



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, July 18, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2011-020**

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

**"THAT, the minutes of the Land Division Committee meeting held on June 27, 2011 be approved as circulated."**

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2011-021**

**MOVED BY:** D. Murphy

**SECONDED BY:** W. Guthrie

**"THAT, the agenda be adopted as circulated."**

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None.

**6. COMMUNICATIONS**

None

## 7. REPORTS

7.1 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:

**7.1.1 B11/039 – David Connelly – lot addition**

Pt Lot 18 Conc. 9, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Carbine Road)

**7.1.2 B11/040, B11/041 and B11/042 – Brian Miller – 3 new lots**

Pt Lot 16 Conc. 7, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Miller Drive)

**7.1.3 B11/051 – Michael and Helene Peters – new lot**

Pt Lot 4 Conc. 1, geographic Township of Lanark, now in the Township of Lanark Highlands. ( Dal Con 1A)

**7.1.4 B11/066 – Erehwon Management Services – new lot**

Pt Lot 41 & 42 Plan 320, Village of Lanark, now in the Township of Lanark Highlands (George Street)

**7.1.5 B11/067 and B11/068 – David & Melanie MacDonald – 2 new lots**

Pt Lot 12 Conc. 1, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Dal Con 1)

**7.1.6 B11/072 – Peter and Patricia Ghinn – lot addition**

Pt Lot 26 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Wild Life Road)

**7.1.7 B11/073 – Andrew and Julie Dawson – new lot**

Pt Lot 6 Conc. 10, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. ( Drummond Con 10A)

**7.1.8 B11/074 – Thomas and Irene Dobbie – new lot**

Pt Lot 27 Conc. 9, geographic Township of Bathurst, now in Tay Valley Township. (Boundary Road)

**7.1.9 B11/078 & B11/079 – Frank and Shelley Scott – R-O-W**

Block C Compiled Plan 779 Blakeney, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Blakeney Road)

7.2 Applications Previously Heard and Awaiting a Decision

**None**

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

None

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B11/039 – David Connelly – lot addition**

**10.1.2 B11/040, B11/041 and B11/042 – Brian Miller – 3 new lots**

**10.1.3 B11/051 – Michael and Helene Peters – new lot**

**10.1.4 B11/066 – Erehwon Management Services – new lot**

**10.1.5 B11/067 and B11/068 – David & Melanie MacDonald – 2 new lots**

**10.1.6 B11/073 – Andrew and Julie Dawson – new lot**

**10.1.7 B11/074 – Thomas and Irene Dobbie – new lot**

**10.1.8 B11/078 & B11/079 – Frank and Shelley Scott – R-O-W**

**10.2 PROVISIONAL CONSENT DEFERRED**

**10.2.1 B11/072, Peter & Patricia Ghinn – Lot Addition**

**MOTION #LD-2011-022**

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

**“THAT,** application B11/072 be deferred to provide an opportunity for additional review of application background e.g. Special exception By-law, definition of development, similar applications / decisions, land use change.” **ADOPTED**

**11. UPCOMING MEETINGS**

Monday August 29, 2011,  
Monday September 26, 2011,  
Monday October 24, 2011,  
Monday November 28, 2011 and  
Monday December 19, 2011

**12. ADJOURNMENT – 11:35 a.m.**

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

Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** David Connelly **Hearing Date:** July 18, 2011  
**Agent:** Betty Connelly  
**LDC File #:** B11/039  
**Municipality:** Town of Mississippi Mills  
**Geographic Township:** Pakenham **Lot:** 18 **Concession:** 9  
**Roll No.** 0931 946 030 00400 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 0.658-ha parcel of land as a lot addition to lands owned by Betty Connelly, at Pt Lot 18 Conc. 9 Pakenham, being Part 2 on RP27R-9004 and retain a 29.4-ha vacant landholding. The lands are accessed via Carbine Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Vacant	Vacant
<b>Area</b>	0.658 ha	29.4-ha
<b>Frontage</b>	20 m	622 m
<b>Depth</b>	146 m	450 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Private Septic	None
<b>Official Plan Designation -Conformity?</b>		Rural Yes
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	n/a	1.0-ha
<b>-Compliance?</b>	Lot Addition	Yes
<b>-Frontage Required (min.)</b>		45 m
<b>-Compliance?</b>		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 Basis of Plan, Section 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 6 general Provisions, Section 9 Rural 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:

Town 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 pays any outstanding property taxes on the subject property.

