



**MINUTES
LAND DIVISION COMMITTEE**

Monday, November 16, 2015

9:00 a.m. Regular Meeting (10:00 a.m. Public Hearing)

**Lanark County Administration Building, 99 Christie Lake Road,
Perth, Ontario.**

Members Present: D. Murphy and W. Guthrie

Members Absent: B. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

1. CALL TO ORDER

In the absence of the Chair, the Secretary-Treasurer shall call the meeting to order.

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

2. APPOINTMENT OF CHAIR

MOTION #LD-2015-47

MOVED BY: W. Guthrie

"**THAT**, Dan Murphy be appointed as Chair for the Land Division Committee meeting held on November 16, 2015."

ADOPTED

3. DISCLOSURE OF PECUNIARY INTEREST

None

4. APPROVAL OF MINUTES

MOTION #LD-2015-48

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

"**THAT**, the minutes of the Land Division Committee meeting held on October 20, 2015 be approved as circulated."

ADOPTED

**5. ADDITIONS AND APPROVAL OF AGENDA
MOTION #LD-2015-49**

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

"THAT, the agenda be adopted as presented."

ADOPTED

6. DELEGATIONS & PRESENTATIONS

None

7. 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.

- 7.1 B14/086 – McSweeney Construction Ltd – lot addition (revised)
Pt. Lot 3 Conc. 4 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Iron Mine Road.
- 7.2 B15/023 and B15/024 – Deborah and Richard Wilson – two new lots
Pt. Lot 11 Conc. 9 geographic Township of Drummond, now in the Township of Drummond / North Elmsley.
Prestonvale Road and Drummond Concession 10A.
- 7.3 B15/082 – Regan and Sheila Lee – lot addition
Pt. Lot 5/6 Conc. 6 geographic Township of North Burgess, now in Tay Valley Township. Blair Poole Farm Lane.
- 7.4 B15/090 – Aron Gabor & Delores MacAdam – new lot
Pt. Lot 4 Conc. 2 geographic Township of Bathurst, now in Tay Valley Township. Althorpe Road.
- 7.5 B15/110 and B15/111 – Shirley Ashby – two new lots
Pt. Lot 19/20 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.
- 7.6 B15/048 – Peter and Ghislaine Dagenais – new lot
Pt. Lot 22 Conc. 10 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Hwy 43.

- 7.7 B15/074 and B15/075 – Mississippi Lake Camping Inc. – two lot additions
Pt. Lot 10 Conc. 12 Township of Beckwith. Richards Lane.
- 7.8 B15/086 – Shirley C. Ashby – new lot
Pt. Lot 19 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.
- 7.9 B15/096 – Larry Shannon – lot addition
Pt. Lot 5 Conc. 8 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Hwy 43.
- 7.10 B15/106 – Anthony and Jean Whieldon – new lot
Pt. Lot 19/20 Conc. 10 geographic Township of Bathurst, now in Tay Valley Township. Bennett Lake Rd.
- 7.11 B15/114 – Doug, Corey & Jessica Whitney – new lot
Lot 39, 40 and 41 Plan 825 Town of Carleton Place. Franklin Street.
- 7.12 B15/120 – Scott and Niara Dunlop – new lot
Lot 66 and 62 Plan 1864 Town of Carleton Place. Sarah Street.

8. DEFERRED APPLICATIONS

None

9. CONFIDENTIAL REPORTS

None

10. COMMUNICATIONS/OTHER BUSINESS

- 10.1 Scoped Hydrogeological Study - discussion on draft 'scoped' hydrogeological study requirements. Deferred to December Meeting.
- 10.2 T. Watson – B15/055 and B15/056 – Hyro G. vs Drilling of Well. Mr. Watson advised that he is willing to undertake the 'well drilling' process but would appreciate additional time and that a deferral to early spring would be appreciated. The committee agreed to defer the applications to February 2016.

10.3 Shawn McLaughlin (Mayor of Mississippi Mills) – comments regarding LDC decision on application B15/037, Caldwell.

10.4 Financial Report to September 2015.

11. PROVISIONAL CONSENT GRANTED

11.1 B14/086 – McSweeney Construction Ltd – lot addition (revised)
[B14-086, McSweeney Construction Ltd - re-circulation](#)

11.2 B15/023 and B15/024 – Deborah and Richard Wilson – two new lots
[B15-023 & 024, Wilson](#)

11.3 B15/048 – Peter and Ghislaine Dagenais – new lot
[B15-048, Dagenais](#)

11.4 B15/074 and B15/075 – Mississippi Lake Camping Inc. – two lot additions
[B15-074 & 075, Mississippi Lake Camping Inc](#)

11.5 B15/082 – Regan and Sheila Lee – lot addition
[B15-082, Lee](#)

11.6 B15/086 – Shirley C. Ashby – new lot
[B15-086, Ashby](#)

11.7 B15/090 – Aron Gabor & Delores MacAdam – new lot
[B15-090, Gabor & MacAdam](#)

11.8 B15/096 – Larry Shannon – lot addition
[B15-096, Shannon](#)

11.9 B15/106 – Anthony and Jean Whieldon – new lot
[B15-106, Whieldon](#)

11.10 B15/110 and B15/111 – Shirley Ashby – two new lots
[B15-110 & 111, Ashby](#)

11.11 B15/114 – Doug, Corey & Jessica Whitney – new lot
[B15-114, Whitney](#)

11.12 B15/120 – Scott and Niara Dunlop – new lot
[B15-120, Dunlop](#)

12. UPCOMING MEETINGS AND NOTICES

December 8, 2015 - Inaugural Meeting of County Council

December 14, 2015 at 9:00 a.m.

January 11, 2016 at 9:00 a.m. – W. Guthrie, unable to attend

February 8, 2016 at 9:00 a.m. – R. Strachan, unable to attend

March 14, 2016 at 9:00 a.m. – D. Murphy, unable to attend

April 11, 2016 at 9:00 a.m.

13. ADJOURNMENT

MOTION #LD-2015-50

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, the meeting do now adjourn at 11:30 a.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT – RE-CIRCULATION

Owner: McSweeney Construction Ltd.
Emily Bassett Desjardins

Hearing Date: January 19, 2015
2nd Hearing Date: Nov 16, 2015

Applicant: Gerry McSweeney

LDC File #: B14/086

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 3

Conc.: 4

Roll No.: 0940 002 025 17503

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.37-ha parcel of land as a lot addition to lands owned by Emily Bassett Desjardins at 767 Iron Mine Road and retain 0.965-ha residential building lot. The lands to be enlarged are accessed via Iron Mine Road.

(a) BACKGROUND

Application B14/086 was approved by the Land Division Committee at their Hearing held on January 19, 2015. There were no appeals and the provisional consent conditions were met on July 7, 2015.

Upon registration of the transfer/deed it was discovered that Part 49 on Plan 26R-21 should have been included as a 'together with an easement over Pt 49 Plan 26R-21' on the application and that a right-of-way over Part 1 on Plan 26R-3030 should have been included as a 'together with an easement as in RN 105471'.

In order to include these parts as a description in the transfer/deed, the application needed to be revised and this required a re-circulation to the Municipality and any other affected agency.

(b) AGENCY REVIEW

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

Township of Lanark Highlands - advised that they have no additional comments.

(c) PLANNING COMMENTS

The same conditions should apply to the revised application, with inclusion of a clause that the 'conditions' apply to the revised sketch dated September 23, 2015, which includes the easement over Part 49 Plan 26R-21 and R-O-W over Part 1 Plan 26R-3030.

(d) MINUTES – November 16, 2015

No persons attended the hearing.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT – CHANGED CONDITIONS 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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated September 23, 2015.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. 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 Emily Desjardins Basset described as Part 1, Plan 26R-2527, being Part Lot 4 Conc 3 Dalhousie, 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".
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township with a copy of the deed / transfer for the property.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
8. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future septic system area on the retained lands.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources 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: Deborah & Richard Wilson

Hearing Date: November 16, 2015

Agent: Tracy Zander, ZanderPlan

LDC File #: B15/023 & B15/024

Municipality: Drummond/N. Elmsley

Geographic Township: Drummond

Lot: 11

Conc.: 9

Roll No.: 0919 919 020 11002

Consent Type: New Lot

Purpose and Effect: To sever two residential building lots (1.04-ha and 1.25-ha) and retain a 1.6-ha residential lot. B15/023 will access Prestonvale Road and B15/024 will access Drummond Con 10A.

DETAILS OF PROPOSAL	Lands to be Severed B15/023	Lands to be Severed B15/024	Retained Lands
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	1.04 ha	1.25 ha	1.59 ha
Frontage	100.83 m	114.44 m	60.65 m
Depth	107.64 m Irregular	112.99 m Irregular	199.1 m Irregular
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Private Well Proposed Septic
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha	0.4-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	45 m	45 m	45 m
-Compliance?	Yes	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, 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.

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

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

Local Official Plan – section 3 General Provisions, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law – Section 4 General Provisions, Section 6 Rural Zone.

The Township of Drummond / North Elmsley advises that the proposal complies with the Zoning By-law Regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

Application

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicant seeks permission to sever two building lots from a

roughly 4 ha (10 acre) landholding in the Prestonvale area. The property has frontage on both Drummond Conc. 10A and Prestonvale Road and the applicant proposes to sever a lot along each road. The proposed lots are 1.04 and 1.25 ha in size and the retained land (keeping its frontage on both roads) will have an area of 1.6 ha. Both roads are owned and maintained by the Township.

As indicated on the application, there is an extensive severance history on the Wilson landholding with two severances taken along Prestonvale Road prior to 1979, another one in 1984 and two lots taken from the Concession 10A frontage around 2002. While the Township's Official Plan allows a maximum of three severances from an area of land as it existed in 1979, Section 6.3.2.6(5) allows consideration of additional lot severances where the parent parcel fronts on more than one public road, impacts are minimal and all other policies are satisfied. This exception could apply in this case given that the result, if approved, would result in a total of three post 1979 lots created on Concession 10A and two on Prestonvale Road. This is consistent with the Township interpretation of the policy.

In cases where this additional development is proposed by consent, the Township may also request additional supporting studies where necessary to demonstrate the suitability of the development. As such and in support of this application a hydrogeological assessment was submitted that considered this proposal within the context of the existing residential development nearby. The report was reviewed and accepted by the Mississippi Valley Conservation Authority.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the 2014 Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. The Wilson property is situated at the edge of the historic community of Prestonvale, which is now largely residential in nature, with the surrounding landscape featuring predominantly agricultural land uses, with some institutional development, including a church along Prestonvale Road. The Wilson property is bounded on both sides by residential development and this application effectively infills that area creating a small cluster of residential development that would not impact the character or usability of agricultural land uses on abutting lands.
- Sec. 3.4 (Agricultural Uses): The intent of this policy is to ensure that new residential development does not constrain or conflict with existing agricultural operations. This is implemented through Minimum Distance Separation guidelines and pursuant to that policy, reports were completed that showed an adequate distance between the proposed lots and two nearby livestock facilities.
- No Natural Heritage features were identified on the subject property. While Significant Woodlands (Sec. 3.13.5) are mapped on the north side of Drummond Conc. 10A, staff are of the view that since there is a concession road and two dwellings between the substantial woodland area and the proposed lots, the woodland adjacent the proposed lots and any impact thereon would not be

considered significant for the purposes of this policy.

