
The Land Division Committee met in regular session on Monday, May 11, 2015 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and W. Guthrie

Members Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

CHAIR: R. Strachan

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1. CALL TO ORDER

A quorum was present. D. Murphy advised that he would not be in attendance.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2015-21

MOVED BY: W. Guthrie

SECONDED BY: R. Strachan

"THAT, the minutes of the Land Division Committee meeting held on April 13, 2015 be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-22

MOVED BY: W. Guthrie

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 B14/067 and B14/068 – Howard and Caroleann McRae – 2 new lots
Pt. Lot 18/19 Conc. 8, Township of Beckwith.
9th Line Beckwith.
- 6.2 B15/013 – Brian Brady – new lot
Pt. Lot 21 Conc. 6, geographic Township of South Sherbrooke, now in Tay Valley Township.
Old Brooke Road.
- 6.3 B14/107 – William F Hay and Denise Dubarry-Hay – new lot
Pt. Lot 8/9 Conc. 10, Township of Beckwith.
Lake Park Road.
- 6.4 B14/111 – Christopher Brown & Sonja Lukassen – new lot
B14/112 – Rob & Deborah Campbell – lot addition
Concurrent applications.
Lot 2 Plan 27M-18, Township of Beckwith. Trillium Way.
- 6.5 B15/001 - Rosemarie Dakers - new lot
Pt. Lot 14 Conc. 9, Township of Beckwith. Hwy 15.
- 6.6 B15/004 and B15/005 – Peter Williams – two new lots
Pt. Lot 12 Conc. 11, Township of Beckwith.
Lake Park Road.
- 6.7 B15/008 – John and Helen Levi – new lot
Lot 38 Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. Carss Street.
- 6.8 B15/009, B15/010, B15/011 and B15/012 – 2023918 Ont. Ltd. – four new lots.
Lot 5 and 6 Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. Carss St. and Martin St.

6.9 B15/014 – Robert and Patricia Lloyd – lot addition
B15/015 – Robert and Patricia Lloyd – new lot
Pt. Lot 9 Conc. 5 geographic Township of Bathurst, now
in Tay Valley Township. Anglican Church Road.

6.10 B15/020 – Robert and Brenda Murray –new lot
Pt. Lot 25 Conc. 4 Township of Beckwith.
Richmond Road.

7. DEFERRED APPLICATIONS

None

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

9.1 Hydrogeological Investigations - deferred

9.2 Committee Member Expenses – ‘Members of Council
and Committees/Boards of Council Expenses’ report –
defer to June.

9.3 Ontario Municipal Board – Young Pre-hearing
Memorandum

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.

5 - 23 10.1 B14/067 and B14/068 – Howard and Caroleann McRae
– 2 new lots

24 - 34 10.2 B14/107 – William F Hay and Denise Dubarry-Hay –
new lot

35 - 46 10.3 B14/111 – Christopher Brown & Sonja Lukassen –
new lot
B14/112 – Rob & Deborah Campbell – lot addition

47 - 55 10.4 B15/001 Rosemarie Dakers - new lot

56 - 64 10.5 B15/004 and B15/005 – Peter Williams – two new lots

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- 65 - 75 10.6 B15/008 – John and Helen Levi – new lot
- 76 - 89 10.7 B15/009, B15/010, B15/011 and B15/012 –
 2023918 Ont. Ltd. – four new lots.
- 90 - 98 10.8 B15/013 – Brian Brady – new lot
- 99 - 109 10.9 B15/014 – Robert and Patricia Lloyd – lot addition
 B15/015 – Robert and Patricia Lloyd – new lot
- 110 - 121 10.10 B15/020 – Robert and Brenda Murray – new lot

11. PROVISIONAL CONSENT DEFERRED

None

12. UPCOMING MEETINGS AND NOTICES

May 26, 2015 – Special Meeting – 1:00 p.m.
May 31 to June 3, 2015 – OACA Conference, Kingston.
June 8, 2015 at 9:00 a.m.
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-2015-23

MOVED BY: W. Guthrie
SECONDED BY: R. Strachan

"THAT, the meeting do now adjourn at 11:35 a.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Howard B. McRae & Caroleann C. McRae **Hearing Date:** May 11, 2015
Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B14/067 & B14/068
Municipality: Beckwith
Geographic Township: N/A **Lot:** 18 & 19 **Conc.:** 8
Roll No.: 0924 000 020 32000 **Consent Type:** 2 New Lots

Purpose and Effect: To sever two (2) residential building lots (0.8-ha each) and retain a 40.8-ha landholding with an existing dwelling located at 981 Ninth Line, Beckwith.

DETAILS OF PROPOSAL	Lands to be Severed B14/067	Lands to be Severed B14/068
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.8 ha	0.8 ha
Frontage	80 m	60 m
Depth	101 m	135 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)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Residential
Proposed Use	Residential
Area	40.8 ha
Frontage	293 m
Depth	662 m
Road - Access to	Municipal Road
Water Supply	Private well
Sewage Disposal	Private septic
Zoning By-law Category	Rural & Wetland
-Area (minimum)	0.4-ha
-Compliance?	Yes
-Frontage (minimum)	45 m
-Compliance?	Yes

Official Plan Designation: Rural and Wetland

Conformity: Yes, no development in wetland

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.3 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 5.5.1 Provincially Significant Wetlands, 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 4 General Development Policies, Section 4.5 Division of Land, Section 6.5 Rural Land Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

The Township of Beckwith advises that the proposal conforms to the designations

and policies of the Official Plan provided the applicant enter into an agreement for Water Monitoring and that flood proofing measures be implemented.

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone, Section 13 Wetlands Zone.

The Township of Beckwith advises that the proposal complies with the Zoning By-law regulations provided a re-zoning is approved to set a special setback with regards to the MDS from the adjacent lands.

(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 -

EXECUTIVE SUMMARY

Planning Committee reviewed these applications in December, 2014. It was determined that the applicant would be required to obtain a zoning by-law amendment to require a 50m front yard setback for the western severance to be consistent with MDS implementation of previous severances in the immediate area. RVCA has now reviewed the applications and recommends that fill be placed on each property prior to the severances being approved and that any development be flood proofed accordingly. Staff recommends that the flood proofing requirements be written into the zones to be created for the parcels.

DESCRIPTION OF PROPOSAL

The applicant has submitted two severance applications to create two (2) acre building parcels in a rural portion of the Township. Application B14/068 is completely within the required MDS setback of a horse stable. Application B14/067 is partially within the 120m buffer of PSW. RVCA has recommended various conditions for the proposed development.

DESCRIPTION OF SUBJECT LANDS

The applicant owns two fifty (50) acre parcels on the 9th Line, which were merged together when the applicant construct a dwelling directly on the boundary line between the two parcels in 2008. Both parcels were severed once in 2007. The lands are affected by PSW and MDS from a nearby horse barn.

PROVINCIAL POLICY STATEMENT

Section 2.3 regards Agriculture and requires new lots to conform to the Minimum Distance Separation formulae (MDS).

Section 2.1 regards natural heritage and prohibits development within 120m of significant wetlands without an environmental impact statement. The proposed severance would enter into the adjacent lands and lot creation is considered development under the PPS. However, there does appear to be a sufficient buildable envelope beyond the adjacent lands to permit development. Therefore, there does not appear to be an effect on the wetlands or adjacent areas.

Section 3.1 regards natural hazards and directs development to areas not subject to natural hazards, such as flooding. RVCA has recommended various conditions to the County of Lanark to mitigate the flooding risk, including placement of fill prior

to the severances being finalized and specific elevations for future development, which would be implemented by the Township through the building permit process. Staff recommends that these requirements be incorporated into a site specific zoning.

Section 1.1.5 regards development within rural lands. The development should reflect the municipal services available in the area. The proposed severance would create an additional lot where the Township already provides fire and waste services. This policies clearly state that the creation of new lots shall comply with MDS.

Application B14/068 is fully within the required MDS for the adjacent horse stable. Staff does not believe this application is consistent with the PPS. The Planning Committee previously provided direction that a zoning by-law amendment would be supported to require a 50m front yard setback to ensure that future development was setback accordingly from the nearby horse farm.

OFFICIAL PLAN

The subject lands are designed as Rural and Wetlands within the Official Plan. Residential development is permitted within the Rural designation, but not within the Wetland designation.

Section 4.5 regards land division. These policies require minimum lot sizes of 2 acres in rural areas, which have been proposed.

Staff previously discussed the MDS concerns with the Planning Committee in December, 2014. The Committee determined that the severance could move forward based on the same approach used for the applicant's previous severance (B07/143) whereby a zoning amendment was required to implement a greater front yard setback. The lot created through application B07/143 is now zoned RU-34, which requires a 40m front yard setback.

Section 4.5.2 i) limits entrances on the 9th line, where the speed limit has not been reduced, to one entrance for every 150m. Staff raise concerns that the proposed entrances would not be able to meet this requirement at the December 2014 meeting. The applicant advised that he had previously obtained entrance permits from the Township in these locations. Staff has not been able to verify this information.

Section 4.5.2 iii) requires severances within the boundary for the water monitoring area to enter into a development agreement to ensure appropriate water treatment systems are installed prior to occupancy of the future dwelling.

Section 4.5.1 xv) states that "division of land will not be allowed if the affected land parcel is subject to environmental constraints, environmental hazards, human generated hazards or physical limitations..." RVCA has raised concerns regarding potential flooding of these lands. The applicant prepared a proposed grading diagram illustrating how development could safely occur on the properties. RVCA has no objection to the applications provided that the appropriate amount of fill is placed prior to the severances being finalized and that the applicant is required to flood proof the future dwellings in accordance with their recommendations. The Township would be tasked with ensuring that the flood proofing requirements are achieved throughout the building permit process.

ZONING BY-LAW

The subject property is zoned RU-S and W. Residential development is permitted within the RU zone. Frontage requirement is 45m and the minimum lot size is 1 acre.

Section 3.20 of the ZBL regards separation distances and requires any new dwellings to respect the requirements of the Minimum Distance Separation formulae. As previously indicated, direction from the Planning Committee has been received regarding a zoning bylaw amendment requiring a front yard setback of 40m to ensure that MDS is implemented the same as severance application B07-143.

OPTIONS / ANALYSIS

A lengthy discussion occurred at the December 2014 Planning Committee meeting and direction was provided on how to move forward.

The Planning Committee should review the issue of entrances on the 9th Line. If the Planning Committee is willing to support entrance permits for the severances, the Township should be satisfied that the entrances are safely located and will not impede traffic.

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

1. That the applicant enters into a development agreement with the Township of Beckwith with respect to future participation within the Beckwith Water Monitoring Program;
2. That the applicant enters into a development agreement with the Township of Beckwith to implement the flood proofing requirements recommended by Rideau Valley Conservation Authority in their February 5, 2015 correspondence;
3. That the applicant obtains a Zoning By-law amendment from the Township of Beckwith to require a 40m front yard setback for application B14-068;
4. That the applicant shall consult with the Public Works Superintendent with respect to a suitable entrance for the proposed severance;
5. That the applicant provide the Township with a paper copy of the survey;
6. That all taxes have been paid;

Conservation Authority – Rideau Valley Conservation Authority
Report of November 3, 2014

PROPOSAL

The proposal is to sever two 0.8 hectare residential lots from the existing 42.45 hectare parcel ultimately resulting in 3 lots.

PROPERTY CHARACTERISTICS

B14/067

Severed Parcel - The severed parcel is primarily cleared agricultural fields. The severed parcel is vacant.

B14/ 068

Severed Parcel - The severed parcel is primarily cleared agricultural fields. The severed parcel is vacant.

B14/067-068

Retained Parcel - Majority of the retained parcel has been identified as being within the Goodwood Marsh Provincially Significant Wetland, A small portion of the parcel directly abutting the 9th Line Road is cleared agricultural fields. Several watercourses also traverse the property including the Jock River.

REVIEW

Natural Hazards

Floodplain

In the early 90's some floodplain estimates were done for the Goodwood Marsh during the approval process of a subdivision directly to the south-east of the subject property. A flood elevation estimate of 131.7 metres geodetic was made at that time and is the best available information to date that can be used for this property.

Based on contour mapping of the area, it would appear that the proposed severed lots may be subject to flooding in a 1:100 year event based on the elevation of 131.7 metres geodetic.

Provincial Policy (Provincial Policy Statement 2014) does not permit new development within a floodway. The definition of Development in the PPS includes lot creation. Therefore the applicant needs to demonstrate that there is a sufficient building envelope entirely outside of the floodplain (13 1.7 metres geodetic) for each lot prior to this application proceeding.

Natural Heritage

Provincially Significant Wetland

B14/067 - Severed Parcels

The severed parcel is entirely outside of the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands. Therefore there is no anticipated impact on the wetland.

B14/068 - Severed Parcel

A portion of the severed parcel is within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland. Given the size of the severed parcel there is a building envelope available entirely outside of the 120 metre adjacent lands. Therefore there is no anticipated impact on the wetland as a result of this consent application.

Retained Parcel

Majority of the retained parcel is within the Goodwood Marsh Provincially Significant Wetland. The retained parcel is already developed with a residence and outbuildings, Therefore there is no anticipated impact on the wetland as a result of these consent applications.

Conservation Authority Regulation

For the applicant's information the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands have been identified on the severed parcel (#1) and the retained parcel. 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:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.

