



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, July 20, 2009 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan, C. Tyson and D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2009-017

MOVED BY: C. Tyson
SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on June 29, 2009 and June 11, 2009 be approved as circulated." **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2009-018

MOVED BY: D. Murphy
SECONDED BY: C. Tyson

"THAT, the agenda be adopted as circulated." **ADOPTED**

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Ontario East Municipal Conference – Sept 16 to 18, 2009 Kingston.

6.2 Rideau Corridor Landscape Strategy – strategy proposal and terms of reference.

7. REPORTS

7.1 The Land Division Committee reviewed the addition materials for the following application previously heard and awaiting approval to be considered at the 10:00 a.m. public hearing.

7.1.1 B08/192 – Glen Burton Lumsden – Lot Addition

Pt Lot 5 Conc. 6 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Highway 43.

7.1.2 B09/048 – Robert Hughton – New Lot

Pt Lot 7 Conc. 6, Township of Beckwith. Conc. 6 Beckwith.

7.1.3 B09/049 & B09/050 – Ian Andrews – two New Lots

Pt Lot 23 Conc. 4, Township of Beckwith. Richmond Road.

7.1.4 B09/051 – David Ullett – Lot Addition

Pt Lot 2 Conc. 1 Township of Beckwith. McLachlin Road.

7.1.5 B09/056, B09/057, B09/058, B09/059 & B09/060 – Dan Martin – 5 lot

additions – Pt Lot 25/26 Conc. 7, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Pretties Island Road.

7.1.6 B09/062 & B09/063 – Peter Ghinn – 2 new lots

Pt Lot 25 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Wildlife Road.

7.1.7 B09/064 – Heinz Wolfe – new lot

Pt. Lot 25 Compiled Plan 1222 Town of Carleton Place. McDonald Street.

7.1.8 B09/065 – Estate of Howard Playfair – lot addition

Pt Lot 21/22 Conc. 12, geographic Township of Bathurst, now in Tay Valley Township. Fallbrooke Road.

8. PUBLIC HEARING:

The meeting recessed at 10:00 a.m. for the purpose of conducting the public hearings in the County Council Chambers. The Land Division Committee made the following decisions at the hearings:

PROVISIONAL CONSENT GRANTED

- 8.1 B08/192 – Glen Burton Lumsden – Lot Addition**
- 8.2 B09/048 – Robert Hughton – New Lot**
- 8.3 B09/049 & B09/050 – Ian Andrews – two New Lots**
- 8.4 B09/051 – David Ullett – Lot Addition**
- 8.5 B09/056, B09/057, B09/058, B09/059 & B09/060 – Dan Martin – 5 lot additions**
- 8.6 B09/062 & B09/063 – Peter Ghinn – 2 new lots**
- 8.7 B09/064 – Heinz Wolfe – new lot**
- 8.8 B09/065 – Estate of Howard Playfair – lot addition**

9. ADJOURNMENT

The meeting adjourned at 11:30 a.m.

**Mary Kirkham
Secretary-Treasurer**

**PUBLIC
HEARING
REPORTS**

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Glen Burton Lumsden

Hearing Date: July 20, 2009

Agent: n/a

LDC File #: B08/192

Municipality: Drummond/North Elmsley

Geographic Township: North Elmsley

Lot: 5

Concession: 6

Roll No. 0919 908 01027200

Consent Type:

Lot Addition

Purpose and Effect: To sever a 0.59-ha parcel of land as a lot addition to lands owned by Murray Lyse Duffy at Pt Lot 5 Conc. 6 North Elmsley and retained a 62.56-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Back yard	Vacant
Area	0.59 ha	62.56 ha
Frontage	92.1 m	240 m
Depth	43 m	548 m +/-
Road - Access to	County Road 43	County Road 43
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Private Septic
Official Plan Designation	Rural (with influence area of Salvage Yard)	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

3.0 Protecting Public Health and Safety

Development on, abutting or adjacent to lands affected by *oil and gas hazards* (salvage yard) may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas Section 4.3 Rural Policies, Section 5.2 County Roads.

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

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 of Drummond/North Elmsley – recommends approval of this application subject to the following conditions:

1. That the balance of any outstanding taxes shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry office.
3. A condition shall be placed on title for the severed parcel to recognize that the severed parcel is within the influence area of a Salvage Yard, and that any development within the severed parcel may be subject to a study to verify the impact of the proposed development on the adjacent designated land use and vice versa.
4. A condition shall be placed on title for the retained parcel to recognize that apportion of the retained parcel is within the influence area of a Salvage Yard, and that any development within the affected portion of the retained parcel may be subject to a study to verify the impact of the proposed development on the adjacent designated land use and vice versa.

Conservation Authority – Rideau Valley Conservation Authority

The application requests approval to sever a 0.59 hectare parcel for a lot addition with 62.56 hectares remaining in the retained parcel. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there is a small wetland along the western lot line of the retained lands. The wetland is not regulated by RVCA and there is no anticipated impact to any natural hazards or heritage features.

We have no objection to the application provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed – Relatively flat mixture of treed and scrub land with no soil drainage problems. Sandy loam soil approximately 6-8" deep. Proposed addition to an existing developed residential lot. Satisfactory for intended use. If septic system is installed then additional granular fill will be required in proposed tile bed area.

Retained – Existing residential lot serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

County Roads Department -

Both the lands to be enlarged and the retained lands have an approved residential entrance issued by MTO in 1986.

Road widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.59-ha parcel of land as a lot addition to a 0.174-ha lot with an existing residence, owned by Murray Duffy at Pt Lot 5 Conc. 6 North Elmsley and to retain a 62.56-ha vacant landholding.

The subject lands are located in an area characterized by Residential, Highway Commercial (to the north east), General Industrial (Cabinet Maker) (to the east) and Salvage Yard (GIM) (to the east) of various lot sizes along Highway 43.