- Sec. 5.3 (Local Roads): Prestonvale and Concession 10A are Township owned and maintained roads intended to serve a low amount of traffic that has its origin or destination on the road. Road widening dedications are required if the surveyed width of the allowance is less than 20 m.
- Sec. 6.3.2.5 (Consents- Hydrogeological Study): In areas of extensive existing development, a hydrogeological and terrain analysis may be required to assess cumulative impacts of new residential development. In support of this policy and as requested by the Township, a study was prepared and revised by BluMetric Environmental which advised that the proposed severances are suitable provided that certain recommendations regarding well and septic systems are followed. This can be implemented through a development agreement.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

Conclusion and Recommendation

Upon review of this application, staff are of the view that this application is consistent with the Township's planning policies and recommend that the Land Division Committee consider approving both lots, subject to the inclusion of the following development conditions.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The applicant shall confirm that residential entrances are viable for the severed lots. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Drummond / North Elmsley for the severed Jots. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall enter into a development agreement with the Township to recognize and implement the findings and recommendations of the Revised Hydrogeological Assessment prepared by BlueMetric Environmental dated September 21, 2015 and the Mississippi Valley Conservation Authority comments dated October 19, 2015.
- 6) Sufficient land for road widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

Conservation Authority – Mississippi Valley Conservation Authority

April 1, 2015 Report

As requested, technical staff with Mississippi Valley Conservation Authority

(MVCA) have reviewed WESA's October 2014, letter report entitled 'Hydrogeological Assessment' on behalf of the Township of Drummond North Elmsley and the County of Lanark. The report was submitted in support of an application with the County to sever two lots at 1111 Prestonvale Road. The severed and retained lots are to be serviced by private on-site water wells and wastewater treatment systems (OWTS) and would be one to 1.6 hectares.

MVCA reviewed the consultant's submission as per a scoped interpretation of the Ministry of Environment's official guidance in: Procedure D-5-5, Technical Guideline for Private Wells, Water Supply Assessment; and in Procedure D-5-4, Technical Guideline for Individual On-site Sewage Systems, Water Quality Impact Risk Assessment. These documents are explained in the MOE's April 1995, 'Hydrogeological Technical Information Requirements for Land Development Applications'.

At this time, MVCA recommends that, prior to granting final consent to sever these lots, the approval authority request confirmation of groundwater quality closer to the site; and the lack of hydrogeological sensitivity on each of the proposed lots.

Groundwater Quality

The consultant provided groundwater chemistry and quality information from a well approximately 400 metres from the site. The results were shown to be favorable and would generally represent the type of groundwater from the site. However, MVCA understands that livestock activities are permitted near to the site and that development density in the immediate vicinity of the site is higher, as compared to the location of the sampled well. As a result, MVCA recommends that additional water quality information be provided from a well closer to the site. The severance application indicates that there is a well located on the lot to be retained. If it is representative of future wells, can it be sampled?

In addition, and as per the Lanark County Consultant's Screening Checklist for Hydrogeological Reports, MVCA also recommends that information about additional heavy metals, those which are commonly found in natural groundwater systems, be provided in support of the proposed severances.

The Ontario Geological Survey (OGS) recently completed a groundwater quality study for all of Southern Ontario. As a result, representative information about the presence of absence of problematic groundwater quality parameters may be already available for this area. The data release can be found here:

http://www.geologyontario.mndmf.gov.on.ca/mndmaccess/mndm_dir.asp?type=pub&id=MRD283-REV

Further the consultant should confirm that all samples represent raw groundwater that all well water samples were completely free of chlorine; that organic nitrogen levels are suitable; and that nitrate levels in the receiving groundwater are suitable.

Groundwater Yield

MVCA accepts the consultant's findings that information from water well records for the area are representative of the subject lands and indicate that the proposed lots can be serviced with groundwater wells which provide ample water for residential purposes. No further action is recommended.

For future reference, it should be noted that MVCA expects that specific capacity is

evaluated as part of this assessment. Since well yields in the area were good, MVCA defers this assessment for this application. In addition, a professional opinion should be provided to indicate that not only can the well be pumped at the MOE's rate but that this is sustainable on a daily pumping cycle over the long-run.

Hydrogeological Suitability for On-site wastewater treatment.

MVCA accepts that since the proposed lots (including the retained parcel) are all approximately one hectare in size or greater, the effluent from on-site wastewater treatment systems will be adequately diluted if the lots are not located in an obviously hydrogeologically sensitive area. However, MVCA recommends that the consultant provide a clearer professional opinion about the hydrogeological sensitivity at the site. Specific data sources that should be referenced when giving their rationale include but are not limited to water well records and Ontario Geological Survey (OGS) surficial geology mapping (as already referenced in the consultant's report); air photos; bedrock outcrop and overburden thickness from Ontario Geological Survey Aggregate Resources Inventory of the County of Lanark (ARIP 189); and Mississippi Valley Source Protection Area Highly Vulnerable Aquifer (HVA) mapping.

ARIP 189 and related GIS data can be downloaded here:

<http://www.geologyontario.mndm.gov.on.ca/mndmaccess/mndmdir.asp?tyjje=pub&id=ARIP189>

Potential Land Use Conflicts

The hydrogeology brief does not report on potential land use conflicts in the area. However, the municipality should be confident that there are no land uses within 500 metres of the site that could impact local groundwater resources, such as but not limited to: closed or active landfills, old unregulated dumps, buried fuel storage sites, sewage lagoons, industrial / commercial operations for which the MOE provides an Environmental Compliance Approval (ECA) or Permit To Take Water etc.

If the municipality identifies additional land uses of concern, MVCA technical staff can be consulted for advice.

April 7, 2015 Report

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted applications to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. MVCA's review includes that of a Hydrogeological Assessment, prepared by WESA, dated October 23, 2014, prepared on behalf of the applicant.

It is our understanding that the purpose of the subject applications is to sever two vacant lots measuring 1.04 ha and 1.25 ha. The retained land is also vacant and measures 1.58 ha.

According to a review of GIS mapping and Drone Imagery, no significant natural

heritage features or natural hazards exist on the subject property. Therefore, MVCA does not have any concerns in this regard.

With respect to the Hydrogeological Assessment, MVCA's Groundwater Scientist has reviewed the consultant's submission using a scoped interpretation of the Ministry of Environment's official guidance. In summary, this review concluded that, prior to granting approval, confirmation of groundwater quality closer to the site and additional information concerning hydrogeological sensitivity, should be provided.

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.

MVCA/RVCA Technical Hydrogeological Review – Oct 19, 2015

As requested, technical staff with Mississippi Valley Conservation Authority (MVCA) have reviewed BluMetric's October 7, 2015 letter report entitled 'Hydrogeological Assessment - Revised' on behalf of the Township of Drummond North Elmsley and the County of Lanark. The report was submitted in support of an application with the County to sever two lots at 1111 Prestonvale Road. The severed and retained lots are to be serviced by private on-site water wells and wastewater treatment systems (OWTS) and would be one (1.0) to 1.6 hectares.

This letter should be read in conjunction with MVCA's original review letter dated April 7, 2015.

MVCA reviewed the consultant's submission as per a scoped interpretation of the Ministry of Environment's official guidance in: Procedure D-5-5, Technical Guideline for Private Wells, Water Supply Assessment; and in Procedure D-5-4, Technical Guideline for Individual On-site Sewage Systems, Water Quality Impact Risk Assessment. These documents are explained in the MOE's April 1995, 'Hydrogeological Technical Information Requirements for Land Development Applications'.

MVCA recommends that the County of Lanark and the Township of Drummond/North Elmsley accept BluMetric's October 7, 2015 Hydrogeological Assessment - Revised, in support of private servicing for the application for multiple severances B15/023 - B15/024; in reference to the following direction. MVCA is satisfied that BluMetric's submission provides the professional opinions with enough substantiating information to indicate that any groundwater supply wells installed on the property, to the specifications of the adjacent domestic wells evaluated in the study, will be able to provide enough water to run these households over the long-term and not interfere with the use of well water on adjacent properties; and that these wells will provide groundwater that meets the Ontario Drinking Water Standards, Objectives and Guidelines.

In addition, MVCA accepts BluMetric's opinion about the nitrate levels found in the groundwater from the well adjacent to the subject lands. Nonetheless, MVCA provides additional related recommendations for any future development.

Further, MVCA is satisfied that BluMetric's submission provides the professional opinions with enough substantiating information to indicate that the site is suitable, from a planning and groundwater protection perspective, to adequately attenuate

the effluent from properly maintained on-site wastewater treatment systems.

In addition to the consultant's recommendations, MVCA recommends:

- That the property owner should abandon the unused on-site water well as per O.Reg. 903 and as soon as possible, since correspondence with consultant indicates that this well is unsuitable for domestic use .
- that the Leeds, Grenville & Lanark (LGL) Health Unit, who are responsible for septic system permissions in the region, be informed of BluMetric's recommendations for the locations of all future on-site wastewater treatment systems. See ' Summary and Conclusions' .
- that it be recommended to the (LGL) Health Unit that tertiary level on-site wastewater treatment systems with nitrate reduction technology be installed on this property.

MVCA further recommends that all future lot owners be:

- given BluMetric's October 7, 2015, letter report with specific reference to the following sections:
 - Regional Well Water Quality;
 - Water Well Design;
 - Summary and Conclusions; and
 - Water Well Records for 1895 and 1982 Concession Road 10A
- informed that the accepted study (BluMetric October 7, 2015) is only valid in respect to groundwater supply wells that are constructed to similar specifications as the domestic wells referenced above; and that the suitability of any groundwater from water supply wells constructed otherwise has not been determined .
- Informed that tertiary level on-site wastewater treatment systems with nitrate reduction technology are recommended for this property and that these may require on-going maintenance contracts to be upheld in perpetuity.
- Informed that while standard (bacteriological) water quality testing should occur regularly, every couple of years water quality testing in this area should also include nitrogen species.

Mississippi Valley Conservation Authority has not conducted any independent site investigation to confirm the validity of the data, analyses, interpretations and recommendations presented in BluMetric's October 7, 2015, revised Hydrogeological Assessment. MVCA has accepted the findings as conveyed and the professional opinions of the qualified professional who has conducted and signed the hydrogeological report.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - B15/023 – A 2.56 acre parcel of land that fronts onto Concession Road 10A. The land is sloping toward the northwest direction. There is scrub brush and open areas on the parcel. WESA hydrogeological assessment report describes the parcel in non-winter conditions (attached). Additional sandy loam fill will be required in the area of the future leaching bed.

Severed – B15/024 – A 3.09 acre vacant parcel of land that fronts on Prestonvale Road. Land is open field. Actual soil depths could not be verified due to winter conditions, however the attached WESA hydrogeological assessment report assists in describing topography and geology. Additional sandy loam fill will be

required in the area of future leaching bed.

Retained – A 3.92 acre vacant parcel of land with an existing well. Land is mainly open field with indicators of shallow soil depths. Additional sandy loam fill will be required in the area of the future leaching bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a two residential building lot – 1.04-ha and 1.23-ha and retain a 1.59-ha residential building lot. A number of new lots have been created from the original parcel since 1979. Two along Drummond Con 10A and three along Prestonvale Road. However, new OP policies in the D/NE Official Plan provides for additional consents where lands front on two or more roads. These applications would create an additional one lot on each of the two roads.

The subject lands are located in an area characterized by rural residential. Due to the number of lots that are proposed on the total original land parcel, the applicant was required to undertake a Scoped Hydrogeological Evaluation to determine if there would be suitable water supply and potable water for the proposed development. This study was undertaken by BluMetric Environmental and reviewed by the RVCA/MVCA. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Drummond Conc 10A and Prestonvale Road, both municipally maintained road.

Bedrock Inventory – dolostone

Endangered Species

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval

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

2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

- 3 Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. 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 Drummond / North Elmsley and could be given favourable consideration.

(e) MINUTES – November 16, 2015

Tracy Zander (ZanderPlan Inc.) agent, attended the hearing and gave evidence under oath.

Ms. Zander provided a brief background on the applications and the process undertaken, re: scoped Hydro-G.

The committee questioned the process for decommissioning the existing well on the retained lands and recommended that this be added as a condition to be addressed in the Development Agreement.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of October 19, 2015 and the recommendations of the Revised Hydrogeological Assessment prepared by BluMetric Environmental dated September 21, 2015, including a requirement that the exiting well on the retained lands be decommissioned in accordance with MOECC requirements, 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.

