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

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

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

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2016-16**

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

"**THAT**, the minutes of the Land Division Committee meeting held on April 11, 2016, be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-17**

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

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

**ADOPTED**

## **5. DELEGATIONS & PRESENTATIONS**

None

## **6. NEW APPLICATIONS**

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

- 6.1 B10/154 – David A. and Mary E. Wilson – new lot  
Pt. Lot 23/24 Conc. 7 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Rideau Ferry Road.
- 6.2 B15/155 and B15/156 – Linda Rheaume & Benjamin Freeth – lot addition and new lot.  
Pt. Lot 20/21 Conc. 7 Township of Montague.  
Rosedale Rd N.
- 6.3 B16/006 – Douglas Majore – new lot  
Pt. Lot 7/8 Conc. 12 geographic Township of Lanark, now in the Township of Lanark Highlands.  
Ramsay Con 12.
- 6.4 B16/007, B16/008, B16/009, B16/010, B16/011, B16/012 and B16/013 – Patrick Cordick –  
7 lot additions.  
Pt. Lot 23/24 Conc. 9 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Cooke's Shore Rd.
- 6.5 B16/030 – 2275529 Ontario Corp. – new lot  
Lot 20 Plan 1844 Town of Carleton Place. Mary St.
- 6.6 B16/031 – Zion Memorial United Church – new lot.  
Lot 53 Plan 276, Town of Carleton Place. Franklin St.
- 6.7 B16/032 – Tammy Thornton & Del Lally – easement  
Pt. Lot 11 Conc. 5 geographic Township of North Burgess, now in Tay Valley Township.  
Lally Lake Drive.

**7. DEFERRED APPLICATIONS**

None

**8. CONFIDENTIAL REPORTS**

None

**9. COMMUNICATIONS/OTHER BUSINESS**

- 9.1 Validation of Title – B16/051 – Bingley 6 - 10  
Pt. Lot 23 and Lot 24 Con 5 Dalhousie, now in the  
Township of Lanark Highlands. Umpherson Mill Road.

**MOTION #LD-2016-18**

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

**“THAT**, the application made by Shawn Paul Bingley requesting  
“Validation of Title” under Section 57 of The Planning Act for  
lands described as:

- 1/ Pt. East Half Lot 23, Concession 5, being Part 1, Plan  
26R887;
- 2/ Pt. East Half Lot 23, concession 5, being Part 3, 26R887;
- 3/ Southwest Hal Lot 24 Concession 5, containing 100 acres  
more or less and Part of Northeast Half Lot 24 Concession  
5, which may be more particularly described in Instrument  
No. RN63629 containing approximately 92 ¾ acres;  
Geographic Township of Dalhousie, now in the Township of  
Lanark Highlands, be approved.”

**ADOPTED**

- 9.2 Hydrogeological Investigations – deferred

**10. PROVISIONAL CONSENT GRANTED**

- 10.1 B15/155 and B15/156 – Linda Rheume & Benjamin 11 - 22  
Freeth – lot addition and new lot.

- 10.2 B16/006 – Douglas Majore – new lot 23 - 34

- |      |   |         |
|------|---|---------|
| 10.3 | B16/007, B16/008, B16/009, B16/010, B16/011,<br>B16/012 and B16/013 – Patrick Cordick –<br>7 lot additions. | 35 - 55 |
| 10.4 | B16/030 – 2275529 Ontario Corp. – new lot   | 56 - 62 |
| 10.5 | B16/031 – Zion Memorial United Church – new lot   | 63 - 68 |
| 10.6 | B16/032 – Tammy Thornton & Del Lally – easement   | 69 - 73 |

**11. PROVISIONAL CONSENT DEFERRED**

None

**12. PROVISIONAL CONSENT DENIED**

- |      |   |         |
|------|---|---------|
| 12.1 | B10/154 – David A. and Mary E. Wilson – new lot | 74 - 85 |
|------|---|---------|

**MOTION #LD-2016-19**

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

"**THAT** consent application B10/154 – David and Mary Wilson be denied for the following reason:

- 1/ The Development Agreement registered on the lands does not permit further consents;
- 2/ The Township does not support the application;
- 3/ The original EIS for the lands was based on a total of three lots, which was the basis for the re-zoning and the development agreement; and
- 4/ The proposal does not maintain the general intent and purpose of the PPS, the County Official Plan or the Official Plan for the Township of Drummond / North Elmsley."

**ADOPTED**

**13. UPCOMING MEETINGS AND NOTICES**

May 29 to June 1, 2016 – City of London – OACA Conference  
June 13, 2016 at 9:00 a.m.  
August 8, 2016 at 9:00 a.m.  
September 6, 2016 at 9:00 a.m.  
OACA Fall Seminar – Town of Orangeville – date not announced.  
October 17, 2016 at 9:00 a.m.  
November 14, 2016 at 9:00 a.m.  
December 12, 2016 at 9:00 a.m.

**14. ADJOURNMENT**

**MOTION #LD-2016-20**

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

**"THAT,** the meeting do now adjourn."

**ADOPTED**



Mary Kirkham  
Secretary-Treasurer



## VALIDATION OF TITLE

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**To:** Lanark County Land Division Committee

**Re:** Request for Validation of Title under Section 57 of *the Planning Act* by Shawn Bingley  
Pt. Lot 24 Conc. 5 geographic Township of Dalhousie, now in the Township of Lanark Highlands  
PIN 05015-0080

**Date:** April 26, 2016

**Application:** B16/051

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### BACKGROUND:

A certificate of validation is obtained to make valid a document or documents that previously contravened the Planning Act and were void. A certificate of validation states that any contravention of the Act involving a specific parcel of land is deemed never to have prevented the creation of an interest in that land. Thus, it describes a specific parcel of land and its effect is that it retroactively cures any prior contraventions involving that parcel of land.

Section 57 of the Planning Act is most often used to validate or correct a prior registered document that breached the Act and that hereby did not create an interest in land. The certificate deems the contravention never to have had the effect of invalidating the document. It is used to correct prior *Planning Act* errors and mistakes. The effect of the validation certificate may be to create a new parcel for *Planning Act* purposes but more typically creates a valid document that relates to an already publicly recognized and existing separate parcel of land.

### CRITERIA:

The consent authority is not free to consider a validation application in the same manner and with the same criteria as a consent application, since under section 57(7) the authority must ensure that the land conforms with 'prescribed criteria'.

Validation of Title B16/051

.../2

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The prescribed criteria are set out in Ontario Regulation 144/95 and provides as follows:

1. (1) In considering whether to issue a certificate under section 57 of the Act, council shall have regard to the matters described under subsection 51(24) of the Act.
- (2) No certificate under section 57 of the Act shall be issued by a council unless the certificate conforms with,
  - (a) any official plan in effect in the municipality;
  - (b) the zoning by-law of the municipality, if any, and
  - (c) any Minister's zoning order under clause 47(1) of the Act.

#### APPLICATION PROCEDURE

Section 57 of the Planning Act provides that a council authorized to give consent, may issue a certificate of validation. The authorization to give consent in Lanark County has been transferred from the Council to the Land Division Committee; therefore the Committee hears the application.

The typical rules to applications for consent do not apply to committees when they issue certificates of validation. The following are some of the procedural rules for validations:

1. no public notice is required;
2. there is no need to circulate to specified agencies;
3. there is no need to post signs;
4. there is no right to appeal;
5. the required contents of an application for consent are not applicable; and
6. there is no prescribed form of application and local councils can establish their own procedures.

The committee can, however, impose conditions, if required.

#### APPLICATION INFORMATION:

Shawn Bingley, owner submitted an application for a "Certificate of Validation" to the County of Lanark on April 16, 2016. In order to ensure that the application complies with Ont. Reg. 144/95 Section 1(2) the Township of Lanark Highlands required confirming that the application conforms with the Official Plan and complies with the Zoning By-law. This also provides the Township with an opportunity to submit any conditions that they feel may be necessary to ensure proper development.

Validation of Title B16/051  
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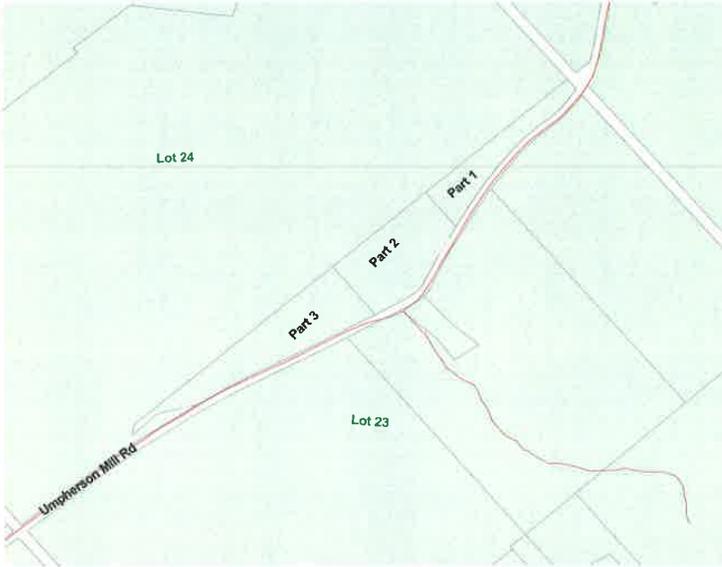
The applicant submitted the following evidence of the errors and mistakes that occurred, causing the contravention with the Planning Act:

RE: SHAWN PAUL BINGLEY  
2342 South Lavant Road, Lanark ON K0G 1K0

LEGAL DESCRIPTION:  
CON 5 PT LOT 23 RP 26R887 PART 1 DALHOUSIE  
CON 5 W PT LOT 23 RP 26R887 PART 3 DALHOUSIE  
CON 5 LOT 24 DALHOUSIE,  
NOW IN THE TOWNSHIP OF LANARK HIGHLANDS.

