



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in a special meeting on Monday, May 26, 2008, at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

Members Present: R. Strachan, D. Murphy and C. Tyson (arrived at 9:55 a.m.)

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m. A quorum was present.
The purpose of the special meeting was to review ten outstanding applications.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2008-014

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

"THAT, the minutes of the Land Division Committee meeting held on May 12, 2008 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2008-015

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

"THAT, the agenda be adopted as circulated and amended".
ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None.

7. REPORTS

7.1 PREVIOUS APPLICATIONS HEARD BY LDC

The Secretary gave a verbal report for the following applications which had been previously heard by the Land Division Committee and are awaiting a decision:

7.1.1 **B08/031, B08/032, B08/033 & B08/034, Anthony R Cannell** – Part Lots 22 and 23 Concession 2 in the Township of Ramsey, now in the Town of Mississippi Mills (1175 Bellamy Mills Road).

7.1.2 **B08/003, B08/004 & B08/005, Robert Drummond and Wilmer B Drummond** – Part Lots 29 and 30 Concession 2 in the Township of Montague (184 Rainbow Valley Drive).

7.1.3 **B08/006, B08/007 & B08/008, Robert Drummond and Wilmer B Drummond** - Part Lots 29 and 30 Concession 1 in the Township of Montague (179 Rainbow Valley Drive).

8. NEW / OTHER BUSINESS

The meeting recessed at 10:05 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:

8.1 PROVISIONAL CONSENT GRANTED

8.1.1 **B08/031, B08/032, B08/033 & B08/034, Anthony R Cannell** – Part Lots 22 and 23 Concession 2 in the Township of Ramsey, now in the Town of Mississippi Mills (1175 Bellamy Mills Road).

8.1.2 **B08/003, B08/004 & B08/005, Robert Drummond and Wilmer B Drummond** – Part Lots 29 and 30 Concession 2 in the Township of Montague (184 Rainbow Valley Drive).

8.1.3 **B08/006, B08/007 & B08/008, Robert Drummond and Wilmer B Drummond** - Part Lots 29 and 30 Concession 1 in the Township of Montague (179 Rainbow Valley Drive).

9. ADJOURNMENT

The next meeting date was scheduled for June 23, 2008.

The meeting adjourned at 11:30 a.m.

**Mary Kirkham
Secretary-Treasurer**

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: May 26, 2008

Owner: Anthony R Cannell
LDC File #: B08/031, B08/032, B08/033 & B08/034
Township: Ramsey
Municipality: Town of Mississippi Mills
Lot: Pt Lots 22 & 23 **Concession:** 2
Type: New Lot (2) & Lot Addition (2)

SUMMARY

The subject property is located at 1175 Bellamy Mills Road. The purpose and effect of the applications is to sever (1) a 2.5-acre vacant parcel of land as an addition to the adjacent lot to the north described as Part 2 on 27R-8488 (1175 Bellamy Mills Road); (2) a 0.75-acre vacant parcel as an addition to the adjacent lot to the south owned by Gerald & Shelley Munro (134 Gemmill Street); (3) a 2-acre residential building lot; and (4) a 1.25-acre residential building lot. The new lots are to be accessed from Gemmill Street.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Proposed Use Existing Use	Vacant Vacant	(1) Lot addition (2) Lot addition (3) Residential (4) Residential	Vacant Vacant
Area Frontage Road - Access to	19.25-acres 715 ft Bellamy Road	(1) 2.5-acres -Front- 175 ft (2) 0.75-acres – Front – 159 ft (3) 2.0-acres – Front 300 ft – access – Gemmill St (4) 1.25-acres – Front 187.5 ft – access – Gemmill St	12.75-acres 540 ft Bellamy Road
Water Supply Sewage Disposal	none	(1) n/a (2) n/a (3) Well / septic (4) Well / septic	Well Septic
Official Plan Designation -Conformity?	Rural Settlement and Rural		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	RU 1.0-acre Yes 147.6 ft Yes	RU 1.0-acre B08/032, B08/033 and B08/034 to be re- zoned 147.6 ft No	RU 1.0-acre Yes 147.6 ft Yes

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of these applications.

Official Plan – The Town of Mississippi Mills advised that the proposals conform to the applicable policies of the Official Plan

Zoning By-law – The Town advises that a rezoning is required for applications B08/032, B08/033 and B08/034 to the appropriate zone to permit the development of the subject lots.