6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future septic system area on the severed and retained lands.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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 & Ghislaine Dagenais **Hearing Date:** November 16, 2015
Agent: n/a **LDC File #:** B15/048
Municipality: Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 22 **Conc.:** 10
Roll No.: 0919 908 015 61401 **Consent Type:** New lot

Purpose and Effect:

To sever a 0.89-ha residential lot and retain a 0.89-ha residential lot with an existing dwelling located at 105 Evans Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.8906-ha	0.8905-ha
Frontage	72.4 m	72.4 m
Depth	123 m	123 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
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, 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.

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

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.2 County Road, Section 5.3 Local Roads, Section 6.3 Division of Land. The Township of Drummond / North Elmsley advises that the proposal conforms to the Official Plan Policies.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone.

The Township of Drummond / North Elmsley 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 -

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff and Council have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicant seeks permission to divide, roughly in half, a 1.8 ha (4.5-acre) lot at the corner of Evans Road and County Road 43. The Dagenais lot was created by consent around 2005 and contains a dwelling accessed by Evans Road (Civic# 105). The applicant seeks to create a new building lot out of the

eastern end of this lot and while the original application sought a shared driveway on Evans Road, the application was revised to request access from County Road 43. This was done since safe access could not be provided on the municipal road. The Dagenais property is part of a larger lot of record that has been severed twice since 1979. While this application requests a 'severance of a severance' the Township's interpretation of the Official Plan's lot creation policies allows this provided that no more than three lots result from the original lot of record and all other policies are satisfied.

The Official Plan also allows consideration of additional lots where frontage exists on more than one public road.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. In this case, the subject property is located on the fringe of the Perth built up area and the built density is relatively high. In considering this section, staff reviewed Section 6.3.2.3 (Lot Creation) which specifies that consents should not have effect of extending strip development and should not be granted on flat open land so that extensive views of the development along flat open stretches of road are avoided. While the landscape here arguably fits the 'flat open' criteria, staff note that the proposal essentially infills an area of existing development given the cluster of residential, commercial and industrial uses outside of Perth. As such, this application satisfies the intent of this section.
- Sec. 3.14 (Noise Attenuation): Staff considered MOE Guideline 0-6 that addresses new residential development close to existing industrial uses, in this case referring to the adjacent vacant industrially zoned building. For these purposes, staff consider this as a Class 1 industrial use (lowest impact) and the prescribed buffer would be 70 m and this application can be made to comply. In this case, the proposal involves the extension of an existing residential community and staff suggest that a note be registered on title so that buyers are aware that there is industrially zoned land nearby.
- Sec. 4.9 (Mineral Resource): Constraints mapping has identified an abandoned mine site on adjacent property, which is a man-made hazard that needs to be evaluated prior to any approval. The applicant provided a 2007 letter from the Township to a previous consent applicant advising that the Ministry of Northern Mines and Development was consulted and advised that a mica and iron pit mining operation "was begun but never developed" on the property and there is no reason for this to preclude residential development in the area.
- Sec. 5.2 (Provincial Highways and County Roads): The Township's position relies on the authority having jurisdiction over the highway and as such this severance is dependent on the applicant being able to meet the County's access requirements on County Road 43. Staff understand that the County Roads Department has supported a preliminary access from the County Road around

the middle of the lot. This would need to be confirmed prior to final approval.

- Sec. 6.3.1 (Lot creation- general): Direct access from County roads shall be restricted in accordance with the regulations of the County. Policy states that "residential lots, in particular, should have access only from Township roads." This policy is normally interpreted to allow severances on County roads only if no severances are available on Township road frontage and County approves access.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

Conclusion and Recommendation

Upon review of this application, staff are of the view that this application is consistent with the Township's planning policies and recommend that the Land Division Committee consider approving the lot, subject to the inclusion of the following development conditions:

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The applicant shall construct an entrance to the property in accordance with the requirements of the County Roads Department.
- 4) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the severed lot. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
 "TAKE NOTICE that this lot is located adjacent an area zoned for industrial uses and as such it may be exposed to impacts typically associated with such a use including noise. Prior to the construction of a single family dwelling, the Owner shall have regard for the minimum separation and influence areas pursuant to the Ministry of Environment's 0-6 Guideline."

Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application 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.

The application seeks approval for a (8905 m²) new lot from an existing developed lot, itself created in 2005.

The Property

As per our attached mapping, there are no watercourses, flood susceptible lands or provincially significant wetland areas which would be affected by the creation of

a new lot from the property.

Site conditions in/around the property have not been greatly altered since the related 2005 consent applications on the larger holding.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to this application as there are no natural heritage or natural hazards features affected.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed lot – 2 acre vacant parcel of land consisting of mixed vegetation (shrubs/trees/weeds). Property relatively flat. Some areas may be subject to seasonal wetness. Recommendation – Fill will be required to construct an onsite sewage system (tile bed). Amount of fill required will depend on exact location of system.

Retained lot – Approximately a 2 acre lot with existing house, drilled well and raised septic system. Land is relatively flat with overgrown vegetation (weeds). Recommendation – the severance will not impact future replacement of septic system. Additional fill will be required to construct replacement septic system (tile bed) in the future.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

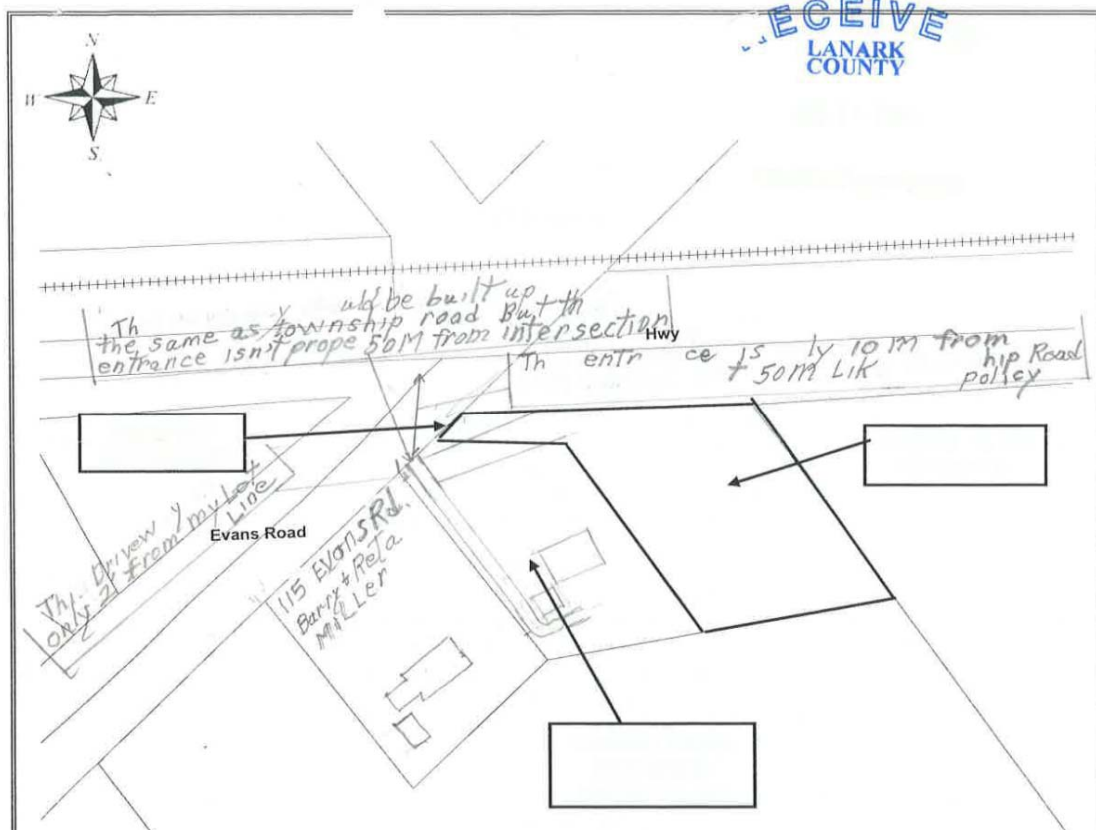
Upon review of the proposed severance application, Bell Confirms that we have existing installations over the subject lands noted above, which are protected by existing easement registered as instrument #52411.

Therefore Bell Canada confirms that our existing easement rights must be maintained, and that we will not require any additional easement protection.

(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:

Barry Miller – August 14, 2015



(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.89-ha residential building lot and retain a 0.89-ha residential lot with an existing dwelling located at 105 Evans Road. This lot was created by consent B2005/131 and is now being requested to be re-divided. Entrance onto Evans Road was initially proposed, however with further discussion with the County Public Works Department, an entrance location has been determined from Hwy 43. Therefore the application was re-circulated to indicate an entrance from Hwy 43 per Permit No. 2542.

The subject lands are located in an area characterized by typical hamlet type residential along the intersection of Hwy 43 and Evans Road. The effect of the lot creation is 'infill', a process recommended by the PPS.

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

Bedrock Inventory – conglomerate, sandstone, shale

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records

indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:
Eastern Meadowlark (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.
- 3 Woodlands
The area has not been mapped as 'woodlands'. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

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

Conclusion

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

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

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

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

(e) MINUTES – November 16, 2015

Ghislaine Dagenais, owner attended the hearing and gave evidence by affirmation.

Ms. Dagenais noted that they had preferred to have the driveway from Evans Road and shared with their existing, however this was not approved by the Township Road Superintendent.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B15/048

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 "TAKE NOTICE that this lot is located adjacent an area zoned for industrial uses and as such it may be exposed to impacts typically associated with such a use including noise. Prior to the construction of a single family dwelling, the Owner shall have regard for the minimum separation and influence areas pursuant to the Ministry of Environment's

0-6 Guideline.”

4. The deed of land required by Condition #1 above shall recognize the existing easement in favour of Bell Canada (Instrument #52411).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. 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.
9. Road Widening: Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
10. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
11. If land is required, “In Preparation” Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.
12. 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 Drummond / North Elmsley, 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.
13. 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.
14. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #13 has been fulfilled to their satisfaction.

15. A letter shall be received from Bell Canada stating that Condition #4 has been fulfilled to their satisfaction.
16. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #7 (and #12 if required) has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and in the area of any future replacement system on the retained lands.*
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 and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Mississippi Lake Camping Inc.

Hearing Date: Nov 16, 2015

Agent: Richard Wistaff

LDC File #: B15/074 & B15/075

Municipality: Township of Beckwith

Geographic Township: N/A

Lot: 10

Conc.: 12

Roll No.: 0924 000 025 20200

Consent Type: Two Lot Additions

Purpose and Effect: To sever two (2) lot additions – 339 sq.m. as lot addition to lands owned by Richard Wistaff and 457 sq.m. as a lot addition to lands owned by Haley Ford-Robinson & Kyle William Jarvis t/w and in-favour of an existing r-o-w. The lands are accessed via Richards Lane a private r-o-w.

DETAILS OF PROPOSAL	Lands to be Severed B15/074	Lands to be Severed B15/075	Retained Lands
Existing Use Proposed Use	Vacant Lot Addition	Vacant Lot Addition	Campground Campground
Area	339 sq.m.	457 sq.m.	8.5-ha
Frontage	N/A	N/A	270 m
Water Frontage	none	None	155 m
Depth	17.4 m	17.3 m	270 m
Road - Access to	Registered R-O-W	Registered R-O-W	Municipal
Water Supply	n/a	n/a	Private Wells
Sewage Disposal	n/a	n/a	Septic System
Zoning By-law Category	Commercial Tourist & Flood Plain	Commercial Tourist & Flood Plain	Commercial Tourist & Flood Plain
-Area (minimum)	n/a – lot addition	n/a – lot addition	0.3-ha
-Compliance?			Yes
-Frontage (minimum)			45 m
-Compliance?			Yes

Official Plan Designation: Flood Plain and Rural

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Development and Land Use Patterns

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands

containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 6 Rural Areas, Section 7.3 Local Roads, Section 7.4 Private 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 6.4 Tourist Commercial, Section 12 Flood Plain Zone.

