



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, December 19, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-033

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on November 28, 2011 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-034

MOVED BY: W Guthrie

SECONDED BY: D Murphy

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 **RVCA** – notice of new fees for 2012
- 6.2 **MVC** – notice of new fees for 2012
- 6.3 **ZanderPlan Inc – GHINN OMB Case File PL111175**
Copy of letter send to OMB – clarification of wording in Staff Report.
- 6.4 **ZanderPlan Inc – B09/072 and B09/073 Stinson**
Tracy Zander, agent for the application requested that the Committee re-consideration application B09/072 and B09/073 to change the conditions to reflect a change in lot size in excess of the 10% to 15% allowable without recirculation.

Wayne Stinson, owner attended the meeting to review the request with the Committee. The change in area and lot frontage was done in order to keep the entire two lots out of the influence area of the wetland

MOTION #LD-2011-035

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

“**THAT**, the Consent Application B09/072 and B09/073, Stinson Provisional Conditions be changed as follows:

Insert New No. 2 The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” dated December 19, 2011.”

ADOPTED

7. REPORTS

- i) New Applications to be Heard
- 7.1 **B10/130 and B10/131 – Sandra Oliphant – 2 new lots**
Pt Lot 21 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 12C)
- 7.2 **B11/105, Chris McLaren – lot addition**
Pt Lot 3 Conc. 4, geographic Township of Lanark, now in the Township of Lanark Highlands. (Purdon Lane).
- 7.3 **B11/137 & B11/138 – Glenn Neilson – two new lots.**
Pt Lot 7 Conc. 7, geographic Township of Lanark, now in the Township of Lanark highlands. (Hwy 511).

- 7.4 B11/139 – Wil Henckel – new lot.**
Pt Lot 27 Conc. 8, geographic Township of Lanark, now in the Township of Lanark Highlands.(Tatlock Road).
- 7.5 B11/140 – Fred Ladley – lot addition**
Pt Lot 5 Conc. 8, geographic Township of Lavant, now in the Township of Lanark Highlands. (Victor Paul Drive).
- 7.6 B11/153 - Paul and Kathleen Taylor – correction of title**
Pt Lot 10 Conc. 10, geographic Township of South Sherbrooke, now in Tay Valley Township.(Silver Lake Lane).
- 7.7 B11/154 – Cheryl Batten – Lot addition**
Pt Lot 3 Plan 133 Section C, Town of Carleton Place. (Charles Street).
- 7.8 B11/161 - Patricia Willis – new lot**
Pt Lot 20 Conc. 10, Township of Beckwith. (St. Fillan’s Road).

8. CONFIDENTIAL REPORTS

None

9. PUBLIC HEARING:

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

9.1 PROVISIONAL CONSENT GRANTED

9.1.1 B10/130 and B10/131 – Sandra Oliphant – 2 new lots

9.1.2 B11/105, Chris McLaren – lot addition

9.1.3 B11/137 & B11/138 – Glenn Neilson – two new lots.

9.1.4 B11/139 – Wil Henckel – new lot.

9.1.5 B11/140 – Fred Ladley – lot addition

10.1.6 B11/153 - Paul and Kathleen Taylor – correction of title

9.1.7 B11/154 – Cheryl Batten – Lot addition

9.1.8 B11/161 - Patricia Willis – new lot

Committee recessed at 12:00 p.m.
Committee reconvened at 2:00 p.m.

10. NEW/OTHER BUSINESS

9.1 Ghinn OMB Appeal – The committee met with Greg Meeds, solicitor and David Krajaefski, planner to discuss the OMB appeal process.

9.2 Widenmaier – consent proposal
Pt Lot 11 Conc. 7 Drummond – lots have merged on title, with additional complication that road has not been shown on Land Titles.
Committee reviewed the sketch. It was agreed that Mr. Widenmaier should discuss the requirements to survey and transfer of the existing road with the Township prior to making an application for consent,

11. UPCOMING MEETINGS

W. Guthrie advised that he would be unable to attend the January and February meetings due to prior commitments.

Monday January 23, 2012,
Monday February 27, 2012,
Monday, April 2, 2012, and
Monday, April 30, 2012

12. ADJOURNMENT – 3:15 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland 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 – Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severances are consistent with the Township's Official Plan and Zoning By-law.

According to my information, Ms. Oliphant is looking to sever two residential lots from an existing 168 acre lot. These severances were originally applied for in 2010, and Ms. Oliphant has decided to resume her application. It is her intention to create a 1 acre residential building lot (that is now vacant) and a 2 acre residential lot that currently contains an existing dwelling and outbuildings. There is no development planned at this time on the retained lands. Both proposed lots front on Drummond Concession 12C. While the bulk of the retained lands are designated Wetland, this designation and its influence area do not extend towards the severed lands and there appears to be an adequate building area on the retained lands should Ms. Oliphant or a future owner wish to eventually develop. It should be mentioned that some mapping may indicate the presence of an aggregate pit to the north of the site (which would include the severed lands in its influence area) however the license to this pit was forfeited and the lands re-designated and rezoned as part of the Wilson subdivision application. No other zoning constraints were identified with respect to these lots.

I also reviewed the transportation policies of our Official Plan in relation to this application. Policy 3.21.1 allows the Township to request a noise study for development proposals within 250 m from a Provincial Highway and it appears as though the severed lots are approximately that distance from Highway 7. Due to the distance involved and the existence of trees and already built dwellings within the separating distance a noise study is likely not necessary but I do believe it would be wise to consider including a note to be registered on title stating these lots are within 300 metres of a provincial highway and may be subject to noise. Additionally, while access to the severed and retained lands is from Drummond Conc. 12C, Township mapping seems to show the maintained portion of the road ending around Lot B10/131, although the road allowance extends across the southern part of the lot. As all severed and retained lots must maintain sufficient frontage on an opened public road, Ms. Oliphant would need to demonstrate

that the two severed lots and the retained meet this requirement.

