
The Land Division Committee met in regular session on Monday, June 8, 2015 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy
Member Absent: W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

CHAIR: R. Strachan

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1. CALL TO ORDER

The meeting was called to order at 9:30 a.m.
A quorum was present.
W. Guthrie advised that he was unable to attend.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2015-26

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

"THAT, the minutes of the Land Division Committee meeting held on May 11, 2015 be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-27

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

"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 B14/069 – Paul Carson & Nicole Darou – new lot
Block 20 Plan PL-23 Pt. Lot 30 Conc. 8, geographic
Township of North Elmsley, now in the Township of
Drummond / North Elmsley. Mary Miller Road.
- 6.2 B14/100 and B14/101– Micky Mulligan & Lindsey
Lambden – 2 new lots & easement
E Pt. Lot 16 Conc. 4, geographic Township of Ramsay,
now in the Town of Mississippi Mills. Wolf Grove Road.
- 6.3 B15/040 – William James Wood – lot addition & R-O-W.
Pt. Lot 2 Conc. 9, geographic Township of Pakenham,
now in the Town of Mississippi Mills. County Road 29.
- 6.4 B15/043 – Amanda Joyce – new lot
Pt. Lot 6 Conc. 4, geographic Township of Lanark, now
in the Township of Lanark Highlands. Rosetta Road.
- 6.5 B15/064 – Cyril G. & Wendy R. Reed – new lot
Lot 78 and Pt. Lot 77 and 79 Plan 133, Town of Carleton
Place. Frank Street.
- 6.6 B15/022 – Gilbert E. Gilmour – new lot
Pt. Lot 21 Conc. 3, geographic Township of Pakenham,
now in the Town of Mississippi Mills. 4th Con Pakenham.
- 6.7 B15/038 & B15/039 – Murray J. Miller – 2 new lots
Pt. Lot 10 Conc. 12, geographic Township of Lanark,
now in the Township of Lanark Highlands. Miller Road.
- 6.8 B15/041 – Elizabeth Wallace – lot addition
Pt. Lot 6 Conc. A, Township of Montague. Heritage
Drive.
- 6.9 B15/042 – Mark S. Suthers – new lot
Pt. Lot 1 Conc. 5, geographic Township of Lanark, now
in the Township of Lanark Highlands. Con 5A Lanark.

- 6.10 B15/059 – Brown Shoe Company of Canada – new lot and R-O-W
Pt. Lot 6 Plan 8828, Town of Perth. Rogers Road.

7. DEFERRED APPLICATIONS

- 7.1 B14/038 – Rocky Licari – new lot
Pt. Lot 23/24 Conc. 9, geographic Township of Drummond, now in the Township of Drummond/North Elmsley.

8. CONFIDENTIAL REPORTS

None.

9. COMMUNICATIONS/OTHER BUSINESS

- 9.1 Hydrogeological Investigations - deferred to August meeting.
- 9.2 Committee Member Expenses – 'Members of Council and Committees/Boards of Council Expenses' report – deferred to third quarter.
- 9.3 ZanderPlan Inc. – request to 'change' provisional consent conditions for B14/104 – Jibb/Veary. Staff report attached.

MOTION #LD-2015-28

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

"**THAT**, the amendment / change to Consent Application B14/104 – Jibb / Veary be 'deemed minor' in nature;

AND THAT, the following 'Provisional Conditions' be included in the Decision dated March 9, 2015:

- 1.a) The reference plan or legal description and the deed or instrument required by condition #1 above, shall relate to the 'revised Sketch' dated June 5, 2015.
- 1.b) An appropriate right-of-way / easement shall be granted to the owners of the lot to be severed over the lot to be retained (i.e. Caldwell Lane).

AND THAT, Provisional Condition #10 be deleted.
(requirement for entrance permit)."

ADOPTED

9.4 D. Murphy – update on OACA Conference held June 2015 in Kingston.

9.5 OACA – Fall Seminar
– Sept 24 and 25 – North Bay
- Spring Conference (date to be set) – London

10. PROVISIONAL CONSENT GRANTED

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

- 6 - 16 10.1 B14/069 – Paul Carson & Nicole Darou – new lot
- 17 - 35 10.2 B14/100 and B14/101– Micky Mulligan & Lindsey Lambden – 2 new lots & easement
- 36 - 46 10.3 B15/022 – Gilbert E. Gilmour – new lot
- 47 - 57 10.4 B15/038 & B15/039 – Murray J. Miller – 2 new lots
- 58 - 67 10.5 B15/040 – William James Wood – lot addition & R-O-W.
- 68 - 76 10.6 B15/041 – Elizabeth Wallace – lot addition
- 77 - 88 10.7 B15/042 – Mark S. Suthers – new lot
- 89 - 98 10.8 B15/043 – Amanda Joyce – new lot
- 99 - 103 10.9 B15/059 – Brown Shoe Company of Canada – new lot and R-O-W
- 104 - 109 10.10 B15/064 – Cyril G. & Wendy R. Reed – new lot

11. PROVISIONAL CONSENT DEFERRED

11.1 B14/038 – Rocky Licari – new lot

Chairman Strachan noted that he was not in attendance at the original hearing for B14/038 and due to the absence of W Guthrie, the committee was unable to reconvene hearing.

The committee reviewed with Mr. Licari possible next steps to be considered prior to a subsequent re-convened hearing, and the secretary-treasurer was requested to convey these steps to Mr. Licari and the Township in writing.

12. UPCOMING MEETINGS AND NOTICES

August 10, 2015 at 9:00 a.m.
September 14, 2015 at 9:00 a.m.
September 16 to 18, 2015 – Ontario East Municipal Conference, Kingston
October 19, 2015 at 9:00 a.m.
November 16, 2015 at 9:00 a.m.
December 14, 2015 at 9:00 a.m.

13. ADJOURNMENT

MOTION #LD-2015-29

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

"THAT, the meeting do now adjourn at 12:20 p.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Paul G. Carson & Nicole M.E. Darou **Hearing Date:** June 8, 2015

Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B14/069

Municipality: Township of Drummond/North Elmsley

Geographic Township: North Elmsley **Lot:** 30 **Conc.:** 8

Block 20 **Plan** 23

Roll No.: 0919 908 020 37553 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.43-ha residential building lot together with a r-o-w over Mary Miller Road and retain a 3.11-ha residential building lot. The lands are accessed via Mary Miller Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.43 ha	3.11 ha
Frontage	105.95 m on Otty Lake Side Rd.	280.25 m on Mary Miller Road
Depth	137.75 m irregular	224.91 m irregular
Road - Access to	Municipal Road	Private Road, Unregistered
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Private Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, Significant Woodlands, OPA#6 – site specific (additional consent allowed)

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.

2.6 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 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 3.13 Natural Heritage, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 5.5 Private Roads, Section 6.3 Division of Land, OPA#6 – Special Exception.

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

Zoning By-law – Section 4 General Provisions, Section 7.2.21 Rural exception 21. The Township of Drummond / North Elmsley advises that the proposal does not comply in terms of access and frontage, however a site specific amendment application has been submitted for consideration.

(b) AGENCY REVIEW

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

Township Planner's Report -

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

Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the applicant seeks permission to sever a 1.43 ha building lot from an existing 4.54 ha property with a dwelling that is accessed by Mary Miller Road (a private road). While the road services a number of cottages on Otty Lake, the subject property itself does not have water frontage and as such this would not be considered "limited services residential development". The property is described as Block 20 of the Maple Glen Estates subdivision and the block was originally intended to serve as a lot addition to a waterfront property and zoned accordingly to prohibit development. In 2004, the block was rezoned from Environmental Protection to Rural for the purpose of building a standalone house which was built (212 Mary Miller Rd). The applicants propose to further develop by splitting this lot in two in order to enable another residential development at the west end of the lot.

While the severed lot has frontage on both Mary Miller Road and the public Otty Lake Sideroad, the Township's Roads Department advises that safe access would not be possible from Otty Lake Sideroad due to the hill and sight line concerns and as such the lot would need to be accessed from Mary Miller Road.

While the block was formally part of the Maple Glen subdivision, it is spatially detached from the estate lots, divided by a small creek from their backyards and instead this lot fronts on the public Otty Lake Sideroad and Mary Miller Road. Other than a small clearing area at the east end of the lot for the existing dwelling, most of the lot is thickly forested. The cluster of waterfront homes on Loon Lane and at the end of Mary Miller Road is several hundred metres away and not readily visible from the site.

Prior to proceeding with the consent application, the applicants and their agent also submitted concurrent Official Plan and Zoning Amendment applications to the Township in order to address the planning constraints on the property. These applications were necessary because the severance would have the effect of removing the public road frontage from the retained lot and also to divide a 'block' of land in a subdivision that was not originally intended to be divided. The zoning

amendment would implement this by establishing special lot size and access provisions for the severed and retained lots.

In consultation with staff, the applicant submitted the following to demonstrate the suitability of the proposed development:

- Environmental Impact Statement (Hans von Rosen) advised that development on the severed lot will not negatively impact natural heritage features (woodland and watercourse) provided that a building envelope retains as much of the woodland as possible.
- Stage 1 & 2 Archaeological Assessment (Past Recovery) reported that while the area did have archaeological potential there was no indication of any features on the site that would trigger further review. The report was accepted by the Ministry of Tourism, Culture and Sport.

The Official Plan amendment has been adopted by Township Council and approved by the County. With the approval of the Official Plan amendment, Council is now in position to adopt the Zoning amendment, which may happen in the coming weeks. As the severance application requires the OP and Zoning amendments to proceed, the applicant wished for those to be near completion prior to bringing the consent to the Land Division Committee given the one year timeframe for fulfilment of consent conditions.

Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. Many of these Official Plan policies were also considered in the Township's evaluation of the Official Plan and Zoning By-law amendments. For the purposes of considering the suitability of the consent application, staff note the following with respect to the Official Plan:

- Sec. 3.6.2 (Archaeological Resources): Area identified as having archaeological potential due to proximity of lake, stream at rear of lot and overall landscape. Site was assessed according to MTCS and municipal requirements with no archaeological features identified.
- Sec. 3.8 (Access and Frontage): Site specific Official Plan amendment was evaluated on its own merits and approved by Council that allows the creation of the already developed retained lot without frontage on an open public road.
- Sec. 3.13.3 (Habitat of Threatened and Endangered Species): In consultation with Ministry of Natural Resources staff, it was determined that portions of the subject property appear to be suitable habitat for grey rat snake. The biologist has surveyed for the species in 2015 and found none and has also provided some potential habitat mitigation suggestions. Township staff are awaiting comment from MNR regarding this.
- Sec. 3.13.4 (Significant Woodlands): Most of the property, with the exception of the existing building envelope on the retained lands is within an area defined as significant woodland. The EIS provided in support of this application advises that previous development in the general area has fragmented the interior characteristics of the woodland and that development would have limited effect on any remaining habitat continuity if it were directed to a building area at the southwest corner of the severed lot. The draft zoning amendment proposes to implement this intent through maximum development setbacks from Otty Lake and

Mary Miller Roads.