EXTERNAL CIRCULATION COMMENTS

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

- (1) For applications B08/031, B08/032, B08/033 and B08/034, that the applicant provide a copy of the registered plan to the Town;
- (2) For applications B08/031, B08/032, B08/033 and B08/034, that the applicant pay any outstanding property taxes on the subject property;
- (3) For applications B08/032, B08/033 and B08/034, that the severed lands be placed in the appropriate zone to permit the development of the subject lots;
- (4) For applications B08/033 and B08/034, that the applicant provide a lot grading plan prepared and stamped by a professional engineer to the satisfaction of the Town;

Additional Information – May 13 2008

Section 5.3.11.1 General Lot Creation Policies subsection ix) – In the Rural designation, the maximum number of lots created per land holding will be two plus the remnant lot, except where otherwise specifically provided for in the plan.

The reason the severance limit was not applied to B08/033 and B08/034 is because the properties are actually designated Rural Settlement Area in the Official Plan, no Rural. In this case the Rural Settlement Areas and Villages section of the Official Plan is interpreted as applying and it does not place a limit on the number of severance per original township lot (only minimum lot sizes). The parcels are not only designated this but are within the hamlet boundary.

Mississippi Valley Conservation – New Information

B08/031 - Mississippi Valley Conservation (MVC) has been circulated the above noted application (B08/031) 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 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 application is to sever a vacant 2.5-acre parcel of land as a lot addition to the north at 1175 Bellamy Mills Rd. The retained land is vacant and proposed to be 12.75 acres. The lot to be enlarged is already developed.

A portion of the retained and severed lots consist of unclassified wetland. MVC does not have any objections to the lot addition provided any potential future development occurs outside of this wetland.

B08/032 - Mississippi Valley Conservation (MVC) has been circulated the above noted application (B08/032) 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 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 application is to sever a vacant 0.75-acre vacant parcel of land as a lot addition to the adjacent property owner to the south at 134 Gemmill Street. The retained land is vacant and proposed to be 12.75 acres. The lot to be enlarged is already developed.

An unnamed tributary of the Indian River runs along the rear of the proposed severed lot. We recommend that any potential future development occur a minimum of 30 metres from this watercourse. In addition, vegetation along the shoreline of the tributary should be maintained to a minimum depth of 15 metres.

MVC does not have any objection to the proposed lot addition.

However, the property owner should be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

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 tributary 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.

B08/033 - Mississippi Valley Conservation (MVC) has been circulated the above noted application (B08/033) 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 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 application is to sever a vacant 2.0-acre vacant parcel of land as a residential building lot. The retained land is vacant and proposed to be 12.75 acres.

An unnamed tributary of the Indian River runs along the rear of the proposed severed lot. The severed lot consists of a combination of open field and woodlot.

MVC does not have any objection to the proposed severance provided the following mitigative measures are implemented for any future development:

1. A minimum 30 metre setback from the crest of the tributary bank shall be maintained for future structures and a septic system.

2. The existing shoreline vegetative buffer shall be retained to a minimum depth of 15 metre, along the tributary.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary or onto adjacent properties.

The property owner should be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

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 tributary 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.

B08/034 - Mississippi Valley Conservation (MVC) has been circulated the above noted application (B08/034) 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 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 application is to sever a vacant 1.25-acre vacant parcel of land as a residential building lot. The retained land is vacant and proposed to be 12.75 acres.

An unnamed tributary of the Indian River runs along the rear of the proposed severed lot.

MVC does not have any objection to the proposed severance provided the following mitigative measures are implemented for any future development:

1. A minimum 30 metre setback from the crest of the tributary bank shall be maintained for future structures and a septic system.
2. The existing shoreline vegetative buffer shall be retained to a minimum depth of 15 metre, along the tributary.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary or onto adjacent properties.

The property owner should be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

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 tributary 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.

Health Unit –Both new lots to be severed are relatively flat scrub land with no soil drainage problems. Sandy soil 5 feet deep. Satisfactory for intended use.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING – May 12 2008

Anthony Cannell, applicant was present at the public meeting held on Monday, May 12, 2008 and gave evidence. Mr Cannell provided additional information on the purpose of the application.

The Committee questioned the Town of Mississippi Mills Planning report in that it did not reflect the two previous severances obtained in 2003. The Secretary will confirm with Mississippi Mills on their interpretation of the Official Plan policies contained in Section 5.3.11.1.

The hearing adjourned to reconvene Monday May 26 2008 at 10:00 .m.

MINUTES OF PUBLIC MEETING – May 26 2008

Anthony Cannell, applicant was present at the public meeting held on Monday, May 26, 2008. Chairman Strachan advised Mr. Cannell that he was still under oath.