Given the foregoing, Drummond/North Elmsley Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall demonstrate that the severed lands and retained lands meet the minimum road frontage requirements as specified in the Zoning By-Law.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within 300 metres of a Provincial Highway which is located to the south in part of Lot 22, Concession II, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

Conservation Authority: Mississippi Valley Conservation – October 21, 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) parcels of land. The proposed severed land under B10/130 is a vacant 0.4-ha lot while the severed land under B 10/131 is 1.8-ha with an existing single family home and outbuildings. The retained land is a vacant 62.8-ha parcel of land. (*Note: subsequent to the review by MVC the applicant revised here application to decrease the lot size to 0.8-ha*).

A review of available GIS mapping shows that a significant portion of the proposed retained lands are comprised of a Provincially Significant Wetland (PSW) referred to as the Steward Lake - Haley Lake Complex. The retained lands are also partially comprised of the Innisville Wetlands which is an area that has been classified as an Area of Natural and Scientific Interest (ANSI). In addition, mapping shows an unnamed tributary of the Mississippi River travelling through the retained lands and a portion of the severed lands (under B10/131). Using MVC's GIS mapping and the dimensions provided in the applications, we have estimated that the proposed severed lands are not comprised of nor do they fall within the adjacent lands to the aforementioned PSW or ANSI.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW boundary and within 50 metres of an ANSI, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of these features. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, the severed lands are not located within these adjacent lands and the retained portion appears to have adequate space for potential future development outside of these adjacent lands. On this basis, MVC is of the opinion that there would be limited value in conducting an EIS at this time; However, in the event that future development is proposed within these adjacent lands, an ES may be required to evaluate such development.

Concerning the unnamed tributary travelling through the severed lands under B10/131, this land is already developed and no new development is proposed at this time. Therefore, we do not anticipate any negative impacts to this feature as a result of this application. With respect to the retained lands, we assume that potential future development will comply with the minimum waterbody setback requirement stipulated in the Zoning By-Law at the time of development. Vegetation surrounding this tributary should be maintained to a minimum depth of 1.5 metres.

We do not have any objection to the subject applications

The property owner should be advised that in the event that shoreline work is proposed or for any interference within 120 metres of the PSW, 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, PSW, or ANSI 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 – B10/130 – A 45m x 90m parcel of vacant land. Land is mainly bush and soil depth varies. Additional sandy loam fill will be required in area of future tile bed.

Severed – B10/131 - The property to be severed is 0.8-ha. The property has a house and several out buildings. The house is on a hill with drainage to rear and west. There is

some topsoil and then sand, depth varies. Recommendation – It is not obvious where the well and septic system are, however, sewage disposal field believed to be located on north-west side of house. The property will be large enough for future replacement of the septic system.

Retained – The property to be retained is approximately 70-ha. The property has varying elevations. However, it appears that the land slopes from east and west toward the wetlands. The land is currently vacant and is comprised of fields, some trees and the wetlands. Recommendations – There would be ample property on which to construct a septic system should one be 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 residential lots – a vacant 0.4-ha residential lot and a 0.8-ha residential lot with an existing dwelling and retain a 64.6-ha acre landholding. .

The applicant had originally applied for two severances (0.4-ha and 1.8-ha) in August 2010. But subsequently requested that the 2nd severance (1.8-ha) be placed on hold and to proceed only with the 0.4-ha lot. B10/130 (0.4-ha) was then circulated and prior to holding the hearing for B10/130, requested that B10/131 now be circulated but with a revised lot area of 0.8-ha and that both applications be heard concurrently.

The subject lands are located in an area characterized by Residential to the south and wetlands (PSW) to the west. A newly created subdivision has been approved to the immediate east. Six other residential lots have been developed along Drummond Con 12C and the newly created road known as Dean Ridge Road. The lands are also within 300 m of Highway No. 7.

The lands are accessed via Drummond Con 12C, a municipally maintained road.

Hydro-G reports for the adjacent subdivision indicated that the water in this area may require water treatment, specifically related to Hardness, Iron, Manganese and Colour.

Soils Inventory – Name: Tennyson
- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – flows, tuff, breccias

The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley,

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.

As noted by the Township, the lands to the east have recently been re-designated from Aggregate Resource – Pit to Rural. The pit licence has been relinquished and the lands rehabilitated. The property has been subdivided into 47 residential building lots to be developed in 2 phases.

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 19, 2011

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

Ms. Zander provided a brief background of the application and advised that the existing road (Drummond Con 12C) extends westerly to the residential driveway located on B10/131. And agrees that this will be confirmed during the surveying process.

The chair reviewed the staff report and draft conditions. No further comments were 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: The same conditions should apply to both severances.

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within 300 metres of a Provincial Highway and as such may be exposed to impacts typically associated with such use including noise".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley 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.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
8. 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.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed or for any interference within 120 metres of the PSW on the retained lands, 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 tributary, PSW, or ANSI should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling. Studies undertaken on the adjacent lands indicate that the water in this area may require water treatment, specifically related to Hardness, Iron, Manganese and Colour.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

Additional note for B10/131

6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Chris McLaren

Hearing Date: December 19, 2011

Agent: Jay Morrison

LDC File #: B11/105 (REVISED)

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 3 Concession: 4

Roll No. 0940 934 025 08100

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.28-ha parcel of land as a lot addition to lands owned by Jay Morrison at Pt Lot 3 Conc. 4 Lanark being Pt 1 on Plan 27R-7407 and retain a 18-ha vacant landholding. The lands to be enlarged are accessed via an existing r-o-w known as Purdon Lane.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Addition to Residential	Vacant
Area	0.28 ha	17.9 ha
Frontage	18.2 m wide	500 m
Depth	57.3 – length	250 m
Road - Access to	Private Road	County Road
Water Supply	N/A	N/A
Sewage Disposal	N/A	N/A
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	n/a – lot addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 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.

