



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, December 20, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Members Absent: C. Tyson

Staff Present: M. Kirkham, Secretary-Treasurer

Others Present: Wayne Guthrie, newly appointed LDC Member for 2011 to 2014

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

Chairman Strachan announced with great sadness, the passing of Committee member Chris Tyson. Mr. Tyson provided the committee with knowledge and understanding and contributed to the community in many different ways.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2010-037

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

“THAT, the minutes of the Land Division Committee meeting held on November 19, 2010 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-038

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

“**THAT**, the agenda be adopted as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None

6. COMMUNICATIONS

None

7. REPORTS

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

- 7.1 B10/132 and B10/133 – Gerald & Anne Tokaruk** – two new lots
Pt Lot 8 Conc. 6, Township of Beckwith (6th Line Beckwith)
- 7.2 B10/135 – Thomas & Cheryl Dunlop** - new lot
Pt Lot 11 Conc. 8, geographic Township of Dalhousie, now in the
Township of Lanark Highlands (9th Conc. B Dal)
- 7.3 B10/136 – Nelson Blaskie & Nancy Thompson** - new lot
Pt Lot 20 Conc. 8, geographic Township of Lanark, now in the Township of
Lanark Highlands. (8th Conc. Lanark)
- 7.4 B10/140 & B10/141 – Rob & Deborah Campbell** – new lot and lot
addition Pt Lot 3 Conc. 2 Township of Beckwith (Trillium Road).
- 7.5 B10/145 & B10/146 – Gordon and Marie Ennis** – new lot & lot addition
Pt Lot 8/9 Conc. 11, geographic Township of Bathurst, now in Tay Valley
Township (Bennett Lake Road).
- 7.6 B10/147 – Luc Raymond** – new lot
Pt Lot 13 Conc. 5, geographic Township of Dalhousie, now in the
Township of Lanark Highlands. (Parsons Way)

7.7 B10/148, B10/149 & B10/150 – Harold & Gail Code – three new lots
Pt Lot 17 Conc. 3, geographic Township of Drummond, now in the
Township of Drummond / North Elmsley. (Tennyson Road).

7.8 B10/156 – Thomas Gardiner – lot addition
Pt Lot 4 Conc. 9, Township of Beckwith. (Morning Dove Lane).

Applications Previously Heard and Awaiting a Decision

7.9 B10/090 – Arthur D Price - new lot
Pt Lot 4 Conc. 5, geographic Township of Dalhousie, now in Township of
Lanark Highlands (River Drive).

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 The Committee expressed concerns regarding agency comments received from the Mississippi Valley Conservation and the need for clarification as to whether the development conditions and comments apply to the retained lands or the severed lands.
The secretary was instructed to write MVC requesting them to be specific as to the lands that the development issues pertain to.

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/132 and B10/133 – Gerald & Anne Tokaruk – two new lots

10.1.2 B10/135 – Thomas & Cheryl Dunlop - new lot

10.1.3 B10/136 – Nelson Blaskie & Nancy Thompson - new lot

10.1.4 B10/140 & B10/141 – Rob & Deborah Campbell – new lot and lot
addition

10.1.5 B10/145 & B10/146 – Gordon and Marie Ennis – new lot & lot addition

10.1.6 B10/147 – Luc Raymond – new lot

10.1.7 B10/148, B10/149 & B10/150 – Harold & Gail Code – three new lots

10.1.8 B10/156 – Thomas Gardiner – lot addition

10.1.9 B10/090 – Arthur D Price - new lot

11. UPCOMING MEETINGS

Monday, January 24, 2011;
Monday February 28, 2011;
Monday, March 28, 2011; and
Monday, April 18, 2011.

12. ADJOURNMENT – 11:30 a.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gerald John Tokaruk & Margaret Anne Tokaruk **Hearing Date:** December 20, 2010

Agent: Gerald John Tokaruk

LDC File #: B10/132 & B10/133

Municipality: Township of Beckwith

Geographic Township:

Lot: 8 Concession: 6

Roll No. 0924 000 020 02100

Consent Type: New Lots

Purpose and Effect:

B10/132: To sever a 0.4-ha residential building lot;

B10/133: To sever a 0.4-ha residential building lot and retain a 39.6-ha landholding with an existing dwelling and outbuildings. The lands to be severed are accessed via 6th Line Beckwith.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/132	B10/133	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area	0.4 ha	0.4 ha	39.6 ha
Frontage	50 m	50 m	200 m
Depth	80 m	80 m	1300 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural with Deer Yard Overlay Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.
3. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

We wish to advise the committee that this application contains no matters that affect the Conservation Authority mandate or interests. We note for the information of the applicant that there is an unevaluated wetland on the retained lands, however the boundaries of the proposed severed parcels do not coincide with the mapped wetland areas.

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

Severed B10/132 – 30 cm of sandy loam on rock. Poor Drainage. Lot is mostly bush with a cleaned trail. No obvious slope. Additional sandy loam fill will be required to construct an on-site sewage system.

Severed B10/133 - 25 cm of sandy loam on rock. Poor Drainage. Lot slopes to the east. Mostly bush with a cleared trail. Additional sandy loam fill will be required to construct an on-site sewage system.

Retained – Large lot with some swamp, pasture, bush. Home is served by a Class 4 system and well. Severance will not affect the existing system or area for a replacement system.

Hydro One Networks – HONI advises that they have no comments or concerns pertaining to the applications.

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

(c) PLANNING REVIEW

The applicant proposes to sever two (2) residential building lots, each containing 0.4-ha and retain a 39-ha landholding with an existing dwelling and vacant barns located at 1731 Beckwith 7th Line. The severed lands will gain access via the 6th Line Beckwith and the retained lands gain access via the 7th Line Beckwith.

The subject lands are located in an area characterized by Residential on varying sizes of lots along the 6th Line Beckwith.

The lands are accessed via the 6th Line Beckwith, a municipally maintained road.

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

The proposed lots are however, located within a designated "Wintering Area" (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

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

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) **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.

(e) **MINUTES – December 20, 2010**

Gerald Tokaruk, agent, attended the hearing and gave evidence under oath.

The committee reviewed the staff report. No further information was provided.

(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.

CONDITIONS:

B10/132

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
3. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
5. A letter shall be received from the Township of Beckwith stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES

1. *Future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *Landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The applicant is advised that an unevaluated wetland is located on the retained lands. Any proposed works in or near the wetland should be reviewed by RVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*

B10/133

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
3. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
5. A letter shall be received from the Township of Beckwith stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES

1. *Future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*

2. *Landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The applicant is advised that an unevaluated wetland is located on the retained lands. Any proposed works in or near the wetland should be reviewed by RVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
7. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Reid Dunlop & Cheryl June Dunlop **Hearing Date:** December 20, 2010

Agent: Thomas Dunlop

LDC File #: B10/135

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 11 **Concession:** 8

Roll No. 0940 003 030 05100

Consent Type: New Lot

Purpose and Effect: To sever a 1.175-ha residential building lot and retain 24.33-ha landholding with an existing dwelling (1108 - 9th Conc. B Dal.) and Golf Course. The lands to be severed are accessed via 9th Conc. B Dalhousie.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential & Golf Course
Proposed Use	Residential	Residential & Golf Course
Area	1.175 ha	24.33 ha
Frontage	135.66 m	295 m
Depth	94.21 m	400 m
Road - Access to	Municipal Road	Municipal Road & County Road
Water Supply	Proposed	Private well
Sewage Disposal	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural with Deer Yard Overlay Yes	
Zoning Category	Rural (per Zoning Amendment ZA09-005)	Commercial Recreational
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on a property with frontage on 9th Concession and across the roadway from Dalhousie Lake. The holding is legally described as Part Lot 11, 9th Concession B, Geographic Township of Dalhousie, now in the Township of Lanark Highlands, County of Lanark and more commonly referred to as 1108 9 Concession B Dalhousie.