Mississippi Mills clarified that there is no maximum number of severance permitted on an individual lot within lands designated as Settlement Area.

Rob Latham, adjacent landowner (by phone) requested that the requirement for a lot grading plan remain as a condition and that he receive a copy of the engineer's report.

Mr. Cannell advised that he was prepared to proceed with the lot grading plan.

DECISION

Having given notice of the proposal as set out in subsection 53(5)(a) of the Planning Act, and having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality and 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, the Land Division Committee decided to give a provisional consent subject to the following conditions:

No. Conditions

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator 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.
3. The applicant shall provide the Town with a copy of the registered reference plan.
4. The applicant shall apply for a re-zoning with the Town of Mississippi Mills for applications B08/032, B08/033 and B08/034, to place the lands in appropriate zone to permit the development of the subject lots.
5. The applicant shall provide a lot grading plan prepared and stamped by a professional engineer for applications B08/033 and B08/034.
6. The applicant shall enter into a Development Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to Mississippi Valley Conservation (MVC), to implement the setback requirements for applications B08/033 and B08/034 as recommended by MVC.
7. A letter shall be received from the Town of Mississippi Mills stating that conditions #2 to #6 has been fulfilled to their satisfaction.
8. A letter shall be received from Mississippi Valley Conservation that condition #6 has been fulfilled.
9. The lands to be severed, by application B08/031 are for the purpose of a lot addition only to the adjacent lands owned by Anthony R Cannell described as Part 2 on Reference Plan 27R-8488, 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.
10. The lands to be severed, by application B08/032 are for the purpose of a lot addition only to the adjacent lands owned by Gerald and Shelley Munro described as Lots 36 and 37 Plan 248, 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 property owner should be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

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 tributary 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.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: May 26, 2008

Owner: Robert Drummond & Wilmer B. Drummond
LDC File #: B08/003, B08/004 & B08/005
Township: Montague
Municipality: Montague
Lot: 29 & 30 Concession: 2
 (184 Rainbow Valley Drive)
Type: New Lots

SUMMARY

The subject lands are located at 184 Rainbow Valley Drive. The purpose and effect of the applications is to: (1) sever a 0.66-hectare residential building lot; (2) sever a 0.79-hectare lot on which an existing single family residence is situated; (3) sever a 1.6-hectare residential building lot; and (4) to retain a 4.85-hectare residential building lot.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Proposed Use Existing Use	N/A Rural Residential	Rural Residential Lot 1 & 3 – Vacant Lot 2 - Residential	Rural Residential Rural Vacant
Area	7.9 hectares	Lot #1 – 0.66 ha Lot #2 – 0.79 ha Lot #3 – 1.6 ha	4.85 hectares
Frontage	332m	Lot #1 – 75m Lot #2 – 55m Lot #3 – 60m	142m
Road - Access to	Rainbow Valley Road	Rainbow Valley Road	Rainbow Valley Road
Water Supply Sewage Disposal	Well Septic	Well Septic	Well Septic
Official Plan Designation -Conformity?	Rural		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	A 4000m ² Yes 46m Yes	A 4000m ² Yes 46m Yes	A 4000m ² Yes 46m Yes

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of these applications.

Official Plan – The Township of Montague advises that the proposal conforms to the applicable policies of the Official Plan. Generally, two new lots may be created by the consent process. The Township advises that this proposal meets the five criteria for allowing a third new lot.

Zoning By-law – The Township advises that the proposal complies with the pertinent provisions of the Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

Township of Montague – recommends approval of the applications subject to the following conditions:

1. That 5% cash in lieu of parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
3. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. That a copy of the reference plan to be provided to the Township of Montague.
5. The sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
6. Re: Application B08/003 – That sufficient land shall be provided for a turning circle and the turning circle shall be constructed to the satisfaction of the Township of Montague.
7. That a clause be registered on title to provide notice that the property may be subject to the sights, sounds and smells of agriculture.

Health Unit – There is adequate space on each of the lots to be severed to accommodate a dwelling and onsite sewage disposal system. Fill may be required on each of the lots.

The retained parcel is deemed to be satisfactory. This parcel has variable drainage and slope and contains existing farm buildings (to be removed) and a farmhouse.

