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The Land Division Committee met in regular session on Monday, November 21, 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 and D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer  
A. Noël, Administrative Assistant

**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-2016-42**

**MOVED BY:** R. Strachan      **SECONDED BY:** D. Murphy

**"THAT,** the minutes of the Land Division Committee meeting held on October 17, 2016 be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-43**

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

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

**ADOPTED**

## **5. DELEGATIONS & PRESENTATIONS**

None.

## **6. NEW APPLICATIONS**

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

- 6.1 B13/124, B13/125, B13/126 & B16/106 – Concurrent Applications  
Keith McMunn, J B & B Winton, Frederick Gallagher – easement/r-o-w  
Pt. Lot 1 and 2 Conc. 5 geographic Township of North Burgess, now  
in Tay Valley Township. Winton Lane and Brooks Corner.
- 6.2 B16/052 - Chase and Kimberly Crowder – lot addition  
B16/053 – John and Laurie Goodsell – lot addition (concurrent  
applications)  
Pt. Lot 24 Conc. 5 Township of Montague. Code Drive.
- 6.3 B16/063 – Ottawa West Development Inc. – new lot  
Pt. Lot 26 & 27 Conc. 4 Township of Beckwith. Crooked Side Road.
- 6.4 B16/093, to B16/098 – Walter Lackie & Hester Grodde – 6 new lots  
Pt. Lot 1 Conc. 6 Township of Montague. Roger Stevens Dr.
- 6.5 B16/088 – Albert Leeflang & Harry Leeflang – lot addition  
Pt. Lot 13 Conc. 10 geographic Township of North Elmsley, now in  
the Township of Drummond / North Elmsley. Drummond Con 1.
- 6.6 B16/099 – Warren Hollis & Elaine Chagnon – lot addition  
Pt. Lot 8 Plan 8828 Town of Perth. Wilson St. West.
- 6.7 B16/104 – Dustin Ferneyhough & Jannie Soulier – lot addition  
Pt. Lot 15 Conc. 3 geographic Township of Lanark, now in the  
Township of Lanark Highlands. 4th Con B Lanark.
- 6.8 B16/108, B16/109 & B16/110 - Iverness Homes – 3 new lots  
Lot 71 Section C Plan 133 Town of Carleton Place. Charles Street.

- 6.9 B16/112 – Edward Widenmaier – new lot  
Pt. Lot 11 Conc. 7 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Widenmaier Road.
  
- 6.10 B16/060 - Blair / McLaren – new lot – Re-circulated  
Pt. Lot 17 Conc 7, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 7.

**7. DEFERRED APPLICATIONS**

None.

**8. CONFIDENTIAL REPORTS**

None.

**9. COMMUNICATIONS/OTHER BUSINESS**

- 9.1 Rose Houston – request for consideration to refund Consent Application Fee.

The Secretary-Treasurer advised that application B16/091 submitted by Ms. Houston proposed to split Lots 33, 34 and 35 Plan 6262 Almonte into two separate lots. The underlying parcel mapping for Plan 6262 was not submitted with the application. Subsequent information provided by the Town Planner, S. Stirling indicated that the three lots were already separately PINNED at the Land Titles Office and that the property is in fact two legal existing lots.

The Secretary-Treasurer also advised that the By-law (Tariff of Fees) allows for a refund or partial refund of application fees up to the point where the application is 'deemed' complete. In this case, the application was deemed complete and a formal circulation as required under the *Planning Act* had taken place and that this new information was only provided just prior to scheduling the Land Division Hearing.

**MOTION #LD-2016-44**

**MOVED BY:** R. Strachan      **SECONDED BY:** D. Murphy

**"THAT**, Ms. Houston be advised that the Tariff of Fees By-law does not provide for a refund of application fees once the application has been deemed complete and formal circulation has commenced."

**ADOPTED**

- 9.2 ZanderPlan Inc. - request to change conditions to remove Condition No. 5 that requires the applicant to consolidate a previous consent. 7 - 8

**MOTION #LD-2016-45**

**MOVED BY:** D. Murphy      **SECONDED BY:** R. Strachan

**"THAT**, Condition No. 5 to Provisional Consent for B16/006 Majore, be removed."

**ADOPTED**

- 9.3 2017 Meeting / Hearing Calendar

**MOTION #LD-2016-46**

**MOVED BY:** D. Murphy      **SECONDED BY:** R. Strachan

**"THAT**, the 2017 Land Division Committee Meeting / Hearing dates be approved as revised."

**ADOPTED**

**10. PROVISIONAL CONSENT GRANTED**

- 10.1 B13/124, B13/125, B13/126 & B16/106 – Concurrent Applications Keith McMunn, J B & B Winton, Frederick Gallagher – easement/r-o-w 9 - 13

10.2	B16/052 - Chase and Kimberly Crowder – lot addition B16/053 – John and Laurie Goodsell – lot addition (concurrent applications)	14 - 24
10.3	B16/063 – Ottawa West Development Inc. – new lot	25 - 41
10.4	B16/093, to B16/098 – Walter Lackie & Hester Grodde – 6 new lots	42 - 62
10.5	B16/088 – Albert Leeflang & Harry Leeflang – lot addition	63 - 70
10.6	B16/099 – Warren Hollis & Elaine Chagnon – lot addition	71 - 76
10.7	B16/104 – Dustin Ferneyhough & Jannie Souliere – lot addition	77 - 85
10.8	B16/108, B16/109 & B16/110 - Iverness Homes – 3 new lots	86 - 91
10.9	B16/112 – Edward Widenmaier – new lot	92 - 102
10.10	B16/060 - Blair / McLaren – new lot – Re-circulated	103 - 105

**11. PROVISIONAL CONSENT DEFERRED**

None

**12. PROVISIONAL CONSENT DENIED**

None

**13. UPCOMING MEETINGS AND NOTICES**

December 6, 2016 at 10:00 a.m. - Inaugural County Council Meeting.  
December 12, 2016 at 9:00 a.m.  
January 10, 2017 at 9:00 a.m.

**14. ADJOURNMENT**

**MOTION #LD-2016-47**

**MOVED BY:** D. Murphy      **SECONDED BY:** R. Strachan

**"THAT,** the meeting do now adjourn at 11:40 a.m."

**ADOPTED**

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

Mary Kirkham  
Secretary-Treasurer



LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT – RE-CIRCULATION**

**Owner:** Douglas Majore

**Hearing Date:** May 9, 2016

**Hearing Date:** Nov. 21, 2016

**Agent:** ZanderPlan Inc.

**LDC File #:** B16/006

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 7/8      **Conc.:** 12

**Roll No.:** 0940 934 020 08900  
0940 934 020 08700

**Consent Type:** New lot

**Purpose and Effect:**

The original application was presented and given provisional consent on May 9, 2016 to: To consolidate a previously approved consent (B2007/064) on the north east corner of the landholding and create a new 1.0-ha residential building lot on the south east corner. The retained lands have an existing dwelling, barn and outbuildings located at 915 Ramsay Con 1.

**(a) BACKGROUND**

On May 9, 2016 the Lanark County Land Division Committee gave 'provisional consent' to application B16/006 – Douglas Majore, for a new lot at Pt. Lot 7 Conc. 12 geographic Township of Lanark.

Condition No. 5 of the Provisional Consent stated:

- 5. The applicant shall provide the Secretary-Treasurer with a copy of the registered transfer/deed that consolidates E Pt. Lot 8 Con 12 Lanark with E Pt. Lot 8 Con 12 Lanark being Part 2 on RP 27R-9414.

This condition was included in order to comply with the Township of Lanark Highland Official Plan which only permitted two (2) consents plus and a retained lot on a parcel of land as it existed as of March 2003. The new policy adopted in 2010, which provided for up to three (3) consents and a retained lot plus was under appeal with the Ontario Municipal Board.

The Ontario Municipal Board has now given their decision on the on the appeal, which upheld the new Official Plan Policy to permit a total of four lots (three severed and one retained) to be created through the consent process.

As the process to create the new lot (transfer/deed) has not yet been undertaken, the applicant is in a position to request a re-circulation of the application and a new hearing to remove the condition from the Provisional Consent.

On October 5, 2016 the Land Division Secretary-Treasurer received a request from ZanderPlan Inc., agent for the applicant to remove Condition No. 5 due to the

approval by the OMB of the consent policies in the Township's Official Pla.

The 'change' was circulated to all agencies and public commenting on the previous submission as follows:

- 1/ Township of Lanark Highlands  
Advised that the recirculation of application for consent B16/006 – Majore be accepted as information;  
And furthermore that Council identified concerns about MDS 1 compliance with respect to the vacant lot known as B07/064.
- 2/ Leeds Grenville and Lanark District Health Unit  
No comment received.
- 3/ Mississippi Valley Conservation Authority  
No comments received.
- 4/ Sharon Bartlett and Bill Ableson (adjacent landowners)  
No comments received.

**(b) MINUTES – November 21, 2016**

No persons attended the hearing.

Comments were received from agencies, and reviewed by Committee.

In accordance with the *Planning Act Section 53 (23) and (24)*, Committee agreed to change the conditions to reflect the removal of the conditions requiring consolidation of and existing lot with the retained lands.

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

**(c) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

**B16/006**

Moved by R Strachan  
Seconded by D Murphy

**“THAT**, the Provisional Consent Conditions to Application B16/006 be changed as follows:

- a) That Condition No. 5 be deleted in its entirety;
- b) That the conditions be re-numbered appropriately; and
- c) That Condition No. 8 be revised as follows – “A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #13 has been fulfilled to their satisfaction.”

**CARRIED**





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

<b>Owner:</b> Keith McMunn, Bruce Winton, James Winton, Brian Winton, Frederick Gallagher	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Andrew Howard	<b>LDC File #:</b> B13/124, B13/125, B13/126 and B16/106
<b>Municipality:</b> Tay Valley Township	<b>Lot: 1 &amp; 2 Conc.: 5</b>
<b>Geographic Township:</b> North Burgess	<b>Consent Type:</b> Easement/R-O-W
<b>Roll Number:</b> 0911 911 025 23100, 0911 911 025 02700, 0911 911 025 23000 & 0911 911 025 01800	Concurrent applications

**Purpose and Effect:** To sever a right-of-way / easement over the existing private road known as Winton Lane and Brooks Corners to provide access to lands owned by the Estate of Murray E. McMunn at Pt. Lot 2 Conc. 6 North Burgess.

**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:

**1.1.5 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.

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

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

**Local Official Plan** – Section 2.0 General Development Policies, Section 2.21 Human-made Hazard features, Section 3.6 Rural Policies, Section 4.5 Private Road, Section 5.2 Land Division.

Tay Valley Township advises that the proposals conform to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, Section 10 Rural.

Tay Valley Township advises that proposals comply with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Township Planner’s Report -**

The proposal is to sever a right-of-way / easement over the existing private roads known as Winton Lane and Brooks Corners, to provide access to lands owned by the Estate of Murray McMunn at Part Lot 2 Concession 6 North Burgess.

**Discussion**

Consistent with Provincial Policy Statement	Yes	
Conforms to Official Plan	Yes	Section 3.6 Rural
Complies with Zoning By-law	Yes	Rural
Recommend consent for this application	Yes	
Recommend Conditions	Yes	

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

1. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant pay any outstanding fees to the Township prior to final approval.
3. That a road access agreement be prepared for the Township unopened road allowance between B13/124 and B16/106.
4. That five (5) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township.

**(c) PUBLIC INPUT**

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

**Hugh and Nancy Burrows – October 14, 2016**

We have concerns over the potential for future development(s) on Pt. Lot 2 Concession 6 North Burgess, Tay Valley Township (McMunn Estate). Would you please ensure that we are kept fully apprised of any meetings, points of decision, and any further activities relating to this property.

**Louise Vincent – October 20, 2016**

Requested further information on the application.  
*Ms. Vincent was advised that the lands that would benefit the legal r-o-w/easement was south of the bay on Adam’s Lake – their property was located on the north side of the bay.*

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

The applicant proposes to sever a right-of-way / easement over the existing private road know as Winton Lane and Brooks Corners to provide access to lands owned by the Estate of Murray E McMunn at Pt. Lot 2 Conc. 6 North Burgess, located on the south side of a bay. Pt. Lot 2 Conc. 6 North Burgess, owned by the Estate of Keith McMunn was split into two separate parcel – the northern portion being accessed via Elm Grove Road and the south part being accessed via two private roads, however 'legally' the access over the two private roads was not included within the McMunn deed. The four severances will legalize the access to these lands from Rideau Lake Road.

The subject lands are located in an area characterized by typical seasonal residential development . No change in road location is proposed.

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

**Zoning**

The subject property is currently within the rural section of the Zoning By-law.

**Conclusion**

No new or additional infrastructure is required as a result of the proposal. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(e) MINUTES – November 21, 2016**

No persons attended the hearing. Public comments were received on the issue(s) of future development. Comments were thoroughly considered but the effect did not influence the decision of Committee to approve the application.

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.

**B13/124, B13/125, B13/126 and B16/106**

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 of the Land Division Committee 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 purpose of the consent is to create an easement in favour of lands described as Pt. Lot 2 Conc. 6 North Burgess (Estate of Keith McMunn or his successors or assigns).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with five (5) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall enter into a road access agreement, with Tay Valley Township for that portion of the right-of-way / easement traversing the unopened road allowance between Lots 5 and 6 Concession 1 geographic Township of North Burgess, at no cost to the Township.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

**NOTES**

1. *It is recommended that the benefitting lands enter into a 'road maintenance' agreement with the other users of the two roads, to address ongoing maintenance and repair of the private road.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Chase & Kimberly Crowder John & Laurie Goodsell	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Chase Crowder	<b>LDC File #:</b> B16/052 & B16/053
<b>Municipality:</b> Township of Montague	<b>Lot:</b> 24 <b>Conc.:</b> 5
<b>Geographic Township:</b> Montague	<b>Consent Type:</b> Two (2) lot additions
<b>Roll Number:</b> 0901 000 020 46007 0901 000 020 46006	<b>Concurrent applications</b>

**Purpose and Effect:**

B16/052 – to sever a 0.03-ha triangular parcel of land as a lot addition to lands owned by John and Laurie Goodsell at Pt. Lot 24 Conc. 5 Montague – 701 Code Drive and to retain a 0.697-ha residential lot at 679 Code Drive.