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

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

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

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

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

PROPOSAL

It is our understanding that the purpose of application B15/074 is to sever a vacant 0.1-ha parcel of land as a lot addition to the rear of the adjacent lands at 178 Richard's Lane. Application B15/075 proposes the severance of 0.0457 ha. as a lot addition to the adjacent lands at 176 Richard's Lane. The retained land is developed as a campground with a resulting area of 8.5 ha and 155 m of water frontage. The lots to be enlarged are already developed.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, the retained land has frontage on Mississippi Lake, while the severed lands do not have water frontage. In addition, a portion of the retained land is within the 1:100 year flood plain and Regulation Limit (RL) (i.e. within 15 m of the flood plain) of the lake. Under B15/074, the severed land is not within the flood plain; however it is partially within the RL, while the lot to be enlarged is largely within the flood plain and entirely within the RL. Under B15/075, a portion of the land to be severed is within the flood plain and entirely within the RL, while the lot to be enlarged is entirely within the flood plain.

REVIEW & CONCLUSION

All resulting lots are already developed with no new development proposed at this time. The area and water frontage of the retained land still meets with the minimum standard under the zoning by-law. Therefore, MVCA does not have any objection to the subject applications.

NOTES

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

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading) within the 1:100 year flood plain and Regulation Limit. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – B15-074 - A very small property that presently provides road-way access to the property and driveway. The lot is 0.1 hectare in size and is to be added to # 176 Richards Lane. Addition to an existing lot only.

Severed – B15-075 – A very small parcel of land that has an existing shed, drilled

well and road access into property with driveway. Land size is 26.4 meters x 17.3 meters. To be added to #178 Richards Lane. An addition to an existing lot only.

Retained – An existing campground that has a daily design flow in excess of 10,000 litres per day daily sewage design flow. This property exceeds 10,000 litres per day sewage design flow and is regulated by Ministry of Environment and Climate Change.

(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:

Debbie Whittle – November 4, 2015

We spoke to Beckwith Township and they suggested that we also send you an email regarding snow removal for Richard's Lane. I also met with you previously.

It is understood that the proposed ownership of the right of way property should have no change of status of the snow removal of the lane with the properties being the dumping points for an overflow of snow should we get snow accumulation as we did a few years ago. Being right of way property, it is also understood that the right of way property cannot be used to store anything and should be kept clear to use as right of way property.

Richard's Lane is a very narrow lane and after a couple of snow removals, building snow banks, it is necessary to have the right of way property to store the snow. A few years ago before we knew the right of way property was available for snow accumulation we had to hire a large blower truck to blow the snow over to our neighbours property. These kind neighbours have recently moved and that convenient, yet quite expensive option would not be available now. In this case we would have to look at having the snow transported which again would be probably more expensive for all four houses involved.

Be that as it may, point being, if the right of way property changes hands we must be assured that we are still putting the snow on the properties involved and that the right of way properties will not be used as personal property but as "right of way". We would like to invite the governing authorities to take a drive down Richard's Lane – a typical cottage road and they will realize just how much room there is not.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two lot additions, 0.1-ha and 0.0457-ha and retain an 8.5-ha landholding with an existing Tourist Commercial site (Tent & Trailer Park). The drinking water wells to the lots to be enlarged are located on the lands that are the subject of the consent.

B15/074 will increase the Wistaff lot from 0.0688-ha to 0.169-ha, while this is an improvement on the lot size, it is still well below the minimum zoning requirement of 0.4-ha. B15/075 will increase the Jarvis lot from 0.105-ha to 0.15-ha, while this is an improvement on the lot size, it is still well below the minimum zoning requirement of 0.4-ha. The lots to be enlarged are currently zoned as Commercial

Tourist; it is recommended that a re-zoning be required to recognize the existing use and the special exception side-yards.

The lands to be enlarged are accessed via a private road, known as Richard's Lane which adjoins Highway 7. It is recommended that the uses of this road enter into a 'Road Maintenance Agreement' to outline the responsibility for up-keep and ongoing maintenance of the private road.

Archaeological

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

Mississippi Lake

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

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for the 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 considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Beckwith.

Zoning

The subject property and the lot to be enlarged are currently within the Commercial Tourist section of the Zoning By-law, which permits a number of uses, but not a single family dwelling unit. The proposed lot as enlarged does not meet the minimum lot frontage and size. A re-zoning is recommended.

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 – November 16, 2015

Richard Wistaff, agent attended the hearing and gave evidence under oath.

Mr. Wistaff advised that the main purpose of the applications is to obtain the lands in which the wells for the property are situated.

The committee questioned if the users of Richard's Lane had a written agreement for the on-going maintenance and repairs of the private road. Mr. Wistaff advised

that they only have a verbal agreement, and that the Whittle's have been arranging for the snow-plowing for a number of years, and that he does not anticipate any change to the arrangements in the future, but he will speak to the others regarding formalizing the arrangement.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B15/074

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 rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. 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 Richard Wistaff described as Part Lot 10 Conc. 12 Beckwith, 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".
6. 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.
7. The lot to be enlarged shall be zoned to an appropriate zoning category for the intended use and to recognize the existing side, front and rear yards. The applicant shall consult directly with the Township of Beckwith in this regard.
8. 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.

9. A letter shall be received from the Township of Beckwith stating that condition #6 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading) within the 1:100 year flood plain and Regulation Limit. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *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.*
4. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *It is recommended that the users of Richard's Lane enter into a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the shared private road. A copy of the agreement to be provided to the future purchasers of the lot and the Township of Beckwith.*
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.*

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

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8. 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.
9. A letter shall be received from the Township of Beckwith stating that condition #6 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading) within the 1:100 year flood plain and Regulation Limit. In addition, written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.*
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The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Regan Lee & Sheila Lee

Hearing Date: November 16, 2015

Applicant: Catherine Jane Milinkovich

LDC File #: B15/082

Agent: Tracy Zander, ZanderPlan Inc.

Municipality: Tay Valley Township

Geographic Township: N. Burgess

Lot: 5 & 6

Conc.: 6

Roll No.: 0911 911 010 00100

Consent Type: Lot Addition

Purpose and Effect: To sever a 1,394 sq.m. parcel of land together with a right-of-way as a lot addition to lands owned by Catherine J Milinkovich at 296 Blair Poole Farm Lane and retain a 45.6-ha landholding at 364 Blair Poole Farm Lane.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1,394 sq. m. 80.97 m Irregular Registered R-O-W	45.6 ha Irregular Registered R-O-W
Water Supply Sewage Disposal	Private Well Proposed septic	Private Well Private septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Seasonal Residential n/a – lot addition	Limited Service Residential 0.405-ha Yes 60 m yes

Official Plan Designation: Rural, Deer Yard overlay

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

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

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 3.5 Natural Hazards, Section 3.6 Rural Policies, section 4.5 Private Roads, Section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 5.2 Seasonal Residential Zone, Section 5.3 Limited Services Residential Zone.

Tay Valley Township advises that the proposal does not 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 –

BACKGROUND

The proposal is to sever a 1394 m² parcel of land together with a right-of-way as a lot addition to lands owned by Catherine J Milinkovich at 296 Blair Poole Farm Lane. The retained lot is 45.6 ha with an existing dwelling and outbuildings located at 364 Blair Poole Farm Lane.

DISCUSSION

Consistent with Provincial Policy Statement: Yes

Conforms to Official Plan: Yes

Complies with Zoning By-Law: No

Recommend consent for this application: Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- A Development or Site Plan Control Agreement be required reflecting the mitigation suggestions of the Environmental Impact Study.
- Zoning amendment to acknowledge undersized lot and frontage of the receiving lot.

Advisory Notes

- No development is to occur within 30 metres of a waterbody.

PROVINCIAL POLICY STATEMENT: None.

OFFICIAL PLAN: Section 3.6 Rural; Residential use is permitted.

ZONING BY-LAW: Section 5.2 Seasonal Residential (RS): The receiving lot with the addition will be 2406 m² still undersized for the RS zone. Lot frontage on Otty Lake is 41 m, also undersized, and not changed by the lot addition. The dwelling does not comply with setback requirements. Section 5.3 Limited Services Residential (RLS): The retained lot meets minimum requirements.

CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA): No objection to the lot addition, as it allows additional area for redevelopment of the lot. RVCA cautions that waterfront access should not be expanded and that the existing native vegetation between the cottage and lake should be maintained.

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) confirmed that the lot addition as proposed will not interfere with the ability to install and operate an Ontario Building Code (OBC) compliant sewage system at approximately 23m from Otty Lake.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has completed a review of the above noted application and a site visit was conducted. The following comments are offered for your consideration as regards:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act,
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
- The considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines.
- Otty Lake Catchment Report Tay Subwatershed Study- 2011)

Proposal

The application will transfer a parcel of backland to this developed waterfront lot on Otty Lake. As we understand it, the lot addition is intended to facilitate the re-development of the existing developed "recipient" lot.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to this lot addition. We would support the installation of a tertiary service in a location to approach as possible or meet the minimum water setback.

For the owners' information, our recent Tay River Subwatershed Study (Otty lake Catchment) indicates that Otty Lake is characterized as a lake with clear waters and moderate nutrient levels. There is limited oxygen in the deep waters, which limits fish populations. Abundant aquatic vegetation can also occur, but the lake generally has good aesthetics for recreational use. However, the water quality rating suggests that the health of the aquatic ecosystem may be at risk- there is a potential for impact as a result of increased nutrient loads and poor oxygen levels. Residents should be aware that the cumulative effect of their actions can accelerate water quality degradation. Landowners can act to protect the resource. For more information on the Otty Lake Catchment Report, see our website www.rvca.ca.

The access to water should not be expanded and the waterfront between the residence and the water should be kept as stable as possible. Existing native cover between the cottage and the normal high water mark should be kept in place. This will assist in protecting the lake from increased drift of sediment and nutrient loading and ultimately guard against water quality degradation and aquatic plant growth off shore.

We note that prior written approval from the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Otty Lake as per our Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration 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 August 5, 2015.

The applicant proposes to sever approximately a 0.13948 hectare parcel, for the purpose of a lot addition to 296 Blair Poole Farm Lane. The proposed area to be severed is currently vacant, well treed, areas of exposed rock and a very steep slope between Blair Poole Farm Lane and the existing right of way.

The retained parcel is approximately 45.6544 hectares. The property is developed with dwelling and several other buildings. The remainder of the property is well treed with areas of exposed rock, a wetland complex to the north east and bordered by an unnamed lake to the south. No test pits were provided.

The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies on the retained lot. The lot addition will be beneficial to 296 Blair Poole Farm Lane, as it provides additional area to install, replace, operate or maintain an OBC compliant sewage system, approximately 23m from Otty Lake.

The MRSSO recommends:

- The use of a Level IV treatment unit for the sewage system to reduce the size of the sewage system and limit the amount of imported fill required.

Some Level IV treatment units also provide nutrient reduction (nitrogen and phosphorus).

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.

(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:

Bob MacDermid – Sept 21, 2015

The Application for Consent Circulation Notice contains a rather imprecise map and I was attempting to clarify rights to cross the land that is being severed. I have attached the relevant pages from my deed that indicate the right of way to cross Lots 4 and 5 to get to my property, 284, first, via Blair Poole Farm Road across lots 4 and 5 and then on the driveway that crosses behind the property at 286 which I can only access across the property now being severed. Subsequent to the original deeds, the then owners of 284 and 286 purchased parcels of land that extended the lots back to the Blair Poole Farm Lane Road.