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is compatible with existing rural uses and consistent with the character of the local area. In this case, a single residential development in an established area where such uses predominate is consistent with that intent.
- Sec. 5.5 (Private Roads): Official Plan amendment recognizes the existing residential development on the private road and while the new lot would also be accessed from Mary Miller Road, this can be considered when safe access cannot be provided from the available public road frontage. The road is of good quality and no objections were noted.
- Sec. 6.3.2 (Lot Creation- Consents): The Official Plan amendment also addressed this policy given that this 'block' was not already intended to be developed in the future. The general intent of the policy is to better manage and coordinate larger residential development applications. In this case given the large lot size and local context a subdivision process would not bring added planning benefit.

In consideration of the above noted policies, Staff are of the view that site specific planning compatibility has been established for the proposed lot and that the proposed development would be consistent with the Township's overall planning goals. In terms of species at risk, staff are of the view that adequate work and review has been done to demonstrate that any impacts can be mitigated and any final comments from MNR can be addressed within a development agreement. With respect to the planning amendments necessary to enable this development the issue of precedent had been considered and whether it is desirable to accommodate an exception to the specific 'rules' applying to this land. Council considered that question in their evaluation and approval of the Official Plan amendment. Through its approval, the Township advises that this application complies with the policies of the Official Plan.

Zoning Implications

From a zoning perspective, the severed and retained lands do not currently comply with the Zoning By-law in terms of access and frontage however site specific zoning amendments have been submitted to the Township to accommodate both proposed parcels, as-well as a building envelope on the severed lands. Final approval of these amendments would need to be a condition of any consent approval. Both lots are of an adequate size to accommodate residential development that meets all yard provisions.

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.
3. The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the severed lot. The applicant shall consult directly with the Township in this regard.

4. Prior to final approval of the consent application, final approval of a zoning amendment application shall be granted to address access and frontage on the severed and retained lands and establish a building envelope on the severed lands as per the Environmental Impact Study.
5. The applicant shall enter into a development agreement with the Township to address habitat protection measures as recommended by Hans Von Rosen and to address the comments of the Rideau Valley Conservation Authority to the Township dated September 4, 2014 and, if applicable, the Ministry of Natural Resources.
6. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township with respect to Otty Lake Sideroad. Deeds are to be submitted to the Municipality for review accompanied by a solicitors certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

Conservation Authority – Rideau Valley Conservation Authority

We have received and reviewed the noted application considering Section 2,1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy statement under Section 3 of the Planning Act.

The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

The Proposal

A new non-waterfront 1.43 hectare lot is proposed to be created, retaining the developed portion of the property, 3.11 hectares. A scoped Environmental Impact Statement (EIS) and addendum was prepared by Pinegrove Biotechnical (March 16 and May 23 2014) to address the significant forest and potential species at risk on the subject property.

The Property

The proposed lot fronts on the municipal road while the retained fronts on a private road (Mary Miller Road). The EIS concludes that the proposed severance will not impact greatly on the existing woodland as there has been substantial disruption to date on the edge feature. Nor does the EIS find any potential habitat or population (particularly whip poor will) in the area.

An unnamed ephemeral watercourse is recognized in the EIS, essentially describing the north lot line of the severed and retained parcels. The water course drains the local area and outlets to Otty Lake approximately 1 kilometre from the site.

Discussion and Recommendations

The RVCA agrees with the EIS statement as regards matters of interest to the RVCA; there are no natural heritage or natural hazard concerns in the vicinity of the property.

We note that the woodland feature extends over the entirety of the property per the

Official Plan; additional loss of interior forest is deemed by the EIS as to be minimal if disturbance and development are concentrated (as noted in the EIS) to the south west corner of the lot along Otty Lake Road.

The RVCA has no objection to this application. We support the municipality in an intent to describe a development envelope such that site/forest cover disturbance is minimized.

The RVCA also recommends that any site disturbance be restricted to the area at least 30 metres from the creek channel which traverses the property.

We also note that should any alteration to the creek channel be proposed in the future, a permit would be required from our office per our regulation- Ontario Regulation 174/06 entitled "Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation".

Thank you for the opportunity to comment..

Please forward notice of the Committee's decision on these applications to the RVCA office.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Approximately 1.43 hectare, irregular parcel of land consisting of bushland / mixed vegetation. Soil depth, drainage and slope of land variable. Some areas subject to high water table as small watercourse runs through property. Fill will be required to construct a fully raised septic system.

Retained – Approximately 3.11 hectare, irregular parcel of land with existing house, outbuilding, drilled well and raised septic system. Soil depth, drainage and slope variable. Some areas may be subject to high water table as property backs onto creek. Fill will be required to construct replacement septic system.

Otty Lake Cottage Association – requested to be advised of the decision.

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 installations over these lands and therefore no requirement for easement protection. We have no concerns or objection to the proposed severance.

(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 1.43-ha residential building lot together with an easement / right-of-way over Mary Miller Road and retain 3.11-ha residential lot with an existing dwelling located at 212 Mary Miller Road.

The subject lands are located in an area characterized by typical rural subdivision.

The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Otty Lake Sideroad, a municipally maintained road and Mary Miller Road, a private road.

Bedrock Inventory – marble, calc-silicate.

The lands are currently zoned as Environmental Protection and as such will require a zoning amendment in order to proceed with development. The designation requires that an EIS be undertaken prior to any new development, and to support the re-zoning application. An EIS was undertaken by Pinegrove Biotechnical on March 16, 2014 and an addendum was undertaken on May 23, 2014 to confirm the presence or absence of whippoorwill. The EIS concluded that the approval of a severance is reasonable and that conditions be placed on the future building permit regarding roof run-off and removal of tree cover.

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:

Whippoorwill (THR)
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. 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.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

3 Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. A re-zoning is required prior to development of the lands as proposed to deal with the access and frontage issues.

Conclusion

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

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

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

(e) MINUTES – June 8, 2015

Chris Clarke, agent (ZanderPlan Inc.) attended the hearing and gave evidence under oath.

Mr. Clarke confirmed that the lands had been re-zoned in 2004 to Rural Exception. And also noted that an EIS was undertaken due to the proximity of the unevaluated wetlands. The EIS recommended a building envelope that would not interfere with the environmental value of the wetland.

It was also noted that this block was not part of the subdivision agreement.

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 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. An appropriate right-of-way shall be granted to the owners of the lot to be severed over Mary Miller Road.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of September 4, 2014, as recommended in the EIS prepared by Pinegrove Biotechnical dated March 16, 2014 and if applicable, recommendations provided by the Ministry of Natural Resources and Forestry, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. The applicant shall obtain appropriate relief from the access and frontage on the severed and retained lands provisions of the Zoning By-law for the Township of Drummond / North Elmsley by way of an amendment to the Zoning By-law. The zoning amendment shall also establish a building envelope on the severed lands
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.

11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that should any alteration to the creek channel be proposed in the future, a permit would be required from our office per our regulation- Ontario Regulation 174/06 entitled "Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation".*
2. *The Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct a fully raised septic system.*
3. *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.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *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.*
6. *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 continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Vacant
Proposed Use	Vacant
Area	35.36 ha
Frontage	560 m
Depth	Irregular
Road - Access to	County Road
Water Supply	Private well
Sewage Disposal	Proposed septic
Zoning By-law Category	Rural, Mineral Reserve
-Area (minimum)	10.0-ha
-Compliance?	Yes
-Frontage (minimum)	150 m
-Compliance?	Yes

Official Plan Designation: Rural, PSW, Aggregate Pit

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.

2.5 Mineral Aggregate Resources

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

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, Section 6.2.2 Mineral Aggregates, 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 Basis of Plan, Section 3.1.2 Environmental and Natural Heritage Features, Section 3.3 Rural Policies, Section 3.5 Aggregate and Mineral Resources Policies, Section 4 General Policies, Section 4.6.3 County Roads, section 5.3.11 Consent to Sever Land.

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

Zoning By-law – Section 6 General Provisions, Section 23 Rural Zone, Section 36 Mineral Reserve.

The Town of Mississippi Mills advised that the proposal complies with the zoning by-law provisions.

(b) AGENCY REVIEW

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

Town Planner's Report -

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted consent applications to the County of Lanark requesting to create two (2) rural-residential building lots together with a shared right-of-way easement for access purposes by way of severances from the above-noted property. The proposal would involve the construction of a detached dwelling on each of the intended severed lots, while the retained lot would remain vacant. The proposed severed lots would comprise approximately ±1.01ha (2.5ac) in lot area with lot frontages of ±50m (164.04ft) along Wolf Grove Road. The proposed retained lot would maintain a lot area of ±35.36ha (87.37ac) and a lot frontage of ±560.4m (1,839ft) along Wolf Grove Road. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the north side of Wolf Grove Road, east of Ramsay Concession 4B and in the Ward of Ramsay. The property is ±37.38ha (92.37ac) in size with a lot frontage of ±660.4m (2166.67ft) along Wolf Grove Road and resembles an original township lot. The property is vacant of any buildings or structures, is occupied by a provincially significant wetland known as the "Wolf Grove Wetland Complex" and contains several watercourses (the westerly watercourse is known as "Union Hall Creek"). The property is heavily treed and surrounded by rural and rural-residential properties.

The property is designated "Rural", "Provincially Significant Wetland" and "Aggregate – Pit" in the Town's Community Official Plan (COP) and zoned "Rural (RU)", "Environmental Protection (EP)" and "Mineral Aggregate Reserve (MR)" by Zoning By-law #11-83.

SERVICING & INFRASTRUCTURE

The subject lands are currently vacant and front onto Wolf Grove Road, a County owned and maintained road. The applicant has obtained a residential entrance permit to provide access to the proposed severed parcels (County Road Entrance Permit No. 2502). The proposed severed parcels would be serviced by new private well and septic services and the proposed retained parcel would remain vacant.

The property falls within the watershed of the Giles Municipal Drain. As the severed parcels fall within this area, prospective buyers should be notified that Drainage Act requirements apply.

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the criteria to consider when reviewing an

application to subdivide land.

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As 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 against these policies.

Staff notes that the addition of two (2) rural-residential building lots would be considered "limited residential development", and that such developments would be compatible with the rural character of the surrounding area as there are a number of rural-residential properties located along Wolf Grove Road.

The proposed severed lots would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

There are no livestock facilities located in close proximity to the proposed severed lots.

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

COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural", "Provincially Significant Wetland" and "Aggregate – Pit" in the Community Official Plan (COP). The severances would be located within the portion of the property designated Rural. The Rural designation permits non-farm residential dwellings and accessory uses.

Rural Consent Policies

The subject property does not appear to have had any previous severances since July 1, 1973. The applicant has confirmed that there was a previous severance for creation of the northwest 5-acre (2ha) parcel in 1968. As noted, the consent for the right-of-way easement does not count towards the maximum number of consents per holding.

The applicant is proposing that the two (2) severed parcels share a common entrance in order to ensure that the 150 metre minimum required separation requirement between driveways located on same side of the road is maintained. The sketch submitted in consideration of the application demonstrates that the proposed entrance location to the intended severed parcels is located approximately 316.85 metres from the existing entrance to the proposed retained parcel and 184.01 metres to the existing entrance to the property to the east.