B16/053 – to sever a 0.03-ha (+/-) triangular parcel of land and a 2.55-ha parcel of land as lot additions to lands owned by Chase and Kimberly Crowder at Pt. Lot 24 Conc. 5 Montague – 679 Code Drive and to retain a 62.5-ha landholding with an existing dwelling and storage buildings at 701 Code Drive.

DETAILS OF PROPOSAL	Lands to be Severed B16/052	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Lot Addition	Residential
<b>Area</b>	0.03-ha	0.697-ha
<b>Frontage</b>	14 m	71.6 m
<b>Depth</b>	53 m	102.4 m
<b>Road - Access to</b>	none	Municipal
DETAILS OF PROPOSAL	Lands to be Severed B16/053	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Lot Addition	Residential
<b>Area</b>	2.55-ha	62.5-ha
<b>Frontage</b>	34 m	94 m
<b>Depth</b>	100 m	1291 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	n/a	Private well
<b>Sewage Disposal</b>	n/a	Septic System

**Official Plan Designation:** Rural with organic soils overlay

**Conformity:** Yes

**Zoning:** 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.

**3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 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 2.19.3 Organic Soils, Section 2.22.2 Source Water Protection, Section 3.3 and 3.4 Natural Heritage, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Land Division.

The Township of Montague advises that the proposal conform 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 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. These two lot line adjustments have been submitted concurrently and have the effect of exchanging land between two abutting landholdings. The first application (B16/052) proposes conveying a very small portion of land (0.03 ha) owned by Chase and Kimberly Crowder to their neighbours John and Laurie Goodsell. In turn, the Goodsells would sever (File No. B16/053) a vacant 2.55 ha parcel from their larger lot and merge that with the remnant Crowder lot. As a result of these applications, the Crowder lot, which contains a dwelling, would enlarge to about 3.25 ha and the Goodsell lot, which is also developed with a house and outbuildings would become 62.5 ha. There is no known severance history (since 2001) affecting either of these lots and since these applications do not have the effect of creating a new lot, they can be considered under the Township's lot creation policies.

**Review**

The Goodsell and Crowder lots, including the portions to be severed and retained are all designated Rural according to the Township's Official Plan, however there are significant woodland and organic soils constraints overlays affecting some of the Goodsell retained lot, as well as a natural heritage corridor, which is mapped however not further and specifically described in policy in the context of this site. If these applications proposed new lots, feasibility studies may need to be undertaken in order to demonstrate the suitability of additional development, however these applications involve lot line adjustments and both recipient parcels are already developed. Given this, the overall impact on the planning context of this site would appear to be quite minimal.

Both 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 applications B16/052 and 053 are generally consistent with the Township's planning policies and do not object to their approval.



**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 first proposal is to sever a 0.03 hectare parcel from 679 Code Drive which will be conveyed to the adjacent property known municipally as 701 Code Drive. The second application is to sever a 2.55 hectare parcel from 701 Code Drive which is to be conveyed to the adjacent property known municipally as 679 Code Drive.

**PROPERTY CHARACTERISTICS**

**B16/052**

Severed Parcel - The severed parcel is primarily cleared. The severed parcel is vacant.

Retained Parcel - The retained parcel is developed with a residence.

**B16/053**

Severed Parcel - The severed parcel is primarily cleared with some trees. The severed parcel is vacant.

Retained Parcel - The retained parcel consists of some unevaluated wetlands, two watercourses traversing the property and some treed areas. There is also a residence and several auxiliary structures on the property.

**REVIEW**

*Natural Hazards*

**B16/052**

Severed and Retained Parcel - There have been no natural hazards identified on the property which would preclude this lot line adjustment application.

**B16/053**

*Organic Soils*

Severed Parcel - There have been no organic soils identified on the severed parcel.

Retained Parcel - Portions of the retained parcel (701 Code Drive) have been identified as having organic soils on Schedule B in the Township's Official Plan. Since this application is for a lot line adjustment only, the organic soils do not impact this application.

*Natural Heritage**Unevaluated Wetland*

Severed Parcel - There have been no wetlands identified on the severed parcel.

Retained Parcel - Portions of the retained parcel (701 Code Drive) have been identified as unevaluated wetlands. Since this is a lot line adjustment application, there is no anticipated impact on the wetlands as a result of this application.

*Significant Woodlands*

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

Retained Parcel - The southernmost portion of the retained parcel (701 Code Drive) has been identified as Significant Woodlands in the Township's Official Plan. Since this is a lot line adjustment application there is no anticipated impact on the woodlands as a result of this application.

## CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, the watercourses identified on 701 Code Drive are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner: "Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority".

## CONCLUSION

In conclusion, the Conservation Authority has no objection to these lot line adjustment applications. Please keep us informed on the status of this application. Please contact me at ext. 1191 if you have any questions.

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

B16/052 – no review undertaken –small lot line adjustment.

B15/053 – viewed as a lot addition.

Retained lands – approx. 62.5 hectare parcel of land with existing house, outbuildings, drilled well and raised septic system. Recommendation – additional fill may be required to construct replacement septic system in future.

**(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**

Consent B16/052 - The applicant proposes to sever a 0.03-ha triangular parcel of land as a lot addition to lands owned by John and Lauren Goodsell and retain a 0.697-ha residential lot with an existing dwelling located at 679 Code Drive.

B16/053 – The applicant proposes to sever a 0.03-ha (+/-) triangular parcel of land and a 2.55-ha parcel of land as lot additions to lands owned by Chase and Kimberly Crowder at Pt. Lot 24 Conc. 5 Montague – 679 Code Drive and to retain

a 62.5-ha landholding with an existing dwelling and storage buildings at 701 Code Drive.

#### Road Access

The lands are accessed via Code Drive, 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

#### Source Water Protection

A portion 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 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. 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

B16/053 has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover.

Woodland Development Policies have not 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.

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 – November 21, 2016**

No persons attended the hearing.

No public comments were received on this application so there was no effect on the decisions.

Comments were received from agencies on the issues of organic soils, woodlands and CA regulations. The comments were addressed through conditions to approve the applications.

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.

**B16/052**

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 of the Land Division Committee 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 John Brian Goodsell and Lauren Christine Goodsell, described as Pt. Lot 24 Conc. 5 Township of Montague, Part 1 on RP27R-444 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 applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application (in digital and paper format) if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Montague stating that condition #4 through #6 has been fulfilled to their satisfaction.

**NOTES**

1. *The Rideau Valley Conservation Authority advises that, the watercourses identified on 701 Code Drive are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development. Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner: "Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority".*
2. 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) .

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

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

*The Ministry of Natural Resources 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.*

#### **B16/053**

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 of the Land Division Committee 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 Chase Jonathan Crowder and Kimberly Robyn Crowder, described as Pt. Lot 24 Conc. 5 Montague being Part 1 on RP27R-6003 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 applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Montague stating that condition #4 through #6 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill may be required to construct a replacement septic system in the future on the retained lands.*
2. *The Rideau Valley Conservation Authority advises that, the watercourses identified on 701 Code Drive are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner: "Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority".*
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).*
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*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

<b>Owner:</b> Ottawa West Development Inc.	<b>Hearing Date:</b> November 21, 2016
<b>Applicant/Agent:</b> McIntosh Perry (Marko Cekic)	<b>LDC File #:</b> B16/063
<b>Municipality:</b> Township of Beckwith	<b>Lot:</b> 26 & 27 <b>Conc.:</b> 4
<b>Geographic Township:</b> Beckwith	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0924 000 015 08600	

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

B16/063 – To sever a 0.89-ha residential building lot;  
And to retain a 120-ha landholding which is the subject of five (5) consent for residential purposes plus a lot addition to be presented to Committee at a later date and a future 87 lot residential subdivision.

<b>DETAILS OF PROPOSAL</b>	<b>B16/063</b>	<b>Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Future Development
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.89-ha 47 m 193 m Municipal	120.5-ha 1415 m 850 m Municipal
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed Septic	Proposed Proposed
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Residential Holding 0.4-ha Yes 45 m Yes	Rural & Res. Holding 0.4-ha Yes 45 m Yes

**Official Plan Designation:** Rural, PSW, Settlement Area & 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.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.

### 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.

### 2.5 Mineral Aggregate Resources

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

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

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

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 2.0 Settlement Policies, 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 4.6 Natural Heritage Features, Section 5 Community Development Areas, Section 6 Rural Areas, Section 7.2 County Roads, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

**Zoning By-law** – Section 3 General Provisions, Section 5.1 Residential, Section 11 Rural

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 submitted seven severance applications to the County of Lanark. Most of the severance applications are tied up with environmental and aggregate concerns, however the applicant would like to move forward with 816-063 to create an approximately 2 acre severance in an area less affected by these concerns. A revised EIS that focuses specifically on these lands was submitted October 7, 2016 for review by RVCA and MNRF. The applicant has requested that the Planning Committee conditionally support the severance so that the applicant can proceed to Council for review as soon as the EIS has been reviewed and approved by the commenting agencies. Staff does not have concerns provided that comments from the agencies are received prior to Council support.

#### **DESCRIPTION OF APPLICATION**

B16/063 proposes to create a new approximately 2.2 acre severance in the SW

corner of part Lot 26, Con 4. The applicant has also submitted severance application B16-064, 065, 066, 067, 068 and 069 to create five (5) additional lots and to provide an additional 1.6 acres as a lot addition.

#### DESCRIPTION OF SUBJECT LANDS

The subject lands consist of approximately 308 acres with frontage on Saunders, Crooked and Ashton Station Roads. The lands are affected by pockets of significant wetlands, water courses and are within the influence area of a licensed pit. Approximately 40% of the lands are located within the Community Development Area of Prospect.

#### PROVINCIAL POLICY STATEMENT

Section 2.1 provides direction on Natural Heritage, with subsection 7) stating "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements".

The applicant has prepared an environmental impact statement (site visits in February) that has been reviewed by Rideau Valley Conservation Authority and the Ministry of Natural Resources and Forestry. The 308 acre parcel is known habitat for two protected species and has potential habitat for two others. Additional site visits and assessments from the applicant's biologist are required prior to determining whether development of the subject severance (816-063) would have an adverse effect on any of these species.

Section 2.1.5 prohibits development within significant wetlands and the 120m adjacent area. The applicant's EIS has discussed appropriate setbacks from the wetlands and the subject severance (816-063) is beyond these proposed setbacks. Staff typically waits for comments from RVCA to provide confirmation that the wetland setback is sufficient.

The applicant submitted a revised EIS to focus specifically on severance application B16-063 on October 7, 2016. As of the date of this report, the EIS has not been reviewed by MNR or RVCA and it is unclear if the PPS concerns have been addressed.

#### OFFICIAL PLAN

The subject lands are designated Rural, Wetlands and Residential within the Township's Official Plan. The area of the proposed severance (B16-063) is designated Residential.

Section 4.5 provides direction on land division matters and identifies a maximum of 3 severances per original parcel. Previous research and discussions have indicated that the subject land qualifies to provide up to 6 severances. The proposed severance would provide the minimum frontage and area required by Section 4.5.

This being said, Section 4.5.1 xv) indicates that the Township will not support a division of land that is:

"subject to environmental constraints, environmental hazards, human generated hazards or physical limitations which would make it unsuitable for the intended use, unless the proposed lot(s) contain(s) sufficient suitable land outside the identified constraint, hazard or limitation to safely

accommodate site access as well as all buildings, structures and sewage disposal facilities."

As noted previously, the subject severance (816-063) has not been cleared for species at risk yet from MNR. Accordingly, Staff considers there to be potential that the subject severance is subject to environmental constraints given the lands may form part of protected habitat.

Section 4.6 provides additional direction on natural heritage features, with subsection 1 speaking to endangered and threatened species and subsection 6 providing guidance on significant wetlands. A portion of the proposed severance (816-063) is within 120m of significant wetlands; however Staff believes this proximity is not a major constraint as a building envelope exists beyond the 120m setback. As noted above, questions remain about species at risk and Staff are waiting for comments from RVCA and MNR regarding the latest EIS.

#### ZONING BY-LAW

The lands subject to severance application 816-063 are zoned Residential by the Township's Zoning By-law No. 91-14. This zone requires a minimum lot size of 1 acre (although 1.5 acres are required for new lots being created by severance) with 45m of frontage on an open road. The proposed severance satisfies these requirements.

#### OPTIONS / ANALYSIS

The applicant has requested that the Township consider providing conditional support of the severance to Council. The applicant will work with RVCA and MNR to ensure that the EIS has been reviewed and approved prior to Council passing a resolution to support the severance and provide comments to the County. Staff does not have an objection with this approach but acknowledges that the conditions the Township may wish to forward to the County will not be finalized until comments from MNR and RVCA have been reviewed.

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

- 1/ That the applicant provides the Township with a paper copy of the reference plan;
- 2/ 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;
- 3/ That the applicant confirms with the Township's Public Works Superintendent that an entrance to the severed lands is feasible.

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

#### **Conservation Authority** – Rideau Valley Conservation Authority

##### **B16/063 – New Lot**

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 2.2 acre parcel from the existing parcel.

**PROPERTY CHARACTERISTICS****Severed Parcel (B16/063)**

The severed parcel is primarily treed. The severed parcel is vacant.

**Retained Parcel**

A significant portion of the property has been identified as being within the Prospect Bog Provincially Significant Wetland, along with one unevaluated wetland. Majority of the site outside the wetlands is treed with patches of cleared areas. A watercourse has also been identified on the southwestern portion of the property.