The lands are accessed via Highway 43, a County maintained road.

The Official Plan also indicates that the lands to be severed are within the influence area of the Salvage Yard, together with a portion of the retained lands. The Township has requested that a note be placed on title for the lands to be severed and retained to acknowledge this possible conflict.

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Glen Lumsden, applicant and Murray Duffy, purchaser, attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. That a condition shall be placed on title for the severed parcel to recognize that the severed parcel is within the influence area of a Salvage Yard, and that any development within the severed parcel may be subject to a study to verify the impact of the proposed development on the adjacent designated land use and vice versa.
5. That a condition shall be placed on title for the retained parcel to recognize that a portion of the retained parcel is within the influence area of a Salvage Yard, and that any development within the affected portion of the retained parcel may be subject to a study to verify the impact of the proposed development on the adjacent designated land use and vice versa.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 and #3 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Murray Lyse Duffy described as Part Lot 5 Conc. 6 North Elmsley, 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.

NOTES:

The Leeds Grenville and Lanark District Health Unit advises that if a new septic system is installed then additional granular fill will be required in proposed tile bed area.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Robert Hughton

Hearing Date: July 20, 2009

Agent: N/A

LDC File #: B09/048

Municipality: Beckwith

Geographic Township:

Lot: 7

Concession: 6

Roll No. 0924 000 020 01700

Consent Type:

New Lot

Purpose and Effect: To sever a 0.40-ha residential building lot and retain a 36.0 ha +/- vacant landholding. The lands access 6th Concession Beckwith.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Wooded	Pasture & Bush
Proposed Use	Residence	Pasture & Bush
Area	0.40 ha	36 ha +/-
Frontage	50 m	268 m
Depth	80 m	1391 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	n/a
Sewage Disposal	Proposed septic	n/a
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4 ha	0.4 ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law - Section 3 General Provisions, 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 of Beckwith– recommends approval of this application subject to the following conditions:

- 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.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That an electronic copy of the registered reference plan in dwg file format be provided to the Township of Beckwith.
- That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

Conservation Partners staff have completed a review of the above noted application for the creation of a 0.40 hectare residential building lot with 50 metres of frontage on 6th Line Road. The 49.9 hectare retained parcel has an existing residence, shed and barn situated on it. Most of the retained land is bush and pasture. We have reviewed this application within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act. Site inspections were undertaken by Authority staff on April 15, 2009 and May 29, 2009.

As indicated on the attached map, the proposed lot is situated partially within a permanent wetland. This wetland has not been evaluated as a Provincially Significant Wetland (PSW) and therefore it is not afforded the same degree of protection in planning policy as would benefit a PSW. However, we do have concerns with the creation of lot in this location.

Based on the mapping and our site observations, approximately 2/5ths of the lot is within the wetland. The wetland boundary starts at approximately 40 metres from the east property line at the road frontage and then cuts diagonally across the lot in a northerly direction. During the high water level in the spring, as observed during our site inspection in April, approximately half of the lot was flooded well beyond the wetland boundary with shallow water up to 15cm in depth. There is very little difference in grade

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(less than 15 cm) between the water level in the wetland and the adjacent tableland on the

east portion of the lot. Organic/hydric soils become predominant on the west portion of the lot. Shallow rooting of the trees (as evidenced by several blow-overs exposing shallow root masses) is indicative of a consistent year round high water table.

These observations cause us to question the suitability of the site for the intended residential building lot. A considerable volume of fill would have to be brought onto the site for the creation of a suitable building and sewage system envelope. Care would have to be taken to ensure that underside of footing is set at an appropriate elevation to minimize the potential for excessive groundwater seepage into the foundation drainage system. We also would recommend a minimum 15 metre setback from the wetland boundary.

Given these constraints, we would suggest that the owner consider locating the lot to be severed to a more suitable site elsewhere (with frontage on 7th Line Road). If the applicant wishes to pursue the lot as currently proposed, we recommend that a plan be prepared by a qualified professional engineer or Ontario Land Surveyor to demonstrate that there is a suitable building and sewage system envelope outside the 15 metre buffer from the wetland, and also accounting for the lot line setbacks as required by zoning. If this option is pursued, we will recommend that the applicant enter into a development agreement with the Township to ensure that the lot is developed in full consideration of the constraints related to the wetland, the 15 metre setback from the wetland boundary, the fixed location of the building and sewage system envelopes, grading requirements etc.

Thank you for the opportunity to review this matter. Please keep us informed regarding the status of this application. Meanwhile if you have any questions or require additional information, please contact me at 1-800-267-3504 ext. 1133.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed – Relatively flat, tree covered land with no soil drainage problem. Sandy loam soil approximately 12” deep. It is recommended that additional granular fill will be required in proposed tile bed area.

Retained – Relatively flat mixture of treed and pasture land with no soil drainage problems. Sandy loam soil approximately 3 feet deep. It is recommended that additional granular fill will be required if septic system is to be installed.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 0.40-ha residential building lot and retain a 36 ha vacant landholding.

The subject lands are located in an area characterized by Residential Development on a variety of lot sizes along the 6th Line Beckwith.

The lands are accessed via 6th Line Beckwith, a municipally maintained road.

The Official Plan does not indicate any wetland on the property as outlined by the RVCA, as this wetland is not a Provincially Significant Wetland and therefore is not afforded the same degree of protection as a PSW. However, development should proceed with caution, and therefore it is recommended that a site evaluation be undertaken to ensure that development (Structures and Septic System) occur within a suitable building envelope.

The Official Plan mapping also notes that the area is within a “Deer Yard”, a note should be included to caution that dogs should not be permitted to run at large.

