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The Land Division Committee met in regular session on Monday, June 13, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

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

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2016-21**

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

"**THAT**, the minutes of the Land Division Committee meeting held on May 9, 2016 be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-22**

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

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

**ADOPTED**

## **5. DELEGATIONS & PRESENTATIONS**

None

## **6. NEW APPLICATIONS**

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

6.1 B15/152 and B15/153 – Graham Jardine – 2 new lots  
Pt. Lot 5 Conc. 2 geographic Township of Ramsay,  
now in the Municipality of Mississippi Mills.  
Tatlock Road.

6.2 B16/005 – Susan and John Carson – new lot  
Pt. Lot 30 Conc. 8 geographic Township of North  
Elmsley, now in the Township of Drummond / North  
Elmsley. Mary Miller Road.

6.3 B16/024, B16/025, and B16/026 – Barry and Patricia  
Webster – 3 new lots  
Pt. Lot 2/3 Conc. 2 Township of Beckwith.  
Shirley Road and Gillies Corners Road.

6.4 B16/022 and B16/023 – Bryan Fletcher et al –  
2 lot additions  
Pt. Lot 4/5 Conc. 5 Township of Montague.  
Fletcher Road.

6.5 B16/036 – David and Sally Enright - new lot  
Pt. Lot 1 Conc. 10, Township of Montague.  
Pinery Road.

6.6 B16/061 – St. James Anglican Church – lot addition  
Lot 124 Plan 276, Town of Carleton Place. Bell Street.

## **7. DEFERRED APPLICATIONS**

None

## **8. CONFIDENTIAL REPORTS**

None

**9. COMMUNICATIONS/OTHER BUSINESS**

- 9.1 Scoped Hydrogeological Study - deferred
- 9.2 David Wilson – notice of appeal to the Ontario Municipal Board – Consent B10/154
- 9.3 Additional Land Division Committee Meeting – July 12, 2016

**MOTION #LD-2016-23**

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

**"THAT,** an additional Land Division Committee meeting be held on Tuesday, July 12, 2016."

**ADOPTED**

**10. PROVISIONAL CONSENT GRANTED**

- 10.1 B15/152 and B15/153 – Graham Jardine – 2 new lots      5 - 16
- 10.2 B16/005 – Susan and John Carson – new lot      17 - 26
- 10.3 B16/024, B16/025, and B16/026 – Barry and Patricia Webster – 3 new lots      27 - 39
- 10.4 B16/022 and B16/023 – Bryan Fletcher et al – 2 lot additions      40 - 51
- 10.5 B16/036 – David and Sally Enright - new lot      52 - 61
- 10.6 B16/061 – St. James Anglican Church – lot addition      62 - 66

**11. PROVISIONAL CONSENT DEFERRED**

None

**12. PROVISIONAL CONSENT DENIED**

None

**13. UPCOMING MEETINGS AND NOTICES**

July 12, 2016 at 9:00 a.m.

August 8, 2016 at 9:00 a.m.

Annual Warden's Golf Tournament - August 19, 2016 - Timber Run, Lanark

September 6, 2016 at 9:00 a.m.

OACA Fall Seminar - Town of Orangeville - date not announced.

October 17, 2016 at 9:00 a.m.

November 14, 2016 at 9:00 a.m.

Inaugural County Council Meeting - December 6, 2016 @10:00 a.m.

December 12, 2016 at 9:00 a.m.

**14. ADJOURNMENT**

**MOTION #LD-2016-24**

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

**"THAT,** the meeting do now adjourn at 11:30 a.m."

**ADOPTED**



Mary Kirkham  
Secretary-Treasurer



**LAND DIVISION STAFF REPORT**  
**APPLICATION FOR CONSENT**

**Owner:** Graham Jardine

**Hearing Date:** June 13, 2016

**Agent:** Lisa Yuill

**LDC File #:** B15/152 and B15/153

**Municipality:** Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 5

**Conc.:** 2

**Roll No.:** 0931 929 030 04200

**Consent Type:** 2 new lots

**Purpose and Effect:**

To sever a 5.37-ha residential lot with an existing dwelling located at 496 Tatlock Road, and a 3.25-ha residential building lot and to retain a 3.30-ha residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed B15/152	Lands to be Severed B15/153	Lands Retained
<b>Existing Use</b>	Residential	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	5,37-ha	3.25-ha	3.30-ha
<b>Frontage</b>	413 m	120 m	120 m
<b>Depth</b>	274 m	325 m	374 m
<b>Road - Access to</b>	County Road	County Road	County Road
<b>Water Supply</b>	Private Well	Proposed Well	Proposed Well
<b>Sewage Disposal</b>	Septic System	Proposed Septic	Proposed Septic
<b>Zoning By-law Category</b>	Rural	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m	45 m
<b>-Compliance?</b>	Yes	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.2 County Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Basis of Plan, Section 3.3 Rural Policies, Section 3.3.6 Severances and Lot Creation, Section 4 General Policies, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

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

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

The Municipality 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 & EFFECT OF APPLICATION**

The Applicant has submitted Consent applications to the County of Lanark requesting to sever two (2) rural residential lots from the above noted property.

The first severed lot would be a ±1.45ha (3.58ac) rural residential lot containing an existing detached dwelling (496 Tatlock Road) and the second severed lot would

be a ±3.9ha (9.6ac) rural residential building lot. The proposal would result in a retained ±4.48ha (11ac) rural residential building lot. The proposed severed lots would have ±120m (394ft) and ±413m (1,355ft) of frontage along Tatlock Road, while the intended retained lot would maintain a frontage of ±120m (394ft) along Tatlock Road.

The subject lands are located on the east side of Tatlock Road, south of Forest Road and in the Ward of Ramsay. The lands are ±9.83ha (24.29ac) in size with a frontage of ±653m (2,142ft) along Tatlock Road. The lands are occupied by a detached dwelling, detached garage and two (2) sheds, all of which will remain on the first severed lot. The lands are generally surrounded by rural and rural residential properties.

#### SERVICING & INFRASTRUCTURE

The subject lands are serviced by private well and septic services and have driveway access from Tatlock Road, a County owned and maintained public road. Four (4) entrance permits have been approved by the County (3 residential and 1 farm) to provide access to the severed and retained lots through County Road Entrance Location Permit Nos. 2559-2561 and 2563. Post severance, all three (3) lots would be serviced by private well and septic systems to support the use of the proposed detached dwellings.

It should be noted that the northerly portion of the subject property falls within the watershed of the Hilliard Municipal Drain. As both the proposed retained parcel and a portion of the second severed parcel would fall within this watershed, prospective purchasers of the parcels should be notified that *Drainage Act* requirements apply. Therefore, Staff recommends as a condition of Consent approval that a covenant be registered on title of the retained parcel and the second severed parcel (B15/153) stating that the lots are located within the watershed of the Hilliard Municipal Drain and are subject to the requirements of the *Drainage Act*, including charges from time to time.

#### 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.

##### 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*, all planning decisions must be consistent with the PPS.

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. The proposed retained and 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.

With respect to complying with minimum distance separation (MDS) requirements, the Applicant has noted that there are no livestock facilities located within 500m

(1,640ft) of the subject property. 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 following provides an analysis of the proposal against the applicable policies:

3.3.6.4 *The* subject property has not had any previous severances since July 1, 1973.

3.3.6.5 As noted, four (4) entrance permits have been approved by the County (3 residential and 1 farm) to provide access to the severed and retained lots through County Road Entrance Location Permit Nos. 2559-2561 and 2563.

As the second severed lot and the retained lot would be ±3.9ha (9.6ac) and ±4.48ha (11ac) in size respectively, there would appear to be sufficient area to accommodate the required on-site private services. The Applicant will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The proposed severed and retained lots would have frontage along Tatlock Road, a County owned and maintained public road.

The intended severed parcels would be ±1.45ha (3.58ac) and ±3.9ha (9.6ac) in size, while the intended retained parcel would maintain a lot area ±4.48ha (11ac).

