



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, February 28, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Member Absent: W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-004

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

"THAT, the minutes of the Land Division Committee meeting held on January 24, 2011 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-005

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

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

8. REPORTS

8.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. and 1:30 p.m. public hearings:

8.1.1 B10/126 – Jane Cronin – Lot addition and ROW

Pt Lot 21-23 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands. (unnamed private road)

8.1.2 B10/127, B10/128 and B10/129 – Ron Connelly – 3 New Lots and ROW

Pt Lot 21-23 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands. (unnamed private road)

8.1.3 B10/138 – Dustin Hirst – new lot

Pt Lot 23 Conc. 1, geographic Township of Darling, now in the Township of Lanark Highlands. (unnamed private road).

8.1.4 B10/158 and B10/159 – Allan and Myrtle McNeely – 2 new lots

Pt Lot 13 Conc. 11, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Ramsay Con. 12)

8.1.5 B10/167 and B10/168 – Wendy Coombs – 2 new lots

Pt Lot 20/21 Conc. 10 geographic Township of Bathurst, now in Tay Valley Township. (Bennett Lake Road).

8.1.6 B10/170 – Brian Alfred Ricardo – new lot

Pt Lot 9/10 Conc. 4, geographic Township of Bathurst, now in Tay Valley Township. (Bathurst 5th Con).

8.1.7 B10/171 and B10/172 – Rowena Dunlop – 2 new lots

Pt Lot 6 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Dunlop Sideroad).

8.1.8 B10/173, B10/174 and B10/175 – Rowena Dunlop – 3 new lots

Pt Lot 6 Conc. 9 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Dunlop Sideroad).

8.2 Applications Previously Heard and Awaiting a Decision

None

9. CONFIDENTIAL REPORTS

None

10. NEW/OTHER BUSINESS

10.1 Endangered Species Act

MNR has advised that all development must have regard for the Endangered Species Act, 2007. Committee reviewed the “Note” to be included on all provisional draft conditions to advise applicant/owners of their obligation to comply with the ESA.

10.2 2010 Year-End Report

Committee reviewed the ‘draft’ report and provided comments. Report to be finalized at the March meeting.

11. PUBLIC HEARING:

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

11.1 PROVISIONAL CONSENT GRANTED

11.1.1 B10/138 – Dustin Hirst – new lot

11.1.2 B10/158 and B10/159 – Allan and Myrtle McNeely – 2 new lots

11.1.3 B10/167 and B10/168 – Wendy Coombs – 2 new lots

11.1.4 B10/170 – Brian Alfred Ricardo – new lot

11.1.5 B10/171 and B10/172 – Rowena Dunlop – 2 new lots

11.1.6 B10/173, B10/174 and B10/175 – Rowena Dunlop – 3 new lots

11.2 PROVISIONAL CONSENT DEFERRED

11.2.1 B10/126 – Jane Cronin – Lot addition and ROW

11.2.2 B10/127, B10/128 and B10/129 – Ron Connelly – 3 New Lots and ROW

12. UPCOMING MEETINGS

Monday, March 28, 2011 at 9:00 a.m.;
Monday, May 2, 2011 at 9:00 a.m.
Monday, May 30, 2011, and
Monday, June 27, 2011.

13. ADJOURNMENT – 12:45 p.m.

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

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Dustin Hirst **Hearing Date:** February 28, 2011
Agent: N/A
LDC File #: B10/138
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 23 **Concession:** 10
Roll No. 0940 944 020 32200 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.1-ha residential building lot and retain an 11.0-ha commercial recreational operation (Campgrounds). The lands to be severed are accessed via an unopened road allowance.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Campground (rental cabins)
Proposed Use	Residential	Campground
Area	1.1 ha	11 ha
Road Frontage	60 m	750 m
Water Frontage	72 m	750 m
Depth	113 m	220 m
Road - Access to	Unopened Road Allowance	Municipal Road
Water Supply	Proposed	Private Communal Septic
Sewage Disposal	Proposed	Private Communal Well
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Commercial Recreational	Commercial Recreational
-Area Required (min.)		1.0-ha
-Compliance?	Requires Re-zoning	Yes
-Frontage Required (min.)	to Lakefront	60 m
-Compliance?	Development	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

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

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

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 3.6 Rural Area, Section 3.7 Rural Area – Shoreline Structures, Section 3.9 Rural and Recreational Commercial Uses, Section 4.5.3 Township Roads, Section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 7.5 Natural Heritage Features, Section 9.0 Water Quality and Water Quantity, Section 10.11.13, Subdivisions, Consents and Part-Lot Control.
The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 15.0 Commercial Recreational Zone.

The Township of Lanark Highlands advises that the proposal does not comply with the Zoning by-law regulations and that re-zoning is required.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – 0.25metres of silty loam over fractured bedrock. Lot slopes to the northeast toward lake. Steep slope near shore. Depending on exact site of sewage disposal system, leaching bed fill will likely be required to construct a raised system.

Retained – 0.25 metres of silty loam over fractured bedrock. Cottage rentals and private home. Severed property will not affect sewage disposal on retained lands.

Hydro One Networks – No comments were received.