Rideau Valley Conservation Authority - The application requests approval to sever property along the lot lines (Lot 29 & Lot 30) fronting on the Rideau River and Rainbow Valley Drive. On the north side of Rainbow Valley Drive four waterfront severances are proposed ranging from 0.66 hectares to 4.85 hectares. On the south side of Rainbow Valley Drive three waterfront lots are proposed with an additional severance for the existing single family home. The retained lot contains portions of Provincially Significant Rideau River Wetland (Part 1) with the 120 metre adjacent lands extending into proposed severances B08/006 & B08/007. RVCA notes that the county soil mapping confirms that the wetland has organic soils while the remaining portion of the property is classified as loam soil with Class 2 Canada Land Inventory designation.

The subject lands are subject to Ontario Regulation 174/06: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" for which the RVCA has administrative and enforcement liabilities. The near shore area is delineated as floodplain (1:100 year) as illustrated on the map provided. No development is permitted within the regulated area. The fill regulated area extends approximately 30 metres

upland according to RVCA mapping. RVCA notes that the regulated area for the retained lands is not linear to the shoreline but extends inland. Development activities in or near a wetland (120 metres) requires the Conservation Authority's prior written approval. The 120 metre adjacent lands and regulated area is also displayed on the map. Any proposed development in the regulated area requires a permit from the Rideau Valley Conservation Authority. In accordance with our regulations all residential developments and structures must be situated outside the Flood Plain zone and above the 1:100 designated flood plain elevation on the Rideau River of 104.4 metres geodetic.

RVCA mapping indicates that the shoreline along this section of the Rideau River is classified as largemouth bass spawning habitat (Ministry of Natural Resources). RVCA Fisheries inventories indicate that this is a productive area for spawning and nursery habitat for large mouth bass and perch.

The shoreline along this section is wooded for approximately 10 metres upland with the RVCA regulated area extending 30 metres from the River. B08/004 has undersized frontage in regard to the other proposed lots, however there is an existing dwelling located along Rainbow Valley Drive and intensified shoreline use is not anticipated. No removal of the shoreline vegetation should be permitted for this section of shoreline.

RVCA's review includes regard for the Provincial Policy Statement (PPS) - Sections 3.1 (Natural Hazards), 2.1 (Natural Heritage), and Section 2.2 (Water). RVCA notes that there may be other issues in regard to the proposed development related to the Provincial Policy Statement including Sections 1.1 (Development and Land Use Patterns), Sections 2.3 (Agriculture) and Sections 2.6 (Cultural Heritage and Archaeology) specifically related to the Rideau Canal. RVCA notes that adjacent waterfront development policies are addressed in the Rideau Canal Management Plan published by Parks Canada.

The Township should also be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. RVCA notes that there are policies related to development of rural lands and specifically agriculture lands. The Official plan is also dated and has not been updated to reflect the changes to the Provincial Policy Statement. If the applications can satisfy and have regard to all requirements of municipal planning documents and relevant sections of the PPS RVCA recommends that the following should be included in any approval:

- An agreement requiring a 30 metre setback for any future development or disturbance to soil or vegetation cover from the high water mark of the Rideau River. The setback is recommended based on RVCA's review in regard for the Provincial Policy Statement (PPS) - Sections 3.1 (Natural Hazards) and Section 2.2 (Water).
- The trees along the northern lots B08/003 - B08/005 should be maintained, limited pruning is acceptable to allow for views of the River. The shoreline buffer on lots B08/003 - B08/005 should be enhanced in order to protect bank stability and improve water quality. A greater setback (40 - 50 in) is desirable given the potential for shoreline erosion in this area.

- No lawn to be established within 15 metres of water.

RVCA notes that proposed lots B08/006 - B08/008 show various degrees of shoreline erosion , the RVCA would not permit hardening of the shoreline in this area, if bank stability continues to be an issue we would support bank stabilization with natural methods only (bio- engineering).

Parks Canada – Rideau Canal - As the operating authority for the Rideau Canal National Historic Site of Canada, Parks Canada has an interest in municipal planning applications as they affect the historic, natural and scenic character of the canal, waterfront lands and the heritage character of the lockstations along the Canal. The Rideau Canal National Historic Site of Canada Management Plan provides policy direction for the comments on this application. As well Parks Canada has consulted the municipal official plan and the provincial policy statement.