Conservation Authority – Mississippi Valley Conservation – May 17, 2011

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

### **PROPOSAL**

It is our understanding that the purpose of the subject application is to sever a vacant 0.66 ha parcel of land as a lot addition to the adjacent land. The retained land is vacant and measures approximately 29.4 ha.

### **PROPERTY CHARACTERISTICS**

As revealed by a review of available GIS mapping, a tributary of Cartwright's Creek travels through the proposed retained lands. In addition, the creek travels through an unclassified wetland located on the retained lands. The presence of this creek and wetland was confirmed during a site visit conducted by MVC Staff on May 13, 2011. No natural heritage features or natural hazards were identified on the proposed severed lands.

#### Natural Heritage Values

##### Watercourse

Sufficient area appears to exist on the proposed retained lands to accommodate potential

future development that complies with the current standards for development adjacent to a watercourse.

##### Wetland

As previously indicated, unclassified wetland was observed on the proposed retained lands. Due to the numerous environmental benefits of wetlands, which range from fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation. These natural features also inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development.

No natural heritage features were identified on the proposed severed lands.

##### Natural Hazards

No natural hazards were identified on the subject property.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of this in consideration, MVC has no objection to the subject application provided the following mitigative measures are adhered to for any potential future development on the proposed retained lands:

1. Future development, including a septic system shall be setback the greater of:
  - a minimum 30 metres from the seasonal high water mark of the creek and wetland
  - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. The shoreline vegetation surrounding the wetland and the creek shall be retained to a minimum depth of 15 metres.
3. The wetland shall remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, creek, or onto adjacent properties.

#### NOTES

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

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

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



Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Lands – A strip of land 1.6 acres that is mainly treed forest that will be added to an existing lot of record. Recommendation – an addition to an existing lot only.

Retained Lands – a 72 +/- acre parcel of land with no existing building. Land is mainly a treed lot. Recommendation – additional sandy loam fill may be required in the area of the future tile bed.

**(c) PLANNING REVIEW**

The applicant proposes to sever a 0.658-ha parcel of land as a lot addition to lands owned by Betty Connelly, at Pt Lot 18 Conc. 9 Pakenham, being Part 2 on RP27R-9004 and retain a 29.4-ha vacant landholding. The lands are accessed via Carbine Road.

The subject lands are located in an area characterized by large vacant lots, interspersed with residential lots long Carbine Road.

The lands to be severed are accessed via an existing entrance to Carbine Road. The retained lands are accessed via Deer Run. Both roads are municipally maintained.

As noted by the Conservation Authority a small tributary creek, locally known as Cartwright's Creek runs through the retained lands to the north of the lot to be enlarged. Development constraints will have to be addressed for any future development proposal on the retained lands.

As well, the HEPC Triple Tower Line runs through the retained lands. Any future development of the lands will require consultation with HEPC and/or Hydro One, to determine distance separation between the Tower Line and Building Envelope.

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

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 – July 18, 2011**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Betty Margaret Connelly described as Part 2 , Plan 27R-9004, Pt East Lot 18 Conc. 9, geographic Township of Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Mississippi Valley Conservation advise that the following mitigative measures are to be adhered to for any potential future development on the proposed retained lands:*
  - a) *Future development, including a septic system shall be setback the greater of:*
    - *a minimum 30 metres from the seasonal high water mark of the creek and wetland*
    - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.*
  - b) *The shoreline vegetation surrounding the wetland and the creek shall be retained to a minimum depth of 15 metres.*
  - c) *The wetland shall remain undisturbed.*
  - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, creek, or onto adjacent properties.*
2. *The MVC also advises that in the event that shoreline work is proposed along the creek, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the creek or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in any future septic system area.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Brian Miller **Hearing Date:** July 18, 2011  
**Agent:** Tracy Zander, ZanderPlan  
**LDC File #:** B11/040, B11/041 & B11/042  
**Municipality:** Township of Drummond/N. Elmsley  
**Geographic Township:** Drummond **Lot:** 16 **Concession:** 7  
**Roll No.** 0919 919 030 18500 **Consent Type:** New Lots

