



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, September 22, 2008 at 8:30 a.m. at the Lanark County Administration Building, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

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

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2008-026

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

"THAT, the minutes of the Land Division Committee meeting held on August 25, 2008 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2008-027

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

7.1 NEW APPLICATIONS TO BE HEARD

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 **B08/038, Richard H Allan**

Pt W Lot 3 Concession 8, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 8A)

7.1.2 **B08/043, Alan William Miller and Ivan Matthew Miller**

Pt Lot 19 & 20, Concession 1 geographic Township of Pakenham, now in the Town of Mississippi Mills. (2539 12th Conc N Pakenham)

7.1.3 **B08/046, B08/047 & B08/048, Cheryl and Richard Allan**

Pt Lot 13 Concession 5, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 5B) – *Deferred to October meeting pending clarification on “development adjacent to prime agricultural lands”.*

7.1.4 **B08/049, Sarah and Jason Bingham**

Pt Lot 3 Section 7 Plan 222 geographic Township of Beckwith, now in the Town of Carleton Place. (#25 Rochester Street)

7.1.5 **B08/066, B08/067 & B08/068, Francis E Badour & Normand E Dinelle**

Pt Lot 16 Concession 12, Pt 3 Plan 27R2471, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Ferguson’s Falls Road).

7.1.6 **B08/089 and B08/090, Claude and Cora Nolan**

Pt Lot 11 Concession 3 Park Lot 10, Franktown Plan, Township of Beckwith. (Powell Street) – *Deferred to October meeting – municipal comments unavailable.*

- 7.1.7 **B08/094 and B08/095, Timothy and Linda Vallee**
Part Lot 22 SW Lot 23, Concession 12 Part 1 RP27R-859, geographic Township of Drummond, now the Township of Drummond / North Elmsley.(Crampton Road) – *Deferred to October meeting pending clarification on the future plans of the Wilson Pit.*
- 7.1.8 **B08/099 & B08/100, Michael T McVeety**
Pt Lot 17 Concession 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Port Elmsley Road)
- 7.1.9 **B08/108, Paul T McShane**
Pt Lot 17, Concession 7, geographic Township of North Burgess, now in Tay Valley Township. (Black Lake Road)
- 7.1.10 **B08/078 Colonnade Development Inc.**
Pt Lot 16, Concession 10, geographic Township of Beckwith, now in the Town of Carleton Place. (McNeely Ave Extension)
- 7.1.11 **B08/083 and B08/084, Barry Patrick Sullivan**
Plan 6262 Lot 65, Lot 91A, Lot 93A, Lot 94A and Lot 95 A, Town of Almonte, now in the Town Mississippi Mills. (Peterson Street)
- 7.1.12 **B08/096, B08/097 and B08/098, Trevor Hands**
Pt Lot 10 Concession 2, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Hands Roads)
- 7.1.13 **B08/101 Kevin Short, John West, Joanne West & Ronald Short**
Pt Lot 11 & 12 Concession 9, Township of Montague. (Pinery Road)
- 7.2. APPLICATIONS PREVIOUSLY HEARD AND AWAITING A DECISION
- 7.2.2 **B08/085, B08/086 and B08/087, Mervyn Edgar & Gail Helen Plaunt**
Pt Lot 14 Concession 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Armstrong Road)
- 7.2.2 **B08/092 and B08/093, Marilyn Fairhurst**
Pt Lot 24 Concession 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 12D)

8. NEW/OTHER BUSINESS

- 8.1 Report on OEMC Conference and Training Session (Kingston)
D Murphy and M Kirkham provided an update on the sessions held at the annual OEMC.

- 8.2 Defining Requirements for Hydro-geological Reports
M Kirkham provided MOE Policy regulation regarding the installation of septics and well for new development. R Strachan to contact a Planning Firm to review the Provincial Policy and help to provide information to development a Lanark County Policy.
- 8.3 Deferred Consents B07/029 and B07/030 - 2000396 Ontario Ltd.
An application has been received to revive B07/029 and B07/030 which had been held in abeyance pending the outcome of B07/028.

MOTION #LD-2008-028

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

“**THAT**, applications B07.029 and B07/030 be revived provided the applicant pays the required re-circulation fees”. **ADOPTED**

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

8.2 PROVISIONAL CONSENT WAS GRANTED FOR THE FOLLOWING:

- 8.2.1 **B08/038, Richard H Allan**
Pt W Lot 3 Concession 8, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 8A)
- 8.2.2 **B08/043, Alan William Miller and Ivan Matthew Miller**
Pt Lot 19 & 20, Concession 1 geographic Township of Pakenham, now in the Town of Mississippi Mills. (2539 12th Conc N Pakenham)
- 8.2.4 **B08/049, Sarah and Jason Bingham**
Pt Lot 3 Section 7 Plan 222 geographic Township of Beckwith, now in the Town of Carleton Place. (#25 Rochester Street)
- 8.2.5 **B08/066, B08/067 & B08/068, Francis E Badour & Normand E Dinelle**
Pt Lot 16 Concession 12, Pt 3 Plan 27R2471, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Ferguson’s Falls Road).
- 8.2.6 **B08/099 & B08/100, Michael T McVeety**
Pt Lot 17 Concession 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Port Elmsley Road)

- 8.2.7 **B08/108, Paul T McShane**
Pt Lot 17, Concession 7, geographic Township of North Burgess, now in Tay Valley Township. (Black Lake Road)
- 8.2.8 **B08/078 Colonnade Development Inc.**
Pt Lot 16, Concession 10, geographic Township of Beckwith, now in the Town of Carleton Place. (McNeely Ave Extension)
- 8.2.9 **B08/083 and B08/084, Barry Patrick Sullivan**
Plan 6262 Lot 65, Lot 91A, Lot 93A, Lot 94A and Lot 95 A, Town of Almonte, now in the Town Mississippi Mills. (Peterson Street)
- 8.2.10 **B08/096, B08/097 and B08/098, Trevor Hands**
Pt Lot 10 Concession 2, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Hands Roads)
- 8.2.11 **B08/101 Kevin Short, John West, Joanne West & Ronald Short**
Pt Lot 11 & 12 Concession 9, Township of Montague. (Pinery Road)
- 8.2.12 **B08/085, B08/086 and B08/087, Mervyn Edgar & Gail Helen Plaunt**
Pt Lot 14 Concession 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Armstrong Road)
- 8.1.13 **B08/092 and B08/093, Marilyn Fairhurst**
Pt Lot 24 Concession 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 12D)

9. **ADJOURNMENT**

The next meeting date was scheduled for October 27, 2008.

The meeting adjourned at 3:40 p.m.

Mary Kirkham
Secretary-Treasurer

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Richard H Allan

LDC File #: B08/038

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: W Pt 3 **Concession:** 8

Roll No. 0919 919 020 02600

Type: Lot Addition

SUMMARY

The purpose and effect of the application is to sever a 36.4-ha agricultural parcel of land, with an existing dilapidated barn which is to be removed as an addition to the adjacent agricultural lot at 2970 Drummond Con. 8A and to retain a 4.05-ha residential lot with an existing single family residential and garage.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Hobby Farm Residential	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	40.0-ha 300 m 1372 m Drummond Con 8A	36.4-ha 148 m 1372 m Drummond Con 8A	4.05-ha 152 m 268.5 m Drummond Con 8A
Water Supply Sewage Disposal	Private Well Septic System	None None	Private Well Septic System
Official Plan Designation -Conformity?	Agricultural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Agricultural 39.0-ha Yes 45 m Yes n/a	Agricultural n/a Lot addition	Agricultural 0.4-ha Yes 45 m Yes N/A

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 2.0 Wise Use and Management of Resources. Subsection 2.3 Agriculture

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conform with the designations and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the township's zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult with the Township Road Superintendent in this regard.

Conservation Authority – n/a – Lot addition

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
New septic system installed 2003.

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

(September 22, 2008)

Richard Allan, Carrie Webster and Howard Allan were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. No further comments were provided.

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 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. 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 Land Titles Office.
4. Sufficient lands shall be conveyed to the Township of Drummond / North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #4 have 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 Howard J Allan – Part East Lot 3 Concession 8 geographic Township of Drummond, now in the Township of Drummond / 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.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Alan William & Ivan Matthew Miller
LDC File #: B08/043
Township: Pakenham
Municipality: Mississippi Mills
Lot: 19 & 20 **Concession:** 11
Roll #: 0931 946 030 06400
Type: Addition to lot

SUMMARY

The subject lands are located at 2539 12th Con. N, geographic Township of Pakenham. The purpose and effect of the application is to sever a 0.68799-ha lot with an existing hay shed, barn (to be decommissioned so that it cannot be used to house livestock), 2 silos and barn/shed (barn/shed to be demolished) and retain a 0.72846-ha residential lot with an existing stone dwelling, attached garage and machine shed. The severed lands are to be added to the surrounding agricultural lands owned by Alan William Miller and Ivan Matthew Miller.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Proposed Use Existing Use	Residential	Agricultural	Residential
Area Frontage Road - Access to	1.42-ha 93.03m 12 th Con N Pakenham	0.69-ha 23.79m 12 th Con N Pakenham	0.73-ha 69.24m 12 th Con N Pakenham
Water Supply Sewage Disposal	Private well Individual Septic	n/a n/a	Private well Individual Septic
Official Plan Designation -Conformity?	Rural Residential and Agriculture		
Zoning Category			
-Area Required (min.)	0.4-ha	10.0-ha	0.4-ha
-Compliance?	Yes	Yes (lot addition)	Yes
-Frontage Required (min.)	45m	150m	45m
-Compliance?	Yes	Yes (lot addition)	Yes

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of this application.

Official Plan – The Town of Mississippi Mills advised that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town’s Zoning By-law provided the applicant obtains the necessary re-zoning to prohibited residential development on the lot to be enlarged.

EXTERNAL CIRCULATION COMMENTS

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

- (1) That the applicant provide a copy of the registered reference plan to the Town;
- (2) That the applicant pay any outstanding property taxes on the subject property;
- (3) That the applicant apply for the necessary zoning by-law amendment prohibiting the construction of a new residential dwelling on the lot to be enlarged;
- (4) That the applicant provides certification of the following to the Town of Mississippi Mills for the lot to be retained:
 - a) that the new well has been constructed in accordance with the Ministry of the Environment guideline, “Water Wells and Groundwater Supplies of Ontario”,
 - b) that the quality of the water meets the Ministry of the Environment “Ontario Drinking Water Standards”, and
 - c) that there is sufficient quantity for the intended use.

Mississippi Valley / Rideau Valley Conservation - n/a

Health Unit

Severed Lands – existing farm land and outbuildings with no soil drainage problems. Clay soil 5 feet deep. Proposed addition to an existing farming operation. Recommendations – satisfactory.
Retained Lands – existing house services by a Class 4 septic system and private well. Sufficient land area to replace existing system. No soil drainage problems. Clay soil 5 feet deep. Recommendations – satisfactory.

Hydro One Networks – No comments were received.

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

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:

Mulvihill & Murray (June 19, 2008) – solicitors for the applicant
Advising that Tracy Zander of McIntosh Perry has been contracted to assist in any planning matters.

ADDITIONAL INFORMATION

Town of Mississippi Mills (September 18, 2008)
Please amend the Miller conditions by removing the requirement to rezone the property.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Tracy Zander, Planner (McIntosh Perry Engineering Consultants) was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. Ms. Zander advised that Mr. Miller had agreed with the Town to either drill a new well or provide an easement to the existing well in accordance with their conditions.