Soils: O – Organic Soils and 6 – soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass R – shallowness to solid bedrock.

There were no objections raised by any of the agencies which were circulated regarding this proposal, however concerns were raised by the RVCA (excessive groundwater seepage into foundation drainage system). In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Robert Hughton, applicant, attended the hearing and gave evidence under oath. Mr. Hughton advised that he did not agree with the RVCA comments and that the wet area only starts of the west side of the proposed lot, with the balance of the proposed lot is heavily wooded.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a paper copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That a Site Plan be prepared by a qualified professional engineer or Ontario Land Surveyor to demonstrate that there is a suitable building and sewage system envelope outside the 15 metre buffer from the unclassified wetland, and also accounting for the lot line setbacks as required by the Township's Zoning By-law.
6. That the applicant enter into a development agreement and/or site plan agreement with the Township of Beckwith pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Rideau Valley Conservation Authority and shall address site development as recommended by the Site Plan report prepared in accordance with Condition No. 5.
7. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #5 and #6 has been fulfilled to their satisfaction.
8. A letter shall be received from the Township of Beckwith stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES:

- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area of the severed and retained lots.*
- *The lands are located within a recognized 'Deer Yard'. Future landowners should take precautions to ensure that domestic dogs are not permitted to run at large.*
- *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.*
- *That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Ian Andrews **Hearing Date:** July 20, 2009
Agent: N/A
LDC File #: B09/049 & B09/050
Municipality: Beckwith
Geographic Township: Beckwith **Lot:** 23 **Concession:** 4
Roll No. 0924 000 015 06700 **Consent Type:** New Lot

Purpose and Effect: To sever two (2) new residential building lots (0.82-ha each) and retain a 72-ha vacant landholding. The lands are accessed via Richmond Road (County Road #10).

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	Lot 1	Lot 2	
Existing Use Proposed Use	Vacant Building Lot	Vacant Building Lot	Vacant Vacant
Area Frontage Depth Road - Access to	0.82-ha 64 m 128 m County Rd.	0.82-ha 64 m 128 m County Rd	72-ha 545.58 m 716.30 m County Road
Water Supply Sewage Disposal	Proposed well Proposed Septic	Proposed well Proposed Septic	None None
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4 ha Yes 45 m Yes n/a		Rural 0.4 ha Yes 45 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law - Section 3 General Provisions, 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 of Beckwith – recommends approval of this application subject to the following conditions:

- 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.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That an electronic copy of the registered reference plan in dwg file format be provided to the Township of Beckwith.

Conservation Authority – Rideau Valley Conservation Authority

The Planning and Development Review Team has completed a review of the above noted applications which seek approval for the creation of two new residential building lots, each with an area of 0.82 hectare. The retained parcel (vacant) is 72 hectares. 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 (PPS) under Section 3 of the Planning Act.

We have not identified any issues under the above noted sections of the PPS that would preclude the approval of these applications.

We note that the proposed lots are located at the southwest corner of a large contiguous wooded area. By copy of this letter we are advising the owner that in order to minimize the impact of development on this feature, the removal of trees and other vegetation on this site should be limited to only that which is necessary for the building and sewage system envelopes and a typical amenity area for the back and front yards. This is for the applicant's/purchaser's information and we do not require any conditions of approval in this regard.

We also note that a watercourse (tributary to Kings Creek) flows through the northwest corner of the retained lot. The area adjacent to the watercourse is permanent wetland (not evaluated). The watercourse is subject to the Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation"

(Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in a straightening, changing, diverting or interfering in any way with the channel of the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation. This is for the applicant's information and we do not require any conditions of approval in this regard.

In conclusion, the Planning and Development Review Team has no objection to these applications.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed - Both lots to be severed are described as relatively flat, tree covered land with no soil drainage problem. Sandy loam soil approximately 12" deep. Additional granular fill will be required in proposed tile bed area.
Retained – Relatively flat, tree covered land with no soil drainage problem. Sandy loam soil approximately 12" deep. Satisfactory for intended purpose.

Hydro One Networks – No comments were received.

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

County Public Works Department

Entrance Inquiry 2212 approved a location for a common entrance to service both the proposed severed lots. **Applicant must proceed to make a full entrance application.** The retained lands have an existing field entrance. If this entrance is required to be upgraded to residential an application for entrance must be submitted. Approval will be subject to the current policy at the time of the application.

Road widening not required.

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) 0.82-ha residential building lots and retain a 72.-ha vacant landholding.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Richmond Road. Prospect (a designated settlement area) is located approximately 500m to the east of the proposed lots.

The lands are accessed via Richmond Road, a County maintained road.

Soils: 6 – soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass R – shallowness to solid bedrock.

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Ian Andrews, applicant, and Linda Andrews attended the hearing and gave evidence under oath. Mr. Andrews advised that he had previously received a letter from County Public Works, that he would only need a single residential entrance not a common entrance, and that the Township was proposing to expand the boundary of the settlement area to include his lands.

The chair advised that the LDC was required to deal with the current zoning and official plan, not the proposed revised plans. Also that he would be required to negotiate with the County Public Works directly regarding the entrance requirements.

(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.