CONCLUSION

In conclusion, the Conservation Authority strongly recommends that these applications be adjourned until such time that the applicant has demonstrated that there is a sufficient building envelope entirely above the elevation of 131.7 metres geodetic to ensure that two new lots have a building envelope not subject to flooding. Please contact me at ext. 1191 if you have any questions.

Conservation Authority – Rideau Valley Conservation Authority
Repot Update - February 5, 2015

PROPOSAL

The proposal is to sever one 0.8 hectare residential lots from the existing 42.45 hectare parcel. We note that this application is being heard concurrently with application B 14/068 which will ultimately result in 3 lots (two severed, one retained).

PROPERTY CHARACTERISTICS

Severed Parcel (1)

The severed parcel is primarily cleared agricultural fields. The severed parcel is vacant, A watercourse runs along the proposed western property line.

Retained Parcel

Majority of the retained parcel has been identified as being within the Goodwood Marsh Provincially Significant Wetland. A small portion of the parcel directly abutting the 9th Line Road is cleared agricultural fields. Several watercourses also traverse the property including the Jock River.

REVIEW

Natural Hazards - Floodplain

In the early 90's some floodplain estimates were done for the Goodwood Marsh during the approval process of a subdivision directly to the south-east of the subject property. A flood elevation estimate of 131.7 metres geodetic was made at that time and is the best available information to date that can be used for this property.

Based on contour mapping of the area, it would appear that the proposed severed lots may be subject to flooding in a 1:1 00 year event based on the elevation of 131 .7 metres geodetic.

The applicant has submitted a lot grading and drainage plan “Conceptual Grading Plan (Proposed Severances) - 1165 9th Line Road, Township of Beckwith” dated January 8th, 2015, prepared by Houle Chevrier Engineering, The proposed lot grading plan would raise the grade on the proposed lot to achieve a building envelope at an elevation of 132.0 metres geodetic thereby creating a building envelope outside of the 1:100 year flood elevation estimate.

While the Conservation Authority has no objection to this approach, it is imperative that the grading of the building envelope is completed prior to the severances being finalized as a condition of consent to ensure there is no conflict with Section 3.1 Natural Hazards of the Provincial Policy Statement. Given that the building envelope will be extremely close to the 1: 100 year flood estimate, it will also be imperative that floodproofing measures be implemented on any proposed residences. The required floodproofing measures can be brought forward in a development agreement with the Township.

Natural Heritage - Provincially Significant Wetland

Severed Parcel (1)

A portion of the severed parcel is within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland. Given the size of the severed parcel there is a building envelope available entirely outside of the 120 metre adjacent lands. Therefore there is no anticipated impact on the wetland as a result of this consent application.

Retained Parcel

Majority of the retained parcel is within the Goodwood Marsh Provincially Significant Wetland. The retained parcel is already developed with a residence and outbuildings. Therefore there is no anticipated impact on the wetland as a result of this consent application.

Watercourses

Severed Parcel (1)

A watercourse has been identified along the western boundary of the severed parcel. The lot grading plan proposes a setback of 16.5 metres from the watercourse. Based on the characteristics of the watercourse the Conservation Authority is satisfied with the proposed setback.

Retained Parcel

The retained parcel has already been developed with a residence and outbuildings. Therefore there is no anticipated impact on the watercourse as a result of the severance application.

Conservation Authority Regulation

For the applicant’s information the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands have been identified on the severed parcel (1) and the retained parcel. 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:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this severance application subject to the following conditions:

1. That the Owner shall provide certification from a Professional Engineer or an Ontario Land Surveyor that the building envelopes have been graded in accordance with the proposed lot grading plan "Conceptual Grading Plan (Proposed Severances) 1165 9th Line Road, Township of Beckwith" dated January 8th, 2015, prepared by Houle Chevrier Engineering to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith.
2. That the Owner enter into a development agreement with the Township of Beckwith with wording to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith that:
 - a. The Owner acknowledges and agrees that portions of the subject property and the access road may be subject to flooding. The 1:100 year flood elevation is 131.7 metres geodetic.
 - b. The Owner acknowledges and agrees that any construction on the subject property must incorporate the following floodproofing measures:
 - i) The underside of the main floor shall be set at least 300mm above the 1:100 year flood level of (131.7 inches geodetic).
 - c. That Construction of a crawl space (less than 1.8 metres in height) requires the following measures:
 - i) At least two openable windows on opposite sides of the building
 - ii) The top of window sills must be below the 1:100 year flood elevation of (131.7 metres geodetic) and be not less than 150 mm below exterior finished exterior grade (to allow' waters into the structure relieving hydrostatic pressure as soon as flooding of the surrounding land commences)
 - iii) Areas below the first floor are to remain unfinished and contain no habitable space or utilities and all mechanical and electrical equipment, heating/cooling units and ductwork are all to be located above the 1:100 year flood level (131.7 metres geodetic).
 - iv) Sump pump is required (to facilitate clean-up)
 - v) That the Owner acknowledges and agrees that upon completion of the foundation, written certification from a Professional Engineer shall be submitted to the Township confirming that the appropriate floodproofing measures have been completed iii accordance with the prescribed requirements.
 - d. That the construction of a structure with a full height foundation, piers and columns or slab on grade requires the following measures:
 - i) Structural details of foundation elements and specifications for fill materials and compaction procedures must be prepared or approved by a qualified Professional Engineer.

- ii) The responsible Engineer shall certify in writing that the design has taken into account the 1:100 year 1100(1 elevation (131.7 metres geodetic) and site (soil type, bearing capacity, etc...) conditions encountered at the specific location of the development. Further, the Responsible Engineer shall certify that the foundation and building are designed to withstand hydrostatic pressures and/or impact loading that would develop under water events to the 1:100 year flood level plus 0.3 metres of freeboard. The responsible Professional Engineer must identify maintenance requirements that might be required over the design life of the structure.
 - iii) That the Owner acknowledges and agrees that upon completion of the foundation (crawl space, slab on grade, piers or columns, full height foundation basement), written certification from a Professional Engineer shall be submitted to the Township confirming that the appropriate floodproofing measures have been completed in accordance with the prescribed requirements.
- e. That the Owner acknowledge and agrees that portions of the property are subject to 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:
- i) Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
 - ii) Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.
- f. That the Owner acknowledges and agrees that all development is to be setback a minimum of 16.5 metres from the watercourse located on the western property boundary.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed B14/067 - Approximately a 0.8 hectare vacant parcel of land consisting of cleared mixed vegetation. Lot relatively flat and subject to high water table and seasonal wetness. Fill will be required to construct a fully raised septic system (tile bed).

Severed B14/068 - Approximately a 0.8 hectare vacant parcel of land consisting of cleared mixed vegetation. Lot relatively flat and subject to high water table and seasonal wetness. Fill will be required to construct a fully raised septic system (tile bed).

Retained – Approximately a 40.8 hectare parcel of land with existing house, outbuilding, drilled well and septic system. Soil depth and drainage vary. Property consists of mixed vegetation/bushland and some areas subject to high water table. The severance will not impact future replacement of septic system. Fill will be required to construct replacement septic system in the future.

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, as follows:

Kerri & Chris Burgess advised that they would be submitting comments, however nothing has been received to date.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a two (2) residential building lots (0.8-ha each) and retain a 40.8-ha landholding with an existing residence and outbuildings located at 981 Ninth Line Beckwith.

The NE q/4 Lot 18 and NW ¼ Lot 19 Conc 8 are considered to be one parcel or single land holding. Two previous consents were taken from the original landholding in 2007. A third lot on Lot 19 was created prior the lot creation date for Beckwith Township.

The subject lands are located in an area characterized by agricultural lands to the north intermixed with residential lots, single lot development on a mixture of larger type land holdings and typical rural residential lots south of the 9th Line and the Goodwood Marsh (a Provincially Significant Wetland) at the rear of many of the lots along the southern side of 9th Line Beckwith. The lands are also within the designated Water Monitoring Area of the Township.

The lands are accessed via 9th Line Beckwith, a municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, sandstone

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)
- Eastern Meadowlark (THR)

Due to an agricultural operation being located within proximity of the lots to be created, the applicant was required to submit information to calculate the Minimum

Distance Separation for the proposed lots. The MDS indicated a minimum setback of from 1168 9th Line – 232 m and 1242 9th Line – 241 m. B14/067 is outside the required setback area however, B14/068 is totally within the setback area of 1242 9th Line. The Township has addressed this deficiency in their report. However a condition should be included on both lots to advise future purchasers of the farming operation and potential for noise, odours etc.

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. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3 Woodlands

The area has considerable land masses mapped as 'woodlands', on the retained lands care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

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; however additional setbacks will be required for B14/068 to address the MDS requirements. 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 Beckwith and could be given favourable consideration.

(e) MINUTES – May 11, 2015

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

The committee questioned if a suitable building envelope could be obtained as outlined by the RVCA. Ms. Zander advised that Houle Chevrier had provided a lot grading and drainage plan and RVCA were satisfied that a suitable are was available. However, were requesting the grading be completed prior to final approval of the application.

The committee also noted that they had concerns with suitable access to the public road and the fact that the lot (B14/068) did not meet the minimum MDS setback standards. Therefore additional conditions were included to address both entrances and the MDS calculation for B14/068.

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.

B14/067

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 Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a development agreement with the Township of Beckwith with respect to future participation within the Beckwith Water Monitoring Program.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. 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 February 5, 2015, 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.
8. That the Owner shall provide certification from a Professional Engineer or an Ontario Land Surveyor that the building envelopes have been graded in accordance with the proposed lot grading plan "Conceptual Grading Plan (Proposed Severances) 1165 9th Line Road, Township of Beckwith" dated January 8th, 2015, prepared by Houle Chevrier Engineering to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith.
9. That the applicant shall consult with the Public Works Superintendent with respect to a suitable entrance for the proposed severance. The entrance shall conform to the Township of Beckwith's approved policy for residential entrance.
10. A letter shall be received from the Rideau Valley Conservation Authority stating that Condition #7 and #8 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Beckwith stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct a fully raised septic system (tile bed).*
4. *The Rideau Valley Conservation Authority advises that the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands have been identified on the severed parcel (1) and the retained parcel. 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:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
 - *Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.*
5. *The applicant is advised that a fee may be payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *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.

B14/068

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 Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a Development Agreement with the Township of Beckwith with respect to future participation within the Beckwith Water Monitoring Program.
7. That the applicant enter into a Development Agreement with the Township of Beckwith which includes a clause advising future purchasers that the lot does not conform to the MDS Setback in effect as of May 2015.
8. That the applicant obtain a Zoning By-law amendment from the Township of Beckwith to require a minimum 40m front yard setback.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. 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 February 5, 2015, 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.
10. That the Owner shall provide certification from a Professional Engineer or an Ontario Land Surveyor that the building envelopes have been graded in accordance with the proposed lot grading plan "Conceptual Grading Plan (Proposed Severances) 1165 9th Line Road, Township of Beckwith" dated January 8th, 2015, prepared by Houle Chevrier Engineering to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith.
11. That the applicant shall consult with the Public Works Superintendent with respect to a suitable entrance for the proposed severance. The entrance shall conform to the Township of Beckwith's approved policy for residential entrance.

12. A letter shall be received from the Rideau Valley Conservation Authority stating that Condition #9 and #10 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Beckwith stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that fill will be required to construct a fully raised septic system (tile bed).*
4. *The Rideau Valley Conservation Authority advises that the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands have been identified on the severed parcel (1) and the retained parcel. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands (111(1 Alterations to Shorelines and Watercourses Regulation)" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
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9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
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LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William F. Hay & Denise Dubarry-Hay **Hearing Date:** May 11, 2015
Agent: Steve Pentz, Novatech **LDC File #:** B14/107
Municipality: Beckwith
Geographic Township: N/A **Lot:** 8 & 9 **Conc.:** 10
Roll No.: 0924 000 035 33200 **Consent Type:** New Lot

Purpose and Effect: To sever an 18.2-ha parcel of land to facilitate subsequent development of Phase 2 of the Lakeside Subdivision and retain a 42.9-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Future Subdivision	Vacant
Area	18.2 ha	42.9 ha
Frontage	293 m	63 m
Depth	Irregular	Irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed	Proposed well
Sewage Disposal	Proposed	Proposed 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

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.

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 4 General development Policies, Section 4.5 Division of Land, Section 6 Rural Areas, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report -

EXECUTIVE SUMMARY

The Planning Committee previously discussed a severance proposal to create a 45 acre irregularly shaped parcel of land with the applicant in November, 2014. The purpose of the severance is to create lands associated with Phase II of the Lakeside Subdivision. The severance was being proposed at this time to facilitate legal arrangements pertaining to the common elements waterfront parcel associated with Phase I of the Lakeside Subdivision; a second plan of subdivision application for Phase II has not yet been submitted. Staff recommends approval of the application.

DESCRIPTION OF APPLICATION

The applicant proposes to create an approximately 45 acre new lot that would eventually form the second phase of the Lakeside Subdivision. The proposed severance would have approximately 293m of frontage along Lake Park Road. The proposed severance would be located between Phase 1 of Lake Side subdivision on the west and Phase 4 of Hayshore Estates on the east. The retained lands would include approximately 63m of frontage along Lakeside Drive.