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 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. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.
3. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills.
4. That the applicant provides certification of the following to the Town of Mississippi Mills for the lot to be retained:
 - a) that the new well has been constructed in accordance with the Ministry of the Environment guideline, "Water Wells and Groundwater Supplies of Ontario",
 - b) that the quality of the water meets the Ministry of the Environment "Ontario Drinking Water Standards", and
 - c) that there is sufficient quantity for the intended use.
5. That the barn be decommissioned so it cannot be used for livestock.
6. A letter shall be received from the Township stating that conditions #2 to #5 have 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 Alan William Miller & Ivan Matthew Miller, and any subsequent transfer, charge or other conveyance of the lands to be retained 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

Date: September 19, 2008

Owner: Sara & Jason Bingham
LDC File #: B08/049
Township: Beckwith
Municipality: Town of Carleton Place
Lot: Lot 3 **Section F:** Plan 222
Roll No. 0928 030 050 14100
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 339.7 m² residential building lot and retain a 519.5 m² lot with an existing residential dwelling. (#25 Rochester Street)

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	859.2 m ² 30.48 m 28.19 m Rochester Street	339.7 m ² 12.05 m 28.19 m Rochester Street	519.5 m ² 18.43 m 28.19 m Rochester Street
Water Supply Sewage Disposal	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Residential Type 5 370m ² Yes 11 m Yes N/A	Residential Type 5 370m ² No 11 m Yes N/A	Residential Type 5 370m ² Yes 11 m Yes N/A

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:

- 1.1.3 Settlement Areas – Planning authorities shall identify and promote opportunities for intensification, redevelopment and compact form.
- 1.6.4 Sewage and Water – municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promote, wherever feasible.

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

Zoning By-law – The Town of Carleton Place advises that the proposal does not comply with all provisions of the Zoning By-law Regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the 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 zoning 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. That satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to conform the setback for the existing buildings to the new property lines and existing property lines meet the Ontario Building Code and zoning by-law.
5. That a right-of-way easement be created to address the shared driveway.

Conservation Authority – application screened out.

On-Site Services (Septics) – n/a

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

(September 22, 2008)

Sarah Bingham, applicant and Brenda MacDonald-Rowe, agent were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. Ms. MacDonald-Rowe advised that the application may follow under the new Development Permit System recently approved by the Town of Carleton Place.

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 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. That the applicant pay any outstanding property taxes on the subject property 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 with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all zoning 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. That satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to conform the setback for the existing buildings to the new property lines and existing property lines meet the Ontario Building Code and zoning by-law.
6. That a right-of-way easement be created to address the shared driveway.
7. A letter shall be received from the Town stating that conditions #2 to #6 have been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Francis E Babour & Normand E Dinelle

LDC File #: B08/066

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 16 **Concession:** 12

Roll No. 0919 919 025 62803

Type: Lot Addition

SUMMARY

The purpose and effect of the application is to sever a 0.263-ha vacant parcel of land as a lot addition to the Ferguson Falls Hall and retain a 1.52-ha vacant landholding. The lot addition is to be used as a 'Parking Lot'. Concurrent applications have been submitted for two (2) new residential building lots on the retained lands. The lot is accessed by Ferguson's Falls Road.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Parking Lot	Vacant Vacant
Area Frontage Depth Road - Access to	2.17-ha 108.5 m 108.51 m Ferguson's Falls Rd	.263-ha 28.76 m 108.51 m Ferguson's Falls Rd	1.52-ha 137.2 m 108.51 m Ferguson's Falls Rd
Water Supply Sewage Disposal	None None	Proposed Proposed	None None
Official Plan Designation -Conformity?	Hamlet and Lands Adjacent to Wetlands OP 3.19.1 requires and Environmental Impact Study		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a	Rural & Flood Plain & Wetland 0.4-ha n/a 45 m n/a n/a	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

An Environmental Impact Statement was prepared by Pinegrove Biotechnical. The EIS concluded “from a social perspective and from the consideration of public safety, additional public parking space at the Ferguson Falls Hall is highly desirable.

Notwithstanding that all four parcels are situated within 120 metres of the high water mark, the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided a “No Maintenance” environment protection strip is implemented and mitigating conditions are imposed.”

Approval of the severances and lot addition are recommended, subject to conditions outlined below being entered on title as a restrictive covenant.

1. That standing trees within 10 metres of the high water mark be retained;
2. That no gravelled or concrete launches be constructed;
3. That future docks be restricted to seasonally removable structures on either adjustable metal legs, or on steel wheels;
4. That foot-paths between the future residences and the riverbank consist of either planed walkways, or are covered by chipped wood;
5. That a 20 metre wide “No Maintenance” strip paralleling the shoreline is kept under natural conditions, where no lawn mowing, filling, excavation or other landscaping will occur;
6. That future owners agree not to remove vegetation from the river bed fronting their lots, by with mechanical, chemical or manual means;
7. That no buildings, or parking spaces are constructed closer than 50 metres from the water’s edge;
8. That roof run-off is captured by eaves-troughing and directed into ground re-infiltration pits;
9. That parking sites and laneways not be paved, but retained as gravelled surfaces;
10. That the proposed number of parking sites on the Town Hall parking lot is reduced from 64 to 45;
11. That the Township Hall parking lot is bordered by a shallow ditch on the south and west sides respectively, which directs surface run-off into a 3 m x 4 m “French Drain” (rock filled ground infiltration pit).

Official Plan – The Township of Drummond / North Elmsley advised that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 plan associated with this application if a survey is required by the Registry Office.

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.

PROPOSAL

According to the information provided, the purpose of application B08/066 is to sever a 0.65-ac (0.263-ha) vacant piece of land with an estimated frontage of 45 feet (13.7 m) on the Mississippi River, as a lot addition to the adjacent non-waterfront property, #1362 Ferguson Fall's Rd. The resulting lot would equal approximately 0.82 acres (0.33 ha). We understand that the purpose of this severance is to create a parking lot for the Community Hall as well as public water access. This application was concurrently submitted with B08/067 and 068 which propose the subsequent creation of two vacant residential building lots on the resulting retained lands. These two lots are proposed to be 1.25 ac (0.506 ha) in size

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows the subject property partially within the *Stewart Lake-Haley Lake Wetland Complex* which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW) and entirely within the 120 metre adjacent lands to the PSW. Formal flood plain mapping for the subject property has not yet been completed.

REVIEW

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the natural feature. In order to address this requirement an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the applicant.

The EIS concluded that “the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided” that mitigative measures outlined in the EIS are implemented and “registered on title as a restrictive covenant” (refer to the EIS for recommended mitigative measures).

RECOMMENDATIONS

MVC concurs with the recommendations of the EIS for subject property. In addition, we recommend the following: That future septic systems are installed a minimum of 50 metres from the water's edge.

B08/067 and 068

The proposed severances B08/067 and 068 meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, provided that the mitigative measures outlined above and in the EIS are adhered to, MVC does not have any objections to the creation of these lots.

B08/066

The ultimate affect of severance B08/066 as a lot addition to the neighboring lot, is the transition of a non-waterfront lot into a waterfront lot that does not meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, we suggest that the applicant consider other alternatives which better comply with the Zoning By-Laws as follows:

- Adjust the lot lines of severance B08/066 so that they do not front the river, thereby eliminating the water frontage requirement of 45 metres. And, in order to obtain public water access, we propose requesting an easement from the resulting lot to the river. **OR**
- Eliminate severance B08/068 and add a sufficient amount of this land area and water frontage to severance B08/066 to render it in compliance with the water frontage and area requirements.

Formal flood plain mapping has not been completed for this section of the Mississippi River. Therefore, construction or filling activities (excavating, site grading or stockpiling of fill) above the seasonal high water mark of the river are not currently regulated by MVC. However, the property owner should be advised that in the event that shoreline work or any interference within the Regulation Limit of the *Stewart Lake-Haley Lake Wetland Complex* is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

Severed lands – relatively flat mixture of treed and scrub land with no surface problems. Sandy loam soil approximately 2 feet deep.

Retained lands – relatively flat mixture of treed and scrub land with no surface drainage problems. Sandy loam soil approximately 2 feet deep.

County Public Works Dept - severance is for a lot addition only. No comments. Road Widening not required.

Hydro One Networks – No comments were received.

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

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:

Township of Drummond / North Elmsley (September 17, 2008)

We write with regard to applications for Consent B08/066, B08/067 and B08/068 in the names of Badour and Dinelle. Application B08/066 refers to the severance request for a lot addition to the Ferguson's Falls Community Hall owned by the Township of Drummond / North Elmsley. The Township offers the following information to both supplement this severance request and to act as background information to the application.

1. The Ferguson's Falls Community Hall has been extensively refurbished and has once again become a focal point for community and area activities, however, the Hall lacks adequate on-site parking. The shortage of parking requires that patrons park their vehicles on the edge of County Road 15 and walk a good distance to the Hall when attending events at the facility. This parking situation has posed a serious danger to residents for many years. The municipality had made many unsuccessful attempts to

acquire land from the abutting property owner for the establishment of a new parking lot. Recently, the lands abutting the Hall were sold to F Badour and N Dinelle who have allowed the municipality the opportunity to purchase lands for this parking lot.

2. At the same time as the municipality was negotiating the purchase of the lot addition. Council was approached by the Mississippi Valley Field Naturalists to establish a location in Ferguson's Falls for the launching of canoes and kayaks, noting that no public water access area to the Mississippi River presently exists.

Council explored the options of opening Water Street which is an original road allowance on the Village Plan to provide this access area however, it was identified that Water Street is currently being used as a laneway in conjunction with a cottage rental operation and as a laneway to a private residence (this residence also encroaches on Water Street taking $\frac{1}{4}$ of the 40 foot width of the roadway). Further, another section of the roadway has been established as a lawn by a private residence on the north side of the allowance. It was determined that Water Street may not be of a suitable width to provide both parking, for those making use of this

canoe route, and access to existing dwellings. The owners of these dwellings have asked Council to consider the stopping up and closing of Water Street.

Therefore, Council had approached the owners, Badour and Dinelle, to ask if they would consent to allowing the Township to enlarge the lot addition to also provide access to the water that is of equivalent size to Water Street. In this way, Council reasoned that users of the canoe launching area could also make use of the Hall parking lot for short term vehicle parking while canoeing the Mississippi. Council has further committed to the stopping up and closing of Water Street once the lot addition and water access had been obtained via the consent process.

Mr. Badour and Mr. Dinelle kindly agree to include this access point in the lot addition to the Hall.

3. In acquiring this lot the Municipality is not attempting to create a building lot for development nor is the Township attempting to acquire additional lands for waterfront development. The Township agreement with the owners states that fencing shall be erected to prohibit vehicular access to the water.
4. The lands for the lot addition shall be classified as institutional and not as waterfront development property.
5. As you are aware, the Township may create a lot as a lot addition without pursuing the consent process and in so doing the Township will not be required to comply with the findings of the scoped EIS study. This is not the path which the municipality has chosen to embark upon as a first recourse.

We trust this information will be considered in the Committee's evaluation of this application for consent.

MINUTES OF PUBLIC MEETING
(September 22, 2008)

Frank Badour and Norman Dinelle, applicants and Paul Snider, Clerk/Treasurer (Twp of Drummond / North Elmsley) were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Mr. Badour outlined the process of working with the Township to create an acceptable lot addition to the Ferguson's Falls Hall to would be beneficial to both the hall and the community at large.

Mr. Snider indicated that the Township is currently in the process of reviewing their Official Plan and Zoning By-law and that through this process the lot addition would be zoned Institutional to match the existing hall. Also that the width of the waterfront has been calculated to be equal to the unopened "Water Street".

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are to be acceptable to the Township to implement appropriate mitigative measures to regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated December 27 2007.
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 Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

7. A letter shall be received from the County Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
8. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by The Township of Drummond / 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 Mississippi Valley Conservation advises that:

In the event that shoreline work or any interference with the Regulation Limit of the Stewart Lake-Haley Lake Wetland Complex is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19 2008

Owner: Francis E Babour & Normand E Dinelle

LDC File #: B08/067

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 16 **Concession:** 12

Roll No. 0919 919 025 62803

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.506-ha residential building lot and retain a 1.012-ha vacant parcel of land. Concurrent applications have been submitted for a new residential building lot and a lot addition. The lot is accessed by Ferguson's Falls Road.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	1.52-ha 137.2 m 108.51 m Ferguson's Falls Rd	0.506-ha 45.72 m 108.51 m Ferguson's Falls Rd	1.012-ha 91.48 m 108.51 m Ferguson's Falls Rd
Water Supply Sewage Disposal	None None	Proposed Proposed	None None
Official Plan Designation -Conformity?	Hamlet and Lands Adjacent to Wetlands OP 3.19.1 requires and Environmental Impact Study		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

An Environmental Impact Statement was prepared by Pinegrove Biotechnical (a copy of which is attached). The EIS concluded "from a social perspective and from the consideration of public

safety, additional public parking space at the Ferguson Falls Hall is highly desirable.