CONDITIONS:

Lot #1 – B09/049

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

4. The applicant shall provide the Township of Beckwith with a paper copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
6. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been
7. A letter shall be received from the Township of Beckwith stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area.*
2. *The Township of Beckwith advises 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.*
3. *The Conservation Authority advises that a watercourse (tributary to Kings Creek) flows through the northwest corner of the retained lands. The area adjacent to the watercourse is permanent wetland (not evaluated). The watercourse is subject to the Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in a straightening, changing, diverting or interfering in any way with the channel of the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation.*

Lot #2 – B09/050

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

4. The applicant shall provide the Township of Beckwith with a paper copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
6. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been
7. A letter shall be received from the Township of Beckwith stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area.*
2. *The Township of Beckwith advises 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.*
3. *The Conservation Authority advises that a watercourse (tributary to Kings Creek) flows through the northwest corner of the retained lands. The area adjacent to the watercourse is permanent wetland (not evaluated). The watercourse is subject to the Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in a straightening, changing, diverting or interfering in any way with the channel of the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Applicant: David Ullett

Hearing Date: July 20, 2009

Owner: James & Mary Cook

Agent: Maryke Vos

LDC File #: B09/051

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 2

Concession: 1

Roll No. 0924 000 010 00401

Consent Type: Lot Addition

Purpose and Effect: to sever a 1.82-ha parcel of land as a lot addition to lands owned by David Ullett Part 1 on Plan 27R5935 and retain a 33.6-ha residential landholding. The lands are accessed via McLachlin Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	1.82 ha	33.6 ha
Frontage	149 m	394 m
Depth	189 m	576 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Private Well
Sewage Disposal	None	Private Septic
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	0.4 ha	0.4 ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law - Section 3 General Provisions, 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 of Beckwith – recommends approval of this application subject to the following conditions:

- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That an electronic copy of the registered reference plan in dwg format be provided to the Township of Beckwith.

NOTE by e-mail: That Township of Beckwith confirmed that they will not support any further division of the lands to be enlarged.

Conservation Authority – Rideau Valley Conservation Authority

The Planning and Development Review Team has completed a review of the above noted application which seeks approval for a 1.82 hectare lot addition to lands in the southwest corner of Lot 2, Concession 1. The retained parcel (residential) is 33.6 hectares. 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 (PPS) under Section 3 of the Planning Act.

The northwest corner of the retained lot is characterized by a permanent wetland (unevaluated/non-PSW). The land to be severed and added to the adjacent lot is not part of the wetland. Therefore we have not identified any issues under the above noted sections of the PPS that would preclude the approval of this application.

In conclusion, the Planning and Development Review Team has no objection to this application.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed – Relatively flat grassed land sloping from north to south. No soil drainage problem. Proposed addition to an existing developed lot. Sandy loam soil 5 feet deep. Satisfactory.

Retained – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.82-ha parcel of land as a lot addition to lands owned by David Ullett at Pt Lot 2 Conc. 1 Beckwith being Part 1 on Reference Plan 27R-5935 and retain a 33.6-ha landholding with an existing residential dwelling and outbuildings. The total new combined lot size will be 2.9-ha.

The subject lands are located in an area characterized by Residential Development on a variety of lot sizes along McLachlin Road. The Hamlet of Gillies Corners (a designated Settlement Area) is located approximately 450 m to the east of the lot.

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

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) **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.

(e) **MINUTES – July 20, 2009**

David Ullett, applicant and Maryke Vos, agent, attended the hearing and gave evidence under oath. Ms. Vos expressed concern that the Township will not permit any further severances on the retained lands.

By e-mail received July 21, 2009, the Planning Administrator confirmed that it was the intention of the Township of Beckwith to not permit further severances on the enlarged lot not the retained lands.

(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.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Township of Beckwith.
4. 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.
5. A letter shall be received from the Township of Beckwith stating that condition #2 through #4 has been fulfilled to their satisfaction.
6. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by David Ullett described as Part 1, Plan 27R-5935, Pt Lot 2 Conc. 1 Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Danny Martin

Hearing Date: July 20, 2009

Agent:

LDC File #: B09/056, B09/057, B09/058, B09/059 and B09/060

Municipality: Drummond / North Elmsley

Geographic Township: Drummond

Lot: 25 & 26

Concession: 7

Roll No. 0919 919 025 30508

Consent Type: Five (5) Lot Additions

Purpose and Effect: To sever 5 parcels of land as lot additions as follows:

- 1/ 5,150 sq.m. to be added to lands owned by Mark Raymond Egan;
- 2/ 2,087 sq.m. to be added to lands owned by Robert & Doreen Dittburner;
- 3/ 2,468 sq.m. to be added to lands owned by Lucien Belec;
- 4/ 1,819 sq.m. to be added to lands owned by Anthony & Ann Arruba;
- 5/ 1,533 sq.m. to be added to lands owned by John Koenders and Kathy Kowecki;

And to retain 3,130 sq.m. to be added to lands owned by Dan Raymond Martin

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	See above	3,130 sq.m.
Frontage	42m/21m/27m/27m/27m	56 m
Depth	107m/95m/88m/64m/55m	88 m
Road - Access to	Pretties Island Road	Pretties Island Road
Water Supply	n/a	n/a
Sewage Disposal	n/a	n/a
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural Lot additions	Rural .4-ha no

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.5 Private Roads.

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 2.5 Lots having Less Area and/or Frontage.

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 of Drummond North Elmsley – recommends approval of this application subject

to the following conditions:

- That the balance of any outstanding taxes shall be paid to the Township.
- 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.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, on the severed and retained parcels to meet road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.
- A clause shall be placed on title for each of applications B09/057, B09/058, B09/059 and B09/060, stating that the severance is for lot addition purposes only, that the severed and the receiving parcel of land shall be considered as one for zoning purposes, and that the severed and receiving parcel cannot be conveyed separately.
- A clause shall be placed on title for application B09/056, stating that the severed and the receiving parcel shall be considered as one for zoning purposes, that the severed and receiving parcel cannot be conveyed separately , and that no dwelling can be constructed on the severed parcel.

Conservation Authority –

Mississippi Valley Conservation (MVC) 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.

According to the information provided, the purpose of the subject applications is sever 5 parcels of land (referenced as Lot #1, #2, #3, #4, and #5) as lot additions to 5 other parcels of land.