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consent and Part-Lot Control.

The Township of Lanark Highlands advises that the proposal conforms to the 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 Township's Zoning provisions.

(b) AGENCY REVIEW

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

Township Planner's Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 3, Concession 4, Geographic Township of Lanark now in the Township of Lanark Highlands and commonly referred to as 152 Purdon Lane.

The applicant wishes to sever approximately .28 acres of land to an existing lot of record in order to construct a detached garage.

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

2.0 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 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. There are no identified natural heritage features on the subject lands. Accordingly the application is consistent with this section of the PPS.

3.0 Official Plan

The subject lands are designated Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The rural 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. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

4.0 Zoning

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. Although the existing property does not meet the current requirements or provisions of the Rural zone, the property does enjoy legal non-conforming status.

5.0 Discussion

This application for a lot addition will not result in any new lot and will ensure that the newly reconfigured lots will have sufficient area to permit appropriate development. The application as submitted is consistent with the PPS, complies with the policies of the existing Official Plan and Zoning By-law.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.

Conservation Authority – Mississippi Valley Conservation – August 11, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 1.71-ac parcel of land and retain a vacant 43.3 acre parcel of land.

PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, an unclassified wetland exists on the proposed retained lands. In addition, an unnamed tributary of the Clyde River travels through this wetland. Informal mapping, prepared by MVC during the 1998 flood event, shows that the northwest corner of the proposed severed land is susceptible to flooding from the Clyde River, during a 1:100 year flood event. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Heritage Values - Wetland

As previously indicated, an unclassified wetland was observed on the proposed retained lands. Due to the numerous environmental benefits of wetlands, which range from fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation.

Watercourse

Sufficient area appears to exist on the proposed retained lands to accommodate potential future development that complies with the current standards for development adjacent to a watercourse.

Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development should be directed outside of these areas found on the retained lands.

Flood Plain

Formal flood plain mapping does not currently exist for the subject property. Therefore, development activities in the flood plain are not regulated by MVC at this time, on the subject lands. However, we recommend that future development on the proposed severed lands occur beyond the area which was flooded during the 1998 flood event (MVC can be contacted to obtain mapping).

RECOMMENDATIONS AND CONCLUSIONS

MVC has no objection to the subject application provided the following mitigative measures are implemented for future development on the proposed retained lands:

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

On the severed lands, future development shall occur beyond the area suspected of flooding during a 1:100 year flood event (mapping available at MVC).

NOTES

Any proposed works in or near the wetland and watercourse 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) – Leeds Grenville and Lanark District Health Unit
Severed Lands – lot will be an addition to existing property from a hilly bush lot with 20-30 cm of silty sand topsoil on bedrock. Drainage is good due to slope.
Recommendations – This portion is not suitable for on-site sewage disposal. Lot addition.

Retained Lands – Large property with some cleared portions and some bushlot. Shallow topsoil on bedrock. Sloping toward river. Recommendations – this severance will not negatively impact on-site sewage disposal for the retained portion.

(c) PLANNING REVIEW

The applicant proposes to sever 0.11-ha vacant parcel of land as a lot addition to lands owned by Jay Morrison at Pt Lot 3 Conc. 4, Lanark; 27R-7407 (152 Purdon Lane) and retain a 17.9-ha vacant landholding. The purpose of the additional lands is to construct a garage.

The severed lands are accessed via a private road, locally known as Purdon Lane and the retained lands are accessed via Pine Grove Road, a County maintained road.

The subject lands are located in an area predominately characterized by Seasonal Residential along the Clyde River, surrounded by large vacant landholdings.

It is noted that the MVC review was undertaken on the original proposal of 0.445-ha, by decreasing the size of the lot addition the area noted by MVC as having flood potential (north west corner) now remains with the retained lands.

The area has land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

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

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 19, 2011

Chris McLaren, owner and Jay Morrison, applicant, attended the hearing and gave evidence under oath.

Mr. Morrison confirmed that the lot addition is sufficient size to meet the minimum setback requirements for the construction of a garage and also confirmed that the private r-o-w ends at his property line.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated December 7, 2011.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Jay Bryan Morrison described as Part 1, Plan 27R-7407, Conc. 4 Pt W Lot 3, geographic Township of Lanark, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
6. 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.
7. The applicant shall provide the Township of Lanark Highlands with a 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. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Lanark Leeds and Grenville District Health Unit advises that this portion of land is not suitable for the installation of an on-site sewage disposal system.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Mississippi Valley Conservation advises that the following mitigative measures should be implemented for future development on the proposed retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the watercourse and wetland.*
 - b. *The shoreline vegetation surrounding the wetland and the watercourse shall be retained to a minimum depth of 15 metres.*
 - c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, watercourse, or onto adjacent properties.*
 - d. *Wetland shall remain undisturbed.*
4. *Any proposed works in or near the wetland and watercourse 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.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Glenn Nielson **Hearing Date:** December 19, 2011
LDC File #: B11/137 and B11/138
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 7 **Concession:** 2
Roll No. 0940 934 010 08300 **Consent Type:** 2 New Lots

Purpose and Effect: To sever two (2) residential building lots (1.95-ha and 1.6-ha) and retain a 1.0-ha residential building lot. The severed lands are to be accessed via Highway 511 a County road and the retained lands are accessed via Bennett Drive a Township Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/137	B11/138	
Existing Use Proposed Use	Bush Residential	Vacant Residential	Bush Residential
Area Frontage Depth Road - Access to	1.92-ha 80 m 261.2 m County Road	1.6-ha 60.1 m 261.2 m County Road	1.0-ha 80 m 261.2 m Municipal Road
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Proposed Well Proposed Septic
Official Plan Designation -Conformity?	Rural and Organic Soils Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes		Rural 1.0-ha Yes 60 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.