Application for Validation Certificate under S. 57 of the Planning Act

- 1/ Con 5 Pt Lot 23 Dalhousie, being Parts 1, 2 and 3 on Plan 26R-887 were legally through Consent Application B1978/392. This consent severed Part 2, (the centre section) and left two retained parcels. This practice was common throughout the 1970's and early 1980's. (checkerboarding)
- 2/ By Instrument No. RS49772 – Nov 29, 1978 – Part 2 was conveyed from Vernon Claire Bingley and Lyall Leslie Bingley to Lyall Leslie Bingley.  
By Instrument No. RS49773 – Nov 29, 1978 – Part 1 was conveyed from Vernon Claire Bingley and Lyall Leslie Bingley to Vernon Claire Bingley.  
By Instrument No. RS49774 – Nov 29, 1978 – Part 3 was conveyed from Vernon Claire Bingley and Lyall Leslie Bingley to Vernon Claire Bingley.



Validation of Title B16/051  
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- 4/ Part 2 Plan 26R887 was subsequently conveyed from Lyall Leslie Bingley to Blair T Bingley in 1983.
- 5/ Part 1 Plan 26R887 was subsequently conveyed from Vernon Claire Bingley to Shawn Paul Bingley in 1989.
- 6/ Part 3 Plan 26R887 remained in the ownership of Vernon Claire Bingley.
- 7/ In 1986 Vernon Claire Bingley purchased the lands, legally known as Lot 24 Con 5 Dalhousie.
- 8/ The conversion from Land Registry to Land Titles merged the Part 3 Plan 26R887 on title with the abutting Lot 24 Conc. 5 Dalhousie, as they were in the same ownership. However the then property owner, Vernon Claire Bingley was unaware that this had occurred.
- 9/ Subsequently, following the death of Vernon Clair Bingley in 2014 and the transfer of his estate to Shawn Paul Bingley, the lands further merged on title with Part 1 Plan 26R887, as all these lands were now in the same ownership.
- 10/ The current owner, Shawn Paul Bingley, was unaware that a merging on title had occurred until he received the transfer/deed from the Estate which consolidate all the lands as PIN 05014-0080 R.
- 11/ PIN 05014-0080 describes the lands as follows:  
Geographic Township of Dalhousie, now in the Township of Lanark Highlands, County of Lanark being:  
Firstly: Pt. East Half Lot 23, Concession 5, being Part 1, Plan 26R887;  
Secondly: Pt. East Half Lot 23, concession 5, being Part 3, 26R887;  
Thirdly: Southwest Hal Lot 24 Concession 5, containing 100 acres more or less;  
Fourthly: Part of Northeast Half Lot 24 Concession 5, which may be more particularly described in Instrument No. RN63629 containing approximately 92 ¾ acres.

The Township of Lanark Highlands Planning Administrator / Deputy Clerk has provided the following:

- 1/ The Official Plan designation is Rural.
- 2/ The Zoning By-law 2003-451 designates the lands as Rural.
- 3/ The title correction here, which has the effect of re-establishing the division of lots is reasonable.

The applicant has provided proof that the taxes on all three properties have been paid in full to date.

Validation of Title B16/051  
page 5 of 6

**RECOMMENDATION:**

***THAT***, the application made by Shawn Paul Bingley requesting "Validation of Title" under Section 57 of The Planning Act for lands described as:

- 1/ Pt. East Half Lot 23, Concession 5, being Part 1, Plan 26R887;
- 2/ Pt. East Half Lot 23, concession 5, being Part 3, Plan 26R887;
- 3/ Southwest Half Lot 24 Concession 5, containing 100 acres more or less and Part of Northeast Half Lot 24 Concession 5, which may be more particularly described in Instrument No. RN63629 containing approximately 92 ¾ acres.

Geographic Township of Dalhousie, now in the Township of Lanark Highlands, be approved.



Report prepared by:

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Mary Kirkham  
Secretary-Treasurer  
Lanark County Land Division  
Committee

Pt. Lot 23 and Lot 24 Con 5 geographic Township of Dalhousie, now in the Township of Lanark Highlands.





## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Linda Rheume & Benjamin Freeth  
**Hearing Date:** May 9, 2016  
**Agent:** L Rheume/B Freeth  
**LDC File #:** B15/155 and B15/156  
**Municipality:** Township of Montague  
**Geographic Township:** Montague  
**Lot:** 20/21  
**Conc.:** 7  
**Roll No.:** 0901 000 025 08000  
**Consent Type:** 2 lot additions

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

B15/155 – to sever a 1.509-ha parcel of land as a lot addition to lands owned by Kevin Frost at 2265 Rosedale Road North;

B15/156 – to sever a 1.845-ha residential building lot; and to retain a 55.0-ha landholding at 2249 Rosedale Road North.

DETAILS OF PROPOSAL	Lands to be Severed B15/155	Lands to be Severed B15/156	Lands Retained
Existing Use Proposed Use	Vacant Lot addition	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.509-ha 100 m 183 m Municipal	1.845-ha 120 m 180 m Municipal	55.0-ha 478 m 682 m Municipal
Water Supply Sewage Disposal	n/a n/a	Proposed well Proposed septic	Private well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural  n/a lot addition	Rural  0.4-ha Yes 46 m Yes	Rural  0.4-ha Yes .46 m Yes

**Official Plan Designation:** Rural, ANSI and PSW

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

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

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

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

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

## **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, Section 5.5.3 ANSI, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 General Development Policies, Section 3.3 and 3.4 Natural Heritage, Section 3.6 Rural Policies Section 4.4 Township Roads, Section 5.2 Land Division.

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

**Zoning By-law** - Section 3 General Provisions, Section 17 Environmental Protection Zone, Section 18 Rural Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**Application**

Thank you for circulating the Township of Montague on these applications. Township staff have reviewed the application with respect to their conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owners seek permission to sever one 1.845 ha residential building lot as well as a 1.5 ha parcel of land as a lot addition to enlarge an abutting lot owned by Kevin Frost (2265 Rosedale Rd North). Both of these parcels are vacant. A 55 ha landholding with a dwelling and workshop would be retained. Both severed portions and the retained lot front on Rosedale Road North, which is owned and maintained by the Township. As it appears that only one severance (around 2004) was taken from this lot of record as it existed in 2001, the Township's lot creation policies would contemplate a second severance and a lot addition (which does not count as one of the allowable lots).

**Review**

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development in accordance with the compatibility policies of this Plan. This application contemplates one new lot (and enlarging an existing lot, which would have minimal planning impacts). This section of Rosedale Road is relatively quiet, compared to the southern section and it passes through a rural landscape of pasture, scattered woodlands and scattered residential development. The creation of a new lot, in between existing residences, is considered to be compatible with the existing landscape character.

No natural hazards have been identified on the Official Plan constraints mapping that would affect either the severance or the lot addition. Additionally, there are no natural heritage features that would affect either application. While Provincially Significant Wetlands are noted about 200 m to the east and west of Rosedale Road, these features are sufficiently distant that impacts are not anticipated. While

there is an area of mapped significant woodlands at the south of the retained lot, given that this lot is already developed, the applications would not create an opportunity for further impact. There are no other known natural or man-made constraints that would impact these proposals.

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). Rosedale Road is a paved road that provides reasonably quick access to major transportation corridors. It is felt that one additional residential lot will not have a consequential impact on municipal services or infrastructure.

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

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application. Copies shall be provided in both paper and electronic format.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) Sufficient land for road widening purposes shall be conveyed to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 5) [B15/155 only] The severed lands shall be for lot additions only to adjacent lands as identified in the Applications
- 6) [B15/156 only] The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed lands. The applicant shall consult directly with the Township in this regard.
- 7) [B15/156 only] The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever a 1.509 hectare lot which will be merged with the adjoining lot known municipally as 2265 Rosedale Road North, and the creation of a new 1.845 hectare vacant lot which will ultimately result in a total of 2 lots.

**PROPERTY CHARACTERISTICS****Severed Parcel B15/155**

The severed parcel is primarily cleared with some shrubs. The severed parcel is vacant. It is the intent that this lot is to be added to the adjacent property known municipally as 2265 Rosedale Road North.

**Severed Parcel B15/156**

The severed parcel is primarily cleared, with some shrubs. The lot is vacant. Retained Parcel Majority of the east portion of the retained parcel is cleared with some vegetation, while the portions of the west half of the lot has been identified as being within the South Mud Lake Provincially Significant Wetland.

**REVIEW****Natural Hazards****Severed Parcels B15/155 and B15/156**

There have been no natural hazards identified on these severed parcels which would preclude these applications.

**Organic soils****Retained Parcel**

A portion of the retained parcel has been identified as Organic Soils in the Township's Official Plan. The boundary of the Organic Soils appears to primarily coincidental with the boundary of the Provincially Significant Wetland. The retained parcel is already developed with a residence, shop and shed. Therefore, there is no anticipated impact on the Organic Soils as a result of these applications.

**Natural Heritage****Significant Woodlands****Severed Parcels B15/155 through B15/156**

There have been no Significant Woodlands identified on these parcels.

**Retained Parcel**

A very small portion of the retained parcel has been identified as being Significant Woodlands in the Township's Official Plan. However, the retained parcel is already developed, therefore there is no anticipated impact on the Significant Woodlands as a result of these applications.

**Watercourses****Severed Parcels B15/155 and B15/156**

There have been no watercourses identified on these parcels.

**Retained Parcel**

A watercourse has been identified on this parcel. The watercourse traverses through the Provincially Significant Wetland. The retained parcel has already been developed, therefore there is no anticipated impact on the watercourse as a result of these applications. The watercourse traverses through and connects several unevaluated wetlands, majority of which are located at the rear of the property. Given the large size of the retained parcel, there is a sufficient building envelope

available on the property well away from the watercourse.