Notwithstanding that all four parcels are situated within 120 metres of the high water mark, the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided a “No Maintenance” environment protection strip is implemented and mitigating conditions are imposed.”

Approval of the severances and lot addition are recommend, subject to conditions outlined bellow being entered on title as a restrictive covenant.

1. That standing trees within 10 metres of the high water mark be retained;
2. That no gravelled or concrete launches be constructed;
3. That future docks be restricted to seasonally removable structures on either adjustable metal legs, or on steel wheels;
4. That foot-paths between the future residences and the riverbank consist of either planed walkways, or are covered by chipped wood;
5. That a 20 metre wide “No Maintenance” strip paralleling the shoreline is kept under natural conditions, where no lawn mowing, filling, excavation or other landscaping will occur;
6. That future owners agree not to remove vegetation from the river bed fronting their lots, by with mechanical, chemical or manual means;
7. That no buildings, or parking spaces are constructed closer than 50 metres from the water’s edge;
8. That roof run-off is captured by eaves-troughing and directed into ground re-infiltration pits;
9. That parking sites and laneways not be paved, but retained as gravelled surfaces;
10. That the proposed number of parking sites on the Town Hall parking lot is reduced from 64 to 45;
11. That the Township Hall parking lot is bordered by a shallow ditch on the south and west sides respectively, which directs surface run-off into a 3 m x 4 m “French Drain” (rock filled ground infiltration pit).

Official Plan - The Township of Drummond / North Elmsley advised that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 plan associated with this application if a survey is required by the Registry Office.

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.

PROPOSAL

According to the information provided, the purpose of application B08/066 is to sever a 0.65-ac (0.263-ha) vacant piece of land with an estimated frontage of 45 feet (13.7 m) on the Mississippi River, as a lot addition to the adjacent non-waterfront property, #1362 Ferguson Fall's Rd. The resulting lot would equal approximately 0.82 acres (0.33 ha). We understand that the purpose of this severance is to create a parking lot for the Community Hall as well as public water access. This application was concurrently submitted with B08/067 and 068 which propose the subsequent creation of two vacant residential building lots on the resulting retained lands. These two lots are proposed to be 1.25 ac (0.506 ha) in size

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows the subject property partially within the *Stewart Lake-Haley Lake Wetland Complex* which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW) and entirely within the 120 metre adjacent lands to the PSW. Formal flood plain mapping for the subject property has not yet been completed.

REVIEW

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the natural feature. In order to address this requirement an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the applicant.

The EIS concluded that "the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided" that mitigative measures outlined in the EIS are implemented and "registered on title as a restrictive covenant" (refer to the EIS for recommended mitigative measures).

RECOMMENDATIONS

MVC concurs with the recommendations of the EIS for subject property. In addition, we recommend the following: That future septic systems are installed a minimum of 50 metres from the water's edge.

B08/067 and 068

The proposed severances B08/067 and 068 meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, provided that the mitigative measures outlined above and in the EIS are adhered to, MVC does not have any objections to the creation of these lots.

B08/066

The ultimate affect of severance B08/066 as a lot addition to the neighboring lot, is the transition of a non-waterfront lot into a waterfront lot that does not meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, we suggest that the applicant consider other alternatives which better comply with the Zoning By-Laws as follows:

- Adjust the lot lines of severance B08/066 so that they do not front the river, thereby eliminating the water frontage requirement of 45 metres. And, in order to obtain public water access, we propose requesting an easement from the resulting lot to the river. **OR**

- Eliminate severance B08/068 and add a sufficient amount of this land area and water frontage to severance B08/066 to render it in compliance with the water frontage and area requirements.

Formal flood plain mapping has not been completed for this section of the Mississippi River. Therefore, construction or filling activities (excavating, site grading or stockpiling of fill) above the seasonal high water mark of the river are not currently regulated by MVC. However, the property owner should be advised that in the event that shoreline work or any interference within the Regulation Limit of the *Stewart Lake-Haley Lake Wetland Complex* is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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
 Severed lands – relatively flat mixture of treed and scrub land with no surface problems. Sandy loam soil approximately 2 feet deep.
 Retained lands – relatively flat mixture of treed and scrub land with no surface drainage problems. Sandy loam soil approximately 2 feet deep.

County Public Works Dept. - Both the retained (permit 1142) and the severed lands to gain access (permit 2173) via Ferguson's Falls Road. Road Widening not required.
 Entrance to be installed prior to deed endorsement.

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 (September 22, 2008)

Frank Badour and Norman Dinelle, applicants and Paul Snider, Clerk/Treasurer (Twp of Drummond / North Elmsley) were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. No further comments were provided.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated December 27 2007, and to establish a 50m setback for development adjacent to the Mississippi River.
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 Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.
8. A letter shall be received from the County Public Works Department stating that condition #5 has been fulfilled to their satisfaction.

Notes:

- *The LGL Health Unit advises that fill may be required in the area of the replacement leaching bed.*
- *The Mississippi Valley Conservation advises that:
In the event that shoreline work or any interference with the Regulation Limit of the Stewart Lake-Haley Lake Wetland Complex is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Francis E Babour & Normand E Dinelle

LDC File #: B08/068

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 16 **Concession:** 12

Roll No. 0919 919 025 62803

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.506-ha residential building lot and retain a 0.506-ha vacant parcel of land. Concurrent applications have been submitted for a new residential building lot and a lot addition. The lot is accessed by Ferguson's Falls Road.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	1.012-ha 91.48 m 108.51 m Ferguson's Falls Rd	0.506-ha 45.72 m 108.51 m Ferguson's Falls Rd	0.506-ha 45.76 m 108.51 m Ferguson's Falls Rd
Water Supply Sewage Disposal	None None	Proposed Proposed	None None
Official Plan Designation -Conformity?	Hamlet and Lands Adjacent to Wetlands OP 3.19.1 requires and Environmental Impact Study		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a	Rural & Flood Plain & Wetland 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

An Environmental Impact Statement was prepared by Pinegrove Biotechnical (a copy of which is attached). The EIS concluded "from a social perspective and from the consideration of public safety, additional public parking space at the Ferguson Falls Hall is highly desirable.

Notwithstanding that all four parcels are situated within 120 metres of the high water mark, the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided a “No Maintenance” environment protection strip is implemented and mitigating conditions are imposed.”

Approval of the severances and lot addition are recommend, subject to conditions outlined bellow being entered on title as a restrictive covenant.

1. That standing trees within 10 metres of the high water mark be retained;
2. That no gravelled or concrete launches be constructed;
3. That future docks be restricted to seasonally removable structures on either adjustable metal legs, or on steel wheels;
4. That foot-paths between the future residences and the riverbank consist of either planed walkways, or are covered by chipped wood;
5. That a 20 metre wide “No Maintenance” strip paralleling the shoreline is kept under natural conditions, where no lawn mowing, filling, excavation or other landscaping will occur;
6. That future owners agree not to remove vegetation from the river bed fronting their lots, by with mechanical, chemical or manual means;
7. That no buildings, or parking spaces are constructed closer than 50 metres from the water’s edge;
8. That roof run-off is captured by eaves-troughing and directed into ground re-infiltration pits;
9. That parking sites and laneways not be paved, but retained as gravelled surfaces;
10. That the proposed number of parking sites on the Town Hall parking lot is reduced from 64 to 45;
11. That the Township Hall parking lot is bordered by a shallow ditch on the south and west sides respectively, which directs surface run-off into a 3 m x 4 m “French Drain” (rock filled ground infiltration pit).

Official Plan – The Township of Drummond / North Elmsley advised that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 plan associated with this application if a survey is required by the Registry Office.

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.

PROPOSAL

According to the information provided, the purpose of application B08/066 is to sever a 0.65-ac (0.263-ha) vacant piece of land with an estimated frontage of 45 feet (13.7 m) on the Mississippi River, as a lot addition to the adjacent non-waterfront property, #1362 Ferguson Fall's Rd. The resulting lot would equal approximately 0.82 acres (0.33 ha). We understand that the purpose of this severance is to create a parking lot for the Community Hall as well as public water access. This application was concurrently submitted with B08/067 and 068 which propose the subsequent creation of two vacant residential building lots on the resulting retained lands. These two lots are proposed to be 1.25 ac (0.506 ha) in size

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows the subject property partially within the *Stewart Lake-Haley Lake Wetland Complex* which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW) and entirely within the 120 metre adjacent lands to the PSW. Formal flood plain mapping for the subject property has not yet been completed.

REVIEW

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the natural feature. In order to address this requirement an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the applicant.

The EIS concluded that "the overall negative impact on fish habitat and on the Provincially Significant Wetland are not considered to be prohibitive, provided" that mitigative measures outlined in the EIS are implemented and "registered on title as a restrictive covenant" (refer to the EIS for recommended mitigative measures).

RECOMMENDATIONS

MVC concurs with the recommendations of the EIS for subject property. In addition, we recommend the following: That future septic systems are installed a minimum of 50 metres from the water's edge.

B08/067 and 068

The proposed severances B08/067 and 068 meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, provided that the mitigative measures outlined above and in the EIS are adhered to, MVC does not have any objections to the creation of these lots.

B08/066

The ultimate affect of severance B08/066 as a lot addition to the neighboring lot, is the transition of a non-waterfront lot into a waterfront lot that does not meet with the minimum lot size and water frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-Laws. Therefore, we suggest that the applicant consider other alternatives which better comply with the Zoning By-Laws as follows:

- Adjust the lot lines of severance B08/066 so that they do not front the river, thereby eliminating the water frontage requirement of 45 metres. And, in order to obtain public water access, we propose requesting an easement from the resulting lot to the river. **OR**

- Eliminate severance B08/068 and add a sufficient amount of this land area and water frontage to severance B08/066 to render it in compliance with the water frontage and area requirements.

Formal flood plain mapping has not been completed for this section of the Mississippi River. Therefore, construction or filling activities (excavating, site grading or stockpiling of fill) above the seasonal high water mark of the river are not currently regulated by MVC. However, the property owner should be advised that in the event that shoreline work or any interference within the Regulation

Limit of the *Stewart Lake-Haley Lake Wetland Complex* is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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
Severed lands – relatively flat mixture of treed and scrub land with no surface problems. Sandy loam soil approximately 2 feet deep.
Retained lands – relatively flat mixture of treed and scrub land with no surface drainage problems. Sandy loam soil approximately 2 feet deep.

County Public Works Dept - Both the retained (permit 1142) and the severed lands to gain access (permit 2173) via Ferguson's Falls Road. Road Widening not required.
Entrance to be installed prior to deed endorsement.

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 (September 22, 2008)

Frank Badour and Norman Dinelle, applicants and Paul Snider, Clerk/Treasurer (Twp of Drummond / North Elmsley) were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. No further comments were provided.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated December 27 2007, and to establish a 50m setback for development adjacent to the Mississippi River.
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 Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.
8. A letter shall be received from the County Public Works Department stating that condition #5 has been fulfilled to their satisfaction.

Notes:

- *The LGL Health Unit advises that fill may be required in the area of the replacement leaching bed.*
- *The Mississippi Valley Conservation advises that:
In the event that shoreline work or any interference with the Regulation Limit of the Stewart Lake-Haley Lake Wetland Complex is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Colonnade Development Inc.
LDC File #: B08/078
Township: Beckwith
Municipality: Town of Carleton Place
Lot: Pt 16 **Concession:** 10
Roll No. 0928 030 060 16200
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 16.27-ha vacant Highway Commercial building lot and retain a 4.65-ha Highway Commercial lot with five (5) retail buildings and a proposed retail building area. The retained lands are accessed by McNeely Ave and the severed lands will be accessed by the McNeely Ave Extension (no development is proposed on the severed lands until the McNeely Ave extension has been completed).