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 5.0 Cultural Heritage and Archaeological Resources, 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 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 provisions of the Zoning By-law.

(b) AGENCY REVIEW

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

Township Planner's Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt Lot 7 Concession 2, Geographic Township of Lanark now in the Township of Lanark Highlands.

The applicant wishes to sever two residential building lots (1.95 ha & 1.6 ha) and retain a 1.0 ha residential building lot. The proposed severed lots are to be accessed by Highway 511 and the retained land is accessed via Bennett Drive which is a Township road. 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.

1.1 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.

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

1.2 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.

1.3 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.

The proposal will if approved result in the creation of two new lots that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

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. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

Conservation Authority – November 7, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 1.71-ac parcel of land and retain a vacant 43.3 acre parcel of land.

PROPERTY CHARACTERISTICS

As observed during a site visit conducted by MVC in November, 2011, a portion of the subject property appears as a lowland area consisting of organic soils. This lowland area is primarily located along the road frontage of the subject land, to a depth of roughly 75 metres. Higher ground appears to exist towards the rear of the severed lands, with limited upland on the proposed retained lands. In addition, a ditch travels through a portion of the severed lands and appears to connect the lowland area to the Clyde River. We note that an access road has already been constructed thorough the lowland area on the severed lands, and across the ditch (a culvert has been installed), towards the higher ground. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Heritage Features

No significant natural heritage features identified.

Natural Hazards - Organic Soils

Lowland areas often consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development should be directed outside of these areas, whenever possible. In situations where sufficient area does not exist, development may be permitted if the applicant demonstrates, through acceptable engineering techniques, that the presence of organic soils can be overcome or mitigated.

On the subject property, adequate upland area appears to exist on the proposed severed lands to accommodate future development outside of poorly drained areas; however, it is uncertain if sufficient area exists on the retained lands.

RECOMMENDATIONS AND CONCLUSIONS

MVC has no objection to the subject application provided the following mitigative measures are implemented for future development:

Proposed severed lands:

1. Future development, including a septic system shall be setback a minimum of 15 metres from the drainage ditch.
2. Development shall be directed outside of areas containing organic soils.

Proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 15 metres from drainage ditch.
2. The applicant shall demonstrate one of the following: that a suitably sized building envelope exists outside of organic soils OR that the presence of organic soils can be overcome or mitigated for future development, through acceptable engineering techniques. This information must be provided by a qualified professional.

NOTES

Any proposed works in or near the drainage ditch 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) – Leeds, Grenville & Lanark District Health Unit
Severed – B11/137 – The property to be severed is a 1.9 hectare lot which is wooded. There are areas with rock near grade and areas of approximately 0.3m of organic matter. Varying elevations. The land rises from County Rd 511 to a hill. The property will accommodate a conventional septic system. Depending on the exact location, the system may need to be partly or fully raised using imported sandy loam fill.

Severed – B11/138 - The property to be severed is a 1.6 hectare wooded lot. There are areas with rock near grade and in others approximately 0.3m of organic matter. The land rises from County Rd 511 to a hill. The property will accommodate a conventional septic system. Depending on the exact location, the system may need to be partly or fully raised using imported sandy loam fill.

Retained – The property to be retained is a 1.0 hectare wooded lot. There are areas with rock near grade and areas of approximately 0.3 m of organic matter. Varying elevations. The property will accommodate a conventional septic system. Depending on the exact location, the system may need to be partly or fully raised using imported sandy loam fill.

County Roads Department – Land to be severed by 11/137 and B11/138 has an approved entrance location (#2282) which will be a Common Residential and will service both of the severed lots. Retained lands to gain access from local municipal road known as Bennett Drive.

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.

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 (2) residential building lots (1.92-ha and 1.6-ha) and retain a 1.0-ha residential building lot. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings along Bourne Road.

The lands to be severed are accessed via Highway 511, a county maintained road. The retained lands will gain access from Bennett Drive, a municipally maintained road.

The area has land masses mapped as 'woodlands' particularly along the shore of the Clyde River, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

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

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:

Gordon and Elizabeth Fifield – November 10, 2011

In response to your recent letter of notification for the severance of two building lots requested by owner Glenn Neilson across from us on Hwy 511.

File No: B11/137 and B11/138

Subject Land: Pt Lot 7, Concession 2, geographic Township of Lanark

Municipality: Township of Lanark Highlands

Owner: Glenn Neilson

My wife and I give our approval for this severance request, we have no concerns or objections in this matter.

As per your letter we would request to be notified of the board's decision either by letter or email.

If given approval we look forward to having new neighbours in the future.

(e) **MINUTES – December 19, 2011**

Glenn Neilson, owner attended the hearing and gave evidence under oath.

Mr. Neilson advised that he has been in discussion with the Township regarding the minor road extension to Bennett Drive.

The chair reviewed the staff report and draft conditions. No further comments were 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: The following conditions apply to both lots:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
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. 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.
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 applicant shall obtain a Civic Address Number for severed and retained lands from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
10. 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.
11. 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.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #11 has been fulfilled to their satisfaction.
13. 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. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the*

developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

3. *The Leeds Grenville and Lanark District Health Unit advises that depending on the location of the proposed septic system on the severed and retained lands, the system may need to be partly or fully raised using imported sandy loam fill.*
4. *Mississippi Valley Conservation advises that the following mitigative measures are to be implemented for future development:*
Severed lands:
 1. *Future development, including a septic system shall be setback a minimum of 15 metres from the drainage ditch.*
 2. *Development shall be directed outside of areas containing organic soils.**Retained lands:*
 1. *Future development, including a septic system shall be setback a minimum of 15 metres from drainage ditch.*
 2. *The applicant shall demonstrate one of the following: that a suitably sized building envelope exists outside of organic soils OR that the presence of organic soils can be overcome or mitigated for future development, through acceptable engineering techniques. This information must be provided by a qualified professional.*
5. *MVC also advises that any proposed works in or near the drainage ditch 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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