**Provincially Significant Wetland**

**Severed Parcel B15/155**

There have been no Provincially Significant Wetlands identified on the severed parcel.

**Severed Parcel B15/156**

While the South Mud Lake Provincially Significant Wetland has not been identified on the severed parcel, a small portion of the severed parcel has been identified within its 120 metre adjacent lands. Given the size of the severed lot, there is a sufficient building envelope available well away from the wetland and entirely outside of the 120 metre adjacent lands.

**Retained Parcel**

A portion of the retained parcel, specifically the west portion of the lot, has been identified as being within the South Mud Lake Provincially Significant Wetland and its 120 metre adjacent lands. The retained parcel is already developed, therefore there is no anticipated impact on the wetland as a result of these applications.

**Conservation Authority Regulation**

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

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

*Any development within the South Mud Lake Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval from the Conservation Authority. Development in the wetland is not permitted.*

**CONCLUSION**

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

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

B15/155 – A 1.509 hectare parcel of vacant land. Land is relatively flat. Brush / cedars on parcel. This is an addition to an existing lot of record at 2256 Rosedale Road. Recommendation – an addition to an existing lot only.

B15/156 – A 1.845 hectare parcel of land. Land is vacant. Land is relatively flat. Cedar trees and open area. There is sufficient area to construct a tile bed in future. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained lands – a 55 hectare lot with an existing house serviced by a well and septic system. There are various out buildings on property. Recommendation – additional sandy loam fill will be required in the area of the future replacement tile bed.

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

**Bell Canada R-O-W**

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

**(c) PUBLIC INPUT**

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

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

The applicant proposes to sever a 1.509-ha parcel of land as a lot addition to lands owned by Kevin Frost and sever a new 1.845-ha residential building lot, retaining a 55-ha landholding with an existing dwelling, shop and shed located at 2249 Rosedale Road North. Two previous consents were taken from the original parcel (B1991/169 and B2003/125). The 1991 application pre-dates the Township consent start date of January 1, 2001. The proposed lot addition will enlarge the lands created by the 2001 consent application.

The subject lands are located in an area characterized by typical building lots in groups of two to three intermixed between larger landholdings along Rosedale Road North. A large PSW (North Montague Swamp) and ANSI (Numogate Mud Lake Fen – Life Science ANSI) is located to the west of the proposed lot and also on the retained lands.

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

Soils Inventory – Name: Franktown

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

Bedrock Inventory – dolostone, sandstone

**Endangered Species**

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

Gray Ratsnake - THR

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a

consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

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

#### Zoning

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

#### Conclusion

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

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

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

#### **(e) MINUTES – May 9, 2016**

Linda Rheume, applicant attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

#### **(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

**B15/155**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Kevin Frost described as Part 1, Plan 27R-8535 being part Lot 20 Conc. 7 Township of Montague, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan to the Township of Montague.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

9. A letter shall be received from the Township of Montague stating that condition #4 through #8 has been fulfilled to their satisfaction.

### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed on the retained lands.*
2. *The Rideau Valley Conservation Authority advises that, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
  - *Any development within the South Mud Lake Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval from the Conservation Authority.*
  - *Development in the wetland is not permitted.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNRF for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNRF to discuss the potential for application of certain permits or agreement.*

**B15/156**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan to the Township of Montague.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
8. The applicant shall confirm that a residential entrance to the severed and retained lands are viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Montague stating that condition #3 through #10 has been fulfilled to their satisfaction.

**NOTES**

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

*retained lands and in the area of the future tile bed system on the severed lands.*

3. *The Rideau Valley Conservation Authority advises that, the Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development. Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
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*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.*

*The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNRF for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNRF to discuss the potential for application of certain permits or agreement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Douglas Majore

**Hearing Date:** May 9, 2016

**Agent:** ZanderPlan Inc.

**LDC File #:** B16/006

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 7/8

**Conc.:** 12

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

**Consent Type:** New lot

0940 934 020 08700

**Purpose and Effect:**

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

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.0-ha	60.7-ha
<b>Frontage</b>	80 m	974.1 m
<b>Depth</b>	125 m	350 +
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural Communities

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

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

#### **2.1 Natural Heritage**

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

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

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

#### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2.0 Vision, Section 3.3 Rural Communities, Section 6.5 Unstable Slopes and Organic Soils, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

**Zoning By-law** – Section 4.0 General Provisions, section 6.0 Rural.

The Township of Lanark Highlands advises that the proposal complies with the Zoning By-law designation.

**(b) AGENCY REVIEW**

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

**Township Planning Report -**

An application has been received from the County of Lanark Land Division Committee to sever a 2.47 acre (1 hectare) residential building lot and to retain a 150 acre (60.7 hectare) residential lot with an existing dwelling, barn and outbuildings located at 915 Ramsay Concession 1. All lands are accessed via Ramsay Concession 1. A previous severance (undeveloped) located on this lot is being re-consolidated to the retained lands. The intent of this application is to "move" the previous severance to a different location on the lot.

**PROVINCIAL POLICY**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The following is a list of applicable sections of the PPS as well as a review of the proposal in consideration of these policies: 1.1.5 Rural Lands in Municipalities, 1.1.5.2 - On rural lands located in municipalities, permitted uses are: c) limited residential development.

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

Staff notes that the addition of one (1) rural-residential building lot could be considered "limited residential development", and this development would be compatible with the rural character of the surrounding area as there are a number of rural-residential properties located along Ramsay Concession 1. The proposed severed lot would be serviced by private well and septic services.

Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

**OFFICIAL PLAN**

Consent applications must be evaluated with the policy directives of Section 8.4.2, which provides direction for the division of lands within the Township. This application meets the requirements of the Township's Official Plan. Schedule B of the Township's Official Plan shows a small area of organic soil near the area of the proposed severance. It appears that the proposed new lot is not impacted by the nearby organic soils.

**ZONING**

The subject property is zoned as Rural in the Township's zoning by-law. The proposed lot exceeds the minimum frontage and area requirements of the RU zone and meets all other provisions of the Zoning By-law.

**INTERNAL STAFF REVIEW**

Staff reviewed the application. It was noted that the application is in an agricultural area of the Township. No other comments were received.

**DISCUSSION**

As previously mentioned, this property was previously granted 2 severances. One, B07-064, has remained undeveloped. At this time, the applicant plans to reconsolidate severance B07-064 and would like to "move" this severance from Lot 8 to Lot 7.

Additionally, the original lot granted in application B07-064 did not meet the Township's minimum distance separation (MDS) requirements. The new location for the proposed severance was submitted together with a MDS calculation and is able to accommodate a residential development outside of the required distance from nearby farm buildings.

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. Record of the reconsolidation of the lot created in application B07- 064 to the retained lot.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pays any outstanding fees to the Township prior to final approval.
5. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
6. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
7. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain an entrance location permit from the Township.
9. The Certificate of Consent "Schedule" attached to the deed / transfer, shall include the following condition, "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.

**Conservation Authority** – Mississippi Valley Conservation Authority

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property.

These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 2.47 ac and retain a developed lot measuring approximately 150.1 ac.

**PROPERTY CHARACTERISTICS**

A review of available GIS mapping and Drape Imagery shows that three unclassified wetlands extend into the retained lands. In addition, Wolf Grove Creek flows through the northern portion of the retained lands. Two additional unnamed watercourses flow through the two most southerly wetlands previously mentioned. No significant natural hazards or natural heritage features were identified on the severed lands.

**REVIEW****Natural Heritage Values - Wetland**

Wetlands have been identified on the proposed retained lands.

We understand that the identified wetlands have not been evaluated by the Ministry of Natural Resources; therefore, it is not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna. They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014).

Therefore, a development setback of a minimum 30 m from any wetland is recommended.

**Watercourse**

Watercourses have been identified on the proposed retained lands.

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement, a minimum development setback of 30 m is recommended from any watercourse.

**Discussion**

The retained land is already developed with no new development proposed at this time. And, the severed lands are located beyond 30 m of the wetlands and

watercourses. Therefore, impacts to these features are not anticipated as a result of the subject application.

#### Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless supported by acceptable engineering techniques. Sufficient area appears to exist for development on the resulting lots, beyond this hazard.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the subject application.

#### NOTES

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

The shoreline vegetation along the watercourses, identified on the retained lands, should be retained to a minimum depth of 15 m.

The unclassified wetlands, identified on the retained lands, should remain undisturbed.

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

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

Severed Lot – A 2.47 acre parcel of vacant wooded land. Land has gentle slopes. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained lands – A 150 acre parcel of land with an existing house serviced by a well and septic system. There are various outbuildings on the property. Recommendation – additional sandy loam fill will be required in the area of the future replacement tile bed.

**Municipality of Mississippi Mills** - No comments were received.

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

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

#### (c) **PUBLIC INPUT**

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

Bill Ableson and Sharon Bartlett – April 27, 2016

Please be advised that we DO NOT recommend this application, B16/006, be given provisional consent.

Our concerns are outlined below:

- This is the fourth application for consent for this same lot. Previous consent application B71/98 was denied by the Ontario Municipal Board (OM B). Consent application B113/95 for the same lot was again denied by the OMB. The third consent application, B07/064, for the same lot, was withdrawn when an agreement was reached between ourselves and Douglas Majore's planner to move the lots from lot 7 to Lot 8 on the understanding that no further requests would be made for the contentious lot. The two lots on lot 8 were subsequently approved.
- The MDS calculation provided with the consent application is incorrect, as it was on B07/64. We have completed the Minimum Distance Separation Questionnaire for the committee's review (attached). Based on our calculation, which uses the correct numbers for animals and structures, a minimum setback of 223m is required. However, even on the applicant's own submission, the MDS setback enters into the requested lot and shows that this lot should not be granted.
- Two of the three existing land owners have previously submitted letters opposing this previously requested consents (the third has moved and the property is up for sale). For these reasons, amongst others, we respectfully recommend that this application be denied, yet again.