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

White Lake Cottage Association – No comments received

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.-ha residential lot and retain an 11.0-ha commercial recreational landholding, with 11 existing rental cabins.

The subject lands are located in an area characterized by Residential on larger type lots around Eggshape Bay (White Lake). Crown lands and an Ontario Living Legacy Area are located across the bay from the lands. The lands are also within the White Lake Wetland Complex (ANSI) area.

The lands to be severed are accessed via the unopened road allowance between Concession 10 and 11 at Lot 23 Darling. The private road is under a maintenance and repair agreement with the Township of Lanark Highlands.

In accordance with the Official Plan Section 7.5.2 Natural Heritage Features, an Environmental Impact Statement was prepared for the applicant by David J. White. This report was an addendum to a previous report undertaken in 2004/05 for the new lots created on Lot 23 Conc. 11 Darling. The report concluded:

“In the 2005 EIS, I proposed several measures to mitigate any potential impact of the proposed development on White Lake and Adjacent ANSI and PSW. These included using siltation fences around the building sites, minimizing the width of access-to-water corridors, maintaining existing shoreline forest and using low-impact floating docks.

Care must be taken on the steep slope near shore to minimize potential erosion into the lake and the PSW. Due to slope constraints, as little coniferous forest as possible should be removed to allow the access to water. The existing conifers stabilize the steep, rocky slope.

If the measures recommended in the previous EIS along with the steps recommended above are followed, there should be no impact on the adjacent White Lake, the PSW or the ANSI.”

The original EIS was ‘peer reviewed’ by MVC who concurred with the recommendations. A Development Agreement was required as a condition of these previous severances.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

As noted by the agent, the private road servicing the lots has not been formally named. In order to comply with the recently established “ROAD, ADDRESSING and PARCELS

PROJECT POLICY", a mutually acceptable road name will be required to be submitted to the County Emergency Management Co-ordinator.

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.

Daniel Proulx - 115 Percy Street Ottawa, ON K1R 6C6

Thank you for the information you provided to me regarding file no. B10/138. After looking over the file I have a few minor concerns. Just to help ... here is the legal description of my property:
DAR CON 10 PT LOT 23 RP 26R276 Parts 1 and 2 ROW RP 26R276 PART 3. Roll Number: 0940 944-020-33500-0000

I think the sketches are a bit off and do not reflect all the residential or commercial property lots accurately.

In the application for consent under section 3 location of property.

The right box asks if there are right of way easements or restrictive covenants to the severed or retained land? No has been checked off.

My property and other residential properties have deeded access right of way through parcel "C" described in the application as Part Lot 23 concession 10 - 366 Pickerel Bay Rd.

I have included a small portion of the survey that I have of my property indicating a part 1 part 2 and a part 3.

The Part 3 has an instrument number 36618 which is the right of way easement that runs from my address 411 Pickerel Bay Rd. through to the gates beginning of Parcel "C" as described in the application.

Section 5e - Access information

Is this regarding access to the severed lot that will be accessed by a public road? Or should the easement through parcel "C" be mentioned?

Section 8 - Question 8

Is there an Industrial or Commercial use of property within 500 meters of the severed or retained property?

My property is also zoned as a commercial recreational property and we operate a business renting cabins.

Section 10 - last question regarding the location or nature of any easement affecting the property. Again, is this just for the severed lot or all parcels?

This letter is not intended to delay or object the application of consent for the Hirst family. I'm just making sure that other property owners be accurately considered in sketches and zoning / business descriptions.

If I can provide you with more details about my property or clarification to my questions please feel free to contact me.

NOTE: Dustin Hirst provided a revised sketch which located the access on the unopened road allowance, used under agreement with the Township. Mr. Hirst also confirmed the commercial site within 500m of the lands.

(e) **MINUTES – February 28, 2011**

Dustin Hirst, applicant, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. Mr. Hirst advised that the road on the unopened road allowance has been constructed to this lot.

(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 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. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. 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).
9. The lot to be severed shall be zoned to an appropriate zoning category for the intended use.
10. The applicant shall amend the registered development agreement, pertaining to the "Maintenance and Repair" of the road located on the unopened road allowance between Concession 10 and 11 at Lot 23 Darling, and such agreement shall be registered on title. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
11. A copy of the agreement required under Condition No. 10 shall be provided to the Land Division Committee Secretary-Treasurer.
12. The applicant shall provide a mutually acceptable road name for the existing private right-of-way providing access to the severed lands. The applicant shall consult directly with the Township in this regard.
13. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
14. The applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall address the mitigation measures outlined in the EIS and EIS Addendum prepared by David J. White.
15. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 and #12 through #14 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. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

The Ministry of Natural Resources 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.

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 2 Basis of Plan, Section 3.3 Rural Policies, Section 3.2.3 Severance and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.
The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 6 General Provisions, Section 14 Rural Residential Zone.

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Mississippi Mills Planner's Report - Background

Allan and Myrtle McNeely currently own approximately 3.59ha (8.87ac) of land located on Conc. 12 in Ramsay Ward, in the Town of Mississippi Mills. The intent of the applications are to sever two residential building lots each lot being 1.0-ha (2.47ac) in size. The McNeely's will retain an 1.55ha (3.53ac) residential lot with the existing dwelling and outbuildings. The lots subject to the consent applications are designated Rural in the Official Plan. The retained parcel of land is designated Rural. All of the lands are zoned Rural.