The applicant wishes to create a new lot. The proposed retained lands will have 295 metres of frontage on County Road 8 and an area of approximately 24.3 hectares. The proposed severed lands will have an area of approximately 1.175 hectares and frontage of 94.21 metres. The proposed retained lands are currently part of the Golf Course and adjacent land uses also include the Sylvania Lodge, restaurant and a residential dwelling. The lands are serviced via private well and septic systems. The proposed severed lands are presently vacant, residential uses are anticipated in the future.

The properties are designated Rural, 'RU' on Schedule 'A2' of the Township of Lanark Highlands Official Plan and zoned Rural, 'RU' on Schedule 'A2' of the Township of Lanark

Highlands Zoning By-law. It should be noted that these lands were previously subject to a severance and a zoning by-law amendment in late 2009. At that time the existing dwelling was severed from the commercial golf course operation and the lot was zoned rural to reflect long term usage of the property.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

Section 1.1 of the Provincial Policy promotes healthy, liveable and safe communities by directing planning authorities to consider a variety of land uses that include residential and recreational opportunities.

At present the lands are serviced via private well and septic. There is sufficient area on the lands to support the continued operation of the private services on the retained lands. There appears to be sufficient area on the proposed severed lot to support private services. Prior to any specific development and construction the applicant will be required to obtain a permit for servicing from the Health Unit.

Section 1.6.5, Transportation Systems, outlines that planning authorities provide for efficient movement of people, will address future needs and will not result in unplanned expansions. Current infrastructure is adequate for the proposal.

The property is on the opposite side of the 9th Concession from Dalhousie Lake and is of sufficient area to manage storm water runoff in a manner which would not adversely affect the lake.

OFFICIAL PLAN

The lands are designated Rural. The proposal is for the creation of a new lot to allow for the construction of a new residential dwelling. This is an expected land use in the rural area.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposed new lot will have sufficient area to provide for access, snow removal and private water and sewage services. There are no identified natural heritage features on the lands or on the abutting lands. The proposed retained lot is of sufficient size and area to accommodate existing uses.

Section 3.6, Rural Area, considers that development will consist of lower density residential uses along with recreational orientated land uses including golf and water

based activities. This proposal complies with that directive of the Official Plan. The applicant is providing sufficient area to meet the policies of the official plan and addresses environmental principles outlined within the document.

ZONING

The lands are zoned Rural. The proposed lot can meet the performance standards of the rural zone.

DISCUSSION

The proposal will, if approved, result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy and is appropriately zoned.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
5. That the applicant pay any outstanding fees to the Township prior to final approval.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever a vacant 1.175-ha parcel of land and retain a developed 60.13-ac parcel of land.

A review of available mapping shows an unnamed tributary of Dalhousie Lake travelling through the proposed retained lands and approximately 40 metres from the proposed severed lands (measured using site plan provided with the application). The presence of this watercourse was confirmed during a site visit conducted by MVC Staff on November 10, 2010. No other natural heritage features or natural hazards were identified.

The resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highland's Zoning By-law and sufficient area appears to exist to locate future development on the proposed severed lands in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject application.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – Silty loam soil of varying depth over bedrock. Ridge in the middle of the lot, sloping significantly on either side. Depending on the exact location of a proposed on-site sewage disposal system, imported leaching bed fill may be required to construct a raised system.

Retained – Large lot with silty loam soils at various depths over rock. Golf course and residence on retained portion. Severing this portion will not affect existing sewage disposal system or capacity to add a replacement.

Hydro One Networks – HONI advises that an unregistered easement is located on the property. This easement transfers from one owner to the next.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.175-ha residential building lot and retained a 24-ha landholding with an existing residential dwelling, golf course and various outbuildings. The lands to be severed were rezoned by By-law No. 2009-1009 from Commercial Recreational to Rural, all other sections of By-law No. 2003-451 apply.

The subject lands are located in an area characterized by Residential, Commercial and Seasonal Development on a variety of lot sizes along Conc. 9B Dalhousie and Watson's Corners Road. A Restaurant and Tent /Trailer Park are located south of the lands.

The lands are accessed via Conc. 9B Dalhousie, a municipally maintained road. The retained lands also access the Watson's Corners Road (County Road #8), no changes to the entrance from the County Road is proposed.

The lands are within 300 m of a Primary Water Source (Mississippi River and Dalhousie Lake) therefore are subject to possible "Archaeological Potential".

A "State of the Lake Environment Report" was undertaken on Dalhousie Lake in 2001 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2006 and 2001, to results obtained some 26 years earlier. In general the water quality in Dalhousie Lake is good. Chlorophyll a testing indicated that the Lake has a moderate algae density. 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.

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

The proposed lots are however, located within a designated "Wintering Area" (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

Soils Inventory – Name: Tweed

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

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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) 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.

(e) MINUTES – December 20, 2010

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. 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.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of a proposed on-site sewage disposal system, imported leaching bed fill may be required to construct a raised system.*

2. *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. *Residents and users of Dalhousie Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
4. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
5. *The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
6. *In addition, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
7. *HONI advises that an unregistered easement is located on the property. This easement transfers from one owner to the next.*
8. *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.*
9. *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.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Nelson Blaskie & Nancy Thompson **Hearing Date:** December 20, 2010
Agent: ZanderPlan Inc.
LDC File #: B10/136
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 20 **Concession:** 8
Roll No. 0934 015 217 0000 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.0-ha residential building lot and retain a 28-ha landholding with an existing dwelling. The lands are accessed via 8th Conc. Lanark.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.0 ha	28.0 ha
Frontage	84 m	338 m
Depth	120 m	irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed Septic	Private Septic
Official Plan Designation	Rural, Organic Soils with Deer Yard Overlay	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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.

Official Plan – Section 3 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features (Deer Yards), Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.
The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark the 8th Concession. The property is legally described as part Lot 20 Concession 8, former Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 2820 8th concession.

The applicant wishes to sever approximately 1 ha of land with 84 metres of road frontage and a depth of 120 metres. The remnant parcel will have an area of 28 hectares, road frontage of 338 metres.

The proposed severed lot is vacant at present, residential uses are proposed. There is a residential dwelling constructed on the proposed retained lot, no changes are anticipated.