**Purpose and Effect:** B11/040 - To sever a 0.65-ha residential building lot: B11/041 – To sever a 0.80-ha residential building lot: and B11/042 – To sever a 1.46-ha residential building lot and to retain a 33.5-ha vacant landholding with an existing Pioneer Cemetery located on the retained parcel. The lands are accessed via Miller Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/040	B11/041	B11/042	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Residential	Rural & Cemetery Rural & Cemetery
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.65 ha 92 m irregular Mun. Road	0.80 ha 80 m irregular Mun. Road	1.5 ha 292 m irregular Mun. Road	33.5 ha 433 m irregular Mun. Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed. Septic	Proposed Well Proposed. Septic	Proposed Well Proposed. Septic	Proposed Well Proposed. Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes			
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  0.4-ha Yes 45 m Yes		Rural  0.4-ha Yes 45 m Yes	

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

### **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.

Official Plan – Section 3 General Provisions, Section 3.17.1 Archaeological Resources, Section 3.17.2 Built Resources, Section 3.7 Division of Land, Section 4.3, Rural Policies, Section 5.3 Local Roads.

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

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

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

#### **(b) AGENCY REVIEW**

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

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable

title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- Any accessory building construction within the required rear yard setback shall be done with the consent of Mississippi Valley Conservation where such construction falls within the 20 metre watercourse buffer to the rear of the proposed lots.

#### Conservation Authority - MVC May 17, 2011

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

#### PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (3) vacant building lots measuring: 0.65 ha under Bi 1/040, 0.89 ha under B11/041, and 1.5 ha under B11/042. The retained land is approximately 33.5 ha with an existing cemetery.

#### PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, a tributary of McIntyre Creek travels through the proposed retained lands. The presence of this tributary was confirmed during a site visit conducted by MVC Staff on May 13, 2011. No natural heritage features or natural hazards were identified on any of the proposed severed lands.

#### REVIEW

##### Natural Heritage Values

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

No natural heritage features were identified on any of the proposed severed lands.

Natural Hazards - No natural hazards were identified on the subject property.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of this in consideration, MVC has no objection to the subject applications provided the following mitigative measures are adhered to for any potential future development on the proposed retained lands:

1. Future development, including a septic system shall be setback the greater of:
  - a minimum 30 metres from the seasonal high water mark of the tributary or
  - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. The shoreline vegetation surrounding the tributary shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, or onto adjacent properties.

## NOTES

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

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – B11/040 – A 0.65 ha parcel of land that is open farm field that slopes downward from the road elevation. There are no existing buildings. Land is significantly lower toward back of property. Future development would likely be close to road. Additional sandy loam fill will be required in future tile bed area.

Severed – B11/041 - A 0.8 ha parcel of land that is open farm field that slopes downward from the road elevation. There are no existing buildings. Land is significantly lower toward back of property. Future development would likely be close to road. Additional sandy loam fill will be required in future tile bed area.

Severed – B11/042 - A 1.5 ha parcel of land that is open farm field that slopes downward from the road elevation. There are no existing buildings. Land is significantly lower toward back of property. Future development would likely be close to road. Additional sandy loam fill will be required in future tile bed area.

Retained – A 33.5 ha parcel of land which has an existing cemetery on site. Land is used for agricultural purposes. Land is vacant. Additional sandy loam fill will be required in future tile bed area.

Hydro One Networks – No comments were received.

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

## (c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots (0.65-ha, 0.89-ha and 1.46-ha) and retain a 33.5-ha landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on larger estate type lots along Miller Road. The lands to the east and south are designated within a "Settlement Area". The McIntyre Municipal drain runs through the northern and eastern portion of the retained lands.

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



A 'Pioneer Cemetery' is located on the retained lands, adjacent to Parcel B11/042. This area has been designated as "Institutional" on the Township's Zoning Schedules. The building envelope should be located closer to the westerly boundary of the proposed lot in order to avoid conflict with the historical site. The Cemeteries Act proposed that no person shall disturb or order a burial site to be disturbed. Due to this archaeological potential a note should be included on the deed for proposed Lot B11/042, that the lands are adjacent to a 'Pioneer Cemetery' and are therefore subject to archaeological potential.

Soils Inventory – Name: North Gower

- Stoniness: slightly stony
- CLI: 2 – moderate limitation
- Drainage: poorly drained
- Hydrogeology: high run-off

Bedrock Inventory: Dolostone, sandstone

The area of proposed development does not have any mapped as 'woodlands'. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

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

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:

Christopher Quadling – July 11, 2011

This will establish that as long-time owners/operators of an abutting Farm property (Pt Lot 15 Con. 7 of Drummond), we have concerns arising from the proposed severance of plot Bi 1/042. We are concerned (a) to retain our existing access passage to the adjacent part of our farm property, and (b) to retain an existing overhead high-voltage Hydro line, traversing B 11/042 from the Miller Road to serve the Bell Mobility installation built on our property.

