage on Christian St, a County maintained road, however no access is proposed to this road.

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

Zoning

The subject property is currently within the Development section of the Zoning By-law, which recognizes that the lands are intended for future urban development within the Town of Almonte and requires re-zoning to permit residential development. The proposed lots meet the minimum size and frontage required for the Residential 1 Zone however B14/073 does have lot frontage issues, that may be addressed either through re-zoning for development of Dunn Street.

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's Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were

circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

MINUTES – January 19, 2015

Bernard Cameron, owner, Tracy Zander, agent and Rick Edwards, adjacent landowner attended the hearing and gave evidence under oath.

Ms. Zander provided background information on the purpose of the lot creation. Lot 1 (B14/073) does not have sufficient frontage to an open and maintained municipal road, to meet the minimum zoning by-law requirements. The lots will require re-zoning as they are currently designated as "Development", re-zoning has been discussed with the Town Planner.

Mr. Cameron noted that the space between the proposed lots was previously used as a garden, but could in the future be used as a street access to interior of the lot or as lot additions to the new lots. Also, there is a watercourse and ravine on the property that limits the available land for development and this area is the only 'flat' area on the south side of the ravine.

Ms. Zander also advised that there is an access point to the retained lands from Malcolm Street which limits the width of these two lots.

Mr. Edwards advised that he felt the lots along Malcolm Street do not match the character and size of the lots on the east side of Malcom Street, but did recognize that they meet the minimum requirements of the Town's Zoning By-law for Residential purposes.

Mr. Cameron advised that existing servicing is located adjacent to B14/073. The lands rise quickly at this location and servicing may be difficult as well a "T" junction would be required if the lots were to be moved further west. Also, there would be difficulty in increasing the depth of these lots, due to the ravine and path that runs along the top edge of this ravine.

Committee reviewed the staff report and draft conditions.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

having had regard to the matters under subsection 51(24) of the Planning Act.

The same conditions apply to all four lots

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG and .PDF file format to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall obtain a residential entrance to the subject lot. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Lot B14/073 for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance. Alternatively the applicant pay the full cost to extend Dunn Street to the extent necessary to service the lot and comply with the minimum lot frontage requirement.
9. The applicant shall enter into a Development Agreement or Site Plan Agreement with the Town of Mississippi Mills to be registered on title, to address:
 - a) The responsibility for installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connection. All work plans and scheduling shall be submitted and approved in advance by the Town and

completed to standards acceptable to the Town.

b) The owner shall provide a grading and drainage plan to the Chef Building Official for the Town of Mississippi Mills prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.

c) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Roads and Public Works and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.

d) The submission of a security deposit will be required prior to work commencing and the value of the deposit will be based on the value of the required works at the time of construction.

10. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *That prior to any future development by way of the consent process, the owner shall prepare a 'conceptual plan' outlining how the entire lands may be developed and serviced.*
2. *The property owner is advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the creek and its tributary.*
3. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the wetland or watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William Brien Paul

Hearing Date: January 19, 2015

Applicant: Darrell Paul

Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B14/077

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: 15

Conc.: 2

Roll No.: 0940 002 025 08100

Consent Type: New Lot

Purpose and Effect: To sever a 1.94-ha residential building lot and retain a 20.05-ha landholding with an existing dwelling located at 267 Sugarbush Way.

Note: revised sketch and description of lands submitted Nov 6, 2014

To sever a 2.47-ha residential building lot and retain a 19.4-ha residential landholding with an existing dwelling located at 267 Sugarbush Way.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	2.47 ha 60 m 329 m Municipal Road	19.37 ha 604 m 329 m Municipal Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Private well Private septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

Official Plan Designation: Rural

Compliance: Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Township Planner's Report -

An application has been received from the County of Lanark Land Division Committee for the creation of one residential lot. The property is legally described as Part Lot 15, Concession 2, geographic Township of Dalhousie, now in the Township of Lanark Highlands.

The purpose of application B14/077 is to sever one residential building lot of ~6.1 acres. The retained parcel is a 47.86 acre developed landholding at 267 Sugarbush Way. The lands to be severed are accessed by Sugarbush Way, which is a municipally maintained road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with a small area of Organic Soils on the area to be severed. The property is zoned Rural (RU).

PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has access to a Township maintained road.

OFFICIAL PLAN

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

ZONING

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

DISCUSSION

This application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law. A minimum distance separation calculation was prepared for this application but does not impact the parcel to be severed.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township Superintendent of Public works should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township.

Conservation Authority – Mississippi Valley Conservation Authority

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

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 4.79 ac and retain a developed lot measuring 49.52 ac.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed watercourse flows through the retained land. In addition, the application shows that organic soils cover a large portion of the southern half of the severed lands. No other natural heritage features or natural hazards were identified.

REVIEW

Sufficient area appears to exist on the severed lands for new development beyond organic soils. Therefore, the presence of organic soils is not considered a constraint to the creation of the proposed lot provided that new development occurs beyond areas containing organic soils. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to the watercourse are not anticipated as a result of the subject application,

NOTES

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

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

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.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.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed: 4 plus acre parcel of rolling field and bushland. Variable slopes and drainage. Up to 3 feet of silty sand over glacial till. Fill requirements

subject to the exact location chosen for a sewage system.

Retained: 49 acres of rural land. Variable slopes, drainage and soil conditions. Existing house serviced by a drilled well and sewage system. Some fill may be required for replacement of the sewage system as needed in the future.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.47-ha residential building lot and retain a 19.37-ha residential landholding with an existing dwelling located at 267 Sugarbush Way. The applicant amended the original application to incorporate a wooded area, along the read of the lot within the lands to be severed. This increased the size of the lot from 1.94-ha to 2.47-ha

The subject lands are located in an area characterized by rural residential on larger type lot and vacant farmlands/pasturelands. A 'sugar bush' operation is located to the north west of the lot.

The lands are accessed via Sugarbush Way, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located on the lands to the north, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 166 m, the actual distance from the barn to the closest proposed lot line exceeds the minimum MDS requirement. However, as the proposed lot is to the east (or in the prevailing wind area) a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Mont eagle

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

Bedrock Inventory – diorite, gabbro, peridoite

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

Official Plan Policies

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

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

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

- 3 Woodlands

The area has considerable land masses mapped as 'woodlands', particularly on the southern portion of the lot. Care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

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

(e) MINUTES – January 19, 2015

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

Mr. Paul advised that there was a minor revision to the original submission in order to maintain the sugar bush on the lands to be severed. Also noting that the wetland as shown on the Lanark Highlands OP schedule is incorrect and should be located further south as shown on the DRAPE Mapping.

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented November 6, 2014
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall obtain an entrance location permit to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.

11. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
12. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The property owner is advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the unnamed watercourse.*
2. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.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.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area subject to the exact location chosen for the sewage system.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section

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

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

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



LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT
CONCURRENT APPLICATIONS**

Owner: Walter Iwaniw

Hearing Date: January 19, 2015

Agent: Brian Rintoul

LDC File #: B14/084

Municipality: Township of Beckwith

Geographic Township: N/A

Lot: 10

Conc.: 7

Roll No.: 0924 000 020 13300

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.8093-ha parcel of land as a lot addition to lands owned by Brent and Glenda Hill at 1594 7th Line Beckwith and to retain a 46.2-ha landholding with a residential dwelling located at 1562 7th Line Beckwith.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	0.8093 ha 45.7 m 137.2 m Municipal Road	46.2 ha 425 m 1,000 m Municipal Road
Water Supply Sewage Disposal	n/a n/a	Private well Private septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a Lot Addition	Rural / Constraint (Pit) 0.4-ha Yes 45 m Yes

Owner: Walter Iwaniw

Hearing Date: January 19, 2015

Agent: Brian Rintoul

LDC File #: B14/085

Municipality: Township of Beckwith

Geographic Township: N/A

Lot: 10

Conc.: 7

Roll No.: 0924 000 020 13300

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.40465-ha parcel of land as a lot addition to lands owned by Ivan and Diana Stubbert at 1600 7th Line Beckwith and retain a 46.2-ha landholding with an existing dwelling located at 1562 7th Line Beckwith.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	0.40465 ha 45.7 m Municipal Road	46.2 ha 425 m 1,000 m Municipal Road
Water Supply Sewage Disposal	n/a n/a	Private well Private septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural N/A – lot addition	Rural / Constraint (Pit) 0.4-ha Yes 45 m Yes

Official Plan Designation: Rural with Constraint – re: Aggregate Resource influence area.

Compliance: Yes

(a) APPLICATION REVIEW

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

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

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

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

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

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

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

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

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

Local Official Plan - Section 4 General Development Policies, Section 6.2 Mineral Aggregate, 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 of Beckwith - recommends approval of this application subject to the following conditions:

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

Conservation Authority – Mississippi Valley Conservation Authority

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

flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever two vacant parcels of land, each being added as lot additions to two adjacent parcels of land. One severed parcel is 0.81 ha and the second is 0.40 ha. The retained land is 46.2 ha with a dwelling and outbuilding.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, one unclassified wetland occupies the northeastern portion of the proposed retained lands. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

Natural Heritage Values

Wetland

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

Natural Hazards

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

RECOMMENDATIONS AND CONCLUSIONS

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

NOTES

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

The wetland should remain undisturbed with a 30 m development setback.

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

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - Fair Drainage, less than 20 centimetres of topsoil on bedrock. Wooded lot with no discernible slope. Severed land will be added to 1594, 7th Concession. Imported leaching bed fill would be required to construct a conforming septic system on this land.

Retained – Fair Drainage, less than 20 centimetres of topsoil on bedrock. Mostly wooded property with existing home. Severing this piece of land will not significantly impact on-site sewage disposal for the retained land.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.8093-ha parcel of land as a lot addition to lands owned by Brent and Glenda Hill at 1594 7th Line Beckwith, and a 0.4046-ha parcel of land as a lot addition to lands owned by Ivan and Diana Stubbart at 1600 7th Line Beckwith and retain a 46.2-ha landholding with a dwelling and outbuildings located at 1562 7th Line Beckwith.

The lands to be enlarged are accessed via 7th Line Beckwith, a municipally maintained road.

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

Bedrock Inventory – Dolostone, Sandstone.

An active aggregate resource (pit) is located to the east of the lots to be enlarged (a distance of approximate 550 m).

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

Official Plan Policies

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

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

2. 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 not 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 addition will increase the "Hill" lot from 0.4-ha to 1.209-ha and the "Stubbert" lot from 0.4-ha to 0.805-ha. 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.

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 – January 19, 2015

Brian Rintoul, agent attended the hearing and gave evidence under oath.

Mr. Rintoul questioned the comment received on the wetland, and was advised that these effect only the retained lands through 'notes' to the decision.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

having had regard to the matters under subsection 51(24) of the Planning Act.

B14/084

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 Glenda Rosemary Hill and Brent Robert Hill described as Part 3, Plan 27R-2285 Con 7 Pt Lot 10, Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the wetland on the retained lands should remain undisturbed with a 30 m development setback. Also, any shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.*
2. *The MVCA also advise that consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the wetland, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
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.

B14/085

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 Ivan Stubbert and Diana Rose Stubbert

described as Part 2, Plan 27R-2285 Con 7 Pt Lot 10 Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the wetland on the retained lands should remain undisturbed with a 30 m development setback. Also, any shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.*
2. *The MVCA also advise that consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the wetland, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*

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: McSweeney Construction Ltd. **Hearing Date:** January 19, 2015

Emily Bassett Desjardins

Applicant: Gerry McSweeney **LDC File #:** B14/086

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie **Lot:** 3 **Conc.:** 4

Roll No.: 0940 002 025 17503 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.37-ha parcel of land as a lot addition to lands owned by Emily Bassett Desjardins at 767 Iron Mine Road and retain 0.965-ha residential building lot. The lands to be enlarged are accessed via Iron Mine Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.37 ha	0.965 ha
Frontage	16.15 m	60.96 m
Depth	117.0 m	130.5 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Proposed
Sewage Disposal	None	Proposed
Zoning By-law Category	Rural	Rural
-Area (minimum)	N/A – lot addition	1.0-ha (but not less than 0.8-ha)
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		Yes

Official Plan Designation: Rural

Compliance: Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

Local Official Plan – Section 3.0 Planning Sustainable Communities, Section 4.0 Resource Lands, Section 5.0 Environment, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report -

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition on the lands legally described as Part Lot 3, Concession 4, geographic Township of Dalhousie now in the Township of Lanark Highlands, municipally known as 767 Iron Mine Road.

The applicant wishes to sever a 0.91 acre (0.36 ha) parcel of land as a lot addition to lands owned by Emily Bassett Desjardins at 767 Iron Mine Road and to retain a 2.38 acre (0.96 ha) residential building lot. The lands to be enlarged are presently 0.86 acres (0.34 ha) and as such are an existing undersized lot of record. All lands subject to this application are accessed via Iron Mine Road.

The property is designated as Rural on Schedule 'A' of the Township's Official Plan and as Rural in Zoning By-law 2003-451. It should be noted that the property is within 70m from an area zoned Mineral Aggregate Resources Pit (MXP) and an Official Plan designation of Pit.

PROVINCIAL POLICY

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

The Township's Official Plan states the following:

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands" ~ or "Sensitive land uses among others.

The PPS defines development as:

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

OFFICIAL PLAN

The proposed lot addition is in conformity with the existing Official Plan's relevant policies. The subject lands are designated as Rural on Schedule 'A' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

Official Plan Policy Pertaining to Existing Undersized Lots:

8.3.4 Existing Undersized Lots

8.3.4.2 A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-Law.

The lands to be enlarged are presently 0.86 acres (0.34 ha). Once enlarged, the lot will be 1.72 acres (0.7 ha). The minimum lot size identified by the Official Plan is 1.9 acres (0.8 ha) (Section 3.3.6 Minimum Lot Requirements).