Following a review of the above stated applications, Parks Canada objects to the requests for these consents, since they

- i. are not supported by the Residential and Rural Lands policies described in the Township of Montague Official Plan;
- ii. are not consistent with the policy of the Official Plan to direct growth to identified Development Policy areas, and
- iii. negatively impact the character of the Edmonds Lockstation and its setting and the historic agricultural character of the landscape along this section of the Rideau Canal corridor.

i. **Conformity with the Rural and Residential Official Plan Policies**

According to Residential policy 8.1 of the Official Plan, “development shall not be located on productive agricultural land. This shall include those lands classified as Class 1 to 4 in the Canada Land Inventory of Soil Capability for Agriculture.” The lands subject to this application are Class 2 agricultural lands. The majority of land within the Township of Montague is Class 6 agricultural land. Thus, it is imperative to preserve existing good agricultural land (Class 1 to 4), and focus development on poor agricultural soils. This is supported by Rural Lands policy 5.1.2 and 5.1.3, which states that “both farm-related and non- farm-related residential development should be directed to lands which do not have a high capability for agriculture.” Allowing these severances will set a precedent for the conversion of adjacent lands into residential uses thereby further eroding the viability of agriculture along the Canal.

The severance proposal is also not consistent with Residential Policy 3.6 which requires development to be located on sites with a specific list of amenities (varied topography, mature tree cover, scenic views so that it would blend in with the natural landscape thereby leaving the rural landscape relatively undisturbed. This proposal does not meet the above criteria and will result in a change in landscape character from strongly rural and suburban.

ii **Conformity with Development Policy Areas**

The Official Plan specifically states that “it is the policy of Council to encourage the concentration of new development to these areas [Development Policy Areas] The subject property is not identified in the Official Plan as a Development Policy Area and does not meet the criteria for such a designation as stated in 4.15. This severance application will result in 6 residential lots in total. This will result in the de facto establishment of a small community in a location not envisioned in the Official Plan.

iii **Impact on the heritage character of the Rideau Canal.**

This application will have a negative impact on the setting of the Edmonds Lockstation and on the character of the landscape along this section of the Rideau Canal.

The Edmonds Lockstation and its environs have retained their rural character. Despite the presence of some low density residential development which occurred many years ago, the site and its environs have changed little. The open space and the undeveloped rural landscape of this lockstation and its surroundings is its defining characteristic. The large barn on the Drummond property and associated house and farmland are elements of this historic landscape. The replacement of the farmstead with 4 large houses and associated suburban landscape will compromise these historic and scenic values. The suburbanization of this landscape is not in the best interest of protecting the historic and scenic value of this part of the Rideau Canal.

This section of the canal has seen minimal modern development along its shorelines, which results in a near continuous agricultural and natural landscape character east from the Town of Smiths. Maintaining the diversity of landscapes along the Canal is a key component of the Guiding Principles in the Rideau / Canal National Historic Site of Canada Management Plan. Specifically, “the historic values, natural features, scenic beauty and diversity of cultural landscapes of the Canal corridor constitute its unique heritage character and should be

respected by government, commercial interests and private residents.” (p. 6). As well the management plan encourages municipalities to protect the historic, recreational and scenic character of lockstations and their environs.

The property in question may also have significant cultural heritage value as an intact, maintained farmscape. This property may be referred to as a “cultural heritage landscape” The Provincial Policy Statement (2005) defines a cultural heritage landscape as “a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. . . . Examples might include villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways and industrial complexes.” The PPS, states that such significant built heritage resources and cultural heritage landscapes shall be conserved.

The Official Plan for the municipality is over 20 years old. Despite numerous amendments there are insufficient policies dealing with development of this scale especially in locations as sensitive as the lands along the Rideau Canal. The plan does not provide adequate policy direction for the proper review of this application. In light of the scale of the severance and potential impacts, any consideration of this application should be deferred until the Official Plan has been updated.

Hydro One Networks – No comments received.

Bell Canada R-O-W – No comments received

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.

ADDITIONAL INFORMATION

Parks Canada – Rideau Canal (dated April 16 2008)

In response to the LDC letter of April 7 2008. At a site meeting attended by the Canal planner, the applicant, the Township and owners of the property, the Heritage Impact Assessment and how the results of the study would be used to guide development of the property were discussed at length. Parks Canada staff were also made aware of the wishes of the applicant to obtain approval for the severance at the next meeting of the Land Division Committee so that he can plan crops on the retained lands in May. At the meeting we agreed that all parties would work together to ensure that the application can be address at the next meeting of the Land Division Committee.

In that regard the applicant has agreed to commend with a Heritage Impact Assessment which will determine if there are any cultural heritage resources on the property, assess their value and provide guidelines for development of the property in a manner that acknowledges its location adjacent to the Rideau Canal. The details of the assessment are identified in my April 4 letter to the LDC.

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Township of Montage (dated April 17 2008)

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This information will be reviewed, along with other pertinent information, to form the basis for the revised Official Plan document.

We do have the Rideau Canada Management Plan in our library of Planning documents and we would be please to meeting with Parks Canada Staff to discuss the document.