Further, we would like the Committee to consider placing a 50/50% responsibility for the line fences between our properties and Majore's lots and that this be written into any deeds resulting from any severances to eliminate possible future issues.

In closing, please notify the undersigned of the date and time for the public meeting as the subsequent decision of the Land Division Committee in respect of the aforementioned consent application.

Thank you for considering our recommendations,

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

The applicant proposes to sever a 1.0-ha residential building lot on lot 7 and retain a 60.73-ha landholding with an existing dwelling and outbuildings, located at 915 Ramsay Con 1. This lot is in exchange of a lot previously created by consent (B2007/064) located on Lot 8. If approved, a condition will be required, that the building lot created by B2007/064 be consolidated on title with the retained lands prior to stamping and final approval of the proposed new lot.

Several consent applications have been applied for on these lands:

- 1/ B1995/113, B1995/114 and B1995/115 - proposed three residential building lots on Lot 7 Conc. 12 Lanark. B1995/114 was denied – exceeded the number of consents permitted on a landholding. B1995/113 and B1995/115 were approved and appealed to the Ontario Municipal Board by the adjacent landowner. The OMB denied the consents, citing the preservation of agricultural activity.

- 2/ B1998/71 and B1998/072 – proposed two residential building lots, again on Lot 7 Conc. 12 Lanark. Land Division Committee denied the consent, citing that the proposal was similar to those made by application B1995/113 and B1995/115. The decision was appealed to the Ontario Municipal Board by the adjacent landowner and the municipality. The appeals were withdrawn and the decision of the Committee stood.
- 3/ B2007/064 and B2007/065 – proposed two residential lot, once again on Lot 7 Conc. 12 Lanark. The adjacent landowner objected to the proposed lots and requested that a new MDS calculation be undertaken for their adjacent livestock facility. This revised MDS revealed that the proposed lots did not comply with the minimum setback requirements. The adjacent landowner agreed to withdraw their objection provided the proposed lot be relocated to Lot 8 Conc. 12 Lanark.  
The applications were revised to show the proposed lots in the northeast corner of Lot 8 Conc. 12 Lanark.
- 4/ The current application B2016/006, now propose a lot in the same area, previously denied in 1995 and 1998.

The subject lands are located in an area characterized by large landholdings, with limited smaller type lots intermixed along Ramsay Con 1.

The lands are accessed via Ramsay Con 1, a municipally maintained road.

Soils Inventory – Name: Tennyson

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

Bedrock Inventory – flows, tuffs, briccias

#### Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS prepared by ZanderPlan Inc. indicated a minimum setback of 165 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 252m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Ms. Bartlett / Mr. Adleson expressed concerns with the livestock / housing facility calculations prepared by ZanderPlan Inc., and submitted an MDS calculation based on their livestock and housing facilities. This calculation indicated that the minimum MDS distance should be 220m. A copy of this calculation was submitted to ZanderPlan Inc., who then revised the location of the proposed lot to be severed to show the entire new lot outside the 220m MDS area.

#### Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Source Water Protection

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

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

**(e) MINUTES – May 9, 2016**

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

Ms. Zander provided a brief background on the application. Noting that the application was revised to accommodate the increased MDS calculation provided by Bartlett/Ableson. This moved the lot 87 metres northerly which would fit between the wetland setback area and the MDS separation.

The Secretary-Treasurer advised that Mr. Ableson and Ms. Bartlett had advised that the revised location was acceptable, provide sufficient conditions were included to ensure that the MDS separation was maintained.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated May 2, 2016.
4. The reference plan required by condition #1 above shall ensure that the southerly lot line of the lot to be created is a minimum of 220 metres from the nearest livestock facility located on the Bartlett/Ableson Farm located on Pt. Lot 6 Conc. 12 Lanark.

5. The applicant shall provide the Secretary-Treasurer with a copy of the registered transfer/deed that consolidates E Pt. Lot 8 Con 12 Lanark with E Pt. Lot 8 Con 12 Lanark being Part 2 on RP 27R-9414.
6. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
8. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
9. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
10. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
11. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
12. The applicant shall obtain a residential entrance to the subject lot. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
13. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
14. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
15. A letter shall be received from the Township of Lanark Highlands stating that condition #7 through #14 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the severed lands, and in the area of the future replacement tile bed area on the retained lands.*
2. *The Mississippi Valley Conservation Authority advises that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the*

*shoreline of the watercourses identified on the retained lands.*

*The shoreline vegetation along the watercourses, identified on the retained lands, should be retained to a minimum depth of 15 m.*

3. *The MVCA also advise that unclassified wetlands, identified on the retained lands, should remain undisturbed.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
6. *Source Water Protection*  
*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca).*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNRF for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNRF to discuss the potential for application of certain permits or agreement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Patrick Cordick **Hearing Date:** May 9, 2016  
**Agent:** ZanderPlan Inc. **LDC File #:** B16/007 to B16/013  
**Municipality:** Township of Drummond / North Elmsley  
**Geographic Township:** Drummond **Lot:** 23/24 **Conc.:** 9  
**Roll No.:** 0919 919 025 40900 **Consent Type:** 7 lot additions

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

B16/007 – to sever a 0.13-ha parcel of land as a lot addition to lands owned by Bradley M Vollrath at 145 Cooke's Shore;

B16/008 – to sever a 0.27-ha parcel of land as a lot addition to lands owned by Spencer B Grabe at 149 Cooke's Shore;

B16/009 – to sever a 0.39-ha parcel of land as a lot addition to lands owned by Robert Rivington and Stephanie Grabe at 157 Cooke's Shore;

B16/010 – to sever a 0.26-ha parcel of land as a lot addition to lands owned by Gary and Jocelyne Kowaluk at 173 Cooke's Shore;

B16/011 – to sever a 0.2-ha parcel of land as a lot addition to lands owned by Andree Ostiguy at 177 Cooke's Shore;

B16/012 – to sever a 0.5-ha parcel of land as a lot addition to lands owned by Dwight Neron at 179 Cooke's Shore;

B16/013 – to sever a 3.17-ha parcel of land as a lot addition to lands owned by Patrick and Tanis Cordick at 500 Drummond Con 9B; and

And to retain a 20.39-ha residential landholding which is the subject of 5 new lots, which will be presented to Committee at a later date.

**Official Plan Designation:** Rural, Significant Wooded Area, Floodway, ANSI

**Conformity:** Yes

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

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

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

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

health and safety concerns.

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

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

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

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

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

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

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

#### **2.1 Natural Heritage**

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

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

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

#### **2.2 Water**

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

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

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

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

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed

development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** - section 3 General Provisions, section 3.6 Cultural Heritage, Section 3.13 Natural Heritage, Section 3.16 Rural Character, Section 4.3 Rural, Section 4.6 Wetland, Section 4.7 Flood Plain, Section 5.3 Local Roads, Section 5.5 Private Roads, section 6.3 Division of Land.

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

**Zoning By-law** – Section 4 General Provisions, Section 7 Rural Zone, Section 10 Limited Services Residential.

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

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

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

##### **Township Planner's Report -**

Thank you for circulating the Township of Drummond/North Elmsley on this application.

Township staff have reviewed the application within the context of the Township's Official Plan and Zoning By-law and comment as follows. As indicated, it is understood that this application seeks the severance of seven small parcels of land owned by Patrick Cordick to be used as lot additions to adjacent residential landholdings. Six of these landholdings are undersized (by zoning standards) waterfront properties and the seventh is a house lot also owned by the applicant. The waterfront lot additions would be bisected by Cooke's Shore Road, which is a private road.

While the Township's Official Plan limits lot creation by consent to a maximum of three from an area of land as it existed in 1979 (with some exceptions, including where multiple road frontages are involved), these lot additions are not included within that total since they do not involve the creation of new building lots. It is noted that at the time of submission of these applications, the Owner has also

submitted applications for new lots elsewhere on the landholding, however those are not the subject of this report and will be considered at a later date.

#### Planning Review

All division of land, including lot additions, must comply with the Township's and County's Official Plan as well as the Township's Zoning By-law. The area proposed for the lot addition is designated Rural according to the Township's Official Plan, however there is a significant woodland overlay affecting the northernmost (Cordick) lot addition. If this were proposed as a new lot, an environmental impact study would need to be undertaken in order to demonstrate the suitability of additional development, however for this lot, as well as all of the others, the additions are being made to lots that are already developed. Consequently, while the Official Plan does not allow back lot development (on the land side of a private road), the approval of lot additions which do not add new residential development potential or incur additional growth pressure does not constitute back lot development for the purposes of this policy. From a planning perspective rear lot additions to waterfront lots are normally considered favourably since the extra land further from the water could accommodate accessory buildings, septic systems and other structures and activities which would otherwise be constrained to locations closer to the water.

This policy goal is expressed in Section 2.6 of the Township's Zoning By-law which recognizes that lots in common ownership "in the Limited Services Residential Zone" that are divided by a road allowance shall be considered as one for the purposes of zoning, which means that accessory structures (but not main buildings) could be built on the rear. It is worth noting that pursuant to this section, most back lot areas on private roads are zoned Limited Services Residential, however this area, being part of the larger Cordick property is currently zoned Rural. While extending consistent LSR zoning across the rear portion would be helpful for ease of review and consistency, Section 2.5 of the By-law stipulates that a lot addition in a different zone "shall be deemed to be located entirely in the zone of the recipient lot, and the zone regulations of this by-law shall apply as though the entire lot is located in the zone in which the recipient lot is located." As such, zoning requirements of the recipient lots would still apply and these lot additions are considered to comply with the Zoning By-law. While two of the seven resulting lots will still not meet the minimum 0.4 ha standard, each of these lots are being increased in size.