Phase I of Lakeside Subdivision proposes to incorporate a private waterfront park, which the residents of Phases I and II will have legal access to use. In order to ensure lands associated with the second phase retain legal access for the private park, the applicant proposes to sever the Phase II lands as a separate parcel of land so that the condominium process for the private park can include all lands that will share ownership of the park.

DESCRIPTION OF SUBJECT LANDS

The subject lands consist mainly of cleared agricultural fields and natural forest. The subject lands are located between the draft approved subdivision of Lake Side on the west and the fourth phase of Hayshore Estates on the east.

OFFICIAL PLAN

The area of the proposed severance is designated Rural by the Township's Official Plan.

The retained lands are also primarily designated Rural, although a small portion of these lands are affected by the Flood Plain.

Section 4.5 of the Township's Official Plan regulates land division and permits up to a maximum of 3 severances per an original 100 acre lot. The Township has interpreted this policy to mean 3 severances per 100 acre lot, after 1973. The proposed severance is primarily located within Lot 9, Con 10, which has been

severed once in the past; thus qualifying for an additional 2 severances. At indicated on the attached sketch, an area amounting to approximately 0.5 acres of the proposed severance is located within part Lot 8, Con 10, which has been severed several times after 1973.

Despite this small portion of the proposed severance extending into a Lot that has exceeded its severance potential, Staff considers the proposed severance to conform to the Township's land division policies, as the extension is minor in area and the nature of the severance proposal is to facilitate Phase II of Lakeside Subdivision.

ZONING BY-LAW

The area of the proposed severance is zoned Rural by the Township's Zoning By-law No. 91-14. Lot sizes within this zone are required to be 1 acre with a minimum 45m of frontage. The proposed severance is approximately 45 acres with approximately 293m of frontage along Lake Park Road, while the retained lands would be approximately 106 acres less the area of Phase I of the Lakeside Subdivision. The retained lands would have approximately 63m of frontage along Lakeside Drive.

The proposed severance is much larger than the minimums required by the RU zone. This has been done in order to incorporate the Phase II of Lakeside Subdivision. The lands associated with the second phase of this subdivision are proposed to be severed ahead of the subdivision application in order to ensure the second phase retains legal access to the private water front park.

OPTIONS /ANALYSIS

This proposal was previously discussed with the Planning Committee in November, 2014.

No issues were identified at that meeting.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. That the applicant confirms with the Township's Public Works Superintendent that an entrance is feasible;
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;

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 18.2 ha, and retain a developed lot measuring 42.9 ha.

BACKGROUND

The lands to be severed are adjacent to Phase 1 of a draft approved subdivision referred to as the

Lakeside Drive Subdivision (File #09-T-12003). The retained lands include a large portion of Phase 1.

According to the information provided, the purpose of the severance is to facilitate the development of Phase 2 of the subdivision. If Phase 2 is approved, the severed lands would be further subdivided into residential building lots.

PROPERTY CHARACTERISTICS

According to a review of MVCA Drape Imagery and GIS mapping, the severed lands consist of a relatively even mix of forested land and open field, while the retained land is primarily open field with two forested sections. Mapping also shows an unclassified wetland in the northwest section of the severed lands, as well as two in the retained lands (along the western and eastern lot lines). No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Features

Due to the numerous environmental benefits of wetlands, which range from potential fish habitat to acting as a natural filtration system, MVCA encourages their preservation. As previously indicated, GIS mapping shows an unclassified wetland on the severed lands and two on the retained lands. These wetlands should be evaluated as part of an Environmental Impact Assessment, at the time of application for Phase 2. Appropriate protections measures should be recommended as part of this assessment.

Natural Hazards

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development should be directed away from areas of organic soils.

CONCLUSIONS

MVCA does not have any objections to the subject application. We note that recommendations will be provided upon review of the anticipated application for Phase 2 of the subdivision.

NOTES

The Ministry of Natural Resources should be contacted in regard to Species at Risk, prior to any new development on the subject property.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.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 – A 45 acre vacant parcel of land that is a mix of bush and open land. There are areas of low flat land indicating poor drainage. Additional sandy loam fill will be required in the area of future tile bed.

Retained – A 106.2 acre parcel of land. At present the parcel of land is vacant. Additional sandy loam will be required in area of future tile bed. Letter from Steve Pentz (Novatech Engineers) dated November 14, 2014 explains severance.

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, as follows.

Mary Kirkham

From: donna.mcdermott@sympatico.ca
Sent: January 27, 2015 8:50 PM
To: Mary Kirkham
Subject: Re: File No.: B14/107 Pt.Lot 8&9 Conc.10

I would like to be notified of the public meeting and to be notified of the decision of the land division committee in respect of the proposed consent regarding file no.: B14/107 Subject Land: Pt. lot 8 & 9 Concept. 10

Thank you
Donna McDermott

Mary Kirkham

From: donna.mcdermott@sympatico.ca
Sent: January 28, 2015 5:11 PM
To: Mary Kirkham
Subject: RE: File No.: B14/107 Pt.Lot 8&9 Conc.10

My mailing address is as follows:
Donna McDermott
1 Tiffany Crescent
Kanata, Ontario
K2K 1W1

Thank you

Mary Kirkham

From: Jane Ironside <jei@storm.ca>
Sent: February 11, 2015 2:22 PM
To: Mary Kirkham
Cc: Jane Ironside; Steve Pentz
Subject: B14/107

Mary Kirkham:

I received a notice concerning the above-noted file and wish to provide the following comments and/or requests:

1. The sketch included with the notice is inaccurate. Not only does it show the boundary of the Lakeside Subdivision incorrectly, it shows the retained lands as having no frontage on a public street. I recognize that the sketch is not to scale, but it should be accurate enough to indicate compliance with the zoning by-law re required street frontage, and with the boundary of the draft approved subdivision.
2. Please provide me with written notice of the hearing date when this matter will come before the Land Division Committee.
3. Although I have obtained a copy of the Novatech drawing that was submitted with the application, when written notice of the hearing is provided, please ensure that a more accurate sketch is included with the notice.
4. Please notify me of the decision of the Land Division Committee on this matter.

Thank you.

Jane Ironside
123 Lakeside Drive
Carleton Place, ON K7C 0C4
613-257-1344
jei@storm.ca

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an 18.2-ha vacant landholding to create a separately conveyable lot that will facilitate the subsequent development of Phase 2 of the Lakeside Subdivision and retain a 42.9-ha vacant landholding. Both lots are currently vacant.

The subject lands consist mainly of cleared agricultural fields and natural forest. The subject lands are located between the draft approved subdivision of Lake Side on the west and the fourth phase of Hayshore Estates on the east.

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

Soils Inventory – Name: North Gower
- Stoniness: non stony
- CLI: 2 – moderate limitations
- Drainage: poor
- Hydrogeology: high run-off

Bedrock Inventory – conglomerate, sandstone, shale

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is was a potential for 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. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

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 Beckwith and could be given favourable consideration.

(e) MINUTES – May 11, 2015

Steve Pentz, agent attended the hearing and gave evidence under oath.

Mr. Pentz advised that a portion of Lakeside Drive was now constructed and maintained by the municipality, therefore the retained lands would front on an open and maintained Municipal Road.

Mr. Pentz also advised that he had met with a number of the adjacent landowners to provide an overview of the proposal, and the future development of the severed and retained lands.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference

plans associated with this application if a survey is required by the Land Titles Office.

5. That the applicant confirms with the Township's Public Works Superintendent that an entrance is feasible. The applicant shall consult directly with the Township of Beckwith in this regard.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Lanark Leeds and Grenville District Health Unit advises that additional sandy loam fill will be required in the area of a future tile bed.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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 – CONCURRENT APPLICATIONS

Owner: Sonja Lukassen & Christopher Brown **Hearing Date:** May 11, 2015
Agent: George Bracken Ltd. **LDC File #:** B14/111
Municipality: Township of Beckwith
Geographic Township: N/A **Lot:** 1 **Plan.:** 27M-18
Roll No.: 0924 000 010 00800 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.3-ha residential building lot and retain a 0.6-ha residential lot with an existing house and sheds.
Resubmission of Application B10/140 which was allowed to lapse.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.3 ha	0.6 ha
Frontage	51.2 m	55.79 m
Depth	62.94 m	105.1 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Residential	Residential
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	No	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	yes	yes

Owner: Robert & Deborah Campbell **Hearing Date:** May 11, 2015
Agent: George Bracken Ltd. **LDC File #:** B14/112
Municipality: Township of Beckwith
Geographic Township: N/A **Lot:** 2 **Plan.:** 27M-18
Roll No.: 0924 000 010 00804 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.3-ha parcel of land as a lot addition to the lands being created by B14/111 and to retain a 0.7-ha residential lot.

S:\Consents\Staff Reports\2014 LDC Reports\B14-111 & 112, Lukassen & Brown - Campbell.docx Page 1 of 12

Resubmission of Application B10/141 which was allowed to lapse.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.3 ha	0.7 ha
Frontage	50.78 m	61.95 m
Depth	63.11 m	113.4 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic
Zoning By-law Category	n/a – lot addition	Residential
-Area (minimum)		0.4-ha
-Compliance?		Yes
-Frontage (minimum)		45 m
-Compliance?		yes

Official Plan Designation: Settlement 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.

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.

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 proposals conform to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 4 General Development Policies, Section 4.5 Division of Land, Section 5 Community Development Areas, Section 7.4 Local Roads, Section 9.6 Subdivision of Land.

The Township of Beckwith advises that the proposals conform to the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 5.1 Residential Uses.

The Township of Beckwith advises that the proposals comply with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

DESCRIPTION OF PROPOSAL

The applicant proposes to sever the rear portions of two existing lots within a plan of subdivision in order to create an infill severance on Trillium Way. The applicant had previously received permission to obtain the severances through applications B10/140 and B10/141, but these applications lapsed in early 2012 prior to the severances being completed. The applicant proposes the same applications. The Planning Committee previously reviewed the request in April, 2014 and supported the request.

DESCRIPTION OF SUBJECT LANDS

The subject lands form to the rear years of two existing lots within a plan of subdivision. The lands are largely cleared of vegetation and are flat and level. There are houses in the surrounding area.

OFFICIAL PLAN

Section 4.5 of the Township's Official Plan provides guidance on land division. The Township has policies to regulate infill severances. The proposal appears to conform to these policies. The Planning Committee indicated in April, 2014 that they would support the re-submission of severance application 810-145 and 146 as the applicant was provided permission to obtain these severances but was not able to complete the process within the allowed time period.

ZONING BY-LAW

The subject lands are zoned Residential, where the requirements are 45m of frontage with 1 acre of land. The applicant proposes to create a new parcel with 51 .2m of frontage and an area of 1.5 acres, which satisfies the requirements of the Residential zone.

OPTIONS / ANALYSIS

The Planning Committee previously discussed this proposal at the April, 2014 meeting.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. That the applicant confirms with the Township's Public Works Superintendent that an entrance is feasible;
3. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
4. That confirmation be received from the applicant's lawyer that the two parcels created by applications B14/111 and B14/112 will be permanently merged together without the ability to be separated;
5. That the applicant provides the Township with confirmation that the new lot conforms to the approved grading and drainage plan of the 27M-18 Ford Subdivision.

Advisory Notes: That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority – Rideau Valley Conservation Authority

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

PROPOSAL

The proposal is to create one 0.60 ha new residential lot by severing off two 0.3 hectare parcels from two existing lots of record within a plan of subdivision.

PROPERTY CHARACTERISTICS

Severed Parcel

The severed parcels are cleared and currently form the rear yards of two existing lots of records within a plan of subdivision.

Retained Parcel

The retained parcels are currently developed with a residence on each parcel.

REVIEW

Natural Hazards

There have been no natural hazards identified on these properties which would preclude this application.

Natural Heritage

There have been no natural heritage features identified on these parcels which would preclude this application.

SERVICING

The Conservation Authority notes that there is hydrogeology report which was originally prepared to support the subdivision application 09-T-02001. While the Conservation Authority acknowledges that the Township has a consultant whom typically reviews such reports we felt it important to bring to the Committee and the Township's attention that the nitrate calculations in the original report were based on the proposed lot sizes and number of lots. Therefore there is no minimum lot size or maximum number of lots suggested to consider future severances within this plan of subdivision. Thus, it would be advisable to have the report reviewed by a qualified professional and the calculations prepared to make sure additional lots can be accommodated without exceeding the nitrate concentrations as per provincial standards (10mg/L at the property line).

We note that the Committee's original decision in 2010 seemed to have addressed this through conditions 6 through 8.

CONCLUSION

In conclusion, the Conservation Authority has no objection to these consent applications.

Septic Office – Leeds Grenville and Lanark District Health Unit

B14/111 Severed - A 0.3 hectare parcel of land that is presently vacant. There is an existing hydro easement that runs through the property. There is a flooded skating rink outdoors near the Trillium Way Road side. The land is relatively flat with indicator of limited soils and poor drainage. Additional lands to be added to this parcel.

Retained - A 6.0 hectare parcel of land with an existing house serviced by a well and septic system. There is a swimming pool and shed on the property. Additional sandy loam fill may be required in area of future replacement tile bed.

B14/112 – a 0.3 hectare vacant parcel of land that is relatively flat. Indicators suggest that soil is shallow and drainage is poor. This parcel of land is to be added to B14/112 to make one single parcel. Recommendation – additional sandy loam fill will be required in the area of the future tile bed, which is to be located outside the hydro easement area.