A review of available GIS mapping revealed that all lots-to-be enlarged have frontage on Mississippi Lake and partially consist of the 1:100 year flood plain, while the retained and severed lands do not. In addition, all lots-to-be enlarged as well as the proposed retained lands are largely located within the Regulation Limit of Mississippi Lake. With the exception of a portion of severed Lot #5 found within the Regulation Limit, the severed lots are not located within either MVC regulated area.

Given that the subject applications involve severing non-waterfront lots to enlarge waterfront lots, MVC does not have any objection to these applications. However, as previously indicated, a portion of all lots-to-be enlarged are located within the 1:100 year flood plain and the Regulation Limit of Mississippi Lake. And, a portion of severed Lot #5 and the retained lands are located within the Regulation Limit. Therefore, these aforementioned lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.

In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
B09/056 – relatively flat treed covered land sloping from West to East. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Additional granular fill will be required if septic system is installed.

B09/057 - relatively flat treed covered land sloping from West to East. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Satisfactory for intended use.

B09/058 - relatively flat treed covered land sloping from West to East. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Proposed addition to an existing developed lot. Satisfactory for intended use.

B09/059 - relatively flat treed covered land sloping from West to East. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Proposed addition to an existing developed lot. Satisfactory for intended use.

B09/058 - relatively flat treed covered land sloping from West to East. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Proposed addition to an existing developed lot. Satisfactory for intended use.

Retained – relatively flat treed covered land sloping from west to east. No soil drainage problem. Sandy loam soil approximately 1 foot deep. Satisfactory for proposed use.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever five parcel of land as lot additions to undersized water orientated lots. All of which have existing residential dwellings. The retained lands will be required to be added to the lake front lot owned by Dan Raymond Martin, which is separately PINNED at the Land Titles Office.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of small lots along Pretties Island Road.

The lands are accessed via Pretties Island Road a private r-o-w, which adjoins Ebbs Bay Road (a municipally maintained road) some distance north of the lots.

B09/056 is intended as a lot addition to lands owned by Mark Eagan. However an unopened road allowance lies between this lot and the lands to be severed therefore cannot be PINNED together without the road allowance being closed. The Township does not indicate that this would be undertaken, but has requested that a covenant be placed on title stating that the severed and receiving parcel cannot be conveyed separately. They have also suggested that a covenant be included stating that the severed parcel and receiving parcel shall be considered as one for zoning purposes. It is recommended that a 'rezoning' be undertaken to limit the development on the lot rather than placing a covenant on title as this covenant may become 'lost' through title transfers. It is also recommended that the deed transfer for applications B09/057 to B09/060 be contingent upon the successful rezoning of B09/056.

A "State of the Lake Environment Report' was undertaken on Mississippi Lake in 2002 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2006 and 2002, to results obtained some 30 years earlier. In general the water quality in Mississippi Lake is good. Chlorophyll a testing indicated that the average a density for the Lake has dropped almost five times between 1975 and 2006. However, nutrient loading has increased, therefore every effort should be made to reduce nutrient loading into the lake from land use activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

The lands are within 300 m of a Primary Water Source (Mississippi Lake) therefore are subject to possible "Archaeological Potential".

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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:

Re
Land Severances - B09/056
- 060

RECEIVED
JUL 7 2009

LANARK COUNTY
PLANNING APPROVALS
DEPARTMENT

Attention;
Mary Kirkham, - Administrator
I wish to support the proposed
lot additions re. the recent
application of owner Danny Martin.

The support, however is contingent
upon the situation that the
road shown on the sketch over
lots 4 & 3 continues to exist.

This road has been one of the
island roads since the corporation
"Glen Carleton Estates" developed
the island (Pretties Island) in the
1960's and has been in continual
use since that time. This is the
shortest route for approximately (20-25)
property owners to gain access
to their properties and many use
it either all or some of the time.

I am not one of the users but
my property will be affected by having
much greater traffic on the narrow
gravel road in front of our residence.

P.S. - Further, I do not see how
the conditional consent^{no} can
be given since lot I does
not border the property
owned by Mark Egan.

Sincerely

Wayne Dier
433 Pretties Isl. Rd.
Carleton Place
613-757-5947 613-757-5947
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(e) **MINUTES – July 20, 2009**

Dan Martin, applicant, attended the hearing and gave evidence under oath. Mr. Martin confirmed that the r-o-w shown through lot 3 and 2 is not a legal r-o-w, as there is no reference to the road on his deed.

(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.

CONDITIONS:

Lot #1 - B09/056

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The lot to be severed shall be zoned to an appropriate zoning category for the intended use.
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 applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 to #5 has been fulfilled to their satisfaction.
7. The deed/transfers of land for the parcels to be severed shall be submitted for consent endorsement in the same numerical order starting with Application B09/056.
8. A clause shall be placed on title, stating that the severed parcel and the lands owned by Mark Raymond Egan at Pt Lot 25 Conc. 8 Drummond shall be considered as one parcel and that the severed and receiving parcel cannot be conveyed separately.

NOTES:

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *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.*

Lot #2 - B09/057

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 to #4 has been fulfilled to their satisfaction.
6. The deed/transfers of land for the parcels to be severed shall be submitted for consent endorsement in the same numerical order starting with Application B09/056.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert and Doreen Dittburner at Pt Lot 25 Conc. 7 Drummond, 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.

NOTES:

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *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.*

Lot #3 - B09/058

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 to #4 has been fulfilled to their satisfaction.
6. The deed/transfers of land for the parcels to be severed shall be submitted for consent endorsement in the same numerical order starting with Application B09/056.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Lucien Belec at Pt Lot 25 Conc. 7 Drummond, 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.