Official Plan Policies Pertaining to Lands and Mineral Aggregate Resources:

4.1.5 Adjacent Land

4.1.5.1 In areas located within 300 m (984 ft) of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation and 500 m (1,640 ft) from a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

- Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.*

4.1.5.2 Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the licensed extraction operation existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.

The PPS provides the following definition for Sensitive Land Uses: *Sensitive Land Uses means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may*

include, but are not limited to: residences, day care centres, and educational and health facilities.

The Mineral Aggregate policies mentioned above do not directly impact this application as a new lot is not being created. This policy should be considered as it applies to all incompatible development and could impact the future development of the retained lot.

ZONING

The lands are zoned as Rural by Zoning By-law 2003-451. This area falls within the 300m of an existing pit. Zoning By-law 2003-451, Section 4.32.3.b) Pits and Quarries states that within an influence area of 150 m of a pit excavated above the water table or aggregate reserve, measured from the zone boundary of an MXP Zone, the proponent of any sensitive land use shall be required to demonstrate that there will be no adverse or potential impacts (i.e. visual impacts, noise, dust, traffic or groundwater quality or quantity) created on the sensitive land use, or impacts that cannot otherwise be appropriately mitigated by the proponent from an existing or proposed aggregate operation.

Despite this provision, this application is seeking to move a lot line by way of a lot addition. No new lots are being created. In this situation, an existing undersized developed lot is being enlarged and the size of an existing residential building lot is being reduced. The developed lot is being brought into closer conformity with the Zoning by-law which identifies 2.47ac (1-ha) as the minimum lot area per dwelling unit or such lot area as may be determined by the land division process, but in no case shall the lot area be less than 1 ac (0.5 ha).

DISCUSSION

If successful, this application will result in a lot addition through an adjustment of the existing lot lines.

In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

Conservation Authority – Mississippi Valley Conservation Authority

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - Approximately a 0.37 hectare vacant parcel of land consisting of mixed vegetation. This piece of property is to be added to a neighbouring lot. Viewed as a lot addition.

Retained – Approximately a 0.965 hectare vacant parcel of land consisting of bushland. Some areas have a steep slope. Slope, drainage and soil depth variable. Fill may be required to construct a sewage system.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.37-ha parcel of land as a lot addition to lands owned by Emily Desjardins Bassett at 767 Iron Mine Road and retain a 0.965-ha residential lot with an existing dwelling located at 769 Iron Mine Road.

The lot to be enlarged are presently 0.34-ha. Once enlarged, the lot will be 0.7-ha. Although this still does not meet the minimum lot size requirements identified by the Official Plan is 1.9 acres (0.8 ha) (Section 3.3.6 Minimum Lot Requirements) the area is greatly improved. Committee may wish to consider requiring a re-zoning or minor variance to acknowledge the reduced lot size.

The subject lands are located in an area characterized by typical smaller type seasonal lots along the shoreline of the Mississippi River, with larger type back lots to the east. A non-active aggregate pit is located to the south.

Due to the proximity of the lands in regards to the Mississippi River there is potential for archaeological resources on the lands, a note should be included on the deed.

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

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 did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

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

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

2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). A number of ‘general’ policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3 Woodlands

The area has not been mapped as ‘woodlands’. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in

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

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

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

(e) MINUTES – January 19, 2015

No person attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Emily Desjardins Basset described as Part 1, Plan 26R-2527, being Part Lot 4 Conc 3 Dalhousie, 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 applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township with a copy of the deed / transfer for the property.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future septic system area on the retained lands.*

3. Endangered Species Act, 2007, and Species at Risk in Ontario

Background

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT
CONCURRENT APPLICATIONS

Owner: Caroline Joyce Benoit

Hearing Date: January 19, 2015

Agent: Josh Giff

LDC File #: B14/090

Municipality: Township of Montague

Geographic Township: Montague

Lot: 29

Conc.: 4

Roll No.: 0901 000 035 07400

Consent Type: Lot Addition

Purpose and Effect:

B14/090 - To sever a 163.84 sq.m. parcel of land as a lot addition to lands owned by Cindy Cullen and Brian Preece at 107 Rideau Ave. North and retain a 0.4-ha residential lot at 109 Rideau Ave North.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Septic Placement Septic Placement	Residential Residential
Area Frontage Depth Road - Access to	163.84 sq. m. 6.4 m X 25.6 m Municipal Road	0.4 ha 69 m 464 m Municipal Road
Water Supply Sewage Disposal	n/a n/a	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential n/a – lot addition	Residential 0.2044-ha Yes 36.6 m Yes

Owner: Cynthia Cullen

Hearing Date: January 19, 2015

Agent: Josh Giff

LDC File #: B14/091

Municipality: Township of Montague

Geographic Township: Montague

Lot: 29

Conc.: 4

Roll No.: 0901 000 035 07300

Consent Type: Lot Addition

Purpose and Effect:

B14/091 - To sever a 163.84 sq.m. parcel of land as a lot addition to lands owned by Caroline Benoit at 109 Rideau Ave North and retain a 0.52-ha residential lot at 107 Rideau Ave North.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	163.84 sq. m. 6.4 m X 25.6 m Municipal Road	0.52 ha. 36.7 m 144.7 m Municipal Road
Water Supply Sewage Disposal	n/a n/a	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential N/A – lot addition	Residential 0.2044-ha Yes 36.6 m Yes

Official Plan Designation: Settlement Area

Compliance: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.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 2 General Development Policies, Section 3.7 Settlement Area, section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provision, Section 5 General Residential Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Montague on these applications. While the applications are for separate lot additions, the

end result, if approved, would be that the property owners (C. Benoit and C. Cullen) swap 164 sq.m. parcels of land, with each lot ending up being the same size it is today.

Staff understand that the purpose of these applications is to better accommodate the placement of a septic system on one of the properties and to compensate the other owner for the lands given up. The two properties are identified as 107 and 109 Rideau Avenue, just south of Roger Stevens Drive.

The two properties are both within the Settlement Area designation according to the Township's Official Plan and zoned Residential in the Zoning By-law. Since this application does not seek to enable new development, nor create a new lot, the proposal does not impact on any of the applicable Official Plan policies related to hamlet development or lot creation. Likewise, the Township's constraints mapping does not identify any natural or man-made hazards that would affect the application. The application would result in the formation of two unconventionally shaped parcels however given the purpose and intent of the application to accommodate and compensate for septic system placements, the request is reasonable pursuant to Section 5.2.2.1 of the Plan. As per the property information provided, the applications will not create any zoning compliance issues.

Given the foregoing, Montague Township supports the above application provided that the proposed conditions described below are fulfilled.

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

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

Septic Office – Leeds Grenville and Lanark District Health Unit

B14/090 Severed – Fair Drainage, 0.5 m of silty loam over bedrock. Small section of flat land to be added to the neighbouring lot. The severed land will become a lot addition for the neighbouring driveway.

Retained – Fair drainage, 0.5m of silty loam over bedrock. Cleared residential lot with no significant slope. Existing home and septic system. Severing this land will have no negative impact on on-site sewage disposal for the retained land.