As the proposed severed lots would comprise ± 1.01 ha, there would appear to be sufficient area to accommodate the required on-site private services. The proposed retained lot would comprise ± 37.38 ha in area, so there would be sufficient space to accommodate private services if the owner chooses to construct a detached dwelling at some point in the future. The owner will be required to

receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The proposed retained and severed lots would have frontage along Wolf Grove Road, a County owned and maintained public road. As noted, the applicant has obtained a residential entrance permit from the County of Lanark for road access to the proposed severed parcels (County Road Entrance Permit No. 2502).

The intended severed parcels would be ± 1.01 ha in size, while the proposed retained parcel would maintain a lot area of ± 35.36 ha.

There are no active agricultural operations within 30 metres of the subject property.

The property is occupied by the provincially significant Wolf Grove Wetland Complex, several watercourses and a majority of the subject property contains much vegetation and trees. In order to proceed with the subject consent application, the removal of existing trees and vegetation is unavoidable. While the removal of trees and vegetation to make way for development is never ideal, Staff notes that the ± 35.36 ha retained parcel would remain vacant.

The Addendum to the Environmental Impact Statement (EIS) prepared by David J. White on September 4, 2014 demonstrated that there would be no negative impacts to the wetland, provided the mixed forest between the wetland and the building sites is left intact, tree removal in the building envelopes is kept to a minimum, there is no disturbance within 15m of the intermittent stream, and siltation fences are used during construction. The above mitigative measures can be addressed within the agreement required as part of the Site Plan Control approval process for the severed parcels, including the requirement for a landscape plan which will note which trees will remain and which trees will be removed for construction. As such, Staff is supportive of the location of the proposed building envelopes and the proposal conforms to the above policy.

As noted, the applicant is proposing that the two (2) severed parcels share a common entrance in order to ensure that the 150 metre minimum separation requirement between driveways located on same side of the road is maintained. As indicated in the EIS prepared by White, there also is an existing guard rail located across the frontage of the proposed Severed Parcel #1 which would prevent a driveway from being located to the west side of the parcel. As such, Staff is of the opinion that a shared driveway would be beneficial in this situation.

Based on the above analysis, Staff views the proposal to meet the relevant rural consent policies of the COP.

Environmental and Natural Heritage Features

Section 3.1.2 of the COP provides the policies for development within and around lands identified as having important environmental and natural heritage features. The following provides an analysis of the proposal against the applicable policies:

As noted, the EIS prepared by David J. White on September 4, 2014 demonstrated that there would be no negative impacts to the wetland, provided that a variety of mitigative measures are implemented. These include leaving the mixed forest between the wetland and the building sites intact, keeping tree removal in the

building envelopes to a minimum, preventing disturbance within 15m of the intermittent stream and erecting siltation fences during construction. The proposal is subject to Site Plan Control and these mitigative measures can be addressed within the Site Plan Control agreement. Therefore, Staff views the proposal to conform to the relevant environmental and natural heritage policies of the COP.

ZONING BY-LAW #11-83

The subject property is zoned “Rural (RU)”, “Environmental Protection (EP)” and “Mineral Aggregate Reserve (MR)” by the Town’s Comprehensive Zoning By-law #11-83. As noted, a detached dwelling is proposed on each of the intended severed parcels within the portion of the property zoned RU, while the retained parcel would remain vacant. As such, the severed parcels would be considered non-farm residential lots for zoning purposes while the vacant retained parcel would be considered a rural lot. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed severed lots, as well as these requirements for a rural use lot against the dimensions of the proposed retained lot:

Table 1: RU Zone Development Standards vs. Proposed Lot Dimensions

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	PROPOSED SEVERED LOT	BY-LAW REQUIREMENT (RURAL LOT)	PROPOSED RETAINED LOT
Lot Area (ha)	1	1.01	10	35.36
Lot Frontage (m)	45	50	150	560.4

As noted in the above table, the proposed severed lots would exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone. With a proposed lot area of 35.36ha and a proposed lot frontage of 560.4m, the intended retained lot would also exceed the minimum lot area and lot frontage requirements for a rural lot.

Section 6.26 of Zoning By-law #11-83 states that development may occur within 120 metres of a provincially significant wetland when it has been demonstrated through an Environmental Impact Assessment (EIA) that there will be no negative effects on the natural features or the ecological functions of the wetland. As noted, the EIS prepared by David J. White demonstrated that there would be no negative impacts to the wetland, provided that a number of mitigative measures are implemented. As the proposed severed parcels front onto a County road and an existing stream would flow through them, both lots would need to ensure that the proposed detached dwellings are located at least 30 metres from the watercourse to the north and 30 metres from the centreline of Wolf Grove Road to the south as required by Sections 6.24 and 6.27 of Zoning By-law #11-83. As demonstrated in the severance sketch, there would appear to be appropriate building envelopes that would maintain all required setbacks, including those recommended in the EIS submitted with the application.

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

1. That the applicant provides two (2) copies of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That the applicant obtains civic addresses/PIN signs for the severed parcels;
4. That the owners prepare and register on title of the severed parcels a “Joint use and Maintenance Agreement” for the construction and on-going maintenance of the right-of-way;
5. That the owners pay any outstanding property taxes on the subject property;
6. That the owners enter into a Development Agreement or a Site Plan Agreement with the Town to be registered on title of the severed parcels.

Conservation Authority – Mississippi Valley Conservation Authority
Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. An Environmental Impact Assessment (EIA), prepared by David J. White, dated May 27, 2011, in addition to an Addendum thereof, dated September 4, 2014, were included as part of the application.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (2) vacant lots, both measuring 1.0 ha. The retained land is also vacant and measures 36.37 ha.

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows that a significant portion of the subject property is located with the Wolf Grove Wetland Complex and almost entirely within the 120 m adjacent lands of this feature. This wetland complex has been classified by the Ministry of Natural Resources as a Provincially Significant Wetland (PSW). In addition, Union Hall Creek, as well as a tributary of this creek, travels through the subject property. No other natural heritage features or natural hazards were identified.

REVIEW

Waterbody

MVCA reviews waterbody setback requirements in accordance with guidelines prepared in support of the Provincial Policy Statement (PPS). These guidelines indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no additional negative impacts to this natural heritage feature. The identified watercourses are considered to be fish habitat.

According to the EIA and Addendum, the proposed building sites on both proposed lots are in excess of 50 m.

PSW

The Provincial Policy Statement (PPS) requires that new development within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. In order to address this requirement, an EIA was provided, as previously indicated.

The original EIA examined 3 potential building sites referred to as Site 1,2 and 3. In summary, the report concluded that "there would seem to be little reason, from a life science perspective, that the property cannot be sold and if desired, a dwelling constructed at one of the three potential sites ... " Site 1 was recommended as the preferred location due to "the level nature of the meadow and the existence of the access lane, which means that landscape disturbance, will be minimal to allow construction".

The Addendum then examined the possibility of severing two lots and creating a building envelope on each lot. The proposed building sites on both lots are a minimum of 50 m from the PSW. The Addendum concluded that "severing two lots from this 95-acre parcel should not cause any negative impacts on the PSW ... " provided mitigative measures were adhered to.

MVCA's Biologist has reviewed these documents and concurs with the conclusion and recommendations. Based on the terrain, the placement of the building sites close to the road, and the mitigation measures, impacts to the onsite natural heritage features, such as the PSW, are not anticipated.

RECOMMENDATIONS & CONCLUSION

MVCA does not have any objections to the proposed severances provided the following mitigative measures are adhered to on both severed lots as well as the retained land:

As per the EIS and Addendum:

- The mixed forest between the wetland and the building site shall remain intact.
- Only the minimum number of trees should be removed to allow building on the sites. The building envelopes should be no larger than 30 m by 30 m.
- Siltation fences shall be used during construction.
- The building envelope shall be setback a minimum of 50 m from the boundary of the PSW.
- One Butternut tree, which has been classified by the Ministry of Natural Resources (MNR) as a Species at Risk, was identified in northeast edge of the subject property. MNR shall be consulted in this regard.

Additional Recommendations:

- New development, including the septic system and driveway, shall be setback a minimum of 30 m from the high water mark of Union Hall Creek and its tributary.
- Existing vegetation along the shoreline of the creek and tributary shall be maintained to a minimum depth of 15 m.
- The road access and buildable areas shall be placed as close to Wolf Grove Road as possible to minimize disturbance of the forest and maximize the buffer to the PSW.

- Overland drainage from the building sites shall be addressed onsite or directed south to the roadside ditch which will provide flow attenuation and filtering before the waters reach the PSW.
- A maximum of 10% of the site, between 30m and 120m of the PSW, shall be disturbed.
- During Site Construction:
 - Natural areas to be retained shall be isolated by sturdy construction fencing or similar barrier at least 1 m in height during construction.
 - Construction equipment shall remain within the areas of active construction and not cross the sediment control measures.
 - Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
 - Following construction, disturbed areas shall be revegetated with native plant species. Use of invasive non-native plant material is discouraged.
 - Erosion and sediment control measures shall remain in place for the duration of construction and until the site is re-vegetated. They shall be monitored and maintained in good condition until exposed soils are stabilized. Follow MTO OPSD standards for appropriate control methods and designs.
 - Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNR should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNR.
- Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the proposed development.

NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction. In addition, written permission is required from MVCA prior to any potential future alterations to the shoreline of Union Hall Creek and its tributary. In addition, any proposed interference within 120 metres of the PSW, requires written permission from MVCA.

We advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the wetland, 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.

Ministry of Natural Resources and Forestry

Thank you for providing the Ministry of Natural Resources and Forestry an opportunity to review the Environment Impact Study for the above-mentioned proposed consent. We have the following comments to offer on the "Impact assessment of potential building construction on Hu Property north side of Wolf Grove Road adjacent to Provincially Significant Wolf Grove Wetland Complex", by David J. White dated May 27, 2011 and the associated Addendum by the same author, dated September 4, 2014.

The EIS and addendum identifies one species at risk (SAR) present on the site, a butternut tree. As long as there is no disturbance within a 25 metre radius from the bole of the tree there should be no impact to it.

There is a high potential for other species at risk on the subject property and in the wetland. Blanding's turtles (threatened) and a sensitive species at risk have been documented to occur within 250 metres of the site. Habitat for bat species at risk including little brown bat (endangered), eastern small-footed myotis (endangered) and northern long-eared bat (endangered) may be found due to the forest type and proximity to water. Least bittern (threatened) may also be present in the wetland complex, given its size.

The Provincial Policy Statement, 2014, section 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. There is no indication that survey effort was exerted to determine the presence of any of the above species at risk. Until a greater effort is made to confirm the presence or absence of SAR on this property, we cannot assess the potential impacts to them, nor determine whether conditions of the Endangered Species Act, 2007 will be met for the severance.

The MNRF recognizes the recommendations in the Addendum to keep building envelopes compact and to minimize tree removal and maintain the canopy, and encourages a proponent to follow them at the point of building construction .

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – (Same report for both lots to be severed) – A 1.01 hectare vacant parcel of land. Property is rugged and well treed. There is sufficient area to construct a Class 4 leaching bed on parcel. Additional sandy loam fill will be required in area of future leaching bed.