The property is designated as Rural on Schedule A 4 of the Township's Official Plan and zoned Rural on Schedule A 4 by Zoning By-law 2003-451.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.6 of the PPS outlines policies with respect to servicing. The current residence is serviced privately. The Health Unit will require a permit for any new servicing associated with the proposed residence prior to construction.

Access is provided via a Township road, no new municipal infrastructure is required by means of this application.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

ZONING

The lands are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law. Confirmation by means of survey that the existing residence meets the zoning setbacks will need to be undertaken prior to finalization of the severance. New construction will be required to meet the setbacks of the Rural zone.

DISCUSSION

The application as submitted is consistent with the PPS, Official Plan policies and appears to comply with zoning. Setbacks will be confirmed by the submission of a Building Location Survey or certificate from a Ontario Land Surveyor.

The submission of this application pre-dates the adoption of the new Official Plan. As such this application has been elevated solely under the policies of the 2003 Official Plan.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant submit the 5% cash-in-lieu of parkland dedication fee to the Township.

Conservation Authority – Mississippi Valley Conservation

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

It is our understanding that the purpose of the subject application is to sever a vacant 1.0-ha building lot and to retain a 28-ha landholding with an existing dwelling.

As revealed by a review of available GIS mapping, the subject lands are located entirely within an area identified by the Ministry of Natural Resources as a significant deer wintering area. In addition, MVC observed wetland/lowland on a portion of the proposed retained lands, likely comprised of organic soils. A small reach of an unnamed watercourse also travels through a portion of the retained lands.

The Provincial Policy Statement (PPS) states that development and site alterations may be permitted in significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. In order to address this policy, MVC provided the landowners with a simplified Environmental Impact Statement (EIS) form and requested its completion. Upon receipt of the completed form, MVC's Biologist conducted a review with the following recommendations for any new development on the subject lands:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the watercourse and unclassified wetland or

- beyond the waterbody setback specified in the Zoning By-law at the time of new development.
- 2. Wetland shall remain undisturbed.
- 3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the watercourse, wetland or onto adjacent properties.
- 4. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation along the watercourse and surrounding the wetland shall be retained to a minimum depth of 15 metres.
- 5. Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- 6. Removal of vegetation shall not occur between May 15th and July 15th to protect breeding birds.
- 7. If any species at risk is observed during construction, the Ministry of Natural Resources shall be contacted immediately.
- 8. Use of invasive non-native plant material shall be discouraged.
- 9. Use Best Management Practices (BMP's) for low impact construction is recommended.
- 10. Pet dogs shall be controlled and not allowed to disturb or harass deer.

MVC does not have any objection to the subject severance provided the recommendations outlined above are adhered to and implemented as part of a Development Agreement.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources for 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.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – Sandy loam soil with varying depth. Some visible rock outcrops. Bush lot. No visible standing water or signs of poor drainage. Depending on the exact location of a proposed sewage system, imported leaching bed fill may be required to construct the system.

Retained – Large retained lot with similar soil conditions. Ample room for a replacement system if required. Adequate space retained to install a replacement system if needed.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.0-ha residential building lot and retain a 28-ha landholding with an existing residential dwelling.

The subject lands are located in an area characterized by large Residential landholdings with intermittent smaller type lots along Galbraith Road and 8th Con C Lanark.

The severed lands are accessed via 8th Conc. C Lanark and the retained lands access both the 8th Conc. C Lanark and Galbraith Road.

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

The proposed lots are however, located within a designated "Wintering Area" (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

Soils Inventory – Name: Tweed

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

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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) 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.

(e) MINUTES – December 20, 2010

Nelson Blaskie and Nancy Thompson, owners, attended the hearing and gave evidence under oath.

The committee reviewed the staff report. The chair questioned if the wetland area extended onto the lands to be severed, which Mr. Blaskie advised did not. The Chair advised that as this is the case the Development Agreement required by the CA should only contain those items that pertain to the severed lands.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. 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.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. 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 dated November 24, 2010, pertaining to the severed lands only, 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.

9. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of a proposed sewage system, imported leaching bed fill may be required to construct the system.*
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 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.*
4. *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.*
5. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Rob Campbell & Deborah Campbell **Hearing Date:** December 20, 2010
Agent: N/A
LDC File #: B10/140 & B10/141
Municipality: Township of Beckwith
Geographic Township: **Lot:** 1 & 2 **Plan:** 27M-18
Roll No. 0924 000 010 00800 **Consent Type:** New Lots

Purpose and Effect:

B10/140 - To sever a 0.3-ha residential building lot and retain a 0.6-ha lot with an existing dwelling and outbuildings;

B10/141 - To sever a 0.3-ha parcel of land as a lot addition to the lands being created through Application B10/140, and retain a 0.7-ha residential building.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/140	B10/141	
Existing Use	Vacant	Vacant	Residential
Proposed Use	Residential	Vacant	Residential
Area	0.3 ha	0.3 ha	0.7 ha
Frontage	51.2 m	50.78 m	61.95 m
Depth	62.94 m	63.11 m	113.4 m
Road - Access to	Municipal Road	Municipal Road	County Road
Water Supply	Proposed	None	Private Well
Sewage Disposal	Proposed	None	Private Septic
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category	Residential		Residential
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 4 General Development Policies, Section 5 Community Development Areas, Section 7.3 Local Roads.

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

Zoning By-law - Section 3 General Provisions, Section 5 Residential Zone.

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

(b) AGENCY REVIEW

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a copy of the registered reference plan be provided to the Township of Beckwith.
3. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
4. That the applicant provides an undertaking, to the satisfaction of the Township, stipulating that the severed lots shall be developed with the same covenants as in Ford Subdivision Plan No. 27M18.

Conservation Authority – Rideau Valley Conservation Authority

We wish to advise the committee that this application contains no matters that affect the Conservation Authority mandate or interests as there are no natural hazard or natural heritage issues precluding the approval of this application. However, the information below has been provided to the Township of Beckwith for their consideration and for them to provide the committee with appropriate recommendations.

This lot is within a plan of subdivision (09T-02001). The hydrogeology report prepared to support the subdivision indicates:

The nitrate calculations were based on the proposed lot sizes and number of lots, so there is no minimum lot size or max. number of lots suggested to consider future severances. Thus, it would be advisable to have the report reviewed by a qualified professional and the calculations prepared to make sure additional lots can be

accommodated without exceeding the nitrate concentrations as per provincial standards (10 mg/L at the property line).

The report also makes suggestions relating to the location of wells up-gradient of septic systems and the design of the septic systems due to the shallow bedrock. Furthermore, the existing well on tile property should be located, to ensure that the new septic system will fit down gradient and at an appropriate setback distance as per the report recommendations.

We would also suggest that it would be appropriate to put a development agreement of the lot to reflect the same information as the subdivision agreements which apply to the existing lots.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B10/140 – 0.25 metres of sandy loam on rock. Poor drainage. Standing water on lot. No Slope. Imported leaching bed fill will likely be required for construction of a raised system on the new lot.

Severed – B10/141 – 0.25 metres of sandy soil on rock. Poor drainage. Imported leaching bed fill will likely be required to construct a raised system. Imported leaching bed fill will likely be required for construction of a raised system.