#### Conclusion and Recommendation

In conclusion and for the reasons outlined above, staff are of the view that these consent applications are generally consistent with the Township's planning policies and do not object to the approval of the applications.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office. Reference plans shall be provided in both paper and electronic format.

- 3) The applicant shall confirm that the proposed side yard setbacks from existing buildings on the severed, retained, enlarged and neighbouring lots complies with all requirements of the Township's Zoning By-Law.
- 4) Prior to final approval, the applicant shall provide satisfactory evidence to the approval authority that the lake parcels and rear parcels described in the application constitute one lot and cannot be separately conveyed .
- 5) Prior to final approval, the applicant shall provide satisfactory evidence to the approval authority that the lot additions described in the application can be legally accessed through Cooke's Shore Road in the same manner as the recipient lots.

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

#### PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (7) vacant parcels of land as lot additions to the rear of the adjacent developed lots. The retained land is vacant with a resulting area of 51 ac. The lots to be enlarged are already developed.

#### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, all (7) lots to be enlarged have frontage on Mississippi Lake, while the severed and retained lands do not. Also, according to a review of MVCA's Regulation Mapping, a portion of all lots to be enlarged are within the 1:100 year flood plain and Regulation Limit (RL) (i.e. within 15 m of the flood plain) of the lake. The severed and retained lands are not located within these regulated areas. In addition, an unclassified wetland exists on the retained lands. The headwaters of an unnamed watercourse flow through this wetland.

#### REVIEW & CONCLUSION

All lots to be enlarged are already developed with no new development proposed at this time. And suitable area appears to remain on the retained lands for potential future development. Therefore, we do not anticipate any impacts to natural heritage features or natural hazards as a result of the subject applications. MVCA does not have any objection to the subject applications.

#### NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources and Forestry should you require a review in this regard. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the 1:100 year flood plain and Regulation Limit. In addition, written

permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.

We also advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca) prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO 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.

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

B16/007 - a .33 acre parcel of land off Cooke's Shore Road that is to be added to an existing lot of record. Recommendation – an addition to an existing lot only.

B16/008 – 1 0.68 acre parcel of land to be added to an existing lot of record. Recommendation – addition to an existing lot of record only.

B16/009 – a 0.99 acre parcel of land to be an addition to an existing lot of record. Recommendation - addition to an existing lot only.

B16/010 – a 0.65 acre parcel of land to be an addition to an existing lot of record only. Recommendation – an addition to an existing lot of record only.

B16/011 – a 0.49 acre parcel of land that is to be an addition to an existing lot of record. Recommendation – an addition to an existing lot only.

B16/012 – a 1.24 acre parcel of land that is to be an addition to an existing lot of record only. Recommendation – an addition to an existing lot of record only.

B16/013 – a 7.85 acre parcel of land with no existing buildings. This lot is to be an addition to an existing lot of record. Recommendation – addition to an existing lot of record only.

Retained lands – a 50.99 acre parcel of land. The land is vacant and mainly wooded. Drainage and soil depths can vary throughout property. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

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

**Bell Canada R-O-W**

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a seven (7) lot additions and retain a 20.39-ha residential landholding which is the subject of 5 new lots, to be presented to Committee at a later date. The original landholding was the subject of two previous

consent applications for new lots – 1 via Drummond Con 9B and 1 via Rothwell Park Road. New consent creation policies in the D/NE Official Plan permits additional consents where lands abut two or more municipal roads.

The subject lands are located in an area characterized by typical seasonal and lake orientated residential development along the shore of Mississippi lake and large landholding along Ebb's Bay Road.

Six of the lots are accessed via Cooke's Shore Road, a private road. This private road does not form part of the lands to be transferred. One lot is accessed via Ebb's Bay Road, a municipally maintained road.

Bedrock Inventory – flows, tuffs, breccias.

#### Archaeological

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

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

#### Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. General consent policies are used to evaluate

lot additions, however lot additions does not factor into the number of new lots that are available on a single landholding.

### 3. Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Drummond / North Elmsley.

#### Zoning

No new or additional infrastructure is required as a result of the proposal. The severed lands will increase the existing undersized lots as follows:

Vollrath – from 0.1429-ha to 0.277-ha  
 Grabe – from 0.1684-ha to 0.442-ha  
 Rivington – from 0.2630-ha to 0.662-ha  
 Kowaluk – from 0.1698-ha to 0.4339-ha  
 Ostiguy – from 0.1325-ha to 0.3316-ha  
 Neron – from 0.3175-ha to 0.8175-ha

which is an improvement and more in keeping with the minimum requirements of Township's Official Plan. The final lot addition (Cordick) will increase the existing lot which complies with the zoning requirements, from 0.952-ha to 4.128-ha.

The lot enlargement lands are currently zoned as rural as well as the Ostiguy and Neron lands, the other lots to be enlarged are zoned as Limited Service Residential. Section 2.5.2.2 of the D/NE Zoning By-law provides that "*Where the lot addition is located in another zone, it shall be deemed to be located entirely in the zone of the recipient lot and the zone regulations of this By-law shall apply as though the entire lot is located in the zone in which the recipient lot is located.*"

#### Conclusion

No new or additional infrastructure is required as a result of the proposal. The lot enlargements are improvement and meets the general intent of the zoning by-law. The applications can meet the consistent with test of the Provincial Policy Statement.

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

#### **(e) MINUTES – May 9, 2016**

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

Ms. Zander provided a brief background report on the purpose of the applications, noting the for the first 6 applications, the private road known as Cooke's Shore Road is not included as part of the lands to be severed, but will remain in Mr. Cordick's name and will be maintained through a maintenance agreement with the landowners. The lands to be enlarged by the 7<sup>th</sup> lot addition gains access from a municipally maintained road.

Ms. Zander questioned the recommended condition No. 8 (Township

recommended condition No. 3) which would require a Building Location Survey for each of the recipient lots to determine if they comply with the zoning by-law setbacks. Noting that given the age of these dwelling and outbuildings, it is highly unlikely that any of them will conform, and as such are currently considered 'legally non-conforming'.

The Secretary-Treasurer advised that an update had been received from K Grenke, Planner for the Township of Drummond / North Elmsley, advising that the Township's recommended condition No. 3, could be revised by removing 'and enlarged' from the condition.

The Committee agreed to revise the condition accordingly, by removing the words 'enlarged and neighbouring'.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**B16/007**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Bradley Malcolm Vollrath described as Part Lot 23 Conc. 9 geographic Township of Drummond (145 Cooke's Shore Road), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. Prior to final approval, the applicant shall provide satisfactory evidence to the Secretary-Treasurer that the lot addition described in the application can be legally accessed through Cooke's Shore Road in the same manner as the recipient lots.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of

Drummond / North Elmsley.

6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Drummond / North Elmsley with a digital copy of the registered reference plan.
8. The applicant shall confirm that the proposed side yard setbacks from existing Buildings on the severed and retained lot comply with all requirements of the Township's Zoning By-Law. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The Mississippi Valley Conservation Authority advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the 1:100 year flood plain and Regulation Limit. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.*
3. *Consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca) is required prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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**B16/008**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Spencer Bruce Grabe described as Part Lot 23 Conc. 9 geographic Township of Drummond (149 Cooke's Shore Road) , 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".
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**B16/009**

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Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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3. *Consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-](mailto:fisheriesprotection@dfo-)*

[mpo.gc.ca](http://mpo.gc.ca) is required prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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**B16/010**

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3. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition “The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gary Brian Kowaluk and Jocelyne Marie Louise Kowaluk described as Part Lot 23 Conc. 9 geographic Township of Drummond (173 Cooke’s Shore Road), 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

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3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Dwight Michael Edward Neron described as Lot 16 Plan 9242 being Part Lot 23 Conc. 9 geographic Township of Drummond (179 Cooke's Shore Road), 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".
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Condition #1 above, shall include the following condition “The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Patrick Shaun Cordick and Tanis Lynn Cordick described as Parts 3 & 4 Plan 27R-1296 being Part Lot 23 Conc. 9 geographic Township of Drummond, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

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## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** 2275529 Ontario Corp.

**Hearing Date:** May 9, 2016

**Agent:** McIntyre Law Associates

**LDC File #:** B16/030

**Municipality:** Town of Carleton Place

**Geographic Township:** Carleton Place

**Lot:** 20

**Plan:** 1844

**Roll No.:** 0928 030 055 10300

**Consent Type:** New Lot

**Purpose and Effect:** To Sever a 365.2 sq. m. residential lot with an existing dwelling located at 120 Mary Street and retain a 237.8 sq.m. residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	365.2 sq.m.	237.8 sq.m.
<b>Frontage</b>	16.3 m	10.6 m
<b>Depth</b>	22.4 m	22.44 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Piped Water	Proposed Piped Water
<b>Sewage Disposal</b>	Sewage System	Proposed Sewage System
<b>Development Permit By-law Category</b>	Residential	Residential
<b>-Area (minimum)</b>	60 % Lot coverage	60 % Lot coverage
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	10.6 m	10.6 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Residential District

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space

and other uses to meet long-term needs.

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

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

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

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

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

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

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Community Design Framework, Section 3.5 Residential District, Section 4.3.3 Transportation, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents, Section 6.8 Cash-in-Lieu of Parklands.

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

**Development Permit By-law** – Section 2.0 Administration, Section 3.0 General Provisions, Section 6.0 Residential District.

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

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

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

##### **Town Planning Report -**

A consent application has been received from the property known municipally as 120 Mary St. This application has been to Council previously and granted approval with conditions. These conditions must be completed within a year or the date of decision.

This did not occur and the consent lapsed. The subject lands are legally described as Lot 20 Plan 1844.

The consent application is to sever a 365.2 m<sup>2</sup> residential lot, leaving a 237.8 m<sup>2</sup> retained property.