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

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

Natural Heritage**Provincially Significant Wetland and Unevaluated Wetlands****Severed Parcel (B16/065)**

There have been no Provincially Significant Wetlands or unevaluated wetlands identified on the severed parcel. However, a portion of the severed parcel would be within 120 metres of the Prospect Bog Provincially Significant Wetland. As part of the application, the applicant has provided two documents:

- "RE: Proposed Severances, Prospect Lands - Environmental Impact Statement" dated February 29<sup>th</sup>, 2016 prepared by Muncaster Environmental Planning Inc.
- "RE: Severance '3', Prospect Lands - Environmental Impact Statement Update" dated October 7<sup>th</sup>, 2016, prepared by Muncaster Environmental Planning Inc.

The most recent report builds on some of the original observations made in the February report and provides further information and an update as it specifically relates to Severance '3' (B16/063). The report indicated that there is an unevaluated narrow thicket swamp and marsh, between 20 and 60 metres in width, to the north of the proposed severance. The southwest tip of the wetland is approximately 40 metres north of the severed parcel.

Based on the MNR mapping, the Prospect Bog Provincially Significant Wetland at its closest point to the severed parcel is 60 metres. Based on field observations, the EIS has concluded that the Provincially Significant Wetland boundary is actually approximately 140 metres at its closest point from the severed parcel. This change in boundary has been illustrated on the figure provided in the report. Two species at risk were observed on site, Blanding's Turtle and Eastern Whip-poor-will. The report has concluded that the Blanding's Turtle sightings were a km from the severed parcel, while the Whip-or-wills were heard approximately 280 metres north of the severed parcel boundary. The report has concluded that the construction and operation of a single detached residence on a 0.9 hectare severance will not have a detectable impact on the natural heritage features in the

vicinity of the severance, including parcels of the Prospect Bog Provincially Significant Wetland, provided the recommendations and other mitigation measures identified in the EIS are properly implemented.

While the Conservation Authority has no objection to this application moving forward providing the EIS is referenced in a development agreement, the Conservation Authority notes that the figure in the EIS has also illustrated setbacks from the Provincially Significant Wetland and a road pattern associated with other pending severance applications and a future plan of subdivision which have not yet been accepted. Therefore, any acceptance of the EIS Update does not constitute acceptance of the setbacks proposed for the other severances and or future plan of subdivision as these matters have yet to be fully resolved. The Conservation Authority is only accepting the recommendations in the EIS Update for Severance 3, and the report did not provide discussion or recommendations related to those setbacks shown for other pending or future applications.

#### Retained Parcel

A large portion of the retained parcel has been identified as being within the Prospect Bog Provincially Significant Wetland, while a small portion has been identified as being within an unevaluated wetland. The retained parcel is large enough that a development envelope would still exist entirely outside of the 120 metre adjacent lands of the Provincially Significant Wetlands and well away from the unevaluated wetland or any other natural feature which was identified in the EIS and EIS Update.

#### CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, the Prospect Bog and its 120 metre adjacent lands are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:

- Any development within the Prospect Bog Provincially Significant Wetland and its 120 metres adjacent lands requires the prior written approval of the Rideau Valley Conservation Authority. Development in the wetland is not permitted.
- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this application subject to the following conditions:

1. That the Owner enter into a development agreement or site plan agreement with the Township of Beckwith with wording to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith that:
2. That the Owner acknowledges and agrees to implement all of the recommendations in the EIS -"RE: Severance '3', Prospect Lands Environmental Impact Statement Update" dated October 7th, 2016, prepared by Muncaster Environmental Planning Inc.

### **Ministry of Natural Resources & Forestry**

Thank you for providing the Ministry of Natural Resources and Forestry an opportunity to review the Environment Impact Statement (EIS) update to support severance B16/063. The addendum addresses severance 3 (B16/063) of seven lot severances. The MNRF reviewed and provided comments on the EIS to support lot severances B16/063 through B16/069 on this lot in a letter dated July 22, 2016. The MNRF has not received updated EIS information for the remaining six lot severances. It is also noted that the map provided in the updated EIS includes a proposed layout for a future subdivision. This potential subdivision was not included or considered for this screening. The MNRF has reviewed the EIS addendum for severance 3 by Muncaster Environmental Planning Inc. dated October 7, 2016, and we have the following comments.

### **Wetlands**

The EIS addendum states that the boundary of the southwest portion of Prospect Bog Provincially Significant Wetland nearest severance 3 was adjusted to the northeast based on 2016 field surveys. The MNRF as not received any documentation to support the wetland boundary change. The MNRF requires the following information to review wetland boundary delineation:

- Mapping showing the plant communities adjacent to the proposed wetland boundary including terrestrial communities mapped using Ecological Land Classification and wetland communities mapped using Ontario Wetland Evaluation System;
- A written description of the wetland plant communities, including the community code, site and wetland type, vegetation forms, and dominant plant species for each form (in some cases, soils information such as moisture regime, depth of organics, and depth to water table/mottles/gley may also be useful to determine/rationalize the boundary); • A written description of the terrestrial communities, including community code and classification, vegetation type and soils analysis (texture, moisture regime, depth to mottles/gley, depth of organics); and
- A photo plate showing pictures of the different plant communities, especially those at/or adjacent to the wetland boundary.
- A shapefile or other digital georeferenced submission of the updated PSW boundary. This is not strictly necessary for MNRF to review and approve changes to evaluated wetland boundaries but makes the review more efficient.

The rationale presented in the EIS update that there will be no impact to the wetland from the lot severance due to the distance from the lot is sound, but would be better supported if a building footprint on the site was identified.

An unevaluated wetland is identified in the EIS addendum and is shown in the figure on page 10. The MNRF has no comments on the wetland with respect to impacts from severance 3. However, the MNRF would like to encourage the consideration of the unevaluated wetland for inclusion in the PSW complex through the subdivision development application as it may affect the wetland.

### **Species at Risk**

Whip-poor-will



The report states that birds were heard 280 metres north of the north boundary of the lot to be severed. The General Habitat Description (GHD) for Whip-poor-will describes Category 3 habitat as the area of suitable habitat between 170 m and 500 m of the nest or centre of approximated defended territory. A map showing the results of the WPWI surveys and habitat mapped according to the General Habitat Description should be provided. The EIS addendum states that the species is not expected to be impacted by the development. This conclusion should be supported with mapped habitat and rationale related to the species habitat requirements.

The mitigation in the addendum suggests no woody vegetation removal from May 15 to July 30 unless a survey conducted within five days of the vegetation removal identifies no breeding activity. The Whip-poor-will breeding season is May 1 to July 31. All vegetation removal should be excluded during the Whip-poor-will breeding season, not just woody vegetation, as Whip-poor-will nest on the ground and not in trees. Further, if a survey is conducted to determine if breeding birds are absent so vegetation removal may occur within the breeding bird timing window, surveys should be done following breeding bird protocol and Whip-poor-will protocol. The timing of surveys for diurnal and nocturnal birds are different.

The suggested mitigations to minimize outdoor lighting, control pets, and limit use of chemical pesticide, herbicide and insecticide will aid in the avoidance of impacts to Whip-poor-will.

#### Blanding's Turtle

The report confirms Blanding's Turtle observations on site. The MNRF should be provided the information on the dates and locations of the turtle observations. The conclusion that suitable category 2 or 3 habitat is not present in proximity to the site should be supported with rationale. Blanding's Turtle habitat on the property should be mapped following the General Habitat Description to show there is no habitat on the site as stated. Since the changed PSW boundary has not been submitted to MNRF for review approval, the existing PSW boundary should be used for Blanding's Turtle habitat mapping.

It is likely that Blanding's Turtle habitat is present on the lot to be severed. Blanding's Turtles move between wetland parcels through upland habitat, as stated in the EIS addendum. The General Habitat Description characterizes Category 3 habitat as the area between 30 m and 250 m around suitable wetlands within 2 km of an occurrence. The Blanding's Turtle observation was 1 km from the land to be severed. The conclusion that there is a lack of suitable wetlands and other habitat characteristics to exclude Blanding's Turtle habitat from the lot to be severed should be better supported following the GHD.

If habitat is present on the site please include the avoidance and mitigation measures detailed in the EIS and extend to the following measures:

- o Exclusion fencing (e.g., silt fencing) must be installed per MNRF Best Practices Technical Note - particularly with respect to depth of fence buried and height of fence;
- o Exclusion fencing should be installed prior to April 1st and should remain in place until October 30th to avoid destroying nests by preventing access to work areas before the nesting season; and
- o Spotted Turtle should be included among the species addressed in the SAR

awareness training for construction staff.

Spotted Turtle is a sensitive species at risk which is threatened in part due to poaching. Please do not identify in any material available to the public that there is potential for Spotted Turtle in the area.

Significant Wildlife Habitat

Section 2.1.5 d) of the PPS states: *Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

Generally, mapped significant wildlife habitat will not exist prior to a proponent submitting a development application. The planning authority should ensure that it has obtained sufficient information on which to base its planning decision by requiring proponents to identify and confirm significant wildlife habitat as part of the development application. The Natural Heritage Reference Manual (OMNR, 2010) provides guidance on when significant wildlife habitat should be assessed and the steps to do so. A single lot severance is not a trigger for identifying significant wildlife habitat described in the Natural Heritage Reference Manual (NHRM), but the creation of more than three lots through either consent or plan of subdivision is a trigger. As this is one of several severances for the site, with the remaining property to be considered for subdivision development, the planning authority should require an evaluation of significant wildlife habitat. The proponent should identify and delineate Ecological Land Classification (ELC) community series or ecosites on the property and on adjacent lands (lands within 120 m of the proposed development or site alteration). This can be done through a mapping, aerial photographing and/or geographic information system (GIS) exercise.

General

MNRF would like to encourage as a best practice the identification of a building envelope with consent applications to the impacts to SAR and SAR habitat can be more fully understood by approval/review agencies and by the land owner/developer. This will also be helpful in addressing the wildland fire policy of the PPS.

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

B16/063 – Wooded lot. Good drainage 0.1 metres of silty loam over bedrock. No discernible slope. Recommendation – this lot will be large enough to accommodate on-site sewage disposal. Imported leaching bed fill will be required to construct a conforming septic system.

Retained lands – large acreage with varying soil conditions and depths. Varying slopes. Drainage good in some areas. Standing water and wetlands cover part of the property. Recommendation – severing this property will not negatively impact on-site sewage disposal for the retained lands.

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

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

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

**(c) PUBLIC INPUT**

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

**Bonnie and Mike West – June 22, 2016**

I am writing concerning the development of B16/065 and B16/064 on Crooked Side Road.

We are the residents who reside across from these lots and are concerned about where the spring runoff will go. As there is no ditch across our property or down the opposite side of the road. In the spring, the water runs down the road from the north to the south, not the ditch and enters the ditch just before the cross pipe. The water runs through the culvert into the new properties you wish to develop across the road. We also have to pump the water from our sump pump over to that culvert for the water to get away as there is no alternative. This has been an ongoing problem since we moved here 10 years ago. We get all the runoff from the property behind us as well which runs to this cross pipe. This is the only place for the spring runoff to go. We have asked the Township of Beckwith if there is a way to run the water to the drain further south but they did not see a problem. The problem only exists when there is a quick melt in the winter and in the early spring. We hope you consider our concerns when developing these properties. We wish to be informed of an upcoming meetings concerning this development.

**Patrick Paiement – June 23, 2016**

We, owners at 147 Crooked Side road, are writing to voice our concerns and opinion on the matter of the future developments of lots mentioned above as per requested from letter received dated at Bathurst Township on the 7th day of June, 2016 .

We are not in agreement, and do not give or consent for the addition of lot B16/063, B16/064 and B16/065. Even if the work seems to have already started across 147 Crooked Side road. (Creation of a new ditch on the North East side of the street which started June 22, 2016 and ended June 23, 2016)

The reason why we are not supportive or willing to grant authority for this development is the issue of improper drainage of Crooked Side road. Crooked side road's drainage solely relies on a small culvert located at 147 Crooked Side road that drains south west into Kings Creek which is not maintained by the township of Beckwith.

Increasing the numbers of property on Crooked Side road will only add more weeping systems that will drain into this undersized culvert and could result in extensive flooding at 147 Crooked Side road.

Every spring our backyard floods and adding more properties would only make matters worse.

This being said, we are open minded to the idea of having the township of Beckwith and/or Ottawa West Development Inc. to properly input a drainage ditch that would drain North East side of Crooked Side road all the way to Franktown road.

Also we would consider the enlargement of the undersized culvert by the Township of Beckwith and/or Ottawa West Development Inc. on the South West Side of Crooked Side road located at 147 all the way to Kings Creek. (Heavy Equipment would need to work on property West of 147 Crooked Side Road due to lack of operating space)

For these reasons the owners of 147 Crooked Side Road are not granting our consent (not giving permission) for the above mentioned plots.

We're willing to review our decision if the Township of Beckwith and/or Ottawa Development Inc. are prepared to improve drainage ditch of Crooked Side Road.

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.89-ha residential building lot. This proposal is part of the larger proposal which will include the severance of an additional five lots and a lot addition followed by a future subdivision consisting of approximately 85 residential building lots.

The southern portion of the subject lands is located in an area characterized by typical semi-urban residential development within the settlement area of Prospect. The northern portion of the land is vacant with a majority of the lands being within a PSW (Prospect Bog).

**Road Access**

B16/063 is accessed via Crooked Side Road a municipal road and the retained lands area accessed via Crooked Sideroad and Ashton Station Road.

**Water Supply**

Through the background reporting required by the subdivision process, a full Hydrogeological Study, Terrain Analysis, Servicing Options Statement and Stormwater Management Report will be required to support further development. The agent has advised that they will complete a Hydrogeological Evaluation on this lot, due to the amount of existing residential development within the area.

**Natural Heritage**

An Environmental Impact Statement (EIS) was undertaken on the entire lands as part of the background reporting requirements for the future plan of subdivision. Concerns were raised with regards to the additional lots (B16/064 to B16/068) which will require additional review and reporting due to the proximity with the wetlands located on these lands.

In response to the additional review, an addendum to the EIS was prepared for B16/063 in order that this application could proceed.