Retained – 0.25 metres sandy soil on rock. Flat, cleared lot with no buildings. Severance will not have a significant impact on the retained lot with respect to installing an on-site sewage disposal system.

Hydro One Networks – HONI advises that there is an existing Hydro Easement on the parcel of land.

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

(c) PLANNING REVIEW

The applicant proposes to sever the rear portions of Lot 1 and Lot 2 Subdivision Plan 27M-18 to create a new residential lot fronting on Trillium Road. .

The subject lands are located in an area characterized by Residential on typical urban type lots on a Plan of Subdivision within the settlement area of Gilies Corners.

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

The Provincial Policy Statements encourages growth within designated settlement areas and promote intensification where this can be accommodated. The lands to be severed and the retained lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

The proposed lot will be required to comply with the existing subdivision requirements, including registration of the subdivision agreement on title.

Soils Inventory – n/a

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) 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.

(e) MINUTES – December 20, 2010

Rob Campbell, owner, attended the hearing and gave evidence under oath.

The committee reviewed the staff report. Mr. Campbell advised that water quantity in the area is excellent.

(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.

CONDITIONS:

B10/140

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 deed of land required by condition #1 above shall recognize any easements that currently exist.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.

5. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. That the applicant provide an undertaking, to the satisfaction of the Township of Beckwith, stipulating that the severed lots shall be developed with the same covenants as in Ford Subdivision Plan No. 27M-18.
7. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional to ensure that the calculations contained therein can support additional lot development without exceeding the nitrate concentrations as per provincial standards (10 mg/L at the property line). And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
8. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional relating to the location of wells up-gradient of septic systems and the design of the septic systems due to the shallow bedrock. Furthermore, the existing well on tile property should be located, to ensure that the new septic system will fit down gradient and at an appropriate setback distance as per the report recommendations. And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
9. The Township of Beckwith shall be satisfied that the review of the hydrogeological report required under Conditions #7 and #8 supports additional development within the Ford Subdivision.
10. A letter shall be received from the Township of Beckwith stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will likely be required for construction of a raised system on the new lot.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

B10/141

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 deed of land required by condition #1 above shall recognize any easements that currently exist.

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.”
5. That the applicant provide an undertaking, to the satisfaction of the Township of Beckwith, stipulating that the severed lots shall be developed with the same covenants as in Ford Subdivision Plan No. 27M-18.
6. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional to ensure that the calculations contained therein can support additional lot development without exceeding the nitrate concentrations as per provincial standards (10 mg/L at the property line). And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
7. The applicant shall have the hydrogeology report, which was prepared for the Ford Subdivision Plan 27M-18, reviewed by a qualified professional relating to the location of wells up-gradient of septic systems and the design of the septic systems due to the shallow bedrock. Furthermore, the existing well on tile property should be located, to ensure that the new septic system will fit down gradient and at an appropriate setback distance as per the report recommendations. And that a copy of this report be submitted to the County of Lanark Land Division Committee and the Township of Beckwith.
8. The Township of Beckwith shall be satisfied that the review of the hydrogeological report required under Conditions #6 and #7 supports additional development within the Ford Subdivision.
9. A letter shall be received from the Township of Beckwith stating that condition #3 through #8 has been fulfilled to their satisfaction.
10. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition: “The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert Malcolm Campbell and Deborah Lynne Campbell, described as Part of Lots 1 and 2 Registered Plan 27M-18, Township of Beckwith and being created through Consent Application B10/140, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will likely be required for construction of a raised system on the new lot.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James Gordon Ennis & Marie Genevieve Ennis **Hearing Date:** December 20, 2010

Agent: ZanderPlan Inc

LDC File #: B10/145 & B10/146

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 8 & 9 **Concession:** 11

Roll No. 0911 916 030 34000

Consent Type: Lot Addition and New Lot

Purpose and Effect:

B10/145: To sever a 2.7-ha parcel of land as a lot addition to lands owned by Keith Erwin;

B10/146: To sever a 13.31-ha vacant landholding and to retain an 8.04-ha residential lot (1551 Bennett Lake Road). The lands to be severed are accessed via Bennett Lake Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/145	B10/146	
Existing Use Proposed Use	Vacant Unknown	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	2.7 ha 67.9 m 236.4 m County Road	13.31 ha 60.0 m irregular County Road	8.04 ha 62.7 m irregular County Road
Water Supply Sewage Disposal	N/A N/A	Proposed Proposed	Private Well Private Septic
Official Plan Designation -Conformity?	Rural and Wetlands Yes		
Zoning Category	Rural		Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha n/a 60 m n/a		1.0-ha n/a 60 m n/a

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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 if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 2 General Development Policies, Section 2.21 Natural Heritage Features, Section 3.6 Rural Policies, Section 4.3 County 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:

Tay Valley Planner's Report

- Applicable Sections: 3.62 Rural designation - permits residential use. 5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lot and the proposed retained lot will have frontage on Bennett Lake Road, a public road. 2.19.2 Organic Soils - are found on the southern part of the proposed lot addition and retained parcel but no development is being proposed in this area. 2.23 Water Quality and Quantity - requires a minimum setback of 30 m from water. The water requirement can be met for both the proposed severed lot and the proposed retained lot
- Mississippi Valley Conservation Authority noted that a small boardwalk would be allowed through the wetland to the water but otherwise no disturbance of the wetland and a setback of 30m would be required from the wetland.
- Mississippi Rideau Septic System Office noted organic soils at the south of the property but there is ample room for a septic system elsewhere. No permit for the existing dwelling was found but no changes are being proposed at this time and it is located at the road not at the lake.
- Applicable Sections: 10.1.1 - Residential use is appropriate. 10.12 - Lot area of 1 ha is met for both the proposed severed and retained lots (2.7 ha and 8.04-ha respectively). Frontage on a public road of 60 m met for both the proposed severed and retained lots (approximately 67.9 m and 135.5m respectively). Access (for B10/146) is proposed to be a shared entrance at the County Road down the existing laneway. MVC agrees this makes sense for the lands.
- Mississippi Valley Conservation Authority requested that unclassified wetlands at the back of the retained parcel remain undisturbed and site plan control be applied if construction is proposed within the SPCA setback.

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

- Payment of all taxes owing
 - Payment of all costs incurred by the Township for review
 - Copy of the deed/transfer
 - Two copies of the reference plan
- Advisory notes:* unclassified wetlands are to remain undisturbed.

Conservation Authority – Mississippi Valley Conservation Dec 8, 2010

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess

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

According to the information provided, the purpose of the subject applications is to sever (2) vacant parcels of land: B10/I45 proposes to sever 2.7-ha as a lot addition to the adjacent lands owned by Keith Erwin while B10/I46 proposes the severance of 13.31 ha as a vacant landholding. The retained lands are 8.04 ha with an existing log cabin. Severance B10/I45 has approximately 61 metres of water frontage; B10/I46 has 454.7 metres, and the retained has 355.5 metres.

The proposed severed and retained lands have frontage on Bennett Lake. In addition, unclassified wetland, which is contiguous with the lake, fronts both of the proposed severed lands and a portion of the proposed retained lands.