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Highway Commercial Highway Commercial	Vacant H Com Highway Comm (H)	Highway Commercial Highway Commercial
Area Frontage Depth Road - Access to	20.92-ha 340 m 600 m McNeely Ave	16.27-ha 217 m 600 m McNeely Ave (unopened)	4.65-ha 123 m 309 m McNeely Ave
Water Supply Sewage Disposal	Piped Water Sanitary Sewer	None None	Piped Water Sanitary Sewer
Official Plan Designation -Conformity?	Highway Commercial & Special Study Area Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Highway Commercial (C3-6) exception & Development Nil Yes 30 m Yes n/a	Highway Commercial (C3-6) exception & Development Nil Yes 30 m Yes n/a	Highway Commercial (C3-6) exception & Development Nil Yes 30 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Staff identified the following Provincial Interests:

- 1.1.1 Managing and Directing land use to achieve efficient development and land use patterns. Subsection 1.1.2 Sufficient land shall be made available through intensification and redevelopment.
Subsection 1.1.3.3 Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
Subsection 1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities
- 1.3.1 Employment Areas – Planning authorities shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and futures uses.
- 1.6 Infrastructure and Public Service Facilities – Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.
- 1.7 Long-Term Economic Prosperity – long-term economic prosperity should be supported by optimizing the long-term availability and use if land, resources, infrastructure and public service facilities.

Official Plan – The Town of Carleton Place advises that the proposal conforms with the designations and policies of the Official Plan. (Highway Commercial and Special Study Area).

Zoning By-law – The Town of Carleton Place advises that the proposal complies with the Town’s zoning by-law regulations. (Highway Commercial Special Exception and Development)

EXTERNAL CIRCULATION COMMENTS

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’s solicitor prepare and register a notice on title indicating that development will not proceed until the planning studies have been completed for Highway 7 to the satisfaction of the Town of Carleton Place.

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.

It is our understanding that the purpose of the subject application is to sever a vacant 16.27-ha Highway Commercial building lot and retain a 4.65-ha Highway Commercial lot with (5) existing retail buildings and (1) additional proposed retail building.

A tributary of Lavallee Creek runs along the lot lines separating the proposed retained lands from the proposed severed parcel. This tributary was realigned in the Year 2006 as permitted by Mississippi Valley Conservation pursuant to *Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines* (refer to File W06-23) and the Department of Fisheries and Oceans Canada pursuant to subsection 35(2) of the *Fisheries Act* (refer to File PR-05-1473). To our knowledge, the realignment was completed as per the specifications of these approval agencies. We also note that prior to the realignment, a fisheries assessment conducted by Eco-Tech determined the creek to be fish habitat. In addition to the tributary, a portion of the proposed severed parcel consists of an unclassified wetland while the remainder of the property is cultivated lands.

MVC does not have any objection to the subject application provided the following mitigative measures are adhered to for any future development:

- A minimum 30 metre setback from the seasonal high water mark of the realigned tributary of Lavallee Creek as well as from the wetland shall be maintained for future development.
- The shoreline vegetation along the realigned tributary of Lavallee Creek shall be retained to a minimum depth of 15 metres.

Additional comments and recommendations will be provided at the time of proposed development through site plan control and the review of an anticipated Stormwater Management Plan.

In the event that shoreline work is proposed in the future, written permission is 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 creek 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) – n/a

Hydro One Networks – No comments were received.

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

County of Lanark Public Works – Both the severed and retained lands to gain access via a municipal Road (McNeely Avenue Extension)

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:

Floyd McQuatt – requested to be advised of the hearing date and decision.

Burke – Robertson (August 18, 2008)

Advising that the firm represents Mrs. Sylvia Paterson and Mr. Floyd McQuatt, and requesting that the Committee consideration of the application and the planned public meeting be adjourned or postponed until further notice.

Daniel C Fernandes (August 27, 2008)

Confirming that he is the solicitor for the applicant and advising that they strongly oppose any adjournment or postponement of the hearing.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Floyd McQuatt, adjacent landowner, Bridgit Quinn, Solicitor for Mr. McQuatt, Carl Kirkpatrick, representative for Colonnade Developments, and Murray Chown, Planner for Mr. Kirkpatrick were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Ms. Quinn requested that the hearing be adjourned pending completion of the planning studies that are required by the Town of Carleton Place, noting that Genivar has commenced this project.

Mr. Chown advised that the time line to complete this study is next year and implementation is unknown, and that the purpose of this application only to separate the developed lands from the undeveloped lands, reiterating that nothing will occur on the lands until the studies are completed.

Ms. Quinn noted that something may come out of the studies that would not be favourable to any development on the lands, therefore the hearing should be adjourned. Mr. McQuatt may require an easement through the Colonnade lands for development of his property and there is environmental problems on both lands due to flooding as a result of changes to Lavallee Creek.

Mr. Kirkpatrick advised that the flooding issues does not have any bearing on the severance application.

Mr. Chown advised that the severance does not alter Mr. McQuatt's access to the McNeely Ave extension.

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 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. That the balance of any outstanding taxes, penalties and interest (including any local improvements) shall be paid to the Town.
3. That the applicant shall provide an undertaking to be registered on title of the subject land, confirming that no development will proceed until such time as planning studies for Highway 7 have been completed to the satisfaction of the Town of Carleton Place.
4. A letter shall be received from the Town stating that conditions #2 and #3 have been fulfilled to their satisfaction.

NOTES:

The Mississippi Valley Conservation advises that:

- *A minimum 30 metres setback from the seasonal high water mark of the realigned tributary of Lavalee Creek as well as from the wetland shall be maintained for future development.*
- *The shoreline vegetation along the realigned tributary of Lavalee Creek shall be retained to a minimum depth of 15 metres.*
- *Written permission is required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.*
- *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 the watershed. Any proposed works in or near the creek 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: September 19, 2008

Owner: Barry Sullivan

LDC File #: B08/083

Township: Almonte

Municipality: Mississippi Mills

Lot: 65, 91A, 93A, 94A, 95A **Plan:** 6262

Roll No. 0931 010 010 1500

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever 1277.78m² lot with an existing garage and workshop and retain a 5152.39m² residential lot with an existing residential dwelling. This application has been submitted concurrently with B08/084. The lot is accessed by Union Street North. This application has been submitted concurrently with B08/084.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use	Residence, Garage, Workshop	Garage, Workshop	Residence
Proposed Use	Residence	Same	Residence
Area	6430.17 m ²	1,277.78 m ²	5,152.39 m ²
Frontage	92.89 m	32.53 m	92.89 m
Depth	55.36 m	39.28 m	55.36 m
Road - Access to	Peterson St	Union St N	Peterson St
Water Supply	Piped Water	Piped Water	Piped Water
Sewage Disposal	Sanitary Sewers	Sanitary Sewers	Sanitary Sewers
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category	Low Density Res	Low Density Res	Low density Res
-Area Required (min.)	460 m ²	460 m ²	460 m ²
-Compliance?	Yes	Yes	Yes
-Frontage Required (min.)	15 m	15 m	15 m
-Compliance?	Yes	Yes	Yes
-Depth Required (min.)	N/a	N/a	N/a
-Compliance?			

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Town of Mississippi Mills advised that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town’s Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

RECOMMENDATION: “THAT the Planning & Economic Development Committee support consent applications B08/083 and B08/084 (Sullivan) for the severance of lands described as Lots 65, 91A, 93A, 94A and 95A on Plan 6262, Almonte Ward, in the Town of Mississippi Mills” with the following conditions:

Application B08/083

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant pay any outstanding property taxes on the subject property;
3. The applicant shall complete a noise and vibration study to the satisfaction of the Town;
4. The applicant shall complete a pre-servicing study to the satisfaction of the Town;
5. The applicant shall have prepared a lot grading plan by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
6. The applicant shall enter into a site plan control agreement with the Town

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 application B08/083 is to sever a 1277.78-square metre lot with an existing garage and workshop and to retain a 5152.39-square metre lot with an existing residential dwelling. This application was concurrently submitted with B08/084 which proposes the subsequent creation of a vacant residential building lot on the resulting retained lands. The proposed severed lot would equal 3233.96 square metres while the proposed retained lot would equal 1804.74 square metres.

A review of MVC’s flood plain mapping for the subject property revealed that the proposed severed parcel B08/083 is located outside of the Regulation Limit of the Mississippi River and is therefore not regulated for construction or re-grading activities under Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. However, mapping also revealed that a small portion of both the proposed severed parcel B08/084 and the resulting retained parcel fall within the Regulation Limit. Therefore, any new development should be directed outside of the Regulation Limit on the proposed severed lands B08/084. We note that there appears to be more than adequate area to meet this requirement. Concerning the retained lands, they are already developed and no new development is proposed at this time.

A preliminary review of the location of the above noted application revealed no other Natural Heritage values.

With all of the above in consideration, MVC has no objection to the proposed severances provided that all future development occurs outside of the Regulation Limit for the Mississippi River.

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) – n/a

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway –

We have reviewed the proposed severance and wish to offer the following comments:

1. Although Canadian Pacific Railway is not in favour of any new residential developments adjacent to our right-of-way, we recognize that the creation of the proposed single lots could be considered in-fill in this neighbourhood.
2. The railway usually requests a 30 metre safety separation between our operating corridor and the closest portion of any occupied building. However, if need be, it would appropriate to keep the setback consistent with those of the neighbouring dwellings. Nevertheless, a clause should be inserted in all offers/agreement of purchase and sale or lease and in the title deed or lease of the proposed dwelling, warning prospective purchasers or tenants of the reduction in the recommended safety set-back.
3. The following clause be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling:
“Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way.”

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:

Deborah Mackie – Protest to land severance. Reason – severance B08/083 removes access to Peterson Street or Union Street North for the lands in severance B08/084 forcing any future development on Parcel B08/084 to access Main Street at a point where traffic is busy and impeded by Railroad Crossing gates. Suggest leaving B08/083 and B08/084 as an intact development parcel to allow entrance from a residential street, not main Street. Recommend

that this application be denied and only reconsidered subject to site plan approval on parcel B08/083 and B08/084 in their entirety. OR. The parcel B08/084 be restricted by covenant to single family residential (R1).

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Barry Sullivan, applicant and Harold McKay, adjacent landowner were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Mr. Sullivan questioned the reasons that Mississippi Mills required the studies as set out in their response Nos. 3 & 4. R Strachan advised that these are standard requirements of the Town.

Mr. McKay advised that he supports the application.

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 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 applicant shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town, 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 all offers/agreement of purchase and sale or lease and in the title deed or lease of the proposed dwelling, warning prospective purchasers or tenants of the reduction in the recommended safety set-back regarding the C.P. R Line.
3. The applicant shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling:
"Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the land

subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way.”

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. The applicant shall complete a noise and vibration study to the satisfaction of the Town.
3. The applicant shall complete a pre-servicing study to the satisfaction of the Town.
4. The applicant shall have prepared a lot grading plan by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
5. The Town’s 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 Town of Mississippi Mills.
6. The applicant shall enter into a site plan control agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town to be registered against the title of the lots to be severed, to address mitigative measures resulting from the noise and vibration study, requirements to be addressed as outlined in the pre-servicing study and any lot grading requirements.
7. A letter shall be received from the Town stating that conditions #2 to #9 have been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 21, 2008

Owner: Barry Sullivan

LDC File #: B08/084

Township: Almonte

Municipality: Mississippi Mills

Lot: 65, 91A, 93A, 94A, 95A **Concession:** 6262

Roll No. 0931 010 010 1500

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever 3233.96m² residential lot with access to Main Street and retain a 1804.74m² residential lot with access to Peterson Street. This application has been submitted concurrently with B08/083.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area	5038.7 m ²	1804.74 m ²	3,233.96 m ²
Frontage	53.36 m	53.64 m	55.36 m
Depth	92.8 m	60.29 m	32.6 m
Road - Access to	Peterson St	Main St	Peterson St
Water Supply Sewage Disposal	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Low Density Res 460 m ² Yes 15 m Yes N/a	Low Density Res 460 m ² Yes 15 m Yes N/a	Low density Res 460 m ² Yes 15 m Yes N/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Town of Mississippi Mills advised that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town’s Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

RECOMMENDATION: “THAT the Planning & Economic Development Committee support consent applications B08/083 and B08/084 (Sullivan) for the severance of lands described as Lots 65, 91A, 93A, 94A and 95A on Plan 6262, Almonte Ward, in the Town of Mississippi Mills” with the following conditions:

Application B08/083

7. That the applicant provide a copy of the registered reference plan to the Town;
8. That the applicant pay any outstanding property taxes on the subject property;
9. The applicant shall complete a noise and vibration study to the satisfaction of the Town;
10. The applicant shall complete a pre-servicing study to the satisfaction of the Town;
11. The applicant shall have prepared a lot grading plan by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
12. The applicant shall enter into a site plan control agreement with the Town

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 application B08/083 is to sever a 1277.78-square metre lot with an existing garage and workshop and to retain a 5152.39-square metre lot with an existing residential dwelling. This application was concurrently submitted with B08/084 which proposes the subsequent creation of a vacant residential building lot on the resulting retained lands. The proposed severed lot would equal 3233.96 square metres while the proposed retained lot would equal 1804.74 square metres.