By way of background, this Bell Mobility, federally-regulated, 90m. Antenna Tower was constructed on our land in 1990 under authority of the Federal Railways Act, with

building-permit permission granted by the then Municipality of Drummond, in the expectation that vehicle access to the Tower would proceed from the nearby Miller Road by means of the

short direct route across the now-proposed B 11/042. to an adjacent long-time pre-existing gateway to our property, established many years ago to when the original Hwy 7 alignment abutted our property line.

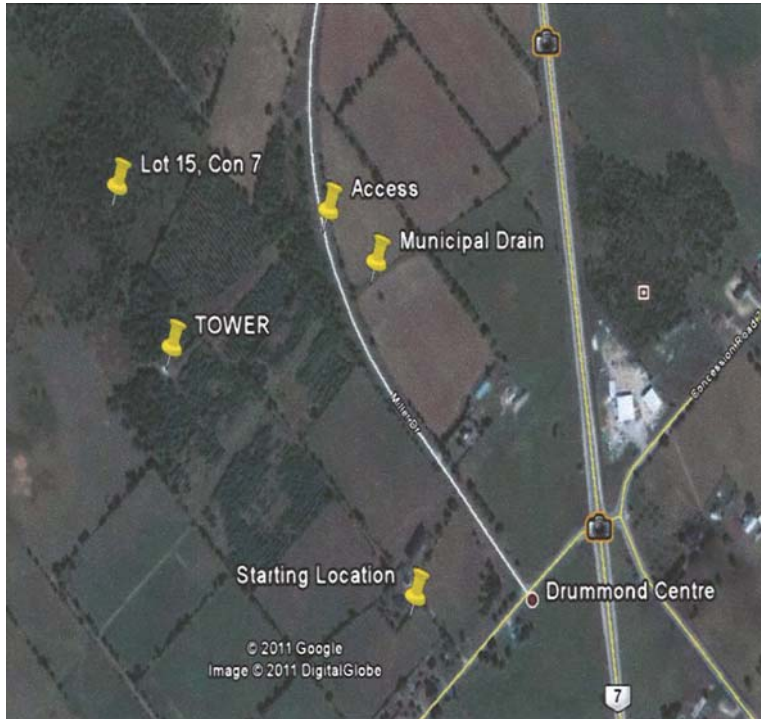
In 1990, at the time of Tower construction, I discussed the access question with the then owner of B 11/042, and former Township Reeve, the late Mr Charles Miller. Together, we inspected the project on the ground. He apparently assumed, and I then had no reason to doubt, that passage across B1 1/042 adjacent to our land traversed several ill-defined segments of municipal and provincial road allowance, arising out of adjacent alignment changes made over many years, from the time of original township settlement onwards.

You will understand why we and our long-time land tenant, Bell Mobility, are now concerned that an unconditional severance could result in a consequent prohibition or impediment to essential occasional access from the Miller Road, e.g. by heavy equipment, to our farm and forestry lands and primarily to the deeded 5 ac. plot rented by us to Bell Mobility, now occupied by its 90m Antenna Tower installation. For more information, the tower location and its access across our property can clearly be seen in Google Earth satellite photographs.

We hope and expect that our concerns can and will be met by appropriate access agreements to be made with Mr Brian Miller, prior to severance, and then reflected in any consequent survey, severance and deed to Bi 1/042. I understand that Mr Miller is agreeable to continuation of the present arrangement while he owns Bi 1/042. We greatly appreciate this, as well as his courtesy in giving us advance notice of the proposed severance.

If you wish clarification, or further assistance from us, please do not hesitate to email me. In the meantime I would like to be kept informed of progress in the above application and related matters, and to be advised of related public meetings and related decisions.

Your attention to this matter is appreciated.



(e) **MINUTES – July 18, 2011**

Tracy Zander, agent for the applicant and Christopher Quadling, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Quadling advised that there is a legal r-o-w / access over his land to gain access to the Bell Mobility Tower located on his lands. Ms. Zander confirmed that there is no r-o-w / access registered over Mr. Miller lands, from Miller Road to the unopened road allowance between Lots 15 and 16 Drummond.