B14/091 Severed – Fair Drainage, 0.5 m of silty loam over bedrock. Small section of flat land to be added to the neighbouring lot. By adding this land to 109 Rideau Ave. N. the existing septic system will be in compliance with the Ontario Building Code.

Retained – Fair drainage, 0.5m of silty loam over bedrock. Cleared residential lot with no significant slope. Existing home and septic system. The existing septic system on 109 Rideau Ave. N. encroached on 107 Rideau Ave. N. Severing this land will correct this issue without negatively impacting on-site sewage disposal for 107 Rideau Ave. N.

(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 for B14/090 proposes to sever a 163.84 m² parcel of land in exchange for a 163.84 m² parcel of land through B14/091 in order to accommodate the placement of a septic system on B14/090.

The main properties are access via Rideau Street North, 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. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for

Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

Zoning

The subject property is currently within the residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot enlargement will allow for the placement of a septic system within the minimum setback requirements.

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 Township of Montague and could be given favourable consideration.

(e) MINUTES – January 19, 2015

Carolin Benoit and Brian Preece, owners attended the hearing and gave evidence under oath.

Ms. Benoit and Mr. Preece questioned committee on the next steps if provisional consent was give. These were outlined by the Chair.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B14/090

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 Cynthia Cullen described as Part 3, Plan 27R-9056 (107 Rideau Ave North), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 through #5 has been fulfilled to their satisfaction.

B14/091

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 Caroline Joyce Benoit described as Part 2, Plan 27R-9056 (109 Rideau Ave North, and any subsequent transfer, charge

or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 through #5 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Howard & Judith Farrell

Hearing Date: January 19, 2015

Agent: N/A

LDC File #: B14/094

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 12

Conc.: 8

Roll No.: 0911 911 010 28700

Consent Type: Lot addition

Purpose and Effect: To sever a 2.93-ha parcel of land as a lot addition to lands owned by Howard and Judith Farrell at 4262 Narrow's Lock Road and retain a 22.0-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Farm Lot Addition	Farm - Vacant Farm - Vacant
Area Frontage Depth Road - Access to	2.93 ha 90 m 261 m County	22.0 ha 676 m 261 m County
Water Supply Sewage Disposal	N/A N/A	N/A N/A
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a – lot addition	Rural 2.0-ha Yes 60 m Yes

Official Plan Designation: Rural, Organic Soils, Mineral Resource

Compliance: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

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

a) resource use would not be feasible; or

- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan - Section 2 General Development Policies, Section 2.19 Natural Hazard Features, section 3.6 Rural Policies, Section 4.3 County Roads, Section 5.2 Land Division.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report -

The proposal is to sever a 2.93 ha parcel of land as a lot addition to a rural lot at 4262 Narrow's Lock Road (with residence) and retain a 22 ha vacant rural lot. Official Plan designation – rural, mineral designation (Organic Soils on the retained far from the proposed lot addition). The Ministry of Mines and Northern Development stated it did not have an interest in the Mineral Designation when two previous severances were approved on this property within the past two years.

Zoning – Rural. Applicable sections: 10.1.2 – Retained lot 22 ha Severed lot 2.93 ha as a lot addition to an existing lot that is 0.4 h bringing it up to 3.33 ha. The retained lot and receiving lot meet minimum zoning provisions for area. Minimum frontage of 60 m is met for both the retained and proposed severed lot at 675 m and 90 m

respectively. RVCA is supportive of the application as it maintains the wetland at the back intact. MRSSO – no objection as the addition provides additional area for installation of a septic system.

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, (including 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/transfers(s) be submitted to the Township.

Conservation Authority – Rideau Valley Conservation Authority
The Rideau Valley Conservation Authority has undertaken our review of this application within the context of:

- Section 2.1 Natural Heritage and Section 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act, and
- per the Rideau Valley Conservation Authority's Ontario. Regulation 174-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for lot addition 2.93 hectares in area, to an existing residential lot. The retained area will be 22 hectares.

The Property

The proposed lot addition is quite level, with limited soil cover over bedrock. Much of the north and east area of the lot addition is low, occupied by an unevaluated wetland and an associated small drainage course/swale which is draining east and northward from the source / pond at the west end of the property (paralleling Stanley Road).

Review Comments and Recommendations

We have no objection to the lot addition as proposed. Regarding natural heritage features, while this wetland is not identified as a *provincially significant wetland*, we would support its protection as an unevaluated local feature. The amended application will add area to the existing lot without impacting the wetland, essentially transferring the wetland area of the lot intact as a lot addition. No change in use is proposed.

There is no hazard concern as it relates to flood potential on this property.

Provided a 30 metre setback from the wetland for any development or site alterations is respected, we have no objection.

We note for information, that written permission from the Rideau Valley Conservation Authority is required for alteration to a watercourse per Ontario Regulation 174-06 ("Development, Interference, with Wetlands and Alteration to Waterways' Regulation),

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 12, 2014.

The applicant proposes to sever 1.23 hectare parcel, for the purpose of a lot addition to 4262 Narrows Lock Road.

The proposed area to be severed is currently vacant farm land. In the North East portion of the proposed lot addition there is standing water. No test pits were provided.

The retained parcel is approximately 23.7 hectares. It is vacant farm land, with open fields in the northern portion and well treed wetland on the remainder of the land. No test pits were provided.

The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies on the retained lot. The lot addition will be beneficial to 4262 Narrows Lock Road, as it will provide more area for the installation, replacement, operation or maintenance of an OBC compliant sewage system.

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.

(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 originally applied for two consents – B14/089 to create a lot along Stanley Road and B14/090 as a lot addition to the rear of the existing dwelling at 42262 Narrow's Lock Road. Concerns were raised by

both RVCA and MRSSO, that the new lot along Stanley Road was very wet / poorly drained and would have problems with siting a building envelope. The applicant then withdrew B14/089 and increased the area of B14/090 to include all of the land along the north west boundary of Lot 12.

The revised application proposes to sever a 2.93-ha parcel of land as a lot addition to lands owned by Howard Farrell at 6262 Narrow's Lock Road and retain a 22.0-ha vacant landholding.

The lands to be enlarged are accessed via Narrow's Lock Road, a county maintained road.

Soils Inventory – Name: Monteagle

- Stoniness: slightly stony
- CLI: 4 – severe limitations for agriculture
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – conglomerate, sandstone, 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:

Blanding's Turtle (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

3 Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The existing residential lot is currently 0.4-ha in size. The minimum lot area to be in compliance with the Township's Zoning By-law is 1.0-ha – the additional lands will bring the lot size up to 3.92-ha, therefore the new lot will be in compliance with the rural zoning. 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 – January 19, 2015

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Howard Joseph Farrell described as Part Pt Lot 12 Conc 8 North Burgess (4262 Narrow's Lock 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. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the

County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.

9. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
10. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
11. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO advises that an approved septic permit is required prior to the issuance of most building permits.*
2. *The RVCA advise that a 30 metre setback from the wetland for any development or site alterations is required. Also, written permission from the Rideau Valley Conservation Authority is required for alteration to a watercourse per Ontario Regulation 174-06 ("Development, Interference, with Wetlands and Alteration to Waterways' Regulation).*
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: Wilhemina & John Rowsom **Hearing Date:** January 19, 2015

Agent: Angela Rowsom-Vaughan **LDC File #:** B14/095

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay **Lot:** 19 **Conc.:** 1

Roll No.: 0931 929 015 01501 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 17.8-ha landholding with an existing outbuilding as a lot addition to lands owned by Angela Rowsom-Vaughan and Stephen Vaughan at 355 Clayton Lake Road and retain a 1.8-ha residential lot with an existing dwelling located at 333 Clayton Lake Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant with shed Lot addition	Residential Residential
Area	17.8 ha	1.8 ha
Frontage	78 m	148 m
Depth	540.7 m	124 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Private Well
Sewage Disposal	None	Private Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a – Lot addition	1.0-ha
-Compliance?		Yes
-Frontage (minimum)		45 m
-Compliance?		Yes

Official Plan Designation: Rural

Compliance: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

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

Local Official Plan - section 3 Land Use Policies, Section 3.3 Rural Policies, section 4 General Policies, Section 4.6.4 Local Municipal Roads, section 4.8.3 Sewage and Water Supply, Section 5.3.11 Consent to Sever Land.

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

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

(b) AGENCY REVIEW

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

Town Planner's Report -

Purpose and Effect of application

The applicant has submitted a consent application to the County of Lanark requesting to sever a ± 17.8 ha (44ac) parcel of land as a lot addition to lands owned by Stephen Vaughan and Angela Rowsom-Vaughan located at 355 Clayton Lake Road and retain a ± 1.84 ha (4.53ac) landholding owned by Wilhelmina and John Rowsom at 333 Clayton Lake Road. The benefitting lot from the lot addition severance would have a new lot area of ± 18.79 ha (46.44ac), with frontages of ± 41.14 m (134.98ft) and ± 134.53 m (441.36ft) along Clayton Lake Road. The retained lot would maintain ± 148 m (485.56ft) of frontage along Clayton Lake Road. Wilhelmina and John Rowsom are the parents of the applicant, and have noted that the reason for the consent application is to convey the majority of their land to their daughter's property so that when they pass away the land will remain in the family. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject properties are located on the south side of Clayton Lake Road, west of Tatlock Road and in the Ward of Ramsay. The west side of the properties is bounded by the Town's westerly municipal boundary, which borders the Township of Lanark Highlands.

The property to be retained from the lot addition severance (333 Clayton Lake Road) is currently ± 19.64 ha (48.53ac) in size, has a lot frontage of ± 217.51 m (713.6ft) along Clayton Lake Road, and abuts the west side of the proposed benefitting lot. The proposed benefitting lot (355 Clayton Lake Road) currently has a lot area of ± 0.99 ha (2.435ac) and lot frontages of approximately 59.53m (195.3ft) and 41.14m

(134.98ft) along Clayton Lake Road.

The subject properties are currently designated "Rural" and "Flood Plain" in the Town's Community Official Plan (COP), while the intended retained lot also contains a small portion designated "Provincially Significant Wetland". The intended benefitting lot is currently zoned "Rural Exception 8 (RU-8)" and "Environmental Hazard (EH)", while the intended retained lot is zoned "Rural (RU)", "Environmental Hazard (EH)" and "Environmental Protection (EP)". These zoning boundaries follow the boundaries of the appropriate land use designations in the COP listed above.

333 Clayton Lake Road is currently occupied by a detached dwelling and two (2) sheds and 355 Clayton Lake Road is occupied by a detached dwelling and a shed. Post severance, one of the sheds currently located at 333 Clayton Lake Road would be located on the 355 Clayton Lake Road land holding. The surrounding area consists of rural and rural-residential properties to the north, south, east and west, as well as the "Clayton Lakeside Campground" and limited service residential properties to the north.

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

SERVICING & INFRASTRUCTURE

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

EVALUATION OF THE APPLICATION

Community Official Plan

The subject properties are currently designated "Rural" and "Flood Plain" in the Town's Community Official Plan (COP), while the intended retained lot also contains a small portion designated "Provincially Significant Wetland". Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation. The following provides an analysis of the proposal against the applicable policies:

3.3.6.5

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

The proposed retained and severed lots would have frontage along Clayton Lake Road, a municipally owned and maintained public road.

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

The intended benefitting parcel would be ±18.79ha in size, while the proposed retained parcel would have a lot area of ±1.84ha.

The proposed lot addition severance is not creating a new rural lot, but rather is transferring land from the parents of the applicant to their daughter's land holding. Therefore, the proposal would not conflict with the goals, objectives and policies of the Rural designation in the COP.

Zoning By-law #11-83

The intended benefitting lot is currently zoned "Rural Exception 8 (RU-8)" and "Environmental Hazard (EH)", while the intended retained lot is zoned "Rural (RU)", "Environmental Hazard (EH)" and "Environmental Protection (EP)". The RU Zone permits residential uses, as well as non-residential uses including agricultural uses, a bed and breakfast, conservation areas, forestry, a hobby farm, home-based businesses, a hunt or fishing camp, a Class A pit and a sugarbush. The RU-8 Zone allows for the interior side yard from the southerly lot line to be a minimum of 5.5 metres (18.0 feet). As no development of buildings or structures is contemplated as a result of this application, there is no concern as to the proposal infringing upon the development restrictions of the EH or EP Zones. The following table demonstrates that the lot specifications of the proposed benefitting and retained lots would comply with the minimum development standards of the RU Zone:

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	PROPOSED BENEFITTING LOT	PROPOSED RETAINED LOT
Lot Area	1ha	18.79ha	1.84ha
Lot Frontage	45m	176.12m	148m

Conclusion

As the application involves a minor boundary adjustment by way of a lot addition severance in order to transfer land from one land holding to another, Staff has no objection to the proposal. As no new lot is being created, Staff views the subject consent application to be a logical form of development.

Furthermore, Staff views the proposal to conform to the rural policies of the Community Official Plan and satisfies the development standards of the Zoning By-law.

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

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

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

According to the information provided, the purpose of the subject application is to sever a 44-ac vacant parcel of land as a lot addition to the adjacent land, which is already developed. The retained land is 4.5 ac. and is also developed.

PROPERTY CHARACTERISTICS

A review of available GIS mapping and aerial photography revealed that the northern section of severed, retained, and lot to be enlarged, are within the 120 m adjacent lands of the *Clayton Taylor Complex*. The southeastern section of the severed lands is also within the adjacent lands to this feature. This wetland has been classified by the Ministry of Natural Resources (MNR) as Provincially Significant Wetland (PSW). In addition, an unclassified wetland exists in the northern section of the severed lands and lot to be enlarged. A portion of a second unclassified wetland exists in the northeastern section of the retained lands.

REVIEW

PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS)

require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS). However, it is our opinion that there is limited value in conducting an EIS at this time given that the retained lands and lot to be enlarged are already developed with no new development proposed at this time.

However, in the event that future development is proposed within the adjacent lands to the above noted features, an EIS may be required at that time to evaluate the proposal.