Retained – A 0.7 hectare parcel of vacant land. Property is relatively flat and shallow in soil depth. Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada will require a transfer of easement over these lands, to protect our existing aerial facilities, supply service to the properties and to maintain service in the area.

Bell Canada would like to confirm that Part 1 on 27R-8225 identified as the Existing Hydro Easement on the sketch of Part of Lots 1 and 2 Registered Plan No. 27M-18 would satisfy our needs.

Since the easement is necessary of order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the owner.

(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 through B14/111 a 0.3-ha residential building lot which will be increased in size through B14/112 to meet the minimum lot size to conform to the Township's Zoning By-law. These lots were originally approved in 2010 but were allowed to lapse.

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

The lands are accessed via Trillium Way and Ford Road, both municipally maintained roads.

Bedrock Inventory – Dolostone, sandstone

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:
Eastern Meadowlark (THR)
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. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Zoning 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 Beckwith and could be given favourable consideration.

(e) **MINUTES – May 11, 2015**

Chris Brown and Sonja Lukassen, owners 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.

B14/111 – new lot

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 deed of land required by condition #1 above shall recognize any easements that currently exist.
4. The applicant shall provide an undertaking to confirm that the lot to be created will merge on title with the lands to be created through Consent Application B14/112.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. That the applicant confirms with the Township's Public Works Superintendent that an entrance is feasible. The applicant shall consult directly with the Township of Beckwith in this regard.
8. That the applicant provide the Township of Beckwith with conformation that the lot conforms to the approved grading and drainage plan for the Plan of Subdivision registered as 27M-18.
9. That the applicant provide an undertaking, to the satisfaction of the Township of Beckwith, stipulating that the severed lots shall be developed with the same

covenants as in Ford Subdivision Plan No. 27M-18.

10. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional to ensure that the calculations contained therein can support additional lot development without exceeding the nitrate concentrations as per provincial standards (10 mg/L at the property line). And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
11. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional relating to the location of wells up-gradient of septic systems and the design of the septic systems due to the shallow bedrock. Furthermore, the existing well on tile property should be located, to ensure that the new septic system will fit down gradient and at an appropriate setback distance as per the report recommendations. And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
12. The Township of Beckwith shall be satisfied that the review of the hydrogeological report required under Conditions #7 and #8 supports additional development within the Ford Subdivision.
13. A letter shall be received from the Township of Beckwith stating that condition #4 through #12 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loan fill will be required in the area of the future tile bed, which is to be located outside the hydro easement area.*
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.

B14/112 – Lot addition

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 being created through Consent Application B14/111 described as Part of Lot 2 Plan 27M-18, 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 deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. That the applicant provide the Township of Beckwith with conformation that the lot conforms to the approved grading and drainage plan for the Plan of Subdivision registered as 27M-18.
8. That the applicant provide an undertaking, to the satisfaction of the Township of

Beckwith, stipulating that the severed lots shall be developed with the same covenants as in Ford Subdivision Plan No. 27M-18.

9. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional to ensure that the calculations contained therein can support additional lot development without exceeding the nitrate concentrations as per provincial standards (10 mg/L at the property line). And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
10. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional relating to the location of wells up-gradient of septic systems and the design of the septic systems due to the shallow bedrock. Furthermore, the existing well on tile property should be located, to ensure that the new septic system will fit down gradient and at an appropriate setback distance as per the report recommendations. And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
11. The Township of Beckwith shall be satisfied that the review of the hydrogeological report required under Conditions #7 and #8 supports additional development within the Ford Subdivision.
12. A letter shall be received from the Township of Beckwith stating that condition #5 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loan fill will be required in the area of the future tile bed, which is to be located outside the hydro easement area.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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: Rosemarie Bakers

Hearing Date: May 11, 2015

Agent: Michael Dakers

LDC File #: B15/001

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 14

Conc.: 9

Roll No.: 0924 000 035 24207

Consent Type: New Lot

Purpose and Effect: To sever a 0.6-ha residential building lot and retain a 5.0-ha vacant landholding. The lands are accessed via Hwy 15.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Accessory Structure
Proposed Use	Residential	Accessory Structure
Area	0.6 ha	5.0 ha
Frontage	45 m	108 m (15 m on 10 th Line)
Depth	137 m	275 m irregular
Road - Access to	Provincial Highway	Municipal Road
Water Supply	Proposed well	None
Sewage Disposal	Proposed Septic	None
Zoning By-law Category	Residential – Special Service	Residential – Special Service
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

Official Plan Designation: Settlement 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.

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.

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 4 General Development Policies, Section 4.5 Division of Land, Section 5 Community Development Areas, Section 7.4 Local Roads, Section 9.6 Subdivision of Land.

The Township of Beckwith advises that the proposals conform to the designations

and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 5.1 Residential Uses. The Township of Beckwith advises that the proposals comply with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

EXECUTIVE SUMMARY

The applicant has discussed a severance with the Planning Committee on various occasions; comments are now requested on the formal application to the County. The application seeks to create a 1.5 acre severance with 45m of frontage on Highway 15. The Committee previously supported the proposed severance and the application remains unchanged from the December 2014 meeting. Staff has recommended conditions.

DESCRIPTION OF PROPOSAL

The applicant proposes to create a 1.5 acre severance with 45m frontage on Highway 15.

DESCRIPTION OF SUBJECT LANDS

The subject lands are currently vacant and have been severed in the past. The lands front onto Highway 15 and also have a small amount of frontage on the 10th Line (approximately 15m). The lands consist of open grassland and treed bush along the 10th Line portion of the property.

OFFICIAL PLAN

The proposal was previously discussed with the Planning Committee at the December 2014 meeting. The Committee indicated reasoned that MTO has already indicated no more entrances would be permitted off of Highway 15 and as such, the future development potential of the subject lands has been reduced. The intent of the infill severance policy is to maximum development potential within the Community Development Areas. The Planning Committee felt that the 45m by 1.5 acre severance proposed by the applicant meet the intentions of the infill policy as it would maximize the development potential of the site.

Participation within the water monitoring program will be required.

ZONING BY-LAW

The zoning for the property is Residential - Special Service Area, which reflects the properties location within the Implementation Area for the Beckwith Water Program. Any new lots created within this area must participate within the Beckwith Water Monitoring Program.

OPTIONS / ANALYSIS

MTO previously confirmed that the existing entrance for 7682 Highway 15 is a shared entrance with the surrounding vacant lands (the subject property). MTO has not confirmed that they have no objections, but it seems reasonable that the shared entrance can be used for the infill severance while the retained lands can

be accessed from the 10th Line.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
3. That the applicant enters into a development agreement with the Township to implement Section 4.5.2 iii) of the Township's Official Plan requiring future development to participate within the Beckwith Water Monitoring Program;

Notes:

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

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 parcel of land measuring 0.6 ha and retain a vacant parcel of land measuring 5 ha.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping, an unclassified wetland exists in the northeast section of the proposed retained lands. However, a more in-depth review of aerial photography did not reveal this wetland. No other natural heritage features or natural hazards were identified on the subject property.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the proposed severance as impacts to natural heritage features and natural hazards are not anticipated.

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.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – A 1.5 acre (0.6 hectare) parcel of vacant land. Land is open field and scrub vegetation with indicators of shallow soil depths. Soil depth could not be verified due to winter conditions. Land is relatively flat. Any infill not suitable in tile bed area is to be removed at time of construction.

Retained – A 16.5 acre parcel of land that is mainly flat open field. Shallow soil depths are indicated. Winter weather conditions prevent soil depth to be verified. Additional sandy loam fill will be required in area of tile bed.

Ministry of Transportation - Report of March 12, 2015

This is to advise that the Ministry has reviewed the above referenced application. Unfortunately, the proposed lot would not be eligible for a driveway permit. Furthermore, we do not have a record of the permit number identified in the application.

The Ministry of Transportation's Access Management Guidelines set the required frontage length minimums for access to and from properties to be severed along roads controlled by the Ministry of Transportation. Those minimums are set based on the classification of Highway that the property has frontage on. Highway 15 is a Class 2B Highway. The minimum frontage for a severance and new access on a Class 2B Highway is 500 metres for a single access and 250 metres for a shared access. The proposed frontage of the lot; 45.7 metres, does not meet those minimum requirements for access. Likewise the combined frontage of the severed lot and the adjacent lot to the south is approximately 140 metres. Therefore, this lot would not be eligible for a shared access either.

Ministry of Transportation - Report of April 1, 2015

On Friday March 20th, 2015, the Ministry received an email response regarding concerns of Beckwith Township regarding our position on the proposed severance. A request was made for us to review our comments in relation to the history of this file and the likely outcome of the severance.

The original driveway permit was for a "Mutual Access" based on the fact that the entire frontage length prior to the severance was only long enough to legally grant a "Mutual Access". When the property to the south was severed from what is now the retained parcel, this mutual access was planned so that no further access or severance would take place. The balance of the lands fronting on Highway 15 would be permitted to utilize this shared access for one single residential use. The remaining balance of the lands would be served via access to 10th Line to the North.

This new proposed severance would still leave frontage on Highway 15 on the retained parcel to which we could not permit access to due to our access management restrictions. However, since the severed lot will gain access via the already permitted "Mutual Access", the existing conditions would not change, and the current mutual access would remain but would be used by two residential uses rather than one.

What remains a concern to us is the fact that the retained lot is irregular in shape and has frontage on both Highway 15 and 10" Line. The plan sent to us by the Township's Administration highlights an additional future possible severance along Highway 15. However, the balance of the frontage on Highway 15 is not of sufficient length to grant an additional access. Therefore, while this subject severance is acceptable in terms of access since an additional access permit is not required, the Ministry wants to make it clear that no further access will be

permitted to the retained lands from Highway 15.

Regarding the construction of the home, the future land owners need to be made aware that any construction within 45 metres of the right of way will require a building permit from the Ministry of Transportation.

Hydro One Networks – Applicant may want to take note of customer owned primary overhead taking off from existing Hydro One pole BAMW5P to service Pin 7682 may interfere with proposed shared driveway. Hydro One has no objection to severance.

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 0.6-ha residential building lot with access to Highway 15 by way of a shared entrance with 7682 Hwy 15 and retain a 5.0-ha landholding with an existing accessory structure with access to 10th Line Beckwith.

The subject lands are located in an area characterized by typical urban residential within the Greater Black's Corners Settlement Area. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Hwy 15, a Provincial Highway.

Bedrock Inventory – Dolostone, sandstone

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 not 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. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3. Woodlands

The retained lands are 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 Beckwith.

Zoning

The subject property is currently within the residential 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*. 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 Beckwith and could be given favourable consideration.

(e) MINUTES – May 11, 2015

Michael Dakers, agent and Katie Dakers, purchaser attended the hearing and gave evidence under oath.

Mr. Dakers advised that he was aware that the new lot would be required to share an entrance with the adjacent lands at 7682 Hwy 15 and that access to the

retained lands would be via 10th Line Beckwith.

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 include a shared entrance description with the adjoining property at civic address 7682 Highway 15.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a Development Agreement with the Township of Beckwith to implement Section 4.5.2 iii) of the Township's Official Plan requiring future development to participate in the Beckwith Water Monitoring Program.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area. Any infill not suitable in tile bed area is to be removed at time of construction.*
4. *Hydro One Networks Inc. advises that customer owned primary overhead lines from existing Hydro One pole BAMWSP to service 7682 Hwy 15 may interfere with proposed shared driveway.*

5. *The Ministry of Transportation advises that no further access will be permitted to the retained lands from Highway 15.*
6. *The Ministry of Transportation advises that any development (construction) within 45 metres of the Highway 15 right of way will require a building permit from the Ministry of Transportation.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources 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: Peter Williams

Hearing Date: May 11, 2015

Applicant: Peter Williams

LDC File #: B15/004 and B15/005

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 12

Conc.: 11

Roll No.: 0924 000 040 45400

Consent Type: Two New Lots

Purpose and Effect: To sever two (2) residential building lots (0.8-ha each) and retain a 23.3-ha landholding with an existing house and barn. The proposed lots will access Lake Park Road.

DETAILS OF PROPOSAL	Lands to be Severed B15/004	Lands to be Severed B15/005
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.8 ha	0.8 ha
Frontage	89 m	89 m
Depth	91.5 m	91.5 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic
Zoning By-law Category	Residential – holding Re-zoning required	Residential – holding Re-zoning required
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Pasture & Hay
Proposed Use	Pasture & Hay
Area	23.3 ha
Frontage	20 m on Lake Park Rd.
Depth	1,000 m
Road - Access to	Municipal Road
Water Supply	Private well
Sewage Disposal	Private septic
Zoning By-law Category	Residential-holding and Rural
-Area (minimum)	0.4-ha
-Compliance?	Yes
-Frontage (minimum)	45 m
-Compliance?	Yes

Official Plan Designation: Southern portion – Community Development Area, northern portion 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.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.

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.

County Official Plan – Section 2.0 Settlement Policies, Section 3.0 Rural Area Policies, Section 4.3.1 Provincial Highways, 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 4 General development Policies, Section 4.5 Division of Land, Section 5 Community Development Area, Section 6 Rural Areas, section 7.1 Provincial Highways, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law – section 3 General Provision, Section 5.4 Rural Residential – holding, Section 11 Rural.

The Township of Beckwith advises that a zoning amendment will be required to remove the holding symbol associated with the Residential Zone.