The Provincial Policy Statement, 2014 (PPS) provides direction on matters of Provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the province depends upon a "strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy\_" The policy statement directs development to settlement areas and protects resources throughout the province.

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

Section 2.0 of the statement protects resources and section 3.0 outlines policies to direct development away from areas of potential hazards. The proposed severance complies and is consistent with policy directions within the Provincial Policy Statement.

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character.

The Development Permit By-law also designated the property as residential (R). The severance will allow for the creation of a new residential lot. Both the retained and severed lots will meet the minimum frontage required under the Development Permit By-law.

#### COMMENT

The proposal, if approved, will allow for the creation of a new residential lot. Both the existing and retained lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of new deed.

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

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

- Adequate access along the maintained road
  - Compliance with the Ontario Building Code
- Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.
5. The new lot and any structures to be built on will not be permitted any variations to the provisions in the Development Permit By-law of the Town of Carleton Place unless a separate Development Permit application is submitted and approved.
  6. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
  7. That cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.

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

**Bell Canada R-O-W**

150 Mary St – Lot 20 Plan 1844

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no consents or objections with the application.

**(c) PUBLIC INPUT**

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

**Pleasance Simser – April 9 2016**

I understand that my neighbour has severed and sold the side portion of his property at Lot 20 Plan 1844, Mary Street, to 2275529 Ontario Corp. I believe that this is the same company that built the 4 townhouses on Antrim Street and that they have plans to put up a multiple housing building on our street.

Mary Street is a very short street, mainly comprised of older homes (60 years and older). I am concerned that the construction will have a negative effect on our homes. I know that the vibration from the construction last year on Antrim Street could be heard and felt quite significantly. What kind of protection is there to make sure that our homes will not be damaged by any construction? I will certainly be taking a lot of pictures of my home prior to any construction so that any damage will be documented.

Another concern is the heavy equipment that is required for construction. Our street is in pretty bad shape, and will only get worse with the use of heavy construction equipment.

Finally, there is a lot of street parking (both sides) on Mary Street now, and if there is multi-unit building put on that lot, it will only get worse. It already makes driving on Mary Street quite challenging, especially in the winter.

I would like to be notified of both the public meeting and the decision of the Land Division Committee.

*NOTE – The agent discussed the development proposal with Ms. Simser, who has since advised that she has no problem with another single family residence on the*

*street, and that her only concern was that a multiple unit building was being proposed.*

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 365.2 sq.m. parcel of land with an existing residential dwelling located at 120 Mary Street and to retain a 237.8 sq.m. vacant parcel of land for a future single family dwelling. These lands were the subject of consent application B2014/106 which was allowed to lapse.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is 'infill', a process recommended by the PPS.

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

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
- 3 Woodlands  
The Town of Carleton Place utilize a 'Tree Conservation Plan' for protection of woodlands within town limits.

**Development Permit By-law**

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

**Conclusion**

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

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

**(e) MINUTES – May 9, 2016**

Carolyn O'Leary, representing the owner attended the hearing and gave evidence under oath.

Ms. O

Leary advised that this application is a re-submission of a previous consent with was allowed to lapse, and since has been purchased by 2275529 Ont. Ms. O'Leary also advised that they had spoken with the adjacent landowner, P Simser and advised her that only a single family dwelling would be constructed on the lot.

The committee noted that the Town of Carleton Place had not addressed the frame garage located straddling the proposed centerline. An addition condition was included to require that the frame garage be either removed or relocated to meet setback requirements.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
5. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:

- Adequate frontage along the maintained road;
- Adequate access along the maintained road; and
- Compliance with the Ontario Building Code (severed lands).

If the plan does not comply with the Development Permit By-law, an application to amend the by-law will be required. The applicant shall consult directly with the Town of Carleton Place in this regard.

6. That the applicant remove or relocate the frame garage to comply with the setback requirements of the Town of Carleton Place.
7. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan in NAD83 datum.
8. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. Payment of \$640.00 shall be made to the Town of Carleton Place representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
11. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
12. A letter shall be received from the Town of Carleton Place stating that condition #3 through #11 has been fulfilled to their satisfaction.

**NOTES**

1. *The applicant is advised that any variations to the provisions of the Development Permit By-law of the Town of Carleton Place will not be permitted on the severed or retained lands unless a separate Development Permit application is submitted and approved by the Town.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Zion Memorial United Church                      **Hearing Date:** May 9, 2016  
**Agent:** N Alan Jones    **LDC File #:** B16/031  
**Municipality:** Town of Carleton Place  
**Geographic Township:** Carleton Place                      **Lot:** 53                      **Plan:** 276  
**Roll No.:** 0928 020 035 10300                                      **Consent Type:** New Lot

**Purpose and Effect:** To Sever a 771.5 sq. m. residential lot with an existing dwelling located at 43 Franklin Street and retain a 2,976.0 sq.m. parcel of land with an existing institutional facility (church) located at 39 Franklin Street.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Residential	Institutional
<b>Proposed Use</b>	Residential	Institutional
<b>Area</b>	771.1 sq.m.	2,976.0 sq.m.
<b>Frontage</b>	22.65 m	38.85 m
<b>Depth</b>	34.05 m	51.6 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Piped Water	Piped Water
<b>Sewage Disposal</b>	Sewage System	Sewage System
<b>Development Permit By-law Category</b>	Mississippi Residential Sector	Mississippi Residential Sector
<b>-Area (minimum)</b>	60% lot coverage	60% lot coverage
<b>-Compliance?</b>		
<b>-Frontage (minimum)</b>	10.6 m	10.6 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Mississippi District

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Community Design Framework, Section 4.3 Mississippi Residential Sector, Section 4.3.3 Transportation, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents, Section 6.8 Cash-in-Lieu of Parklands.

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

**Development Permit By-law** – Section 2.0 Administration, Section 3.0 General Provisions, Section 4.3 Mississippi Residential Sector, Section 6.0 Residential District.

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

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

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

##### **Town Planning Report** –

##### **SUMMARY**

A consent application has been received from the property known municipally as 37 Franklin St (Zion Memorial Church). The subject lands are legally described as Lot 53 Plan 276, Town of Carleton Place.

The consent application is to sever a 771.1 m<sup>2</sup> residential lot, leaving a 2976 m<sup>2</sup> retained property.

The Provincial Policy Statement, 2014 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the province depends upon a "strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy" The policy statement directs development to settlement areas and protects resources throughout the province.

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

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

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

The Official Plan designation for this property is Mississippi Residential Sector (MRS). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designated the property as Mississippi Residential Sector (MRS). The severance will allow for the separation of Zion Memorial Church and its manse. Both the retained and severed lots will meet the minimum frontage required under the Development Permit By-law.

#### COMMENT

The proposal, if approved, will allow for the separation of Zion Memorial Church from its existing manse. Both the existing and retained lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of new deed. It should be noted that once Council makes a decision, the applicant must clear all conditions within one year from the date of that decision.

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

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

- Adequate frontage along the maintained road
- Adequate access along the maintained road
- Compliance with the Ontario Building Code

Should compliance not be demonstrated, the applicant will take any and all steps to bring the property into compliance.

5. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

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

**Bell Canada R-O-W**

150 Mary St – Lot 20 Plan 1844

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no consents or objections with the application.

**(c) PUBLIC INPUT**

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

Luis and Krista Biggs – April 8, 2016

We would like to be kept up to date and have any additional information pertaining to the severance of this lot.

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 771.1 sq.m. parcel of land with an existing residential dwelling located at 43 Franklin Street and to retain a 2,976.0 sq.m. parcel of land with an existing church facility located at 37 Franklin Street.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is separate the manse from the church facility.

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title

or for any legal or technical reason which do not result in the creation of a new lot.

### 3 Woodlands

The Town of Carleton Place utilize a 'Tree Conservation Plan' for protection of woodlands within town limits.

#### Development Permit By-law

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

#### Conclusion

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

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

#### (e) **MINUTES – May 9, 2016**

Alan Jones, agent attended the hearing and gave evidence by virtue of his profession (solicitor)

Jan Hopkins and Gerald Hoogheim, representatives of the church attended the hearing and gave evidence under oath.

Mr. Jones provided a brief overview of the proposal to separate the manse from the church property.

Committee reviewed the staff report and draft conditions.

#### (f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
5. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
  - Adequate frontage along the maintained road;
  - Adequate access along the maintained road; and
  - Compliance with the Ontario Building Code.If the plan does not comply with the Development Permit By-law, an application to amend the by-law will be required. The applicant shall consult directly with the Town of Carleton Place in this regard.
6. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan in NAD83 datum.
7. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. A letter shall be received from the Town of Carleton Place stating that condition #3 through #7 has been fulfilled to their satisfaction.

**NOTES**

1. *The applicant is advised that any variations to the provisions of the Development Permit By-law of the Town of Carleton Place will not be permitted on the severed or retained lands unless a separate Development Permit application is submitted and approved by the Town.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Tammy Thornton / Del Lally

**Hearing Date:** May 9, 2016

**Applicant:** Tammy Thornton

**LDC File #:** B16/032

**Municipality:** Tay Valley Township

**Geographic Township:** North Burgess

**Lot:** 11      **Conc.:** 5

**Roll No.:** 0911 911 025 21705

**Consent Type:** easement

**Purpose and Effect:** To create an easement (Right-of-way) over an existing laneway and to relinquish a legally described easement.

**Official Plan Designation:** Rural

**Conformity:** Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.22 Natural Heritage Features, section 3.6 Rural, Section 4,5 Private Roads, section 5.2 Land Division.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report** -

The proposal is to create an easement over an existing travelled laneway (Part 5) and remove a previous easement (Parts 7 and 8) as described on survey 27R542 in favour of neighbouring owners.

**Discussion**

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

**Recommended Conditions:**

- Payment of Taxes, Payment of all costs incurred by the Township for review, One copy of Deed/Transfer, One copy of the reference plan.