Unclassified Wetland

The retained lands and lot-to-be enlarged are already developed with no new development proposed at this time. Therefore, impacts to the wetland are not anticipated as a result of the subject application.

RECOMMENDATIONS AND CONCLUSION

With all of the above in consideration, MVCA does not have any objection to the subject application.

NOTES

In the event that future development is proposed within the 120 m of the PSW, an EIS may be required at that time to evaluate the proposal.

The unclassified wetland on the severed, retained and lot-to-be enlarged shall remain undisturbed. We recommend a minimum setback of 30 m from these wetlands for any potential future development.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any development or interference within 120 m of the PSW.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Large lot 78 meters wide at Clayton Lake Road, between two residential lots. The lot slopes down toward the road and is wet near the road. Good drainage on the rest of the lot. 0-25 centimetres of topsoil over bedrock. The severed land will become an addition to the neighbouring residential lot. This addition will increase the capacity for on-site sewage disposal on that lot.

Retained – Residential lot that slopes down toward the road on the front. Existing house and out buildings. 0-25 centimetres of topsoil over bedrock. Good drainage due to slope. There were no obvious signs of failure for the existing septic system. The retained land would be large enough to accommodate a new septic system if required in the future.

Lanark Highlands – No comments were received.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 17.8-ha landholding with a small shed as a lot addition to lands owned by Angela Rowsom-Vaughan and Stephen Vaughan at 355 Clayton Lake Road and retain a 1.8-ha residential lot at 333 Clayton Lake Road.

The subject lands are located in an area characterized by rural residential on larger type lots along Clayton Lake Road, intermixed with smaller residential lots. Clayton Lakeside seasonal trailer park is located to the north and a high voltage power line runs along the south west corner of the lands subject to the consent. No development is permitted within 47 m (150) feet of this tower line.

The lands to be enlarged are accessed via Clayton Lake Road, a municipally maintained road.

Soils Inventory – Name: Tweed

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

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

Zoning

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

Conclusion

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

PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) MINUTES – January 19, 2015

Ian Rowsom, owner and Angela Rowsom-Vaughan, applicant attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Angela Rowsom-Vaughan and Stephen Vaughan described as Part 1, Plan 26R-1961, Part Lot 19 Conc 1, geographic Township of Ramsay and any subsequent transfer, charge or

other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that in the event that future development is proposed within the 120 m of the PSW, an EIS may be required at that time to evaluate the proposal.*
2. *The MVCA also advise that the unclassified wetland on the severed, retained and lot-to-be enlarged shall remain undisturbed. We recommend a minimum setback of 30 m from these wetlands for any potential future development.*
3. *In addition, the MVCA advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any development or interference within 120 m of the PSW.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario
Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Susan G Tannahill
Joseph G G Marchand

Hearing Date: January 19, 2015

Agent: n/a

LDC File #: B14/102

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19

Conc.: 11

Roll No.: 0911 916 030 35800

Consent Type: New Lot

Purpose and Effect:

To sever a 3.97-ha residential building lot and retain a 20.93-ha vacant landholding. Access via Hunter Sideroad.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	4.97-ha	20.93-ha
Frontage	148 m	165 m
Depth	300 m	1000 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed Well	n/a
Sewage Disposal	Proposed Septic	n/a
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural

Compliance: Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 through 2.1.8 addresses development constraints on

natural features and areas.

County Official Plan – Section 3.0 Rural Policies, 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 2.21.3 Wildlife Habitat, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division

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

Zoning By-law – Section 3 General Provisions Section 10 Rural Zone
Tay Valley Township advises that 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 4.97 ha parcel of land and retain a 20.93 lot. Both the proposed severed and retained lots are designated Rural and are vacant. Residential lot creation is permitted in the Rural designation. A small pond is located on the proposed severed lot but a building site 30 m from the pond is achievable. The Deer Yard is north of Bolton Creek on the proposed retained parcel and no development is proposed in this area.

Zoning By-law Category - Rural

Applicable Sections: 10.1 .2 - Retained lot: 20.93 ha. Severed lot 4.97 ha. Both lots exceed minimum zoning provisions for area (2 ha and for frontage (60 m). Frontage for the severed lot is 148 m on the municipal road, Hunter Side Road. Frontage on Bolton Creek for the retained lot is approximately 210 m.

MRSSO - No objection as the new lot and retained lot can support a septic system greater than 30 m from a water body.

Advisory Notes: There is an unopened road allowance adjacent to the lot to be severed. Council suggests that this be included as a part on the reference plan to facilitate closing and transferring the road allowance at some point now or in future.

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 / transfers(s) be submitted to the Township.
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for the new lot.

Conservation Authority – Mississippi Valley Conservation Authority

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

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 4.97 ha and retain a vacant lot measuring 20.93 ha.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, Bolton Creek flows through the retained lands.

REVIEW

Sufficient area appears to exist on the retained lands for new development that complies with the standard waterbody setback of 30 m. Therefore, impacts to the watercourse are not anticipated as a result of the subject application. No natural heritage features or natural hazards were identified on the severed lands.

CONCLUSION AND RECOMMENDATIONS

MVCA does not have any objection to the subject application 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 the seasonal high water mark of the creek.

2. The shoreline vegetation surrounding the creek 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 creek, or onto adjacent properties.

NOTES

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

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

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

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

Septic Office – Mississippi/Rideau Septic 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 12, 2014.

The applicant proposes to sever 4.97 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, open field, well treed along the proposed lot boundaries with areas of exposed rock. Tay Valley's geographic information system, CGIS, drapery imagery shows a small pond in the North Western portion of the property, approximately 165m West of Hunter Side Road. No test pits were provided.

The retained parcel is 20.93 hectares. The property is vacant with similar characteristics as the severed lot. Bolton creek crosses the retained parcel greater than 400m North of the proposed lot. 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. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 4.97-ha residential building lot and retain a 20.93-ha vacant landholding. Both lots are currently vacant.

The subject lands are located in an area characterized by typical rural residential intermixed with larger landholdings. The retained parcel is split in two by Bolton Creek. Bolton Creek is a secondary water source and therefore may be subject to archaeological potential. A note should be included in the provisional consent if approved.

The lands are accessed via Hunter Sideroad, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

Deer Yard

The subject property is located within a Deer Yard. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar). The deer yard affects to northern portion of the retained lands. A note should be included in the provisional consent is approved.

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 may not be a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

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

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

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

Zoning

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

Conclusion

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

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

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

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

(e) MINUTES – January 19, 2015

Georges Marchand, owner attended the hearing and gave evidence under oath.

Mr. Marchand advised that the wetland shown on the retained lands is a man-made pond and questioned the note on the unopened road allowance. The chair advised Mr. Marchand to discuss the options with the Township.