We would suggest that, although we are familiar with the Parks Canada documents and support the intent of the document, it would not be appropriate for the Township to provide comments regarding policies in the Parks Canada Management Plan. We believe this is the role of Parks Canada.

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The hearing adjourned to reconvene on May 26 2008 at 10:00 a.m.

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Montague Township submitted a copy of the MDS formulae calculation from the Willoughby Farm.

In reviewing the information provided it appeared that the Minimum Distance Separation (MDS) would apply to parcel 4 (B08/006) and parcel 5 (B08/007) and that this calculation would determine the location of the building envelope.

DECISION

Having given notice of the proposal as set out in subsection 53(5)(a) of the Planning Act, and having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality and 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, the Land Division Committee decided to give a provisional consent subject to the following conditions:

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 Planning Approvals Administrator 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. Payment of cash in-lieu of parkland in an amount of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act shall be made to the Township of Montague for each new lot created.
4. An approved entrance to the subject lot shall be installed by the owner. The owner shall consult directly with the Township of Montague in this respect.

5. The applicant shall provide the Township with a copy of the registered reference plan.
6. Sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the traveled portion of the road (whichever is applicable). The Ontario Land surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. Re: Application B08/003 sufficient land shall be provided for a turning circle and the turning circle shall be constructed to the satisfaction of the Township of Montague.
8. The land owner shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Montague, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.
9. The land owner shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Montague, the wording of which shall be satisfactory to the Rideau Valley Conservation Authority (RVCA) and Parks Canada – Rideau Canal, to implement the mitigative measures as recommended by RVCA and the Heritage Impact Assessment.
10. A letter shall be received from the Township of Montague stating that conditions #2- #9 have been fulfilled to their satisfaction.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #9 has been fulfilled to their satisfaction.
12. A letter shall be received from the Parks Canada – Rideau Canal stating that condition #9 has been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: May 26, 2008

Owner: Robert Drummond & Wilmer B. Drummond
LDC File #: B08/006, B08/007 & B08/008
Township: Montague
Municipality: Montague
Lot: 29 & 30 **Concession:** 1
 (179 Rainbow Valley Drive)
Type: New Lots

SUMMARY

The subject lands are located at 179 Rainbow Valley Drive. The purpose and effect of the applications is to: (1) sever a 0.91-hectare residential building lot; (2) sever a 1.47-hectare residential building lot; (3) sever a 0.51-hectare lot on which an existing single family residence is situated; and to (4) retain a 70.7-hectare residential building lot

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Proposed Use Existing Use	N/A Rural Residential	Rural Residential Lot 1 & 2 – Vacant Lot 3 - Residential	Rural Residential Rural Vacant
Area	73.59 hectares	Lot #1 – 0.91 ha Lot #2 – 1.47 ha Lot #3 – 0.51 ha	4.85 hectares
Frontage	466m	Lot #1 – 64m Lot #2 – 54m Lot #3 – 61m	287m
Road - Access to	Rainbow Valley Road	Rainbow Valley Road	Rainbow Valley Road
Water Supply Sewage Disposal	Well Septic	Well Septic	Well Septic
Official Plan Designation -Conformity?	Rural		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	A 4000m ² Yes 46m Yes	A 4000m ² Yes 46m Yes	A 4000m ² Yes 46m Yes

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of these applications.

Official Plan – The Township of Montague advises that the proposal conforms to the applicable policies of the Official Plan. Generally, two new lots may be created by the consent process. The Township advises that this proposal meets the five criteria for allowing a third new lot.

Zoning By-law – The Township advises that the proposal complies with the pertinent provisions of the Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

Township of Montague – recommends approval of the applications subject to the following conditions:

1. That 5% cash in lieu of parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
3. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. That a copy of the reference plan to be provided to the Township of Montague.
5. The sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
6. Re: Application B08/003 – That sufficient land shall be provided for a turning circle and the turning circle shall be constructed to the satisfaction of the Township of Montague.
7. That a clause be registered on title to provide notice that the property may be subject to the sights, sounds and smells of agriculture.

Mississippi Valley Conservation –

Health Unit – There is adequate space on each of the lots to be severed to accommodate a dwelling and onsite sewage disposal system. Fill may be required on each of the lots.

The retained parcel is deemed to be satisfactory. This parcel has variable drainage and slope and contains existing farm buildings (to be removed) and a farmhouse.