Severance Application Summary

Lot Severance - B10/158 and B10/159

This application is to sever two 1.0-ha (2.47acre) parcels of rural land from the existing lot, creating two residential building lots. Each of the created lots will have 50m (1.64 ft) of frontage on to Ramsay Conc. 12, a municipally maintained road. The retained lands will have 200m (656ft) of frontage on to Ramsay Conc. 12 and will have a lot area of 1.55-ha (3.53ac). The existing lot is currently serviced on private services and the newly created lots have received Severance Permit approval from the Leeds, Grenville and Lanark District Health Unit.

Provincial Policy Statement

The 2005 Provincial Policy Statement does not speak specifically to lot severances in the rural area.

Community Official Plan:

The subject property has an Official Plan designation of Rural. Section 3.3.6-Severances and Lot Creation, permit severances for rural non-farm residential lots that are designated

Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an

original township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire two severances on the property.

The Community Official Plan for the Town of Mississippi Mills sets out clear minimum lot area standards for land designated rural. Section 3.3.6.5 (iv), states that each lot must be .99ha (2.45ac) for both the severed and the retained lands. The proposed severance applications will create two new residential lots, each with a lot area of 1.0-ha (2.47ac) and leave a retained lot of 1.55ha (3.83ac). The proposed lots meet the minimum lot area requirements outlined in the Community Official Plan.

Zoning By-law 01-70:

The property subject to the application is zoned Rural. The zoning provisions for lots in the Rural zone require a minimum lot area of 10.0-ha (24.7ac) if used for a rural use or 0.4 ha (1.0ac) if used for Non-Farm Residential. The required minimum lot frontage for Rural property is 150m (492ft) or 45m (147.6ft) if used for non-farm residential. The severed properties and the retained lands meet the requirements of the Rural zone provisions.

Conclusion

The proposed severances are consistent with the Community Official Plan policy regarding severances and lot creation and are consistent with the zoning by-law. The applicants have received Severance Permit approval from the Leeds, Grenville and Lanark District Health Unit for the proposed severances. With regard to the retained lands, the Health Unit comments that "there is adequate area in the retained parcel to construct a replacement system if ever required. In addition, the Mississippi Valley Conservation (MVC) comments that they have screened the subject applications out of their formal review process based on: 1) a review of available GIS mapping they do not anticipate any impact on a tributary of the Mississippi River that travels in the vicinity of the subject property, and 2) that their preliminary review revealed no other natural heritage values or natural hazards that require comments through the MVC planning advisory program. With this in mind, staff recommends support of the proposed severance applications subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant must acquire an entrance permit from Ramsay Conc. 12 and
5. That the applicant must acquire a PIN/Municipal address for each lot.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation has screened the subject applications out of our formal review process for the following reasons:

- Based on a review of available GIS mapping, a tributary of the Mississippi River travels in the vicinity of the subject property, and likely within 30 metres of the proposed

severances. However, this tributary is located on the opposite side of a township road, in relation to the subject property. On this basis, we do not anticipate any additional impacts to this watercourse as a result of the proposed severances.

- A preliminary review of the above noted application revealed no other natural heritage values or natural hazards requiring comments through Mississippi Valley Conservation's planning advisory program.

A search for occurrences of potential Species at Risk was not conducted. Please contact the Ministry of Natural Resources for a review in this regard.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed B10/158 – Mostly flat with good drainage. Drainage ditch around the west and south sides of the proposed severances. 20-50 cm of clay soil over rock. Shallow soil may mean imported leaching bed fill is required to construct an on-site sewage disposal system.

Severed B10/159 - Mostly flat with good drainage. 20-50 cm of clay soil over rock. Cleared field. Shallow soil may mean imported leaching bed fill is required to construct an on-site sewage disposal system.

Retained – Flat lot, good drainage. Existing home and two outbuildings. Existing home and two outbuildings. Existing sewage system on side of house opposite the proposed severances. No visible signs of malfunction. There is adequate area in the retained portion to construct a replacement system if ever 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 (2) 1.0-ha residential building lots and retain a 1.55-ha residential lot with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential/Farm on large landholdings interspersed with estate type residential lots along Ramsay Con 12. A residential subdivision is located approximately 500 m north of the site.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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 Mississippi Mills 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 – February 28, 2011**

Allan and Myrtle McNeely, owners, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/158

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 with a digital copy of the registered reference plan.
3. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of the reference plan associated with this application.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
7. The applicant shall obtain a Civic Address Number from the Towns of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

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

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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.

B10/159

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 with a digital copy of the registered reference plan.
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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.

5. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Wendy Coombs **Hearing Date:** February 28, 2011
Agent: John F. Coombs
LDC File #: B10/167 & B10/168
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 20 & 21 **Concession:** 10
Roll No. 0911 916 030 28701 **Consent Type:** two (2) New Lots

Purpose and Effect:

B10/167 - To sever a 1.2-ha residential building lot;
 B10/168 – To sever a 15.3-ha residential building lot; And retain a 12.7-ha landholding with an existing dwelling and outbuildings at 152 Walter’s Lane. The lands to be severed are proposed to be accessed via Bennett Lake Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/167	B10/168	
Existing Use	Vacant	Vacant	Residential
Proposed Use	Residential	Residential	Residential
Area	1.2 ha	15.3 ha	12.7 ha
Frontage	82.3 m	183.3 m	36.65 m
Depth	110.6 m	77.3 m	408 m irregular
Road - Access to	County Road	County Road	Municipal Road
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural and Hamlet Yes		
Zoning Category	Rural		Rural , Hamlet & Special District 24
-Area Required (min.)	0.405-ha		0.405-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		45 m
-Compliance?	Yes		No

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies, Section 3.7 Hamlet Policies, Section 4.3 County Roads, Section 4.4 Township 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 5.1 General Residential, Section 10 Rural Zones, Special District 24 – General Commercial including a professional office for a doctor.

Tay Valley Township advises that the proposal does not comply with the zoning by-law regulations as the retained lands do not meet the minimum frontage requirements. A re-zoning will be required.

(b) AGENCY REVIEW

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

Tay Valley Planner's Report

Applicable Sections 3.6.2 Rural designation and 3.7 Hamlet designation - permit residential use. 5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lots will front on the Bennett Lake County owned- road and the proposed retained lot will have frontage on Tay Valley Township's Walter's Lane. 2.23 Water Quality and Quantity requires a minimum setback of 30 m from water, in this case from the Fall River and from a wetland located largely on the retained parcel. The water setback requirements can be met for both the proposed severed lots and the proposed retained lot.

Zoning By-law Category: Rural, Special District 24

Applicable Sections 10.1.1 - Residential use is appropriate 10.1.2 - Lot area of 1 ha is met for both the proposed severed lots (1.2 ha and 15.3 ha respectively) and the retained lot (12.7 ha). Frontage on a Public road of 60 m is met for both the proposed severed lots (approximately 82 m and 183 m respectively). Frontage of 45 m a Hamlet is not met for the retained lot (frontage of 36.65 m) therefore rezoning to RU special exception will be required as a condition of consent.

- The Special District 24 (General Commercial including a professional office for a doctor) will be included as General Commercial in the next update to the Zoning By-law as it was missed in the 2002 consolidation.
- MRSSO has no objections.
- Mississippi Valley Conservation Authority requested that unclassified wetlands on the retained parcel and B10/167 remain undisturbed and protected through a Site Plan control Agreement at the time of any proposed development.

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

- 1/ Payment of all taxes owing and all costs incurred by the Township for the review process.
- 2/ Copy of the deed/transfer and two copies of the reference plan.
- 3/ Parklands contribution in the amount of \$200.00 for each parcel.
- 4/ The remnant parcel to be rezoned to indicate the deficiency in Road frontage on a maintained road.

Conservation Authority – Mississippi Valley Conservation

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

It is our understanding that the purpose of the subject applications is to sever two vacant building lots as follows: 1.2 ha under B10/I67 and 15.3 ha with 578 metres of water frontage under B10/I68. The retained lands are 12.7 ha with 1041 metres of water frontage and an existing dwelling and barn.

B10/167 Severed Lands:

As revealed by a review of available GIS mapping and aerial photography, a small portion of an unclassified wetland encroaches onto the proposed severed lands. No other natural heritage features or natural hazards were identified.

B10/168 Severed Lands:

The proposed severed lands have frontage on the Fall River. No other natural heritage features or natural hazards were identified.

Retained Lands:

The proposed retained lands consist of the remainder of the unclassified wetland that encroaches onto the severed lands under B 10/167. A second unclassified wetland, which is contiguous with the Fall River, is also located on the retained lands. In addition, these lands have frontage on the Fall River.

The resulting lands (severed and retained) meet with the current minimum area and frontage requirements stipulated in Tay Valley Township's Zoning By-law. And, sufficient area appears to exist on the proposed severed lands to accommodate future development in compliance with the zoning by-law. The proposed retained lands are already developed with no new development proposed at this time. With all of this in consideration, MVC has no objection to the subject applications. However, we recommend the following conditions be implemented through Site Plan Control or a Development Agreement, on the proposed severed lands:

B10/I67 Severed Lands:

1. No buildings or structures, including septic systems, shall occur within 30 metres of the unclassified wetland.
2. The wetland shall remain undisturbed.
3. With the exception of a small clearing for water access, the vegetation along the shoreline of the wetland shall be maintained to a minimum depth of 15 metres.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland or onto adjacent properties.

B10/168 Severed Lands:

1. No buildings or structures, including septic systems, shall occur within the greater

of:

- 30 metres from the river or
 - the waterbody setback specified in the Zoning By-law at the time of new development, from the river.
2. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline of the river shall be maintained to a minimum depth of 15 metres.
 3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.

With respect to the retained lands, we assume that any potential future development will comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline. In addition, any unclassified wetland should remain undisturbed.

The property owner should be advised that in the event that shoreline work is proposed, written permission is 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 river and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard. Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

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

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part B of the Ontario Building Code (OBC). A site visit was conducted on December 20, 2010.