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 Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office. Prior to commencement of the survey, the applicant shall consult with Tay Valley Township concerning the unopened road allowance abutting the severed lands and its potential for 'road closing' and cost sharing agreement.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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. *Mississippi Valley Conservation Authority advises that the following mitigative measures are to be implemented on the retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 m from the seasonal high water mark of the creek.*
 - b) *The shoreline vegetation surrounding the creek shall be retained to a minimum depth of 15 m.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek, or onto adjacent properties.*

2. *The MVCA also advise that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the creek.*
3. *In addition, the MVCA advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the creek, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The applicant is advised that the retained lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
6. *The applicant / purchaser is advised that if during the process of development on the retained lands archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
7. *The MRSSO advises that an approved septic system permit is required prior to the issuance of a residential building permit.*
8. *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.*
9. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
10. *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: Allan & Eleanor Code **Hearing Date:** January 19, 2015
Agent: n/a **LDC File #:** B14/109
Municipality: Town of Carleton Place **Lot:** 60 & 61 **Plan:** 276
Geographic Township:
Roll No.: 0928 020 030 60100 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 95.46sq.m. parcel of land as a lot addition to lands owned by Eleanor Code at 84 Mill Street and retain a 1705 sq.m. residential lot at 72 Mill Street. Purpose – driveway.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Driveway	Residential
Proposed Use	Driveway	Residential
Area	95.46 sq.m.	1705 sq.m.
Frontage	3.0 m	33.5 m
Depth	31.81 m	50.9 m
Road - Access to	Municipal	Municipal
Water Supply	n/a	Public Water
Sewage Disposal	n/a	Sewage System
Development Permit	Residential	Residential
By-law Category		
-Area (minimum)	n/a lot addition	Coverage 60%
-Compliance?		
-Frontage (minimum)		10.6 m
-Compliance?		Yes

Official Plan Designation:

(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 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 -

A consent application has been received for the property known municipally as 72 Mill Street. The illustrated proposed on the map below. The lot is located on the south side of Mill Street, to the east of Judson Street. The subject lands are legally described as Part of Lot 61, Plan 276.

The consent application is for a lot line adjustment. The two properties are both owned by the applicant. A 95.46 m² parcel of land is to be severed off of the property at 72 Mill Street and added to the property at 84 Mill Street. This will leave the retained parcel of land (72 Mill St) having an area of 1705 m² and a frontage of approximately 33.5 metres.

There is an existing single family dwelling on the retained lands.

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 designation is also residential. The effect of the lot line adjustment will be to increase the size of the severed parcel of land and provide a buffer between the existing house on the retained lands and the adjacent building. 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 more lands for buffering purposes and 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/ An acceptable reference plan of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the " Notice of Decision" is given under Section 53(17) or (24) of the Planning Act.

2/ The balance of any outstanding taxes, including penalties and

interest, (and any local Improvement charges, If applicable) shall be paid to the Town of Carleton Place.

3/ The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place,

4/ The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).

5/ 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 Code

Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.

6/ The new lot and any structures to be built on it 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.

7/ That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

(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:

Thomas R Abercrombie and Wendy R Young – Dec 12, 2014.

I am the new property owner at 151 Judson Street in Carleton Place. My property is located and borders the subject land mentioned above (Pt. Lot 60 and Lot 61 Plan 276) to the Southeast.

I have spoken with Mrs. Eleanor Code, the property owner at 72 Mill Street, Carleton Place about their request to enlarge their lot and to sever a portion of the lot at 84 Mill Street.

I wish to advise you that I fully support the request by the landowners, Mr. and Mrs. Code. Their request is reasonable, understandable, and would not appear to adversely affect my property in any way.

If you have any questions, please do not hesitate to get in touch with me.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 95.4 sq.m. parcel of land as a lot addition to lands owned by Eleanor Code at 84 Mill Street for the purpose of a driveway to access the residence, and to retain a 1705 sq.m. residential lot at 72 Mill Street.

The subject lands are located in an area characterized by typical urban residential.

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

The lands are downstream from the Carleton Place Source Water Protection Area.

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.

Zoning

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 lot addition will provide addition buffering between the two properties and will provide off street parking to 84 Mill Street.

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 will provide off-street parking and a driveway to the lands to be enlarged. 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 – January 19, 2015

Eleanor and Allan Code, owners attended the hearing and gave evidence under oath.

Mrs. Code advised that the house on 72 Mill street is very close to the lot line, and this additional land will allow for access to the rear yard and additional parking.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Eleanor Code described as Pt Lot 59 and Lot 60 Plan 276 being Part 2 on RP27R-9830, Town of Carleton Place, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum file format to the Town of Carleton Place.
6. 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.
7. The new lot and any structures to be built on it 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. A letter shall be received from the Town of Carleton Place stating that condition #4 through #8 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John Ronald Fournier **Hearing Date:** January 19, 2015
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.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Lot addition	Residential/Farm Residential/Farm
Area Frontage Depth Road - Access to	700 sq m N/A Irregular Registered R-O-W	64 ha 780 m Irregular County Road
Water Supply Sewage Disposal	n/a n/a	Private Well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a – lot addition	Rural 1.0-ha Yes 60 m Yes

Official Plan Designation: Rural and Aggregate Resource (Pit)

Compliance: Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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 .4.3.2 & 4.3.3 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6..2.2 Mineral Aggregates, Section 8.2.2 Consents.

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

Local Official Plan - Section 2 General Policies, Section 2.21 Natural Heritage Features, section 3.3 Mineral Resources, 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 10 Rural Zone. Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 0.07-ha parcel of land as a lot addition to a rural cottage/waterfront lot owned by Colleen Fournier at 1141 O'Brien Lake Lane 11, and retain a 64 ha rural lot with existing farm buildings.

Official Plan Designation – rural some Mineral Resource and Organic designations on the retained far from the area of the lot addition.

Zoning – Rural applicable sections 10.1.2 retained lot 64 ha. Proposed severed 700 m² as a lot addition to an existing lot that is 3116 m² bringing it up to 3826 m², is still undersized from the 1 ha minimum but is an improvement. The retained lot meets minimum zoning provisions for size and frontage greater than 60 m (700 m on O'Brien Lake). The lot addition is bringing the existing undersized lot closer to conformity in size and frontage (to a total of 34 m frontage on O'Brien Lake).

RVCA supports the lot addition.

MRSSO supports the lot addition as it will provide additional room for replacement of a septic system greater than 30 m from the lake.

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 th severed lands and the deed/transfers(s) be submitted to the Township.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has completed a review of the above noted application. The following comments are offered for your consideration as regards:

Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement-Section 3 of the Planning Act.

The Rideau Valley Conservation Authority regulations, Section 28 of the Conservation Authorities Act, The considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines.

Proposal

The application will transfer a small parcel of waterfront to this developed lot on Obrien Lake. The lot addition is intended to add lot area and water frontage to an existing lot of record (application notes also that the lot addition will better allow for the installation of a septic system on the existing developed lot).

Review Comments and Recommendations

There are no natural heritage features or natural hazards we are aware of which would affect our areas of concern under the Planning Act, noted above.

The Rideau Valley Conservation Authority supports this lot addition. We would support the installation of a new septic service in a location which meets or exceeds the minimum water setback, as may be required by the local septic service approval authority.

We note 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).

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 September 16, 2014.

The applicant proposes to sever approximately 0.07 hectare parcel, for the purpose of a lot addition to 1141 O'Brien Lake Lane 11. The proposed area to be severed is currently vacant. The area is open with a moderate slope towards the lake and the eastern proposed boundary. No test pits were provided.