Rideau Valley Conservation Authority - The application requests approval to sever property along the lot lines (Lot 29 & Lot 30) fronting on the Rideau River and Rainbow Valley Drive. On the north side of Rainbow Valley Drive four waterfront severances are proposed ranging from 0.66 hectares to 4.85 hectares. On the south side of Rainbow Valley Drive three waterfront lots are proposed with an additional severance for the existing single family home. The retained lot contains portions of Provincially Significant Rideau River Wetland (Part 1) with the 120 metre adjacent lands extending into proposed severances B08/006 & B08/007. RVCA notes that the

county soil mapping confirms that the wetland has organic soils while the remaining portion of the property is classified as loam soil with Class 2 Canada Land Inventory designation.

The subject lands are subject to Ontario Regulation 174/06: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" for which the RVCA has administrative and enforcement liabilities. The near shore area is delineated as floodplain (1:100 year) as illustrated on the map provided. No development is permitted within the regulated area. The fill regulated area extends approximately 30 metres upland according to RVCA mapping. RVCA notes that the regulated area for the retained lands is not linear to the shoreline but extends inland. Development activities in or near a wetland (120 metres) requires the Conservation Authority's prior written approval. The 120 metre adjacent lands and regulated area is also displayed on the map. Any proposed development in the regulated area requires a permit from the Rideau Valley Conservation Authority. In accordance with our regulations all residential developments and structures must be situated outside the Flood Plain zone and above the 1:100 designated flood plain elevation on the Rideau River of 104.4 metres geodetic.

RVCA mapping indicates that the shoreline along this section of the Rideau River is classified as largemouth bass spawning habitat (Ministry of Natural Resources). RVCA Fisheries inventories indicate that this is a productive area for spawning and nursery habitat for large mouth bass and perch.

These waterfront lots range from 0.91 to 1.47 hectares with the retained lands at 70.7 hectares. RVCA's mapping indicates that the wetland boundary is located outside the proposed lot boundaries. The RVCA 120 metres regulated area extends into the retained and proposed waterfront lots. As a consequence the written permission of the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of a designated wetland. RVCA notes from their shoreline inventory that shoreline erosion is occurring along these proposed lots and that no natural buffer is present. Where there is a mature buffer, shoreline erosion is not as evident (north of Rainbow Valley Drive).

RVCA's review includes regard for the Provincial Policy Statement (PPS) - Sections 3.1 (Natural Hazards), 2.1 (Natural Heritage), and Section 2.2 (Water). RVCA notes that there may be other issues in regard to the proposed development related to the Provincial Policy Statement including Sections 1.1 (Development and Land Use Patterns), Sections 2.3 (Agriculture) and Sections 2.6 (Cultural Heritage and Archaeology) specifically related to the Rideau Canal. RVCA notes that adjacent waterfront development policies are addressed in the Rideau Canal Management Plan published by Parks Canada.

The Township should also be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. RVCA notes that there are policies related to development of rural lands and specifically agriculture lands. The Official plan is also dated and has not been updated to reflect the changes to the Provincial Policy Statement. If the applications can satisfy and have regard to all requirements of municipal planning documents and relevant sections of the PPS RVCA recommends that the following should be included in any approval:

- An agreement requiring a 30 metre setback for any future development or disturbance to soil or vegetation cover from the high water mark of the Rideau River. The setback is recommended based on RVCA's review in regard for the Provincial Policy Statement (PPS) - Sections 3.1 (Natural Hazards) and Section 2.2 (Water).

- The trees along the northern lots B08/003 - B08/005 should be maintained, limited pruning is acceptable to allow for views of the River. The shoreline buffer on lots B08/003 - B08/005 should be enhanced in order to protect bank stability and improve water quality. A greater setback (40 - 50 in) is desirable given the potential for shoreline erosion in this area.
- No lawn to be established within 15 metres of water.

RVCA notes that proposed lots B08/006 - B08/008 show various degrees of shoreline erosion , the RVCA would not permit hardening of the shoreline in this area, if bank stability continues to be an issue we would support bank stabilization with natural methods only (bio- engineering).

Parks Canada – Rideau Canal - As the operating authority for the Rideau Canal National Historic Site of Canada, Parks Canada has an interest in municipal planning applications as they affect the historic, natural and scenic character of the canal, waterfront lands and the heritage character of the lockstations along the Canal. The Rideau Canal National Historic Site of Canada Management Plan provides policy direction for the comments on this application. As well Parks Canada has consulted the municipal official plan and the provincial policy statement.