The addendum to the EIS concluded as follows:

*"A single detached residence, with a septic system and drilled well, is proposed for the 0.9 hectare Severance 3 on the east side of Crooked Side Road in the east portion of Prospect, Beckwith Township. Several parcels of the Prospect Bog Provincially Significant Wetland are the significant natural heritage feature on the overall site. However the building envelope on Severance 3 will be more than 120 metres from the closest parcel of the Provincially Significant Wetland. An unevaluated wetland is to the north of Severance 3. The building envelope will be a minimum of 50 + metres from this wetland which is considered to be less*

*sensitive. Given the relatively flat land, coarse soils and treed nature of the land between Severance 3 and the unevaluated wetland, there is no potential anticipated for construction and operation of a single rural residence to indirectly impact the features and functions of the unevaluated wetland provided the important mitigation measures identified above are properly implemented.*

*The mixed forests found on Severance 3 are young and disturbed by plantations, tree harvesting and wind throw. No forest interior habitat is on or adjacent to Severance 3.*

*Two Species at Risk were observed on the overall site: Blanding's turtle and eastern whip-poor-will. These observations were not in proximity to Severance 3 and provided the mitigation measures described above are properly implemented no impact on the significant habitats and associated functions of the species is anticipated.*

*It is my professional opinion that construction and operation of a single detached residence on a 0.9-ha severance will not have a detectable impact on the natural heritage features in the vicinity of the severance, including parcels of the Provincially Significant Prospect Bog, provided the recommendations and other mitigation measures identified in this EIS are properly implemented.”*

As noted in Section (b) above, the MNRF has reviewed the Addendum to the EIS and have noted that various aspects of the EIS requires additional reporting to ensure that the Species at Risk evaluation has been undertaken in accordance with the Natural Resource Heritage Manual and that mitigation measures are clearly identified.

#### Aggregate Extraction

A licenced pit is located approximate 300 metres north west of B16/063, therefore the lot is outside the 300m buffer area provided for in the Beckwith Official Plan. If approved a condition should be included to advise future purchasers of the aggregate operation and the potential for noise, odours, etc.

#### Soils Inventory

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

#### Bedrock Inventory – dolostone, sandstone

#### Endangered Species

The EIS has identified Species at Risk and mitigation measures required prior to development of the B16/063. Given the time of year and the works required and/or outlined by MNRF to comply with the NRHM, it may be beneficial to defer the application until such time of these works and reporting have been completed (e.g. May 2017). The timing issue should be discussed with the applicant/agent.

#### Source Water Protection

A portion 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.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.  
Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

#### Zoning

The subject property is currently within the residential-holding section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The "H" symbol will be required to be removed as a condition of consent. 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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal, however concerns were raised by MNR regarding

wetlands, species at risk and habitat. While the proposal and background materials maintain the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Beckwith it is recommended that additional documentation and reporting be undertaken – this could be accomplished as a 'condition of consent' or alternatively, given the time and timing required to carry out the evaluation that the application be deferred until the spring.

**(e) MINUTES – November 21, 2016**

Marko Cekic, agent attended the hearing and gave evidence under oath.

Mr. Cekic advised that the fieldwork has been completed to address the concerns raised by MNRF and are confident that all the reporting can be completed within a short period of time.

The committee questioned if they had undertaken any hydrogeological investigation, and was advised that they agreed to undertake a scoped Hydro-H on for this lot.

The committee noted that they are aware that additional consents will be forthcoming on this lot which may in the future be followed by a plan of subdivision application. The committee wanted it clearly understood that their decision on this application does not presuppose the outcome of the decision for the future applications.

Public comments were received on the issue(s) of drainage along Crooked Side Road. The agent advised that he was unaware of any drainage issues.

Comments were received from agencies on the issues of SAR, habitat, wetlands and PSW. The comments were addressed through conditions to approve.

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.

**B16/063 – new lot**

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 of the Land Division Committee 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. That the applicant prepare a subsequent addendum to the EIS by a qualified

professional to address the concerns raised by the Ministry of Natural Resources and Forestry in their letter date November 15, 2016. And that this report be submitted to the MNRF for review. Any mitigation measures identified through the review shall be implemented through a Development Agreement or Site Plan Agreement.

4. That the applicant enter into a Site Plan Agreement with the Township of Beckwith to identify a suitable building envelope and to implement the recommendations and mitigation measures identified in the EIS prepared by Muncaster Environmental Planning Inc. dated October 6, 2016 and subsequent EIS addendums and shall address the concerns of the Conservation Authority as outlined in their report of October 26, 2016 provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
5. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
6. That the applicant have a Hydrogeological Evaluation completed by a qualified professional. The evaluation to be submitted to the Township of Beckwith for review and approval at the expense of the applicant.
7. 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.
8. 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.
9. The lot to be severed shall be re-zoned to remove the 'holding' symbol. The applicant shall consult directly with the Township of Beckwith in this regard.
10. The applicant shall confirm that a residential entrance to the subject lot is feasible. The applicant shall consult directly with the Township of Beckwith in this regard.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Beckwith stating that condition #4 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that any development within the Prospect Bog Provincially Significant Wetland and its 120 metres adjacent lands requires the prior written approval of the Rideau Valley Conservation Authority. Development in the wetland is not permitted.*
2. *In addition, any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).*



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. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Walter Lackie & Hester Grodde	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> ZanderPlan Inc.	<b>LDC File #:</b> B16/093 to B16/098
<b>Municipality:</b> Township of Montague	<b>Lot: 1 Conc.:</b> 6
<b>Geographic Township:</b>	<b>Consent Type:</b> Six (6) new lots
<b>Roll Number:</b> 0901 000 015 05500	Concurrent applications

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

B16/093 to B16/095 – to sever three (3) residential building lots (1.0-ha each) and to retain a 22.45-ha vacant landholding.

B16/096 to B16/098 - to sever three (3) residential building lots (1.0-ha each) and to retain a 35.9-ha vacant landholding.

DETAILS OF PROPOSAL	B16/093	B16/094	B16/095	Retained
<b>Existing Use</b>	Vacant	Vacant	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential	Residential
<b>Area</b>	1.0-ha	1.0-ha	1.0-ha	22.45-ha
<b>Frontage</b>	75 m	75 m	75 m	746 m
<b>Depth</b>	133.5 m	133.5 m	133.5 m	221 m +/-
<b>Road - Access to</b>	County	County	County	County
<b>Water Supply</b>	Proposed	Proposed	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed	Proposed	Proposed
<b>Zoning By-law Category</b>	Rural			
<b>-Area (minimum)</b>	0.4-ha			
<b>-Compliance?</b>	Yes			
<b>-Frontage (minimum)</b>	46 m			
<b>-Compliance?</b>	Yes			
DETAILS OF PROPOSAL	B16/096	B16/097	B16/098	Retained
<b>Existing Use</b>	Vacant	Vacant	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential	Residential
<b>Area</b>	1.01-ha	1.01-ha	1.01-ha	35.9-ha
<b>Frontage</b>	75 m	75 m	75 m	604 m
<b>Depth</b>	155 m	155 m	155 m	789 m +/-
<b>Road - Access to</b>	County	County	County	County

DETAILS OF PROPOSAL	B16/093	B16/094	B16/095	Retained
Water Supply	Proposed	Proposed	Proposed	Proposed
Sewage Disposal	Proposed	Proposed	Proposed	Proposed
Zoning By-law Category	Rural			
-Area (minimum)	0.4-ha			
-Compliance?	Yes			
-Frontage (minimum)	46 m			
-Compliance?	Yes			

**Official Plan Designation:** Rural, PSW, organic soils overlay, wooded area.

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

**1.1.5 Rural Lands in Municipalities**

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

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

**1.6 Infrastructure and Public Service Facilities**

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

**2.1 Natural Heritage**

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

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

between and among natural heritage features and areas, surface water features and ground water features.

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, 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 2.19.3 Organic Soils, Section 2.21 Natural Heritage Features, Section 2.22.2 Source Water Protection, Section 3.3 and 3.4 Natural Heritage, Section 3.6 Rural, Section 4.3 County Roads, Section 5.2 Land Division. The Township of Montague advises proposals conform 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 comply with the zoning by-law regulations.

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

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

#### **Township Planner's Report - B16/093, B16/094 and B16/095**

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 owners seek permission to sever three residential lots from the middle of their -25 ha landholding on Roger Stevens Drive, at the far eastern end of the Township. The three lots would be 1 ha (2.4 acres) each and are currently vacant. The severed and retained lots all front on the north side of Roger Stevens Drive and are currently open field for the most part. There is no record of previous severances from this landholding since 2001 and as such these applications could be considered under the Township's lot creation policies. It is noted that these applications were submitted at the same time as three severance applications on the southern side of Roger Stevens (B16/096, 097 and 098). A planning report regarding those applications has been submitted under separate cover however many of the planning considerations are the same.

In evaluating this application, staff have also considered a Planning Rationale submitted by ZanderPlan and a Geotechnical Investigation by Morey Associates Ltd.

#### 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 section of Roger Stevens Drive passes through a mixed landscape of pasture and woodlands; however the proposed lots are relatively open. To the east and north are some farms and scattered residential development, concentrated along Roger Stevens Drive and Montague Boundary Road.

#### Compatibility

The Township's Official Plan and Constraints mapping identifies a number of planning considerations applicable to these lots. The forested area at the southwest corner of the retained lands is identified as "significant". This means that development cannot impact this feature unless it has been demonstrated that "there will be no negative impacts on the natural features or their ecological functions" (Sec. 2.21.6.4). In this case, the severed lots are outside the edge of the identified woodlands, entirely cleared and appear to be functionally isolated from this feature and as such, negative impacts are not anticipated. There is ample area on the retained lands for future development that avoids this feature. Also of note is that a portion of the retained lands have been identified as a bedrock deposit, which is a potential aggregate source. The Official Plan (Development Adjacent to Mineral Resources- Sec. 2.17.1) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. The Planning Rationale submitted by ZanderPlan addressed this and suggested that the relatively small size of the aggregate deposit on the lot (about 5 hectares) would likely not be economical for commercial extraction. A much larger designated aggregate area exists to the east in the City of Ottawa within 500 m of the subject site however interceding dwellings on Roger Stevens Drive, including at the shared road allowance, would likely hinder the establishment of a quarry operation close to the Lackie/Grodde properties. With this in mind, staff agree that the proposed lots would likely not augment the existing constraints to extraction that appear to exist.

#### Services

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). While the Plan discourages (Sec. 5.2.3.4) severances on County owned roads, in favour of Township roads, there are no alternative accesses to this site. Additionally, the County Public Works Department advises that shared entrances for the severed and retained lands (for a total of two accesses) can be approved at this location in accordance with their access requirements. As such, staff are of the view that these applications can be considered in light of that policy. While these applications would enable residential development at a location somewhat distant from local urban centres, the direct access to a major transportation route allows a development that is quite

accessible and as such, overall impact on municipal infrastructure is not expected to be significant. Like all development in the rural portion of the Township, the proposed lots would be privately serviced with well and septic systems. The lot sizes being considered are sizeable at 1 ha and while there is no automatic municipal requirement for a hydrogeological study to justify these severance applications, in areas of clustered residential development the Land Division Committee could consider whether the drilling of a test well, as a condition of severance approval, is appropriate to confirm the suitability of the groundwater supply.

While not provided for in policy in the Official Plan, staff note the Brassil's Creek municipal drain has been identified on the retained lands in close proximity to the severed lots. As such, the applicant should be aware of the municipal drain and potential obligations under the *Drainage Act* that may arise.

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

#### Conclusion and Recommendations

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

#### B16/096, B16/097 and B16/098

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 owners seek permission to sever three residential lots from the middle of their -25 ha landholding on Roger Stevens Drive, at the far eastern end of the Township. The three lots would be 1 ha (2.4 acres) each and are currently vacant. The severed and retained lots all front on the south side of Roger Stevens Drive.

The severed lots and other areas close to the road are mostly cleared however forested lowlands and wetlands predominate at the south end of the lot. There is no record of previous severances from this landholding since 2001 and as such these applications could be considered under the Township's lot creation policies. It is noted that these applications were submitted at the same time as three severance applications on the northern side of Roger Stevens (816/093, 094 and 095). A planning report regarding those applications has been submitted under separate cover however many of the planning considerations are the same.

In evaluating this application, staff have also considered a Planning Rationale submitted by ZanderPlan and a Geotechnical Investigation by Morey Associates Ltd.

#### 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 section of Roger Stevens Drive passes through a mixed landscape of pasture and woodlands; however the proposed lots are relatively open. To the east and north are some farms and scattered residential development, concentrated along Roger Stevens Drive and Montague Boundary Road. While this proposal, considered at the same time as the three on the other side of the road, establishes a conspicuous residential presence where there was not one previously, staff are of the view that the overall characteristic of the rural landscape is not significantly impacted. These applications are not thought to constitute strip development.

#### Compatibility

The Township's Official Plan and Constraints mapping identifies a number of planning considerations applicable to these lots. The forested area to the south of the severed lands is identified on the OP's constraints mapping as "significant". This means that development cannot impact this feature unless it has been demonstrated that "there will be no negative impacts on the natural features or their ecological functions" (Sec. 2.21.6.4). In this case, the severed lots are outside the edge of the identified woodlands, entirely cleared and appear to be functionally isolated from the woodlands which are associated with the lower wet lands to the south. As such, negative impacts are not anticipated. There is ample area on the retained lands for future development while also avoiding this feature. A significant portion of the retained lands are also identified as containing Provincially Significant Wetland and Significant Wildlife Habitat. These features are situated a greater distance from the severed lots and would not have a significant impact on this application.

The wetlands and woodlands are mostly coterminous with an area of organic soils, which are also shown to extend to the north and affect the three severed lots. Organic soils are considered a natural hazard to development given that they can create unstable building environments and development should accordingly be situated to avoid these identified areas or alternatively, justified through appropriate studies that demonstrate that the land is or can be made suitable for development (Sec. 2.19.2). To address this issue, the applicants submitted a geotechnical investigation report in order to determine whether subsurface conditions could support footings for single family dwellings. The investigation determined that with the exception of a 1 foot layer of topsoil, the subsurface conditions are suitable for single family development on spread footing foundations. The report contained a number of recommendations and best practices for construction in this area, most of which would be addressed through the Building Code. In consultation with the Rideau Valley Conservation Authority, which retains regulatory jurisdiction over natural hazards, it was agreed in lieu of a development agreement to implement the geotechnical recommendations, the inclusion of a note on title advising of this report would be appropriate.