Additional Note for B11/138

8. *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: Will Henckel **Hearing Date:** December 19, 2011
Agent: Dwayne Lewis
LDC File #: B11/139
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 27 **Concession:** 8
Roll No. 0940 934 015 23101 **Consent Type:** New lot

Purpose and Effect: To sever a 1.9-ha residential building lot and retain a 8.98-ha residential lot with an existing dwelling (4391 Tatlock Road). The lands are accessed via Tatlock Road a County road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.9- ha	8.98- ha
Frontage	91.4 m	258.56 m
Depth	207.76 m	Irregular
Road - Access to	County Road	County Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Private Septic
Official Plan Designation -Conformity?	Rural and Deer Yard 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.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area , Section 4.5.2 County Roads, Section 7.5 Natural Heritage Features (Deer Yards), Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposal conforms to the 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 provisions of the Zoning By-law.

(b) AGENCY REVIEW

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

Township Planners Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on the Wolfe Grove Rd. The property is legally described as Pt Lot 27 Concession 8, Geographic Township of Lanark now in the Township of Lanark Highlands and commonly known as 4391 Tatlock Road.

The applicant wishes to sever a 1.9 ha residential building lot and retain a 8.98 ha residential lot with an existing dwelling.

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.

1.1 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.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and

septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on a municipally maintained road.

1.2 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.

1.3 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.

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. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

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. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

Conservation Authority

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

prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 4.68 acres. The retained land is 22.8 acres with an existing residence and outbuilding.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed severed and retained lands are entirely located within an area identified by the Ministry of Natural Resources as a significant deer wintering area referred to as the Tatlock Deer Yard. No other natural heritage features or natural hazards were identified.

REVIEW

Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement (EIS).

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, in order to address the aforementioned policy, the landowners completed a simplified Environmental Impact Statement (EIS). MVC's Biologist reviewed the completed EIS and has concluded that the subject applications "would not degrade the existing habitat to a point that would negatively impact upon the ecological functions of the Tatlock Deer Yard". A full copy of this report can be obtained from MVC upon request.

RECOMMENDATIONS AND CONCLUSIONS

With the above in consideration, MVC does not have any objections to the subject application.

NOTES

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

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 property to be severed is 4.68 acres. It is currently wooded with a portion intended for residential use. There are varying elevations. The soil appears to be sandy. There will be sufficient property to accommodate a class 4 septic system.

Retained – The retained property is 22.8 acres. It contains a house and out building. Much of the property is wooded. There are varying elevations. The soil appears to be sandy. There will be sufficient area for future replacement of septic system.

County Roads Department

Lands to be retained have an existing residential entrance Permit #889. Lands to be

severed have an approved entrance location Permit #2324. A full entrance application must be submitted and entrance installed prior to deed endorsement. 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.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.87-ha residential building lot and retain a 9.22-ha lot with an existing dwelling and outbuildings located at 4391 Tatlock Road. (The application and sketch were revised slightly to accommodate the entrance. – frontage increased from 60 m to 91 m).

The subject lands are located in an area characterized by Residential on large landholdings interspersed by smaller type residential lots along Tatlock Road. The lands are located within a designated "Wintering Area" (Deer Yard) and therefore a MVC requested that an scoped EIS be undertaken.

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

Due to the proximity of a Livestock Facility, an MDS Calculation was undertaken. The facility is located on the north side of Tatlock Road. The MDS Calculation requires a minimum setback of 266 m. The distance from the livestock facility to the lot line of the proposed new lot has been indicated by the applicant to be 300 m.

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

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.

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:

Dorothy and Ray Sargent – Nov 28, 2011

We, as existing home owners on the property adjacent to the property to be severed, have a few concerns:

- we feel there is a need for a land survey and placement of pins due to its location
- possible impact on our well when a dwelling is erected due to the size and proximity of the land which is proposed to be severed
- where we lived previously there was a shortage of water supply as a result of lots sizes having been approved which were too small to support the load, the planned severance is less than 2 acres; we do not want to end up in the same situation nor end up having sulphur or other contamination of our water
- is there a study to be conducted prior to approval of the severance to ensure that this does not happen?
- concern about cracking of our foundation etc. as an outcome of the possible need to blast due to the large amount of rock in the area and closeness of the proposed severance
- will the approval be limited to a single family dwelling in keeping with those in the area?
- closeness of the proposed driveway entrance to the hill, could possibly be of a safety concern (County Entrance Location Permit No. 2324)
- is there any change proposed to the zoning of rural?

We also wish to be notified of the public meeting to be held once the review of the proposal is complete, since this severance will affect us directly.

In addition, we are also requesting that we receive notice of the decision of the Land Division Committee in respect of the proposed consent.

NOTE: a response to the above questions was provided to the Sargent's.

(e) MINUTES – December 19, 2011

Dwayne Lewis, application and Dorothy Sargeant, adjacent landowner, attended the hearing and gave evidence under oath.

Ms. Sargeant expressed her concerns that the development may affect the quantity and quality of well water in the area.

Mr. Lewis advised that the landowner has not had a problem with quantity and quality of water, however till further check into other property owners wells as suggested in the condition 'notes'.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated 8, 2011.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. 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
7. The applicant shall provide the Township of Lanark Highlands with a 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. 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).
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. 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.
12. 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.
13. 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.
14. The applicant shall address any mitigative measures required as a result of the review of the simplified Environmental Impact Assessment form by the Mississippi Valley Conservation.
15. A letter shall be received from Mississippi Valley Conservation stating that condition #14 has been fulfilled to their satisfaction.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 through #13 has been fulfilled to their satisfaction.
17. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #1- has been fulfilled to their satisfaction.