There are no lands being utilized as part of an active agricultural operation within 30 metres of the subject property.

There does not appear to be any significant environmental features or natural resources on the subject property. 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 Municipality’s Comprehensive Zoning By-law #11-83. As noted, the retained and severed parcels would each be occupied by a detached dwelling. As such, the parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed lots:

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	SEVERED LOT 1	SEVERED LOT 2	RETAINED LOT
Lot Area (ha)	1	1.45	3.9	4.48



Lot Frontage (m)	45	413	120	120
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As noted in the above table, the proposed severed and retained lots exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone.

#### **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 satisfies the development standards of Zoning By-law #11-83.

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

1. That the Owner pays any outstanding property taxes on the subject property;
2. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
3. That the Applicant obtains civic address numbers for the severed and retained parcels;
4. That the Applicant provides two (2) copies of the registered reference plan to the Municipality;
5. That the Applicant provides digital copies of the registered reference plan in .DWG and .PDF file formats to the Municipality; and,
6. That the Applicant registers a covenant on title of the retained parcel and the second severed parcel (B15/153) stating that the lots are located within the watershed of the Hilliard Municipal Drain and are subject to the requirements of the *Drainage Act*, including charges from time to time.

#### **Conservation Authority** – Mississippi Valley Conservation Authority

The Conservation Authority has advised that a review by the Authority would not be required.

#### **Lanark County Public Works**

Applicant has an approved existing entrance to the County Road – B15/152 Permit #2561.

Applicant has an approved entrance location to the County Road – B15/153 Permit #2559.

Applicant has an approved entrance location to the County Road – Retained Lands Permit #2563.

Entrance to be installed prior to deed endorsement for B15/153 and the retained lands.

Road Widening is not required.

Ontario Land Surveyor in preparing the reference plan describing the subject lot, must determine:

- 1/ That the road parallel to the frontage of the lands 'is pinned' as road and shown as County ownership.
- 2/ Any former road meandering through the property / which lies between the

- property and the existing travelled road.
- 3/ Draft reference plan must be approved prior to registration, if road widening or closing is applicable.
  - 4/ One paper copy, and the electronic file of the registered plan must be provided to Lanark County Public Works.

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

B15/152 – A 1.45 ha parcel of land. There is an existing house serviced by a well and septic system. There is an existing garage and tractor shed on the property. The parcel is heavily wooded. Recommendation – additional sandy loam fill will be required in the area of the future replacement tile bed.

B15/153 – A 3.92 ha parcel of vacant wooded forest. Land slopes and drainage can vary throughout parcel of land. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained Lands - A 4.48 ha parcel of vacant land. Additional sandy loam fill will be required in the area of the future tile bed.

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

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever two residential lots – B15/152 is a 5.37-ha lot with an existing dwelling located at 496 Tatlock Road. B15/153 is a vacant 3.25-ha residential building lot, the retained lands are a vacant 3.30-ha residential building lot, as per the revised sketch provided June 2, 2016.

The subject lands are located in an area characterized by limited residential development and large landholdings along Tatlock Road. No significant natural features are shown in this area.

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 drained
- Hydrogeology: moderate

Bedrock Inventory – diorite, gabbro, peridotite.

**Source Water Protection**

A portion / all of the severed and retained lands are within an area called “Significant Groundwater Re-charge Area”. These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. Groundwater can also

be vulnerable to contamination in these areas depending on the depth and type of soil.

#### Endangered Species

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.

#### 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 has been established by the Municipality 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 Municipality of Mississippi Mills and could be given favourable consideration.

**(e) MINUTES – June 13, 2016**

Lisa Yuill, agent attended the hearing and gave evidence under oath.

Ms. Yuill advised that the application sizes and dimensions were revised in order to accommodate the road entrance locations. Also noting that she is not aware of any water well issues in this area.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B15/152**

1. An acceptable reference plan (survey) 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" dated June 2, 2016.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality of Mississippi Mills.
5. Payment shall be made to the Municipality of Mississippi Mills representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.

6. The applicant shall provide the Municipality of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall register a covenant on title of the retained lands stating that the lots are located within the watershed of the 'Hilliard Municipal Drain' and are subject to the requirements of the *Drainage Act*, including charges from time to time.
8. The applicant to provide a digital copy of the registered reference plan in a .DWG and .pdf file format to the Municipality of Mississippi Mills.
9. The applicant shall obtain a Civic Address Number from the Municipality of Mississippi Mills for the retained lands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall submit a full entrance application for the retained lands to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. Road Closing: If any former road is determined to be meandering through the severed lot, between the property and the existing travelled road, 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 Municipality 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.
12. The applicant shall provide a registered paper copy and a digital registered copy of the reference plan to the Lanark County Public Works.
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 condition #9 through #12 has been fulfilled to their satisfaction.
15. A letter shall be received from the Municipality of Mississippi Mills stating that condition #3 through #8 (and #10 if required) has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed on the severed lands and in the area of a future tile bed area on the retained lands..*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the retained lands.*

3. Source Water Protection

The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca).

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 and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.

**B15/153**

1. An acceptable reference plan (survey) 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" dated June 2, 2016.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality of Mississippi Mills.

5. Payment shall be made to the Municipality of Mississippi Mills representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
6. The applicant shall register a covenant on title of the retained lands and the severed lands stating that the lots are located within the watershed of the 'Hilliard Municipal Drain' and are subject to the requirements of the *Drainage Act*, including charges from time to time.
7. The applicant shall provide the Municipality of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant to provide a digital copy of the registered reference plan in a .DWG and .pdf file format to the Municipality of Mississippi Mills.
9. The applicant shall obtain a Civic Address Number from the Municipality of Mississippi Mills for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall submit a full entrance application for the severed and retained lands to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. Road Closing: If any former road is determined to be meandering through the severed lot, between the property and the existing travelled road, 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 Municipality 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.
12. The applicant shall provide a registered paper copy and a digital registered copy of the reference plan to the Lanark County Public Works.
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 condition #10 through #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Municipality of Mississippi Mills stating that condition #4 through #9 (and #11 if required) has been fulfilled to their satisfaction.

#### **NOTES**

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

2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the severed and retained lands.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

4. Source Water Protection

*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca) .*

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 and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.*





## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Susan and John Carson

**Hearing Date:** June 13, 2016

**Agent:** ZanderPlan Inc.

**LDC File #:** B16/005

**Municipality:** Drummond / North Elmsley

**Geographic Township:** North Elmsley

**Lot:** 30

**Conc.:** 8

**Roll No.:** 0919 908 020 30600

**Consent Type:** New lot

**Purpose and Effect:**

To sever a 1.2-ha residential building lot together with an easement (R-O-W) over Part 7 on Plan 27R-3324 retain a 1.17-ha residential lot with an existing dwelling located at 273 Mary Miller Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.2-ha	1.17-ha
<b>Frontage</b>	134.4 m	96.04 m
<b>Depth</b>	Irregular	Irregular
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Septic System
<b>Zoning By-law Category</b>	Limited Service Residential	Limited Service Residential
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	50 m	50 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** The Official Plan policies and the Zoning By-law designation conflict on the existing use of this land.

**APPLICATION REVIEW**

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

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

Section 1.1.1.c) Healthy, liveable and safe communities are sustained by avoiding

development and land use patterns which may cause environmental or public health and safety concerns.

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

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

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

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

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

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

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

#### **2.1 Natural Heritage**

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

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

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

#### **2.2 Water**

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

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

#### **2.6 Cultural Heritage and Archaeology**

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

Section 2.6.3 Planning authorities shall not permit development and site alteration

on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** - Section 3 General Provisions, Section 4.3 Rural Policies, Section 4.3.5 Limited Services Residential Development, Section 5.5 Private Roads, Section 6.3 Division of Land.

**Zoning By-law** – Section 4 General Provisions, Section 10 Limited Services Residential.

(a) **AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff and Council have reviewed the severance proposal.