(b) AGENCY REVIEW

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

Township Planner's Report -

EXECUTIVE SUMMARY

The property owner previously pre-consulted with the Planning Committee in May, 2014 regarding two severances. The property was formerly a 100 acre parcel and has been severed twice, leaving a third severance to be taken off. The applicant has also proposed an infill severance, leaving a 20m road allowance between the two severances. Staff has recommended conditions of the severance applications.

DESCRIPTION OF APPLICATION

The applicant proposes to sever two building lots from their land holding in part Lot 12, Con 11. The proposed severances would be in the south portion of the property, with approximately 90m of frontage along Lake Park Road. The proposed severances would be 2 acres each.

DESCRIPTION OF SUBJECT LANDS

The northern portion of the subject lands contains a dwelling and agricultural buildings. The agricultural buildings are not in full use. The southern portion of the land is naturally vegetated along Lake Park Road. There are two existing severances from the southern portion of the lands along Lake Park Road.

PROVINCIAL POLICY STATEMENT

Section 1.1.3 regards development within settlement areas in municipalities. These policies generally encourage municipalities to promote intensification and more efficient use of land. The proposed severance would be considered as infill and intensifying development in an existing area.

Section 1.6.6 regards servicing. The proposed development would be serviced by private well and septic system. The local Health Unit is circulated on severance applications and will complete an inspection of the site to determine if the proposed lot contains an envelope suitable for a septic system. With respect to water, the Township has no information with respect to areas with low quantities of ground water.

OFFICIAL PLAN

During the May, 2014 meeting with the Planning Committee it was decided that the property would be considered within the Community Development Area of Black's Corners because it was designated residential, despite being across the road from the formal boundary shown on Schedule A of the Official Plan. By being within the Community Development Area, the property then qualifies under the infill severance policies.

The subject lands are the retained portion of a former 100 acre parcel that was naturally severed by Highway 7. The lands have been severed twice, leaving one severance remaining prior to reaching the maximum of 3 severances after 1973. If only this severance were to be granted, the property would retain approximately 110m of frontage on Lake Park Road between residential lots. While the southern portion of these lands are designated residential and would qualify for a plan of subdivision application resulting in further development on the property, the property owner has no plans for such an application.

Their preference is to submit an infill severance to largely infill Lake Park Road with development. The severance applications would leave 20m frontage on Lake Park for a future road allowance to permit a plan of subdivision behind the severances on the retained lands. This approach would result in the same amount of development as the plan of subdivision approach.

ZONING BY-LAW

The current zoning on the portion of the lands proposed for severance is Rural Residential - holding; the Township is in the process of removing the holding symbols throughout the Township. The minimum lot size within this zone is 4,000m² with 45m of frontage. Single dwellings are a permitted use.

OPTIONS and ANALYSIS

The proposal appears to be consistent with the previous discussions with the Planning Committee in May, 2014.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. That the applicant confirms with the Township's Public Works Superintendent that an entrance is feasible;
3. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
4. The Township of Beckwith is in the process of reviewing a comprehensive amendment to Zoning By-law No. 91-14 which proposes to remove the holding symbol associated with this property. The amendment is anticipated to be approved prior to the completion of these severance applications, which would result in the Rural Residential zoning on the subject lands. In the event that the proposed amendment is not approved or does not remove the holding symbol, the applicant will be required to submit a zoning by-law amendment to the Township to complete this action;

Advisory Notes: That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority – Mississippi Valley Conservation Authority

A cursory review of the above noted applications revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened these applications out of our formal review process.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed B15/004 – A 0.8 hectare parcel of vacant bush. Land is relatively flat with 89 meters of road frontage. Due to winter conditions the soil depth could not be verified. Additional sandy loam fill will be required in the area of the future tile bed.

Severed B15/005 - A 0.8 hectare parcel of vacant bush. Land is relatively flat with 89 meters of road frontage. Due to winter conditions the soil depth could not be verified. Additional sandy loam fill will be required in tile bed area.

Retained - A 23.3 hectare farm parcel with an existing farm house serviced by a well and septic system. There are various farm outbuildings on property. Additional sandy loam fill may be required in future replacement tile bed area.

Ministry of Transportation – Corridor Management Section, Kingston

This is to advise that the Ministry has reviewed the above referenced application. We do not have concerns with the proposed severances since they do not alter the existing access from Highway 7 to the retained parcel. However, what is of concern is the future development of the balance of the lands and how this proposed severance will affect the ability to develop the retained lands.

The Ministry will not permit additional access to Highway 7 from the retained parcel. With that understanding, all future access to the retained parcel must be from Lake Park Drive. Since there are road length limits with respect to single road access residential subdivisions, subdividing two lots from Lake Park Drive and leaving a parcel wide enough only for one future right of way will severely limit the development of the balance of the lands. However, if the property owner severed the lots in such a way as to afford two potential right of ways into the retained lands, then the entire parcel could be developed all the way to Highway 7, without access to Highway 7. Alternatively, if in the longer term future, a developer were to acquire additional lands adjacent to this property to afford an alternate point of access, the single access to Lake Park Drive would of course be acceptable.

Therefore, we want to ensure that the property owner understands that he will restrict development of the balance of his lands by severing these two lots in this manner. Furthermore, if the lands are developed as a residential subdivision, we will not permit that subdivision to have access in any way to Highway 7.

Hydro One Networks – Hydro One has no objection to proposed severance.

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 0.8-ha residential building lots and retain a 23.3-ha landholding with an existing dwelling located at 10951 Hwy 7. Two previous consent were taken from the original parcel in 1990. The Township's Official Plan policies provide for additional consents within the Community Development Area.

The subject lands are located in an area characterized by typical a mixture of large landholdings and smaller type lots along the northern side of Lake Park Road. A number of plans of subdivision are located on the southerly secede of the Lake Park Road. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands to be severed are accessed via Lake Park Road, a municipally maintained road. The retained lands are accessed via Highway 7 a Provincial Highway. No further entrances will be permitted from Highway 7.

Soils Inventory – Name: Farmington
- Stoniness: slightly stony

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

Bedrock Inventory – Dolostone, sandstone

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

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. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3 Woodlands
The area has not been mapped as 'woodlands'.

Zoning

The subject property is currently within the rural – holding section of the Zoning By-law, which permits a number of uses, including single-detached dwellings, however the 'holding' symbol will be required to be removed prior to any new development. 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*. 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 Beckwith and could be given favourable consideration.

(e) MINUTES – May 11, 2015

Peter Williams, owner attended the hearing and gave evidence under oath.

The Committee noted to Mr. Williams that the MTO will not permit any further entrances onto Highway 7 at the north end of his property, therefore leaving only a 20m road location on Lake Park Road, may limit the number of lots that may be created through the subdivision process should this be undertaken in the future.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township of Beckwith in this regard.
6. That the applicant confirms with the Township's Public works Superintendent that

an entrance is feasible. The applicant shall consult directly with the Township of Beckwith in this regard.

7. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Ministry of Transportation will not permit additional access to Highway 7 from the retained parcel. With that understanding, all future access to the retained parcel must be from Lake Park Drive.*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
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: John Levi & Helen Levi

Hearing Date: May 11, 2015

Agent: David Krajaefski,
Stantec Consulting Inc.

LDC File #: B15/008

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 38

Plan.: 6262

Roll No.: 0931 010 010 14700

Consent Type: New Lot

Purpose and Effect: To sever a 526.9 sq. m. residential building lot with access to Carss Street and retain a 977.8 sq.m. residential lot with an existing dwelling and garage located at 249 Mitcheson St.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	526.9 sq. m.	977.8 sq. m.
Frontage	20.0 m	27.43 m - Mitcheson St.
Depth	26.4 m	26.4 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Public System	Public System
Sewage Disposal	Proposed Public System	Public System
Zoning By-law Category	Residential 1	Residential 1
-Area (minimum)	450 sq.	450 sq. m.
-Compliance?	Yes	Yes
-Frontage (minimum)	18 m	18 m
-Compliance?	Yes	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 Basis of Plan, Section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal 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 Community Official Plan.

Zoning By-law – Section 6 General Provisions, Section 13 Residential First Density.

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 -

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted a consent application to the County of Lanark requesting to create one (1) residential infill building lot by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on the intended severed parcel. The proposed severed lot

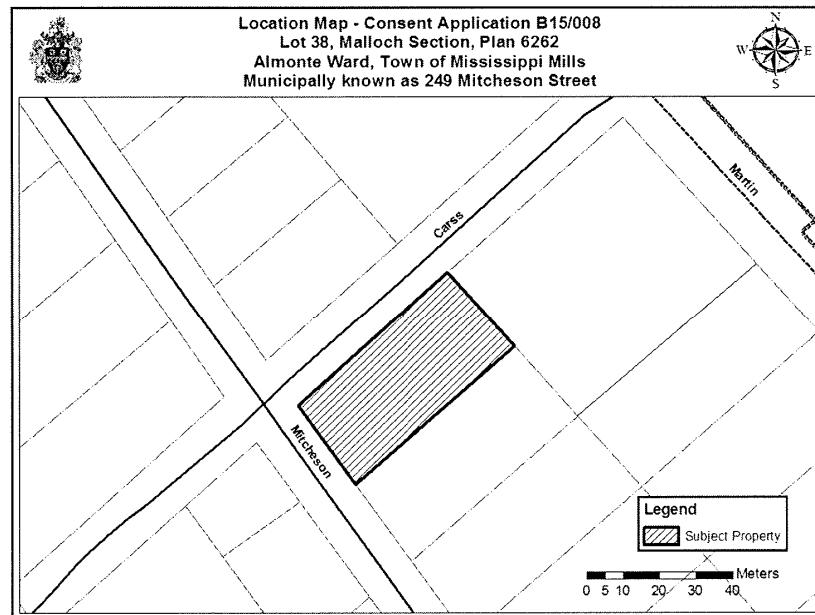
would comprise $\pm 526.9\text{m}^2$ (0.13ac) in lot area with a lot frontage of $\pm 20\text{m}$ (65.62ft) along Carss Street. The intended retained parcel would maintain a lot area of $\pm 977.8\text{m}^2$ (0.24ac) and a lot frontage of $\pm 26.195\text{m}$ along Mitcheson Street and $\pm 35.94\text{m}$ (117.91ft) along Carss Street. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the southeast corner of Carss Street and Mitcheson Street, just inside the Ward of Almonte boundary. The property is $\pm 1,504.7\text{m}^2$ (0.37ac) in lot area and has a lot frontage of $\pm 26.195\text{m}$ (85.84ft) along Mitcheson Street and $\pm 55.94\text{m}$ (183.53ft) along Carss Street. The property is currently occupied by a two-storey detached dwelling, a detached garage, and two sheds.

The property is currently designated "Residential" in the Town's Community Official Plan (COP) and zoned "Residential First Density (R1)" by Comprehensive Zoning By-law #11-83. The property is generally surrounded by low density residential properties to the north, south, east and west, and rural-residential properties farther to the east, just outside the Ward of Almonte boundary.

The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject property is currently serviced by municipal water and sewer services fronts onto Carss and Mitcheson Streets, municipally owned and maintained roads. The proposed severed parcel would have driveway access from Carss Street and an extension of the municipal water and sewer services would be required to service it. The Town's Director of Roads and Public Works has reviewed the proposal and issued the following comments:

- No road widening required;
 - All lots have frontage on roads with available water and sewer. There are no piped drainage services in this area;
 - Applicant to enter into a Development Agreement for the extension of water and sewer services to service the subject properties;
 - Owner shall submit detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - Owner shall submit detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.
- These comments will be addressed through the conditions of consent approval.

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:

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

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 brown field sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The subject property is designated "Residential" in the Town's Community Official Plan (COP) and zoned "Residential First Density (R1)" by Zoning By-law #11-83. The COP identifies the Ward of Almonte as a "settlement area" suitable for residential development. Appropriate municipal services are available to service the proposed development as the proposed retained parcel is serviced by existing services while the severed parcel would only require a short extension of the municipal water and sewer services. As such, this property has been identified as suitable for low density residential infilling.

COMMUNITY OFFICIAL PLAN

Residential Designation

The subject property is designated "Residential" in the Town's COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Town. The following provides an analysis of the proposal against relevant objectives:

- Promote and support development which provides for affordable, rental and/or increased density of housing types;

The infill nature of the proposal would effectively double the density of the subject property.

- Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development;

As the proposed retained parcel is currently connected to municipal services, municipal services are available to support the new development. Connection would be achieved through an extension of municipal water and sewer services, which would be more than adequate to support the development of a detached dwelling on the proposed severed parcel.

- Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

The dimensions and area of the proposed severed and retained lots are comparable in size and frontage to the properties on the other side of Mitcheson Street and meet the minimum performance standards of the RI Zone. Also, due to the infill nature of the proposal, the consent proposal would be subject to Site Plan Control. Overall, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood.

Infilling Policies

Section 3.6.7 of the COP also contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

- The Town shall give priority to the in filling of existing residential areas as a means of efficiently meeting anticipated housing demand. In filling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.

As the proposal is for the creation of one (1) additional residential lot within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above- noted policy.

- Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for in fill development are found in the design section of this Plan.

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The draft survey submitted in consideration of the application demonstrates a sufficient building envelope for a detached dwelling and accessory uses that would be compliance with the setback requirements of the R1 Zone.