The retained parcel is approximately 64 hectares. The property is developed with a dwelling and several outbuildings, all greater than 500m from the lot addition. The dwelling is serviced by a Class 4 sewage system. No test Pits were provided.

The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies on the retained lot. The lot

addition will be beneficial to 1141 O'Brien Lake Lane 11, as it will provide the ability to install, replace, operate or maintain an OBC compliant sewage system, while limiting the overall environmental impact on the site. 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.

(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 700 m² parcel of land as a lot addition to lands owned by Colleen Sarah Fournier located at 1141 O'Brien Lake Lane and retain a 64 ha landholding with an existing dwelling and two garages located at 2010 Althorpe Road

The subject lands are located in an area characterized by typical smaller type seasonal residential lot along the lake shore and larger type rural lots along Althorpe Road.

The lands to be enlarged are accessed via O'Brien Lake Lane a private road which adjoins Althorpe Road a County maintained road.

Soils Inventory – Name: White Lake

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

Bedrock Inventory – granodiorite, granite

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

Grey Ratsnake (THR)

Official Plan Policies

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

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

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings but not seasonal dwellings. The additional lands will increase the size of the existing undersized from 0.312-ha plus 0.07-ha = 0.382-ha. This however, is considerably less than the minimum requirement for Rural (1.0-ha) but slightly less than the minimum for Seasonal (0.405-ha). The lot frontage however, will increase from 28 m to 42 m, still less than the minimum for Rural or Seasonal (60 m).

The agent was contacted to review the options regarding the non-complying / non-conforming lot. The options discussed were:

- 1/ Increase the size of the lands to be transferred so that the consolidated lot meets the minimum zoning requirements for Rural.
- 2/ Re-zone the consolidated lot to recognize the reduced area and frontage as well as changing the zoning from Rural to Rural Limited Service.

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.

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 provided the zoning issue can be addressed.

(e) **MINUTES – January 19, 2015**

No person attended the hearing.

The secretary-treasurer advised that the agent would be discussing the options regarding re-zoning, with the applicant and the municipality during the week of January 26, 2015 and that they were fine with a deferral at this time.

Moved by W Guthrie

Seconded by D Murphy

"THAT, Consent Application B14/092 be deferred to provide the applicant and his agent with an opportunity to discuss the non-compliance / non-conformity of the consolidated lot with the Planner for Tay Valley Township."
ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William Edmund Avery

Hearing Date: January 19, 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.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	0.8 ha Irregular Irregular Private Road	80 ha 395 m (waterfront) 1440 m County Road
Water Supply Sewage Disposal	N/A N/A	N/A N/A
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a Lot Addition	Rural 2.0-ha Yes 60 m Yes

Official Plan Designation: Rural

Compliance: Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0 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 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 5.3 Limited Services 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 0.8-ha parcel of land as a lot addition to a waterfront residential lot owned by Kevin and Virginia Beckett at 101 Arthur Lane on Bennett Lake and retain a 80 ha rural lot with existing farm buildings.

Zoning – rural for retained and lot addition and RLS-11 for receiving lot. Applicable Sections – 10.1.1 retained lot: 80 ha. 5.3.2 – severed lot addition 0.8 ha to an existing lot that is 0.67 ha, bringing it up to 1.47 ha. The retained lot and receiving lot meet minimum zoning provisions of 2 ha for the retained lot and 4050 m² for the receiving lot. Minimum 60 m frontage is met for the retained lot which has 395 m of frontage on Bennett Lake and the receiving lot which has 84 m of frontage on Bennett Lake. No rezoning of the lot addition is required as the Rural and PLS zones both permit residential development.

MRSSO – no objection as the lot addition provides additional rea for future replacement of a septic system.

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/transfers(s) be submitted to the Township.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant parcel of land as a lot addition to the adjacent lot at 101 Arthur, which is already developed. The retained land is vacant and measures 81 ha (200 ac) with 395 m of water frontage.

PROPERTY CHARACTERISTICS

The property has frontage on Bennett Lake which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish.

Portions of the subject property are relatively steep and high; however the slope does not exceed a 3: 1 slope angle (as per a review of a site plan of the subject property prepared by Brian Kerr Surveying Ltd. as part of an application for a Zoning By-law Amendment in the Year 2003). The lot addition is well vegetated and appears to have remained in its natural state. No other natural heritage features or natural hazards were identified.

REVIEW

The lot-to-be-enlarged is already developed with no new development proposed at this time.

Adequate area appears to exist on the retained land for potential future development that complies with the zoning provisions, particularly the waterbody setback. Therefore, impacts to the lake are not anticipated as a result of the subject application.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the subject lot addition. We recommend the following for any new development on the retained land:

1. Future development, including a septic system shall be setback a minimum of 30 m from the seasonal high water mark of the lake.
2. 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.
3. 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.

NOTES

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.

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.

A search for occurrences of potential Species at Risk was not conducted. Please contact the Ministry of Natural Resources for a review in this regard.

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 September 2014.

The applicant proposes to sever approximately a 2 acre parcel, for the purpose of a lot addition to 101 Arthur Road.

The proposed area to be severed is currently vacant, well treed with areas of exposed rock.

The retained parcel is approximately 200 acres. The property is vacant, well treed, with areas of wetland and exposed rock. No test pits were provided.

The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies on either lot. The lot addition will be beneficial to 101 Arthur Road as it provides additional area for future replacement of a sewage system. 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.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.8-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 vacant landholding.

The subject lands are located in an area characterized by seasonal development along the north shore of Bennett land and large landholdings along Bennett Lake Road.

The lands to be enlarged are accessed via Arthur Road, a private r-o-w and the retained lands are accessed via Bennett Lake Road, a County maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – combination of conglomerate, wacke, quartz and 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 did not indicate that there was a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Archaeological

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

A “State of the Lake Environment Report’ was undertaken on Bennett Lake in 2006. Residential of Bennett Lake have volunteered their time in the past to provide water quality testing in the south basin, through the MOE Self Help Program in 1980 and Lake Partner Program in 1997. The Lake Report undertaken by MVC Watershed Watch Program provides a comparison between water quality conditions as they exist now, to results obtain over 30 year ago through the MOE Recreational Lake Program.

In general the water quality in Bennett Lake is good. Test results indicated that Bennett Lake is a moderately enriched (some nutrients) or mesotrophic lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel veliger’s (larvae) were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the

precautions they can take to avoid the spread of invasive species to other lakes.

Official Plan Policies

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

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

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

- 3 Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, once adjoined to the lot to be enlarged the lands will become RLS, the retained lands will retain as rural. The proposed lot addition will increase the lot to be enlarged from 0.67-ha to 1.47-ha, which more than exceeds the minimum zoning requirements for the RLS Zone. 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 – January 19, 2015**

No persons attended the hearing.

Moved by D Murphy

Seconded by w Guthrie

"THAT, Consent Application B14/099 be deferred to enable the owner / applicant to attend the hearing to provide additional background information on the unopened road allowance."

ADOPTED