The resulting lands meet with the current minimum area and frontage requirements indicated in the Tay Valley Township's Zoning By-law, for waterfront lots. And, sufficient area appears to exist on the proposed severed lands to accommodate future development in compliance with the zoning by-law. With all of this in consideration, MVC has no objection to the subject applications provided the following mitigative measures are implemented for any future development:

1. No buildings or structures, including septic systems, shall occur within the greater of:
 - 30 metres from the lake and it's contiguous wetland or
 - the waterbody setback specified in the Zoning By-law at the time of new development, from the lake and it's contiguous wetland
2. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained 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 lake, its contiguous wetland, or onto adjacent properties.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near Bennett Lake and its contiguous wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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.

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

A site visit was conducted at the above mentioned property by our office on October 20, 2010, 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),

The applicant proposes to sever a 1.73 hectare parcel from the retained parcel for the purpose of a lot addition to Part Lot 9, Concession 11 in Bathurst Ward. The lot to receive the addition currently has a dwelling and out building located on it. There is no record of a septic system permit in GIS, Tay Valley Township's geographical information system. The southern portion of the parcel has organic soils as identified on GIS.

Organics soils can be a limiting factor in the design and installation of onsite sewage treatment systems. Fill material or the implementation of tertiary treatment may be required to ensure setback and construction requirements of the OBC are satisfied.

The retained parcel varies in dimensions and is approximately 8.04 hectares in area. The retained lots are currently subject to Application for Consent B10/146. CGIS has a record for a septic system permit that was issued in 2002 (S5802) to service the cabin.

The Application for Consent as provided will not impact the ability to maintain, operate, install or replace an existing septic system on the retained, new, or the neighbouring parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

If you have any questions, please do not hesitate to contact our office.

County Public Works

B10/145 – Land to be severed as a lot addition. Land to be enlarged (PIN 1719 Bennett lake Road) has an existing Single Residential Entrance. Permit #2308 applies. Road widening required.

B10/146 – Entrance Permit #2300 is a Common Residential Entrance that services both the retained and severed lands. Road widening required.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two lots, B10/145 as a 2.7-ha lot addition to lands owned by Keith Erwin at Lot Pt 9 Conc. 11 Bathurst being Part 1 on 27R-1662 and B10/146 a 13.31-ha residential building lot and retain an 8.04-ha residential building lot. All lands are currently vacant.

The subject lands are located in an area characterized by Residential on larger type lots along Bennett Lake Road. Two previous severances for new lots were created – 1994 and 2008, from the original parcel. Tay Valley Official Plan was amended in May 2008 to provide for a third severance on a landholding.

The lands are accessed via Bennett Lake Road, a County maintained road. B10/146 and the retained lands will share an access / entrance to Bennett Lake Road. No new entrance is proposed for B10/145.

A “State of the Lake Environment Report’ was undertaken on Bennett Lake in 2006. Residential of Bennett Lake have volunteered their time in the past to provide water quality testing in the south basin, through the MOE Self Help Program in 1980 and Lake Partner Program in 1997. The Lake Report undertaken by MVC Watershed Watch Program provides a comparison between water quality conditions as they exist now, to results obtain over 30 year ago through the MOE Recreational Lake Program.

In general the water quality in Bennett Lake is good. Test results indicated that Bennett Lake is a moderately enriched (some nutrients) or mesotrophic lake. 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 veligers (larvae) were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a 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.

The lands are within 300 m of a Primary Water Source (Bennett Lake) therefore are subject to possible “Archaeological Potential”.

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. 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.

Soils Inventory – N/A

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 and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) 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.

1757 Bennett Lake rd
RR#1, Balderson
On. K0G 1 A0

613 267 8043
e-mail: johnwhiteca99@gmail.com

23rd November 2010

For attention of:

Mrs M Kirkham,
Planning Approvals Administrator
County of Lanark, Administration Building
99 Christie Lake Rd, Perth
On, K7H 3E2

Dear Mrs Kirkham

Re: Notice of Application for Consent File B10/145 and B10/146

Per the Notice of Application by Mr and Mrs G Ennis for severance of property on Bennett Lake Road, I wish to make the following comment. At the time that the whole property was recently sold, it was apparently the understanding of the vendor that all possible severances attached to lot from which these lands were severed had already been used. I am therefore surprised to note that 2 severances (B10/146 and B10/147) are now being sought by the new owner, presumably with some confidence in receiving that approval. Has there been some recent change in either County or Township plans or processes that now facilitates this, and which you can draw my attention to?

Will you also kindly advise me of the decision of the Land Division Committee.

Thank you

Sincerely



John F White

RECEIVED
LANARK
COUNTY

NOV 23 2010

Clerk's Department

NOTE: Mr. White was advised that the OP was amended to provide for a third severance on a landholding.

(e) MINUTES – December 20, 2010

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

The committee reviewed the staff report. Mr. Ennis advised that the entrance had been installed and inspected by the Public Works Department.

(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.

CONDITIONS:

B10/145

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. 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.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. 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 December 8, 2010 provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department for the retained lands and install the entrance as required in the permit.
8. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
9. 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 will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the 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. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

10. A letter shall be received from the County of Lanark Public Works Department stating that condition #7, #8 and #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #2 through #8 has been fulfilled to their satisfaction.
13. 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 Keith Ernest Erwin described as Part 1, Plan 27R-1662, Conc. 11 Pt Lot 9 Bathurst, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction."

NOTES

1. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
2. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the lake, unnamed watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *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. *Residents and users of Bennett Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

B10/146

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. 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.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. 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 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. 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 December 8, 2010 provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
8. 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. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. 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 will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the 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. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

11. A letter shall be received from the County of Lanark Public Works Department stating that condition #8, #9 and #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.
13. A letter shall be received from Tay Valley Township stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
2. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the lake, unnamed watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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. *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 current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*

7. *Residents and users of Bennett Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Luc Raymond **Hearing Date:** December 20, 2010
Agent: ZanderPlan Inc
LDC File #: B10/147
Municipality: Township of Lanark Highlands
Geographic Township: Dalhousie **Lot:** 13 **Concession:** 5
Roll No. 0940 002 025 31509 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.1-ha residential building lot and retain a 15.8-ha landholding with an existing dwelling (223 Parsons Way). The lands are accessed via Parsons Way.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.1 ha	15.8 ha
Frontage	83.5 m	378.5 m
Depth	irregular	Irregular
Road - Access to	Private Road	Private Road
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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 if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on Parsons Way. The property is legally described as part of Lot 13 Concession 5, former Township of Dalhousie now in the Township of Lanark Highlands. The property is commonly referred to as 223 Parsons Way.

The applicant wishes to sever an irregular parcel of land approximately 1.1 ha in area with 83.5 metres of road frontage. The remnant parcel will have an area of approximately 5.8 hectares and road frontage of 378 metres.

The proposed severed lot is vacant at present with residential uses proposed. There is a residential dwelling constructed on the proposed retained lot, no changes are anticipated.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

Section 1.6 of the PPS outlines policies with respect to servicing. The current residence is serviced privately. The Health Unit will require a permit for any new servicing associated with the proposed residence prior to construction.