- In filling development proposals shall be required to prepare “lot grading and drainage plans” that take into consideration potential drainage impacts on abutting properties.

The applicant will be required to provide a lot grading and drainage plan at the Site Plan Control stage.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled “General Consent Policies”. This section states that the Town shall support the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- The scale of development proposed or the total development potential of the property would not require a plan of subdivision;

As the proposal is to create one (1) additional residential building lot, a plan of subdivision would not be required.

- The application represents infilling in an existing built up area;

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;

The proposal represents low density residential development, which would be compatible with the low density residential character of the area by having similar lot sizes and dimensions.

- The creation of lots would not create or worsen traffic, access or servicing problems;

The creation of one (1) additional lot will not negatively impact traffic in the area. As the lot is currently serviced by municipal water and sewer services, a minor extension of existing services is necessary to service the proposed severed lot.

- The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;

As the proposal involves a total of two (2) residential lots that are of similar size to surrounding properties which generally comply with the development standards of the current zoning of the property, the application represents an orderly and efficient use of land that would not hinder the development of the retained lands.

- The application does not represent strip development; and,

The proposed development is not considered strip development as the proposal involves the creation of one (1) residential infill building lot.

- The application meets all other policies of this Plan.

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned “Residential First Density (R1)” by the Town’s Comprehensive Zoning By-law #11-83. The RI Zone permits detached dwellings and accessory uses. The following table outlines the development standards of the R1 Zone for detached dwellings serviced by municipal water and sewer against the proposed specifications of the severed and retained lots:

Table 1: RI Zone Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT
Minimum Lot Area (m ²)	450	526.9	977.8
Minimum Lot Frontage (m)	18	20	26.195

As noted above, the proposed severed and retained lots would comply with the minimum lot area and frontage requirements for the RI Zone. The minimum rear yard setback requirement for an accessory building is 1.2m (3.94ft), so the existing frame shed located on the proposed severed parcel will either have to be moved an additional 0.89m (2.92ft) from the rear property line or relief from the minimum rear yard setback requirement will be required via a zoning bylaw amendment or a minor variance.

CONCLUSION

As the subject consent proposal involves a total of two (2) residential lots of comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the proposed consent application to be a logical form of development that would not detract from the character of the surrounding neighbourhood. Any proposed development would also be subject to a strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal as being consistent with the residential, infilling and consent policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy the development standards of the zoning by-law.

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 owner pays any outstanding property taxes on the subject property;
4. That the frame shed located on the proposed severed parcel be relocated an additional 0.89m (2.92ft) from the rear property line or the applicant obtains relief from the minimum rear yard setback requirement via a zoning by-law amendment or a minor variance;
5. That the applicant obtains a new residential entrance permit and civic address for the severed parcel; and,

6. That the owner enters into a Development Agreement or a Site Plan Agreement with the Town to be registered on title, to address the following:
- a) The extension of water and sewer services to service the severed parcel;
 - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

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 526.9 sq. m. residential building lot and retain a 977.8 sq.m. residential lot with an existing dwelling located at 249 Mitcheson 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 to be severed are accessed via Carss Street, a municipally maintained road.

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 (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. 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
Mississippi Mills utilizes design guidelines to enhance natural features and landscapes.

Zoning

The subject property is currently within the residential 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*. 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 Mississippi Mills and could be given favourable consideration.

(e) MINUTES – May 11, 2015

David Krajaefski, agent attended the hearing and gave evidence under oath.

Mr. Krajaefski advised that it is the intent of the applicant to remove the small frame shed that is encroaching on the lot line setback 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.

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 frame shed located on the proposed severed parcel be relocated an additional 0.89m (2.92ft) from the rear property line or the applicant obtains relief from the minimum rear yard setback requirement via a zoning by-law amendment or a minor variance. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. That the applicant enter into a Development Agreement or a Site Plan Agreement with the Town of Mississippi Mills to be registered on title, to address the following:
 - a) The extension of water and sewer services to service the severed parcel;
 - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.
8. The applicant shall obtain a new residential entrance permit to the subject lot. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
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. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
2. *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: 2023918 Ont. Ltd. c/o John Levi

Hearing Date: May 11, 2015

Agent: David Krajaefski, Stantec Consulting

LDC File #: B15/009, B15/010, B15/011 & B15/012

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 5 & 6

Plan.: 6262

Roll No.: 0931 010 010 14701

Consent Type: Four (4) New

Lots

Purpose and Effect: To sever four (4) residential building lots (579.8 sq. m., 575.6 sq. m., 575.2 sq. m. & 573.7 sq. m.) with access to Carss Street and retain a 1,194.6 sq. m. residential lot with access to Martin Street.

DETAILS OF PROPOSAL	Lands to be Severed B15/009	Lands to be Severed B15/010
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	579.8 sq. m.	575.6 sq. m.
Frontage	16.545 m on Carss St.	16.545 m on Carss St.
Depth	34.8 m	34.7 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed – Public System	Proposed – Public System
Sewage Disposal	Proposed – Public System	Proposed – Public System
Zoning By-law Category	Residential 1	Residential 1
-Area (minimum)	450 sq.	450 sq.
-Compliance?	Yes	Yes
-Frontage (minimum)	18 m	18 m
-Compliance?	Yes	Yes

DETAILS OF PROPOSAL	Lands to be Severed B15/011	Lands to be Severed B15/012
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	575.2 sq. m. 16.545 m on Carss St. 34.7 m Municipal Road	573.7 sq. m. 16.545 m on Carss St. 34.7 m Municipal Road
Water Supply Sewage Disposal	Proposed – Public System Proposed – Public System	Proposed – Public System Proposed – Public System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential 1 450 sq. Yes 18 m Yes	Residential 1 450 sq. Yes 18 m Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use Proposed Use	Vacant Residential
Area Frontage Depth Road - Access to	2,925.2 sq. m. 49.47 m on Carss St. 52.7 m Municipal Rd. & County Rd.
Water Supply Sewage Disposal	Proposed – Public System Proposed – Public System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential 1 450 sq. Yes 18 m Yes

Official Plan Designation: Residential

Compliant: 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 Basis of Plan, Section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal 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 Community Official Plan.

Zoning By-law – Section 6 General Provisions, Section 13 Residential First Density.

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 applicant has submitted a consent application to the County of Lanark requesting to create four (4) residential infill building lots 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 and retained parcels. The proposed severed lots would comprise $\pm 573.7\text{m}^2$ to $\pm 579.8\text{m}^2$ (0.14ac) in lot area with lot frontages of $\pm 16.545\text{m}$ (54.28 ft) along Carss Street. The intended retained parcel would maintain a lot area of $\pm 1,194.6\text{m}^2$ (0.30 ac) and a lot frontage of $\pm 18.0\text{m}$ (59.06 ft) along Martin Street North. The applicant received minor variance approval from the Town of Mississippi Mills Committee of

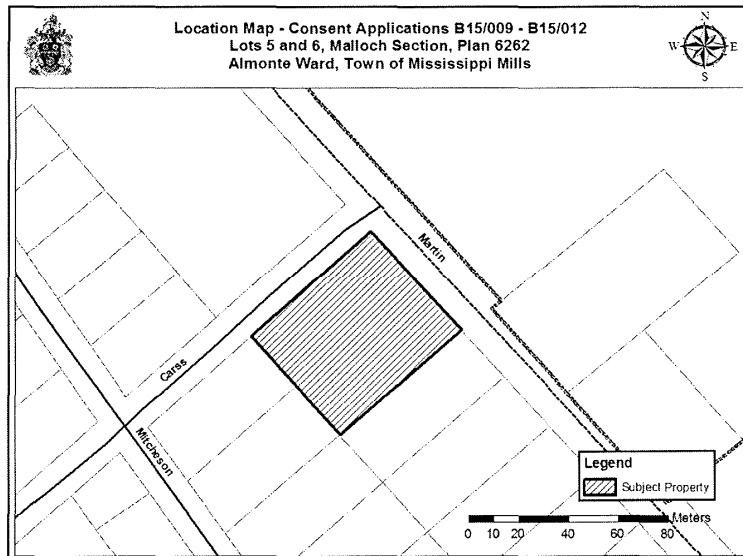
Adjustment on March 31, 2015 to reduce the minimum lot frontage requirement for the four (4) proposed severed lots fronting onto Carss Street from 18.0m (59.06 ft) to 16.545 m (54.28 ft) in order to facilitate the development of the proposed lots. There were no appeals filed and the minor variance is in full force and effect.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the southwest corner of Carss Street and Martin Street North, just inside the Ward of Almonte boundary along Martin Street North. The property ±0.35 ha (0.86 ac) in lot area and has a lot frontage of ±66.18 m (217.13 ft) along Carss Street and ±52.72 (172.97 ft) along Martin Street North. The property is currently vacant.

The property is currently designated “Residential” in the Town’s Community Official Plan (COP) and zoned “Residential First Density (R1)” by Comprehensive Zoning By-law #11-83. The property is generally surrounded by low density residential properties to the north, south and west, and rural-residential properties to the east.

The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject property is not currently serviced and fronts onto Carss Street, a municipally owned and maintained road, and Martin Street North, a County owned and maintained road. The proposed severed parcels would have driveway access from Carss Street and the proposed retained parcel would have driveway access from Martin Street North. The applicant has received a County Entrance Permit (No. 2514) for the entrance from Martin Street North. While municipal services are available to service the proposed development, an extension of the municipal water and sewer services would be required to service the severed and retained parcels. The Town’s Director of Roads and Public Works has reviewed the proposal and issued the following comments:

- No road widening required;

- 4.5m x 4.5m sight triangle to be dedicated at corner of Carss and Martin St;
- All lots facing Carss Street have frontage on roads with available water and sewer. There are no piped drainage services in this area;
- The retained parcel on Martin Street North does not currently have access to any services — some development controls will therefore be required;
- Applicant to enter into a Development Agreement for the extension of water and sewer services to service the subject properties;
- Owner shall submit detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
- Owner shall submit detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

These comments will be addressed through the conditions of consent approval.

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: 1.1.2 and 1.1.3.3

COMMUNITY OFFICIAL PLAN

Residential Designation

The subject property is designated “Residential” in the Town’s COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Town. The following provides an analysis of the proposal against relevant objectives:

- Promote and support development which provides for. affordable, rental and/or increased density of housing types;

The infill nature of the proposal would effectively increase the density by a factor of five (5).

- Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development,

Municipal services are available to support the development of the severed parcels. Connection would be achieved through an extension of municipal water and sewer services, which would be more than adequate to support the development of detached dwellings on the proposed severed parcels. As noted by the Town’s director of Roads and Public Works, the proposed retained parcel does not currently have access to any municipal water or sewer services, so the parcel

will be rezoned with a holding provision as a condition of consent approval. The holding provision may be lifted once municipal services have been extended and are available to service any proposed development.

- Ensure that residential intensification, in filling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

The dimensions and area of the proposed severed lots are very similar to those lots located on the south side of the block that front onto Brookdale Street, which are as small as ±592m². These lots comply with the minimum lot area requirement of the RI Zone while also meeting the minimum lot frontage requirement of 16.545m obtained through the minor variance approval process. The retained lot would meet the minimum performance standards of the RI Zone and would be comparable in depth and size to the lots on the west side of Martin Street North. Also, due to the infill nature of the proposal, the consent proposal would be subject to Site Plan Control. Overall, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood.

Infilling Policies

Section 3.6.7 of the COP also contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

- The Town shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. In filling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.

As the proposal is for the creation of four (4) additional residential lots within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above- noted policy.

- In filling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for in fill development are found in the design section of this Plan.

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The draft survey submitted in consideration of the application demonstrates sufficient building envelopes for detached dwellings and accessory uses that would be compliant with the setback requirements of the RI Zone.

- Infilling development proposals shall be required to prepare “lot grading and drainage plans” that take into consideration potential drainage impacts on abutting properties.

The applicant will be required to provide a lot grading and drainage plan at the Site Plan Control stage.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled “General Consent Policies”. This section states that the Town shall support

the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- The scale of development proposed or the total development potential of the property would not require a plan of subdivision;

As the proposal is to create four (4) additional residential building lots, a plan of subdivision would not be required.

- The application represents infilling in an existing built up area;

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;

The proposal represents low density residential development, which would be compatible with the low density residential character of the area by having similar lot sizes and dimensions.

- The creation of lots would not create or worsen traffic, access or servicing problems;

The creation of four (4) additional lots will not negatively impact traffic in the area. Municipal water and sewer services are available to service the proposed development.

- The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;

As the proposal involves a total of five (5) residential lots that are of similar size to surrounding properties which generally comply with the development standards of the current zoning of the property, the application represents an orderly and efficient use of land that would not hinder the development of the retained lands.

- The application does not represent strip development; and,

The proposed development is not considered strip development as the proposal involves the creation of four (4) residential infill building lots.

- The application meets all other policies of this Plan.

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11 -83

The subject property is currently zoned “Residential First Density (RI)” by the Town’s Comprehensive Zoning By-law #11-83. The RI Zone permits detached dwellings and accessory uses. The following table outlines that the proposed severed and retained lots would comply with the minimum development standards of the R1 Zone for detached dwellings serviced by municipal water and sewer:

Table I: RI Zone Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	PROPOSED SEVERED LOTS	BY-LAW REQUIREMENT	PROPOSED RETAINED LOT
Minimum Lot Area (m ²)	450	573.7 - 579.8	450	1,194.6
Minimum Lot Frontage (m)	16.545 (Minor Variance)	16.545	18	18

CONCLUSION

As the subject consent proposal involves a total of five (5) residential lots of comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the proposed consent applications to be logical forms of development that would not detract from the character of the surrounding neighbourhood. Any proposed development would also be subject to a strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal as being consistent with the residential, infilling and consent policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy the development standards of the Zoning By-law.