NOTES

1. *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.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Fred Ladley **Hearing Date:** December 19, 2011
Agent: John Miller
Applicant: Ken McNamee for 1270249 Ontario Inc.
LDC File #: B11/140
Municipality: Township of Lanark Highlands
Geographic Township: Lavant **Lot:** 5 **Concession:** 8
Roll No. 0940 001 015 04600 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 178 sq.m. parcel of land as a lot addition to lands owned by 1270249 Ontario Inc and retain a 0.82-ha residential lot (121 Victor Paul Lane). The lands are accessed via a private right-of-way.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Cottage Lot Cottage Lot
Area Frontage Depth Road - Access to	178 sq metres Registered R-O-W	0.82 ha 4.57 m Irregular Municipal Road
Water Supply Sewage Disposal	n/a Proposed Septic	Private Well Private Septic
Official Plan Designation -Conformity?	Lake Development District / Mineral Constraint Overlay Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Lakefront Development n/a Lot Addition	Lakefront Development 1.0- ha existing 50 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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 3.6.4 & 5 Lake Development Protection Policy, Section 4.5.3 Township Roads, section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 7.2.6 Permitted Uses (Mineral Constraint Overlay), section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposal conforms to the policies in the Township's Official Plan.

Zoning By-law - section 4.0 General Provisions, Section 11.0 Lakefront Development Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition to facilitate access and traffic movements on an existing property. The holding is located on Robertson Lake and is legally described as Part Lot 5, Concession 8, Geographic Township of Lavant now in the Township of Lanark Highlands.

The applicant wishes to add lands from a parcel of land owned by the Mr. Fred Ladly and is legally described as Part Lot 5, Concession 8, Geographic Township of Lavant. The proposed lot addition is for approximately 178 square metres to be added to the existing holding located at 117 Victor Paul Drive.

The properties are designated Lakefront Development on Schedule 'A 1' of the Township of Lanark Highlands Official Plan. Part Lot 5, Concession 8, Geographic Township of Lavant, Township of Lanark are zoned Lake Development on Schedule 'A 1' of Zoning By-law 2003-451.

There is no new construction proposed as part of this application. 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.

There is no new development proposed for either the severed or the retained lands as part of this proposal. The proposal as submitted is consistent with Provincial Policy. Official Plan

The subject lands are designated Lakefront Development on Schedule 'A1' of the Township of Lanark Highlands Official Plan. This designation protects and preserves the natural environment surrounding any waterfront lands and provides for appropriate development and recreation surrounding the water bodies.

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. Residential dwellings and associated accessory structures are permitted within the Lakefront Development designation. There is no new development proposed or facilitated by means of this application and therefore the proposal will comply with Official Plan policies.

Zoning

The lands are zoned Lake Development on Schedule 'A 1' of Zoning By-law 2003-451. Although the existing property does not meet the current requirements or provisions of the Lakefront Development zone, the property does enjoy legal non-conforming status.

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

1. That the applicant submits to the Township of Lanark Highlands any outstanding fees required.
2. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township of Lanark Highlands.

Conservation Authority – November 7, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 178 sq. m. as a lot addition to the adjacent lands. The retained lands and the lot to-be-enlarged are waterfront lots, which are already developed. The proposed severed lands are vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained lands and the lot to-be-enlarged have frontage on Robertson Lake, while the severed lands do not. No other natural heritage features or natural hazards were identified.

REVIEW

The subject application essentially involves the addition of a vacant piece of non-waterfront land to a developed waterfront lot. No new waterfront lots are proposed and no new development is proposed. Therefore, no impacts to the lake are anticipated as a result of this application.

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject lot addition.

NOTES

With respect to the retained land and the lot to-be-enlarged, we assume that any potential future development will comply with the zoning provisions; particularly with respect to waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

The applicant should be advised that written permission is required from MVC prior to the initiation of any alterations to the shoreline of Robertson Lake, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

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.

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) – Leeds, Grenville & Lanark District Health Unit
Severed – The severed portion is a primarily wooded area with main slope toward lake. The portion is to be added to existing lot which contains a new dwelling.

Retained – The retained portion is a 0.82 acre lot. The property contains a 2 storey cottage and second sleeping cottage. The property is hilly with some steep elevations. There are areas of rock. Main slope appears to be toward lake.

The septic system is a fully raised system, fed by pump, located on the side of the small cottage furthest from the lake. The severance would not adversely affect future replacement. Area of replacement would likely be same as current due to lot constraints. i.e. rock, lake and elevations.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 178 sq.m. parcel of land as a lot addition to lands owned by 1270249 Ontario Inc and retain a 0.82-ha residential lot (121 Victor Paul Lane). The lands are accessed via a private right-of-way.

The subject lands are located in an area characterized by Residential and Seasonal Residential on typical smaller type lakefront lots. The additional lands are required to install a septic system further away from the lakefront.

The lands are accessed via Victor Paul Drive, private road which adjoins Lavant Mill Road, a municipally maintained road.

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

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

A "State of the Lake Environment Report" was undertaken on Robertson Lake in 2002. The reports were able to conduct a comparison between water quality conditions as they existed in 2002, to results obtained some 40 years earlier. In general the water quality in Robertson Lake is good and improving. Chlorophyll a testing indicated low algal density for the Lake. However, aquatic vegetation and algae settles, causing oxygen concentrations in the deep water portion to become poor by late summer. Every effort should be made by the residents and users of Robertson Lake to reduce nutrient loading into the lake from land use activities, in order to protect this water resource. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. The Lake did not have zebra mussel larvae or adults or spiny water flea. However, 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 from other lakes.

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.

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 19, 2011**

John Miller, agent, attended the hearing and gave evidence under oath.