Access is provided via a private road, no new municipal infrastructure is required by means of this application. The roadway is maintained year round by the properties gaining access from said roadway.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule A 4' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

The Township, on September 9, 2010, adopted a new Official Plan that is with the Ministry of Municipal Affairs and Housing for approval. This application was received after the

adoption of the new Official Plan. Although not in full force and effect the policies of the new Official Plan should also be considered when evaluating land development proposals.

The Township's new Official Plan would designate these lands as rural. Section 3.1.1, Identification, states: "lands which do not ecologically, physically or functionally relate to the waterbody although within 150.0 metres of the waterbody shall be deemed not to be within the Waterfront designation" and the presence of man-made features which would orient the proposed use of the land toward or away from the waterbody." In the applicant's case both the proposed severed and retained lands are separated from Patterson Lake by the roadway, Parson's Way. Therefore, the presence of the roadway means that the applicant's lands do not functionally relate to the waterbody as the applicant's holdings are on the opposite side of the roadway from the waterbody and are separated from the waterbody.

Section 8.4.5 of the adopted Official Plan provides further direction in the determination of the designation of waterfront community. The application of the criteria of this section of the Official Plan concludes that in this case the policies of section 3 do not apply to the proposal. As such the policies of the rural designation should be applied. The rural area, although not considered as a prime area for development, does anticipate limited residential development as long as the proposed development can respect the rural landscape and ensure the protection of natural and environmental resources. The proposed lots are in keeping with the surrounding existing development and are of sufficient size to accommodate private services.

ZONING

The lands are zoned Rural on Schedule 'A 2' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law. Confirmation by means of survey that the existing residence meets the zoning setbacks will need to be undertaken prior to finalization of the severance. New construction will be required to meet the setbacks of the Rural zone.

DISCUSSION

The application as submitted is consistent with the PPS, Official Plan policies and appears to comply with zoning. Setbacks will be confirmed by the submission of a Building Location Survey or certificate from an Ontario Land Surveyor.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant submit the 5% cash-in-lieu of parkland dedication fee to the Township.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject applications is to sever a vacant 1.1-ha residential building lot and retain a 15.8-ha lot with an existing dwelling and outbuildings.

A review of available mapping shows a tributary of Patterson Lake travelling through a relatively small unnamed waterbody on the proposed retained lands. This waterbody is surrounded by unclassified wetland that covers a portion of the retained lands. No natural heritage or natural hazards were identified on the proposed severed lands.

The resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highlands Zoning By-law and sufficient area appears to exist to locate future development in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented for any future development on the subject lands in the form of site plan control or a development agreement:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the unclassified wetland and tributary or
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. The shoreline vegetation surrounding the tributary and wetland 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 tributary, wetland or onto adjacent properties.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act maybe required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – Wooded lot with silty soil that varies in depth. Rock outcrops visible throughout the lot. Lot slopes to the west. Recommendations: depending on the exact location of a proposed on-site sewage disposal system, imported leaching bed fill may be required to construct a raised system.

Retained – Silty loam soils over bedrock. Large wooded area surrounding one residence. Recommendations – severed land should have no effect on retained property with respect to sewage disposal for one residence.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever 1.1-ha residential building lot and retain a 16-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of smaller type lots along the south shore of Patterson Lake and larger lots along the 5th Conc. B Dalhousie.

The lands are accessed via Parsons Way, a private R-O-W which adjoins the 5th Conc. B Dalhousie, a municipally maintained road. The applicant will be required to provide a right-of-way to the lands along Parsons Way.

The lands are within 300 m of a Primary Water Source (Mississippi River and Dalhousie Lake) therefore are subject to possible "Archaeological Potential".

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. 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.

Soils Inventory – Name: Tweed

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

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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) 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:

D. and P. Delanoe – Nov 24, 2010

In answer to your letter from November 1010, about the severance of lot 13 conc. 5 in the Township of Lanark Highlands, my husband, Pierre M Delanoe and I (Drahomira), have no objections.

(e) MINUTES – December 20, 2010

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

The committee reviewed the staff report. Ms. Zander questioned the comments submitted by the Conservation Authority, noting that their development conditions related only to the retained lands.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the 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. That an appropriate right-of-way shall be granted to the owners of the lot to be severed over the private road, locally known as "Parsons Way".
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 Lanark Highlands.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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 #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that in the event that shoreline work on the retained lands is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the wetland or tributary on the retained lands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act maybe required for such work.*

3. *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.*
4. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of a proposed on-site sewage disposal system, imported leaching bed fill may be required to construct a raised system.*
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.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Harold & Gail Code **Hearing Date:** December 20, 2010
Agent: N/A
LDC File #: B10/148, B10/149 & B10/150
Municipality: Township of Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 17 **Concession:** 3
Roll No. 0919 919 015 07400 **Consent Type:** New Lots

Purpose and Effect: To sever three (3) 0.408-ha residential building lots and retain a 19.9-ha vacant landholding. The lands are accessed via Tennyson Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B10/148	B10/149	B10/150	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	0.408-ha 65.5-m 62.4 m Municipal	0.408-ha 65.5-m 62.4 m Municipal	0.408-ha 65.5-m 62.4 m Municipal	19.9-ha 457 m 305 m Municipal
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed	None None
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural		Rural	
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	0.4-ha Yes 45 m Yes		0.4-ha Yes 45 m Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.3 Local Roads.

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

1. The balance of any outstanding taxes and fees shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
3. The application shall consult with the Township of Drummond / North Elmsley to confirm that a suitable entrance to the severed lot can be accommodated.
4. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committees assistance.

These applications seek the creation of three new lots, all approximately .4 ha or 1 acre in size.

Our mapping indicates that there is a seasonal watercourse draining a small area on the north side of Tennyson Road, flowing through the retained lands and into a permanent watercourse and local wetland, also partially occupying the retained lands. This was confirmed on-site. Otherwise the subject lands consist of cleared agricultural lands.

Given the distances to the watercourse and wetland from the proposed severed lots we have no concerns. The Rideau Valley Conservation Authority has no objection to these severances provided there are no changes proposed to tile drainage such that

neighbouring properties would be affected. The proposed severed parcels are not subject to Conservation Authority Regulations.

It should be noted that the permanent watercourse on the retained lands is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", Work on the watercourse requires prior written approval from the Rideau Valley Conservation Authority. Generally the RVCA recommends a 30 metre development setback from watercourses to mitigate the effects of flooding, erosion, pollution and maintain tile conservation of land. The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property.

Trusting this is satisfactory and thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – 15 – 75 cm of clay soil over rock. Pasture land with no obvious slope.
Recommendation – depth and composition of soil likely not suitable for in-ground septic system. Imported leaching bed fill may be required to construct a raised system.

Retained – 15-75 cm of clay soil over rock. Pasture land with no obvious slope.
Abandoned house on north side of Tennyson Road. Recommendation – severance will not affect any existing on-site sewage disposal system or limit the ability to build a replacement system.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots – 0.408-ha each and retain a 19.9-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings to the east and smaller cluster development westerly along Tennyson Road and northerly on Code Road. An unnamed creek runs easterly along the rear boundary of the retained lands.