Ms. Zander advised that Mr. Miller has no objection to the Committee including that a r-o-w / access be provided for as a condition for B11/042, in order to ensure continued access to the Bell Mobility Tower.

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:**

**The following draft conditions apply to all three applications:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
6. 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.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 has been fulfilled to their satisfaction.

**The following additional Condition should apply to B11/042**

9. That an appropriate right-of-way / easement shall be reserved over the lot to be severed in favour of Bell Mobility to gain access to the tower located on Pt Lot 15 Conc. 7, geographic Township of Drummond.
10. 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 a "Pioneer Cemetery" and may therefore be subject to archaeological potential. 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."

**NOTES:**

1. *The applicant / purchaser is advised that if during the process of development on the retained lands, archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.  
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Township of Drummond / North Elmsley advises that any accessory building construction within the required rear yard setback shall be done with the consent of Mississippi Valley Conservation where such construction falls within the 20 metre watercourse buffer to the rear of the proposed lots.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *Mississippi Valley Conservation advises that the following mitigative measures are to be adhered to for any potential future development on the proposed retained lands:*
  - a) *Future development, including a septic system shall be setback the greater of:*
    - *a minimum 30 metres from the seasonal high water mark of the tributary or*
    - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.*
  - b) *The shoreline vegetation surrounding the tributary shall be retained to a minimum depth of 15 metres.*
  - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, or onto adjacent properties.*
6. *MVC also advises that in the event that shoreline work is proposed along the tributary, written permission may be 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 tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

*The Ministry of Natural Resources 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.*

**The following additional Note applies to B11/042**

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Michael & Helen Peters **Hearing Date:** July 18, 2011  
**Agent:** Tracy Zander, ZanderPlan  
**LDC File #:** B11/051  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 4 **Concession:** 1  
**Roll No.** 0940 934 010 00801 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.0-ha residential building lot and retain an 8.4-ha residential lot (464 1<sup>st</sup> Con A Dal). The lands are accessed via 1<sup>st</sup> Con A Dalhousie.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1 ha	8.4 ha
<b>Frontage</b>	60 m	84 m
<b>Depth</b>	170 m	683 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed private well	Private well
<b>Sewage Disposal</b>	Proposed private septic	Private septic
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

## **1.6 Infrastructure and Public Service Facilities**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposals conform to the designations and policies of the Official Plan. Application

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

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

### **(b) AGENCY REVIEW**

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

#### Township of Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of one new lot on the 1 Con A Dalhousie. The property is legally described as part of Pt Lot 4 Concession 1, former Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 464 1<sup>st</sup> Con A Dalhousie.

The applicant wishes to sever approximately 1 ha (2.5 acres) of land with frontage of 60 metres (196.8 feet) and a depth of 170m (557ft) to create a new lot for residential purposes. The proposed retained lands will have 84 metres (275 feet) of frontage on the 1<sup>st</sup> Con A Dalhousie, and an area of approximately 8.4ha (20.7 acres).

The property is designated as Rural on Schedule 'A 4' of the Townships Official Plan and zoned Rural on Schedule 'A 4' by Zoning By 2003-451. The proposed retained lot currently has a single family dwelling constructed on it. The proposed new lot is vacant but residential use is expected. Frontage will be on the public municipally maintained roadway and services will be private well and septic.

#### **PROVINCIAL POLICY**

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

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

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



well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access onto Con A Dalhousie, a municipally maintained road.

#### Official Plan

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

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

The proposal as submitted can achieve those directives.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

#### ZONING

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

#### DISCUSSION

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The proposal appears to meet the requirements and performance standards of the rural zone. The application as proposed can be considered as appropriate and as such represents good planning

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

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

6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
7. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

Conservation Authority – MVC

Mississippi Valley Conservation advises that the planned development has no issues with regard to MVC' plan input and review program. Application has been screened.

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

Severed – A 1-ha parcel of land with no existing buildings.

Land is undulating with outcrops of rocks. Land is mainly forest. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – An 8.4-ha parcel of land with an existing house serviced by a well and septic system. Land slope and drainage varies. Additional sandy loam fill will be required in the area of future replacement tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.0-ha residential building lot and retain 8.4-ha residential lot with an existing dwelling located at 464 Dal Con 1A.