The applicant proposes to sever a 1.2 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed area of the new lot is currently vacant field with a wooded area to the south and the edge of swamp lands to the south east. The parcel is moderately sloping west to East. Soil test pits were not provided.

The retained parcel varies in dimensions and is 12.7 hectares in area. The retained lot is currently developed with a dwelling and barn. CGIS has a record for a septic system permit that was issued in 1991 (SF59091) to service the dwelling. The property participated in the 2005 septic re-inspection program.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. It may be required to import fill material to construct an OBC compliant septic system. Tertiary treatment of the effluent can reduce the amount of imported fill required and produces higher quality effluent prior to entering the environment.

The Application for Consent as provided will not impact the ability to maintain, operate,

install or replace a septic system on the retained or new parcel. The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

County Roads Department

Land proposed to be severed by B10/167 and B10/168 has an approved location for residential access (Applications #2304 and #2305). Entrance to be 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 two (2) new residential building lots. 1.2-ha and 15.3-ha and retain a 12.7-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with typical building lots along Bennett Lake Road to the west and north, and adjacent to the hamlet of Fallbrook to the east. The lands are bounded by the Fall River to the south.

The lands to be severed are proposed to be accessed via Bennett Lake Road, a County maintained road. The retained lands are accessed via Walter’s Lane, a municipally maintained road.

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

A barn capable of housing livestock is located on the retained lands. The applicant completed an MDS owner information sheet: one-horse stall facility – no setback required.

Soils Inventory – Name: Tweed

- Stoniness: moderately stony

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

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 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 – February 28, 2011**

John Coombs, applicant, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. Mr. Coombs confirmed that Walter's Lane is a Township maintained road to the edge of the property.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/167

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 with a digital copy of the registered reference plan.

3. Payment of \$200.00 shall be made to Tay Valley Township of 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).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies 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. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Tay Valley Township for the retained lot, either by way of an amendment to the Zoning By-law or a minor variance.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 23, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. 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. 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.
15. A letter shall be received from Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that conditions #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The 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 applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Mississippi-Rideau Septic System Office advises that imported fill material may be required to construct an OBC compliant septic system.*
6. *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
7. *In addition, any proposed works in or near the river and 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.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or*

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B10/168

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2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. Payment of \$200.00 shall be made to Tay Valley Township of 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).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies 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. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Tay Valley Township for the retained lot, either by way of an amendment to the Zoning By-law or a minor variance.

9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 23, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
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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.
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14. 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.
15. A letter shall be received from Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that conditions #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The 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 applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Mississippi-Rideau Septic System Office advises that imported fill material may be required to construct an OBC compliant septic system.*
6. *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
7. *In addition, any proposed works in or near the river and 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.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brian Ricardo & Heather Ricardo **Hearing Date:** February 28, 2011

Agent: ZanderPlan Inc.

LDC File #: B10-170

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 9 & 10 **Concession:** 4

Roll No. 0911 916 010 21900 / 0911 916 010 22000

Consent Type: New Lot

Purpose and Effect: To sever a 40-ha landholding with equipment shed and retain a 78-ha landholding with an existing dwelling, barn and outbuildings located at 631 Cameron Side Road. The lands were merged on title. The lands to be severed are accessed via Bathurst 5th Con.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Farm outbuildings	Farm & Residential
Proposed Use	Residential	Farm & Residential
Area	40 ha	78 Ha
Frontage	267 m	357 m
Depth	1350 m	1350 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural and Aggregate Reserve Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	2.0-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 2 General Development Policies, Section 3.3 Mineral Resources, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.
Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

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

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Tay Valley Planner's Report

Official Plan Designation: Rural, Organic Soils, Mineral Designation.

Applicable Sections: 3.6.2 rural designation - permits residential use. 5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lot will have frontage on the Bathurst 5th Concession and the proposed retained lot will have frontage on the Cameron Side Road. Section 2.17.1 Development Adjacent to Mineral Designations or Operations requires development to occur 150 in to 300 m away from pits. No pits are located in the area; it is simply designated as potentially of interest to the Ministry of Northern Development and Mines. The proposed building site would be located approximately 300 in from the designated area on the Official Plan Schedule for Bathurst. Section 2.19.2 Organic soils require development to occur outside of organic soils. No development is proposed on the small area of organic soils at the northeast corner of the retained lot. 2.23 Water Quality and Quantity - requires a minimum setback of 30 m from water. There is a small watercourse running through the lots but there is a sufficient building envelope on the lots away from the watercourse.

Zoning By-law Category: Rural

Applicable Sections: 10.1.1 - Residential use is appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (40 ha and 78 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 267 m and 357 m respectively).

- Rideau Valley Conservation Authority has no objection to the severance.
- Mississippi Rideau Septic System Office has no objections to the severance.

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

- 1/ Payment of all taxes owing and all costs incurred by the Township for the review

- process.
- 2/ Copy of the deed/transfer and two copies of the reference plan.
 - 3/ Parkland contribution in the amount of \$100.00

Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of a new 40 ha lot on which it is proposed to construct a single family residence. There is a residence, barn and outbuildings on the 78 ha retained parcel

We have undertaken our review within the context of Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act and from the perspective of Conservation Authority regulations under Section 28 of the Conservation Authorities, Act.