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

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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. 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.

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

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – December 20, 2010

Harold Code, owner, attended the hearing and gave evidence under oath.

The committee reviewed the staff report. Mr. Code advised that he was not aware of any water quantity problems in the area.

(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.

CONDITIONS:

B10/148

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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
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.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that the depth and composition of soil likely not suitable for in-ground septic system. Imported leaching bed fill may be required to construct a raised system.*
2. *The Rideau Valley Conservation Authority advises that the permanent watercourse on the retained lands is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses"; Work on the watercourse requires prior written approval from the Rideau Valley Conservation Authority. Generally the RVCA recommends a 30 metre development setback from watercourses to mitigate the effects of flooding, erosion, pollution and maintain tile conservation of land. The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property*
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.*

B10/149

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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.

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.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that the depth and composition of soil likely not suitable for in-ground septic system. Imported leaching bed fill may be required to construct a raised system.*
2. *The Rideau Valley Conservation Authority advises that the permanent watercourse on the retained lands is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses"; Work on the watercourse requires prior written approval from the Rideau Valley Conservation Authority. Generally the RVCA recommends a 30 metre development setback from watercourses to mitigate the effects of flooding, erosion, pollution and maintain tile conservation of land. The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property*
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.*

B10/150

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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
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.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that the depth and composition of soil likely not suitable for in-ground septic system. Imported leaching bed fill may be required to construct a raised system.*
2. *The Rideau Valley Conservation Authority advises that the permanent watercourse on the retained lands is subject to the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses"; Work on the watercourse requires prior written approval from the Rideau Valley Conservation Authority. Generally the RVCA recommends a 30 metre development setback from watercourses to mitigate the effects of flooding, erosion, pollution and maintain tile conservation of land. The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property*
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 current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Gardiner **Hearing Date:** December 20, 2010
Agent: N/A
LDC File #: B10/156
Municipality: Township of Beckwith
Geographic Township: **Lot:** 4 **Concession:** 9
Roll No. 0924 000 025 06700 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1760 sq.m. parcel of land as a lot addition to lands owned by David and Mary Jane Kemp at Pt Lot 4 Conc. 9 Beckwith Plan 27R-7157 Part 4 and retain a 44.83-ha vacant landholding. The lands are accessed via Morning Dove Lane.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	vacant	vacant
Area	1760 sq.m.	44.83-ha
Frontage	n/a	Irregular
Depth	n/a	Irregular
Road - Access to	n/a	Municipal
Water Supply	n/a	None
Sewage Disposal	n/a	None
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	n/a	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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 if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 4 General Development Policies, Section 6 Rural Policy Areas, Section 7.4 Private Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone, Section 12 Flood Plain Zone.

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

(b) **AGENCY REVIEW**

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.

(c) **PLANNING REVIEW**

The applicant proposes to sever 1760 sq.m. parcel of land as a lot addition to lands owned by David and Mary Jane Kemp. The parcel of land will add those lands between the Kemp lands and the existing R-O-W. All the lands are currently vacant.

The subject lands are located in an area characterized by Seasonal Residential on smaller 'cottage' type lots. The lands are accessed via Morning Dove Lane a private r-o-w, which adjoins Scotch Corners Road, a municipally maintained road.

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.

The lands are within 300 m of a Primary Water Source (Mississippi Lake) therefore are subject to possible "Archaeological Potential".

The Provincial Policy Statements encourages development in rural areas for recreational, tourism and other economic opportunities. The enlargement of an existing undersized lot meets the requirements of the Township's Official Plan. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory – n/a

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) **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.

(e) **MINUTES – December 20, 2010**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. A letter shall be received from the Township of Beckwith stating that condition #2 and #3 has been fulfilled to their satisfaction.
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 David and Mary Jane Kemp described as Pt Lot 4 Conc. 9 Beckwith Plan 27R-7157 Part 4, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

NOTES

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Arthur D. Price

Hearing Date: September 27, 2010

Reconvened Hearing: December 20, 2010

Agent: Brant Echlin

LDC File #: B10/090

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 4

Concession: 5

Roll No. 0940 002 025 22500

Consent Type: New Lot

Purpose and Effect: To sever a 4.41-ha residential lot with an existing cabin. The lands are accessed via River Drive, a private R-O-W.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	4.41 ha	31.96 ha
Frontage	21.7 m (Water)	1100 m
Depth	127.5 m	1350 m
Road - Access to	Private Road	Private Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation	Rural and Organic Soils	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	No	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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 if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Lanark Highland's Planners Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on River Drive. The property is legally described as part of Lot 4 Concession 5, former Township of Dalhousie now in the township of Lanark Highlands. The property is commonly referred to as 734 River Drive and enjoys frontage on the Mississippi River.

The applicant wishes to sever approximately 4.0 hectares of land with 21.4 metres of waterfrontage and a depth of 127.5 metres. The remnant parcel will have an area of 31 hectares, waterfrontage of 413 metres and a depth of 1350 metres.

The property currently has two residential dwelling constructed. The purpose of the application is to provide for separate ownership of the two dwellings. At present there are both serviced via one well and one sewage treatment system.

The property is designated as Rural and Organic Soils on Schedule A 2 of the Township's Official Plan and zoned Rural and Organic Soils on Schedule A 2 by Zoning By-law 2003-451.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the consistent with" test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

The application proposes to sever the constructed dwellings into separate ownership. Section 1.6 of the PPS outlines policies with respect to servicing. As these two dwellings currently share the existing services the applicant will be required to construct a new well and sewage treatment system. The Health Unit has reviewed the file and they indicate they can support it as long as the services are separated.

Access is provided via an existing right of way and no new municipal infrastructure is required by means of this application.

As the subject lands enjoy waterfrontage the PPS directs that water resources particularly with respect to quantity and quality be maintained, improved or conserved. At the time of construction of the new services these matters will be considered and erosion and sediment control measures will be implemented. As such the watercourse will be protected.

OFFICIAL PLAN -

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

ZONING

The lands are zoned Rural and Organic Soils on Schedule 'A 2' of Zoning By-law 2003-451. The proposal meets the performance standards of the zoning by-law. The proposed lots can meet the area and lot frontage requirements of this zone. The location of the existing structures will need to be checked against zoning provisions to ensure that they can achieve the setback provisions of the zoning bylaw. As parts of the subject lands have identified as having organic soils if new development is proposed in the future, demonstration that the soils have the carrying capacity for the proposed development will be required prior to the issuance of a building permit.

Discussion

The application as submitted is consistent with the PPS, Official Plan policies and appears to comply with zoning. Setbacks will be confirmed by the submission of a Building Location Survey or certificate from a Ontario Land Surveyor. The application was forwarded to applicable agencies for comment prior to the drafting of this report. The Health Unit has requested that a condition of severance be the construction of separate services for each of the dwellings be constructed prior to final approval.

Two recreational dwellings have been previously constructed on the lands and the applicant now wishes to create two separate lots. No new development is proposed. The application as proposed can be considered as appropriate and as such represents good planning.