Retained – A 36.37 hectare parcel of land that is a combination of trees and wetland. Drainage varies throughout property. Land is rugged. Additional sandy loam fill will be required in area of future leaching bed.

County Roads Department

- 1/ Applicant has an approved existing entrance to the County Road. Permit No. 2522.
- 2/ Applicant has an approved shared entrance location to the County Road. Permit No. 2502.
- 3/ Standard conditions for road widening, road closing, approvals and documentation to apply, including a joint use agreement.

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 severances.

(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 two (2) residential building lot, B14/100 to include an easement / r-o-w in favour of B14/100 for access to Wolf Grove Road and B14/101 to include an easement / r-o-w over B14/100 for access to Wolf Grove Road. Lands to be retained is a vacant 35.6-ha landholding.

The subject lands are located in an area characterized by large landholdings along Wolf Grove Road. A large Provincially Significant Wetland (Wolfe Grove Complex) is located on the north eastern section of the retained lands and an aggregate resource is shown in the north west corner of the retained lands, however is in excess of 300 m from the rear lot line of the proposed lots. (Note: Zoning By-law requires a minimum 300 m setback).

The lands are accessed via Wolf Grove Road, a county maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – flows, tuffs, breccias

Endangered Species

Due to the location of the Wolfe Grove Wetland Complex (PSW) an Environment Impact Assessment was undertaken. The EIA was reviewed by the Conservation Authority and Ministry of Natural Resources and Forestry. Conditions have been suggested with regards to future development, to maintain the natural feature and its ecological value.

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. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. 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, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

3. Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

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 Town of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – June 8, 2015

Chris Clarke (ZanderPlan Inc.), agent attended the hearing and gave evidence under oath.

Mr. Clarke advised that these applications were delayed in order for the Conservation Authority to complete its site visit and provide comments on the suitability of the area for a building envelope. In addition, an EIS was undertaken due to the proximity of the wetland area.

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.

B14/100

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot in favour of the lot to be severed through application number B14/101 for access purposes. The applicant shall prepare a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the shared driveway. A copy of the agreement to be provided to the future purchasers of the lot and the Land Division Committee Secretary-Treasurer.
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Town of Mississippi Mills. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 22, 2014 and the recommendations contained in the EIA dated May 27, 2011 and Sept 4, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
5. The Development Agreement and/or Site Plan Agreement required as Condition #3 shall include the following clause "No disturbance shall be permitted within a 25 metre radius from the bole of the butternut tree located on the property."
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
7. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
9. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.

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

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advise that additional sandy loam fill will be required in area of future leaching bed.*
2. *The Mississippi Valley Conservation Authority advise that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction. In addition, written permission is required from MVCA prior to any potential future alterations to the shoreline of Union Hall Creek and its tributary. In addition, any proposed interference within 120 metres of the PSW, requires written permission*

from MVCA.

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

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

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

B14/101

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted over the lot being created through application number B14/100 for access purposes. The applicant shall prepare a “Joint Use and Maintenance Agreement” for the construction and on-going maintenance of the shared driveway. A copy of the agreement to be provided to the future purchasers of the lot and the Land Division Committee Secretary-Treasurer.

4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Town of Mississippi Mills. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 22, 2014 and the recommendations contained in the EIA dated May 27, 2011 and Sept 4, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
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LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gilbert Earl Gilmour

Hearing Date: June 8, 2015

Applicant: Michael Gilmour

LDC File #: B15/022

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: 21

Conc.: 3

Roll No.: 0931 946 020 06700

Consent Type: New Lot

Purpose and Effect: To sever a 1.0-ha residential lot at 2553 4th Con Pakenham and retain a 79.35-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Vacant
Proposed Use	Residential	Vacant
Area	1 ha	79.35 ha
Frontage	48.8 m	427 m
Depth	64.0 m	1.36 km
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	N/A
Sewage Disposal	Private Septic	N/A
Zoning By-law Category	Rural	Rural and PSW
-Area (minimum)	1.0-ha	10.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	150 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, Provincially Significant Wetland, Aggregate Pit.

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, prime 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.

2.5 Mineral Aggregate Resources

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

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

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

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and

c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 Basis of Plan, Section 3.1.2 Environmental and Natural Heritage Features, Section 3.3 Rural Policies, Section 3.5 Aggregate and Mineral Resources Policies, Section 4 General Policies, Section 4.6.4 Local Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law – Section 6 General Provisions, Section 23 Rural Zone, section 38 Environmental Protection.

The Town of Mississippi Mills advised that the proposal complies with the zoning by-law provisions.

(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 -

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted a consent application to the County of Lanark requesting to sever a ±1-ha (2.47ac) rural-residential lot containing an existing detached dwelling, detached garage and shed and retain a ±79.35 (196ac) vacant land holding from the above-noted property. While no buildings or structures are currently proposed, the intended retained lot would eventually be used for residential purposes, while the severed lot would continue to be used for residential purposes. The proposed severed lot would have a lot frontage of ±48.768m (160ft) along Pakenham Concession 4 and the proposed retained lot would maintain a lot frontage of ±45.72m (150ft) along Pakenham Concession 4. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the west side of Pakenham Concession 4, south of Campbell Side Road in the Ward of Pakenham. The property is ±80.35ha (198.47ac) in size with a lot frontage of ±94.5m (310ft) along Pakenham Concession 4 and resembles two (2) original township lots. The property is generally surrounded by rural and rural-residential properties and contains various watercourses, wetlands and streams.

The property is designated "Rural", "Aggregate - Pit" and "Provincially Significant

Wetland” in the Town’s Community Official Plan (COP) and zoned “Rural (RU)”, “Mineral Aggregate Reserve (MR)” and “Environmental Protection (EP)” by Zoning By-law #11-83.

The subject lands are currently serviced by private well and septic services and front onto Pakenham Concession 4, a municipally owned and maintained road. The retained parcel would eventually be serviced by new private well and septic services and would also front onto Pakenham Concession 4.

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land.

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As 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 against 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 would be considered “limited residential development”, and that such a development would be compatible with the rural character of the surrounding area. The proposed retained lot would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

COMMUNITY OFFICIAL PLAN

The majority subject lands are designated “Rural” in the Community Official Plan (COP), with a small portion designated “Aggregate - Pit” and other portions designated “Provincially Significant Wetland”. The Rural designation permits non-farm residential dwellings and accessory uses.

Rural Consent Policies

Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation. The following provides an analysis of the proposal against the applicable policies:

The subject property has had one (1) previous severance since July 1, 1973.

A rural non-farm residential severance must be consistent with the following policies, 3.3.6.5.

1/ The severance sketch submitted in consideration of the application demonstrates that the proposed entrance location to the intended retained parcel

would be located approximately 75m (246ft) from the existing entrance to the proposed severed parcel and 45m (147.6ft) from the entrance to the abutting rural-residential lot. As such, in accordance with the above policy the applicant will be required to obtain approval from the Town of Mississippi Mills Council to reduce the minimum setback requirement between neighbouring driveways located on the same side of the road from 150m to 45m as a condition of consent approval.

2/ As the proposed retained lot would comprise ±79.35ha (196ac), there would be sufficient area to accommodate the required on-site private services. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

3/ The proposed severed and retained lots would have frontage along Pakenham Concession 4, a municipally owned and maintained public road.

4/ The intended severed parcel would be ±1ha in size, while the intended retained parcel would maintain a lot area of ±79.35ha.

5/ There are no lands being utilized as part of an active agricultural operation within 30 metres of the subject property.

6/ The area to be severed contains an existing detached dwelling and accessory buildings and the proposal would not create any foreseeable negative environmental impacts. Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is zoned “Rural (RU)”, “Mineral Aggregate Reserve (MR)” and “Environmental Protection (EP)” by the Town’s Comprehensive Zoning By-law #11-83. As noted, the retained parcel would eventually contain a detached dwelling while the severed parcel would contain the existing detached dwelling and accessory buildings. As such, the parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed lots:

Table 1: RU Zone Development Standards vs. Proposed Lot Dimensions

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT
Lot Area (ha)	1	1	79.35
Lot Frontage (m)	45	48.768	45.72

As noted in the above table, the proposed severed and retained lots would meet or exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone. In addition, the detached dwelling, detached garage and shed located on the proposed severed parcel appear to comply with all lot coverage and setback requirements within the RU Zone.

CONCLUSION

Overall, Staff views the proposal to be a desirable and logical form of development. The proposed consent application is compatible with the rural character of the surrounding area and can be sustained by rural service levels. Furthermore, Staff views the proposal to conform to the rural consent policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the applicant provides two (2) copies of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That the applicant pays any outstanding property taxes on the subject property;
4. That the applicant obtains relief respecting the minimum required setback between neighbouring driveways located within the "Rural" designation of the Community Official Plan from the Town of Mississippi Mills Council; and,
5. That the applicant demonstrates to the Town of Mississippi Mills that access can be provided to the retained parcel, and obtains a residential entrance permit to access the lands.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

According to the information provided, the purpose of the subject application is to sever a 1-ha developed parcel of land and retain a vacant parcel of land measuring 79 ha.

PROPERTY CHARACTERISTICS

A review of available GIS mapping and aerial photography revealed that a large portion of the retained land is located within the 120 m adjacent lands of the Pakenham Mountain Wetland Complex. Several of the wetlands which comprise this complex exist on the retained lands. In addition, a portion of an unnamed waterbody extends onto the retained lands. No natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no

negative impacts on the natural features or ecological functions of the feature identified. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS). However, it is our opinion that there is limited value in conducting an EIS at this time given that sufficient area exists on the retained lands for future development beyond the 120 m adjacent lands.

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

Unnamed Waterbody

Sufficient area appears to exist on the retained land for future development that complies with the current standards for development adjacent to a waterbody. Therefore, impacts to waterbody are not anticipated as a result of this application.

RECOMMENDATIONS AND CONCLUSION

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the unnamed waterbody.
2. Future development, including a septic system shall be setback a minimum of 120 metres from the boundary of the PSW complex. Otherwise, if future development is proposed within 120 m of the PSW complex, an Environmental Impact Statement shall be required to evaluate the proposal.
3. The shoreline vegetation surrounding the waterbody shall be retained to a minimum depth of 15 metres.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed waterbody, PSW complex, or onto adjacent properties.

NOTES

The property owner should be advised that, pursuant to Ontario Regulation 153/06 — “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW complex, or for any alterations to the shoreline of the unnamed waterbody.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – A 156.362m x 64.008m parcel of land (24.7 acres) with an existing house serviced by a well and septic system. There is an existing garage/shed on property. Land slopes gently. Additional sandy loam fill will be required in the area of the future replacement leaching bed.

Retained – A 197 acre parcel of land that is a mix of open field and bush. Land slope, drainage and soil depth can vary throughout parcel. Additional sandy loam fill may be required in the area of the future leaching bed.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.0-ha residential lot with an existing dwelling located at 2553 4th Con Pakenham and retain a 79.35-ha vacant landholding.

The subject lands are located in an area characterized by large landholdings intermixed with typical residential lots along 4th Con Pakenham. The area is considered part of the Pakenham Mountain Wetland Complex.

The lands are accessed via 4th Con Pakenham, a municipally maintained road. This road terminates at the southern boundary of the lot to be created.