The Township's Constraints mapping also identifies a bedrock deposit extending into the retained lands and part of a much larger feature to the east in the City of Ottawa. This is considered a potential aggregate source. The Official Plan (Development Adjacent to Mineral Resources- Sec. 2.17.1) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. The Planning Rationale

submitted by ZanderPlan addressed this and suggested that the relatively small size of the aggregate deposit in Montague (about 5 hectares) would likely not be economical for commercial extraction due to its size. A much larger designated aggregate area exists to the east in the City of Ottawa within 500 m of the subject site however interceding dwellings on Roger Stevens Drive, close to the shared road allowance, would likely hinder the establishment of a quarry operation close to the proposed lots. As the proposed lots are well to the west of the majority of the quantifiable deposit and given the existing constraints to extraction noted close to the Montague boundary, staff agree that the severances on their own would likely not further impede future extraction operations.

#### Services

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). While the Plan discourages (Sec. 5.2 .3.4) severances on County owned roads, in favour of Township roads, there are no alternative accesses to this site. Additionally, the County Public Works Department advises that shared entrances for the severed and retained lands (for a total of two accesses) can be approved at this location in accordance with their access requirements. As such, staff are of the view that these applications can be considered in light of that policy. While these applications would enable residential development at a location somewhat distant from local urban centres, the direct access to a major transportation route allows a development that is quite accessible and as such, overall impact on municipal infrastructure is not expected to be significant. Like all development in the rural portion of the Township, the proposed lots would be privately serviced with well and septic systems. The lot sizes being considered are sizeable at 1 ha and while there is no automatic municipal requirement for a hydrogeological study to justify these severances applications, in areas of clustered residential development, the Land Division Committee could consider whether the drilling of a test well, as a condition of severance approval, is appropriate to confirm the suitability of the groundwater supply.

While not provided for in policy in the Official Plan, staff note the Brassil's Creek municipal drain has been identified on the retained lands in close proximity to the severed lots. As such, the applicant should be aware of the municipal drain and potential obligations under the Drainage Act that may arise.

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

#### Conclusion and Recommendations

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

**Township of Montague** - recommends approval of this application subject to the following conditions:  
**B16/093, B16/094 and B16/095**



- 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. The survey shall be provided in digital and paper form.
- 3) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:  
     TAKE NOTICE that this lot is located in or adjacent an area served by the Brassil's Creek Municipal Drain. As such, property owners may be required from time to time to contribute financially to the upkeep of the drainage works as per the Drainage Act.
- 5) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof

**Conservation Authority** – Rideau Valley Conservation Authority

**B16/093 to B16/095**

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 three lots from the existing lot which would ultimately result in a total of 4 lots.

**PROPERTY CHARACTERISTICS**

**Severed Parcels B16/093**

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

**Severed Parcels B16/094 and B16/095**

The severed parcels are primarily cleared with some trees at the rear of the property.

**Retained Parcel**

Majority of the retained parcel is cleared with some wetland including a portion of the Brassil's Creek Provincially Significant Wetland located on the most southern corner of the property. Several watercourses traverse the property including the Brassil's Creek Municipal Drain.

**REVIEW**

**Natural Heritage -Unevaluated Wetland/Significant Wetland**

**Severed Parcel B16/093 through B16/095**

There have been no portions of the severed lands which have been identified as having unevaluated or Provincially Significant Wetlands.

**Retained Parcel**

A portion of the Brassil's Creek Provincially Significant Wetland has been identified on the most southerly portion of the retained parcel. An unevaluated

wetland has also been identified on the southernmost portion of the parcel, and extends about 110 metres from the Provincially Significant Wetland boundary. The retained parcel is very large and there is a sufficient building envelope available on the retained parcel well away from any of the wetland features and the 120 metre adjacent lands to the PSW. Therefore, there is no anticipated impact on the wetlands as a result of this application.

#### Watercourses

Severed Parcel B16/093 through B16/095

There have been no watercourses identified on these parcels.

#### Retained Parcel

Four watercourses have been identified on the retained parcel including the Brassil's Creek Municipal Drain. The retained parcel is large enough that there is a sufficient building envelope available on the parcel well away from the watercourses and in conformity with the Township's Zoning By-law requirements for watercourse setbacks. Therefore, there is no anticipated impact on the watercourses as a result of these applications.

#### Conservation Authority Regulations

For the applicant's information, all of the watercourses including the Brassil's Creek Municipal Drain and the Brassil's 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 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.
- Any Development within the Brassil's Creek Provincially Significant Wetland and its 120 metre adjacent lands require 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. Please contact me at ext. 1191 if you have any questions.

#### B16/096 to B16/098

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 three lots from the existing lot which would ultimately result in a total of 4 lots.

#### PROPERTY CHARACTERISTICS

#### Severed Parcels B16/096 through B16/098

These severed parcels are primarily cleared. These lots are vacant.

#### Retained Parcel

The northern half of the retained parcel is cleared, while majority of the southern half of the parcel has been primarily identified as unevaluated wetland and the Brassil's Creek Provincially Significant Wetland. The Brassil's Creek Municipal Drain runs through the retained parcel.

#### REVIEW

##### Natural Hazards

##### Severed Parcels B16/096 through B16/098 and Retained Parcel

##### Organic Soils

These severed parcels have been identified as having Organic Soils either entirely or partially on the parcels in the Township's Official Plan. Conservation Authorities were delegated natural hazard responsibilities by the Minister of Natural Resources. This includes flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion which are now encompassed by Section 3.1 "Natural Hazards" of the Provincial Policy Statement.

Under Section 3.1 Natural Hazards in the Provincial Policy Statement 2014, it states:

Development shall generally be directed to areas outside of:

##### a) Hazardous sites

Hazardous sites are defined in the PPS as property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils or unstable bedrock (karst topography)).

In accordance with the Township's Official Plan, the applicant has provided a geotechnical report "Limited Geotechnical Investigation - Proposed Single Family Dwelling Lot Severances. Roger Stevens Drive (County Road 4). Lot 1. Concession 6, Township of Montague, County of Lanark, Ontario" dated April 1, 2016, prepared by Morey Associates Ltd. Consulting Engineers. The report included hand dug test pits for each proposed lot, an additional three lots which are subject to applications of consent (B16/093 through B16/096) and portions of the retained parcel. The investigation concluded that with the exception of the first top soil layer, the subsurface conditions encountered at the test pits advanced for the investigation are suitable for support of the proposed single family dwellings on spread footing foundations. The report summarizes some general construction techniques which may be applied to the site. Given that the extent of organic soils observed was limited, the Conservation Authority recommends that the report be placed as a note in the decision of these applications so that it may be referred to in the future for additional information. We would also note that the report recommends that a field verification occur at the time of construction.

##### Natural Heritage

##### Unevaluated Wetland/Significant Wetland

##### Severed Parcel B16/096 through B16/098

There have been no portions of the severed lands which have been identified as having unevaluated or Provincially Significant Wetlands and are also entirely

outside its 120 metre adjacent lands.

#### Retained Parcel

A good portion of the southern half of the retained parcel has been identified as being within the Brassil's Creek Provincially Significant Wetland and its 120 metre adjacent lands. An unevaluated wetland has also been identified on the retained parcel and extends from the Provincially Significant Wetland boundary to the Brassil's Creek Municipal Drain. The retained parcel is very large and there is a sufficient building envelope available on the retained parcel well away from any of the wetland features and the 120 metre adjacent lands to the PSW. Therefore, there is no anticipated impact on the wetlands as a result of these applications.

#### Watercourses

Severed Parcel B16/096 through B16/098

There have been no watercourses identified on these parcels.

#### Retained Parcel

The Brassil's Creek Municipal Drain has been identified on the retained parcel.

The

retained parcel is large enough that there is a sufficient building envelope available on the parcel well away from the watercourses and in conformity with the Township's Zoning By-law requirements for watercourse setbacks. Therefore, there is no anticipated impact on the watercourses as a result of these applications.

#### Conservation Authority Regulations

For the applicant's information the Brassil's Creek Municipal Drain and the Brassil's 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 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.
- Any Development within the Brassil's 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

B16/093 – Approx. a 2.47 acre vacant parcel of land with an existing drilled well property consists of an open grass field. Soil depth variable. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile Bed). (*NOTE - The applicant has advised that the well on this property is very old and that it was capped through an Ontario Government Water Management program a number of years ago.*)

B16/094 – Approx. a 2.47 acre vacant parcel of land consisting of mixed vegetation and grass lands. Soil depth variable and some areas may be subject to seasonal high water table. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile bed).

B16/095 - Approx. a 2.47 acre vacant parcel of land consisting of mixed vegetation and grass lands. Soil depth variable and some areas may be subject to seasonal high water table. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile bed).

Retained lands – Approx. 55.46 acre vacant parcel of land consisting of open grass fields and bush land, soil depth drainage and slope variable and some exposed bedrock. Some areas may be subject to seasonal high water table. Recommendation – Sandy loam fill will be required to construct a partially to fully raised septic system. Amount of fill required will depend on the exact location of the septic system (tile bed).

B16/096 – Approx. a 2.48 acre vacant parcel of land consisting of an open grass field and trees. Soil depth variable with exposed bedrock. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile bed).

B16/097 – Approx. a 2.48 acre vacant parcel of land consisting of an open grass field and trees. Soil depth variable with exposed bedrock. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile bed).

B16/098 – Approx. a 2.48 acre vacant parcel of land consisting of an open grass field and trees. Soil depth variable with exposed bedrock. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system (tile bed).

Retained lands – Approx. an 88.91 acre vacant parcel of land consisting of open grass fields, bush land and mixed vegetation, slope, drainage and soil depth. Some areas may be subject to seasonal high water table. Recommendation – sandy loam fill will be required to construct a partially to fully raised septic system. Amount of fill required will depend on exact location of septic system (toile bed).

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

1. Applicant has an approved entrance location permit. #2577, 2578. 2579 and 2580.
2. Entrance to be installed prior to deed endorsement.
3. Standard conditions to apply for road widening, road closing, approvals and documentation.
4. Lands to be severed by B16/094 and B16/095 to have a common residential entrance (shared).
5. Lands to be severed by B16/096 and B16/097 to have a common residential entrance (shared).

**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 these

applications.

**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 six (6) residential building lots (three north of Roger Stevens Drive and three south of Roger Stevens Drive), all containing 1.0-ha.

The subject lands are located in an area characterized by larger type building lots along Roger Stevens Drive.

**Road Access**

The lands are accessed via Roger Stevens Drive, a County maintained road. Access to the County Road will be via a shared entrances for B16/094 & B16/095 and B16/097 & B16/098.

**Water Supply**

Section 2.22 of the Montague Official Plan subsection 5, states “*In reviewing planning applications, the cumulative impacts of private services shall be monitored to ensure sustainability of development.*” Given that there are a total of 6 new lots being proposed, together with 2 retained lots, consideration should be given to demonstrate that adequate and potable water is available to supply the new development and also maintain the existing development. It is recommended that either a well be constructed or that a hydrogeological evaluation be undertaken to satisfy Section 2.22 of the Montague Official Plan.

**Natural Heritage**

Brassil’s Creek PSW is located on the southerly portion of the lot south of Roger Stevens Drive. No development is permitted within 120m of the PSW.

**Mineral Resources**

Adjacent lands located within the City of Ottawa are zoned as Mineral Extraction Exception – holding and is a designated Limestone Resource Area. The City of Ottawa has not commented on the applications.

**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.

**Agricultural Operations**

Due to an agricultural operation being located on adjacent lands located to the north, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback

of 195m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as approximately 600m.

#### Soils Inventory

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

#### Bedrock Inventory – Dolostone, sandstone

#### Organic Soils

In accordance with the Township's Official Plan, the applicant was required to undertake a "Limited Geotechnical Investigation" for those building lots lying south of Roger Stevens Road. This report was reviewed by the Conservation Authority, who have recommended that future purchasers of the lots should be made aware of the findings of the report. The report also recommends that a field verification of the subsurface soil conditions be undertaken at the time of development.

#### 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)
- Blanding's Turtle (THR)

#### Official Plan Policies

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

'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not 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 – November 21, 2016**

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

Ms. Zander provided background information of the proposal, noting that a soils investigation had been undertaken for the lots south of Roger Stevens Road.

Ms. Zander also noted that the County Road is not separately PINNED at the Land Titles Office, but this will be undertaken through the survey process.

No public comments were received on this application so there was no effect on the decisions.

Comments were received from agencies on the issues of organic soils, drainage, entrance locations, etc. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions.

Committee considered all written 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.

**B16/093, B16/094 and B16/095**

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 of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are located in or adjacent to an area served by the Brassil's Creek Municipal Drain. As such, property owners may be required from time to time to contribute financially to the upkeep of the drainage works as per the *Drainage Act*."
4. THAT the Owner(s) provide certification to the Lanark County Land Division and the Township of Montague that a well has been constructed on the property being created by any one of the Consent Applications B16/093 through B16/098 and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. 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.

Alternatively, should the Owner/Applicant not wish to proceed with the drilling of the well at this time, the owner/applicant shall prepared a "Scoped Hydrogeological Evaluation Report" by a Professional Engineer, or Professional Geoscientist to demonstrate a favourable groundwater quantity assessment, groundwater quality assessment, terrain evaluation and water quality impact risk analysis in accordance with the "Scoped Hydrogeological Report Requirements" guidelines dated July 2, 2015.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application in digital and paper format if a survey is

required by the Land Titles Office.