NOTES:

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed*

works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

3. *Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *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.*

Lot #4 - B09/059

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 to #4 has been fulfilled to their satisfaction.
6. The deed/transfers of land for the parcels to be severed shall be submitted for consent endorsement in the same numerical order starting with Application B09/056.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Anthony and Ann Arruba at Pt Lot 25 Conc. 7 Drummond, 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.

NOTES:

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *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.*

Lot #5 - B09/060

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. 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.

4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 to #4 has been fulfilled to their satisfaction.
6. The deed/transfers of land for the parcels to be severed shall be submitted for consent endorsement in the same numerical order starting with Application B09/056.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by John Koenders and Kathy Kowecki at Pt Lot 25 Conc. 7 Drummond, 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.
8. The lands to be retained are for the purpose of a lot addition only to the adjacent lands owned by Dan Raymond Martin at Pt Lot 25 Pt Lot 26 Conc. 7 Drummond, 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.

NOTES:

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*

4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *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.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Peter Ghinn **Hearing Date:** July 20, 2009
Agent: N/A
LDC File #: B09/062 & B09/063
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 25 **Concession:** 9
Roll No. 0919 908 020 37900 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.52-ha residential building lot and a 5.3-ha lot with an existing residential dwelling and retain a 54.0-ha vacant landholding. The lands are accessed by Wildlife Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	Lot 1	Lot 2	
Existing Use	Vacant	Residential	Vacant
Proposed Use	Residential	Residential	Vacant
Area	1.52 ha	5.3 ha	54 ha
Frontage	80 m	279.2 m	100 m
Depth	190 m	190 m	1100 m
Road - Access to	Municipal Rd	Municipal Rd	Municipal Road
Water Supply	Proposed	Private Well	none
Sewage Disposal	Proposed	Septic System	none
Official Plan Designation -Conformity?	Rural (with Sewage Lagoon Influence Area) Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes
-Depth Required (min.)	n/a		n/a
-Compliance?			n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall

relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas Section 4.3 Rural Policies, Section 5.3 Township Roads.
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
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 of Drummond/North Elmsley – recommends approval of this application subject to the following conditions:

1. That the balance of any outstanding taxes shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, on the severed lots and the retained portion to meet the road widening requirements of the Township. The applicant shall consult directly with the township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's consideration.

The applications involve proposals to create two new parcels of 1.52 hectares and 5.3 hectares with 54 hectares remaining in the retained portion. The proposed 1.52 severed parcel is currently vacant (cleared pasture land) and will require private on-site servicing. There is existing dwelling and auxiliary buildings on the 5.3 hectare parcel. The retained lands are within and adjacent to a large wetland that is connected to the Provincially Significant Tay Marsh. The wetland on the subject property is not delineated as

Provincially Significant and does not fall under the jurisdiction of the RVCA. We note that a watercourse flows to the south of the proposed lots and appears to be entirely within the retained lands although it was difficult to confirm during the site inspection.

We note that the influence area from the Perth Lagoons extends into the subject lands and we assume this will be addressed by municipal staff as our review concentrates on natural hazards and heritage.

The watercourse on the subject lands flows into Jebb's Creek and eventually the Tay River. Recent fish sampling by the RVCA on Jebb's Creek indicates that the creek provides habitat for a variety of fish species including creek chub and large mouth bass. The applicant has maintained a natural buffer along the watercourse on the section that we inspected. The watercourse provides seasonal indirect and direct fish habitat. There were numerous natural barriers within the watercourse. There is no anticipated impact to the watercourse as a result of the applications.

The Conservation Authority is prepared to accept an approval of the proposals by the Committee, we recommend the following:

- A 30 metre setback for any future development or disturbance to soil or vegetation cover from the high water mark of watercourse.
- That a 30 metre setback be established for any future development or disturbance to soil or vegetation cover from the wetland as to protect the function of the wetland and the habitat associated with these features.

We assume that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. Please note that the watercourse is subject to Ontario Regulation 174/06: "Development Interference with Wetlands and Alterations to Shorelines and Watercourses" and that the written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the watercourse. This includes any stream crossing.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Lot 1 Severed – Relatively flat pasture land sloping from North to South. Clay loam soil 5 feet deep. Satisfactory.
Lot 2 Severed - Existing residential property served by a Class 4 septic system. Sufficient land area to replace existing system. Clay loam soil 5 feet deep. Satisfactory.

Retained – Relatively flat pasture land sloping from North to South. Clay loam soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two lots – 1.52-ha residential building lot and 5.3-ha residential lot with an existing dwelling and retain a 54.0-ha landholding.

The subject lands are located in an area characterized by limited Residential development along Wild Life Road. The Town of Perth's Sewage Lagoon is located North East approx. 150m from the Lot Line of Lot #2. A portion of the lot is within the 400m influence area of the lagoon; however the existing residential dwelling is located outside the influence area. Lot #1 is entirely outside the influence area. The agent has pre-consulted with the Town of Perth planning staff regarding the proximity of the proposed lots to the lagoon.

It is recommended that a cautionary note be placed on title for both the lots, to acknowledge that they are within proximity to the Town of Perth's sewage lagoons and therefore may be susceptible to odours on an occasional basis.

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

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Tracy Zander, agent, attended the hearing and gave evidence under oath. Ms. Zander confirmed that the existing driveway to the residence will service only Lot #1 and that a new entrance will be installed on Lot #2. And that the residence on Lot #2 is outside the influence area of the Perth Sewage Lagoon.

(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.