As indicated, the applicant seeks permission to divide a 2.37 ha lot north of Otty Lake, creating a new 1.2 ha residential building lot and retaining a 1.17 ha lot that includes a dwelling (described municipally as 237 Mary Miller Road). The severed lot is heavily forested and fronts on Mary Miller Road and Loon Drive, which are privately owned and maintained roads that provide access to a number of cottages on Otty Lake. The severed lot however does not have access to the water nor to a public road.

The severed and retained lands are designated "Rural" according to the Township's Official Plan, with a significant woodland constraint overlay affecting lands across the street (this was evaluated at the time of a previous severance application at that location). The lot is zoned Limited Services Residential and while that zoning normally applies to waterfront properties, it is noted that the wording of the Zoning By-law does not define lot frontage in that zone as water frontage. As such, this application does comply with the provisions of the LSR Zone.

Upon consideration of this proposal, Council supports the application and as such the Township recommends the Land Division Committee considers approval.

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

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

- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office. Copies of the survey shall be provided in paper and electronic format.
- 3) The Applicant shall obtain a Civic Address Number on Mary Miller Road from the Township of Drummond/North Elmsley for the severed lot. The applicant shall consult directly with the Township in this regard.
- 4) The Owner shall provide certification of the following to the Lanark County Land Division and the Township of Drummond/North Elmsley
  - a) That a well has been constructed in accordance with the Ministry of Environment and Climate Change requirements;
  - b) That the quality of the water meets the Ministry of Environment and Climate Change Regulations, Standards, Guidelines and Objectives;
  - c) That the quantity of water meets the Ministry of Environment and Climate Change requirements;
 The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's/Applicant's responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.

**Conservation Authority** – Rideau Valley Conservation Authority

We have received and reviewed the noted application considering:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,

**The Proposal**

A new 2.99 acre (1.2 ha) lot is proposed to be created, retaining the developed portion of the property.

**The Property**

The proposed lot fronts on the private right-of-way (Mary Miller Road). According to our mapping, no significant woodlands are identified on the lot to be created. There are no natural heritage features or natural hazards affected by this application per our considerations according to our information, The lot is not a waterfront lot, located to the rear/northwest of the waterfront properties accessed by Bayside Road.

Overland drainage appears to move south and east towards the lake, across Bayside Road (right-of-way) and over the intervening waterfront lots via gentle terrain and variable depth sandy/rocky cover. There is no evidence that flows from the property should affect adjacent properties, water quality or quantity flows to Otty Lake, provided surface runoff is managed/treated on-site.

**Discussion and Recommendations**

The RVCA has no objection to this application. We support the Township in efforts to describe a development envelope such that site/forest cover disturbance is minimized and stormwater is managed on-site.

Thank you for the opportunity to comment. Please forward notice of the

Committee's decision on these applications to the RVCA office.

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

Severed Lands – a 2.99 acre vacant wooded parcel of land with some areas of rock outcrop. Land has gently slopes. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

Retain Lands – a 2.89 acre parcel of land with an existing house serviced by a well and septic system. There is sufficient area to replace the sewage system in the future. Recommendation – additional sandy loam fill will be required in the area of the future replacement leaching bed.

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

**Bell Canada R-O-W**

Subsequent to review by our local Engineering Department, it has been determined that Bell Canada has no concerns or objections with the application.

**(b) 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.

**(c) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1.34-ha residential building lot and retain a 0.96-ha residential lot with an existing dwelling located at 273 Mary Miller Road.

The subject lands are located in an area characterized by typical rural residential and seasonal residential along the shore of Otty Lake. The Burgesswood Subdivision is located to the north of Mary Miller Road.

Due to the number of residential lots within the area, all on private well services, it is recommended that if approved, either the applicant prepare a scoped Hydrogeological report or drill a well on the lot, in order to ensure sufficient and potable water supply.

The lands are accessed via Mary Miller Road, a private road which adjoins Otty Lake Sideroad, a municipally maintained road.

Bedrock Inventory – marble, calc-silicate.

**Archaeological**

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

**Endangered Species**

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

Gray Ratsnake (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.
- 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 has been established by the Township of Drummond / North Elmsley.

Official Plan

The Official Plan designation for these lands is 'Rural' (Section 4.3 of the D/NE Official Plan). Within the Rural policy area Limited Services Residential Development is a permitted use and is defined as "*abutting a navigable waterway and not having frontage on and direct access to an opened public road which is maintained year-round*". This section also goes on to state that '*back lot development is not permitted as a form of Limited Services Residential Development*', however back lot development has not been defined.

Section 4.3.5 of the plan also provides that LSR Development may be permitted in the Rural designation, provided it meets certain criteria, these being:

- 4.3.5.1 *LSR shall generally be permitted by consent pursuant to the policies of Section 6.3, or on existing lots or record. Based on a narrow reading this proposal does not comply since the lot is not "limited services residential development" as defined in the OP (even though it is zoned as such) and while the house would be permitted on the existing lot of record, the new lot would not be permitted on an existing lot of record.*
- 4.3.5.2 *LSR shall only be permitted on lots which abut a navigable waterway.*
- 4.3.5.3 *LSR shall not be permitted with such municipal services as road maintenance and snow removal. In addition, no new LSR shall be permitted unless other public services such as fire protection, policies*

*protection, school bussing, etc. can be provided to the satisfaction of the responsible agencies.*

4.3.5.4 to 4.3.5.6 Deal with the issuance of building permits.

It is not clear from the above noted policies 4.3.5.1 to 4.3.5.3 that all three criteria must be met in order to qualify for development. However, in reviewing this application, the proposal does generally meet 4.3.5.1 and 4.3.5.3.

With regards to 4.3.5.3, Mary Miller Road is a well-defined and maintained private road servicing approximately 40 other properties. The Township does not maintain this road and has not indicated any known issues with its use from a 'safety' perspective.

The Provincial Policy Statement Section 1.1.5 "Rural Lands in Municipalities" provides for uses such as limited residential development and development that is compatible with the rural landscape and can be sustained by rural service levels. While the PPS promotes 'in-fill' development, this is generally considered to occur within settlement areas, however this development proposal could be considered as 'in-fill' within the rural lands in the municipality, although it may be questionable whether in-fill development on private roads is in generally 'good planning' and consistent with the intent of the PPS, even though no new services are anticipated.

#### Zoning

The subject property is currently within the Limited Services Residential 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.

Section 4.9 states "*No building or structure shall be erected in any zone except the Limited Services Residential (LSR) Zone or Tourist Commercial (TC) Zone unless the lot on which such building or structure is located has frontage on an opened public street*". In accordance with this section of the Zoning By-law, the lot complies with the Township's Zoning By-law.

It is unclear how the existing lot became zoned in contravention with the Official Plan policies. It may be that perhaps there may have been some municipal intent sometime in the past, that LSR policies would be appropriate on this site. Re-zoning to a 'rural' designation would not solve the problem as any new lot in a rural zone must front onto an open and maintained municipal road.

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lot is 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 Zoning By-law but may not fully meet the Official Plan policies.

There were no objections raised by any of the agencies or public which were circulated regarding this proposal.

**(d) MINUTES – June 13, 2016**

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

Ms. Zander provided background information on the application, noting that within the Township's Official Plan, there is no definition for backlot development, however, the lands are zoned Limited Services Residential which meets the criteria for development on a private road. The Township has reviewed this application and although it is an unusual circumstance, they are not opposed to the granting of the severance.

Mr. Carson advised that there is a road maintenance agreement for upkeep and that the wells in the area are between 75 ft and 80 ft with no issues.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/005**

1. An acceptable reference plan (survey) 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. An appropriate easement (right-of-way) shall be granted in favour of the lot to be severed.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.