Please be assured that I have no reason to think that any future owner of the land would not honour what I understand to be a right of way over the parcel of land being severed. However, should these properties be sold in the future, potential buyers will want to know that the deeds for these several parcels acknowledge of the rights of way.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 1,394 sq.m. parcel of land as a lot addition to lands owned by Catherine Jane Milinkovich and retain a 45.6-ha landholding with an existing dwelling located at 364 Blair Poole Farm Lane.

The existing lot to be enlarged is 0.1012-ha and the lot addition will increase the size of the lot to 0.2417-ha. Although an improvement on the existing small lot, it is well below the minimum requirement of 0.405-ha. The applicant could consider increasing the size of the lot addition, however this is restricted by the location of the R-O-W. Also, the frontage is only 45m (+/-) and therefore a rezoning of the recipient plus lot addition should occur. However, the Township may choose to go by way of a minor variance and site plan control for any new development.

The lands are accessed via Blair Poole Farm Lane, a privately maintained road.

Archaeological

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

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to

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

Gray Ratsnake (THR)

A "State of the Lake Environment Report" was undertaken on Otty Lake in 2002 with sampling in 2003 and 2004. The reports were able to conduct a comparison between water quality conditions as they existed in 2002, 2003 and 2004, to results obtained some 30 years earlier. In general the water quality in Otty Lake is good. Chlorophyll a testing indicated an above average exceedance which has an impact on plant or algae growth. Total phosphorus has been fairly evenly distributed, with slightly higher elevations at inlet streams. The lake is at the higher end of the range for TKN and TP. The elevated concentrations of TP and TKM are to blame for blooms of blue-green algae and profuse weed growth in the shallow areas of the lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Zebra Mussel veliger's were found in sampling in 2003 and further testing in 2004 confirmed their presence however, none of the samples indicated that the Spiny Water Flea was present. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Official Plan Policies

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

Zoning

The subject property is currently within the Seasonal Residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed new lot size does not meet the minimum lot frontage and size requirements of the Township's Zoning By-law. A re-zoning (or minor variance) is recommended.

Conclusion

The Provincial Policy Statement 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 – November 16, 2015

Tracy Zander (ZanderPlan Inc.) agent attended the hearing and gave evidence under oath.

Ms. Zander advised that the lot addition encompass all those lands between the Milinkovich lot and the private road, known as Blair Poole Farm Lane, also noting that an addition private easement crosses their lands, therefore any new septic system will need to be located between this easement and the private r-o-w.

Ms. Zander noted that although the lot addition does not bring the Milinkovich lot into conformity with the Zoning By-law, the located of Blair Poole Farm Lane places a constraint on enlarging the property further.

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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. 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 Catherin Jane Milinkovich described as Part 1 Plan 27R-7320, being Part Lot 5 Conc. 6 North Burgess, 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".
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. 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.
8. 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.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. The applicant shall obtain appropriate relief from the minimum provisions of the Zoning By-law for Tay Valley Township for the recipient and addition to the lot either by way of an amendment to the Zoning By-law or a minor variance.
11. A letter shall be received from Tay Valley Township stating that condition #6 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO recommends:*
 - *The use of a Level IV treatment unit for the sewage system to reduce the size of the sewage system and limit the amount of imported fill required. Some Level IV treatment units also provide nutrient reduction (nitrogen and phosphorus).*

2. *The Rideau Valley Conservation Authority advises that prior written approval from the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Otty Lake as per our Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Waterways Regulation).*
3. *Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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 and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Shirley Catherine Ashby

Hearing Date: November 16, 2015

Agent: Michael P. Reid

LDC File #: B15/086

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19

Conc.: 10

Roll No.: 0911 916 0360 26300

Consent Type: New Lot

Purpose and Effect: To sever a 1.922-ha residential building lot and retain a 1.085-ha residential lot at 150 Ennis Road. This is a re-submission of application B13/030 which was allowed to lapse.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	1.922 ha	1.085 ha
Frontage	140.40 m	112.291 m
Depth	170 m	156 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	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 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, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 5.2.3 Consent Policies.

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

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

BACKGROUND

The proposal is to sever a 1.922 ha vacant residential lot. The retained lot is 1.085 ha with an existing dwelling at 150 Ennis Road. This is a re-submission of B13/030, which lapsed. At the time of resubmission, MVCA had been made aware by MNR that Provincially Significant Wetland had been identified on the property. Because a residential use was proposed, the MVCA requested an Environmental Impact Statement (EIS). The EIS clarified the edges of the wetland and a developable envelope was identified.

DISCUSSION

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - Yes

Recommend consent for this application - Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parklands
- A Development Agreement or Site Plan Control Agreement be drafted including the requirements of the MVCA listed in their letter of September

25, 2015 and clarifying that the MDS distance will also be met by the development envelope.

- Sufficient lands shall be deeded to the Corporation of the Tay Valley Township along the frontage of the lot to be severed to meet the municipality's road widening requirements at no cost to the Township.

Advisory Notes

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural - residential uses are permitted.

Section 3.2.3.1 Agriculture - requires a Minimum Distance Separation (MDS) calculation prior to severances.

Section 2.21.1 .2 Wetlands, ANSI's and Adjacent Lands - requires an Environmental Impact Statement be undertaken to determine if there will be negative impacts on the natural feature.

ZONING BY-LAW

Section 10.1 Rural. Both lots meet the requirements for the Rural zone for frontage (140m for the severed lot and 112m for the retained) and area (approximately 1.9 ha for the severed lot and 1.1 ha for the retained). Section 10.3.2 MDS distances were calculated for an adjacent property (Ashby severances B 15/110/111) from three properties with barns and all were met although it should be noted that there is a portion of the northwest part of the proposed severed lot that is within the 103 m setback calculated for the barn on the adjacent Shannon property.

CONSERVATION AUTHORITY

Mississippi Valley Conservation Authority (MVCA) - Based on the EIS and MVCA priorities the following conditions be required:

- That the future residential building and septic system are placed 30m or more from the adjusted wetland edge.
- That disturbed soils are to be re-seeded to a grass/clover mixture prior to September 1st of the year of construction.
- That all future roof run-off be captured by eavestroughs, and led into ground infiltration pits.
- That with the exception of building footprint, milkweed plants are protected from eradication.
- Pursuant to Ontario Regulation 153/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, a permit is required from MVCA prior to the proposed development. Any change in grade on the subject property shall not result in a change to the existing drainage to and from the PSW.
- All vegetation within 15m of the revised northern boundary of the PSW shall be retained in its entirety.
- During Site Construction: sturdy construction fencing or similar barrier shall be installed between the work area and a minimum of 30m from the boundary of the PSW, in order to ensure that construction equipment remains within the areas of

active construction and does not cross into the natural areas to be retained. Woody vegetation shall not be removed between May 15 and July 10 in any year unless a breeding bird survey is conducted.

- Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNR should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNR.

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) - No objection and suggests use of a Level IV treatment system to reduce the need for fill and provide a higher level of treated effluent.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section.

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, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.
5. That, the applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
6. Sufficient lands shall be dedicated to the Township of Tay Valley along the frontage of the lot to be severed to meet the Township's road widening requirements at no cost to the township.

Conservation Authority – Mississippi Valley Conservation Authority (MVCA) was previously circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Given the proximity of the subject property to the Bennett Lake Provincially Significant Wetland (PSW), we recommended that an Environmental Impact Statement (EIS) be prepared to assess potential impacts of the proposal to the PSW (refer to letter to the County of Lanark dated July 30, 2015). MVCA subsequently received a copy of the EIS prepared by Pinegrove Biotechnical, dated August 23, 2015.

In summary, the EIS concluded that the northern boundary of the PSW is not as extensive as depicted on GIS mapping i.e. it should be shifted approximately 30 m south of the boundary shown on the mapping. The EIS also concluded that No negative impacts upon Natural Heritage Features can be foreseen with various mitigative measures. A minimum development setback of 30 m from the adjusted

boundary of the PS W was recommended.

Notwithstanding that MNR is the authority in assessing the boundary of PSW's, MVCA concurs with the revised boundary suggested by the author of the EIS, as well as their recommendations and mitigative measures. Sufficient area appears to exist for development on the proposed severed lands beyond the recommended 30 m setback from the revised boundary of the PSW.

RECOMMENDATIONS & CONCLUSION

MVCA does not have any objection to the proposed severance provided the following mitigative measures are adhered to on the severed lands:

As per the EIS:

- That the future residential building is placed 30 m or more from the adjusted wetland edge.
- That disturbed soils are to be re-seeded to a grass/clover mixture prior to September 1st of the year of construction.
- That all future roof run-off be captured by eve-troughs, and led into ground re-infiltration pits.
- That with the exception of building footprint, milkweed plants are protected from eradication.

Additional MVCA Recommendations:

- That all future buildings and a septic system is placed 30 m or more from the adjusted wetland edge.
- Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the proposed development.
- Any change in grade on the subject property shall not result in a change to the existing drainage to and from the PSW.
- All vegetation within 15 m of the revised northern boundary of the PSW shall be retained in its entirety.
- During Site Construction:
 - Sturdy construction fencing or similar barrier shall be installed between the work area and a minimum of 30 m from the boundary of the PSW, in order to ensure that construction equipment remains within the areas of active construction and does not cross into the natural areas to be retained.
 - Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
 - Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNR should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNR.

With respect to the retained lands, sufficient area appears to exist for future development beyond the 120 m adjacent lands to the PSW. However, if development is proposed within the adjacent lands, an EIS may be required at that time to assess the proposal.

NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands

and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work on the proposed severed lands, including development or regrading activities. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands.

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

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 July 21, 2015.

The applicant proposes to sever 1.922 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is open field with several knolls and a wet low lying area in the south west corner. Amongst the knolls were areas of exposed rock. No test pits were provided.

The retained parcel is 1.085 hectares. The property is developed with a dwelling which is serviced by a well and a sewage system — Permit #P2382.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all surface water bodies. Due to the exposed rock, there may be shallow soils, which could result in a requirement for a clay seal and significant amounts of imported sand fill to construct a conventional septic system.

The MRSSO recommends:

- The use of a Level IV treatment unit. This would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future on either lot. 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 – 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 1.92-ha residential building lot and retain a 1.085-ha residential lot with an existing dwelling located at 150 Ennis Road. This is a re-submission of application B13/030 which was inadvertently allowed to lapse.

The subject lands are located in an area characterized by typical rural / seasonal residential along Ennis Road and the Tay River. The effect of the lot creation is 'infill', a process recommended by the PPS.

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

Bedrock Inventory – teclonites, straight gneisses

Environmental Impact Statement

Due to the proximity of a Provincially Significant Wetlands and Wetland Adjacent Zone, an EIS was undertaken by Pinegrove Biotechnical in August 2015. This report was reviewed by the MVCA. Recommendations from the EIS have been incorporated within the MVCA report.

Archaeological

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

Endangered Species

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

Official Plan Policies

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

be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by 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 – November 16, 2015

Shirley Ashby, owner and Kathie Ashby, daughter-in-law of owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of September 25, 2015 and the Environmental Impact Statement prepared by Pinegrove Biotechnical dated August 23, 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.
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. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. The applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, Tay Valley Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
13. A letter shall be received from Mississippi Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.

14. A letter shall be received from Tay Valley Township stating that condition #3 through #12 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO recommends the use of a Level IV treatment unit. This would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Mississippi Valley Conservation Authority advises that the retained lands, sufficient area appears to exist for future development beyond the 120 m adjacent lands to the PSW. However, if development is proposed within the adjacent lands, an EIS may be required at that time to assess the proposal.*
4. *The applicant is advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work on the proposed severed lands, including development or regrading activities. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *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 and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Delores MacAdam & Aron Gabor **Hearing Date:** November 16, 2015
Agent: Tracy Zander, ZanderPlan Inc. **LDC File #:** B15/090
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 4 **Conc.:** 2
Roll No.: 0911 916 010 07900 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.34-ha residential building lot and retain a 40.1-ha landholding with an existing dwelling and outbuildings at 438 Althorpe Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	1.34 ha	40.1 ha
Frontage	158.42 m	315.72 m
Depth	83.82m to 84.03 m	Irregular
Road - Access to	County Road	County Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.404-ha	0.404-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural and Floodplain

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.