CONDITIONS:

Lot #1 - B09/062

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

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant to provide a Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
5. That the applicant registers on title a covenant stating that the lot is adjacent to a sewage lagoon and may therefore be subject to odours and other nuisances from time to time.
6. The landowner shall enter into a development agreement with the Township of Drummond / North Elmsley pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Rideau Valley Conservation Authority and shall address their concerns for setbacks as outlined in their report of June 1, 2009.
7. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the watercourse located on the property is subject to Ontario Regulation 174/06: "Development Interference with Wetlands and Alterations to Shorelines and Watercourses" and that the written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the watercourse. This includes any stream crossing.*

Lot #2 - B09/063

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

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant to provide a Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
5. That the applicant registers on title a covenant stating that the lot is adjacent to a sewage lagoon and may therefore be subject to odours and other nuisances from time to time.
6. The landowner shall enter into a development agreement with the Township of Drummond / North Elmsley pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Rideau Valley Conservation Authority and shall address their concerns for setbacks as outlined in their report of June 1, 2009.
7. That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the watercourse located on the property is subject to Ontario Regulation 174/06: "Development Interference with Wetlands and Alterations to Shorelines and Watercourses" and that the written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the watercourse. This includes any stream crossing.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Heinz Wolfe **Hearing Date:** July 20, 2009
Agent: Lyle MacIntosh, Sue-Lynn Coyles, Janice Dennie
LDC File #: B09/064
Municipality: Town of Carleton Place
Geographic Township: **Lot:** 25 **Concession:** 1222
Roll No. 0928 010 020 37500 **Consent Type:** New Lot

Purpose and Effect:

To sever a 483.1 sq.m. parcel with an existing single family dwelling and retain a 464.5 sq.m. vacant residential building lot. The lands are accessed via McDonald Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence	Vacant
Proposed Use	Residence	Residence
Area	483.1 sq.m.	464.5 sq.m.
Frontage	15.85 m	15.24 m
Depth	30.48 m	30.48 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Municipal Service	Municipal Service
Sewage Disposal	Municipal Service	Municipal Service
Official Plan Designation -Conformity?	Residential Yes	
Development Permit Category	Primary Residential	Primary Residential
-Area Required (min.)	n/a	n/a
-Compliance?	60% lot coverage	60% lot coverage
-Frontage Required (min.)	10.6m	10.6m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.3.3 Planning authorities shall identify 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.

1.5 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities.

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and re development within settlement areas on existing municipal sewage services and municipal water services should be promoted.

Official Plan – Section 3 General Policies, Section 4.2 Residential Policies, Section 6 Municipal Services, Section 7.7 Land Division.

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

Development Permit By-law - Section 2.0 Administration, Section 3.0 General Provisions, Section 5.1 Primary Residential Designations

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law.

(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 of Carleton Place Planner's Report No. 120347

SUMMARY

An application has been submitted to sever a portion of land known municipally as 131 McDonald Street. There is an existing single family dwelling located on the corner of the lot closest to the Flora Street and McDonald Street intersection. The proposal is to sever the existing house and retain the vacant lands for the construction of a semi-detached dwelling. The lot frontage of the severed parcel is 15.85 metres and the retained parcel has 15.24 metres of lot frontage. The retained parcel will have access from McDonald Street.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Primary Residential. There is an existing one and a half storey on the proposed severed lot which is located on the corner

of Flora Street and McDonald Street. The effect of the application will be to create a vacant building lot for a proposed semi-detached dwelling unit and a lot with an existing single family dwelling. Both the severed and retained parcels exceed the lot frontage requirements of the designation.

The sketches provided with the consent application do not indicate the location of the existing dwelling unit in relation to the property lines. The existing dwelling unit will be required to meet Building Code requirements regarding the setback to the property and the percentage of openings as well as the designation requirements. If the building does not conform to the Development Permit By-law, the applicant will take any and all steps to bring the property into compliance. A surveyor's report will satisfy this condition. Since this is an infill lot, a grading and drainage plan will be required in order to ensure that the proposed grading does not affect the adjacent lots. Building elevations of the proposed dwelling units will be required to be submitted to ensure that the residential character of the neighbourhood is maintained.

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.
2. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
4. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
5. That building elevations be provided that demonstrate that the existing character of the neighbourhood is maintained.
6. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

Hydro One Networks – No comments were received.

(c) PLANNING REVIEW

The applicant proposes to sever a 483.1 sq.m residential lot with an existing residence and retain a 464.5 sq.m. residential building lot.

The subject lands are located in an area characterized by Residential Development on typical urban density type lots.

Both lots will access McDonald Street a municipally maintained street.

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 and Official Plan for the Town of Carleton Place and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Heinz Wolfe, applicant and Monica Wolfe, interpreter, attended the hearing and gave evidence under oath. .

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges if applicable) shall be paid to the Town of Carleton Place.
3. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.

5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
6. That building elevations be provided that demonstrate that the existing character of the neighbourhood is maintained.
7. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
8. A letter shall be received from the Town of Carleton Place stating that condition #2 through #6 has been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Estate of Howard Vincent Playfair

Hearing Date: July 20, 2009

Agent: Jay K. Playfair

LDC File #: B09/065

Municipality: Tay valley Township

Geographic Township: Bathurst

Lot: 21 & 22 **Concession:** 12

Roll No. 0911 916 030 43800

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.83-hectare parcel of land with an unoccupied residence as a lot addition to lands owned by Robert W.R. Playfair.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence	Farm Pasture
Proposed Use	Residence	Unknown
Area	0.83 ha	10 ha
Frontage	127 m	79.1 m
Depth	75.6 m	200 m
Road - Access to	County Road	County Road
Water Supply	Private well	Private well
Sewage Disposal	Privy	Private septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	n/a	n/a
-Frontage Required (min.)	60m	60m
-Compliance?	n/a	n/a
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed/transfer
4. Two copies of the reference plan.



*ORIGINAL REPORT
MOVED TO
FILE*

To: Reeve Kerr and Members of Council
From: Kathy Coulthart-Dewey, CAO
Date: June 12, 2009
Re: Application for Consent - Playfair - Associated Road Access Issue

ISSUE

In the process of reviewing the attached Consent Application, the lack of entrance permit for the naturally severed parcel to the south of the subject lands (also owned and intended for sale by the Playfair family) has arisen.