6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan to the Township of Drummond / North Elmsley.
8. THAT the Owner(s) provide certification of the following to the Lanark County Land Division and the Township of Drummond / North Elmsley:
  - a) That a well has been constructed in accordance with the Ministry of Environment and Climate Change requirements;
  - b) That the quality of the water meets the Ministry of Environment and Climate Change Regulations, Standards, Guidelines and Objectives;
  - c) That the quantity of water meets the Ministry of Environment and Climate Change requirements;  
The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicants responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

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

*migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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:** Barry and Patricia Webster

**Hearing Date:** June 13, 2016

**Agent:** ZanderPlan Inc.

**LDC File #:** B16/024 - B16/026

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 2/3

**Conc.:** 2

**Roll No.:** 0924 000 010 04900 and  
0924 000 010 04500

**Consent Type:** 3 new lots

#### **Purpose and Effect:**

B16/024 – to sever split the landholding into two 20-ha parcels of land, which will be further severed by B16/024;

B16/025 – to sever a 0.81-ha residential building lot;

B16/026 – to sever a 1.75-ha residential building lot; and

To retain a 20.1-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed B16/024	Lands to be Severed B16/025
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	15.23-ha	0.81-ha
<b>Frontage</b>	694.4 m	40 m
<b>Depth</b>	673.0 m	135.0 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	Proposed Well
<b>Sewage Disposal</b>	Septic System	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes
DETAILS OF PROPOSAL	Lands to be Severed B16/026	Lands Retained
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.75-ha	20.1-ha
<b>Frontage</b>	80.1 m	238.6 m
<b>Depth</b>	123 m	673.0 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed Well	Proposed Well

DETAILS OF PROPOSAL	Lands to be Severed B16/024	Lands to be Severed B16/025
<b>Sewage Disposal</b>	Proposed Septic	Proposed Septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

**1.1.5 Rural Lands in Municipalities**

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

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

**1.6 Infrastructure and Public Service Facilities**

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 Rural Areas, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

The Township of Beckwith advised that the proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, Section 11 Rural Zone

The Township of Beckwith 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 -**

**EXECUTIVE SUMMARY**

The applicant has submitted three severance applications to create two new severances and to de-merge two existing parcels. Shirley Road will need to be extended by approximately 45m to ensure adequate frontage for the retained lands in part Lot 2, Con 2. The applicant is not proposing to survey Gillies Corners Road to recognize the natural severance. An MDS calculation has been completed and there are no anticipated concerns. Staff recommends conditional support for the severances.

**DESCRIPTION OF APPLICATION**

The applicant proposes to:

- o sever the two abutting ~50ac parcels to recognize the roll number boundaries, despite the parcels having a single deed and having been merged together since the 1880's;
- o sever a new approximately 2 acre severance in part Lot 2, Con 2;
- o extend Shirley's Road by approximately 40m to ensure retained parcel has sufficient road frontage;
- o use the second and final severance from the 50 ac parcel in part Lot 3, Con 2 to create a new parcel with frontage on Shirley and Gillies Corners Side Roads.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands consist of two approximately 50 acre parcels that have separate roll numbers but are considered by the Land Registry Office to be a single parcel. The lands are partially cleared for agricultural purposes while the remainder of the lands are in a natural and wooded state. The lands are bisected by Gillies Corners Road, which the applicant advises has been in place since 1839, but was never properly surveyed and conveyed to the municipality. The subject lands have provided one severance in the past. There is a barn on the property capable of housing approximately 20 dairy cattle and a preliminary MDS calculation has been completed with no significant concerns.

**PROVINCIAL POLICY STATEMENT**

The proposal would add limited additional development into a rural area of the Township, in close proximity to the rural settlement area of Gillies Corners. The proposal would not encroach within any recognized natural heritage area and the proposal would conform to the required MDS setback for an agricultural operation in the area. All services offered by the municipality are available in the area of the proposed severances. There are no known water quality or quantity issues within the area. Given the above information, Staff considers the proposal to be in line with the PPS.

OFFICIAL PLAN

The subject lands are designated Rural by the Township's Official Plan. Severances are permitted within this designation.

Section 4.5 provides direction on land division. These policies permit a maximum of two severances for original Township lots of 50 acres (corresponding to a quarter of an original surveyed lot within a concession). The property owner owns two of these 'original quarter lots' which would permit a maximum of two severances from each of these parcels. Given the existing severance obtained in 1996, the lands retain the potential for 3 additional severances. This being said, Gillies Corners Side Road bisects the property and should form a natural severance. The applicant is not proceeding with an application to recognize the natural severance at this point as there would be a substantial amount of surveying required.

The subject lands contain an agricultural barn that the property owner asserts has capacity for approximately twenty (20) cattle. A preliminary MDS calculation was completed and is included on the severance sketch. The proposed severances would be beyond the MDS limits and would not create a land use conflict.

The applicant has proposed to split the two 50 acre parcels that were merged together. While the applicant purchased these parcels together on a single deed, the Township already considers these parcels to be separate as each has a separate roll number. The Township has supported recent requests to de-merge properties similar to this, the difference being that the owner purchased the property as one rather than two parcels that were later merged without knowledge. The applicant proposes to extend Shirley Road by approximately 40m to provide sufficient frontage for a new severance. Provided that the road is constructed according to Township standard and is reviewed by an engineer, Staff has no concerns with this. The final severance would be at the intersection of Shirley and Gillies Corners Side Roads.

ZONING BY-LAW

The lands are entirely zoned Rural, which requires a minimum lot size of 2 acres with 45m frontage along an open and maintained road. The proposal conforms to requirements of the Rural zone. The Zoning By-law prohibits any dwelling from being constructed within the required MDS setback for an agricultural barn; Staff have completed a calculation based on the information provided by the property owner and there are no anticipated to be any land use conflicts.

OPTIONS / ANALYSIS

Staff does not have any concerns with the proposed severances, provided that Shirley Road is extended to the Township's standards and inspected by an engineer to ensure compliance.

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

1. That the applicant enters into a road development agreement with the Township to extend Shirley Road to provide the necessary road frontage for the severance and retained lands in part Lot 2, Con 2;
2. That the applicant agrees to construct the required extension to Shirley Road to the Township standard and reimburse the Township for all costs associated with this extension;
3. That the applicant provides the Township with a paper-copy of all reference plans associated with the application;
4. That the applicant confirms with the Township that an entrance is viable for each new lot being created;

5. That 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; and

Notes:

6. That any buildings and 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.

**Conservation Authority** – Rideau Valley Conservation Authority

**B16/024**

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

**PROPOSAL**

The proposal is to sever a 41.99 acre parcel from the existing parcel. We note that this is one of three applications for consent which are being heard concurrently which will ultimately result in 4 lots from the existing lot.

**PROPERTY CHARACTERISTICS**

**Severed Parcel B16/024 (Severance #1)**

The severed parcel is primarily cleared land with some wooded areas towards the west of the property. An unevaluated wetland has been identified on a small portion towards the east of the property, The severed parcel contains a residence, detached garage, and a barn.

**Retained Parcel**

A small portion of the retained parcel is cleared while majority of the parcel is wooded. In addition, a large portion of the retained parcel has been identified as being within an unevaluated wetland. The parcel is vacant.

**REVIEW**

**Natural Hazards - Organic Soils**

**Severed Parcel B16/024**

There have been no natural hazards identified on the severed parcel which would preclude this severance application.

**Retained Parcel**

We note that while Organic Soils have not been identified on any Schedule in the Township's Official Plan, a review of the OMAFRA Soil Layer indicates that "muck" is present on the retained parcel. The muck appears to coincide with the unevaluated wetland boundary. Muck is considered to be an Organic Soil. Organic Soils are considered a natural hazard (hazardous site) in the Provincial Policy Statement. The Provincial Policy Statement encourages development to be located outside of areas identified with Organic Soils. In this particular case there is a sufficient building envelop along the most easterly portion of the retained parcel fronting Shirley Road which would be entirely outside of the area identified as Organic Soils.

#### Natural Heritage - Watercourses

##### Severed Parcel B16/024 (Severance #1)

There have been no watercourses identified on the severed parcel.