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

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

2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant submit the 5% cash-in-lieu of parkland dedication fee to the Township.
6. That the applicant obtain a permit from the Health Unit for the construction of separate water and sewage services for each of the existing dwellings. Confirmation that each of the dwellings is serviced via an individual well and septic system is required prior to final approval of the severance.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever 4.41 ha with 21.4 metres of water frontage and retain 32.0 ha with 413 metres of water frontage. The severed lands consist of an existing dwelling and the retained lands consist of an existing cabin.

According to a review of available mapping and aerial photography, the proposed retained and severed lands have frontage on the Mississippi River. Unclassified wetland also appears to front a portion of the river on the retained lands. A review of MVC's flood plain mapping revealed that a large portion of the retained land is located within the 1:100 year flood plain of the Mississippi River. No natural hazards were identified on the proposed severed lands.

Sufficient area appears to exist to locate potential future development in compliance with the zoning provisions and outside of the 1:100 year flood plain, on the retained lands. However, while the resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highlands' Zoning By-law, the proposed severed lands do not meet with the minimum water frontage requirement. On this basis, MVC does not recommend approval of the application as currently submitted. Alternatively, we recommend that sufficient frontage be added to the severed lands to render this proposed lot in compliance with the zoning provisions.

We recommend the following mitigative measures for any future development on the subject lands:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the Mississippi River
 - a minimum 30 metres from the unclassified wetland
 - beyond the 1:100 year flood plain of the Mississippi River
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation along the river and wetland shall be retained to a minimum depth of 15 metres.
3. Wetland shall remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, wetland or onto adjacent properties.

The proposed retained lands are regulated by MVC, pursuant to Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Therefore, we advise that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of the Mississippi River, or for any alterations to the shoreline of the river.

In addition, any proposed works in or near the river or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources for 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.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The 10 acre property contains a house. The property is located on the Mississippi River; part is intersected by River Drive. Much of the lot is wooded.

The septic system, shared with the retained property is a raised system fed by pump. It is located in front of the house. Future replacement will be possible. The type will depend on type of soil in location and the required setbacks to the river and well.

Retained – The property is a 78.98 acre lot. It contains a cabin. The well is located between the cabin and the river. The septic system is shared with the house on the proposed severed land. There are low lying wet areas to side and rear of cabin. Much of the property is wooded.

The cabin currently shares the septic system with the house on the proposed severed lot. There is sufficient property to construct a septic system. The future system will likely need to be raised using imported sandy loam fill. Approval is conditional. Each property

must have its own private system completely contained in its boundaries. The owner will need to submit an application to install a private sewage system and install it prior to final approval of the consent application.

Hydro One Networks – There are two houses on this property and only 1 meter on the pole. The severance looks like it is going to be between the two houses. Therefore, the second house is going to have to have a hydro meter service installed, as currently there is a private meter at this house.

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

(c) PLANNING REVIEW

The applicant proposes to sever 4.41-ha residential lot with an existing dwelling and retain a 32-ha landholding with an existing dwelling.

The subject lands are located in an area characterized by seasonal dwellings on smaller type lots along the river with a large land parcel to the rear of the seasonal units. A quarry is located to the west approximately 500m, the area and the lands may be subject to noise etc from the operation.

The lands are accessed via River Road, a private road. The rural zone does not permit development of a private road, if approved rezoning will be required to change the zoning to “Limited Service Rural or Lake Development” to recognize that the development does not have access to the Municipal road or street.

The Zoning By-law provides that “In the case of a standard waterfront lot, the shoreline shall be deemed to be the front lot line. The proposed lot does not have sufficient water frontage (21.4 m).

Soils Inventory – Organic Soils

The Municipality has not objected to the application; however the Conservation Authority, Hydro One and Health Unit have expressed sufficient concerns, to recommend deferral or refusal.

(d) 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.

(e) MINUTES – September 27, 2010

Grant Echlin, agent and Peter and Jennifer Richardson, adjacent landowners, attended the hearing and gave evidence under oath.

Mr. Richardson questioned if there was any proposal for additional lots further west from the end of River Road. Mr. Richardson was advised that the Township’s OP does not

permit any new Private Roads and the lands are within a Wetland Area, development potential is therefore limited.

The Chair outlined the development concerns of the various agencies, particularly the minimum lot frontage and re-zoning requirements.

Mr Echlin advised that he had been in contact with both Hydro One and the Health Unit.

Moved C. Tyson and Seconded by D. Murphy

“THAT, application B10/090 be deferred to provide the applicant / agent an opportunity to resolve the issues raised by the Conservation Authority, Health Unit and Hydro One; AND to resolve the non-compliance issue - minimum water frontage and access to maintained municipal road.” **ADOPTED**

(f) NEW INFORMATION

As requested Mr. Echlin has obtained the following documentation to support his application for consent:

- 1/ Application made under Ontario Regulation 153/06 to place fill within the Regulatory 1:100 Year Flood Plain of the Mississippi River in order to install a Septic System at 734 River Drive. Permit is in effect until October 22, 2012.
- 2/ A septic System installation application #55503.
- 3/ A Hydro Permit to install a separate Private Meter.
- 4/ A re-zoning applications has been submitted to the Township of Lanark Highlands. The Public Meeting was scheduled for Thurs Dec 16, 2010. No objections were raised at the public meeting and Council adopted the By-law. To re-zone the lands as required.

(g) MINUTES – December 20, 2010

Brant Echlin, applicant / agent, attended the hearing. Mr. Echlin was reminded that he was still under oath from the previous hearing.

The committee reviewed the additional information. Mr. Echlin advised that the survey plan had been completed.

The Committee is now satisfied that the proposal meets the requirements of the PPS, Official Plan and Zoning By-law and can therefore be approved, subject to the work to be undertaken by the permits is completed.

(h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the 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. An appropriate right-of-way shall be granted to the lot to be severed over River Road.
3. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
7. The applicant shall provide the Township of Lanark Highlands with one copy of all reference plans associated with this application.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. 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.
10. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Township of Lanark Highlands by way of an amendment to the Zoning By-law.
12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. 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 July 30, 2010, 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
13. The applicant shall submit an application to the Leeds Grenville and Lanark District Health Unit to install a private sewage system on the retained lands and install it prior to final approval of the consent application.

14. The applicant shall obtain the necessary permit from Hydro One Networks Inc. to install a separate hydro meter service to the second house and install it prior to final approval of the consent application.
15. A letter shall be received from the Township of Lanark Highlands stating that conditions #6 through #12 has been fulfilled to their satisfaction.
16. A letter shall be received from Mississippi Valley Conservation stating that condition #12 has been fulfilled to their satisfaction.
17. A letter shall be received from Leeds Grenville and Lanark District Health Unit stating that condition #13 has been fulfilled to their satisfaction.
18. A letter shall be received from Hydro One Network Inc. (Perth) stating that condition #14 has been fulfilled to their satisfaction.

NOTES

1. *The proposed retained lands are regulated by MVC, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of the Mississippi River, or for any alterations to the shoreline of the river.*
2. *In addition, any proposed works in or near the river or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwellings.*
4. *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.*