Provincial Policy Statement -	no concerns
Official Plan -	Section 3.6 Rural
Zoning By-law -	The parcel is zoned Rural: it is vacant and no development is proposed at this time.

**Conclusion**

The Planner recommends that consent be granted to this application, subject to the conditions and advisory notices listed above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.

**(c) PUBLIC INPUT**

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

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

The applicant proposes to sever to create an easement (Right-of-way) over an existing laneway and to relinquish a legally described easement.

The subject lands are located in an area characterized by typical seasonal residential area along the shore of Round Lake. Murphy's Point Provincial Park is located to the west of the lands.

The easement (ROW) adjoins Lally Road, a municipally maintained road.

**Deer Yard**

The subject property is located within the locally known 'Round Lake Deer Yard'. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

**Archaeological**

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

**Official Plan Policies**

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

**Zoning**

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The provision for an easement (R-O-W) is not affected by the zoning by-law.

**Conclusion**

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

the Provincial Policy Statement.

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

**(e) MINUTES – May 9, 2016**

Del Lally, owner and Paul Haliburton, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Lally provided a brief background of the purpose of the application, noting that over time the private road leading to the 'causeway' has changed location from the original 'legal' right-of-way.

Mr. Haliburton requested confirmation that his easement would not be affected.

The chair advised that the easement/r-o-w over Part 8 Reference Plan 27R-7542, which provided him with access would remain on his deed, and that a part of Part 8 would be relinquished by those also using Part 7.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The purpose of the consent is to create an easement in favour of Justine Jeffrey (27R4772), Rene and Doris Morin (27R7535), Margaret Mary Geddes (27R2195) and Maureen Ann Howson (27R2195).
4. The applicant shall provide the Land Division Secretary-Treasurer with a copy of the transfer/deed that relinquishes Part 7 and a portion of Part 8 Reference Plan 27R-7542 as an easement (ROW) to Justine Jeffrey (27R4772), Rene and Doris Morin (27R7535), Margaret Mary Geddes (27R2195) and Maureen Ann Howson (27R2195).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. A letter shall be received from Tay Valley Township stating that condition #5 through #8 has been fulfilled to their satisfaction.

**NOTES**

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** David A and Mary E Wilson

**Hearing Date:** May 9, 2016

**Agent:** none

**LDC File #:** B10/154

**Municipality:** Township of Drummond / North Elmsley

**Geographic Township:** North Elmsley

**Lot:** 23/24

**Conc.:** 7

**Roll No.:** 0919 908 015 26000

**Consent Type:** New lot

**Purpose and Effect:** To sever a 1.0-ha residential building lot and retain a 17-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Rideau Ferry Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Residential, Barns, Etc.
<b>Proposed Use</b>	Residential	Residential, Barns, etc.
<b>Area</b>	1.0 ha	17.0 ha
<b>Frontage</b>	64.83 m	574 m
<b>Depth</b>	180.44 m	304.8 m
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Zoning By-law Category</b>	Rural, Wetlands Adjacent Lands	Rural, Wetlands, Environmental Protection
<b>-Area (minimum)</b>	0.4-ha	10.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural, Wetlands, Land Adjacent to Wetlands

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

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

health and safety concerns.

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

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

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

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

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

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

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

#### **2.1 Natural Heritage**

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

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

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

#### **2.2 Water**

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

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

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

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

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed

development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.2 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

The proposal generally conforms to the designations and policies of the Official Plan for the County of Lanark. Section 8.2.2 Consents, refers to the local municipal Official Plan policies for lot creation criteria and evaluation.

**Local Official Plan** – Section 3 General Provisions, Section 3.103 Natural Heritage Features, Section 3.16 Rural Character, Section 3.18 Water and Wastewater Services, Section 4.3 Rural, section 4.6 Wetlands, Section 5.2 County Roads, Section 6.3 Division of Land.

**Zoning By-law** - Section 4 General Provisions, Section 7 Rural Zone section 24 Wetlands, Section 25 Environmental Protection Zone.

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

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

##### **Township Planner's Report -**

Thank you for circulating the Township of Drummond/North Elmsley on this application.

Township staff and Council have reviewed the application and offer the following comments. As indicated, this application seeks approval to sever a roughly 2 acre lot from a 44.7 acre lot with frontage on the County-owned Rideau Ferry Road. While this application was originally submitted in 2010, a decision has been delayed as the applicant was originally unable to secure access from the County Road. In 2015, County and Township staff and the applicant had worked out an arrangement whereby an entrance would be approved, however subject to certain conditions relating to a nearby municipal road allowance. Those conditions would be implemented in a development agreement that would be a condition of a consent approval. The application was then re-circulated to agencies and abutting properties.

In considering the application it is noted that the Wilson property is the 'retained' parcel resulting from a 2006 proposal that created two new lots on Grassmere Road (a private road at the south end of the lot). As part of that severance approval, the severed and Wilson properties are all subject to site specific zoning provisions establishing minimum lot sizes as well as development agreements prohibiting future lot creation on the properties. These were done to implement



**Conservation Authority** – Rideau Valley Conservation Authority & Parks Canada  
 The Rideau Waterfront Development Review Team has the following comments for the Committee's assistance, based on provincial planning policies and Rideau Valley Conservation Authority (RVCA) regulatory considerations (Ontario Regulation 174-06). As this property is hydrologically contiguous to the Rideau Canal, comments were also offered by the Rideau Canal Office-Parks Canada regarding the federal Historic Canal Regulations and federal fish habitat protection.

This application will sever a vacant 1.0 hectare (2.47 acre) lot from the farm holding. The proposed new lot is situated totally within the adjacent lands of the provincially significant McLean's Bay Wetland. A portion of the retained parcel is also contained within the 'adjacent lands' to the wetland (see attached mapping). The east lot line of the proposed severed parcel actually defines the limit of the wetland.

The slope of the proposed new lot leading upland from the wetland substantially represents a 30 metre distance to a significant height of land. The site levels off to it terrace area and then rises gently to the proposed west lot line and existing access road. The upland area of the slope consists of variable soil depth and rapid drainage. Vegetation cover is typical old field regeneration with some soft and hardwood tree cover.

A site inspection was completed by our staff in January 2010. As part of the pre-circulation discussion with the applicants, the RVCA had requested that a scoped Environmental Impact Statement be prepared to address the provincial policy and our regulatory considerations. The RVCA recommended that the proposal identify a development envelope to demonstrate that a 30 metre setback from the wetland boundary can be achieved. The applicants have submitted a survey as part of the EIS to address this recommendation. We have reviewed the materials and are satisfied that the application will not impact the McLean's Bay Wetland, provided the site development respect the findings of the EIS and that the following is recognized:

All lands within 120 metres of the wetland boundary are now regulated under the Conservation Authorities "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation, which came into effect in 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.

For the Committee reference the RVCA will be anticipating that:

- A hardy native buffer will be retained in the setback area (native ground cover, shrubs and trees).
- Runoff, erosion and sediment controls are to be established immediately on the downslope side of tile construction site PRIOR to the commencement of any development activity at or upland of the 30 metre setback. The 30 metre wetland setback is to be marked on the site.
- All excavated materials must be disposed of well away from the water, and upland of the development site.

Rideau Canal Office- Parks Canada, as the federal agency approval authority

under the Historic Canal Regulations notes that the lot created at this location would not be considered to be waterfront.

Parks Canada also notes that applications such as this along the Canal/Big Rideau Lake have the potential to cause a HADD (harmful alteration, disruption or destruction of fish habitat). Any disturbance of the wetland may affect fish habitat. Care must be taken with any work, and/or development such that no harmful alteration disruption or destruction of fish habitat will result.

Please advise us on the committee's decision on the application or any changes in the status of the application. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions.

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

Severed lands – lot slopes at the edge adjacent to retained lands toward wetland area. Soil is clay loam and ranges in depth from less than 10 cm to greater than 90 cm. Old field, partially cleared. Recommendation – depending on the exact location of a proposed sewage disposal system, acceptable leaching bed fill may need to be imported.

Retained lands – wetland area between proposed severance and retained lands is use. Large property with varying soil conditions and slopes. Recommendation – severance should not affect on-site sewage disposal on the retained lands.

**Lanark County Public Works**

- 1/ Applicant has an approved existing entrance to the County Road – Permit No. 1723.
- 2/ Applicant has an approved entrance location permit to the County Road – permit No. 2306.
- 3/ Complete application to be submitted and entrance installed prior to deed endorsement.
- 4/ Standard conditions for road widening, survey, road closing, approvals and documentation to be included

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

**Bell Canada R-O-W**

Subsequent to review by our local Engineering Department of the lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection. We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**Warren Cline – Dec 1, 2015**

I am contacting you regarding my recent notification on the severance application by David and Mary Wilson on File No. 810/154; Subject Land Pt. Lots 23 and 24 Conc. 7 geographic Township of North Elmsley, Township of Drummond / North Elmsley (1545 Rideau Ferry Rd.).

I wish to be notified of the public meeting when announced and subsequent

decision of the Land Division Committee. Additionally I wish to be informed on the application on County Road Entrance Permit No. 2306.

Doris McCue – Dec 11, 2015

I received a Notice of Application for Consent regarding severance of a 1.0-ha lot from the property of the Wilsons. This is their second time to request this severance. My understanding is that previously their request was not approved because of the dangerous entrance from the property to the county road.

The entrance to the old road that runs along the property (which was formerly known as the old Burgess Road) also is hidden by a large rock cut. The Burgess Road is used as a ski-doo trail in the winter and year round is open for people to walk and see various wildlife and enjoy nature. With the approaching year of celebration for the 200th Anniversary of the Perth Military Settlement it is also appropriate to respect the history of this road and its importance to the settlement of the Township.

This 1.0-ha lot lies in the Wetland Zone and Lands Adjacent to wetlands Zone.