A review of MVC’s flood plain mapping for the subject property revealed that the proposed severed parcel B08/083 is located outside of the Regulation Limit of the Mississippi River and is therefore not regulated for construction or re-grading activities under Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. However, mapping also revealed that a small portion of both the proposed severed parcel B08/084 and the resulting retained parcel fall within the Regulation Limit. Therefore, any new development should be directed outside of the Regulation Limit on the proposed severed lands B08/084. We note that there appears to be more than adequate area to meet this requirement. Concerning the retained lands, they are already developed and no new development is proposed at this time.

A preliminary review of the location of the above noted application revealed no other Natural Heritage values.

With all of the above in consideration, MVC has no objection to the proposed severances provided that all future development occurs outside of the Regulation Limit for the Mississippi River.

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) – n/a

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway –

We have reviewed the proposed severance and wish to offer the following comments:

1. Although Canadian Pacific Railway is not in favour of any new residential developments adjacent to our right-of-way, we recognize that the creation of the proposed single lots could be considered in-fill in this neighbourhood.
2. The railway usually requests a 30 metre safety separation between our operating corridor and the closest portion of any occupied building. However, if need be, it would appropriate to keep the setback consistent with those of the neighbouring dwellings. Nevertheless, a clause should be inserted in all offers/agreement of purchase and sale or lease and in the title deed or lease of the proposed dwelling, warning prospective purchasers or tenants of the reduction in the recommended safety set-back.
3. The following clause be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling:
“Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way.”

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.

Deborah Mackie – Protest to land severance. Reason – severance B08/083 removes access to Peterson Street or Union Street North for the lands in severance B08/084 forcing any future development on Parcel B08/084 to access Main Street at a point where traffic is busy and impeded by Railroad Crossing gates. Suggest leaving B08/083 and B08/084 as an intact development parcel to allow entrance from a residential street, not Main Street. Recommend that this application be denied and only reconsidered subject to site plan approval on parcel B08/083 and B08/084 in their entirety. OR. The parcel B08/084 be restricted by covenant to single family residential (R1).

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Barry Sullivan, applicant and Harold McKay, adjacent landowner were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Mr. Sullivan questioned the reasons that Mississippi Mills required the studies as set out in their response Nos. 3 & 4. R Strachan advised that these are standard requirements of the Town.

Mr. McKay advised that he supports the application.

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 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 applicant shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town, 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 all offers/agreement of purchase and sale or lease and in the title deed or lease of the proposed dwelling, warning prospective purchasers or tenants of the reduction in the recommended safety set-back regarding the C.P. R Line.
3. The applicant shall enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling:
"Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way."

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
5. The applicant shall complete a noise and vibration study to the satisfaction of the Town.
6. The applicant shall complete a pre-servicing study to the satisfaction of the Town.
7. The applicant shall have prepared a lot grading plan by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
8. The Town's 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 Town of Mississippi Mills.
9. The applicant shall enter into a site plan control agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town to be registered against the title of the lots to be severed, to address mitigative measures resulting from the noise and vibration study, requirements to be addressed as outlined in the pre-servicing study and any lot grading requirements.
10. A letter shall be received from the Town stating that conditions #2 to #9 have been fulfilled to their satisfaction.

Notes:

The Mississippi Valley Conservation advises that any new development should be directed outside the Regulation Limit on the proposed severed lands.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Mervyn & Gail Plaunt

LDC File #: B08/085

Township: North Elmsley

Municipality: Drummond / North Elmsley

Lot: 14

Concession: 8

Roll No. 0919 908 015 48400

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.607-ha residential building lot and retain a 39.86-ha farm landholding with a residential dwelling. The severed lot will access Armstrong Road and the retained lot will access Stone Road. This application has been submitted concurrently with B08/086 and B08/087.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm Residential Farm Residential	Vacant Residential	Farm Residential Farm Residential
Area Frontage Depth Road - Access to	40.47-ha 195 m 1513.3 m Stone Road	0.607-ha 60.96 m 96.012 m Armstrong Road	39.86-ha 195 m 1513.3 m Stone Road
Water Supply Sewage Disposal	Private well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m No n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

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

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult with the Township Road 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 assistance.

The proposal involves the creation of three new parcels of 0.6-ha with 73-ha (and existing residence) remaining in the retained parcel. From our site inspection it is determined that the proposed lots consist of agricultural land. It appears that the majority of the retained lands are also used for agriculture. Ontario Base Mapping published by the Ministry of Natural Resources indicated that there is a small watercourse on the retained lands which drains an adjacent wetland and flows south into the Tay River.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

Severed Lands – Relatively flat farm land with no soil drainage problems. Sandy loam soil approximately 2 feet deep. Additional granular fill required in proposed tile bed area.

Retained Lands – Existing residential home 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.

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

(August 25, 2008)

Mervyn and Gail Plaunt were present at the public meeting held on Monday, August 25, 2008 and gave evidence under oath.

The Board noted that there was a concentration of development within the immediate area of the proposed severances (approximately 10 lots) and asked if the applicant were aware if there is sufficient potable water in the area. Having no data available, the applicants were requested to provide a hydrogeological report outlining the water well record information on wells in the immediate vicinity. This information would address Provincial Policy Statement Section 1.1, Managing and Directing Land Use to achieve efficient development and land use patterns, Subsection 1.1.1 Health, liveable and safe communities of the Provincial Policy Statement and Subsection 1.6.4.4 Individual on-site sewage services and individual on-site water services.

The decision on application B08/085 deferred to the September Meeting.

ADDITIONAL INFORMATION

The applicants provided the following well record information:

- 1433 Armstrong Road- well depth 65 feet - rating 60 gpm
- 1325 Armstrong Road – well depth 82 feet – rating 10 gpm

The applicant also contacted the residents of 1422, 1313, 1325 and 1291 Armstrong Road – all reported that well were between 70 and 85 feet with good quality and quantity of water.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Mervyn and Gail Plaunt were present at the reconvened public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Committee members reviewed the water well record information provided by the Plaunt's.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

- *Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.*
- *Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Mervyn & Gail Plaunt

LDC File #: B08/086

Township: North Elmsley

Municipality: Drummond / North Elmsley

Lot: 14

Concession: 8

Roll No. 0919 908 015 48400

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.607-ha residential building lot and retain a 39.26-ha farm landholding with a residential dwelling. The severed lot will access Armstrong Road and the retained lot will access Armstrong Road and the retained lot will access Stone Road. This application has been submitted concurrently with B08/085 and B08/087.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm Residential Farm Residential	Vacant Residential	Farm Residential Farm Residential
Area Frontage Depth Road - Access to	39.86-ha 195 m 1513.3 m Stone Road	0.607-ha 60.96 m 96.012 m Armstrong Road	39.26-ha 195 m 1513.3 m Stone Road
Water Supply Sewage Disposal	Private well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m No n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Township of Drummond / North Elmsley advised that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult with the Township Road 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 assistance.

The proposal involves the creation of three new parcels of 0.6-ha with 73-ha (and existing residence) remaining in the retained parcel. From our site inspection it is determined that the proposed lots consist of agricultural land. It appears that the majority of the retained lands are also used for agriculture. Ontario Base Mapping published by the Ministry of Natural Resources indicated that there is a small watercourse on the retained lands which drains an adjacent wetland and flows south into the Tay River.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

Severed Lands – Relatively flat farm land with no soil drainage problems. Sandy loam soil approximately 2 feet deep. Additional granular fill required in proposed tile bed area.

Retained Lands – Existing residential home 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.

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

(August 25, 2008)

Mervyn and Gail Plaunt were present at the public meeting held on Monday, August 25, 2008 and gave evidence under oath.

The Board noted that there was a concentration of development within the immediate area of the proposed severances (approximately 10 lots) and asked if the applicant were aware if there is sufficient potable water in the area. Having no data available, the applicants were requested to provide a hydrogeological report outlining the water well record information on wells in the immediate vicinity. This information would address Provincial Policy Statement Section 1.1, Managing and Directing Land Use to achieve efficient development and land use patterns, Subsection 1.1.1 Health, liveable and safe communities of the Provincial Policy Statement and Subsection 1.6.4.4 Individual on-site sewage services and individual on-site water services.

The decision on application B08/085 deferred to the September Meeting.

ADDITIONAL INFORMATION

The applicants provided the following well record information:

- 1433 Armstrong Road- well depth 65 feet - rating 60 gpm
- 1325 Armstrong Road – well depth 82 feet – rating 10 gpm

The applicant also contacted the residents of 1422, 1313, 1325 and 1291 Armstrong Road – all reported that well were between 70 and 85 feet with good quality and quantity of water.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Mervyn and Gail Plaunt were present at the reconvened public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Committee members reviewed the water well record information provided by the Plaunt's.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

- *Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.*
- *Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19 2008

Owner: Mervyn & Gail Plaunt

LDC File #: B08/087

Township: North Elmsley

Municipality: Drummond / North Elmsley

Lot: 14

Concession: 8

Roll No. 0919 908 015 48400

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.607-ha residential building lot and retain a 38.66-ha farm landholding with a residential dwelling. The severed lot will access Armstrong Road and the retained lot will access Stone Road. This application has been submitted concurrently with B08/085 and B08/086.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm Residential Farm Residential	Vacant Residential	Farm Residential Farm Residential
Area Frontage Depth Road - Access to	39.26-ha 195 m 1513.3 m Stone Road	0.607-ha 60.96 m 96.012 m Armstrong Road	38.66-ha 195 m 1513.3 m Stone Road
Water Supply Sewage Disposal	Private well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m No n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Township of Drummond / North Elmsley advised that the proposal conforms with the designation and policies of the Official Plan.

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

EXTERNAL CIRCULATION COMMENTS

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 from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult with the Township Road 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 assistance.

The proposal involves the creation of three new parcels of 0.6-ha with 73-ha (and existing residence) remaining in the retained parcel. From our site inspection it is determined that the proposed lots consist of agricultural land. It appears that the majority of the retained lands are also used for agriculture. Ontario Base Mapping published by the Ministry of Natural Resources indicated that there is a small watercourse on the retained lands which drains an adjacent wetland and flows south into the Tay River.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

Severed Lands – Relatively flat farm land with no soil drainage problems. Sandy loam soil approximately 2 feet deep. Additional granular fill required in proposed tile bed area.

Retained Lands – Existing residential home 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.

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

(August 25, 2008)

Mervyn and Gail Plaunt were present at the public meeting held on Monday, August 25, 2008 and gave evidence under oath.

The Board noted that there was a concentration of development within the immediate area of the proposed severances (approximately 10 lots) and asked if the applicant were aware if there is sufficient potable water in the area. Having no data available, the applicants were requested to provide a hydrogeological report outlining the water well record information on wells in the immediate vicinity. This information would address Provincial Policy Statement Section 1.1, Managing and Directing Land Use to achieve efficient development and land use patterns, Subsection 1.1.1 Health, liveable and safe communities of the Provincial Policy Statement and Subsection 1.6.4.4 Individual on-site sewage services and individual on-site water services.

The decision on application B08/085 deferred to the September Meeting.