8. 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.
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. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. The applicant shall provide the Lanark County Public Works Department with a copy of all reference plans associated with this application (one paper copy and a digital copy) if a survey is required by the Land Titles Office.
12. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
13. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
14. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
15. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Montague, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
16. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
17. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #16 has been fulfilled to their satisfaction.
18. A letter shall be received from the Township of Montague stating that condition #4 through #9 (and #15, if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. 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).*

2. *The applicant shall provide notice of all prospective purchasers through the "Agreements of Purchase and Sale" that property owners may be required to contribute financially to the upkeep of the drainage works known as Brassil's Creek Municipal Drain as per the Drainage Act.*
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 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.*

**B16/096, B16/097 and B16/098**

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 of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are located in or adjacent to an area served by the Brassil's Creek Municipal Drain. As such, property owners may be required from time to time to contribute financially to the upkeep of the drainage works as per the *Drainage Act*."
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are subject to development restrictions as outlined in a report titled 'Limited Geotechnical Investigation - Proposed Single Family Dwelling Lot Severances. Roger Stevens Drive (County Road 4). Lot 1. Concession 6, Township of Montague, County of Lanark, Ontario" dated April 1, 2016, prepared by Morey Associates Ltd. Consulting Engineers".
5. THAT the Owner(s) provide certification to the Lanark County Land Division and the Township of Montague that a well has been constructed on the property being created by any one of the Consent Applications B16/093 through B16/098 and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. 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.  
  
Alternatively, should the Owner/Applicant not wish to proceed with the drilling of the well at this time, the owner/applicant shall prepared a "Scoped Hydrogeological Evaluation Report" by a Professional Engineer, or Professional Geoscientist to demonstrate a favourable groundwater quantity assessment, groundwater quality assessment, terrain evaluation and water quality impact risk analysis in accordance with the "Scoped Hydrogeological Report Requirements" guidelines dated July 2, 2015.
6. 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.
7. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application in digital and paper format if a survey is required by the Land Titles Office.
9. 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.
10. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.

12. The applicant shall provide the Lanark County Public Works Department with a copy of all reference plans associated with this application (one paper copy and a digital copy) if a survey is required by the Land Titles Office.
13. Road Widening: Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
14. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
15. If land is required, “In Preparation” Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.
16. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the “The Corporation of the County of Lanark” (or the Township of Montague, 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.
17. 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.
18. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 through #17 has been fulfilled to their satisfaction.
19. A letter shall be received from the Township of Montague stating that condition #5 through #10 (and #16, if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. *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) .*
2. *The applicant shall provide notice of all prospective purchasers through the “Agreements of Purchase and Sale” that property owners may be required to contribute financially to the upkeep of the drainage works known as Brassil’s Creek Municipal Drain as per the Drainage Act.*

3. *The applicant shall ensure that all future purchasers are provided with a copy of the "Limited Geotechnical Investigation Report" prepared by Morey Associates Ltd., dated April 1, 2016 as a guide to best practise for future development on the lands.*

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

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

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

*The Ministry of Natural Resources 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

<b>Owner:</b> Albert Leeflang & Harry Leeflang	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Albert J. Leeflang	<b>LDC File #:</b> B16/088
<b>Municipality:</b> Township of Drummond / North Elmsley	<b>Lot:</b> 13 <b>Conc.:</b> 10
<b>Geographic Township:</b> North Elmsley	<b>Consent Type:</b> Lot addition
<b>Roll Number:</b> 0919 908 015 58400	

**Purpose and Effect:** To sever a 5.06-ha parcel of land as a lot addition to lands owned by Helen Frances Leeflang at 809 Drummond Con 1 and to retain a 35.0-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Vacant / farm land
<b>Proposed Use</b>	Lot Addition	Vacant / farm land
<b>Area</b>	5.06-ha	35.0-ha
<b>Frontage</b>	268 m	1570 m (Rd Allow.)
<b>Depth</b>	200 m	268 m
<b>Road - Access to</b>	Municipal Road	Unopened Road Allowance
<b>Water Supply</b>	n/a	Not required
<b>Sewage Disposal</b>	n/a	Not required
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	10.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		45 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural and Aggregate Reserve

**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.

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

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

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

**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 , Section 4.8 Aggregate Resource, Section 5.3 Local Roads, Section 6.3 Division of Land. The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan, provided relief from zoning by-law regulations requiring frontage on an opened and maintained public road is



obtained.

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

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations, provided that the retained lands are re-zoning to recognize that the lot does not have frontage on a public road and to recognize that a dwelling shall not be permitted.

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff and Council have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicant seeks permission to sever a 5.1 ha parcel of land as a lot addition to an abutting property owned by Helen Frances Leeflang. The enlarged lot is currently about 0.4 ha in size and while it has a civic address on Drummond Conc. 1 (#809), the lot is actually accessed through a municipal road allowance that intersects the concession road. The application would therefore give the enlarged lot road frontage. The severed portion is mostly open field, with a barn, which would then become accessory to the house. The retained lands (about 35 ha) are vacant and mostly pasture, with some woodland and while it fronts on municipal road allowances to the east and south, there is no public road frontage.

**Policy Review**

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the 2014 Provincial Policy Statement.

The Township's Zoning By-law and Official Plan both include provisions requiring that a new lot must have frontage on and direct access to a public road. The Official Plan (Sec. 3.8.2) exempts "certain rural uses such as agriculture, forestry, hunting and fishing camps, except that a dwelling is not permitted." The application does not identify an intended use however it is understood that continued pasturing may be the long term plan. In order to bring this proposal into compliance with this section of the Official Plan, a site specific zoning amendment would therefore be appropriate to recognize the creation of a lot without frontage and also recognizing that a dwelling would not be permitted. It is noted that the retained lot can also be brought into zoning compliance with either an extension of Dopson Road to the south to provide open public road frontage, or the closure of the road allowance forming the western boundary of the subject lot and merger of this lot with abutting lands also owned by Mr. Leeflang. The applicant has elected to proceed on the consent application as submitted with the understanding that a zoning amendment condition may be required as a condition of any approval.

The majority of the severed, enlarged and retained lands are designated Rural according to the Township's Official Plan, although a small portion of the severed parcel is designated as containing an Aggregate deposit (with its influence area encompassing all of the severed lands) and some of the retained lands are designated as "Potentially Significant Woodlands" on the constraints mapping. If this were an application that would have the effect of opening additional

development potential on the landholding, feasibility studies would be required pursuant to the Plan, however the proposal does not propose any new development or land uses on the lands. As such, this application is deemed to be consistent with the intent of the Rural Designation (Sec. 4.3.1) "to protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting" and all other applicable sections of the Plan provided the frontage issue is addressed as described above. The lot addition has the effect of enlarging an existing lot. While the removal of the barn from the majority of the farmland has the potential to affect the agricultural functionality of the retained lands, the lands to be enlarged will exceed the minimum specified in the Zoning By-law for a hobby farm. While there is no proposed change of access to the enlarged lands, it is noted that the application does now provide technical road frontage to this lot. The severed, enlarged and retained lands are currently zoned Rural under the Township's Zoning By-law and the severed and enlarged lot is determined to meet the zoning requirements.

**Conclusion and Recommendation**

The Township of Drummond/North Elmsley does not object to this application as submitted and in considering of the foregoing, recommend that the Land Division Committee consider approving the lot addition.

**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 (in digital and paper format) of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The parcel identified by application B16/088 shall be merged with the abutting property identified in the application.
- 4) The applicant shall obtain zoning relief as required in order to recognize the creation of a lot without frontage on a public road and to recognize that a dwelling shall not be permitted, as per Section 3.8.2 of the Township's Official Plan. (*pertains to retained lands*)

**(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 5.06-ha parcel of land as a lot addition to lands owned by Helen Frances Leeflang at 809 Drummond Con. 1 and to retain a 35.0-ha vacant landholding, used for farming / cropping purposes. The retained lands are being sold to an adjacent farm and to retain in farming/cropping use.

The subject lands are located in an area characterized by typical rural residential along Drummond Con 1. An aggregate Resource has been identified on the western edge of the severed lands, however is quite small and may not be able to

be licenced due to setback constraints from existing residential development.

#### Road Access

The lands to be enlarged are accessed via a private laneway connecting to Drummond Con 1, a municipally maintained road. The retained lands via the unopened road allowance by agreement with the Township of Drummond / North Elmsley.

#### Soils Inventory – north portion

- Name: Tennyson
- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

#### south portion

- Farmington
- slightly stony
- 6 – natural grazing only
- well drained
- 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 did not indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Polices 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 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 addition will increase the existing lot at 809 Drummond Con 1 from

0.43-ha to 5.5-ha. The retained lands will require re-zoning to recognize that they do not front on an opened and maintained public road, and to prevent new residential development.

Conclusion

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

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

**(e) MINUTES – November 21, 2016**

Albert (John) Leeflang, owner attended the hearing and gave evidence under oath.

Mr. was aware that he may require rezoning of the retained lands, if he does not extend Dopson Road to provide frontage on an opened and maintained municipal road.

Comments were received from agencies on the issues of re-zoning. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions. The condition notes were revised to include a statement that the applicant should consider formalizing the agreement with the Township for use of the unopened road allowance for access to the lot to be enlarged and the retained lands.

Committee considered all written 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.

**B16/088**

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 of the Land Division Committee 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 Helen Frances LeeFlang, described at North Elmsley, Conc 10 E Pt. Lot 13 (809 Drummond Con 1) and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of 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 (in digital and paper format) if a survey is required by the Land Titles Office.
7. The lot to be retained shall be re-zoned to recognize that the lot does not have frontage on a public road and to recognize that a residential dwelling shall not be permitted. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #7 has been fulfilled to their satisfaction.

#### **NOTES**

1. *That the applicant consider formalizing the agreement with the Township of Drummond / North Elmsley for use of the unopened road allowance to provide access to the lot being enlarged and 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.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Warren Hollis & Elaine Chagnon	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Warren Hollis	<b>LDC File #:</b> B16/099
<b>Municipality:</b> Town of Perth	<b>Lot: 8 Plan:</b> 8828
<b>Geographic Township:</b> Perth	<b>Consent Type:</b> Lot addition
<b>Roll Number:</b> 0921 030 070 01700	

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

To sever a 699 sq.m. (+/-) parcel of land as a lot addition to lands owned by Perth Chiropractic Technical Services Inc. at 33 Lewis Street for parking purposes and to retain a 587.8 sq.m. residential lot with an existing dwelling located at 24 Wilson Street West.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Parking lot Parking lot	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	698.7 sq.m. 71.5 m wide 105 m depth None – interior lot	587.8 sq.m. 10.8 m 53.76 m Municipal
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Piped Water Sewage Disposal
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Commercial 1 n/a lot addition	Gen Com Exception 1 60% lot coverage Yes n/a yes

**Official Plan Designation:** Central Area 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 3.0 Basis of Plan, Section 4.0 Economic Development, Section 5.2 Sewage and Water, Section 5.54. Local Roads, section 8.2 Commercial Uses, Section 9.12.15.5 Consents.

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

**Zoning By-law** – Section 4 General Provisions, Section 10.0 General Commercial The Town of Perth 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** -

On behalf of the Town of Perth and pursuant to By-law No. 3344, (delegating authority to the Town's Planner), please be advised that, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application to sever a 699 sq.m. (-I+) parcel of land as a lot addition to lands at 33 Lewis Street and retain 587.8 sq.m. residential lot with the existing dwelling at 24 Wilson Street West in Town of Perth.

As indicated, a site plan amendment process may be needed to modify the parking design to provide adequate buffering to the abutting residential lots or a variance to address the zoning requirements. The applicant has paid the mail list fee and the



consent review fee of \$350 required by the Town.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department.

**Additional Comments -**

The proposed lot addition is consistent with the of the Zoning By-law, however, a site plan amendment process may be needed for the proposed parking design. The ingress and egress directly to and from every parking space shall be by means of a manoeuvring aisle having a width of at least 6 m for two-way.

The proposed manoeuvring aisles are 4.8m, 5.5m, and 4.5m.

The proposed consent meets the Official Plan's intent to supply increased parking for Central Area District and represents a more efficient use of the vacant land.

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

1. The Severed parcel remain subject to the provisions of Section 50 (3) of the Planning Act and be tied in title with the benefiting lot tied to the satisfaction of the Town of Perth
2. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
3. The Town confirm that any and all outstanding fees and taxes have been paid prior to the consent being completed.
4. The applicant file a site plan amendment application with the Town of Perth.
5. The applicant demonstrate that the existing entrance from 24 Wilson Street meets the minimum width and sight lines requirements of the Town of Perth or completes an agreement with the Town to undertake any necessary modifications to achieve those standards.

Advisory Notes: The parking design may need to be modified during the site plan approval process to provide adequate buffering to abutting residential lots or a variance may be needed to address the zoning requirements.

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

**(c) PUBLIC INPUT**

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

**Anna Cornel – Sept 2, 2016**

As one of the home owners receiving your circular re. B16/099, as far as I can see the 'lands' were turned into the 'proposed' parking lot in the summer of 2015? Without planning permission.

*(NOTE: comments were forwarded to the Town of Perth as the Town is responsible for zoning changes or minor variance applications.)*

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

The applicant proposes to sever a 698.7 sq.m. parcel of land which is currently being used as a parking lot as a lot addition to lands owned by the Perth Chiropractic Technical Services Inc. at 33 Lewis Street and retain a 587.8 sq.m. residential lot at 24 Wilson Street West.

The subject lands are located in an area characterized by typical urban residential mixed with downtown commercial. The effect of the lot addition will be to transfer the ownership of the parking lot from private ownership to the commercial user.

**Road Access**

The parking lot lands are internal lands with no direct access to a public road, once transferred to the Chiropractic Centre the parking lot will be addressed by Lewis 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. Perth Official Plan Policies for the Division of Land are found in Section 9.12.15. 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 lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3 Woodlands  
The Town utilizes a 'Tree Conservation Plan'.

**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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

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

(e) **MINUTES – November 21, 2016**

No person attended the hearing.

Public comments were received on the issue(s) of change of use permission. The comments were addressed through conditions to approve.

Comments were received from agencies on the issues of site plan control. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions.