We have not identified any natural heritage or natural hazards issues that would otherwise preclude the approval of this application.

In conclusion, the Rideau Valley Conservation Authority has no objection to or conditions of approval for this application. We would take this opportunity to advise the applicant that the watercourses on both the severed and retained lands are subject to the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the Owner of the property obtain the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to a watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority. Meanwhile, if you have any questions or require additional information, please contact me at ext. 1133.

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

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on December 20, 2010.

The applicant proposes to sever a 40 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot currently has multiple storage buildings near Bathurst 5 Concession and the rest is vacant farmland. There is a pond and wet area approximately 445m South East of Bathurst 5th Concession, as illustrated on CGIS (Tay Valley Geographical Information System). Soil test pits were not provided.

The retained parcel is approximately 78 hectares in area. The retained lot is currently developed with a dwelling, several barns and outbuildings. CGIS does not have record of a septic system permit for the dwelling.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. This area will also allow for any septic system to be located greater than 30 meters from surface waters. It may be required to import fill material to construct an OBC compliant septic system. Tertiary treatment of the

effluent can reduce the amount of imported fill required and produces higher quality effluent prior to entering the environment.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 40-ha landholding with an existing equipment shed and retain a 78-ha landholding with an existing dwelling, farm buildings and other structures. The lands were inadvertently merged on title.

The subject lands are located in an area characterized by Residential/Farm on large landholdings, interspersed with single family dwellings on typical building lots along Bathurst 5th Conc. The lands also abut Bathurst Upper 4th Con. The application does not provide information on which road the proposed severed lands will access, however the outbuildings have an existing entrance onto Bathurst 5th Con.

Both Bathurst 5th Con and Bathurst Upper 4th Con are municipally maintained roads.

The applicant has advised that livestock facilities are located on the retained lands. Therefore an MDS Calculation sheet was provided, that indicated the minimum setback distance as 250 m. The approx distance to the lot line of the severed land is 340 m. However any future development will still require an MDS Calculation Sheet prior to the issuance of a building permit, for either a new dwelling or a livestock facility.

Soils Inventory – North and South Portion	Middle Portion
Name: Monteagle	Christy
Stoniness: Very stony	not rated
CLI: 6 – natural grazing only	5 - very severe limitations
- Drainage: well drained	poorly drained
Hydrogeology: moderate	slow infiltration

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 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 – February 28, 2011**

Brian Ricardo, owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *Rideau Valley Conservation Authority advises that the watercourses on both the severed and retained lands are subject to the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the Owner of the property obtain the written approval of the Conservation Authority prior to undertaking any works that would result in an alteration to a watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. Tay Valley Township will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Mississippi-Rideau Septic System Office advises that imported fill material may be required to construct an OBC compliant septic system.*
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: Rowena Dunlop **Hearing Date:** February 28, 2011
Agent: N/A
LDC File #: B10/171 & B10/172
Municipality: Township of Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 6 **Concession:** 9
Roll No. 0919 020 094 00000 **Consent Type:** Two (2) New Lots

Purpose and Effect:

B10/171: To sever a 0.75-ha residential building lot;

B10/172: To sever a 0.85-ha residential building lot and retain a 9.5-ha vacant landholding. The lands to be severed are accessed via Drummond Con. 9A.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/171	B10/172	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential
Area	0.75 ha	0.85 ha	9.5 ha
Frontage	75 m	75 m	600 m
Depth	100 m	95 m	150 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed	Proposed	none
Sewage Disposal	Proposed	Proposed	none
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural	Rural	
-Area Required (min.)	0.4-ha	0.4-ha	
-Compliance?	Yes	Yes	
-Frontage Required (min.)	45 m	45 m	
-Compliance?	Yes	Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.34 Rural Policies, Section 5.3 Local Roads.

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

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

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

- 1/ The balance of any outstanding taxes and fees shall be paid to the Township;
- 2/ The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office;
- 3/ Sufficient lands shall be deeded to the Township of Drummond North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
- 4/ That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- 5/ The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.

Conservation Authority – Mississippi Valley Conservation

A cursory review of the application revealed no issues with regard to Mississippi Valley Conservation's plan input review program. We have therefore screened this application out of our formal review process.

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

Severed – B10/171 – Poor drainage on this lot due to low elevation and clay soil. Cleared farm field. The poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.

Severed – B10/172 - Poor drainage on this lot due to low elevation and clay soil. Cleared farm field bordered by roads on two sides. The poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.

Retained – Large property used mainly as hay fields. The retained lands slope toward the severed lands. Severing this lot should not have a significant impact on the retained lands.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lot (0.75-ha and 0.85-ha) and retain a 9.5-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential/Farm on large landholdings, interspersed with typical building lots along Drummond Con 9A.

The lands are accessed via Drummond Con 9A, a municipally maintained road.

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

The lands have not been designated as “Agricultural” in the Township’s Zoning By-law; however the lands to the south of Drummond Con 9A are zoned agricultural.

No MDS was originally undertaken as the lands are located greater than 450 m from a livestock facility. However, an MDS calculation will be required prior to the issuance of a building permit for any new development. (*see sketch*). Also the adjacent landowner, Sandra Dunlop, has requested that the MDS be completed. This report will be available for Committee to review at the hearing.