RECOMMENDATION

Receive as information

BACKGROUND

This report is to confirm that over the course of the last 2 weeks the County and Township have been addressing Mr. Playfair's dilemma and more importantly that the County has resolved the issue.

The naturally severed parcel to the south of these subject lands, did not have an entrance permit. The frontage along this area is challenging and no location offering sufficient sight lines could be found. The County had suggested the Township consider allowing entry via the unopened road allowance that divides this land from the lands which are the subject of the consent application. Township staff was reluctant to propose this solution since it would be premature to do so, given no building permit has been rested, the land is being sold and a new purchaser may have specific building needs/plans, the combined lands could be developed as a plan of subdivision, wherein the road allowance might be opened.

In the end, the County incorporated a single residential entrance at the south end of this parcel for Mr. Playfair by slightly redesigning the guide rails, etc. in that area. This was done as part of their current design work for the Fallbrook Road.

For Council's information, I have also attached a drawing from a County Report by Steve Allan, illustrating that the Playfairs are also in negotiations with the County to acquire a small portion of land at the intersection.

FINANCIAL IMPLICATIONS

Nil

Attachments

Cc

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) 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.

According to the information provided, the purpose of the proposed severance is to sever a vacant 0.83-ha parcel of land with an existing residence and to retain a 10-ha parcel of land with an existing barn and shed. The proposed retained lands have approximately 525 metres of water frontage on the Mississippi River.

As a result of this application, the proposed retained lands still meet with the current minimum area and frontage requirements set out in Tay Valley Township's Zoning By-law. And, a review of available literature and mapping revealed no issues with respect to natural hazard and natural heritage features. With all of this in consideration, MVC has no objection to the proposed lot addition provided that any future development complies with the zoning by-law, particularly with respect to setback from water and the retention of a natural vegetated buffer along the shoreline of the river.

There is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourse*, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River. In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

On-Site Services (Septics) – Mississippi-Rideau Septic Office

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code.

The purpose of the application as understood by this office is to sever a 0.83 hectare parcel of property from the Estate of Howard Vincent Playfair, located at 1784 Fallbrook Road. The 0.83 hectare severed portion contains a house, shed, Class I sewage system (privy) and a private well. The 10 hectare portion to be retained contains a shed, barn, private well and a class 4 sewage system (not seen).

The severance as proposed will have no impact on the ability to insure OBC compliant septic systems on both the severed and retained portions of the property. It is the understanding of this office that after the severance process is completed the severed lands will be added to the existing church lands as a lot addition.

All new septic systems should be located >30 meters from the high water mark and respect all required Ontario Building Code setback and construction requirements.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By—Law, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

Hydro One Networks – No comments were received.

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

County Roads Department – Applicant has an approved entrance location to the County Road. Entrance 2207 is an existing entrance which provides access to the residence; it has been approved by the County of Lanark but an entrance condition must be completed prior to deed endorsement. Entrance 2208 is an existing entrance which provides access to the historical church; with no installation required.

Entrance Inquiry 2210 is an approved residential location for the retained lands.
Applicant must proceed to make a full entrance application.

The Ontario Land Surveyor in preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works Department to determine that the former road in this location be described in a manner to allow the closing and conveyance of same.

The County of Lanark requires that the former road in this area be “stopped up, closed and conveyed” prior to deed endorsement.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.83-ha parcel of land as a lot addition to lands owned by Robert W.R. Playfair and retain a 10-ha landholding with an existing vacant barn and outbuildings. The lands to be severed has an existing run-down dwelling. It is not intended to use the building as a residence, but to use the land as off-street parking for the Heritage Church. The total combined lot size will be 1.133-ha.

The subject lands are located in an area characterized by Residential and Institutional on a variety of lot sizes along McDonald’s Corners Road and Fallbrooke Road. A Tent & Trailer park and Golf Course are located to the east across the Mississippi River.

The lands are accessed via Fallbrooke Road (County Road #7), a County maintained road. The former County Road running along the fence boundary to the west will be required to be stopped up, closed and sold.

The lands are within 300 m of a Primary Water Source (Mississippi River) therefore are subject to possible “Archaeological Potential”.

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 and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) 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.

(e) MINUTES – July 20, 2009

Jay Playfair, applicant, attended the hearing and gave evidence under oath. Mr. Playfair advised that the vacant house may be renovated in the future as a residence, and that the barn on the retained lands is not being used for cattle housing, only storage.

The Chair advised that any repairs to the dwelling in the future would require an MDS calculation if the barn were to become cattle housing facilities again.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

6. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
7. That the Ontario Land Surveyor in preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works Department to determine that the former road, which runs through the severed lands and the retained lands is adequately described for the purpose of a road closing.
8. That the applicant in consultation with the County of Lanark Public Works Department take all necessary steps to "Stop-up, Close and Convey" the former road which runs through the land being severed. The Corporation of the County of Lanark will be responsible for the Public Notice and Road Closing By-law. The applicant shall communicate directly with the Lanark County Public Works Department in regards to cost sharing as it relates to the road closing.
9. A letter shall be received from the County of Lanark Public Works department stating that condition #6 through 8 has been fulfilled to their satisfaction.
10. A letter shall be received from Tay Valley Township stating that condition #2 through #4 has been fulfilled to their satisfaction.
11. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert William R Playfair described Pt Lot 21 Conc. 12 Bathurst Reference Plan 27R-4888 Part 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.

NOTES

- *The Mississippi Valley Conservation advises that pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River. In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
- *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.*

- *That the applicant advise future purchasers of the lands that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities. Minimum Distance Calculations (MDS) will be required prior to any future development of the severed lot and the retained lot.*