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 a 4.5m x 4.5m sight triangle be dedicated at the corner of Carss Street and Martin Street North on the registered reference plan;
4. That the owner pays any outstanding property taxes on the subject property;
5. That the retained parcel be rezoned with a holding provision. The holding provision may be lifted once municipal water and sewer services have been extended and are available to service any proposed development;
6. That the applicant obtains new residential entrance permits and civic addresses for the severed and retained parcels; and,
7. That the owner enters into a Development Agreement or a Site Plan Agreement with the Town to be registered on title, to address the following:
 - a) The extension of water and sewer services to service the severed and retained parcels;
 - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

County Roads Department – Lands to be severed to gain access off of local municipal road, Carss Street. Lands to be retained have approved entrance location. Permit application #2514 applies. A full entrance application must be submitted and entrance installed prior to deed endorsement.

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.

The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.

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.

Road Closing: If 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" for the purposes of completing a road closing and transfer of the identified former road property.

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.

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.

Objection Letter

Mary Kirkham,
Planning Administrator
Lanark County
Perth, ON

Dear Ms. Kirkham:

This email is confirming a phone call with your office today, lodging an objection to the Application for Consent for severance of Lots 5 & 6, Malloch Section, Plan 6262 Town of Almonte, filed by Landowner 2023918 Ontario limited.

The request to divide the subject lands into 5 residential lots is not in keeping with other properties in the neighbourhood, and would result in much smaller properties than the rest of the area.

The landowner has also applied to the town of Mississippi Mills for a zoning variance to reduce frontage for the lots on Carss Street from 18M (as stipulated in the town plan) to 16.545m. By copy of this email a notice of objection to this zoning variance application is being sent to the Town.

This objection is on two main grounds: that the lots will be significantly smaller than adjacent lots and not be in keeping with the neighbourhood, and further - as a real estate agent advised - that it would significantly reduce the value of other properties in the area.

We trust this objection will be considered in any deliberations on the further use of these lands, and request that we be notified of any further meetings or decisions regarding this application.

Regards
Susanne and Andy Tamas

Susanne and Andy Tamas
100 Carss St. PO Box 1358
Almonte ON K0A 1A0 Canada
Skype: andytamas
Canada +1 613-256-6767
www.tamas.com

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever four (4) residential lot ranging between 573.7 sq. m. and 579.8 sq. m. and retain a 1,194.6 sq. m. parcel of land. All lands are currently vacant. These lands are located on Lots 5 and 6 Plan 6262 Malloch Section and old subdivision plan within the Town of Almonte.

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 four new lots will access Carss Street, a municipally maintained road and the retained lands will access Martin Street, a county maintained road.

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 (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. 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
Mississippi Mills utilizes design guidelines to enhance natural features and landscapes.

Zoning

The subject property is currently within the residential first density 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*. 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 Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – May 11, 2015**

David Krajaefski, agent attended the hearing and gave evidence under oath.

Mr. Krajaefski advised that the Town has approved the Minor Varian Applications for a reduced frontage and also that the retained land are not currently serviced therefore are to be re-zoned as 'holding' which will not allow development until such time as the lot is serviced.

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 all four lots

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 shall provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The survey plan as required in Condition #1 above, shall include at a 4.5m x 4.5m sight triangle at the corner of Carss Street and Martin Street North. The Town's Director of Roads and Public Works shall be consulted prior to commencing a survey.
7. The lot to be retained shall be rezoned with a holding provision. The holding provision may be lifted once municipal water and sewer services have been extended and are available to service any proposed development. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a new residential entrance permit. The applicant shall consult directly with the Town of Mississippi Mills.

9. The applicant shall obtain a Civic Address Number for the severed and retained lot from the Town of Mississippi Mills. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. The applicant shall enter into a Development Agreement or a Site Plan Agreement with the Town of Mississippi Mills to be registered on title, to address the following:
 - a) The extension of water and sewer services to service the severed and retained parcels;
 - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.
11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department for the retained lot and install the entrance as required in the permit.
12. 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.
13. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required. 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 #11 through #15 has been fulfilled to their satisfaction.
17. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #10 (and #14 if required) has been fulfilled to their satisfaction.

NOTES

1. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
2. *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: Brian Brady

Hearing Date: May 11, 2015

Agent: ZanderPlan Inc.

LDC File #: B15/013

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 21

Conc.: 6

Roll No.: 0911 914 010 04100

Consent Type: New Lot

Purpose and Effect: To sever a 1.82-ha residential building lot and retain a 25.0-ha landholding with an existing residence, barns and garage located at 2076 Old Brooke Road. The lot to be severed is accessed via Strong Side Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential, Hobby Farm
Proposed Use	Residential	Residential, Hobby Farm
Area	1.82 ha	25.0 ha
Frontage	143.4 m (Strong Side Rd.)	317.9 m (Old Brooke Rd.)
Depth	137.2 m to 172.1 m	772.1 m to 895.9 m
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	2.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	yes	Yes

Official Plan Designation: Rural

Compliant: 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 2 General development Policies, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.1 Land Division.

Tay Valley Township advises that the proposal conforms to the designation and

policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10 Rural Zone
Tay Valley Township advises that the Proposal complies with the Zoning By-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

The proposal is to sever a 1.82 ha residential building lot and retain a 25.0 ha landholding with existing residence, barns and garage.

Official Plan Designation: 3.2.3.1 Agriculture, 3.6 Rural, 3.3 Mineral Resource on the retained parcel and a parcel wet of Strong Road.

The minimum distance separation calculation was undertaken for the two farms in the area with a require setbacks achieved for the proposed lot.

The aggregate reserve located on the property is adjacent to the existing house and according to Section 3.3.3.3 non-mineral uses are permitted "under certain circumstance such as historical existing land use patterns". The proposed lot is just outside the 300 m setback from a pit to the west.

Zoning – Rural

Frontages of 143 m on Strong Side Road for the proposed severed lot and 317 m on Old Brooke Road for the retained lot meet the requirements of the Zoning By-law Minimum area of 1 ha is exceeded for both the proposed severed and retained lots.

RVCA – no objections as long as no development is undertaken within 30 m of the watercourse on the property.

MRSSO – no objections. Notes that the septic system may need a clay seal, imported fill and safeguards to stabilize the side slopes of the bed. A tertiary system may be appropriate.

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

1. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant pay any outstanding fees to the Township prior to final approval.
3. That two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for the new lot.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of

- Section 2.1 Natural Heritage and
- Section 3.1 Natural Hazards

of the Provincial Policy Statement under Section 3 of the Planning Act.

And per the Rideau Valley Conservation Authority's Ontario Regulation 174—06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for a new lot 1.82 hectares in area, retaining 25.03 hectares. The Property is currently zoned Rural.

The Property

The property is elevated in the area of the proposer's severed parcel. Drainage is directed from the site to the south and east via a small watercourse and associated wetland area on the retained parcel (this is the headwater area of Rudsdale Creek). The creek ultimately flows to the Tay River west of Perth.

The retained parcel also contains a second branch of the watercourse on the north portion of the retained parcel.

Although the proposed lot does not have frontage on the creek, it appears from the sketch and per our mapping (attached) that the lot may extend southward to within 30 metres of the creek.

Recommendations

The Rideau Valley Conservation Authority has no objection to this application provided the approval provides for the following. As regards both the wetland (natural heritage) and watercourse (natural hazard) a 30 metre setback is to be maintained, within which there should be no development or site disturbance on both the retained and the proposed severed lot.

We also note that notification should be provided to the owner that written permission from the Rideau Valley Conservation Authority is required for alteration to the watercourse per Ontario Regulation 174-06 (Rideau Valley "Development, Interference to Wetlands and Alterations to Waterways" Regulation).

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted March 24, 2015.

The applicant proposes to sever a 1.8223 hectare parcel from the NW portion of the retained parcel to create a new lot. The proposed parcel is vacant, well treed, sloping from the NW proposed boundary to towards the SE and has areas of exposed rock. There is a cleared area and an entrance established on Strong Side Road. No test pits were provided.

The retained parcel is 25.0332 hectares. The property is developed with a dwelling two barns, garage and an outbuilding and open fields in the SE half of the parcel. The NW half is well treed with a water course and a wetland area just SE of the proposed parcel. No test pits were provided.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system **greater than 30m from a surface water body**, on either lot. With the exposed rock and slope of the proposed lot, the construction of a septic system may require a clay seal, significant amounts of imported leaching bed fill, and additional safeguards to stabilize the side slopes of the leaching bed. A Level IV treatment unit can reduce the amount of imported leaching bed fill required and provides a lower profile system, lessening the stabilization concerns.

Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

Hydro One Networks – Advises that no Hydro One plant in severance area – no objection to proposal.

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 1.82-ha residential building lot and retain 25.03-ha landholding with an existing dwelling, 2 barns, garage and outbuildings located at 2076 Old Brooke Road.

The subject lands are located in an area characterized by rural development on large lots. An aggregate operation is located to the west and south east.

The lands to be severed are accessed via Strong Side Road, a municipally maintained road.

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

Bedrock Inventory – marble, calc-silicate

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.

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 106 m from the Brady farm, and 166 m from the adjacent farm. Both of these livestock facilities are located at the southerly end of Lot 21. The actual distance from the barn to the closest proposed lot line is shown by the applicant far exceeds the MDS requirement. However, a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
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 Tay Valley Township.

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 Tay Valley Town and could be given favourable consideration.

(e) MINUTES – May 11, 2015

Tracy Zander, 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.

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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

8. Payment of \$100.00 shall be made to Tay Valley Township 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 confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Rideau Valley Conservation Authority advises both the wetland (natural heritage) and watercourse (natural hazard) a 30 metre setback is to be maintained, within which there should be no development or site disturbance on both the retained and the proposed severed lot.*
3. *The RVCA also note that notification should be provided to the owner that written permission from the Rideau Valley Conservation Authority is required for alteration to the watercourse per Ontario Regulation 174-06 (Rideau Valley "Development, Interference to Wetlands and Alterations to Waterways" Regulation).*
4. *The Mississippi – Rideau Septic System Office advises that with the exposed rock and slope of the proposed lot, the construction of a septic system may require a clay seal, significant amounts of imported leaching bed fill, and additional safeguards to stabilize the side slopes of the leaching bed. A Level IV treatment unit can reduce the amount of imported leaching bed fill required and provides a lower profile system, lessening the stabilization concerns.*
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: Robert and Patricia Lloyd

Hearing Date: May 11, 2015

Applicant: Robert & Patricia Lloyd

LDC File #: B15/014 and B15/015

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 9

Conc.: 5

Roll No.: 0911 916 020 05403

Consent Type: Lot Addition & New Lot

Purpose and Effect: To sever a 0.69-ha parcel of land as a lot addition to lands owned by Robert Ian Lloyd and Patricia L Lloyd art 460 Anglican Church Road and to sever 1.0-ha residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed B15/014	Lands to be Severed B15/015
Existing Use Proposed Use	Vacant Residential Lot addition	Residential Residential
Area Frontage Depth Road - Access to	0.69 ha 87 m 39 m Irregular Municipal Road	1 ha 60.56 m – Trueloves Road 137.12 m Municipal Road
Water Supply Sewage Disposal	N/A N/A	Proposed well Proposed septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a – lot addition	Rural 1.0-ha Yes 60 m Yes

DETAILS OF PROPOSAL	Lands Retained
Existing Use	Residential/Agricultural
Proposed Use	Residential agricultural
Area	38.5 ha
Frontage	87 m – Anglican Church Road
Depth	2,000 m Irregular
Road - Access to	Municipal Road
Water Supply	Private Well
Sewage Disposal	Private Septic
Zoning By-law Category	Rural
-Area (minimum)	2.0-ha
-Compliance?	Yes
-Frontage (minimum)	60 m
-Compliance?	Yes

Official Plan Designation: Rural

Compliant: 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 2 General Development Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.1 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 10 Rural Zone

Tay Valley Township advises that the Proposal complies with the Zoning By-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report – B15/014

The proposal is to sever a 0.69 ha parcel as a lot addition to add to a 38.5 ha acre property to provide road access to the property with the property would lose as a result of a currently prospered severance. There is no retained lot.

Official Plan Designation – 3.6 Rural. There is an existing dwelling a farm building on the property the lot addition is being added to. The lot addition is vacant. These uses are permitted in the rural designation.

Zoning - 10.1 Rural. The lot receiving the addition meets frontage (87 m) and area requirements. There is no retained lot.

RVCA - no objection as long as a 30 m setback from a waterbody is maintained.

MRSSO - no objection as long as a 30 m setback from waterbody is maintained.

Township Planner's Report – B15/015

The proposal is to sever a 1.0- ha parcel as a residential building lot and retain a 38.5 ha landholding with an existing dwelling and farm building on it.

Official Plan Designation – 3.6 Rural. Residential uses are permitted in the rural designation.