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 Drummond / North Elmsley 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.

Jan 17/2011

To Whom it May Concern

Please be advised that I own property 439 Dunlop Side Rd Lanark K0G1K0 and that I have concerns about lots being severed by Rowena Dunlop. Lot on Dunlop Side & 2 lots on Concession 9 are less than 500 metres from my barn. Lots on Concession 9 of Drummond if built up will cause water to back up on my fields. Lots being severed are tilable fields & should be considered agriculture land. Concern about future complaints on odour, dust & noise.

Please advise me of future meetings and the outcome of these concerns.

Sincerely
Scott Dunlop
439 Dunlop Side Rd.
Lanark, ON N0G1K0
613 259 3274 or
cell 613 390 0515

Jan 17/2011

To Whom it may concern,

Please be advised that I have concerns about the lots that Rowena Dunlop is trying to severance. I ~~is~~ have 2 Farms - 423 Prestonvale Rd. and 381 Prestonvale Rd.

both farms are less than 500 metres from the 4 lots on the ninth concession of Drummond that are being severed. Both farms are operational my concern is if houses are built, exposure of these residents to odour, dust, noise & livestock. One other concern is that Drummond Twp. has not done a good job of ditching at the corner of Dunlop Side Rd & the 9th line & that with lots built up water will back up & flood out fields that are to be worked.

Please advise me of any meetings & results or out come of meetings.

Sincerely

Andrea Dunlop
381 Prestonvale Rd

Balderson, ONT K0G1A0
613 267 2597 or cell 613 385 9505

(e) **MINUTES – February 28, 2011**

Rowena Dunlop, owner, Sandra Dunlop, adjacent landowner and Scott Dunlop, adjacent landowner, attended the hearing and gave evidence under oath.

The Secretary advised that the MDS calculations had been completed, which resulted in the following: MDS minimum setback from livestock facility located at 381 Prestonvale Road = 250 m and MDS minimum setback from livestock facility located at 423 Prestonvale Road = 226 m.

Both Sandra Dunlop and Scott Dunlop expressed concerns regarding drainage and possible future complaints regarding farming operations.

Scott Dunlop expressed concerns that his field entrance adjacent to B10/171 may be hindered due to development on the lot.

The chair reviewed the staff report and draft conditions. The committee stressed the need for the Dunlop's to discuss the roadside drainage problems with the Township Road Superintendent.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/171

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 with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The 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.

5. 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.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
8. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Lanark Leeds and Grenville District Health Unit advises that poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.
The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.
And that the Township require a drainage plan, prior to the issuance of a Building Permit.*
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.

B10/172

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 with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The 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.
5. 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.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.

8. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Lanark Leeds and Grenville District Health Unit advises that poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.
The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.
And that the Township require a drainage plan, prior to the issuance of a Building Permit.*
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.*

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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: Rowena Dunlop **Hearing Date:** February 28, 2011
Agent: N/A
LDC File #: B10/173, B10/174 and B10/175
Municipality: Township of Drummond
Geographic Township: Drummond **Lot:** 6 **Concession:** 9
Roll No. 0919 020 096 00000 **Consent Type:** Three (3) New Lots

Purpose and Effect:

B10/173: To sever a 0.77-ha residential building lot and **B10/174:** To sever a 0.55-ha residential building lot with access to Drummond Con. 9A. **B10/175:** To sever a 1.596-ha residential building lot with access via Dunlop Sideroad. Retained lot consists of 41-ha with an existing dwelling, barn and outbuilding at 460 Dunlop Sideroad.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B10/173	B10/174	B10/175	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Cabin Residential	Residential/Farm Residential/Farm
Area	0.77 ha	0.55 ha	1.596 ha	41 ha
Frontage	65 m	50 m	140 m	1020 m
Depth	100 m	100 m	140 m	300 m
Road - Access to	Mun. Road	Mun. Road	Mun. Road	Mun. Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Privy Dug Well	Private well Septic System
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural			Rural
-Area Required (min.)	0.4-ha			0.4-ha
-Compliance?	Yes			Yes
-Frontage Required (min.)	45 m			45 m
-Compliance?	Yes			Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.34 Rural Policies, Section 5.3 Local Roads.

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

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

The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

- 1/ The balance of any outstanding taxes and fees shall be paid to the Township;
- 2/ The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office;
- 3/ Sufficient lands shall be deeded to the Township of Drummond North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality has a good and marketable title. The Township Roads

- Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
- 4/ That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
 - 5/ The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.

Conservation Authority - Mississippi Valley Conservation

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

It is our understanding that the purpose of the subject applications is to sever (3) building lots measuring: 0.78 ha under B10/173, 0.5 ha under B10/174, and 1.6 ha under B10/175. The retained land is 41 ha with an existing dwelling and barn. Concurrent applications B10/171 & 172 propose the severance of two additional lots from the west side of the same lot and concession. It is our understanding that the parcel of land which is the subject of Applications B10/171-172 is a separate parcel of land to that which is the subject of B10/173-175.