Mr. Miller advised that the additional lands will permit the landowner to install a conventional septic system further away from the lake.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by 1270249 Ontario Inc described as Part Loy 5 Conc. 8, Plan 26R-3114, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
5. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
6. The deed of land required by condition #1 above shall recognize any easements that currently exist.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
8. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
9. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
10. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #7 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *The applicant should be advised that written permission is required from MVC prior to the initiation of any alterations to the shoreline of Robertson Lake, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.*
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 Robertson Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Paul Taylor & Kathleen Taylor **Hearing Date:** December 19, 2011
Agent: Stephen Craig Halpenny
LDC File #: B11/153
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 10 **Concession:** 10
Roll No. 0911919 010 454000 **Consent Type:** Correction of Title

Purpose and Effect:

To sever a 0.21-ha residential lot with an existing dwelling and retain a 0.17-ha residential lot with an existing dwelling. The two lots were inadvertently merged on title. The lands are accessed via Silver Lake Lane a private r-o-w.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	0.21 ha 37.1 m 81.7 m Registered R-O-W	0.17 ha 42.7 m 69.4 m Registered R-O-W
Water Supply Sewage Disposal	Private well Private septic	Lake Private septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Seasonal Residential 0.405-ha Existing 60 m existing	Seasonal Residential 0.405-ha Existing 60 m existing

(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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 2 General Development Policies, section 2.15 Existing Uses, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division
Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone.
Tay Valley Township advised that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

Section 5.2.1 seasonal dwelling is permitted and appropriate, Section 5.2.2 both the severed and retained lots were existing undersized lots of record and were inadvertently merged on title. The purpose of this application is to correct the title by bringing the lots back to their historical status under separate ownership. Section 3.2 – where a lot exists with less than minimum frontage or area such non-complying lot may be used for a purpose permitted in the zone in which it is located.

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 Deed/Transfer
- Copy of the reference plan.

(c) PLANNING REVIEW

The applicant proposes to sever 0.21-ha residential lot with an existing dwelling and retain a 0.17-ha residential lot with an existing dwelling. The lands were inadvertently merged on title.

The subject lands are located in an area characterized by seasonal residential and permanent residential on typical smaller type lots along the shore of Silver Lake.

The lands are accessed via Silver Lake Lane, a private road which adjoins Zealand Road, a municipally maintained road. The existing private road (R-O-W) will be required to be described in the deeds in order to maintain the existing use of the roadway.

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

A "State of the Lake Environment Report" was undertaken on Silver Lake in 2000 and 2005. The lake is a cold water lake. The reports were able to conduct a comparison between water quality conditions as they existed in 2000 and 2005, to results obtained some 30 years earlier. In general the water quality in Silver Lake is good, but has increased slightly since 2000. Chlorophyll a testing indicated low algal density for the Lake. However, aquatic vegetation and algae settles, causing oxygen concentrations in the deep water portion to become poor by late summer. Cold water fish species, such as lake trout are therefore squeezed into 11 metres of the lake by late summer. Every effort should be made by the residents and users of Silver Lake to reduce nutrient loading into the lake from land use activities, in order to protect this cold water resource. 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.

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

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 19, 2011

Craig Halpenny, solicitor for the owner, attended the hearing and gave evidence under oath.

Mr. Halpenny advised that he is the legal representative for the insurance company working on the error which merged the two lots on title. The lot to be severed was purchased by the Taylors in 1995 and the lot to be retained was purchased as a separate lot in 2007 and it was with the purchase of the second holding that the lands merged on title. The owners continued to receive separate tax bills and assessment notices and were not aware of the merged title until 2011. Both lots have an existing dwelling (constructed prior to 1985) and septic system

The Committee expressed concern that in essence approval of the application would create two undersized lots, however by leaving the lot as one, the lands would create a

lot with two dwellings thereby being non-compliant with the Township's OP and Zoning By-law. Mr. Halpenny advised that he had discussed both scenarios with the Township, and they acknowledged that the two lots as separate entities were legal non-complying.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be severed and retained in favour of the lot to be retained and severed and all those who are currently entitled.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications. And that Tay Valley Township recognizes the lots as 'legal non-complying'.
6. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #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. Residents and users of Silver Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
2. *Residents and users of Silver Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *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".*
4. *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.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Cheryl Batten **Hearing Date:** December 19, 2011
Agent: William Webster
LDC File #: B11/154
Municipality: Town of Carleton Place
Geographic Township: N/A **Plan:** 133 Section "C"
Roll No. 0928 020 040 098010 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 122.9 sq.m. parcel of land as a lot addition to lands owned by Cassandra Crepin at Pt Lot 1 & 2 Compiled Plan 133 Section "C", Town of Carleton Place. The lands are accessed via Charles Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Lot Addition	Vacant Residential
Area	122.9 sq. m.	461.9 sq. m.
Frontage	3.46 m	13 m
Depth	35.53 m	35.53 m
Road - Access to	Municipal Road	Municipal Road
Water Supply Sewage Disposal	Public Public	Public Public
Official Plan Designation -Conformity?	Residential Yes	
Development Permit Category	Residential Residential	
-Area Required (min.)	60%	60%
-Compliance?	10.6 m	10.6 m
-Frontage Required (min.)	Yes	Yes
-Compliance?		

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of existing municipal sewage services and municipal water services should be promoted, wherever feasible.

Official Plan – Section 3 – General Provisions, Section 4.2 Residential Policies, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

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

Development Permit By-law - Section 2.17 Development Review Process, Section 3.0 General Provisions, Section 5.0 Residential designations.

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

(b) AGENCY REVIEW

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

Town Planners Report

A consent application has been received for the property known municipally as 135 Charles as shown on the key map. The lot is located on the east side of Charles Street.

The severed lot would be approximately 3.46 metres wide and 122.9 m². The retained parcel would be approximately 13.0 metres wide and 461.9 m². This is a lot addition which will result in a portion of the property at 135 Charles Street to be added to the rear of the property at 139 Charles Street.