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 3.5 Natural Hazards, Section 3.6 Rural Policies, Section 4.4 Local Roads, Section 5.2 Land Division.

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

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

The proposal is to sever a 1.34 ha vacant residential lot. The retained lot is 40.1 ha with an existing dwelling and outbuildings located at 438 Althorpe Road.

DISCUSSION

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - Yes

Recommend consent for this application - Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parklands

Advisory Notes

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural; Residential use is permitted. A small area of organic soils is present at the far end of the 95-acre lot along the Tay River.

ZONING BY-LAW

Section 10.1 Rural: Both lots meet the requirements for the Rural zone for frontage and area (158.4m road frontage for the severed; 315.7m road frontage for the retained). Sixty metres is the minimum required frontage. One hectare is the minimum lot size required for a single dwelling lot in a Rural zone; two hectares is required for other Rural uses.

CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA): The lot to be severed does not have any identified natural heritage or natural hazard features; there is no objection to the proposed severance.

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) confirmed that the new lot as proposed will not interfere with the ability to install and operate an Ontario Building Code (OBC) compliant sewage system greater than 30m from a surface water body on either lot.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of one new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage 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 application is for the severance of a 1.34-ha vacant lot with 158.4 m of frontage on Althorpe Road. The 40.1-ha retained parcel has a residence situated on it and has a combined frontage of 315.7 m on Althorpe Road. The retained parcel also has a combined frontage of 673 m on the Tay River, which is irregular due to previous waterfront severances. Please refer to the attached map which shows the location of the proposed lot outlined in red and the retained lot outlined in yellow.

Site Characteristics

The lot to be severed is a mix of open field and regenerating field. The retained lot is characterized by a mix of open fields, regenerating fields, treed hedgerows, forested areas, wetland and floodplain. The forested area is more predominant on the west portion of the site. The wetland is classified as a permanent wetland feature (swamp) but it has not been identified as Provincially Significant. The wetland is situated on the northwestern and southwestern portions of the retained lands. There is also a small pocket of wetland in the northeast corner of the retained lot. The wetland is shaded in green on the attached map.

An unnamed watercourse that originates in the southwestern wetland flows to the south in a culvert under Althorpe Road and is connected to a large wetland complex (non PSW) to the south. Another unnamed watercourse originates on the east side of the retained lands and flows to the north to the Tay River.

Assessment**Natural Heritage**

The natural heritage features on this site are the unnamed watercourses, the wetland and forested areas as described above, most of which are on the retained lands. As noted, the lot to be severed is currently open field and regenerating field and we have not identified any natural heritage features that would otherwise preclude the severance. The Ministry of Natural Resources and Forestry may have comments with respect to species at risk.

Natural Hazards

The northern portion of the retained lot is within the 1:100 year floodplain limits of the Tay River. The 1:100 year flood elevation on this reach of the river is 156.1 m geodetic. The floodplain is defined by the blue line on the map. The lot to be severed is not affected by the Tay River floodplain.

Conclusion

The Conservation Authority has no objection to this application. We recommend that a note be included in the Committee's written notice of decision to advise the applicant that the northern portion of the retained lands are situated with the 1:100 year floodplain limits of the Tay River and is therefore subject to the "Development,

Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” (Ontario Regulation I 74/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking shoreline alterations and any form of development or site alteration anywhere within the area subject to the regulation as defined the regulation limit.

Septic Office – MRSSO

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 August 18, 2015.

The applicant proposes to sever 1 .346025 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, open agricultural field with a portion to the west of well treed land, next to Hall’s Lane. No test pits were provided.

The retained parcel is 40.116799 hectares. The property is developed with a dwelling that is serviced by a sewage system (S4002) and well. The majority of the property appears to be open agricultural field. Beyond the dwelling, towards the Tay River, the land is gently sloping with treed areas and wetland pockets. Based on CGIS and the RVCA floodplain layer a portion of the property is within the regulated area (1 5m area beyond the 1:100 flood elevation). 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. Also, the retained property still has sufficient area to replace a sewage system outside the Regulated Area. 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.

County Roads Department – Lands to be retained have an existing entrance. Permit #1686 applies. Lands to be severed have an approved entrance location. Permit # 2541 applies. Complete application to 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.

Mary Kirkham

From: David Gunthorpe <davidg@interiorlandscape.com>
Sent: September 25, 2015 1:14 PM
To: Mary Kirkham
Subject: File No: B15/090

Good afternoon,

We are in receipt of a notice relating to an application to sever a 1.34-ha parcel of land, currently part of a property at 438 Althorpe Rd.

We are actively farming property owners at 419 and 377 Althorpe Rd. and hold a combined property size of approximately 240 acres.

It seems that the property at 438 Althorpe Rd was recently purchased by the new owners and shortly thereafter an application has been made to sever this property.

It is unfortunate that our original farm lands are being divided up and small residential dwellings built practically at the roadside. Lanark County's heritage of family farms and large original deeded properties should be protected – it makes this area of the province unique and protects our special heritage – it is what brought us to the area to settle almost 25 years ago. In the past, severances from the original farm related to dividing off a small parcel of land to allow for a retiring generation from the farm to build a home while keeping the farm intact. While we understand the need for the County to continue to grow and develop we have a couple of questions relating to this application.

1. Can you please tell us the current policy, within Lanark County, relating to how many and what size lots may be severed from rural/farm zoned land? It appears that from the sketch that several severances have been previously made on this property.
2. We have a serious concern relating to road safety. Over the past several years, and with the ongoing development of properties (including additional laneway entrances) in the surrounding area, the traffic flow has greatly increased particularly through the summer vacation months, and so has the insane speed at which vehicles travel along this road. As an "Active Farming Area" including slow moving farm vehicles and livestock, how are existing residences protected from the negative affects of increased traffic volume and speed?
3. Water and septic – what is the policy for density – how can we be assured that further development will not have an adverse effect on our water well supply and drinking water safety?
4. How does this severance benefit both the existing adjacent land owners and county respectively?

Thank you in advance for your review and response of questions.

Regards,

David Gunthorpe and Tina Frayne
419 and 377 Althorpe Rd.

RECEIVED
LANARK
COUNTY

SEP 25 2015

Clerk's Department

1288 Cobden Rd.,
Ottawa, Ont.

K2C 3A3

Sept. 19, 2015

Mary Kirkham,

Re: File no. B15/090

I would like to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Thank you,

Janet Franklin

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

The applicant proposes to sever a 1.34-ha residential building lot and retain a 40.1-ha landholding with an existing dwelling and outbuildings located at 438 Althorpe Road. Several consent applications have occurred on the original lot – 4 prior to the 'lot creation date' and 1 since 1991.

The lands are located in a rural area, characterized by large landholdings, intermixed with smaller type single family residential units. The lands along the northern portion of the retained lands is floodplain abutting the Tay River.

The lands are accessed via Althorpe Road, a County maintained road.

Soils Inventory – Name: Balderson

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

Bedrock Inventory – granodiorite, granite, syenite

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of

legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Gray Ratsnake (THR)
 Eastern Meadowlark (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. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
- 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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – November 16, 2015**

Tracy Zander (ZanderPlan Inc.) agent attended the hearing and gave evidence under oath.

Ms. Zander acknowledged that concerns had been raised by the public regarding road traffic, however the County Public Works had attended the site and advised that there was a suitable entrance location in accordance with the County Road Entrance Policies.

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 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 obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

9. 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.
10. 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.
11. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
12. 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.
13. 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 Tay Valley Township, 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.
14. 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.
15. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that condition #3 through #8 (and #13 if required) has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the northern portion of the retained lands are situated with the 1:100 year floodplain limits of the Tay River and is therefore subject to the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking shoreline alterations and any form of development or site alteration anywhere within the area subject to the regulation as defined the regulation limit.*
2. *The Mississippi Rideau Septic System Office advises that an approved septic permit is required prior to the issuance of most building permits.*

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

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

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

Hearing Date: November 16, 2015

Agent: Paul Howard

LDC File #: B15/096

Municipality: Township of Drummond/N. Elmsley

Geographic Township: N. Elmsley

Lot: 5

Conc.: 6

Roll No.: 0919 908 010 27200

Consent Type: Lot Addition

Purpose and Effect: To sever a 6,300 sq.m. parcel of land as a lot addition to lands owned by Murray Duffy at 4071 Hwy 43 and to retain a 31-ha landholding with an existing residence at 4149 Hwy 43.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Farm	Residential
Proposed Use	Lot addition	Residential
Area	6,300 sq m	31 ha
Frontage	N/A	200 m
Depth	67 m	500 m
Road - Access to	N/A	Provincial Highway
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a – lot addition	0.4-ha
-Compliance?		Yes
-Frontage (minimum)		45 m
-Compliance?		Yes

Official Plan Designation: Rural, Significant Wooded Area, Salvage Yard Influence 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.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 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.2 County Roads, Section 6.3 Division of Land.

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

Zoning By-law - Section 4 General Provisions, section 7 Rural Zone.

The Township of Drummond / North Elmsley 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 -

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

Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner Larry Shannon seeks permission to sever a 6300 m² parcel of land from a larger developed lot (4149 County Road 43) and add it as a lot addition to a neighbouring lot owned by Murray Duffy. The retained lot contains a dwelling further down the road with the rear area being a mix of forest and wet lowland. The portion of the Shannon landholding that is being severed is vacant and this will be added to a roughly 0.43 acre lot that already has a dwelling (4071 County Road 43). The effect of this application is to enlarge the Duffy lot to 0.8 ha (2 acres), while the remaining Shannon property would be about 31 ha (68 acres in size). It is understood that this application is a resubmission of a 2008 lot addition application (B08/192) that was provisionally approved but lapsed. Some of the conditions of that approval, including a survey, have already been completed.

The severed, retained and enlarged parcels are all within the Rural designation according to the Township's Official Plan. While development constraints, including significant woodlands and being in a salvage yard influence area are noted, these do not directly affect the application since this lot line adjustment does not create a new lot nor enable additional development on its own. To that end, various land division policies, including numbers of severances and suitable accesses are also not applicable.

The severed, retained and enlarged lands are all zoned Rural according to the Township's Zoning By-law. The application has the effect of enlarging an existing undersized lot (0.2 ha) such that it exceeds the minimum lot size and is more consistent with other established residential lots. The application also gives the Duffy property a usable back yard and is considered good planning.

With the above in mind, the Township recommends that the Land Division Committee consider approval, subject to the inclusion of the following development conditions.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The severed lands shall be for a lot addition only to adjacent lands as identified in the Application.
- 3) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed - Approximately 630 square meter parcel of land consisting of cleared land and bush land. Viewed as a lot addition.

Retained – Approximately 31 hectares with existing house, outbuildings, drilled well and raised septic system. Property consists of bush land and some areas subject to seasonal high water table. The severance will not impact future replacement of the septic system. In the future fill will be required to construct the replacement septic system (tile bed).

(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 0.63-ha parcel of land as a lot addition to lands owned by Murray Duffy at 4871 Hwy 7 and retain a 31-ha landholding with an existing dwelling and outbuildings located at 4149 Hwy 43. This is a re-submission of application B2008/192 which was inadvertently allowed to lapse.

The subject lands are located in an area characterized by typical rural residential along Hwy 43. GIM Salvage Yard is located to the north-east and a general industrial facility is located to the east. The effect of the application is to enlarge an existing undersized lot or 0.174-ha to 0.8-ha.