Retained Parcel A watercourse has been identified on the retained parcel. It is located on the south west corner of the parcel. The retained parcel is sufficiently large that a development envelope is available on the parcel well away from the watercourse. Therefore, there is no anticipated impact on the watercourse as a result of this application.

##### Unevaluated Wetland

##### Severed Parcel B16/024 (Severance #1)

A small portion of the severed parcel has been identified as unevaluated wetland. The unevaluated wetland is located on the western lot line. The severed parcel is already developed with a residence, detached garage and a barn, therefore there is no anticipated impact on the wetland as a result of this application.

##### Retained Parcel

Majority of the retained parcel has been identified as unevaluated wetland. There is a small development envelope available away from the wetland located on the most easterly portion directly off of Shirley Road. We recognize that these wetlands have not been evaluated by the Ministry of Natural Resources and Forestry; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, the Conservation Authority 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). The Conservation Authority also strongly recommends that all development be setback 30 metres from the wetland boundary.

##### Conservation Authority Regulations

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

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to these applications. Please keep us informed on the status of this application.

#### B16/025

We have undertaken our review within the context of Sections 2, 1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.



**PROPOSAL**

The proposal is to sever a 2.00 acre parcel from the existing parcel. We note that this is one of three applications for consent which are being heard concurrently which will ultimately result in 4 lots from the existing lot.

**PROPERTY CHARACTERISTICS****Severed Parcel B16/025 (Severance #2)**

The severed parcel is primarily cleared land with some trees fronting Shirley Road. The severed lot is vacant.

**Retained Parcel**

A small portion of the retained parcel is cleared while majority of the parcel is wooded. In addition, a large portion of the retained parcel has been identified as being within an unevaluated wetland. The parcel is vacant.

**REVIEW****Natural Hazards - Organic Soils****Severed Parcel B16/025**

There have been no natural hazards identified on the severed parcel which would preclude this severance application.

**Retained Parcel**

We note that while Organic Soils have not been identified on any Schedule in the Township's Official Plan, a review of the OMAFRA Soil Layer indicates that "muck" is present on the retained parcel. The muck appears to coincide with the unevaluated wetland boundary. Muck is considered to be an Organic Soil. Organic Soils are considered a natural hazard (hazardous site) in the Provincial Policy Statement. The Provincial Policy Statement encourages development to be located outside of areas identified with Organic Soils. In this particular case there is a sufficient building envelope along the most easterly portion of the retained parcel fronting Shirley Road which would be entirely outside of the area identified as Organic Soils.

**Natural Heritage - Watercourses****Severed Parcel B16/025 (Severance #2)**

There have been no watercourses identified on the severed parcel.

Retained Parcel A watercourse has been identified on the retained parcel. It is located on the south west corner of the parcel. The retained parcel is sufficiently large that a development envelope is available on the parcel well away from the watercourse. Therefore, there is no anticipated impact on the watercourse as a result of this application.

**Unevaluated Wetland****Severed Parcel B16/025 (Severance #2)**

There have been no unevaluated wetlands identified on the severed parcel.

Retained Parcel Majority of the retained parcel has been identified as unevaluated wetland. There is a small development envelope available away from the wetland located on the most easterly portion directly off of Shirley Road. We recognize that these wetlands have not been evaluated by the Ministry of Natural Resources and Forestry; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However,

given the numerous benefits of all wetlands, the Conservation Authority 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). The Conservation Authority also strongly recommends that all development be setback 30 metres from the wetland boundary.

#### Conservation Authority Regulations

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

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this application. Please keep us informed on the status of this application.

#### **B16/026**

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

#### PROPOSAL

The proposal is to sever a 4.33 acre parcel from the existing parcel. We note that this is one of three applications for consent which are being heard concurrently which will ultimately result in 4 lots from the existing lot.

#### PROPERTY CHARACTERISTICS

##### Severed Parcel B16/026 (Severance #3)

The severed parcel is primarily cleared land with some trees fronting Shirley Road. The severed lot is vacant.

##### Retained Parcel

The retained parcel is primarily cleared land with some wooded areas towards the west of the property. An unevaluated wetland has been identified on a small portion towards the east of the property. The severed parcel contains a residence, detached garage, and a barn.

#### REVIEW

##### Natural Hazards

There have been no natural hazards identified on the severed and retained parcels which would preclude this application.

##### Natural Heritage - Unevaluated Wetland

##### Severed Parcel B16/026 (Severance #3)

There have been no unevaluated wetlands identified on the severed parcel.

**Retained Parcel**

A small portion of the retained parcel has been identified as unevaluated wetland. The unevaluated wetland is located on the western lot line. The retained parcel is already developed with a residence, detached garage and a barn, therefore there is no anticipated impact on the wetland as a result of this application.

**CONCLUSION**

In conclusion, the Conservation Authority has no objection to this application. Please keep us informed on the status of this application.

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

B16/024 – A 41.99 acre farm parcel. There is an existing house serviced by a well and septic system. There is a barn and garage on property. Land Surrounding home is mainly open field with indications of shallow soil depths. Recommendation – Additional sandy loam fill will be required in the area of the future replacement tile bed.

B16/025 – A 2.0 acre vacant parcel of land with a small area of bush at the front and open field for the remainder of the parcel. Land Relatively flat. Recommendation – Additional sandy loam fill will be required in the area of the future tile bed.

B16/026 – A 4.33 acre vacant parcel of land. Land has an area that is low in front corner at the union of Shirley Road and Gillies Corners Road. The general area is mainly open farm field. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained Lands – a 37.66 acre parcel of farm land with an existing house, garage and barn. Land surrounding home is mainly farm fields. There is shallow soil depths in front field nearest the house. Recommendation additional sandy loam fill will be required in the area of the future tile bed replacement.

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

**Bell Canada R-O-W**

Subsequent to review by our local Engineering department, it has been determined that Bell Canada has no concerns or objections with the application.

**(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 20-ha parcels of lands (east half and west half) and then to create two smaller residential building lots - 0.81-ha and 1.75-ha).

The subject lands are located in an area characterized by typical rural residential. The lands are north of the settlement area known as Gillies Corners.

The lands are accessed via Gillies Corners Side Road and partial accessed via

Shirley Road – Shirley Road will require an extension to provide for frontage as required by the Zoning By-law.

Soils Inventory – Name: Farmington

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

Bedrock Inventory – dolostone, sandstone

#### Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 135 m, the actual distance from the barn to the closest proposed lot line exceeds the minimum requirement. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

#### Endangered Species

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:

- Bobolink – (THR)
- Eastern Meadowlark (THR)

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. 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 retained lands and a portion of B16/024 have considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Beckwith.

#### Zoning

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

#### Conclusion

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

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

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

#### **(e) MINUTES – June 13, 2016**

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

Ms. Zander confirmed that through a title search, the NE ¼ Lot 3 merged with the NW ¼ Lot 2 in 1846, and that this was an unusual title conversion for the early 1800's and although Mr. Webster has one deed, there are two property roll numbers, two tax bills and the Township recognizes these lands as two separate parcels according to their Official Plan Policies. However, in order to obtain a separate Property Identification Number (PIN) in the Land Titles Office, the Webster's must go through the consent process under the *Planning Act*.

Ms. Zander also noted that Mr. Webster is aware that he must construct a new portion of Shirley Road in order to have frontage on an opened and maintained

Township Road for the Retained lands located in Pt. Lot 3.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/024, B16/025 and B16/026**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office
6. That the applicant enter into a road development agreement with the Township of Beckwith to extend Shirley Road, to provide the necessary road frontage for Consent B16//025 and the retained lands. The applicant shall consult directly with the Township in this regards.
7. That the applicant agrees to construct the required extension of Shirley Road, to the Township of Beckwith standards and to reimburse the Township of Beckwith for all costs associated with the road extension. The applicant shall consult directly with the Township in this regards.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
9. A letter shall be received from the Township of Beckwith stating that condition #3 through #9 has been fulfilled to their satisfaction.

**NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The RVCA advises that the watercourse is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained parcel in the following manner:*
4. *The RVCA also advises that any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future tile bed area and in the future replacement tile bed area.*
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 and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Bryan Fletcher, Beverley Moore,  
Bruce Fletcher, Barry Fletcher, Allison  
Fletcher and Brenda McKinsley

**Hearing Date:** June 13, 2016

**Agent:** Bryan Fletcher

**LDC File #:** B16/022 and B16/023

**Municipality:** Montague

**Geographic Township:** Montague

**Lot:** 4/5

**Conc.:** 5

**Roll No.:** 0901 000 015 03400

**Consent Type:** 2 lot additions

#### **Purpose and Effect:**

To sever two lot additions – a 0.38-ha parcel of land to be added to lands owned by Bruce Fletcher at 134 Fletcher Road and a 52.64-ha parcel of land to be added to lands owned by Bryan and Sandra Fletcher at 180 Fletcher Road and to retain a 3.7-ha residential lot at 154 Fletcher road.

DETAILS OF PROPOSAL	Lands to be Severed B16/022	Lands to be Severed B16/023	Lands Retained
<b>Existing Use</b>	Vacant	Vacant	Residential
<b>Proposed Use</b>	Lot addition	Lot addition	Residential
<b>Area</b>	0.38-ha	52.64-ha	3.7-ha
<b>Frontage</b>	9 m	8 m	179 m
<b>Depth</b>	187 m	287 m	287 m
<b>Road - Access to</b>	Municipal Road	Municipal Rd	Municipal Road
<b>Water Supply</b>	n/a	n/a	Private Well
<b>Sewage Disposal</b>	n/a	n/a	Septic System
<b>Zoning By-law Category</b>	Rural	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	n/a – Lot addition	0.4-ha
<b>-Compliance?</b>			Yes
<b>-Frontage (minimum)</b>			45 m
<b>-Compliance?</b>			Yes

**Official Plan Designation:** Rural and wetlands

**Conformity:** yes

#### **(a) APPLICATION REVIEW**

Provincial Policy Statement - The following provides a summary of the Provincial



Interests that were identified in reviewing the application:

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

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

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

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 3.2. Mineral Resource (Bedrock) Section 3.6 Rural,

Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Montague on these applications. Township staff have reviewed the applications with respect to their conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to sever two portions of land from his 57 acre landholding to serve as lot additions to abutting residential lots. The larger of the lot additions (B16/023- 52.6 ha) is to be conveyed to Bryan and Eileen Fletcher (180 Fletcher Road) and the smaller one (B16/022- 0.4 ha) is to be conveyed to Bruce Fletcher (134 Fletcher Rd). Both lots being enlarged are already developed with residences. The applications would leave a 3.7 ha retained parcel with a derelict dwelling, which is proposed to be replaced. The severed, enlarged and retained parcels all front on Fletcher Road, which is municipally owned and maintained. While there is some severance history on the subject lot, lot additions do not count towards the maximum allowable number of severances contemplated in the Township's lot creation policies.

**Review**

The severed, retained and enlarged parcels are all designated Rural according to the Township's Official Plan, however there are significant woodland, significant wildlife habitat and organic soil constraints overlays affecting the northerly lot addition (B16/023). If this were proposed as a new lot, feasibility studies would need to be undertaken in order to demonstrate the suitability of additional development, however the development principle has already been established by the existing dwelling (which is outside of these constraints). As such, the lot addition would not add to or change the development potential of the site. A portion of the southerly lot to be enlarged is also constrained by mapped organic soils (although not on the lot addition) however the development envelope on the site is also established. The retained lot remains large enough that there are many potential building locations should the existing dwelling be replaced in the future and the Plan's constraints mapping has not identified development constraints in that area. With the above in mind, the overall impact on the planning context of this site appears to be quite minimal were these lot additions to proceed.

The severed, retained and enlarged properties are all zoned Rural according to the Township's Zoning By-law. As per the property information provided, the applications will not create any zoning compliance issues.

**Conclusion and Recommendations**

In conclusion and for the reasons outlined above, staff are of the view that the two lot addition applications are generally consistent with the Township's planning

policies and staff do not object to their approval, provided the following site specific conditions are implemented.

**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. Copies shall be provided in both paper and electronic format.
- 3) The severed lands shall be for lot additions only to adjacent lands as identified in the Applications

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever two parcels (0.38 ha, 52.64 ha) from the existing parcel. The 0.38 hectare parcel is to be conveyed to the adjacent property known municipally as 134 Fletcher Road, and the 52.64 hectare parcel is to be conveyed to the adjacent property known municipally as 180 Fletcher Road.

**PROPERTY CHARACTERISTICS**

**Severed Parcel B16/022 (Severance #1)**

The severed parcel is primarily cleared land. The land is vacant.

**Severed Parcel B16/023 (Severance #2)**

The severed parcel is primarily treed with a large unevaluated wetland and a portion of Brassils Creek Provincially Significant Wetland on the northern portion of the parcel. The lot is currently vacant.

**Retained Parcel**

Majority of the retained parcel is cleared with a vacant former farm and a derelict residence.

**REVIEW**

**Natural Hazards - Organic Soils**

**Severed Parcel B16/022 (Severance #J)**

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

**Severed Parcel B16/023 (Severance #2)**

A portion of the severed parcel has been identified as having Organic Soils in the Township's Official Plan. Organic Soils are considered a natural hazard (hazardous site) in the Provincial Policy Statement. The Provincial Policy Statement and the Township's Official Plan encourage development to be located outside of areas identified with Organic Soils. In this particular case the severed parcel is being conveyed to the adjacent property known municipally as 180

Fletcher Road. Therefore, no new lot is being created as a result of this application, and no new development is being proposed. The existing development on 180 Fletcher Road is entirely outside of the area identified as Organic Soils.

**Retained Parcel**

There have been no Organic Soils identified on the retained parcel.

**Natural Heritage - Significant Woodlands**

**Severed Parcel B16/022 (Severed Parcel # 1)**

There have been no Significant Woodlands identified on the severed parcel.

**Severed Parcel B16/023 (Severed Parcel #2)**

Portions of the severed parcel have been identified as being Significant Woodlands in the Township's Official Plan. Since this is a lot addition, there is no anticipated impact on the woodlands as a result of this application.

**Retained Parcel**

There have been no Significant Woodlands identified on the retained parcel.

**Natural Heritage - Significant Wildlife Habitat**

**Severed Parcels B16/022 (Severed Parcel #1)**

There has been no Significant Wildlife Habitat identified on the severed parcel.

**Severed Parcel B16/023 (Severed Parcel #2)**

A portion on the east side of the severed parcel has been identified as being within Significant Wildlife Habitat in the Township's Official Plan. Since this is a lot addition, there is no anticipated impact on the Significant Wildlife Habitat as a result of this application.

**Retained Parcel**

There has been no Significant Wildlife Habitat identified on the retained parcel.

**Natural Heritage - Watercourses**

**Severed Parcel B16/022 (Severance #1)**

There have been no watercourses identified on the severed parcel.

**Severed Parcel B16/023 (Severance #2)**

A watercourse has been identified on the severed parcel. The watercourse traverses through the unevaluated wetland. Since this is a lot addition, there is no anticipated impact on the watercourse as a result of this application.

**Retained Parcel**

There have been no watercourses identified on the retained parcel.

**Provincially Significant Wetland and Unevaluated Wetland**

**Severed Parcel B16/022**

There have been no Provincially Significant Wetland or unevaluated wetlands identified on the severed parcel.

**Severed Parcel B16/023**

A small portion on the north side of the severed parcel has been identified as being within the Brassils Creek Provincially Significant Wetland and its 120 metre adjacent lands. In addition, a large unevaluated wetland has been identified on a good portion of the severed parcel. Since this is a lot addition only, there is no

anticipated impact on the wetland as a result of this application.