Soils Inventory – Eastern Section	Western Section
- Name: Mountain	Tweed
- Stoniness: non-stony	very stony
- CLI: 2 – moderate limitations	7 – no capability
- Drainage: imperfectly	well drained
- Hydrogeology: high run-off	moderate

Bedrock Inventory – flows, tuffs, breccias

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:

- Flooded Jellyskin (THUR)
- Bogbean Buckmoth (END)

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. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. 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, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

3. Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

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 Town of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – June 8, 2015

No persons attended the hearing.

(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 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 Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. That the applicant obtains relief respecting the minimum required separation between neighbouring driveways located within the "Rural" designation of the Community Official Plan from the Town of Mississippi Mills Council. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. That the applicant demonstrates to the Town of Mississippi Mills that access can be provided to the retained parcel, and obtains a residential entrance permit to access the lands.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
9. A letter shall be received from the Town of Mississippi Mills stating that condition #3 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 leaching bed and in the area of a new septic system on the retained lands.*
2. *The Mississippi Valley Conservation Authority advise that the following mitigative measures are implemented on the retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the unnamed waterbody.*
 - b) *Future development, including a septic system shall be setback a minimum of 120 metres from the boundary of the PSW complex. Otherwise, if future development is proposed within 120 m of the PSW complex, an Environmental Impact Statement shall be required to evaluate the proposal.*
 - c) *The shoreline vegetation surrounding the waterbody shall be retained to a minimum depth of 15 metres.*
 - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed waterbody, PSW complex, or onto adjacent properties.*

3. *In addition the MVCA advises that, pursuant to Ontario Regulation 153/06 — “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW complex, or for any alterations to the shoreline of the unnamed waterbody.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Murray John Miller

Hearing Date: June 8, 2015

Agent: N/A

LDC File #: B15/038 & B15/039

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 10

Conc.: 12

Roll No.: 0940 934 020 09300

Consent Type: New Lots

Purpose and Effect: To sever two (2) residential building lots (1.18-ha each) and retain a 14.56-ha landholding. The lands are accessed by Miller Road.

DETAILS OF PROPOSAL	Lands to be Severed B15/038	Lands to be Severed B15/039
Existing Use	Farm	Farm
Proposed Use	Residential	Residential
Area	1.18 ha	1.18 ha
Frontage	112 m	112 m
Depth	106 m	106 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Well	Proposed Well
Sewage Disposal	Proposed Septic	Proposed Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Farm
Proposed Use	Farm
Area	14.56 ha
Frontage	720 m
Depth	300 m
Road - Access to	Municipal Road
Water Supply	Proposed Well
Sewage Disposal	Proposed Septic
Zoning By-law Category	Rural
-Area (minimum)	1.0-ha
-Compliance?	Yes
-Frontage (minimum)	60 m
-Compliance?	Yes

Official Plan Designation: Rural and Organic Soils

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services

may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

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

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

2.3 Agriculture

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

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 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 3.3 Rural Communities, Section 5.0 Our Environment, 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 Zone.

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

(b) **AGENCY REVIEW**

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

Township Planner's Report -

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Pt Lot 10 Concession 12, geographic Township Lanark, now in the Township of Lanark Highlands.

The purpose of applications B15/038 and B15/039 is to sever two residential building lots. Each severance is 2.9 acres. The retained parcel is a 35.9 acre landholding. The lands to be severed are accessed via Miller Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan.

The property is zoned Rural (RU). An MDS calculation prepared for the property and the MDS buffer does not extend outside of the retained parcel.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well-being all planning applications must be consistent with the Provincial Policy Statement 2014 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access to a municipally maintained road.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township.

ZONING

The subject property is predominantly zoned Rural. The proposed lots surpass the minimum frontage and area requirements of the RU zone.

DISCUSSION

A Minimum Distance Separation has been calculated due to the existence of a barn on the retained parcel. The MDS buffer arc is contained within the retained parcel and as such does not impact either severance.

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

3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. 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.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands.
7. 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.

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 (2) vacant lots both measuring 1.18 ha, while the retained land measures 14.56 ha. The retained land is also vacant.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping, a portion of an unclassified wetland exits into the eastern portion of the retained lands, and in close proximity to the severed lands. A very small portion of a second unclassified wetland is shown to extend into the southern end of the retained lands. No other significant natural heritage features, or natural hazards were identified.

REVIEW

Natural Heritage Values - Wetland

Unclassified wetlands have been identified on the retained lands. The wetland in the eastern portion also appears to be within 30 m of the severed lands.

We understand that these wetlands have not been evaluated; therefore, they are not currently deemed to be significant natural heritage features 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 (often including fish). 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 all wetlands is recommended. This appears to be achievable on the retained and severed lands.

Natural Hazards - Organic Soils

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.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject applications provided the following mitigative measures are implemented for any future development on the severed and retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands.
2. The shoreline vegetation along the wetlands shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, or onto adjacent properties.
4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetlands shall remain undisturbed.

NOTES

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

We advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the wetlands, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - B15/038 – A vacant 1.8 hectare of land. Land nearest road is open field with gentle slopes. Land towards rear is wooded. Additional sandy loam fill will be required in area of future tile bed.

Severed - B15/039 – A 1.8 hectare vacant parcel of land. Front portion of parcel is open field with gentle slopes. The lot towards the rear is treed. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 36 acre vacant farm field used for agricultural purposes. Additional sandy loam fill may be required in area of future tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted 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

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 two (2) residential building lots each containing 1.18-ha and to retain a 14.56-ha landholding used for farming purposes.

The subject lands are located in an area characterized by larger type agricultural lots, intermixed with a variety of residential lots along Miller Road.

The lands are accessed via Miller Road, 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, breccias

Agricultural Operations

Due to an agricultural operation being located on the adjacent 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 250 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 350 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Endangered Species

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

Official Plan Policies

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

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

2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (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 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 Lanark Highlands and could be given favourable consideration.

(e) MINUTES – June 8, 2015

Murray Miller, owner 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.

The same conditions apply to both B15/038 and B15/039

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment of \$200.00 shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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.
11. 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.

12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #1 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 area of future tile bed.*
2. *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.*
3. *The Mississippi Valley Conservation Authority advises that the following mitigative measures are to be implemented for any future development on the severed and retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands;*
 - b) *The shoreline vegetation along the wetlands shall be retained to a minimum depth of 15 metres;*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, or onto adjacent properties;*
 - d) *Future development shall be directed away from wetland areas consisting of organic soils; and*
 - e) *The wetlands shall remain undisturbed.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical

advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William James Wood

Hearing Date: June 8, 2015

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B15/040

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: 2

Conc.: 9

Roll No.: 0931 946 015 21800 &

Consent Type:

0931 946 015 21900

Lot Addition & R-O-W

Purpose and Effect: To sever a 0.92-ha parcel of land as a lot addition to lands owned by David Campbell t/w an easement over these lands to be severed in favour of the retained lands.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Driveway	Abandoned House & Barn Same
Area Frontage Depth Road - Access to	0.92 ha 10.9 m 732.3 m County Road	59.1 ha 591.5 m Irregular County Road
Water Supply Sewage Disposal	n/a n/a	Private Well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Agriculture n/a lot addition	Agriculture 40.0-ha Yes 150 m Yes

Official Plan Designation: Agriculture

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.

2.3 Agriculture

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

County Official Plan – Section 6.1 Agricultural Resources Section 4.3.2 and 3 County Roads, Section 8.2.2 Consents.

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

Local Official Plan – section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 4 General Policies, Section 5.3.11 Consent to Sever.

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

Zoning By-law – Section 6 General Provisions, Section 1 Agricultural Zone.

The Town of Mississippi Mills 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 -

BACKGROUND, PURPOSE AND EFFECT OF APPLICATION

The lot subject to this application (lands to be enlarged) was originally created by way of a severance from an original township lot. Following this severance, the severed lot did not have lot frontage or legal access onto an open and maintained public road. Access to the property was provided by way of a historical access lane which extends over the parcel of land between the subject property and County Road 29 North. This access had no legal standing. As a result, an application was made to the County of Lanark Land Division Committee in order to correct this error by establishing legal access to the subject property.

The applicant received approval from the Land Division Committee on June 18, 2013 for a lot line adjustment (File No. B13/009) which added a ± 0.31 ha (0.76ac) strip of land measuring ± 9.1 m (30ft) wide and ± 679 m (2,227.7ft) long to the subject property from the parcel of land blocking access to the road allowance (retained lands). The intent of the application was to add enough land to the subject property to provide sufficient frontage for access to these lands. The deficient lot frontage was addressed by way of a zoning by-law amendment and the applicant received a certificate of consent for the current "panhandle" shaped lot.

Unfortunately, the application did not take into consideration the width required to accommodate the installation of hydro lines to service the subject benefitting lot. Hydro lines require a minimum property width of 20m (65.62ft), so the purpose of the subject consent application is to increase the width of the driveway access to the rear portion of the lot from $\pm 9.1\text{m}$ (30ft) to $\pm 20\text{m}$ (65.62ft) through a lot addition severance of $\pm 0.92\text{ha}$ (2.26ac) from the lands owned by Mr. Wood (retained lands) in order to accommodate the hydro lines required to service the property.

The proposed lands to be enlarged would have a new lot area of $\pm 12.27\text{ha}$ (30.33ac) with a lot frontage of $\pm 20\text{m}$ (65.62ft) along County Road 29 North, while the retained lands would maintain a lot area of $\pm 59.1\text{ha}$ (146ac) and a lot frontage of $\pm 591.5\text{m}$ (1940.62ft) along County Road 29 North. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject lands are located on the east side of County Road 29 North, north of Snedden Road and in the Ward of Pakenham. While the retained lands appear to be two (2) separate properties, they share the same Land Registry PIN.

The lands to be enlarged are currently $\pm 11.35\text{ha}$ (28.05ac) in size and have a lot frontage of $\pm 9.1\text{m}$ (30ft) along County Road 29 North. The property to be severed/retained is currently $\pm 60.02\text{ha}$ (148.31ac) in size with a lot frontage of $\pm 602.4\text{m}$ (1,976.38ft) along County Road 29 North. The properties contain various watercourses and the lands to be retained contain a portion of the Mississippi River. The lands to be enlarged are currently vacant of any buildings or structures and the lands to be retained are occupied by an abandoned detached dwelling and a barn.

The properties are generally surrounded by agricultural properties with active farming operations. The properties are designated "Agriculture" and "Flood Plain" in the Town's Community Official Plan (COP). The lands to be retained are zoned "Agricultural (A)" and "Environmental Hazard (EH)" by Zoning By-law #11-83, while the lands to be enlarged are zoned "Agricultural Exception 15 (A-15)" and "Environmental Hazard (EH)".

SERVICING & INFRASTRUCTURE

The lands to be retained are serviced by private well and septic services and the lands to be enlarged are not currently serviced. The servicing demands will not change as a result of the proposal. The properties have frontage along County Road 29 North, a County owned and maintained road. The retained lands have an existing approved entrance location (Permit #2428), while the lands to be enlarged obtained an approved entrance location (Permit #2421) as a result of the previous consent application. There is also an existing entrance to the old farm house built in 1880 that provides access to the retained lands, with an assigned PIN (4016 County Road 29 North).