ADDITIONAL INFORMATION

The applicants provided the following well record information:

- 1433 Armstrong Road- well depth 65 feet - rating 60 gpm
- 1325 Armstrong Road – well depth 82 feet – rating 10 gpm

The applicant also contacted the residents of 1422, 1313, 1325 and 1291 Armstrong Road – all reported that well were between 70 and 85 feet with good quality and quantity of water.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Mervyn and Gail Plaunt were present at the reconvened public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Committee members reviewed the water well record information provided by the Plaunt's.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

- *Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.*
- *Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Marilyn Fairhurst

LDC File #: B08/092

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt. 24

Concession: 12

Roll No. 0919 919 025 78000

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a residential building lot 0.423-ha and retain a 73.0-ha landholding with an existing residence and horse barn. The lot to be severed is accessed by Drummond Con 12D and the retained lands are accessed by Highway #7. The horse barn is in excess of 500 m from the lot to be severed. The lot is being proposed concurrently with B08/093.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm / Residential Farm / Residential	Vacant Residential	Farm / Residential Farm / Residential
Area Frontage Depth Road - Access to	73.4-ha 350 m 650 m Highway #7	0.423-ha 46 m 92 m Conc. 12D Drum	73.0-ha 350 m 650 m Highway #7
Water Supply Sewage Disposal	Private well Septic system	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural OP 3.19.1 requires and Environmental Impact Study		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural / Wetland 10.0-ha Yes / existing only 45 m No n/a	Rural / Wetland 0.4-ha Yes 45 m Yes n/a	Rural / Wetland 10.0-ha Yes / existing only 45 m No n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

The following Provincial Interests were identified by the County Planning Approvals Administrator:

Section 2.1 Natural Heritage – Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 3.1 Natural Hazards – Development shall not be permitted to locate in hazardous lands and hazardous site where there may be unstable slopes and areas prone to flooding and erosion. An evaluation of the site will be required.

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

Note: The OP shows that the lands to be severed are within 120 m of the Scotch Corners Wetland Complex. No EIS/EIR has been undertaken or provided to the Planning Approvals Administrator.

Section 3.19.1 Development is permitted within 120 m of the boundary of a Wetland designation in accordance with the policies of the underlying designation, subject to the following policy. Section 3.19.1.1 Prior to approving any development, Councils shall require the applicant to undertake an Environmental Impact Study, in accordance with the Policies of Section 3.8. Council shall permit development and site alteration only if the Environmental Impact Study shows that there will be no negative impacts on the wetland features or ecological functions.

An Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical (dated Sept 14, 2008) and concluded that “A severance of two parcels for two future rural residences is not considered to have a significant negative impact on the functions of the Scotch Corners Wetland Complex.” A copy of the report is attached.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

Note: The Zoning By-law indicates that the lands are in the Rural and within 120 m of the Scotch Corners Wetland Complex. “Where any land is located within 120m of the boundary of a Wetland (W) Zone, the provisions of the zone in which the land is located shall apply, except that no building or structure including septic systems shall be erected, or enlarged and no change in the use of the land shall be permitted other than in accordance with an Environmental Impact Study as approved by the Corporation.

Section 3.0 of the EIS prepared by Pinegrove Biotechnical advises that “on the ground the EP-A zone does not extend as far as indicated on the map”.

EXTERNAL CIRCULATION COMMENTS

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

1. 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 is 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, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard;
4. Drummond Conc. 12D to be extended to Township standards. 45 metres onto the easterly proposed lot if deemed necessary by the Road Superintendent.

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 application is to sever (2) 0.423-ha residential building lots and retain a 72.5-ha landholding with an existing residence and horse barn.

According to a review of available mapping, one of the proposed severed lots is entirely located within the 120 metre adjacent lands to a Provincially Significant Wetland (PSW) referred to as the *Scotch Corners Wetland Complex*. The second proposed severance is also largely located within these adjacent lands. A site visit conducted by MVC Staff on August 16, 2008 confirmed the presence of this wetland.

The Provincial Policy Statement requires that new development, including the creation of new lots within 120 metres of the boundary of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. Therefore, in accordance with PPS requirements, we recommend that an Environmental Impact Statement (EIS) be prepared and subsequently submitted to MVC for review.

The property owner should be advised that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the *Scotch Corners Wetland Complex*.

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

Severed Lands – relatively flat treed covered land clogging from North to South. Sandy loam soil approximately 0-8" deep. Additional granular fill required in proposed tile bed area.

Retained lands – existing horse farm served 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.

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:

Karen Wilson – I have a couple of recommendations for consideration regarding the above noted file: Due to the current road conditions there is insufficient drainage so I would request a drainage impact study; as well as some additional road improvements because of the potential additional traffic this will cause.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Karen Wilson and Jillian Dean were present at the public meeting held on Monday, August 25, 2008 and gave evidence under oath.

Ms. Wilson expressed concerns that the wetland would be adequately protected.

Ms. Dean expressed concerns with the road conditions and safety of both pedestrian and vehicular traffic due to the width of the road.

William Webster, agent for the applicant advised by telephone that he would be unable to attend the session, but would contact the applicant to advise that an ESI was required.

The Board requested that the secretary review previous consents within the area to determine if there were any conditions placed on the application for either road improvements or development of the lots.

Committee Direction

That the applicant be required to submit an Environmental Impact Study (EIS) in accordance with requirements of the PPS and the Township's Official Plan policies;
And that the application be deferred pending receipt and review of the EIA by the Conservation Authority, the Township and the Land Division Committee.

ADDITIONAL INFORMATION

Staff reviewed consent applications B190/94, B191/94 and B192/94 which are located directly across the road from the proposed Fairhurst applications. These applications required that the applicant (G White) construct a public road, built to municipal standards, to provide each of the subject parcels with direct access to a publicly maintained road.

The conditions also requiring an agreement to be registered on title, to the effect that any development on the severed or retained portion shall be subject to the approval of the Township of Drummond with advice from the Ministry of Natural Resources regarding the Scotch Corners wetland complex and potential impacts of future development.

Mr. Webster submitted an Environmental Impact Statement prepared by Pinegrove Biotechnical Sept 14, 2008, which concluded "that a severance of two parcel for two future rural residences is not considered to have significant negative impacts on the functions of the Scotch Corners Wetland Complex and furthermore include some minor mitigative aspects".

MINUTES OF PUBLIC MEETING

(September 22, 2008)

William Webster was present at the reconvened public meeting held on Monday, September 22, 2008 and gave evidence under oath.

The secretary advised that the Conservation Authority did not have an opportunity to review the EIS prior to the hearing due to staffing changes.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. The applicant shall construct/upgrade, at their expense, Drummond Conc. 12D. This construction / upgrade shall be undertaken for a distance of 45 m onto the easterly proposed lot if deemed necessary by the Road Superintendent. All road upgrades shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.

6. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are acceptable to the Township and Conservation Authority to implement appropriate mitigative measures regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated September 14, 2008 if deemed appropriate by the Conservation Authority and the Township.
7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
8. A letter shall be received from the Mississippi Valley Conservation stating that #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 the proposed tile bed area.*
- *The MVC advises that any future development on the retained lands occur outside of the influence area of the PSW.*
- *The MVC advises that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the Scotch Corners Wetland Complex.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Marilyn Fairhurst

LDC File #: B08/093

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt. 24 **Concession:** 12

Roll No. 0919 919 025 78000

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a residential building lot 0.423-ha and retain a 72.5-ha landholding with an existing residence and horse barn. The lot to be severed is accessed by Drummond Con 12D and the retained lands are accessed by Highway #7. The horse barn is in excess of 500 m from the lot to be severed. The lot is being proposed concurrently with B08/092.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm / Residential Farm / Residential	Vacant Residential	Farm / Residential Farm / Residential
Area Frontage Depth Road - Access to	73.0-ha 350 m 650 m Highway #7	0.423-ha 46 m 92 m Conc. 12D Drum	72.5-ha 350 m 650 m Highway #7
Water Supply Sewage Disposal	Private well Septic system	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural OP 3.19.1 requires and Environmental Impact Study		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural / Wetland 10.0-ha Yes / existing only 45 m No n/a	Rural / Wetland No building or structure shall be permitted	Rural / Wetland 10.0-ha Yes / existing only 45 m No n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

The following Provincial Interests were identified by the County Planning Approvals Administrator:

Section 2.1 Natural Heritage – Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 3.1 Natural Hazards – Development shall not be permitted to locate in hazardous lands and hazardous site where there may be unstable slopes and areas prone to flooding and erosion. An evaluation of the site will be required.

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

Note: The OP shows that the lands to be severed are within 120 m of the Scotch Corners Wetland Complex. No EIS/EIR has been undertaken or provided to the Planning Approvals Administrator.

Section 3.19.1 Development is permitted within 120 m of the boundary of a Wetland designation in accordance with the policies of the underlying designation, subject to the following policy. Section 3.19.1.1 Prior to approving any development, Councils shall require the applicant to undertake an Environmental Impact Study, in accordance with the Policies of Section 3.8. Council shall permit development and site alteration only if the Environmental Impact Study shows that there will be no negative impacts on the wetland features or ecological functions.

An Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical (dated Sept 14, 2008) and concluded that “A severance of two parcels for two future rural residences is not considered to have a significant negative impact on the functions of the Scotch Corners Wetland Complex.” A copy of the report is attached.

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with the zoning by-law regulations.

Note: The Zoning By-law indicates that the lands are in the Rural and within 120 m of the Scotch Corners Wetland Complex. “Where any land is located within 120m of the boundary of a Wetland (W) Zone, the provisions of the zone in which the land is located shall apply, except that no building or structure including septic systems shall be erected, or enlarged and no change in the use of the land shall be permitted other than in accordance with an Environmental Impact Study as approved by the Corporation.

Section 3.0 of the EIS prepared by Pinegrove Biotechnical advises that “on the ground the EP-A zone does not extend as far as indicated on the map”.

EXTERNAL CIRCULATION COMMENTS

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

1. 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 is 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, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard;
4. Drummond Conc. 12D to be extended to Township standards. 45 metres onto the easterly proposed lot if deemed necessary by the Road Superintendent.

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 application is to sever (2) 0.423-ha residential building lots and retain a 72.5-ha landholding with an existing residence and horse barn.

According to a review of available mapping, one of the proposed severed lots is entirely located within the 120 metre adjacent lands to a Provincially Significant Wetland (PSW) referred to as the *Scotch Corners Wetland Complex*. The second proposed severance is also largely located within these adjacent lands. A site visit conducted by MVC Staff on August 16, 2008 confirmed the presence of this wetland.

The Provincial Policy Statement requires that new development, including the creation of new lots within 120 metres of the boundary of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. Therefore, in accordance with PPS requirements, we recommend that an Environmental Impact Statement (EIS) be prepared and subsequently submitted to MVC for review.

The property owner should be advised that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the *Scotch Corners Wetland Complex*.

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

Severed Lands – relatively flat treed covered land clogging from North to South. Sandy loam soil approximately 0-8" deep. Additional granular fill required in proposed tile bed area.

Retained lands – existing horse farm served 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.

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:

Karen Wilson – I have a couple of recommendations for consideration regarding the above noted file: Due to the current road conditions there is insufficient drainage so I would request a drainage impact study; as well as some additional road improvements because of the potential additional traffic this will cause.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Karen Wilson and Jillian Dean were present at the public meeting held on Monday, August 25, 2008 and gave evidence under oath.

Ms. Wilson expressed concerns that the wetland would be adequately protected.

Ms. Dean expressed concerns with the road conditions and safety of both pedestrian and vehicular traffic due to the width of the road.

William Webster, agent for the applicant advised by telephone that he would be unable to attend the session, but would contact the applicant to advise that an ESI was required.

The Board requested that the secretary review previous consents within the area to determine if there were any conditions placed on the application for either road improvements or development of the lots.

Committee Direction

That the applicant be required to submit an Environmental Impact Study (EIS) in accordance with requirements of the PPS and the Township's Official Plan policies;
And that the application be deferred pending receipt and review of the EIA by the Conservation Authority, the Township and the Land Division Committee.

ADDITIONAL INFORMATION

Staff reviewed consent applications B190/94, B191/94 and B192/94 which are located directly across the road from the proposed Fairhurst applications. These applications required that the applicant (G White) construct a public road, built to municipal standards, to provide each of the subject parcels with direct access to a publicly maintained road.

The conditions also requiring an agreement to be registered on title, to the effect that any development on the severed or retained portion shall be subject to the approval of the Township of Drummond with advice from the Ministry of Natural Resources regarding the Scotch Corners wetland complex and potential impacts of future development.

Mr. Webster submitted an Environmental Impact Statement prepared by Pinegrove Biotechnical Sept 14, 2008, which concluded "that a severance of two parcel for two future rural residences is not considered to have significant negative impacts on the functions of the Scotch Corners Wetland Complex and furthermore include some minor mitigative aspects".

MINUTES OF PUBLIC MEETING

(September 22, 2008)

William Webster was present at the reconvened public meeting held on Monday, September 22, 2008 and gave evidence under oath.