**Retained Parcel**

There have been no Provincially Significant Wetlands or unevaluated wetlands identified on the retained parcel.

**Conservation Authority Regulations**

For the applicant's information the watercourse and Brassils Creek Provincially Significant Wetland are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects severed parcel # 2 (B16/023) in the following manner:

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

Any Development within the Brassils Creek Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.

**CONCLUSION**

In conclusion, the Conservation Authority has no objection to these applications. Please keep us informed on the status of this application.

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

B16/022 – A 0.38-ha strip of vacant land for the purpose of a lot line adjustment.

Recommendation – a lot line adjustment only.

B16/023 – A 52.64-ha parcel of vacant land. Land is a mix of bush and open field.

Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

Retained lands – A 3.7-ha parcel of land with an existing house serviced by a well and septic system. There is sufficient area for the land to support a replacement leaching bed. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

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

**Bell Canada R-O-W**

Subsequent to review by our loan Engineering Department, it has been determined that Bell Canada has no concerns or objections with the application.

**(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) lot addition, B16/022 is a 0.38-ha sliver of land to be added to lands owned by Bruce Fletcher at 134 Fletcher Road, B16/023 is a 52.64-ha parcel of land to be added to lands owned by Bryan and Sandra

Fletcher at 180 Fletcher Road, the retained lands consist of a 3.7-ha residential lot at 154 Fletcher Road. The derelict house on this lot is to be demolished and replaced with a new dwelling unit.

The subject lands are located in an area characterized by large rural residential lots intermixed with smaller type residential lots along Fletcher Road and Roger Stevens Drive. The purpose of the consents is to adjust the lot lines of the existing three lots. No new lots are being created.

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

Soils Inventory – Name: Grenville

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

Bedrock Inventory – Dolostone, sandstone

#### Endangered Species

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)

#### Source Water Protection

A portion of B16/023 is within an area called ‘Significant Groundwater Re-charge Area’. These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. Groundwater can also be vulnerable to contamination in these areas depending on the depth and type of soil.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of ‘general policies’ also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

### 3 Woodlands

A portion of B16/023 has been mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Montague.

#### Zoning

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

#### Conclusion

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

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

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

#### (e) **MINUTES – June 13, 2016**

Bryan Fletcher, applicant and Bruce Fletcher, purchaser owner attended the hearing and gave evidence under oath.

Bruce Fletcher advised that the old residential dwelling on the property may not be demolished, but retained on the property for renovation, depending on the purchaser.

Bryan Fletch advised that there is a tree plantation on B16/023, which he plans to maintain.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

#### (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.

**B16/022**

1. An acceptable reference plan (survey) 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 Bruce Ronald Fletcher and Marjorie Lynn Fletcher described as Con 5 Pt. Lot 4 Pt. Lot 5 RP27R-549 Part 1 RP27R-7389 Part 4, Township of Montague, 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. The applicant to provide a digital copy of the registered reference plan to the Township of Montague.
7. A letter shall be received from the Township of Montague stating that condition #4 to #6 has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement leaching bed on the retained lands.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on*



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

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

*The Ministry of Natural Resources and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.*

#### **B16/023**

1. An acceptable reference plan (survey) 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.
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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. The applicant to provide a digital copy of the registered reference plan to the Township of Montague.
7. A letter shall be received from the Township of Montague stating that condition #4 to #6 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement leaching bed on the severed and retained lands.*
2. *The Rideau Valley Conservation Authority advises that the watercourse and Brassils Creek Provincially Significant Wetland are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the severed parcel in the following manner:*
  - a) *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
  - b) *Any Development within the Brassils Creek Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.*
3. Source Water Protection  
*The applicant is advised that the severed lands are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca).*
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 and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.*



**LAND DIVISION STAFF REPORT**  
**APPLICATION FOR CONSENT**

**Owner:** David & Sally Enright

**Hearing Date:** June 13, 2016

**Agent:** David Enright

**LDC File #:** B16/036

**Municipality:** Montague

**Geographic Township:** Montague

**Lot:** 1      **Conc.:** 10

**Roll No.:** 0901 000 015 19800

**Consent Type:** New lot

**Purpose and Effect:**

To sever a 0.9-ha residential building lot and to retain a 13.6-ha landholding with an existing dwelling, 2 barns and 4 sheds located at 3295 Montague Boundary Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.9-ha	13.6-ha
<b>Frontage</b>	120 m	913 m
<b>Depth</b>	75 m	280 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural with bedrock overlay

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

and areas, and other resource areas.

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

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

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

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

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

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

### **2.5 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.

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.16 Road Access, Section 3.2 Mineral Resource (Bedrock) Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report - Application**

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to sever one 0.9 ha residential building lot from a 14.5 ha landholding at the corner of Pinery Road and Montague Boundary Road. The new

lot is vacant (currently open field) and is proposed to be accessed from Pinery Road. The 13.6 ha retained parcel includes a house, outbuildings and is primarily pasture. The severed and retained lands all front on municipally owned and maintained roads. The Township has no record of a consent application affecting this landholding and as such the severance can be contemplated as per the Official Plan's lot creation policies.

#### Review

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development in accordance with the compatibility policies of this Plan. This application seeks approval for one new residential lot, which is across the street from another small building lot. This area, at the northeastern corner of the Township has very little residential development in the vicinity (approximately two other residences within half a kilometer of the severed lands) and the predominant land uses include farming (pasture) with a significant amount of woodland and wetland nearby. It is felt that a single additional dwelling in this area, at the intersection of two roads, is compatible with the existing landscape character and will not detract from the rural setting.

No natural hazards or natural heritage features have been identified on the Official Plan constraints mapping that would affect the severance. While there is an area mapped as a "bedrock deposit" affecting most of the retained lands, the severed lands are outside that area and given the distance from the feature, proximity of the road and nearby dwelling staff are of the view that this severance would not further constrain possible future exploitation of that resource (Sec. 3.2.1). While not mapped, there is however a livestock barn) on the retained lands and in accordance with Section 2.17.2 a Minimum Distance Separation (MDS I) calculation was provided in support of the application which established a minimum distance of 158 metres from the beef barn (the closest point of the 75 m deep lot is 150 m from the barn). As such, while there is a substantial building envelope beyond the MDS buffer which satisfies the OP requirement, staff advise that it is prudent to insert a note on the Title of the severed lot advising purchasers of the proximity to agricultural land uses and the potential for impacts arising. Inclusion of this note could be a condition of consent approval.

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). While Pinery Road and Montague Boundary Road are loose surface roads with very little traffic, it is felt that one additional residential lot will not have a consequential impact on municipal services or infrastructure.

In addition to the servicing and compatibility policies referenced above, the applications were also evaluated pursuant to the Land Division Policies (Sec. 5.2) and this application is considered to comply. From a zoning perspective, the severed and retained parcels are zoned Rural and this application is consistent with all provisions of the Zone.

Conclusion and Recommendations

In conclusion and for the reasons outlined above, staff are of the view that the severance application is generally consistent with the Township's planning policies and do not object to the approval of the applications, provided the following site specific conditions are implemented

**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. Copies shall be provided in both paper and electronic format.
- 3) The Applicant shall confirm that a residential entrance to the severed lot is viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) Sufficient land for road widening purposes shall be conveyed to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required
- 5) The Applicant shall obtain a Civic Address Number from the Township of Montague for the severed lands. The applicant shall consult directly with the Township in this regard.
- 6) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following (or similar) wording:  
TAKE NOTICE that this lot is located within an area where agricultural uses exist and as such it may be exposed to impacts typically associated with such a use.
- 7) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Conservation Authority** – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

The following comments are offered for the Committee's consideration.

**PROPOSAL**

The proposal is to sever a 0.9 hectare parcel from the existing parcel.

**PROPERTY CHARACTERISTICS****Severed Parcel**

The severed parcel is primarily cleared. The severed parcel is vacant.