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land.

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

PROVINCIAL POLICY STATEMENT (PPS), 2014

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

The Provincial Policy Statement discourages lot creation in prime agricultural areas, but does allow for lot adjustments. Section 2.3.4.2 states lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons for severances as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot. The intent of the policy is to keep as much of the agricultural land in production as possible.

The purpose of the subject consent application is to increase the width of the driveway access to the rear portion of the benefitting lot from $\pm 9.1\text{m}$ (30ft) to $\pm 20\text{m}$ (65.62ft) in order to accommodate the hydro lines required to service the property. The original severance application was for a minor lot addition for the establishment of a right-of-way to the rear portion of the lands to be enlarged. As noted, a severance for a right-of-way qualifies as a lot adjustment for legal or technical reasons, so the proposal is consistent with Section 2.3.4.2 of the PPS. The size of the right-of-way is being kept to a minimum by only allowing it to be widened to the extent necessary to accommodate the driveway and the hydro lines, so the intent of the policy to keep as much agricultural land in production as possible is also being maintained. Therefore, Staff views the proposal to be an efficient and logical form of development which is in keeping with Sections 1.1.1 and 2.3.4.2 of the PPS.

COMMUNITY OFFICIAL PLAN

The subject properties are designated "Agriculture" and "Flood Plain" in the Town's Community Official Plan (COP). Section 3.2.7 of the COP provides the policies for severances and the creation of lots within the Agricultural designation. Section 3.2.7.2 states that severances for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created and the size of the lots are appropriate for the type of agriculture proposed. As the proposal involves a minor boundary adjustment for the purpose of accommodating hydro lines with no new lot being created, the application conforms to the agricultural policies of the COP.

ZONING BY-LAW #11-83

The lands to be retained are zoned "Agricultural (A)" and "Environmental Hazard (EH)" by Zoning By-law #11-83, while the lands to be enlarged are zoned "Agricultural Exception 15 (A-15)" and "Environmental Hazard (EH)". As noted, the deficient lot frontage (9.1m) of the lands to be enlarged was addressed by way of a zoning by-law amendment to achieve the A-15 zoning. The subject consent application would increase the lot frontage of the lands to be enlarged from $\pm 9.1\text{m}$ (30ft) to $\pm 20\text{m}$ (65.62ft) while maintaining a lot frontage of $\pm 591.5\text{m}$ (1940.62ft) along County Road 29 North for the retained lands. The minimum required lot frontage of the retained lands is 150m (492.13ft), so the proposal complies with the requirements of Zoning By-law #11-83.

CONCLUSION

As the proposal involves a minor lot adjustment in order to accommodate the hydro lines needed to service the rear portion of the lands to be enlarged, Staff views the proposal to be a desirable and logical form of development. No new lot is being created as a result of the proposal and the right-of-way width is being kept to a minimum in order to keep as much agricultural land in production as possible. Furthermore, Staff views the proposal to conform to the agricultural policies of the Community Official Plan, consistent with the PPS, and satisfies the development standards of Zoning By-law #11-83. With this in mind, Staff recommends:

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

1. That the owners pay any outstanding property taxes on the subject properties;
2. That the applicant provides two (2) copies of the registered reference plan to the Town; and,
3. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format.

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 a vacant piece of land as a lot addition to the adjacent lands. The severed lands, which measure 2.26 ac, are to be used as a driveway and a corridor for overhead hydro lines. The retained lot consists of an abandoned house and barn measuring 146 ac.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of the Mississippi River, also part of the Woods Municipal Drainage Works, flows through a ravine on the proposed severed lands. The banks of the ravine are relatively high and steep particularly on the southeast side of the driveway which currently exits on the severed lands. Several additional tributaries of the river flow through the subject property, two through the northern part of the lot to be enlarged and four through the retained lands. These tributaries also form part of the Woods Municipal Drainage Works. In addition, GIS mapping shows that a portion of the lot to be enlarged and the retained lands are located within MVCA's Regulation Limit. This is due to the presence of a potentially unstable slope along the shoreline of the river.

CONCLUSION AND RECOMMENDATIONS

In general, MVCA does not have any objections to the subject application. However, we recommend that caution be taken when siting the proposed hydro

poles. The poles should be located a minimum of 10 metres from the crest of the ravine slope in order to help ensure that slope stability is not compromised during installation.

With respect to the driveway, it is our understanding that it currently exists and additional work in this regard is not proposed.

NOTES

If future development is proposed on the retained lands and lot to be enlarged, MVCA should be contacted to assess if the proposal is within MVCA's Regulation Limit. A permit may be required from MVCA pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

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

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, a permit is required from MVCA prior to any alterations to the shoreline of the tributaries/drains.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the tributaries/drains, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - A 2.26 acre (10.9 meters wide) strip of land that is intended for the construction of a driveway only. An addition to an existing lot only for the purpose of a driveway.

Retained - A 146 acre parcel of farm land with an existing abandoned house and barn. The condition of the existing septic system is unknown; however there is sufficient land area available for its future replacement.

County Roads Department –

- 1/ Retained lands have an existing approved entrance, permit #2428 applies.
- 2/ Lands to be severed have an approved entrance, permit #2421 applies.
- 3/ Standard conditions for road widening, approvals and documentation to apply.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.916-ha strip of land as a lot addition to lands owned by David Campbell Pt. Lot 2/3 Con 9 Pakenham, together with an easement/r-o-w in favour of William James Wood.

The subject lands are located in an area characterized by strip residential development along County Road 29, intermixed with large lots. The lands to be enlarged is a Mississippi River waterfront lot.

The lands are accessed via County Road 29 N, a county maintained road.

The purpose of the lot addition is to widen the existing laneway from 9.1 m to 20 m, this will also allow for the private hydro lines to be installed within the r-o-w. The existing r-o-w is currently shared by David Campbell and William Wood. If not already in place, the parties should be encouraged to enter into a Joint Use and Maintenance Agreement for the laneway.

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. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. 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, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
3. Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the agricultural section of the Zoning By-law. The lands to be enlarged are zoned Limited Service Residential. Any new development will be required to meet the minimum setback requirements of 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 the Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – June 8, 2015**

Chris Clarke (ZanderPlan Inc.) agent attended the hearing and gave evidence under oath.

Mr. Clarke advised that the additional strip of land was to provide for a wider r-o-w in which to construct a power line to the waterfront property. Also noting that as per the concerns noted by the Conservation Authority, additional width has been provided for in the area of the steep slope.

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 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 David Vaughan Campbell described as Parts 1 to 4, Plan 26R-1444, beings Pt E ½ Lot 3 Pt W ½ Lot 2 and 3 Conc. 9 Pakenham, 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. An appropriate right-of-way / easement shall be granted to the owners of the lot to be retained over the lot to be severed.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

7. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
9. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
10. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
11. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
12. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Town of Mississippi Mills stating that condition #6 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The applicant should consider the development of a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the shared driveway.*
2. *The Mississippi Valley Conservation Authority advises that if future development is proposed on the retained lands and lot to be enlarged, MVCA should be contacted to assess if the proposal is within MVCA's Regulation Limit. A permit may be required from MVCA pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.*
3. *In addition MVCA advises that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, a permit is required from MVCA prior to any alterations to the shoreline of the tributaries/drains.*

4. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Elizabeth Wallace

Hearing Date: June 8, 2015

Agent: N/A

LDC File #: B15/041

Municipality: Township of Montague

Geographic Township: N/A

Lot: 6

Conc.: A

Roll No.: 0901 000 010 12004

Consent Type: Lot Addition

Purpose and Effect: To sever a 500 sq.m. parcel of land as a lot addition to lands owned by Elizabeth and Garth Wallace at 851 Heritage Drive.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Vacant
Area	500 m ²	5,200 m ²
Frontage	3.05 m	76.34m
Depth	53.5 m	71.0 m
Road - Access to	County Road	County Road
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	N/A – lot addition	0.4-ha
-Compliance?		Yes
-Frontage (minimum)		46 m
-Compliance?		Yes

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, prime 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 evaluated 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 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 2.18 Archaeological Resources, Section 2.19 Natural Hazards, Section 2.21 Natural Heritage Features, section 3.6 Rural Policies, Section 4.3 County 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 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 -

Staff understand that the purpose of this application is to enable a lot line adjustment involving two properties on the Rideau River just east of Merrickville. The property owner Elizabeth Wallace proposes to sever a 500 square metre sliver from her property (starting at the shared entrance and widening to 12 m at the shore of the Rideau River) and adding that to an abutting lot owned jointly by Ms. Wallace and Garth Wallace. The intent of the application would be to increase the side yard setback for the developed lot and staff note that the overall impact on the planning context of this site appears to be quite minimal.

The two properties are both within the Rural designation according to the Township's Official Plan and zoned Rural in the Zoning By-law. Since this application does not seek to enable new development, nor create a new lot, the proposal does not impact on any of the applicable Official Plan policies related to development or lot creation. Likewise, while a portion of the severed lands is within the Rideau River floodplain, neither that nor any other municipally mapped constraints substantively affect the lot addition. It is noted however that as per a condition of a previous severance approval, a development agreement was registered on title to implement several development related conditions respecting

the Rideau corridor and this application should not affect that. As per the property information provided, there appear to be no zoning compliance issues resulting from this application.

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 if a survey is required by the Registry Office.
- 3) The severed lands shall be for lot additions only to adjacent lands as identified in the Applications.
- 4) The existing development agreement in effect for the subject lands (adopted by Township Council August 20th 2013) shall remain in effect for all lands affected by this application.

Conservation Authority – Parks Canada – Rideau Canal Office and the Rideau Valley Conservation Authority

The Rideau Waterway Development Review Team (Parks Canada- Rideau Canal Office and the Rideau Valley Conservation Authority) have completed a review of the above noted application. We have undertaken our review within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
- Federal Fisheries Act.
- Historic Canal Regulations,

The following comments are offered for the Committees consideration.

PROPOSAL

The proposal is to sever a 0.05 hectare parcel from an existing 0.57 hectare vacant lot. The severed parcel will be conveyed to the adjacent lot known municipally as 857 Heritage Drive.

PROPERTY CHARACTERISTICS

The property is characterized by forested vegetation close to the river and adjacent the slope on the property. The parcel abuts the Rideau River. The parcel is currently vacant.

REVIEW

Natural hazards

For the applicants information a small portion of the severed and retained parcels are within the 1:100 year floodplain of the Rideau River identified as 95.9 metres geodetic. This application is for a lot line adjustment only. Therefore there is no anticipated impact on the floodplain as a result of this application.

Natural Heritage - Rideau River

The severed parcel abuts the Rideau River. This application is for a lot line adjustment only. Therefore there is no anticipated impact on the river as a result of this application.

Conservation Authority Regulations

For the applicants information a portion of the property has been identified as being within the 1:100 year floodplain of the Rideau River. 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 lands in the following manner:

- The Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1:100 year floodplain of the Rideau River, identified as 95.9 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority.

Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Parks Canada

For the applicant's information, waterfront access/development on the property is limited to 25% width of the total water frontage or 50 feet on the uplands portion of the property, whichever is less. Natural vegetation shall otherwise be maintained within the 30 metre setback from the normal high water mark of the Rideau River.

Please note that the federal Crown owns to the original upper controlled water elevation of the Rideau Canal and its lakes and rivers. Any shoreline or in-water work on, over or above the bed of the Rideau Canal requires the prior written approval under the Historic Canals Regulation administered by the Rideau Canal Office. This includes, but is not limited to, docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization works.

CONCLUSION

In conclusion the Rideau Waterway Development Review Team has no objection to this lot line adjustment application.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – A 500 square meter area which is a vacant strip of land meant to provide additional land to the newly created parcel beside 853 Heritage Drive. An addition to an existing lot only.

Retained – A 1.2 acre parcel of land that has an existing shed. Land slopes toward the Rideau River. Property is a mix of open field and trees. Additional sandy loam fill will be required in the area of the future leaching bed.

County Roads Department

Lands to be severed and retained have an approved entrance location for a common residential entrance. Permit #2516 applies. Complete application to be submitted and entrance installed prior to deed endorsement.

Standard conditions regarding Road Widening, Road Closing, Approvals and Documentation to apply.

(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 500 sq.m. parcel of land as a lot addition to lands owned by Elizabeth and Clifford Wallace at 851 Heritage Drive. The additional lands will increase the buffer area between the existing buildings.

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas

are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) MINUTES – June 8, 2015

Elizabeth and Garth Wallace, applicants 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.

B15/041

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Elizabeth Carol Wallace and Clifford Garth Wallace described as Part 2, Plan 27R-5675 (851 Heritage Drive), 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 an ‘Undertaking’ to acknowledge that the existing Development Agreement in effect on the subject lands (adopted by Council August 13th, 2013) shall remain in effect.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
8. Road Widening: Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
9. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
10. If land is required, “In Preparation” Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.
11. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the “The Corporation of the County of Lanark” (or the Township of Montague, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
12. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the “PIN” that is the county road, parallel to the frontage of the lands to be severed.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Montague stating that condition #4 through #6 (and #11 if required) has been fulfilled to their satisfaction.

Notes

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Rideau Valley Conservation Authority advises that a portion of the property has been identified as being within the 1:100 year floodplain of the Rideau River. 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 lands in the following manner:*
3. *The addition the Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1:100 year floodplain of the Rideau River, identified as 95.9 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority. Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*
4. *Parks Canada advises that waterfront access/development on the property is limited to 25% width of the total water frontage or 50 feet on the uplands portion of the property, whichever is less. Natural vegetation shall otherwise be maintained within the 30 metre setback from the normal high water mark of the Rideau River.*
5. *In addition the Federal Crown owns to the original upper controlled water elevation of the Rideau Canal and its lakes and rivers. Any shoreline or in-water work on, over or above the bed of the Rideau Canal requires the prior written approval under the Historic Canals Regulation administered by the Rideau Canal Office. This includes, but is not limited to, docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization works.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Mark S. Suthers

Hearing Date: June 8, 2015

Agent: N/A

LDC File #: B15/042

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 1

Conc.: 5

Roll No.: 0940 934 025 09600

Consent Type: New Lot

Purpose and Effect: To sever a 40.5-ha landholding and retain a 40.5-ha landholding with an existing dwelling, barn and sheds located at 180 Con 5A Lanark.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Farm & Bush	Farm, Bush & House
Proposed Use	Farm, Bush & House	Farm, Bush & House
Area	40.5 ha	40.5 ha
Frontage	1,446 m	1,124 m
Depth	602 m	602 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private well	Private well
Sewage Disposal	Proposed septic	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: rural and Organic Soils

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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 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 3.3 Rural Communities, Section 5.0 Our Environment, 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 Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

The purpose of this application is to sever a 100 acre landholding and to retain a 100 acre landholding with an existing dwelling and outbuildings located at 180 Concession 5A Lanark. The property is legally described as Part Lot 1, Concession 5, geographic Township of Lanark, now in the Township of Lanark Highlands.

The lands to be severed have frontage on 6th Concession A and Phelan's Road, both of which are municipally maintained roads.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. The property is zoned Rural (RU).

PROVINCIAL POLICY

All planning applications must be consistent with the Provincial Policy Statement 2014 (PPS). A review of applicable policies must be undertaken and evaluated under the "consistent with" test. New development is evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development.

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. On the constraint layer of the Official Plan, there is an area of organic soil on a portion of the proposed severed lot. Despite this, there is a very large building envelope available on the lot. This application meets the requirements of the Township's Official Plan.

ZONING

The subject property is zoned Rural. The proposed lot surpasses the minimum frontage and area requirements of the RU zone and meets all other provisions of the Zoning Bylaw.

DISCUSSION

A minimum distance separation (MDS1) calculation was provided for this application. The proposed lot is outside of the required 286m (937 ft.) distance from a nearby farming operation. 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. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. 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.
6. 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.
7. The applicant shall obtain an entrance location permit from the Township.

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 one vacant lot measuring 40.5 ha, and retain a developed lot measuring 40.5 ha.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, one large unclassified wetland occupies the northwest portion of the proposed severed lands. A tributary of Stewart Lake is shown to flow through this wetland. A second unclassified wetland exists along the western portion of the proposed retained lands. A tributary of the Mississippi River is shown to flow this wetland.

REVIEW

Natural Heritage Values - Wetland

We understand that the aforementioned wetlands have not been evaluated; therefore, they are 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 (often including fish). 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

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

Sufficient area appears to exist on the severed lands for future development that complies with the recommended setbacks from the wetlands and watercourses.

The retained lands are already developed with no new development proposed at this time. Therefore, impacts to natural heritage features on the retained lands 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.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application provided the following is implemented on the proposed severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from any watercourse and wetland.
2. The shoreline vegetation surrounding all wetlands and watercourses shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into any wetland, watercourse or onto adjacent properties.
4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetlands shall remain undisturbed.

NOTES

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

The wetland on the retained lands should remain undisturbed.

Shoreline vegetation surrounding the wetland and watercourse should be retained to a minimum depth of 15 m, on the retained lands.

The property owner should be advised 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 any alterations to the shoreline of the unnamed watercourses.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the wetlands or watercourses, in order to assess potential impacts to fish habitat.

Authorization from DFO may be required for such work.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - A 40.5 hectare parcel of land that is a combination of open field and bush. There are portions of the land that are subject to wetness. Additional sandy loam till will be required in the area of the leaching bed.

Retained - A 40.5 hectare parcel of land that is a mix of bush and agricultural field. There is an existing house serviced by a well and septic system. A derelict / abandoned house is located behind the existing house. Additional sandy loam fill will be required in the area of the leaching bed.

Township of Drummond / North Elmsley – No comments received.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted 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.

RECEIVED
LANARK
COUNTY

MAY 21 2015

Clerk's Department

325 Concession 6A Rd.
R.R. 1
Lanark, ON
K0G 1K0
(613) 259-2177

May 19, 2015

Dear Mary Kirkham,

I am writing regarding the notice that we received about an application submitted to the County for a severance. The applicant's name is Mark Suthers and the file number is B15/042.

I am writing because my husband and I hope that the 100 acres that will be potentially severed remain as agricultural use. We would like to know if there will be potential for housing on that property, should it be severed. If development is allowed, we would like to know the capacity.

Our farm is beside this farm, and is currently rented to another farmer neighbour. We have a number of hunt camps and cottages along our road, and Phelans Road. With all of the unsuitable land in the County for agriculture that could be used for housing, we would like to see this parcel left as field. Currently on our Concession, enough field is being lost to wetland as the beavers keep baking up the water and flooding the lowlands. If someone wanted to build a house and either farm it themselves or rent it, we would be happy to see that happen.

We would very much like to be kept informed about the decision made, as well as when a Public Meeting will take place.

Thank you,



Hilary Moore

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 40.5-ha landholding and retain a 40.5-ha landholding with an existing dwelling, farm building and sheds located at 180 Con 5A Lanark. The rather unusual jog in the southern portion of the division line between the east and west halves of the lot is to accommodate a treed area and existing fence line.

The subject lands are located in an area characterized by large landholdings along the 5th and 6th Con of Lanark, and larger type seasonal lots along Phelan's Road. The Stewart Lake Haley Lake Wetland Complex is to the east.

The lands to be severed at accessed via 6th Con A Lanark via Napoleon Street, a municipally maintained road.

Soils Inventory – Name: Granby

- Stoniness: non-stony
- CLI: 5 – very severe limitations

- Drainage: imperfectly
- Hydrogeology: slow infiltration

Bedrock Inventory – flows, tuffs, breccias

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 286 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant exceeds the MDS requirement. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

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:

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 have not been established by the Town of Mississippi Mills.

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.

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. 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.

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 Township of Lanark Highlands and could be given favourable consideration.

(e) MINUTES – June 8, 2015

Mark Suthers, owner attended the hearing and gave evidence under oath.

Mr. Suthers explained that the odd configuration of the centre dividing line is to follow the existing fence line.

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.

B15/042

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment of \$200.00 shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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.
11. 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures are to be implemented on the severed lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 m from any watercourse and wetland;*
 - b. *The shoreline vegetation surrounding all wetlands and watercourses shall be retained to a minimum depth of 15 m;*
 - c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into any wetland, watercourse or onto adjacent properties;*
 - d. *Future development shall be directed away from wetland areas consisting of organic soils; and*
 - e. *The wetlands shall remain undisturbed.*
2. *The Mississippi Valley Conservation Authority advises that the wetland on the retained lands should remain undisturbed. And that shoreline vegetation surrounding the wetland and watercourse should be retained to a minimum depth of 15 m, on the retained lands.*
3. *In addition the property owner is advised 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 any alterations to the shoreline of the unnamed watercourses.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam till will be required in the area of the leaching bed.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *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 continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Amanda Joyce

Hearing Date: June 8, 2015

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B15/043

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 6

Conc.: 4

Roll No.: 0940 934 025 08900

Consent Type: New Lot

Purpose and Effect: To sever a 6.1-ha residential landholding and retain a 35.8-ha landholding with an existing dwelling and outbuildings located at 775 Rosetta Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	6.1 ha	35.8 ha
Frontage	200.0 m	489.0 m
Depth	305.0 m	618.0 m Irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, Organic Soils.

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime 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.

2.3 Agriculture

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum

- size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

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 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 3.3 Rural Communities, Section 5.0 Our Environment, 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 Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report -

Review of Proposal and Application

The purpose of this application is to sever a 15 acre residential landholding and to retain an 88.5 acre landholding with an existing dwelling and outbuildings located at 775 Rosetta Road. The property is legally described as Part Lot 6, Concession 4, geographic Township of Lanark, now in the Township of Lanark Highlands.

The lands to be severed have frontage on Rosetta Road and Lanark Con. 4A, both of which are municipally maintained roads.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. The property is zoned Rural (RU).

PROVINCIAL POLICY

All planning applications must be consistent with the Provincial Policy Statement 2014 (PPS). A review of applicable policies must be undertaken and evaluated under the "consistent with" test. New development is evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has

access to a Township maintained road.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township. This application meets the requirements of the Township's Official Plan.