The secretary advised that the Conservation Authority did not have an opportunity to review the EIS prior to the hearing due to staffing changes.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. The applicant shall construct/upgrade, at their expense, Drummond Conc. 12D. This construction / upgrade shall be undertaken for a distance of 45 m onto the easterly proposed lot if deemed necessary by the Road Superintendent. All road upgrades shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.

6. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are acceptable to the Township and Conservation Authority to implement appropriate mitigative measures regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated September 14, 2008 if deemed appropriate by the Conservation Authority and the Township.
7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
8. A letter shall be received from the Mississippi Valley Conservation stating that #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 the proposed tile bed area.*
- *The MVC advises that any future development on the retained lands occur outside of the influence area of the PSW.*
- *The MVC advises that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the Scotch Corners Wetland Complex.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Trevor Hands
LDC File #: B08/096
Township: Drummond
Municipality: Drummond / North Elmsley
Lot: 10 **Concession:** 2
Roll No. 0919 919 010 08602
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.56-ha residential building lot and retain a 34.19-ha landholding with an existing residential dwelling. The lands will be accessed by Hands Road. This application has been submitted concurrently with B08/097 and B08/098.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	34.75-ha 549 m 591 m Hands Road	0.56-ha 61 m 91 m Hands Road	34.19-ha 488 m 591 m Hands Road
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Influence are - Quarry		
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	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

NOTE: the 500 m influence area of the existing Quarry does not affect Lot #1 (B08/096)

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the Township’s zoning regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is 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, 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
We have the following comments for the Committee’s assistance.

The proposal involves the creation of three new parcels of land (2 x 0.56 ac) and one with 1.13-ha with 32.5-ha remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse flowing west through parcel #2 which eventually flows into the Ta River. The mapping also indicates that there are portions of an unevaluated wetland on the retained lands. The subject lands consist of mixed bush and forest.

Please note that the watercourse on the subject property is subject to the Authority’s “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” (Ontario Regulation 174/06). This regulation requires that written approval from the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metres development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land. It appears from the mapping and our site visit that a building envelope is available on Parcel #2 without encroaching within 30 metres of the watercourse.

We have no objection to the applications provided that a 30 metres development setback is established around the watercourse on Parcel #2 and that the Township is satisfied with regards to the requirements of the Township’s Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications. The RVCA also recommends a 30 metres wide protective buffer be established around the unevaluated wetland for future development as to protect the function of the wetland and the habitat associated with these features.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – relatively flat treed covered land with no soil drainage problems. Sandy clay loam 8” to 1 1/2’ deep. Additional granular fill will be required in proposed tile bed area.
Retained Lands – Existing residential home served by a Class 4 septic system and private well. Sandy loam soil 3 ft deep.

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 (September 22, 2008)

Trevor Hand, applicant was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Trevor Hands
LDC File #: B08/097
Township: Drummond
Municipality: Drummond / North Elmsley
Lot: 10 **Concession:** 2
Roll No. 0919 919 010 08602
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.56-ha residential building lot and retain a 33.64-ha landholding with an existing residential dwelling. The lands will be accessed by Hands Road. This application has been submitted concurrently with B08/096 and B08/098.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	34.19-ha 488 m 591 m Hands Road	0.56-ha 61 m 91 m Hands Road	33.64-ha 427 m 591 m Hands Road
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Influence are - Quarry		
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	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Other PPS Interests identified by staff:

Section 2.5 Mineral Aggregate Resources Subsection 2.5.2.4

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

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

NOTE:

Schedule B of the Official Plan indicates that the lands are within the influence area of 500 m from an open quarry and from the boundary of and designated Aggregate Reserve-Quarry, and 300 m from an open pit and from the boundary of land designated Aggregate Reserve - Pit. Section 3.18.3.2 states “Prior to approving any development within the influence areas, Council shall require the applicant to undertake a study in order to identify the impact of the proposed development on the adjacent designated land use and vice versa”.

Mr. Hands has provided aerial photography of the site together with one site photography indicating the tree cover between the lots and the existing quarry and pit.

The tree cover should be maintained as a buffer to mitigate against noise, dust, vibration and related impacts from time to time. The maintenance of a tree buffer would also minimize the visual impact of the existing operation on the proposed residential lots.

The report indicates that the existing dwelling is 673.26 m from the existing aggregate operation and Lot #2 is 925.91 m from the operation. (Lot #1 is outside the 500 m influence area). The Aggregate Resources of Ontario Provincial Standards Version 1.0 requires the completion of a noise assessment report for the creation of a pit operation within 150 metres of a sensitive receptor. The existing dwelling and the proposed Lot #2 meet the minimum separation distance required between an aggregate pit operation and a sensitive receptor with regard to noise, without the completion of a noise study.

To minimize the potential impacts between the existing aggregate operation and the proposed residential lots, the following are recommended:

1. Retain the natural vegetation at the front of the new lots, to ensure a natural barrier for visibility and noise.
2. Place a clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the Township’s zoning regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is 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, 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
We have the following comments for the Committee’s assistance.

The proposal involves the creation of three new parcels of land (2 x 0.56 ac) and one with 1.13-ha with 32.5-ha remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse flowing west through parcel #2 which eventually flows into the Ta River. The mapping also indicates that there are portions of an unevaluated wetland on the retained lands. The subject lands consist of mixed bush and forest.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that written approval from the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metres development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land. It appears from the mapping and our site visit that a building envelope is available on Parcel #2 without encroaching within 30 metres of the watercourse.

We have no objection to the applications provided that a 30 metres development setback is established around the watercourse on Parcel #2 and that the Township is satisfied with regards to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications. The RVCA also recommends a 30 metres wide protective buffer be established around the unevaluated wetland for future development as to protect the function of the wetland and the habitat associated with these features.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – relatively flat treed covered land with no soil drainage problems. Sandy clay loam 8" to 1 1/2' deep. Additional granular fill will be required in proposed tile bed area.
Retained Lands – Existing residential home served by a Class 4 septic system and private well. Sandy loam soil 3 ft deep.

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 (September 22, 2008)

Trevor Hand, applicant was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

Mr. Hands advised that a site inspection and measurements confirmed that a building envelope is available outside the influence area and the setback from the creek as indicated in the RVCA report.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. The applicant shall enter into a development agreement or Site Plan Agreement with the Township of Drummond / North Elmsley, the terms of which shall be satisfactory to the Township, implementing appropriate mitigative measures to minimize any potential negative effects concerning the mineral resource located on Lot 11 and 12 Concession 2, geographic Township of Drummond.
6. The applicant shall enter into a development agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township and the Conservation Authority, to require that the building envelope be setback 30 metres from the unnamed seasonal watercourse.
7. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, 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 on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.

8. A letter shall be received from the Township stating that conditions #2 to #7 have been fulfilled to their satisfaction.
9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.

NOTES:

Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.

Rideau Valley Conservation Authority advises that the applicant establish a 30 metre wide protective buffer around the unevaluated wetland from future development on the retained lands to protect the function of the wetland and the habitat associated with these features.

Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Trevor Hands
LDC File #: B08/098
Township: Drummond
Municipality: Drummond / North Elmsley
Lot: 10 **Concession:** 2
Roll No. 0919 919 010 08602
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 1.13-ha lot with an existing residential dwelling and retain a 32.5-ha vacant landholding. The lands will be accessed by Hands Road. This application has been submitted concurrently with B08/096 and B08/097.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Vacant	Residential Residential	Vacant Vacant
Area Frontage Depth Road - Access to	34.19-ha 427 m 591 m Hands Road	1.13-ha 76 m 147.8 m Hands Road	32.5-ha 350 m 591 m Hands Road
Water Supply Sewage Disposal	Private Well Septic System	Private Well Septic System	Proposed Proposed
Official Plan Designation -Conformity?	Rural and Influence are - Quarry		
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	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Other PPS Interests identified by staff:

Section 2.5 Mineral Aggregate Resources Subsection 2.5.2.4

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

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

NOTE:

Schedule B of the Official Plan indicates that the lands are within the influence area of 500 m from an open quarry and from the boundary of and designated Aggregate Reserve-Quarry, and 300 m from an open pit and from the boundary of land designated Aggregate Reserve - Pit. Section 3.18.3.2 states “Prior to approving any development within the influence areas, Council shall require the applicant to undertake a study in order to identify the impact of the proposed development on the adjacent designated land use and vice versa.

Mr. Hands has provided aerial photography of the site together with one site photography indicating the tree cover between the lots and the existing quarry and pit.

The tree cover should be maintained as a buffer to mitigate against noise, dust, vibration and related impacts from time to time. The maintenance of a tree buffer would also minimize the visual impact of the existing operation on the proposed residential lots.

The report indicates that the existing dwelling is 673.26 m from the existing aggregate operation and Lot #2 is 925.91 m from the operation. (Lot #1 is outside the 500 m influence area). The Aggregate Resources of Ontario Provincial Standards Version 1.0 requires the completion of a noise assessment report for the creation of a pit operation within 150 metres of a sensitive receptor. The existing dwelling and the proposed Lot #2 meet the minimum separation distance required between an aggregate pit operation and a sensitive receptor with regard to noise, without the completion of a noise study.

To minimize the potential impacts between the existing aggregate operation and the proposed residential lots, the following are recommended:

3. Retain the natural vegetation at the front of the new lots, to ensure a natural barrier for visibility and noise.
4. Place a clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the Township’s zoning regulations.

EXTERNAL CIRCULATION COMMENTS

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

4. That the balance of any outstanding taxes be paid to the Township.
5. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
6. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond ; North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority
We have the following comments for the Committee’s assistance.

The proposal involves the creation of three new parcels of land (2 x 0.56 ac) and one with 1.13-ha with 32.5-ha remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse flowing west through parcel #2 which eventually flows into the Ta River. The mapping also indicates that there are portions of an unevaluated wetland on the retained lands. The subject lands consist of mixed bush and forest.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that written approval from the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metres development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land. It appears from the mapping and our site visit that a building envelope is available on Parcel #2 without encroaching within 30 metres of the watercourse.

We have no objection to the applications provided that a 30 metres development setback is established around the watercourse on Parcel #2 and that the Township is satisfied with regards to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications. The RVCA also recommends a 30 metres wide protective buffer be established around the unevaluated wetland for future development as to protect the function of the wetland and the habitat associated with these features.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – Existing residential home served by a Class 4 septic system and private well. Sandy loam soil 3 ft deep. Additional granular fill will be required in replacement tile bed area.
Retained Lands – relatively flat treed covered land with an existing seasonal creek flowing through the property. Sandy clay loam soil of variable depths. 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 (September 22, 2008)

Trevor Hand, applicant was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval 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. The applicant shall enter into a development agreement or Site Plan Agreement with the Township of Drummond / North Elmsley, the terms of which shall be satisfactory to the Township, implementing appropriate mitigative measures to minimize any potential negative effects concerning the mineral resource located on Lot 11 and 12 Concession 2, geographic Township of Drummond.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, 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 on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.
7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

NOTES:

- *Leeds, Grenville & Lanark District Health Unit advises that additional granular fill required in proposed tile bed area.*
- *Rideau Valley Conservation Authority advises that the applicant establish a 30 metre wide protective buffer around the unevaluated wetland from future development on the retained lands to protect the function of the wetland and the habitat associated with these features.*
- *Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The watercourse is also sensitive due to the proximity of the Tay River.*
- *The Township of Drummond / North Elmsley Official Plan Section 3.7.2.5 provides that up to three lots may be granted for an original parcel of land as it existed on January 1, 1979. The Land Division Committee will not entertain any further consents on the retained lands.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19 2008

Owner: Michael T McVeety

LDC File #: B08/099

Township: North Elmsley

Municipality: Drummond / North Elmsley

Lot: S Pt 4 **Concession:** 7

Roll No. 0919 908 015 40000

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.61-ha residential building lot and retain a 35.50-ha vacant landholding. One previous severance was approved in 2007. The application is being submitted concurrently with B08/100.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	36.11-ha	0.61-ha	35.5-ha
Frontage	182.42 m	45.72 m	136.7 m
Depth	734.2 m	133.5 m	734.2 m
Road - Access to	Port Elmsley Road	Port Elmsley Road	Port Elmsley Road
Water Supply	None	Proposed	Proposed
Sewage Disposal	None	Proposed	Proposed
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha	0.4-ha
-Compliance?	Yes	Yes	Yes
-Frontage Required (min.)	45 m	45 m	45 m
-Compliance?	Yes	Yes	Yes
-Depth Required (min.)	n/a	n/a	n/a
-Compliance?			