**Retained Parcel**

Majority of the retained parcel is cleared fields with a small portion on the north-western corner identified as unevaluated wetland. The parcel is already developed with a residence, 2 barns and sheds.

**REVIEW****Natural Hazards****Severed Parcel and Retained Parcel**

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

**Natural Heritage - Unevaluated Wetland****Severed Parcel**

There have been no wetlands identified on the severed parcel.

**Retained Parcel**

A small portion of the north-west corner of the lands has been identified as an unevaluated wetland. The retained parcel is already developed with a residence, barns and shed. No new development is being proposed on the retained parcel, therefore there is no anticipated impact on the unevaluated wetland.

**CONCLUSION**

In conclusion, the Conservation Authority has no objection to this application. Please keep us informed on the status of this application.

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

**Severed Lands** – A 0.9-ha vacant parcel of land. Land has shallow soil depth. Land has gently slopes. Parcel is a farm field. Recommendations – Additional sandy loam fill will be required in the area of the future leaching bed.

**Retained lands** – A 13.6-ha parcel of land with an existing house serviced by a well and septic system. There are various farm out buildings on property. Recommendation – Additional sandy loam fill will be required in the area of the future replacement leaching bed.

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

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

**Township of Beckwith** – No comments were received.

**City of Ottawa** – No comments were received.

**(c) PUBLIC INPUT**

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



**(d) PLANNING REVIEW****Background and Summary**

The applicant proposes to sever a 0.9-ha residential building lot and retain a 13.6-ha landholding with an existing dwelling, barn and outbuildings located at 3295 Boundary Road.

The subject lands are located in an area characterized by large landholdings along Pinery and Montague Boundary Roads. A pit is located approx. 0.5 km to the north east of the lands to be severed.

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

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

**Agricultural Operations**

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 158m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 150m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc. A second MDS will be required prior to the issuance of a building permit, to ensure that the dwelling is located outside the 158m MDS separation distance.

**Source Water Protection**

A portion of the severed lands is within an area called “Significant Groundwater Re-charge Area’. These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. Groundwater can also be vulnerable to contamination in these areas depending on the depth and type of soil.

**Endangered Species**

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.

**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 Polices for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3 Woodlands  
The area has not been mapped as 'woodlands'.

#### Zoning

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

#### Conclusion

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

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

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

#### **(e) MINUTES – June 13, 2016**

David Enright, owner attended the hearing and gave evidence under oath.

Mr. Enright advised that there are no plans to construct a dwelling on this new lot at the present time.

Committee explained the requirements for Minimum Distance Separation (MDS) should a new residential dwelling be constructed on the severed lot or a new or expanded livestock facility be constructed on the retained lot in the future.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

(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.

**B16/036**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities and that an MDS Calculation will be required prior to a residential building permit being issued".
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. The applicant to provide a digital copy of the registered reference plan to the Township of Montague.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague 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.

11. A letter shall be received from the Township of Montague stating that condition #4 through #10 has been fulfilled to their satisfaction.

**Notes**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future leaching bed area on the severed lands and in the future replacement leaching bed area.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Township of Montague will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code .*

4. Source Water Protection

*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca) .*

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 and Forestry 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** St. James Anglican Church

**Hearing Date:** June 13, 2016

**Agent:** N Alan Jones

**LDC File #:** B16/061

**Municipality:** Town of Carleton Place

**Geographic Township:**

**Lot:** 124      **Plan** 276

**Roll No.:** 0928 010 015 11400

**Consent Type:** lot addition

**Purpose and Effect:**

To sever n 88.83 sq.m. parcel of land as a lot addition to lands owned by Sandra Lloyd Schappert at 45 Bell Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b> <b>Proposed Use</b>	Driveway Driveway	Church Hall Church Hall
<b>Area</b>	88.83 sq.m.	1,823.04 sq.m.
<b>Frontage</b>	4.7 m	27.0 m
<b>Depth</b>	18.9 m	67.52 m
<b>Road - Access to</b>	Municipal Street	Municipal Street
<b>Water Supply</b>	n/a	Piped Water
<b>Sewage Disposal</b>	n/a	Sewage System
<b>Development Permit By-law Category</b>	Mississippi River Sector	Mississippi Residential Sector
<b>-Area (minimum)</b>	n/a – lot addition	60% Coverage
<b>-Compliance?</b>		4.5 m
<b>-Frontage (minimum)</b>		Yes
<b>-Compliance?</b>		

**Official Plan Designation:** Mississippi River District

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of

worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

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

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

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

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

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

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

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

**Local Official Plan** - Section 2.0 Community Design Framework, Section 3.1 Mississippi District, Section 4.3.3 Transportation, Section 6.7.2 Consents.

The Township of Carleton Place advises that the proposal conforms with the designations and policies of the Official Plan.

**Development Permit By-law** - Section 3 General Provisions, Section 4.3 Mississippi Residential.

The Town of Carleton Place advises that the proposal complies with the Development Permit by-law regulations for the existing use.

#### **(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** -

An application for lot line adjustment has been received from the property known municipally as 224 Edmund Street (St. James Anglican Church) The subject lands are legally described as Part Lots 124 Plan 276.

The consent application is to sever an 88.83 sq.m. parcel of land as a lot addition to the lands owned by Sandra Schappert at 45 Bell Street. These lands are currently used as an existing driveway for 45 Bell Street. Both lots are designated Mississippi District Residential in the Official Plan and Mississippi Residential Sector in the Development Permit By-law.

The proposed, is approved, will allow for the legal recognition of a driveway for the existing residential unit at 45 Bell Street. The lots are appropriately designated the both the Official Plan and the Development Permit By-law. As with any severance application, staff complies a list of consideration that the application must meet before final approval and creation of new deed.

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

1. The balance of outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That a deposited reference plan be submitted to the Town of Carleton Place.
4. That the applicant confirm the location and routing of the servicing (water and sewage) for 224 Edmond. If the services are located with the area subject to this application an easement agreement will be required.

**(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 an n 88.83 sq.m. parcel of lands currently used as a driveway and retain an 1823.04 sq.m. lot with an existing Church Hall. The subject lands are located in an area characterized by typical urban residential.

The driveway is and has been for many years used by 45 Bell Street as a driveway. The purpose of the application is to legally attach the driveway to the lands owned by Mr. Schappert.

The agent has advised that town utilities (water and sewer) may be located within the driveway area. Therefore any conveyance of the lands will also require the acknowledgment of the utilities through an easement.

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

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.



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

#### Zoning

The subject property is currently within the Mississippi River District residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lot addition will be to provide off-street parking.

#### 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.

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 – June 13, 2016**

Chris Jones, Chair of the St James Church Building Committee attended the hearing and gave evidence under oath. N Alan Jones, agent gave evidence by virtue of his profession – lawyer.

Mr. Jones explained that the driveway has been used by the adjacent lands since the 1950's through an unregistered easement agreement. This type of agreement cannot be registered on title under the Land Titles system, and therefore the Church agreed that Ms. Schappert could purchase the small parcel of land. However, in reviewing the property with the Town Public Works Dept., it was discovered that the services for the church building are located under this lot; therefore the land transfer will need to be subject to an easement in favour of the Town.

Committee reviewed the staff report and draft conditions.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

#### **(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 (survey) 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 Sandra Lloyd Schappert described as Part of Lots 124 and 125 Plan 276 Town of Carleton Place (45 Bell Street), 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 survey plan and transfer/deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The applicant shall confirm the location and routing of municipal servicing (water and sewage) for 224 Edmund Street. If these services are located within the lands that are the subject of consent, an easement agreement between the Town of Carleton Place and the applicant (or purchaser) will be required.
6. 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.
7. The applicant shall provide the Town of Carleton Place with a copy of the deposited reference plan associated with this application if a survey is required by the Land Titles Office.
8. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum format to the Town of Carleton Place.
9. A letter shall be received from the Town of Carleton Place stating that condition #5 through #8 has been fulfilled to their satisfaction.