Committee considered all written 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.

**B16/099**

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 of the Land Division Committee 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 Perth Chiropractic Technical Services Inc. described as Lot 6, Lot 7 and Pt. Lot 8 Plan 8828, Town of Perth and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Perth.
5. The applicants shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent

applications.

6. The applicant shall provide the Town of Perth with two (2) hard copies of the final reference plan associated with this application if a survey is required by the Land Titles Office.
7. The application shall provide the Town of Perth with a digital copy of the final reference plan associated with this application if a survey is required by the Land Titles Office.
8. That the applicant file a site plan amendment application with the Town of Perth.
9. The applicant demonstrate that the existing entrance from 24 Wilson Street meets the minimum width and sight lines requirements of the Town of Perth or completes an agreement with the Town to undertake any necessary modifications to achieve those standards.
10. A letter shall be received from the Town of Perth stating that condition #3 through #9 has been fulfilled to their satisfaction.

**Notes:**

1. *The parking design may need to be modified during the site plan approval process to provide adequate buffering to abutting residential lots or a variance may be needed to address the zoning requirement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Dustin Ferneyhough & Janie Souliere	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Ron Cowle	<b>LDC File #:</b> B16/104
<b>Municipality:</b> Township of Lanark Highlands	<b>Lot:</b> 15 <b>Conc:</b> 3
<b>Geographic Township:</b> Lanark	<b>Consent Type:</b> Lot addition
<b>Roll Number:</b> 0940 934 010 22701	

**Purpose and Effect:** To sever a 0.52-ha parcel of land as a lot addition to lands owned by Ronald and Margaret Cowle at Pt. Lot 15 Conc. 4 Lanark and to retain a 15.0-ha landholding with an existing dwelling at 1771 Con 4 Lanark

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Lot addition	Residential
<b>Area</b>	0.52-ha	15.0-ha
<b>Frontage</b>	63 m	123 m
<b>Depth</b>	83 m	1000 m
<b>Road - Access to</b>	Unopened road allowance	Municipal
<b>Water Supply</b>	n/a	Private well
<b>Sewage Disposal</b>	n/a	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	n/a	Yes
<b>-Frontage (minimum)</b>	lot addition	60 m
<b>-Compliance?</b>		Yes

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

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

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

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

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

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

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

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

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

#### **2.1 Natural Heritage**

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

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

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

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

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

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

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

#### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 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 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, Section 6.5 Organic Soils, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planning Report -**

**REVIEW OF PROPOSAL AND APPLICATION**

An application (B16/104) has been received from the County of Lanark Land Division Committee to sever a 1.28 ac. (0.52 ha.) parcel of land as a lot addition to lands owned by Ronald and Margaret Cowle at Pt. Lot 15 Conc. 4 Lanark, and to retain a 37 ac. (15 ha.) landholding with an existing dwelling at 1771 4th Con. B Lanark.

**OFFICIAL PLAN**

The proposed lot addition is in conformity with the relevant policies of the Township's Official Plan. The subject lands are designated as Rural Communities, a designation which allows for residential development.

**ZONING**

The lot being added to is zoned as Rural (RU) and the area being severed is also Rural (RU). This application is seeking to move a lot line by way of a lot addition. No new lots are being created.

**DISCUSSION**

This application is also subject to an application to stop up and close of an unopened road allowance which commenced in 2015. If successful, this consent application, through an adjustment of the existing lot lines, together with the completion of the stop up and close process, will result in 1 developable lot with 66m of frontage on Concession 4 Lanark.

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

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.

2. That the applicant pays any outstanding fees to the Township prior to final approval.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. Completion of the stop up and close process with the Township's solicitor for the portion of unopened road allowance adjacent to the lands subject to this application.

**Conservation Authority** – Mississippi Valley Conservation Authority

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 1.3 ac and retain a development parcel of land measuring 38 ac and 1000 m of river frontage.

**PROPERTY CHARACTERISTICS**

A review of available GIS mapping and Drape Imagery shows that the retained lands have frontage on the Clyde River, while the severed lands do not. Unclassified wetland exists along a large portion of the river shoreline. Mapping also shows that the western side of the retained lands is entirely organic soils. No significant natural heritage features or natural hazards were identified on the proposed severed lands, although it appears to consist of a pine plantation.

**REVIEW**

**Natural Heritage Values**

**Waterbody and Wetland**

The proposed retained lands have frontage on the Clyde River, and also consist of unclassified wetland along a large portion of the river shoreline. Given that these lands are already developed, MVCA does not anticipate any impacts to these features as a result of the proposed application. However, if additional future development is proposed, we would recommend that development be setback a minimum of 30 m from the edge of the wetland (or 30 m from the high water mark of the river where wetland does not exist along the shoreline).

**Natural Hazards**

Due to the poor drainage and unstable characteristics of organic soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless supported by acceptable engineering techniques.

**CONCLUSIONS**

Based on the above, MVCA does not have any objections to the subject application.



**NOTES**

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

The shoreline vegetation along the river should be retained to a minimum depth of 15 m.

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

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

Severed lands 0 A 1.3 acre parcel of land with no existing buildings. Mixed grassy vegetation, few trees. Generally slopes away from road with few gentle hills. Variation in soil depth with some exposed road. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed location.

Retained lands 0 A 38 acre parcel of land with variable slope and drainage. Dense trees. Existing home, barn, sewage system and well. No obvious sign of sewage system malfunction at time of inspection. Recommendation – severed land will not negatively affect future replacement of existing septic system.

**(c) PUBLIC INPUT**

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

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

The applicant proposes to sever a 0.52-ha parcel of land as a lot addition to lands owned by Ronald and Margaret Cowle at Pt. Lot 15 Conc. 4 Lanark and to retain a 15.0-ha landholding with an existing dwelling at 1771 4<sup>th</sup> Con 4 Lanark. The applicant is also proceeding through the "Road Closing Procedure" to stop, close and purchase the unopened road allowance lying between the lands being severed and the lands to be enlarged. Both lots, the severed and the lands to be enlarged are currently vacant.

The subject lands are located in an area characterized by typical larger type lots along the 4<sup>th</sup> Con B Lanark, with smaller, seasonal type lots along the Clyde River.

**Road Access**

The lands are accessed via 4<sup>th</sup> Con B Lanark, a municipally maintained road.

**Natural Heritage**

A great portion of the retained lands are classified as having organic soils and a small portion of the lands to be severed also contains organic soils.

**Archaeological**

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

**Soils Inventory**

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

Bedrock Inventory – marble, calc-silicate

#### 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. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. Additional lots may be granted in Rural Communities or Waterfront Communities where the lots to be created would constitute infill. Additional policies also apply, e.g. requirement for hydrogeological and terrain analysis. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. NOTE – THE OMB gave an oral decision approving the settlement of the appeal – the new policies take effect August 4, 2016. The new policies only apply to those applications deemed complete after that date.
3. Woodlands  
The retained lands have considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

#### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot will increase the existing lot from 0.19-ha to 0.71-ha plus the land being conveyed from the Township to Cowle through the Road Closure process to approx. 1-ha. Any new development will be required to meet the minimum setback

requirements of the Zoning By-law.

Conclusion

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

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

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

**(e) MINUTES – November 21, 2016**

Ron Cowle, applicant attended the hearing and gave evidence under oath.

Mr. Cowle provided background information on the proposal, noting that with the existing lot lying north of Lanark Con 4B plus the unopened road allowance and the lot enlargement, the lands will become a viable building lot.

Mr. Cowle also noted that the configuration of the lot may require adjustment (no change in size) depending on the location of the 'pet cemetery' located on the Ferneyhough lands.

No public comments were received on this application so there was no effect on the decisions.

Comments were received from agencies on the issue of road closing . The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions. The conditions were revised to clarify that the lands being transferred through the road closing procedure would be required transferred in order to clear Condition No. 8.

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.

**B16/104**

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 of the Land Division Committee 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 Ronald Findlay Cowle and Margaret Anne Cowle described as Pt. W Lot 15 Conc. 4 geographic Township of Lanark and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. The applicant shall complete the road closing procedure and land transfer with the Township of Lanark Highlands for the portion of unopened road allowance lying between the lands to be severed and the lands to be enlarged.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

**NOTES**

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the*

*developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

2. *The Mississippi Valley Conservation Authority advises that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the river.*
3. *The MVCA also advise that shoreline vegetation along the river should be retained to a minimum depth of 15 m.*
4. *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 location.*
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 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

<b>Owner:</b> Inverness Homes	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Rod Price	<b>LDC File #:</b> B16/108, B16/109 & B16/110
<b>Municipality:</b> Town of Carleton Place	<b>Lot:</b> 71 <b>Plan:</b> Section C Plan 133
<b>Geographic Township:</b> Carleton Place	<b>Consent Type:</b> Three (3) new lots
<b>Roll Number:</b> 0928 020 045 05000	

**Purpose and Effect:** To sever a four-unit townhome along the dividing foundation walls to create four residential lots together with an access easement.

DETAILS OF PROPOSAL	B16/108	B16/109	B16/110	Retained
<b>Existing Use</b>	Residential	Residential	Residential	Residential
<b>Proposed Use</b>	Residential	Residential	Residential	Residential
<b>Area</b>	197.08 sq.m.	147.66 sq.m.	147.66 sq.m.	198.0 sq.m.
<b>Frontage</b>	7.34 m	5.5 m	5.5 m	7.41 m
<b>Depth</b>	26.85 m	26.85 m	26.85 m	26.85 m
<b>Road - Access to</b>	Municipal	Municipal	Municipal	Municipal
<b>Water Supply</b>	Piped Water	Piped Water	Piped Water	Piped Water
<b>Sewage Disposal</b>	Sewage	Sewage	Sewage	Sewage
<b>Development Permit By-law Category</b>	Mississippi Residential Sector – DPA-03-2015			
<b>-Area (minimum)</b>	Lot coverage 60%			
<b>-Compliance?</b>	Yes			
<b>-Frontage (minimum)</b>	5.5 m			
<b>-Compliance?</b>	Yes			

**Official Plan Designation:** Mississippi District Residential

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

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

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

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

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

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 Design Framework, section 3.1 Mississippi District, Section 4.3.3.4 Local Streets section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.

The Town of Carleton Place advises that the proposals conform with the Official Plan Policies.

**Development Permit By-law** – Section 3 General Provisions, Section 4.3 Mississippi Residential Sector, Section 6.1 Residential District.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law – Development Permit Amendment No. DPA-03-2015.

#### **(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 Planning Report - SUMMARY**

Consent applications have been received from the applicant in relation to the property known municipally as 12-16 Charles Street. The subject lands are legally described as Lot 71, Section C, Plan 133.

This consent application is to sever a four unit townhome along the dividing foundation walls in order to create four residential units (1 at 197.98 m<sup>2</sup> and 3 at 147.66 m<sup>2</sup>). The purpose of this severance is to divide the existing town home dwelling into separate ownership. The townhouse units were approved under Development Permit Amendment DPA-03-2015, Development Permit application DP1A-08-2015 and under building permits 16N010, 16N011, 16N012, and 16N013.

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

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

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

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

The Official Plan designation for this property is Mississippi District Residential (MDR). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designates the property as Mississippi Residential Sector (MRS). These severances will allow for the creation of separate ownerships. Both the retained and the severed lots will meet the minimum frontage required under the Development Permit By-law.

#### COMMENT

The proposal, if approved, will allow for the existing 4 unit townhouse to be under separate ownership. The lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of a new deed.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
  - Adequate frontage along the maintained' road



- Adequate access along the maintained road
  - Compliance with the Ontario Building Code:  
Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
4. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
  5. That a cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.

**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 an existing four-unit townhome into four separate conveyable units along the centre foundation wall of each of the units, together with an easement in favour of each of the units, for access to the rear of the building.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is 'infill', a process recommended by the PPS. The lands were formally a parking lot which was changed to residential through an amendment to the development Permit By-law.

**Road Access**

The lands are accessed via Charles 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 utilizes a Tree Conservation Plan.

#### Zoning

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

#### Conclusion

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

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

#### (e) **MINUTES – November 21, 2016**

Kyle McHutchon, applicant and Rod Price, agent attended the hearing and gave evidence under oath.

Mr. McHutchon advised that the structures are building and occupied.

No public comments were received on this application so there was no effect on the decisions.

Comments were received from agencies on the issue Development Permit provisions. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions.

Committee considered all written 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.

#### **B16/108, B16/109 and B16/110 – same conditions apply to all 3 applications**

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 of the Land Division Committee 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 transfer/deed required under Condition 1 above shall provide for an appropriate easement for access purposes in favour of the adjoining townhomes.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
5. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Town of Carleton Place 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.
7. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
  - Adequate frontage along the maintained' road
  - Adequate access along the maintained road
  - Compliance with the Ontario Building Code:Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
8. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum file format to the Town of Carleton Place.
9. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Municipality of Mississippi Mills.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
11. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
12. A letter shall be received from the Town of Carleton Place stating that condition #4 through #11 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT  
APPLICATION FOR CONSENT**

<b>Owner:</b> Edward Widenmaier	<b>Hearing Date:</b> Nov. 21, 2016
<b>Applicant/Agent:</b> Edward Widenmaier	<b>LDC File #:</b> B16/112
<b>Municipality:</b> Township of Drummond / North Elmsley	<b>Lot:</b> 11 <b>Conc:</b> 7
<b>Geographic Township:</b> Drummond	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0919 919 030 16300	

**Purpose and Effect:** To sever a 0.65-ha residential lot with an existing dwelling located at 245 Widenmaier Road and retain a 21.5-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Vacant
<b>Area</b>	0.65-ha	21.5-ha
<b>Frontage</b>	85.3 m	475 m
<b>Depth</b>	76.2 m	770 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Septic System	None
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)"</b>	0.4-ha (for single residential)	10.0-ha (for rural landholdings)
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural, Wetlands, Wooded Area, PSW

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **2.2 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.