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Provincial Interests identified by staff:

Section 1.0 Building Strong Communities Subsection 1.1.3. Settlement Areas

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

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the Township's zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 the application, if a survey is required by the Registry Office.

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 assistance.

The proposal involves the creation of two new parcels of land (2 x 0.61 hectares) with 34.89 hectares remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small unevaluated wetland located near or on a portion of the proposed western lot. There are no hazards or natural features on the remaining retained lands. The wetland is not considered provincially significant and is not regulated by the RVCA/ The subject lands consist of mainly active pasture land.

Our site inspection revealed that the wetland in question is a low lying area with some standing water but does not have the general characteristics of wetland indicators (no organic soil and dominant wetland plant species). There are some cedar trees and sedges but the standing water appears to be a result of the unseasonable high amount of precipitation. The boundary of the proposed lot is located along the edge of this low lying area and there would be minimal if any disturbance as a result of any development of this lot.

We have no objections to the applications provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

Severed Lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area.

Retained lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area.

Hydro One Networks – No comments were received.

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

Lanark County Public Works -

1. Common residential entrance required.
2. Road widening not required.
3. Entrance to be installed prior to deed endorsement.

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

(September 22, 2008)

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

(September 22, 2008)

Michael McVeety, applicant was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. 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 as per Entrance Permit Number 2165.
5. A letter shall be received from the Township stating that conditions #2 and #3 have been fulfilled to their satisfaction.
6. A letter shall be received from the County of Lanark Public Works Department that condition #4 has been fulfilled to their satisfaction.

NOTES: Additional granular fill will be required in the area of the proposed tile bed area of both the severed and retained lots.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19 2008

Owner: Michael T McVeety

LDC File #: B08/100

Township: North Elmsley

Municipality: Drummond / North Elmsley

Lot: S Pt 4 **Concession:** 7

Roll No. 0919 908 015 40000

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.61-ha residential building lot and retain a 34.890-ha vacant landholding. One previous severance was approved in 2007. The application is being submitted concurrently with B08/099.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	35.5-ha 1136.7 m 734.2 m Port Elmsley Road	0.61-ha 45.72 m 133.5 m Port Elmsley Road	34.89-ha 90.9 m 734.2 m Port Elmsley Road
Water Supply Sewage Disposal	None None	Proposed Proposed	Proposed Proposed
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	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Provincial Interests identified by staff:

Section 1.0 Building Strong Communities Subsection 1.1.3. Settlement Areas

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

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – The Township of Drummond / North Elmsley advises that the proposal complies with the Township's zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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 the application, if a survey is required by the Registry Office.

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 assistance.

The proposal involves the creation of two new parcels of land (2 x 0.61 hectares) with 34.89 hectares remaining on the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small unevaluated wetland located near or on a portion of the proposed western lot. There are no hazards or natural features on the remaining retained lands. The wetland is not considered provincially significant and is not regulated by the RVCA/ The subject lands consist of mainly active pasture land.

Our site inspection revealed that the wetland in question is a low lying area with some standing water but does not have the general characteristics of wetland indicators (no organic soil and dominant wetland plant species). There are some cedar trees and sedges but the standing water appears to be a result of the unseasonable high amount of precipitation. The boundary of the proposed lot is located along the edge of this low lying area and there would be minimal if any disturbance as a result of any development of this lot.

We have no objections to the applications provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

Severed Lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area.
Retained lands – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 1 ft deep. Additional granular fill will be required in proposed tile bed area.

Hydro One Networks – No comments were received.

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

Lanark County Public Works -

1. Common residential entrance required.
2. Road widening not required.
3. Entrance to be installed prior to deed endorsement.

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

(September 22, 2008)

Michael McVeety, applicant was present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. 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 as per Entrance Permit Number 2165.
5. A letter shall be received from the Township stating that conditions #2 and #3 have been fulfilled to their satisfaction.
6. A letter shall be received from the County of Lanark Public Works Department that condition #4 has been fulfilled to their satisfaction.

NOTES:

- *Additional granular fill will be required in the area of the proposed tile bed area of both the severed and retained lots.*

- *The Township of Drummond / North Elmsley Official Plan Section 3.7.2.5 provides that up to three lots may be granted for an original parcel of land as it existed on January 1, 1979. The Land Division Committee will not entertain any further consents on the retained lands.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19, 2008

Owner: Kevin Short, Ronald Short, John West
& Joanne West

LDC File #: B08/101

Township: Montague

Municipality: Montague

Lot: 11 and 12 **Concession:** 9

Roll No. 0901 000 015 17800

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 32.37-ha lot with an existing residential dwelling at 1714 Pinery Road and retain a 22.25-ha vacant landholding.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Vacant	Residential Residential	Vacant Vacant
Area Frontage Depth Road - Access to	54.63-ha 360 m 1450 m Pinery Road	32.37-ha 180 m 1450 m Pinery Road	22.25-ha 180 m 1100 m Pinery Road
Water Supply Sewage Disposal	Private Well Septic System	Private Well Septic System	none none
Official Plan Designation -Conformity?	Rural and Locally Significant Wetland Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural & Wetland 0.4-ha Yes 46m Yes n/a	Rural & Wetland 0.4-ha Yes 46m Yes n/a	Rural & Wetland 0.4-ha Yes 46m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Staff identified the following Provincial Interests:

2.1 Natural Heritage – a large portion of the severed lands and a portion of the retained lands are located within the North Mud Lake Provincially Significant Wetland.

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

Subsection 2.1.3 Development and site alteration shall not be permitted in (b) significant wetlands.

Subsection 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 function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

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

NOTE: Section 11.1.1.3 for wetlands which are classified as Provincially Significant, development and site alteration will not be permitted. Development may be permitted on adjacent lands (ie. Lands within 120 metres of a wetland) only where it has been first demonstrated through an Environmental Impact Statement (EIS) that such development will not negatively impact on the natural features or ecological function of the wetland areas. In some situations, adverse effects on wetlands may not be remediable. Development of adjacent lands would therefore not be permitted.

Zoning By-law – The Township of Montague advises that the proposal complies with the township's zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

Township of Montague – recommends approval of this application 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 be provided to the Township of Montague.
5. That 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 metres (33 feet) from the centreline of the road allowance of 10 metres (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.

Conservation Authority – RVCA

The Rideau Valley Conservation Authority has the following comments for the Committee's assistance.

The application will create two new separate lots of 32.37 hectares and 22.25 hectares (retained). Approximately half of the North Mud Lake Provincially Significant Wetland is within the severed lands. The retained property is also within the boundary of the Wetland. A map has been provided which illustrates this feature in relation to the severance. We note that approximately 20% of the retained lands are within the wetland and the remaining lands appear to be abandoned agricultural land. There is an existing dwelling on the severed lands which appears to be located outside the adjacent lands (120 m) of the wetland.

The RVCA recommends that the applicant consider altering the boundary of the proposed lots to adhere to the following provincially policy so that the application will not fragment wetland ownership.

Section 2.1.3 of the Provincial Policy Statement states:

2.1.3 Development and site alteration shall not be permitted in:

- (a) significant habitat of endangered species and threatened species;
- (b) significant wetlands in Ecoregions 5E, 6E and 7E1; and
- (c) significant costal wetlands.

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

We take this opportunity to point out that the North Mud Lake Wetland and all lands within 120 metres of the wetland boundary are now regulated under the Conservation Authorities new "Development, Interference with Wetlands and alterations to Shorelines and Watercourses" Regulation, which came into effect on May 2, 2006. The property owner should be advised that written permission from 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 the wetland. The mapping also indicates that there is a seasonal watercourse flowing through the wetland on the subject lands. Permission is also required from the RVCA for any alteration or interference to the watercourse.

We assume that the requirements of the Township's Official Plan and Zoning By-law will be satisfied. Please advise us on the committee's decision on the application or any changes in the status of the application.

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

Severed Lands – 80 acre parcel containing an existing dwelling with sandy soil less than 1 foot over road. Variable slope. Existing raised septic system shows no signs of stress. Adequate space on parcel to accommodate a replacement system.

Retained Lands – 55 acres of vacant scrub land with sandy soil less than 1 foot over rock. Variable slope. Satisfactory. Sandy loam fill required under future leaching bed.

Hydro One Networks – No comments were received.

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

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, were received as follows:

D.J.A. Dolan and Robert Dolan (September 5, 2008)

This property was recently bought as one piece for a hunt camp. So the four owners wanted to keep it as is.

If they are allowed to sever the two parcels, each property then may be allowed more severances.

This is a rural area that is being built up to urban (residential). We don't need more city type people lining here and demanding more municipal services, driving up taxes and who have no respect for the rural way of life.

There are a lot of towns, villages, and cities already in existence in this area that could be expanded for population growth without allowing subdivisions to be created in the rural areas. That you for this opportunity to allow our objections to be considered. Please consider this to be our request to be notified of any meetings and your decision.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

D.J. Dolan and Robert Dolan, adjacent landowners were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath. Mr. and Mrs. Dolan expressed their objection to having more development in the area.

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 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. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. 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.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That 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 metres (33 feet) from the centreline of the road allowance or 10 metres (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.
7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

NOTES:

- *The applicant and future owners are advised that written permission from 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 the North Mud Lake Wetland.*
- *The Rideau Valley Conservation Authority advises that a seasonal watercourse flows through the wetland on the subject lands which is subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 19 2008

Owner: Paul T McShane
LDC File #: B08/108
Township: North Burgess
Municipality: Tay Valley
Lot: Pt 17 **Concession:** 7
Roll No. 0911 911 015 00700
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 6.1-ha residential building lot and retain a 17.0-ha land parcel with an existing residential dwelling.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	23.1-ha 888 m 405 m Black Lake Road	6.1-ha 532 m 405 m Black Lake Road	17.0 m 358 m 405 m Black Lake Road
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan - Tay Valley Township advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – Tay Valley Township advises that the proposal complies with the Township's Zoning By-law regulations. Section 3.18 – MDS 1 calculations, indicate that the severed parcel should be located at least 226 m from the closest barn. The proposed lot can accommodate an adequate separation distance in accordance with MDS requirements.

EXTERNAL CIRCULATION COMMENTS

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 deed / transfer.
4. Two copies of the reference plan.
5. Parkland contribution of \$100.

Conservation Authority – Rideau Valley Conservation Authority

The application requests approval to sever a 6 hectare parcel with 17 hectares remaining in the retained lands. From our mapping it appears that there is an unevaluated wetland within the severed lands. Due to the proposed lot size there is adequate area to develop outside the boundary of the wetland as delineated on the map provided. We recommend that a 30 metre wide protective buffer (no development) be established around the wetland on the severed property. There is no anticipated impact to natural heritage features due to the application if this buffer is established, the RVCA has no objection. Please advise us on the committee's decision on the application or any changes in the status of the application.

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

A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code can be maintained or constructed on both the severed and retained portion of the subject property.

The applicant has not provided this office with any information regarding the proposed sizing of the severed and retained portion of the existing lot. It appears from the provided drawing and the site visit conducted that there is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

All new septic systems should be located >30 metres from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Provided these design parameters are met the Mississippi-Rideau Septic Office has no objection to this severance as proposed.

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.

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

(September 22, 2008)

Glen and Erin McShane, purchasers were present at the public meeting held on Monday, September 22, 2008 and gave evidence under oath.

A letter was read from Mr. Hassanwalia, adjacent landowner, expressing his concerns for Trespassers in the area.

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 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That 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 Land Title Office.
4. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.
5. Payment shall be made to Tay Valley Township in the amount of \$100.00 pursuant to Section 51.1 of the Planning Act (Cash-in-Lieu of Parklands);

6. That the applicant enter into a Development Agreement with Tay Valley Township, the wording of which shall be to the satisfaction of the Township and Conservation Authority, to establish a protective buffer (no development) areas around the unevaluated wetland, as outlined by the Conservation Authority.
7. A letter shall be received from Tay Valley Township stating that conditions # 2 to #6 have been fulfilled to their satisfaction.
8. A letter shall be received from Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.

NOTES:

The future location of a building envelope on the severed lands must conform to MDS 1 Calculations for development.