Zoning – 10.1 Rural – Frontages of 60 m on Truelove Road for the proposed lot and 87 m for the retained lot on Anglican Church Road meet the Zoning requirements. Area requirements are also met.

RVCA – no objection as long as a 30 m setback from a waterbody is maintained.

MRSSO no objection as long as a 30 m setback from a waterbody is maintained.

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

B15/014

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

B15/015

1. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant pay any outstanding fees to the Township prior to final approval.
3. That two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for the new lot.

Conservation Authority – Mississippi Rideau Septic System Office

The Rideau Valley Conservation Authority has undertaken our review of these applications 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. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration:

Proposal

B15/014 seeks approval for a lot addition (vacant parcel 69 hectares) to 460 Anglican Church Road, adding the area south of the "closed" road allowance to this existing large developed parcel (38+ ha). No additional development and no change in use is proposed as a result of the application.

B15 /015 seeks approval for a new lot approximately 1 ha in area on the north side of Trueloves Road from the noted developed lot, retaining 38+ hectares.

The Property

As per our attached mapping, there are two small tributary branches of the Tay River (headwater area of Rudsdale Creek) traversing the retained lands and three pockets of local or unevaluated wet land area identified on the retained parcel. The largest of these wetland areas is associated with the north branch of the noted watercourse. The property is otherwise unremarkable insofar as potential issues affecting natural heritage and natural hazards

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to this application as regards natural heritage and natural hazard features.

We note (in relation to the retained lands) that a standard 30 metre setback is required from the watercourse and wet land areas, for development and disturbance.

Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (retained lands).

Septic Office – Leeds Grenville and Lanark District Health Unit

B15/014 - A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted March 24, 2015.

A lot addition transferring the entirety (0.69ha) of 0911 916 020 5403 to 460 Anglican Church Road is proposed by the applicant. The lot is vacant, brush covered and low lying along Anglican Church Road. No test pits were provided.

The retained parcel approximately 38.5 hectares. It is developed with dwelling, barn and two outbuildings. The retained lot has areas of open field, wetlands, and dense tree cover. No test pits were provided.

Given the above information, our office has no objections to the transfer as proposed.

B15/015 - A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted March 24, 2015.

The applicant proposes to sever a 1 hectare parcel to create a new lot. The proposed lot is vacant and slopes down from Trueloves Road towards a small ridge of trees and exposed rock. The low lying land between the road and ridge appears to be sloping west to east. No test pits were provided.

The retained parcel is 38.5 hectares. The retained lot is developed with dwelling, barn and two outbuildings. The retained lot has areas of open field, wetlands, dense tree cover and a watercourse to the west of the proposed lot. No test pits were provided.

The severance as proposed will not interfere with the ability to install, replace,

operate or maintain an OBC compliant sewage system greater than 30m from surface water body, on either lot. Due to exposed rock and silty soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. A Level IV treatment unit can reduce the amount of imported leaching bed fill required, Taking into consideration the topography in the area of the proposed lot, the sewage system shall be constructed so that it is not subjected to surface water run-off and the mantle is free draining.

Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

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 0.69-ha parcel of land as a lot addition to the NE 1/2 Lot 9 Conc 5 Bathurst to provide access to this lot from Anglican Church Road and to sever a 1.0-ha residential building lot with access to Truelove's Road. The retain lands will be approx. 39.2 ha and has a residential dwelling, barn and outbuildings located on it.

The subject lands are located in an area characterized by development on large vacant lot intermixed with smaller type residential lots along Anglican Church Road. Hwy 7 is located to the south.

The lands are accessed via Truelove's Road and Anglican Church Road, both municipally maintained roads.

Soils Inventory – Name: North Gower
- Stoniness: non stony
- CLI: 2 – moderate limitations
- Drainage: poor
- Hydrogeology: high run-off

Bedrock Inventory – granodiorite, granite, syenite

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 does not indicate that there is 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. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
3. Woodlands
The northern portion of the lot 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 Tay Valley Township.

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – May 11, 2015**

No persons attended.

(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.

B15/014

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 Robert Ian Lloyd and Patricia Lynn Lloyd described as Part NE ½ Lot 9 Conc. 6 Bathurst (460 Anglican Church Road), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

8. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that in relation to the retained lands, that a standard 30 metre setback is required from the watercourse and wet land areas, for development and disturbance. Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (retained lands).*
2. *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.

B15/015

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 Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial

and otherwise, that may be required under established by-laws for consent applications.

5. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$100.00 shall be made to Tay Valley Township 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).
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Mississippi Rideau Septic System Office advises that due to exposed rock and silty soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. A Level IV treatment unit can reduce the amount of imported leaching bed fill required, Taking into consideration the topography in the area of the proposed lot, the sewage system shall be constructed so that it is not subjected to surface water run-off and the mantle is free draining.*
3. *The Rideau Valley Conservation Authority advises that in relation to the retained lands, that a standard 30 metre setback is required from the watercourse and wet land areas, for development and disturbance. Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (retained lands).*
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: Robert & Brenda Murray

Hearing Date: May 11, 2015

Applicant: Joshua R Murray

LDC File #: B15/020

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 25

Conc.: 4

Roll No.: 0924 000 015 07400

Consent Type: New Lot

Purpose and Effect: To sever a 0.607-ha residential lot and retain a 47.05-ha landholding with an existing dwelling at 388 Richmond Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Hobby Farm
Proposed Use	Residential	Hobby Farm
Area	0.607 ha	47.05 ha
Frontage	60 m	82m
Depth	103 m	1,718 m
Road - Access to	County Road	County Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural Residential – Holding – re-zoning required	Rural & Aggregate
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

Official Plan Designation: Settlement Area, Aggregate, 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.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.

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 2.0 Settlement Policies, Section 3.0 Rural Policies, Section 4.3.2 and 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 5.0 Natural Heritage, 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 4 General Development Policies, Section 4.5 Division of Land, Section 5 Community Development Areas, Section 6 Rural Areas, Section 7.2 County Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law – Section 3 – General Provisions, section 5.4 Rural Residential (Holding) Section 11 Rural Zone, Section 12 Flood Plain, Section 14 Mineral Aggregate Zones.

The Township of Beckwith advises that the proposal complies with the zoning by-law regulations, provided the ‘holding’ symbol is removed.

(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 -

EXECUTIVE SUMMARY

The applicant proposes to create an approximately 1.5 acre building parcel in the southwest corner of the subject property. The subject property qualifies to provide a third and final severance. There is an existing barn on the subject property; a preliminary MDS calculation indicates there is sufficient separation between the barn and proposed lot. The applicant advises an entrance from the County of Lanark is likely. Staff recommends support of the proposal.

DESCRIPTION OF PROPOSAL

The applicant wishes to sever one approximately 1.5 acre parcel from the subject property.

DESCRIPTION OF SUBJECT LANDS

The south end of the subject property has recently been severed twice. The property retains the potential to provide one additional severance. The proposed severance would front onto County Road 10 and the applicant advises that they have contacted the County of Lanark regarding a future entrance permit with favourable results. The subject lands are presently used for agricultural purposes. A preliminary MDS calculation has been completed and confirms sufficient separation between the proposed lot and the existing barn.

OFFICIAL PLAN

The subject property is designated Residential, Rural and Aggregate Pit in the Township's Official Plan. The proposed severance is located within the portion of land designated as Residential. Severances are permitted within this designation.

Section 4.5 outlines the land division policies. The proposed severance appears to conform to these policies, as the subject land has only been severed twice in the past and the proposed severance is a suitable distance away from both the existing barn and the aggregate pit designation. Within Community Development Areas, minimum lot size for consents is 1.5 acres, which is the size that the applicant has proposed.

Section 4.8.2 regards cultural and archaeological resources within the Township. These policies call for the protection of these resources and appropriate studies to determine if development will have an impact on resources. The Prospect Church and cemetery are located approximately 100m east of the proposed severance. The proposed severance is not anticipated to have any impact on the church or cemetery, as there is an existing dwelling between the proposed severance and the church.

ZONING BY-LAW

The subject property is currently zoned Residential-holding. The Township is in the process of a comprehensive amendment, which has proposed to remove the holding symbols within the Township.

The proposed severance of approximately 1.5 acres would conform to the necessary setbacks of the Residential zone.

If the severance is granted prior to finalizing the Township's comprehensive update, a zoning by-law amendment to remove the holding symbol on the subject property may be required.

OPTIONS I ANALYSIS

The County of Lanark would need to confirm entrance requirements for the proposed severance. The subject property is located within the Community Development Area and qualifies to provide an additional severance. The proposed severance would be of sufficient size to satisfy all development setbacks.

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

1. That the applicant provides the Township with a paper copy of the reference plan;

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

Notes:

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a 0.607 hectare residential lot from the existing 47.657 hectare parcel.

PROPERTY CHARACTERISTICS

Severed Parcel

The severed parcel is cleared. The severed parcel is vacant.

Retained Parcel

Majority of the property is cleared towards the southern portion of the property. The northern portion of the property consists of treed areas and some unevaluated wetland. Kings Creek traverses the property. The retained parcel has already been developed with a residence and several farm buildings.

REVIEW

Natural Hazards

Severed Parcel

There have been no natural Hazards identified on the severed Parcel which would preclude this application.

Retained Parcel

Floodplain

A small portion of the retained parcel abutting Kings Creek has been identified as Floodplain in the Township's Official Plan. Given that development has already been established on the retained parcel several hundred metres away from the identified floodplain, there is no anticipated impact on the floodplain as a result of this application.

Organic Soils

Portions of the retained parcel towards the north have been identified as organic deposits on the Conservation Authority's mapping. Hazardous sites as defined in the Provincial Policy Statement, includes property of lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils or unstable bedrock (karst topography). Section 3.1 Natural Hazards in the Provincial Policy

Statement 2014 states that development shall generally be directed to areas outside of hazardous sites.

Therefore should any future development occur on the property', it should be directed to areas outside of the organic soils. If any future development is proposed in an area where organic soils occur, then a geotechnical report in accordance with Provincial requirements as set out in Section 3.1.7 of the Provincial Policy Statement would be required.

Given that the retained parcel has already been developed, there is no anticipated impact on the organic soils as a result of this application.

Natural Heritage

Severed Parcel

There have been no natural Heritage Features identified on the severed parcel which would preclude this application.

Retained Parcel

Kings Creek traverses the retained parcel. Development has already been established on the retained parcel with a residence and several farm Buildings. Given that no new development is proposed as a result of this application, there is no anticipated impact on Kings Creek as a result of this application.

Unevaluated Wetland

Some portions of the retained parcel have been identified on the northern portion of the property. Given that the development on the retained parcel has already been established, there is no anticipated impact on the unevaluated wetland as a result of this application.

Conservation Authority Regulation

For the applicant's information the Kings Creek is subject to Ontario Regulation 174/06. 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:

Any alteration, straightening, changing, (livening or interfering in any way with any watercourse acquires the prior written approval from the Conservation Authority.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – A 1.5 acre (60 meters x 103 meters) vacant parcel of farm field. There are no existing buildings. Land is relatively flat. Soil depth could not be verified due to weather conditions. Additional sandy loam fill will be required in the area of the future leaching bed.

Retained – A 116.27 acre farm. There is an existing farm house serviced by a well and septic system. There various farm outbuildings (barn, drive shed, etc.).

Additional sandy loam fill will be required in the area of the future replacement sewage system.

County Roads Department – Lands to be retained have an approved existing entrance. Permit #2524 applies. Lands to be severed have an approved entrance location. Permit #2470 applies. A full entrance application must be made and entrance to be installed prior to deed endorsement.

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.

The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.

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.

Road Closing: If 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” for the purposes of completing a road closing and transfer of the identified former road property.

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.

Hydro One Networks – Hydro One has no objection to proposed severance.

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 0.607-ha residential building lot and retain a 47.05-ha landholding with an existing dwelling and farm buildings located at 388

Richmond Road.

The subject lands are located in an area characterized by typical urban residential along Richmond Road, intermixed with large landholdings. One previous severance was taken from the landholding in 1993; the second lot on the landholding is the Prospect Historical Church and Cemetery (now owned by the municipality). The effect of the lot creation is 'infill', a process recommended by the PPS.

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

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

Aggregate Operations

An existing operational pit / quarry is located in proximity of the subject lands. The approximate distance between the Licensed Pit and the northerly lot line is 700 m. If approved a condition should be included to advise future purchasers of the aggregate operation and the potential for noise, odours, etc.

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 215 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 225m. 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 do not indicate that there is 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.

Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of

creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3. Woodlands

The area to the rear of the retained lands 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 Township of Beckwith.

Zoning

The subject property is currently within the rural residential 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, but will require re-zoning to remove the 'holding' symbol. 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*. 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 Beckwith and could be given favourable consideration.

(e) MINUTES – May 11, 2015

Josh Murray, agent attended the hearing and gave evidence under oath.

Mr. Murray advised that the Township's Zoning Amendment (comprehensive) will be going before Beckwith Council on June 2, 2015 which will remove the 'holding' symbol from all lands within the Township. If this zoning is not approved or appeal, he will proceed to have the 'holding' zone lifted from his property in order to proceed with development.

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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
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 Beckwith, 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 Beckwith stating that condition #5 and #6 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Rideau Valley Conservation Authority advises that Kings Creek is subject to Ontario Regulation 174/06. 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: Any alteration, straightening, changing, (livening or interfering in any way with any watercourse acquires the prior written approval from the Conservation Authority.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The 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.