As revealed by a review of available GIS mapping, the proposed retained lands consist of an unclassified wetland which is connected to the McIntyre Creek Municipal Drain. This drain travels through the retained lands and outlets into McIntyre Creek. It has been classified as intermittent and may comprise fish habitat. No natural heritage features were identified on the proposed severed lands.

The resulting lands meet with the current minimum area requirements stipulated in the Township of Drummond/North Elmsley's Zoning By-law. And, sufficient area appears to exist on the proposed severed and retained lands to accommodate future development in compliance with the zoning by-law. The retained lands are already developed with no new development proposed at this time. However, we assume that any potential future development will comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline. In addition, unclassified wetland should remain undisturbed. With all of this in consideration, MVC has no objection to the subject applications.

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

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

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

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

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

Severed – B10/173 – Cleared farm field with poor drainage due to low elevation and clay soil. The poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.

Severed – B10/174 – Cleared farm field with poor drainage due to low elevation and clay soil. The poor drainage and clay soils on this lot will necessitate the import of leaching bed fill to construct a raised on-site sewage disposal system.

Severed – B10/175 – Lot slopes gently to the east, drainage is good. 0-30 cm of sandy loam on rock. Hunt camp with privy. Old dug well with hand pump in Southwest corner. Due to the shallow depth of soil, imported leaching bed fill will be required to construct an on-site sewage disposal system. Minimum clearance to existing well must be met when planning layout.

Retained – Large property with varying slope. Severed portion will not have a significant impact on sewage disposal on the retained property.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) new residential building lot – 0.77-ha, 0.55-ha and 1.596-ha) and retain a 41-ha landholding with an existing dwelling, barns and outbuildings. B10/175 currently has a cabin (hunt camp) located on the lot.

The subject lands are located in an area characterized by Residential/Farm on large landholdings, interspersed with typical building lots along Drummond Con 9A and large farm type landholdings along Dunlop Sideroad.

B10/173 and B10/74 are proposed to be accessed via Drummond Con 9A and B10/175 to be accessed via Dunlop Sideroad.

Both Drummond Con 9A and Dunlop Sideroad are municipally maintained roads.

No MDS was undertaken as the lands are located greater than 450 m from a livestock facility. However, an MDS calculation will be required prior to the issuance of a building permit for any new development. (*see sketch*). The adjacent landowner, Sandra Dunlop, has requested that a MDS be undertaken. This information will be available for the Committee to review at the hearing.

Soils Inventory – Name: Tennyson
- Stoniness: slightly stony
- CLI: 2 – moderate limitation

- Drainage: well drained
- Hydrogeology: moderate

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 the Township of Drummond / North Elmsley 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:

Jan 17/2011

To Whom it May Concern

Please be advised that I own property
439 Dunlop Side Rd Lanark KOGIKO and that
I have concerns about lots being severed
by Rowena Dunlop. Lot on Dunlop Side &
2 lots on Concession 9 are less than 500 metres
from my barn. Lots on Concession 9 of Drummond
if built up will cause water to back up
on my fields. Lots being severed are
tilable fields & should be considered
agriculture land. Concern about future
complaints on odour, dust & noise.

Please advise me of future meetings
and the outcome of these concerns.

Sincerely
Scott Dunlop
439 Dunlop Side Rd.
Lanark, ON Y KOGIKO
613 259 3274 or
cell 613 390 0515

Jan 17/2011

To Whom it may concern,

Please be advised that I have concerns about the lots that Rowena Dunlop is trying to severance. I ~~is~~ have 2 Farms - 423 Prestonvale Rd. and 381 Prestonvale Rd.

both farms are less than 500 metres from the 4 lots on the ninth concession of Drummond that are being severed. Both farms are operational my concern is if houses are built, exposure of these residents to odour, dust, noise & livestock. One other concern is that Drummond Twp. has not done a good job of ditching at the corner of Dunlop Side Rd & the 9th line & that with lots built up water will back up & flood out fields that are to be worked.

Please advise me of any meetings & results or out come of meetings.

Sincerely

Andrea Dunlop
381 Prestonvale Rd

Balderson, ONT K0G1A0
613 267 2597 or cell 613 385 9505

(e) **MINUTES – February 28, 2011**

Rowena Dunlop, owner, Sandra Dunlop, adjacent landowner and Scott Dunlop, adjacent landowner, attended the hearing and gave evidence under oath.

The Secretary advised that the MDS calculations had been completed, which resulted in the following: MDS minimum setback from livestock facility located at 381 Prestonvale Road = 250 m and MDS minimum setback from livestock facility located at 423 Prestonvale Road = 226 m.

Both Sandra Dunlop and Scott Dunlop expressed concerns regarding drainage and possible future complaints regarding farming operations.

Scott Dunlop expressed concerns that his field entrance adjacent to B10/171 may be hindered due to development on the lot.

The chair reviewed the staff report and draft conditions. The committee stressed the need for the Dunlop's to discuss the roadside drainage problems with the Township Road Superintendent.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/173

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 with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The 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.

5. 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.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
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8. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The 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".*
2. *In addition, any proposed works in or near the drain and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code. And that the Township require a drainage plan, prior to the issuance of a Building Permit.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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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.

B10/174

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9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

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B10/175

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4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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