The lands to be enlarged are accessed via Hwy 43, a County maintained road.

Bedrock Inventory – Dolostone, sandstone

Endangered Species

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

- Bobolink (THR)
- Gray Ratsnake (THR)

Official Plan Policies

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

2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of “general policies” also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

3 Woodlands

The area has 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 Drummond / North Elmsley and could be given favourable consideration.

(e) MINUTES – November 16, 2015

No persons attended the hearing

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Murray Duffy described as Part Lot 5 Conc. 6 Drummond, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007

defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Anthony & Jean Whieldon

Hearing Date: November 16, 2015

Agent: Michael P. Reid

LDC File #: B15/106

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19 & 20

Conc.: 10

Roll No.: 0911 916 030 25800

Consent Type: New Lot

Purpose and Effect: To sever a 2.43-ha residential building lot and retain a 4.68-ha residential lot with an existing dwelling and outbuildings at 733 Anderson Side Road. This is a resubmission of an application that was allowed to lapse.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	2.43 ha	4.68 ha
Frontage	176.35 m	284.1 m
Depth	198 m	248 m
Road - Access to	County Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 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, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 4.3 County Roads, Section 5.2.3 Consent Policies.

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

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

BACKGROUND

The proposal is to sever a 2.43 ha vacant residential lot. The retained lot is 4.68 ha with an existing dwelling and outbuildings located at 733 Anderson Side Road.

This application is a resubmission of an application from 2013 that lapsed.

DISCUSSION

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - Yes

Recommend consent for this application - Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parklands

Advisory Notes

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural- residential use is permitted .

ZONING BY-LAW

Section 10.1 Rural: Both lots meet the requirements of the Rural zone for frontage (176m proposed severed lot and 284m retained) and area (2.4ha for the proposed severed lot and 4.7 ha for the proposed retained lot).

CONSERVATION AUTHORITY

Mississippi Valley Conservation Authority (MVCA) has no objection to this application provided the following mitigative measures are adhered to for any future development on the proposed severed lands: all development, including a septic system, shall be set back a minimum of 30 metres from the seasonal high water mark of the Fall River; the shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres; natural drainage patterns on the site shall not be substantially altered to avoid additional run-off being directed into the river, or onto adjacent properties. (Comment from B13/166)

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) has no objection to the proposed lot and recommends: that a treatment unit meeting Level IV wastewater parameters be used to reduce the overall footprint of the sewage system and provide higher quality effluent; the mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems; if imported mantle is required, the sewage system should be designed to avoid disturbance in the 30m setback and a site drainage plan be developed. MRSSO clarified that the Level IV (tertiary) treatment unit is a recommendation, not a requirement. A tertiary system is recommended due to the soil being very fine silty/clay sand, which may cause a conventional system to be very large. (Comment from B 13/166)

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in- Lieu of Parklands.

Conservation Authority – Mississippi Valley Conservation Authority
October 10, 2015

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. MVCA previously submitted a review for the subject property under consent application B13/166, in a letter to the County of Lanark dated March 7, 2014. It is our understanding that the subject application is a resubmission of this application, with minor changes to the lot lines. The proposed area and water frontage remain the same as the original submission. Therefore, our comments have not changed.

March 7, 2014 – review undertaken for previous application B13/166

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 2.43 ha, with 150 m of water frontage. The retained land is already developed with an area of 4.68 ha and 248 m of water frontage.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property has frontage on the Fall River. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Sufficient area appears to exist on the severed lands to accommodate future development that complies with the current standards for development adjacent to a waterbody. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to the waterbody are not anticipated as result of the subject application.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the proposed severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the Fall River.
2. The shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.

NOTES

The property owner should be advised that in the event shoreline work is proposed along the river, written permission is required from MVCA pursuant to Ontario

Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

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 September 8, 2015

The applicant proposes to sever a parcel, approximately 2.43 hectare in area, for the purpose of creating a new lot. The proposed area to be severed is vacant pasture land, with areas of exposed rock. The land slopes up from the Fall River to Bennett Lake Road. There is a low area mid-way up the slope. No test pits were provided.

The retained parcel is approximately 4.68 hectares. The property is developed with a dwelling, barn, and small outbuildings. The dwelling is serviced by a well and a sewage system that was re-inspected in 2011(11TV049). No test Pits were provided.

The MRSSO recommends:

- The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.
- If an imported mantle is required, the sewage system should be designed to reduce the amount of disturbance in the 30m setback.
- A site drainage plan be developed

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

County Public Works

Entrance Permit required, plus the standards conditions for road widening, survey plans, etc.

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 2.43-ha residential building lot and retain a 4.68-ha residential lot with an existing dwelling, barn and small outbuildings. This is a re-submission of Consent Application B13/166, which was inadvertently allowed to lapse.

The subject lands are located in an area characterized by rural residential on larger type lots along Bennett Lake Road. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Bennett Lake Road, a County maintained road.

Bedrock Inventory – tectonites, straight gneisses

Archaeological

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

Agricultural Operations

Due to an agricultural operation being located on the retained lands and adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lot. The MDS indicated a minimum setback of 83 m from the Whieldon facility, 225m from the Lendrum facility, and 93 m from the Shannon facility, the actual distance from the Whieldon barn to the closest proposed lot line is shown by the applicant is less than the required 83 m, however sufficient area for a 1 acre building envelope outside the MDS setback is available on the westerly portion of the lot. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc. as well as a note, advising that an MDS calculation will be required prior to the building permit being issued.

Endangered Species

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

Official Plan Policies

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

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be

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

2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
- 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 Tay Valley Township and could be given favourable consideration.

(e) MINUTES – November 16, 2015

No persons attended the hearing.

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 obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
12. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
13. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and

approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

14. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or Tay Valley Township, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
15. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #15 has been fulfilled to their satisfaction.
17. A letter shall be received from Tay Valley Township stating that condition #4 through #9 (and #14, if required) has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO recommends:*
 - *The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.*
 - *If an imported mantle is required, the sewage system should be designed to reduce the amount of disturbance in the 30m setback.*
 - *A site drainage plan be developed.*
2. *The Mississippi Valley Conservation Authority advises that the following mitigative measures are to be adhered to for any future development on the proposed severed lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the Fall River.*
 - b) *The shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.*
3. *The MVCA also advise that in the event shoreline work is proposed along the river, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *Tay Valley Township advises that no development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.*

5. *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.*
6. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *The lands to be severed may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
7. *Tay Valley Township may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

Hearing Date: November 16, 2015

Applicant: Wayne & Kathie Ashby

LDC File #: B15/110 & B15/111

Agent: Tracy Zander, ZanderPlan Inc.

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19 & 20

Conc.: 10

Roll No.: 0911 916 030 26300 &

Consent Type: New Lots

0911 916 030 26400

Purpose and Effect: To sever two residential building lots (1.6-ha and 1.46-ha) and to retain a 61.87-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed B15/110	Lands to be Severed B15/111	Retained Lands
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Vacant
Area	1.60 ha	1.46 ha	61.87 ha
Frontage	152.0 m	118.5 m	347.7 m
Depth	Irregular	Irregular	Irregular
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	None
Sewage Disposal	Proposed septic	Proposed septic	None
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.405-ha	0.405-ha	0.405-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	60 m	60 m	60 m
-Compliance?	Yes	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, 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.

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 3.5 Natural Hazards, Section 3.6 Rural Policies, Section 4.4 Local Roads, Section 5.2 Land Division.

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

(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

The proposal is to sever two vacant residential lots, 3.95 ha and 3.61 ha. The retained lot is 61.87 ha of vacant land on Ennis Road. A Provincially Significant Wetland adjacent area exists on the lot proposed to be severed by B15/111

however MVCA does not require an Environmental Impact Statement at this time as Ennis Road provides a physical barrier between the PSW adjacent area and the proposed new lot and there is sufficient area on the proposed lot beyond the 120m buffer.

DISCUSSION

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law Yes

Recommend consent for this application Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$200 (for B15/110) and \$100 (for B15/111) Cash-in-Lieu of Parklands
- Sufficient lands shall be deeded to the Corporation of the Tay Valley Township along the frontage of the lot to be severed to meet the municipality's road widening requirements at no cost to the Township.

Advisory Notes

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required. If development is proposed within the 120 m setback from the PSW an EIS may be required.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural - permits residential development. Section 3.2.3.1 Agriculture requires a Minimum Distance Separation (MDS) calculation prior to severances. Section 2.19.2 Organic Soils requires development to occur outside of organic soils. There is sufficient area on the retained lands (which contain organic soils in the south of the lot) to permit development. Section 2.21.1.2 Wetlands, ANSIs and Adjacent Lands requires an Environmental Impact Statement be undertaken to determine if there will be negative impacts on the natural feature.

ZONING BY-LAW

Section 10.1 Rural. Both severed and retained lots meet the requirements for the Rural zone for frontage (approximately 152m, 118.5m for the two new lots and 347.7m for the retained) and for area (1.6 ha, 1.5 ha for the new lots and 62 ha for the retained). Section 10.3.2 MDS distances were calculated from three properties with barns and all were met.

CONSERVATION AUTHORITY

Mississippi Valley Conservation Authority (MVCA):

For B15/110

1. Future development, including a septic system shall be setback a minimum of 30m from the high water mark of the Fall River.

2. The shoreline vegetation along the Fall River shall be retained to a minimum depth of 15m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.

For the Retained land

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

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) – no objection.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, payment of \$200.00 (for B15/110) and \$100.00 (for B15/111) shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.
5. That, the applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
6. That, sufficient lands shall be dedicated to the Township of Tay Valley along the frontage of the lot to be severed to meet the Township's road widening requirements, at no cost to the township

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (2) vacant lots measuring

3.95 ac and 3.61 ac, and retain a vacant lot measuring 152.9 ac.

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows that the 120 m adjacent lands to the Bennett Lake wetland, extends across Ennis Rd. and into a significant portion of Severance 2, and the northern portion of the retained lands. This wetland has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW). In addition, a tributary of the Fall River flows through an unclassified wetland in the southern portion of the retained lands. Severance 1 has frontage on the Fall River.

REVIEW

Natural Heritage Features

PSW

The Provincial Policy Statement (PPS) requires that new development, including lot creation, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. In order to address this requirement, an Environmental Impact Statement (EIS) is generally required. However, in this particular case, it is MVCA's opinion that there is limited value in preparing an EIS for the following reasons:

- A physical barrier i.e. Ennis Rd, separates the PSW from the subject property.
- Sufficient area appears to exist on the resulting lots to accommodate new development beyond the 120 m adjacent lands to the PSW.

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

Waterbody

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement, a minimum development setback of 30 m is recommended from any waterbody and watercourse. This standard appears achievable from the Fall River on Severance 1 and from the tributary on the retained lands.

Unclassified Wetland

We understand that the aforementioned wetland on the retained land has not been evaluated; therefore, it is not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

Sufficient area appears to exist on the retained land to accommodate new development with a setback of 30 m from the unclassified wetland. Therefore, impacts to the wetland are not anticipated as a result of the subject application.

Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS & CONCLUSION

MVCA does not have any objection to the proposed severances provided the following mitigative measures are adhered to:

Severance 1

1. Future development, including a septic system shall be setback a minimum of 30 m from the High Water Mark of the Fall River.
2. The shoreline vegetation along the Fall River shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.

Retained

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

NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work, including development or re-grading activities, on the shoreline of the Fall River on Severance 1, or the shoreline of the tributary on the retained lands. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands and Severance 2.

Septic Office – Mississippi Rideau Septic System Office

B15/110

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 September 8, 2015

The applicant proposes to sever a parcel, 1.59678 hectare in area, for the purpose of creating a new lot. The proposed area is open field, with areas of exposed rock and a tree line along the proposed eastern boundary. The northern property

boundary is along of the Fall River. The land is generally flat but well elevated above the Fall River. There is an existing barn and outbuilding. No test pits were provided.