COMMENT

The Official Plan designation is Residential (R), This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings, and apartment units. The Development Permit designation of the property is Residential. The effect of the lot addition will add land to the rear yard of the existing house at 139 Charles. The retained lot has the minimum lot frontage required under the Development Permit By-law. The applicant will be required to provide building elevations and a plan that demonstrates

how a house will be able to be accommodated on the retained lot. The design of the residential unit will be required to retain the character of the community as inventoried in the Development Permit Bylaw.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. That the severed are for the purpose of lot addition only to the adjacent lands at 139 Charles Street.

(c) PLANNING REVIEW

The applicant proposes to sever a 122.9 sq.m. parcel of land as a lot addition to lands owned by Cassandra Crepin at Pt Lot 1 & 2 Compiled Plan 133 Section "C", Town of Carleton Place. The lands are accessed via Charles Street.

The subject lands are located in an area characterized by Residential on typical urban type lots along Allan and Charles Streets.

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Town of Carleton Place 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 19, 2011

William Webster, agent, attended the hearing and gave evidence under oath.

Mr. Webster advised that the additional lands will allow for the required minimum read yard, which will allow the owner purchaser to change the single family dwelling into a semi-detached unit. A separate application will be forthcoming to obtain approval for the semi-detached unit once the necessary re-construction has been undertaken to meet the Building Code Requirements.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Cassandra Crepin at Pt Lot 1 & 2 Compiled Plan 133 Section "C", Town of Carleton Place, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
5. That the applicant provides the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
6. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The

surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.

7. A letter shall be received from the Town of Carleton Place stating that condition #4 through #6 has been fulfilled to their satisfaction.

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.

2.3 Agriculture

Section 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Official Plan – Section 4 General Development Policies, Section 4.5 Division of Land, Section 6.1 Agricultural Policies, Section 7.3 Local Roads, section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 10 Agriculture Zone.

The Township of Beckwith advises that the proposal complies with the provisions of the Zoning By-law.

(b) AGENCY REVIEW

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

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

- 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.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That the existing barn will not be used for livestock housing and will be removed within one (1) year of the severance being finalized.

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.

PROPOSAL

According to the information provided, the purpose of the subject application is to sever 39.1 ha with an existing barn; and retain 5.0 ha with an existing dwelling and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available mapping, the Willows Municipal Drain travels across the northern portion of the severed lands, and appears to drain into the Mississippi River. This drain has been classified as intermittent and may comprise fish habitat. No other Natural Heritage Features or Natural Hazards were identified on the subject property.

REVIEW

MVC is satisfied with the size of resulting lots. The proposed severed lands have sufficient area to accommodate new development in compliance with a minimum waterbody setback of 30 metres from the Municipal Drain. The proposed retained lands are already developed with no new development proposed at this time.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject application provided that future development complies with the zoning provisions; particularly with respect to the minimum waterbody setback from fish habitat and the retention of a shoreline vegetated buffer.

NOTES

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the Willows Municipal Drain.

In addition, any proposed works in or near the Municipal Drain 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) – Leeds, Grenville & Lanark District Health Unit

Severed – The land to be severed is 96.7 acres. It contains a barn and is comprised of fields. The current and proposed use is agriculture. The main drainage appears to be south-west. Should a septic system be required in the future there will be ample property to accommodate a conventional system – raised or partly raised using imported sandy loam fill.

Retained – The land to be retained is 5.0 hectares. It contains a home and outbuildings and fields. The drainage appears to be toward the west. The current system appears to be partly raised. The severance will not impact the existing septic system which is located to the west of the house. There will be ample property to replace the septic system in the future.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 39.1-ha agricultural landholding with an existing barn and retain a 5-ha residential lot with an existing dwelling (1156 St. Fillans Road).

The subject lands are located in an area characterized by agricultural on large landholdings to the west, and residential development to the south and east. The lands are also adjacent to Highway 7.

Section 6.1.6 of the Township's official Plan provides for severance for agricultural purposes if the consent is intended to consolidate or re-divide good agricultural lands and provided that the dimensions of all parcel created or remaining are appropriate for the agricultural activity in the area and agricultural practices in the long run. The lands are intended to be used for 'cash crops'.

Due to the proximity of the barns in relation to the dwelling an MDS calculation was undertaken. This resulted in two options, to remove the livestock facility portion of the barns and decommission the remainder, or demolish the entire facility. The applicant choose to agree to the removal of livestock facility, however, the purchaser has indicted his intention be demolish the barns in their entirety rather than remove only the livestock housing portion. Arrangements have been made to tear down the barn and relocate the log portion in another location (Beckwith Park) through an agreement between the Township and the purchaser.

The lands are accessed via St. Fillan's Road, a municipally maintained road.

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

Bedrock Inventory – dolostone, sandstone.

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

The Provincial Policy Statements encourages the protection of prime agricultural areas for the long-term use for agriculture. The lands being severed as 'lot additions' to existing residential lands are within a forested area of the agricultural operation and are not used as part of the agricultural operation (i.e. crops). Therefore the request falls under PPS Section 2.3.5.1.c and the applications can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 19, 2011**

Marjorie Mosseau, owner and Earl Mosseau, attended the hearing and gave evidence under oath.

Mr. Mosseau questioned the length of time before they could obtain a deed. The chair advised that this depended on the time required to complete the survey and clear the conditions in order to obtain the deed.

The chair reviewed the staff report and draft conditions. No further comments were 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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application
5. The applicant shall enter into an agreement with the Township of Beckwith to remove the barns in their entirety within 12 months of the deed transfer. This agreement shall be transferable to the future purchaser.

6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that any future septic system will be required to be raised or partly raised using imported fill.*
2. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the Willows Municipal Drain.*
3. *In addition, any proposed works in or near the Municipal Drain 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. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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