Following a review of the above stated applications, Parks Canada objects to the requests for these consents, since they

- are not supported by the Residential and Rural Lands policies described in the Township of Montague Official Plan;
- are not consistent with the policy of the Official Plan to direct growth to identified Development Policy areas, and
- negatively impact the character of the Edmonds Lockstation and its setting and the historic agricultural character of the landscape along this section of the Rideau Canal corridor.

i. Conformity with the Rural and Residential Official Plan Policies

According to Residential policy 8.1 of the Official Plan, “development shall not be located on productive agricultural land. This shall include those lands classified as Class 1 to 4 in the Canada Land Inventory of Soil Capability for Agriculture.” The lands subject to this application are Class 2 agricultural lands. The majority of land within the Township of Montague is Class 6 agricultural land. Thus, it is imperative to preserve existing good agricultural land (Class 1 to 4), and focus development on poor agricultural soils. This is supported by Rural Lands policy 5.1.2 and 5.1.3, which states that “both farm-related and non- farm-related residential development should be directed to lands which do not have a high capability for agriculture.” Allowing these severances will set a precedent for the conversion of adjacent lands into residential uses thereby further eroding the viability of agriculture along the Canal.

The severance proposal is also not consistent with Residential Policy 3.6 which requires development to be located on sites with a specific list of amenities (varied topography, mature tree cover, scenic views so that it would blend in with the natural landscape thereby leaving the rural landscape relatively undisturbed. This proposal does not meet the above criteria and will result in a change in landscape character from strongly rural and suburban.

ii Conformity with Development Policy Areas

The Official Plan specifically states that “it is the policy of Council to encourage the concentration of new development to these areas [Development Policy Areas] The subject

property is not identified in the Official Plan as a Development Policy Area and does not meet the criteria for such a designation as stated in 4.15. This severance application will result in 6 residential lots in total. This will result in the de facto establishment of a small community in a location not envisioned in the Official Plan.

iii **Impact on the heritage character of the Rideau Canal.**

This application will have a negative impact on the setting of the Edmonds Lockstation and on the character of the landscape along this section of the Rideau Canal.

The Edmonds Lockstation and its environs have retained their rural character. Despite the presence of some low density residential development which occurred many years ago, the site and its environs have changed little. The open space and the undeveloped rural landscape of this lockstation and its surroundings is its defining characteristic. The large barn on the Drummond property and associated house and farmland are elements of this historic landscape. The replacement of the farmstead with 4 large houses and associated suburban landscape will compromise these historic and scenic values. The suburbanization of this landscape is not in the best interest of protecting the historic and scenic value of this part of the Rideau Canal.

This section of the canal has seen minimal modern development along its shorelines, which results in a near continuous agricultural and natural landscape character east from the Town of Smiths. Maintaining the diversity of landscapes along the Canal is a key component of the Guiding Principles in the Rideau / Canal National Historic Site of Canada Management Plan. Specifically, "the historic values, natural features, scenic beauty and diversity of cultural landscapes of the Canal corridor constitute its unique heritage character and should be respected by government, commercial interests and private residents." (p. 6). As well the management plan encourages municipalities to protect the historic, recreational and scenic character of lockstations and their environs.

The property in question may also have significant cultural heritage value as an intact, maintained farmscape. This property may be referred to as a "cultural heritage landscape" The Provincial Policy Statement (2005) defines a cultural heritage landscape as "a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. . . Examples might include villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways and industrial complexes." The PPS, states that such significant built heritage resources and cultural heritage landscapes shall be conserved.

The Official Plan for the municipality is over 20 years old. Despite numerous amendments there are insufficient policies dealing with development of this scale especially in locations as sensitive as the lands along the Rideau Canal. The plan does not provide adequate policy direction for the proper review of this application. In light of the scale of the severance and potential impacts, any consideration of this application should be deferred until the Official Plan has been updated.

Hydro One Networks – No comments received.

Bell Canada R-O-W – No comments received

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.

ADDITIONAL INFORMATION

Parks Canada – Rideau Canal (dated April 16 2008)

In response to the LDC letter of April 7 2008. At a site meeting attended by the Canal planner, the applicant, the Township and owners of the property, the Heritage Impact Assessment and how the results of the study would be used to guide development of the property were discussed at length. Parks Canada staff were also made aware of the wishes of the applicant to obtain approval for the severance at the next meeting of the Land Division Committee so that he can plan crops on the retained lands in May. At the meeting we agreed that all parties would work together to ensure that the application can be addressed at the next meeting of the Land Division Committee.

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9. Minimum Distance Separation (MDS) calculations shall apply to applications B08/006 and B08/007 when determining the location of the building envelope. The applicant shall consult directly with the Township of Montague.
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11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.
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