Therefore I respectfully recommend that consent not be given for this severance. Thank you.

*[NOTE – The Land Division Office has no record of a previous severance application other than B2003/069 and B2003/070.]*

Ronald and Diana Coutts – Dec 14, 2015

There was a rezoning bylaw No. 2006-10 for the said property passed by the township of Drummond/North Elmsley on the 16th day of March 2006. The zoning by-law was to create two severed lots and one retained lot. The environmental impact study showed minimum lot areas and frontages of all three lots and set that (they cannot be furthered severed) and minimum set back of 70m from boundary of wetland zone and 30m boundary of wetland zone for the two severed lots. All the land located within 120 metres of the boundary of McLean's Bay Wetland would be rezoned to environmental protection zone to prohibit development!!!

We have concerns as to where the road allowance for the said property. There is no posted permit sign showing where the road entrance will be. There is a concern that the entrance granted does not meet the county regulations, via distance, sight, and safety. The distance between entrances on the county road #1 is 150 metres. We Ronald and Diana Coutts have been previously declined access to our property for severance on County Road #1 for a building lot because of the 150 metre rule between properties. County rules should be followed for the above said property entrance requirement so there are no double standards!!!

We are also concerned about the possibility of the township allowance beside the property being affected. This road allowance has been used by local residence for years for recreation use, such as hiking, snowshoeing, snowmobiling, skiing, bird watching etc. The loss of this road would have a huge impact on the local recreation.

We trust you will find these matters important on the decision made on the said land described above.

Barker Willson (per Craig Halpenny) – December 14, 2015

I represent Michael Grass, Gayle Grass and Grassmere Holdings Inc. ("Grass").

Having reviewed the Agenda for the Land Division Committee meeting on today's date, it would appear that the matter is not proceeding at this time. My client wishes to convey concerns and/or objections that they have with the above-referenced Application.

Grass previously owned the property that is the subject of the Application for Consent (the "Wilson Property"). Grass currently owns two properties that are adjacent to the property that is subject of the Application for Consent (the "Grass Properties"). The Wilson Property and the Grass Property were, at one time, a single parcel of land owned by Grass (the "Original Property"). In or about 2003, Grass proposed to sever the Original Property into 5 separate parcels of land. One of the proposed new parcels was the area of land that is subject to the current Application. At that time in 2003, the Township denied Grass the opportunity to create a lot in the area that is the subject to the current Application.

In fact, the Township very specifically stated that severance of the Original Parcel was restricted to 3 new lots. The Township further insisted that Grass enter into a development agreement restricting any further severance of the Wilson Property and the Grass Properties. The Wilson Property and the Grass Properties were each rezoned to establish a minimum lot size so as to prevent further severances.

My initial discussions with both the Township and the County suggested that neither municipality was made aware of the existence of the development agreement or zoning on the subject lands. The purpose of this letter is as follows:

1. client's desire to be involved in any discussions between the Township and the Applicant regarding the development agreement and how any variation or amendment to the development agreement will impact him; and
2. to be fully apprised by the Township and the County of the planning rationale relied upon in making its decision on this Application and, if the Application is approved, how the planning rationale has changed since 2003.

Until such time as my client is apprised of the Township's position and planning rationale with respect to the Application, my client reserves the right to make such further objections.

If a decision is made by the Township to support the Application and by the County to approve the Application, then there is no doubt that my clients have been damaged by the reversal of the Township's position following the disposition of the subject property by them to Wilson.

If the Township wishes to amend or revise the development agreement, then my clients are seeking the opportunity to be involved in those discussions so that they may have the opportunity to provide input on the implications for them and for further development of the Grass Properties.

Warren Cline – May 9, 2016

Our family accesses the forced road adjacent Pt. Lot 23/24 Conc. 7 for recreational walks. We note on occasion recreational vehicles also use the forced road.

We would like to know who currently owns the forced road and who has access to it?

Our concern is twofold;

- Entry to the proposed severance property appears to have only one option due to the elevation off Rideau Ferry Rd., that being the forced road.
- Should the proposed severance be granted, would the new owner of Pt. Lot 23/24 Conc. 7 take sole ownership of the only access point to the forced road? (thus preventing future access to the public)

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1.0-ha residential building lot and retain a 17.0-ha landholding with an existing dwelling, garage, Quonset, stable and hay barn located at 1545 Rideau Ferry Road.

This application has been 'on-hold' since 2010, in order for the applicant to resolve the entrance location for the proposed new lot.

Two previous consents were taken from the original landholding through applications B2003/069 and B2003/070. The current proposed consent applications is for the retained lands. The D/NE Official Plan provides that a total of three new lots may be created from a single parcel, with additional lots being permitted where the lot abuts more than one municipal road. However, in this case a Development Agreement has been registered on title noting in para 2(f) "*No further severance of subdivision of the said lands will be permitted in the future and the uses of the said lands shall be limited to single family residential only.*" The definition of 'said lands' includes both the severed and retained lands. (*Development Agreement attached for further information*).

Further, the re-zoning of the lands only pertained to the two severed parcels and not the retained lands, Although the Land Division Committee Decision stated "*An Amendment to the zoning by-law shall be obtained to establish the minimum lot areas and frontages for the lots to be severed and the lot to be retained to the actual lot areas and frontage in order to discourage the re-division of the lots and to limit permitted uses to a single-detached dwelling house.*"

The subject lands are located in an area characterized by rural residential development along Rideau Ferry Road. A farming operation is located on the north side of Rideau Ferry Road and the retained lands are considered to be a 'hobby' farm.

Section 3.3.1 of the Lanark County Official Plan sets out the objectives for development within the rural areas of the county as follows:

- 3.3.1.1 *To ensure that residential and non-residential development is consistent with rural service levels;*
- 3.3.1.2 *To maintain the distinct character of rural, waterfront and settlement areas;*
- 3.3.1.3 *To ensure that development is compatible with natural heritage features and natural resource uses.*

Given the natural heritage features in the area (McLean's Bay Wetland), together with potential site development constraints (as outlined by RVCA, Parks Canada and LGL Health Unit), the limited available area for a suitable building envelope (copy attached), the application should be denied.

The lands are accessed via Rideau Ferry Road, a County maintained road. A non-maintained Township road runs along the northerly boundary of the lot. The non-maintained roadway is used as a snowmobile trail and access to lands to the west.

#### Archaeological

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

#### Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 143 m, the actual distance from the facility to the closest proposed lot line is shown by the applicant as 325m. An additional MDS calculation was prepared for the adjacent M Coutts livestock facility. This MDS indicated a minimum setback of 209 m, with the actual distance from the facility to the closest proposed lot line as 475 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Muck

- Stoniness: non stony
- CLI: not rated
- Drainage: poor
- Hydrogeology: high run-off

Bedrock Inventory – marble, calc-silicate

#### Environmental Impact Assessment

A portion of the lands are located within the influence area of a Provincially Significant Wetlands (McLean's Bay) and therefore the applicant prepared a checklist for a scoped site impact assessment. This assessment was reviewed by the Rideau Valley Conservation Authority and Parks Canada through their Rideau Waterway Development Review Team.

#### Endangered Species

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

Gray Ratsnake (THR)

#### Source Water Protection

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

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be

permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. The lot creation date for Drummond / North Elmsley is January 1, 1979.
3. Woodlands  
The area has not been mapped as 'woodlands'.

#### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The Township advises that if development were to occur, a re-zoning would be required in addition to a revised development agreement, however they do not support either.

#### Conclusion

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

There were objections raised by the local municipality, citing that the development agreement entered into in 2006 noted that there should not be further development on these lands. While this agreement could be amended, the Township does not support revising or amending the agreement.

In light of the foregoing, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan or Official Plan for the Township of Drummond / North Elmsley and should be denied.

#### **(e) MINUTES – May 9, 2016**

David Wilson, owner and Warren Cline adjacent landowner attended the hearing and gave evidence under oath. Craig Halpenny (Barker Willson Law Partners) also attended giving evidence by virtue of his profession.

Mr. Wilson provided a brief background to the application. He purchased the lands in 2009 and at that time through discussion with the previous owner, it was suggested at this parcel of land could be a future severance. However road access was questionable. A submission was made in 2010, and it took the next 5 years to settle on a suitable entrance location. Mr. Wilson also noted that he was not aware of any Development Agreement on his property that mentioned that no further consents would be permitted.

Mr. Halpenny, representing the Grasses noted that the Development Agreement between the landowners and the Township was registered on all three lots (those created by Consent Applications B2003/069 and B2003/070 and the retained lands) and that to amend this agreement all parties would need to be in agreement. Mr. Halpenny noted that his clients were not in favour of revising the registered Development Agreement.

The Chair noted that the Township has advised that they are not in favour of revising the Development Agreement.

Mr. Cline questioned the use and ownership of the forced road running along the northerly boundary of the Wilson's property.

The Chair advised that this road bed is owned by the Township, but is classed as 'unmaintained'.

The Chair advised that he was member of the Land Division Committee when the 2003 applications were reviewed and approved, and noted that at that time, the committee had expressed concerns with development on the entire parcel of land due to its location adjacent to the wetlands, road access, etc. And that the conditions imposed at that time were put in place to protect the environment and restrict future development as requested by the Township.

Committee reviewed the staff report.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS DENIED

**REASONS:** Having given notice of the proposal as set out in subsection 53(5) (a) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act, the Land Division Committee has decided to deny provisional consent.

**THAT** consent application B10/154 – David and Mary Wilson be denied for the following reason:

- 1/ The Development Agreement registered on the lands does not permit further consents;
- 2/ The Township does not support the application;
- 3/ The original EIS for the lands was based on a total of three lots, which was the basis for the re-zoning and the development agreement; and
- 4/ The proposal does not maintain the general intent and purpose of the PPS, the County Official Plan or the Official Plan for the Township of Drummond / North Elmsley.