The retained parcel is 63.3323 hectares. The property is vacant, with the majority of the property being well treed with a wetland watercourse near the south east property boundary. No test Pits were provided.

The MRSSO recommends:

- The mantle area of the sewage system should be protected from compaction and remain vegetated with native grasses and shrub species that are known to have confined root systems.
- If an imported mantle is required,
- The mantle shall be re-vegetated with native grasses and shrub species that are known to have confined root systems.
- the sewage system should be designed to ensure the mantle will be outside the 30m setback from the Fall River

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

B15/111

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 September 8, 2015

The applicant proposes to sever a parcel, 1.45961 hectare in area, for the purpose of creating a new lot. The proposed area to be severed is rolling open field and has a tree line along the proposed eastern boundary, No test pits were provided,

The retained parcel is 63.3323 hectares, The property is vacant, with the majority of the property being well treed and with a wetland watercourse near the south east property boundary, No test Pits were provided,

The MRSSO recommends:

- The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies, 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

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 severances.

(c) PUBLIC INPUT

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

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

The applicant proposes to sever two residential building lots – 1.59-ha and 1.45-ha and retain a 61.87-ha vacant landholding.

The subject lands are located in an area characterized by rural residential development on a mixture of land sizes along Ennis Road.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – flows, tuffs, breccias

Endangered Species

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

Archaeological

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

Official Plan Policies

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

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

2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
- 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 Tay Valley Township and could be given favourable consideration.

(e) MINUTES – November 16, 2015

Tracy Zander (ZanderPlan Inc.) agent, Shirley Ashby, owner and Kathie Ashby, applicant, attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

of the Planning Act.

B15/110

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 \$200.00 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. The applicant shall provide to Tay Valley Township, confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title. The applicant shall consult directly with Tay Valley Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. A letter shall be received from Tay Valley Township stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 m from the High Water Mark of the Fall River.*
 - b) *The shoreline vegetation along the Fall River shall be retained to a minimum depth of 15 m.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.*
2. *The MVCA also advises that for the retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 m from the tributary and unclassified wetland.*
 - b) *The shoreline vegetation surrounding the wetland and tributary shall be retained to a minimum depth of 15 m.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, tributary or onto adjacent properties.*
 - d) *Future development shall be directed away from wetland areas consisting of organic soils.*
 - e) *The wetland shall remain undisturbed.*
3. *In addition the MVCA advise that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work, including development or re-grading activities, on the shoreline of the Fall River.*
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 applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *The Mississippi Rideau Septic System Offic recommends:*
 - a) *The mantle area of the sewage system should be protected from compaction and remain vegetated with native grasses and shrub species that are known to have confined root systems.*
 - b) *If an imported mantle is required,*
 - c) *The mantle shall be re-vegetated with native grasses and shrub species that are known to have confined root systems.*
 - d) *the sewage system should be designed to ensure the mantle will be outside the 30m setback from the Fall River*
7. *The MRSSO also advise that an approved septic permit is required prior to the issuance of most building permits.*
8. *The County of Lanark advises that, prior to the issuance of a building permit,*

Development Charges must be paid in full.

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

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

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

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

B15/111

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. The applicant shall provide to Tay Valley Township, confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title. The applicant shall consult directly with Tay Valley Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. A letter shall be received from Tay Valley Township stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that for the retained lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 m from the tributary and unclassified wetland.*
 - b) *The shoreline vegetation surrounding the wetland and tributary shall be retained to a minimum depth of 15 m.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, tributary or onto adjacent properties.*
 - d) *Future development shall be directed away from wetland areas consisting of organic soils.*
 - e) *The wetland shall remain undisturbed.*
2. *In addition the MVCA advise that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands and the severed lands.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
5. *The Mississippi Rideau Septic System Office recommends:*
 - *The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.*
6. *The MRSSO advises that an approved septic permit is required prior to the issuance of most building permits.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: Doug Whitney, Corey Whitney
& Jessica Whitney

Hearing Date: November 16, 2015

Agent: Doug Whitney

LDC File #: B15/114

Municipality: Town of Carleton Place

Geographic Township: N/A

Lot: 39, 40 &
41

Plan.: 825

Roll No.: 0928 020 030 02500

Consent Type: New Lot

Purpose and Effect: To sever a 460 sq.m. residential building lot and retain a 1,013.7 sq.m. residential lot with an existing dwelling located at 104 Franklin St.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	460 sq. m	1,013.7 sq. m
Frontage	12 m	26.4 m
Depth	38.4 m	38.4 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Public System	Public System
Sewage Disposal	Public System	Public System
Development Permit By-law Category	Residential District	Residential District
-Area (minimum)	Lot Coverage 60%	Lot Coverage 60%
-Compliance?		
-Frontage (minimum)	10.6m	10.6m
-Compliance?	Yes	Yes

Official Plan Designation: Mississippi Residential Sector

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

Local Official Plan – Section 3.1 Mississippi District, Section 3.5 Residential District, section 4.1 Green Infrastructure, Section 4.3.3.4 Local Streets, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.
The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

Development Permit By-law - Section 3 General Provisions, section 4.3 Mississippi Residential District and Section 6 Residential District.
The Town of Carleton Place advises that the proposal complies with the Development Permit By-law regulations.

(b) AGENCY REVIEW

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

Town Planner's Report -

This consent application is to sever a 460.85 m² residential lot, leaving a 1013.76 portion of retained residential property. The purpose of this severance is to create a new residential lot.

The Provincial Policy Statement, 2014 (PPS) provides direction on matters of

provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the province depends upon a “strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy.” The policy statement directs development to settlement areas and protects resources throughout the province.

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

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

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

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designated the property as residential (R). The severance will allow for the creation of a new residential building lot within the Town of Carleton Place. Both the retained and severed lot will meet the minimum frontage required under the Development Permit By-Law.

COMMENT

The proposal, if approved, will allow for the creation of an infill residential lot. The lots are appropriately designated in both the Official Plan and in the Development Permit Bylaw.

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

1. The balance of outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. That a deposited reference plan be submitted to the Town of Carleton Place.
5. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The building location survey shall also include confirmation for both severance and retained lands that there is:
 - Adequate frontage along the maintained road;
 - Adequate access along the maintained road; and
 - Compliance with the Ontario Building Code
6. That a cash-in-lieu of parkland payment be collected.
7. There is currently a moratorium on road cut on Franklin Street as is was constructed in 2014. The Town’s current policy is that there are 2 years before any excavation permits can be issued on a recently paved street. Services will be unable to be installed until the two year period has passed.
8. Town of Carleton Place Public Works notes that there are some constrains with

servicing, They note that the sanitary sewer is shallow and a pump may be required.

9. A backflow preventer is required to be installed on the sanitary connection.

(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 460.8 sq.m. residential building lot and retain a 1,013.76 sq.m. residential lot with an existing dwelling location at 104 Franklin Street.

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

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

Official Plan Policies

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

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

2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason, which do not result in the creation of a new lot.

- 3 Woodlands

The Town of Carleton Place utilizes a "Tree Preservation Plan" system.

Development Permit

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the

proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – November 16, 2015

No persons attended the hearing.

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 Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
5. That a deposited reference plan be submitted to the Town of Carleton Place.
6. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The building location survey shall also include confirmation for both severance and retained lands that there is:
 - Adequate frontage along the maintained road; and
 - Adequate access along the maintained road.
7. The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
8. Payment shall be made to the Town of Carleton Place 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 enter into a development agreement with the Town of Carleton Place to be registered on title of the severed/vacant lot to address the following:
 - a) There is currently a moratorium on road cut on Franklin Street as is was constructed in 2014. The Town's current policy is that there are 2 years before any excavation permits can be issued on a recently paved street. Services will be unable to be installed until the two-year period has passed.
 - b) The Town of Carleton Place Public Works notes that there are some constrains with servicing, They note that the sanitary sewer is shallow and a pump may be required.
 - c) A backflow preventer is required to be installed on the sanitary connection.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Carleton Place 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.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Scott & Niara Dunlop

Hearing Date: November 16, 2015

Agent: Scott Dunlop

LDC File #: B15/120

Municipality: Town of Carleton Place

Geographic Township: N/A

Lot: 66 & 62

Plan: 1864

Roll No.: 0928 030 065 11100

Consent Type: New Lot

Purpose and Effect: To sever a 395.3 sq.m. residential building lot and retain a 523 sq.m. residential lot at 109 Sarah Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	395.3 sq. m.	395.3 sq. m.
Frontage	11.58 m	11.58 m
Depth	34.14 m	34.14 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Public System	Public System
Sewage Disposal	Public System	Public System
Development Permit By-law Category	Residential District	Residential District
-Area (minimum)	Lot Coverage 60%	Lot Coverage 60%
-Compliance?		
-Frontage (minimum)	10.6m	10.6m
-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 3.5 Residential District, Section 4.1 Green Infrastructure, Section 4.3.3.4 Local Streets, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.

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

Development Permit By-law - Section 3 General Provisions, Section 6 Residential District, Section 14 Built Form Design Criteria.

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

(b) AGENCY REVIEW

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

Town Planner's Report -

SUMMARY

A consent application has been received for the property known municipally as 109 Sarah Street. The subject lands are legally described as registered plan 1864 Lot 66 and Part Lot 62.

The consent application is to sever a 395.3 square metre vacant lot leaving a 523.8 square metre lot. Both the proposed retained and severed lots are Residential in the Town of Carleton Place Official Plan and Development Permit By-law.

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

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

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

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

Both the retained and severed lot meet the required setbacks of the Development Permit By-law.

COMMENT

The proposal, if approved will allow for the creation of a residential building. The lots are appropriately designated in both the Official Plan and Development Permit By-law.

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

- 1) The balance of outstanding taxes, including penalties and interest, (and any local improvement charges if applicable) shall be paid to the Town of Carleton Place.
- 2) The applicant shall provide the Town of Carleton Place with a digital copy of reference plan in NAD83 datum.
- 3) The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
- 4) That a deposited reference plan be submitted to the Town of Carleton Place.
- 5) That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is;
 - Adequate frontage along the maintained roads;
 - Adequate access along the maintained roads; and
 - Compliance with the Ontario Building Code
- 6) That the accessory structures on the proposed severed lot be demolished.
- 7) The new lot and any structures to be built on it will not be permitted any variations to the provisions in the Development Permit By-law of the Town of Carleton Place unless a separate Development Permit application is submitted and approved.
- 8) That a Cash in lieu of parkland payment be made to the Town of Carleton Place.

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 395.4 sq.m. parcel of land and retain a 523.8 sq.m. residential lot with an existing dwelling and garage.

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

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

Official Plan Policies

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

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

2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason, which do not result in the creation of a new lot.
- 3 Woodlands
The Town of Carleton Place utilizes a "Tree Preservation Plan" system.

Development Permit

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

Conclusion

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

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

(e) MINUTES – November 16, 2015

Scott Dunlop, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
5. That a deposited reference plan be submitted to the Town of Carleton Place.
6. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The building location survey shall also include confirmation for both severance and retained lands that there is:
 - Adequate frontage along the maintained road; and
 - Adequate access along the maintained road.
7. The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.

8. Payment shall be made to the Town of Carleton Place 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. That the accessory structures located on the lot to be severed be demolished or removed, in accordance with the Town's Building Permit By-law. The applicant shall consult directly with the Town of Carleton Place in this regard and obtain all necessary permits for demolition or removal.
10. The applicant shall acknowledge that any structures to be built on the lot to be severed shall comply with the Town of Carleton Place's Development Permit By-law. Any variations to the provisions in the Development Permit By-law will require a separate Development Permit application to be submitted and approved.
11. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
12. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
13. A letter shall be received from the Town of Carleton Place stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Carleton Place 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.*