ZONING

The subject property is zoned Rural. The proposed lot meets the minimum frontage and area requirements of the RU zone and all other provisions of the Zoning By-law.

DISCUSSION

A minimum distance separation (MDS1) calculation was provided for this application. The proposed lot is outside of the required 181m distance from a nearby farming operation. 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. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. 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.
6. 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.
7. The applicant shall obtain an entrance location permit from the Township.

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 one vacant lot measuring 15.1 ac, and retain a developed lot measuring 88.5 ac.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, two unnamed waterbodies exist in the eastern section of the retained lands. An unnamed watercourse connects these waterbodies. Also, the headwaters of an unnamed watercourse is shown on the severed lands, crossing Lanark 4th Concession A. A site visit confirmed the existence of a culvert at the road; however the watercourse appeared more as a local drainage swale with intermittent flow, which did not have a discernible channel.

REVIEW

Natural Heritage Values - Waterbodies/Watercourse/Drainage Swale

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement (PPS), a minimum 30 m development setback is recommended from any waterbody and watercourse. With respect to the drainage swale, a minimum development setback of 15 m is recommended.

Sufficient area appears to exist on the severed lands for future development that complies with the recommended setback from the identified drainage swale. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to natural heritage features on the retained lands are not anticipated as a result of the subject application.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application provided the following is implemented on the proposed severed lands:

1. Future development, including a septic system shall be setback a minimum of 15 m from the drainage swale.
2. The shoreline vegetation along the shore of the drainage swale shall be retained to a minimum depth of 15 m.

NOTES

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

Shoreline vegetation surrounding the unnamed waterbodies and watercourse should be retained to a minimum depth of 15 m, on the retained lands.

The property owner should be advised 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 any alterations to the shoreline of the unnamed waterbodies and watercourse identified on the retained lands.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the waterbodies or watercourse, 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

Severed - A 15.1 acre bush lot that is rugged with outcroppings of rock. Land is undulating. There are open areas of field. No existing buildings. Additional sandy loam fill will be required in the area of the future leaching bed.

Retained – An 88.5 acre parcel of land with an existing house serviced by a well and septic system. There are various barn/out-buildings on property. Land slope and drainage can vary throughout acreage. Additional sandy loam fill will be required in the area of the future replacement septic system.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted 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

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 6.1-ha residential building lot and retain a 35.8-ha landholding with an existing dwelling, garage and outbuildings located at 775 Rosetta Road.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

Agricultural Operations

Due to an agricultural operation being located on adjacent 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 181m, the actual distance from the barn to the closest proposed lot line is shown by the applicant exceeds the minimum requirement. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

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

Bobolink (THR)

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 masses mapped as 'woodlands', however none on the lands to be severed. Woodland Development Policies have 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 – June 8, 2015

Chris Clarke (ZanderPlan Inc.) agent attended the hearing and gave evidence under oath.

Mr. Clarke questioned the need for a development agreement to implement setback requirements from the unnamed watercourse. The committee agreed that the CA and Zoning By-law have setback requirements, and therefore this would be better suited as a note to the Conditions.

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 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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-

laws for consent applications.

6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment of \$200.00 shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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.
11. 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 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 leaching bed.*
2. *Mississippi Valley Conservation Authority advises that for development on the severed lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 15 m from the drainage swale, and;*
 - b) *The shoreline vegetation along the shore of the drainage swale shall be retained to a minimum depth of 15 m.*
3. *MVCA also advise that shoreline vegetation surrounding the unnamed waterbodies and watercourse should be retained to a minimum depth of 15 m, on the retained lands.*
4. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
5. *In addition, any proposed works in or near the lake; unnamed watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

3. *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.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brown Shoe Co. of Canada Ltd.

Hearing Date: June 8, 2015

Agent: Sean McAdoo

LDC File #: B15/059

Municipality: Town of Perth

Geographic Township: Drummond/Bathurst

Lot: 1

Conc.: 1

Pt. Lot G Plan 8828

Roll No.: 0921 010 035 08600

Consent Type: New Lot & R-O-W

Purpose and Effect: To sever a 0.93-ha commercial lot with an existing office structure together with an easement/r-o-w in favour of the retained lands, and to retain a 4.54-ha retail/industrial lot with an existing retail/industrial structure at 1857 Rogers Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Office	Retail and Industrial
Proposed Use	Business Park	Retail and Industrial
Area	0.93 ha	4.54 ha
Frontage	105 m	89.35 m
Depth	88 m	264 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Public System	Public System
Sewage Disposal	Public System	Public System
Zoning By-law Category	General Industrial	General Industrial
-Area (minimum)	1,350 sq.m.	1,350 sq.m.
-Compliance?	Yes	Yes
-Frontage (minimum)	22.5 m	22.5 m
-Compliance?	Yes	Yes

Official Plan Designation: Industrial Area

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 3 Basis of Plan, Section 7 Public health and Safety, Section 8.14 Industrial Area, Section 9.11.15 Subdivisions, Consents.
The Town of Perth advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 15 General Industrial
The Town of Perth advises that the proposal complies with the zoning by-law regulations. However, new uses will require a re-zoning.

(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 -

On behalf of the Town of Perth and pursuant to By-law No. 3344, (delegating authority to the Town's Planner), please be advised that, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application for the creation of a .93-ha commercial lot with an existing office structure.

Staff note, that to comply with the Zoning requirements of the General Industrial (M2) Zone the required 4.5 m side yard between the existing industrial building and the new lot line will have to be maintained. The Town is satisfied with the existing zoning and use, but a Zoning Amendment will be required when the new Official

Plan is approved.

The applicant has paid the mail list fee and the consent review fee of \$350 required by the Town.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department. The applicant has not paid the mail list fee and the Town's review fee.

If you require further information, please do not hesitate to contact me at your convenience.

Notes:

The proposed consent subdivides an over-sized industrial parcel, and results in two lots with frontage on an existing street, that connect to existing services. This represents a more efficient land use and complies with the intent of the Official Plan. The proposal is also consistent with the site specific zoning provisions. Existing uses are consistent with the M2 Zone; new uses will likely need zoning consistent with OPA #14.

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

1. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
2. The Town confirm that any and all outstanding fees and taxes have been paid prior to the consent being completed.
3. The required 4.5 m side yard between the existing industrial building and the new lot line is maintained.

NOTES

The Town would prefer that proposed lot not extend in front of the existing building per the applicants updated drawing. The applicant be cautioned that the Town is satisfied with the existing Zoning use, but a Zoning Amendment will be required when OPA # 14 is approved.

Hydro One Networks – We have reviewed the documents concerning the above noted Application for Consent and have no comments or concerns at this time.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted 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

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 9,300 sq.m. parcel of land with an existing office building together with an easement/r-o-w in favour of McAdoo Construction and to retain a 3.61-ha retail / industrial landholding with an existing brick / steele clad single storey building and parking area.

The subject lands are located in an area characterized by typical urban commercial / industrial park. The purpose of the consent is to split the property and buildings to provide for a mix and range of employment and institutional uses, a process recommended by the PPS.

The Town of Perth has requested that the applicant consider revising the dimensions of the lot to show that the proposed lot not extend in front of the existing building. The applicant has advised that they are agreeable with this.

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3 Woodlands
The Town of Perth encourages maintaining tree coverage through a tree preservation or conservation plan.

Zoning

The subject property is currently within the general industrial zone (M2) section of the Zoning By-law, which permits a number of uses, including commercial use, service outlet or warehouse, etc. 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; new uses may require a rezoning.

Conclusion

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

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

(e) MINUTES – June 8, 2015

Sean McAdoo, agent attended the hearing and gave evidence under oath.

Mr. McAdoo advised that he had no issue with revising the width of the lot in consideration of the request from the Town of Perth.

Mr. McAdoo also advised that a new parking lot will be created between the existing building and Rogers Road.

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 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" agreed upon at the June 8, 2015 Land Division Committee Hearing.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Perth.
5. The applicants shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Town of Perth with two (2) hard copies and a digital copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall ensure that the required 4.5 m side yard between the existing industrial building and the new lot line is maintained.
8. A letter shall be received from the Town of Perth stating that condition #4 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Cyril G. Reed & Wendy R. Reed

Hearing Date: June 8, 2015

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B15/064

Municipality: Town of Carleton Place

Geographic Township: N/A

Lot: 78 & Pt. Lots **Plan.:** 133

77 & 79

Roll No.: 0928 020 045 03700

Consent Type: New Lot

Purpose and Effect: To sever a 512.4 sq.m. residential lot and retain a 578.9 sq.m. residential lot with an existing dwelling located at 98 Frank Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	512.4 sq.m. 18.3 m 28.0 m Municipal Road	578.9 sq.m. 20.7 m 28.0 m Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Public System Public System
Development Permit By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Primary Residential Coverage 60% 10.6 m Yes	Primary Residential Coverage 60% 10.6 m Yes

Official Plan Designation: Residential

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.6 Infrastructure and Public Service Facilities

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

a) the use of existing infrastructure and public service facilities should be optimized; and

b) opportunities for adoptive re-use should be considered, wherever feasible.

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 4.3.3.4 Local Streets, Section 6.7.2 Consents.

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

Development Permit By-law - Section 3 General Provisions, Section 5.0 Residential.

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

SUMMARY

A consent application has been received from the property known as 98 Frank Street. The subject lands as legally described as Plan 133 Lot 78 Pt Lots 77 & 79.

This consent application is to sever 512.4 m² residential lot, leaving a 578.9 m² portion of retained property with an existing single family dwelling on Frank Street. 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 building lot within the Town of Carleton Place. Both the retained and severed lot will meet the minimum frontage required under the Development Permit By-law.

COMMENT

The proposal, if approved, will allow for the creation of an infill residential lot which is 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 outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum)
3. 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.
4. That a deposited reference plan be submitted to the Town of Carleton Place.
5. The applicant shall provide the Town of Carleton Place with building elevations of the new proposed structure to demonstrate that the existing character of the neighbourhood is maintained.
6. The new lot and any structures to be built on it 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.
7. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained

are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:

- adequate frontage along the maintained road;
- adequate access along the maintained road; and
- compliance with the Ontario Building Code.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 512.4 sq.m. residential building lot and retain a 578.9 sq.m. residential building lot with an existing dwelling located at 98 Frank Street.

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 Frank 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 uses a 'tree preservation plan' for ensuring that tree cover is maintained within the Town.

Zoning

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

Conclusion

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

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

(e) MINUTES – June 8, 2015

Chris Clarke (ZanderPlan Inc.) agent 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.

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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 the Town of Carleton Place with a digital copy of the reference plan (in NAD83 Datum).
5. The applicant shall provide the Town of Carleton Place with a deposited reference plan.

6. 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.
7. The applicant shall provide the Town of Carleton Place with building elevations of the new proposed structure to demonstrate that the existing character of the neighbourhood is maintained.
8. The new lot and any structures to be built on the lot must comply with the Development Permit By-law. If compliance is not demonstrated a separate application for Development Permit Approval will be required. The applicant shall consult with the Town of Carleton Place in this regard.
9. 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.
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 Township 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.