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, Section 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 3.11 Influence Areas, Section 4.3 Rural Areas, Section 4.6 Wetlands, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

**Zoning By-law** – Section 4 General Provisions, Section 7 Rural Zone, Section 24 Wetland Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated on the application, the applicant seeks permission to sever one 0.65 ha lot, from a larger landholding on Widenmaier Road and retain a 21.5 ha vacant lot. The severed lot, situated at a central point on the property's Widenmaier Road frontage, contains a dwelling and a garage.

The retained lot is vacant and consists of fields at the south end closer to the road and forested wetland at the centre and north of the lot. The property owner (Edward Widenmaier) also owns land on the south side of Widenmaier Road and to the east. As per the application, this lot has been subject to two previous severances from the north end in 1991. Given this history, this severance could be considered according to the Township's lot creation policies. The severed and retained lands all front on a publicly owned and maintained road.

**Policy Review**

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the 2014 Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and Zoning By-law and note the following:

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. This application contemplates one new lot on a section of Widenmaier Road that is primarily rural in character, with a landscape consisting of pasture, scattered residential development and woodlands, mostly set back from the road. The severance of the existing dwelling and outbuilding is considered to be compatible with the existing landscape character. The severance could allow additional residential development on the retained lands.
- Sec. 4.3.2 (Agriculture): This section promotes development in rural areas that minimizes incompatibility between agricultural and non-agricultural sensitive land

uses. According to municipal mapping, a livestock barn exists within 240 m of the severed lot. In this case, the requirement for a Minimum Distance Separation report in support of this application was exempted given the size of the lot and potential development window beyond a 500 m distance from the barn. Future development on the severed or retained lands however may need to be supported by an MDS calculation at the building permit stage. Staff advise that a note on title acknowledging the agricultural character of the area would be appropriate.

- Sec. 3.13.3 (Natural Heritage Features): Provincially Significant Woodlands and potentially significant woodlands are identified on a significant portion of the retained lands. While this section does not allow development within or adjacent these woodland features unless it is demonstrated that there are no negative impacts on the features for which the areas are considered significant, staff note that a significant area of the property is outside this feature and it's adjacent lands.
- Sec. 5.3 (Local Roads): Widenmaier Road is a Township owned and maintained road intended to serve primarily a low amount of traffic that has its origin or destination on this road and other local roads. It is felt that one additional severance would not have a significant impact on the existing municipal infrastructure. Road widening, as may be required, is normally requested as a condition of severance approval.
- Comprehensive Zoning By-law: The severed lands and the retained lands described in the application are zoned Rural and the creation of the proposed lot is consistent with that zoning. The severed and retained lands all comply with the lot size and frontage provisions of the By-law.

#### Conclusion and Recommendation

In conclusion and for the reasons outlined above, staff are of the view that Consent Application B 16/112 is supportable as submitted in terms of compliance with the Township's planning policies and as such the Township does not object to its 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, in both digital and paper format.
- 3) The applicant shall confirm that a residential entrance is viable for the severed land retained lands. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the retained lot. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:

TAKE NOTICE that this lot is located within an area where agricultural uses predominate and as such it may be exposed to impacts typically associated

with such a use, including smell. Prior to the construction of a single family dwelling, the Owner shall be required to demonstrate locational compliance with the Minimum Distance Separation guidelines.

6) Sufficient land for road widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

**Conservation Authority** – Mississippi Valley Conservation Authority

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

**PROPOSAL**

According to the information provided, the purpose of the subject application is to sever a 0.65-ha developed lot, and retain a vacant parcel of land measuring approximately 21.5 ha.

**PROPERTY CHARACTERISTICS**

A review of GIS mapping and Drone Imagery revealed that a large portion of the retained lands consist of a provincially significant wetland (PSW). The remainder of the retained land appears to consist of a mixture of unclassified wetland, lowland woodland with organic soils, and open field. No natural hazards or significant natural heritage features were identified on the severed lands.

**REVIEW**

**Significant Natural Heritage Features**

**PSW**

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS). However, it is our opinion that there is limited value in conducting an EIS at this time given that sufficient area appears to exist on the retained lands for future development beyond the 120 m adjacent lands.

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

**Unclassified Wetland**

Given the numerous benefits of unclassified wetlands, MVCA recommends a 30 m development setback from any wetland. Sufficient area appears to exist on the



retained lands for development beyond this setback.

#### Natural Hazards

#### Organic Soils

Due to the poor drainage and unstable characteristics of organic soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless supported by acceptable engineering techniques.

#### RECOMMENDATIONS AND CONCLUSION

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following mitigative measures are implemented on the proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the unclassified wetland.
2. The shoreline vegetation surrounding the wetland shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the PSW, unclassified wetland or onto adjacent properties. In order to achieve this, eaves troughing shall be installed and outlet away from these areas to a leach pit or well-vegetated area to maximize infiltration.
4. Future development shall be directed away from areas consisting of organic soils.
5. The unclassified wetland shall remain undisturbed.
6. Any proposed development or site alterations within 120 m of the PSW requires written permission from MVCA, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

#### NOTES

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW. In the event that future development is proposed within the 120 m adjacent lands of the PSW, an Environmental Impact Statement (EIS) may be required at that time to evaluate the proposal.

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

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

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

The existing residential dwelling has a newly installed septic system – Permit No. SF-54027 installed in 2007.

#### **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 a 0.65-ha residential lot with an existing dwelling located at 245 Widenmair Road and retain a 21.5-ha vacant landholding.

The subject lands are located in an area characterized by typical rural/farm residential on large lots along Widenmair Road. The effect of the lot creation is 'infill', a process recommended by the PPS.

**Road Access**

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

**Source Water Protection**

A portion of the 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.

**Natural Heritage**

A Provincially Significant Wetland (PSW) is located on the retained lands.

**Agricultural Operations**

Agricultural operations are located within this area, however an MDS was not undertaken as the residential dwelling is already constructed.

**Soils Inventory**

- Name: Farmington
- Stoniness: non stony
- CLI: 6 – natural grazing only
- 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:

- 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. 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’ on the retained lands, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

#### Zoning

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

#### Conclusion

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

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

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

**(e) MINUTES – November 21, 2016**

Ed Widenmaier, owner attended the hearing and gave evidence under oath.

Mr. Widenmaier explained that the township road through lot 11 has not been PINNED at the Land Titles Office, and that he and the Township have come to an agreement to survey both sides of the Township Road in front of the consent lands.

No public comments were received on this application so there was no effect on the decisions.

Comments were received from agencies on the issues of PSW, wetlands, CA regulations and road widening. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions.

Committee considered all written 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.

**B16/112**

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 of the Land Division Committee 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 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 (in both digital and paper format) associated with this application if a survey is required by the Land Titles Office.

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

#### **NOTES**

1. *The Mississippi Valley Conservation Authority advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW on the retained lands.*
2. *The MVCA also advise that in the event that future development is proposed within the 120 m adjacent lands of the PSW, an Environmental Impact Statement (EIS) may be required at that time to evaluate the proposal.*
3. *MVCA advises that the following mitigative measures should be implemented on the proposed retained lands:*
  - a) *Future development, including a septic system shall be setback a minimum of 30 m from the unclassified wetland.*
  - b) *The shoreline vegetation surrounding the wetland shall be retained to a minimum depth of 15 m.*
  - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the PSW, unclassified wetland or onto adjacent properties. In order to achieve this, eaves troughing shall be installed and outlet away from these areas to a leach pit or well-vegetated area to maximize infiltration.*
  - d) *Future development shall be directed away from areas consisting of organic soils.*
  - e) *The unclassified wetland shall remain undisturbed.*
  - f) *Any proposed development or site alterations within 120 m of the PSW requires written permission from MVCA, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
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 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 – RE-CIRCULATION

**Owner:** Donna L. Blair, James A. McLaren & Lyle W. McLaren  
**Hearing Date:** July 12, 2016  
**Hearing Date:** Nov. 21, 2016  
**Agent:** McIntosh Perry Consulting  
**LDC File #:** B16/060  
**Municipality:** Township of Drummond / North Elmsley  
**Geographic Township:** Drummond  
**Lot:** 17    **Conc.:** 7  
**Roll No.:** 0919 919 030 20000  
**Consent Type:** New lot

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

The original application as presented and given provisional consent on July 12, 2016 was to: sever a 2.01-ha residential lot at 1536 Drummond Con 7 and retain a 62.75-ha landholding.

#### **Background**

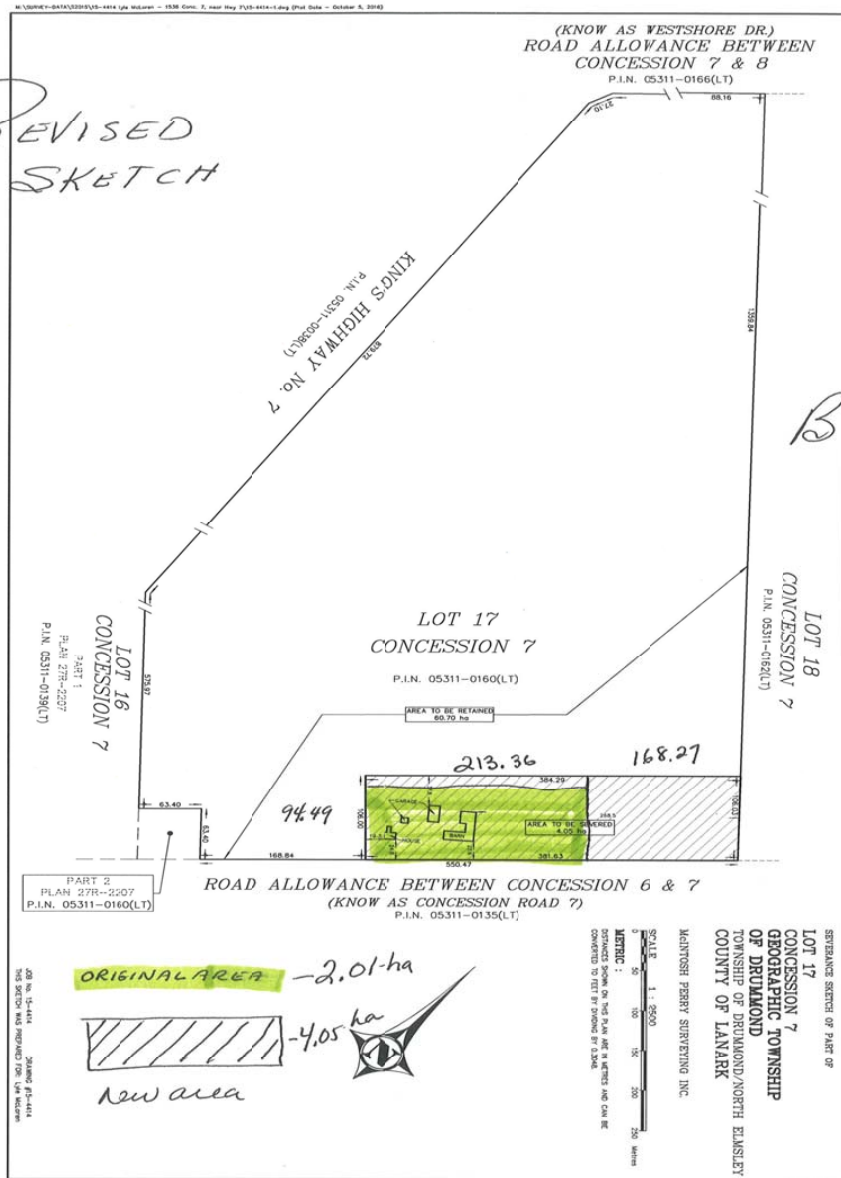
Condition No. 5 of the Provisional Consent required that the applicant obtain relief from the minimum lot coverage provisions of the Zoning By-law for the Township.

Subsequently, the application revised the application to increase the lot size from 2.01-ha to 4.05-ha in order to comply with the lot coverage requirements, rather than proceed through a zoning by-law amendment to obtain an exception to the provisions.

The change exceeded the minimum variance allowable in the Land Division Committee Procedures Manual (10% to 15% variance) and therefore the application to change was re-circulation to those agencies / individuals that provided comments on the original submission.

#### **Review**

	<b>B16/060 as approved July 12, 2016</b>	<b>B16/060 as revised</b>
<b>Lot area</b>	<b>2.01-ha</b>	<b>4.05-ha</b>
<b>Frontage</b>	<b>213.36 m</b>	<b>381.63 m</b>
<b>Depth</b>	<b>94.49 m</b>	<b>106.01</b>



- 1/ Township of Drummond / North Elmsley  
Advised that they have no objection to the change in lot size.  
Conditions to remain the same as previously submitted with the exception that the re-zoning is no longer required.
- 2/ Mississippi Valley Conservation Authority  
No comments received.



- 3/ Leeds Grenville and Lanark District Health Unit  
Severed lands – approximately a 4.0 hectare parcel of land with existing house, several outbuildings, drilled well and septic system. Property is relatively flat consisting of grassland. Recommendation – additional sandy loam fill may be required to construct a replacement septic system in the future.

Retained lands - approximately a 60.75 hectare vacant parcel of land consisting of agricultural crops. Property is relatively flat. Soil depth variable. Recommendation – no proposed development; to remain agricultural.

**(a) MINUTES – November 21, 2016**

No persons attended the hearing.

Comments were received from agencies, and reviewed by Committee.

In accordance with the *Planning Act Section 53 (23) and (24)*, Committee agreed to change the conditions to reflect the increased size / dimensions of the lot to be severed.

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

**(b) 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.

**B16/060**

Moved by D Murphy

Seconded by R Strachan

**“THAT**, the Provisional Consent Conditions to Application No. B16/060 be changed as follows:

- a) That a new condition be inserted “Condition No. 3 - The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” presented November 21, 2016.”;
- b) That Condition No. 5 - “The applicant shall obtain appropriate relief from the minimum lot coverage provisions of the Zoning By-law for the Township of Drummond / North Elmsley either by way of an amendment to the Zoning By-law or a minor variance.” be deleted;
- c) That the conditions be re-numbered appropriately; and
- d) That Condition No. 8 be revised as follows – “A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.”