The subject lands are located in an area characterized by Residential on larger type estate type lots along Dal Con 1A and Forbes Road.

The lands are accessed via Dal Con 1A, a municipally maintained road.

Soils Inventory – n/a

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 18, 2011**

Tracy Zander, agent 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 of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. 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 applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant

to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).

8. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and in the future replacement septic system area on the retained lands.*
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.*

*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:** Erehwon Management Services **Hearing Date:** July 18, 2011  
**Agent:** Tracy Zander, ZanderPlan  
**LDC File #:** B11/066  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Village of Lanark **Lot:** 41 & 42 **Compiled Plan:** 320  
**Roll No.** 0940 936 010 04700 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 0.07-ha lot with an existing commercial building and to retain a 0.37-ha lot with an existing commercial building. The lands were inadvertently merged on title. The lands are accessed via George Street.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Commercial	Commercial
<b>Proposed Use</b>	Commercial	Commercial
<b>Area</b>	0.07 ha	0.37 ha
<b>Frontage</b>	18.2 m	43 m
<b>Depth</b>	37.2 m	Irregular
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Private Well	N/A
<b>Sewage Disposal</b>	Holding Tank	N/A
<b>Official Plan Designation -Conformity?</b>	Commercial District, Regulated Flood Plain, Environmental Protection Area – Yes (Legal Non-conforming)	
<b>Zoning Category</b>	Environmental Protection	Environmental Protection
<b>-Area Required (min.)</b>	Existing uses only	Existing uses only
<b>-Compliance?</b>		
<b>-Frontage Required (min.)</b>		
<b>-Compliance?</b>		

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

## **1.6 Infrastructure and Public Service Facilities**

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area Development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads,, Section 5 Cultural Heritage and Archaeological Resources, Section 7.5 Natural Heritage Features, Section 8 Natural and Human Made Hazards, Section 8.1 Environmental Protection Area – Flood Plains, 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 17.0 Environmental Protection Zone.

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

#### **(b) AGENCY REVIEW**

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

##### Township Planning Report

#### 1.0 REVIEW OF PROPOSAL AND APPLICATION

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on a property with frontage on George Street. The property is legally described as Part Lots 1, 41 and 42, Plan 320, Village of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever his lands and create two separate parcels both with frontage on George Street.

The property is designated as Commercial and Environmental Protection on Schedule 'A 5' of the Township's Official Plan and zoned Environmental Protection on Schedule 'A 5' by Zoning By-law 2003- 451. The lands have existing vacant commercial buildings constructed on the lands. The application submitted proposed to maintain the commercial use. Parts of the subject lands are within the floodplain of the Clyde River.

The proposed severed lot will have 18.2 metres (59.7 feet) of frontage on George Street and an area of approximately 0.07 hectares (0.17 acres). The proposed retained lot will have 43 metres (141 feet) of frontage on George Street and an area of approximately 0.37 hectares (0.9 acres). The proposed retained lands will enjoy 92 metres (302 feet) of water frontage on the Clyde River.

The configuration of the proposed severed and retained lots are in keeping with the historical property fabric. The title of the former lots merged when property ownership was consolidated. The merging of property titles (and physical lot boundaries) often happens automatically and in some cases without the owners full knowledge or realization. It is not uncommon for severance applications to follow when lots merge due to consolidated ownership.

The subject property was severed in 2009 when the owner had discovered that the properties at 44 George Street and 111 Mill Street had merged, it was through that process that the owner discovered that the above noted properties (40 & 44 George Street) had also merged.

### 1.1 PROVINCIAL POLICY

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

The province focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. Direction is provided with respect to appropriate development to meet current and future needs and an emphasis is placed on efficient development patterns.

The lands enjoy frontage on a county road and no new transportation infrastructure will be required if the application is approved. The lands are currently privately serviced and a permit will be required from the Health Unit prior to any re-development

The subject lands have frontage on the Clyde River as such the watercourse needs to be protected in terms of both quantity of water entering the river through storm water runoff and quality with regard to sediment. Section 2.2 of the PPS directs planning authorities to improve and restore water resources when reviewing planning applications. No site alteration is proposed at this time. Site Plan control will be required if development or site alteration is contemplated in the future.

The lands are within the area designated as within the 1:100 year floodplain. Section 3.0 of the PPS prohibits development within hazardous areas such as the floodplain. Future development proposals will need to respect that directive.

### 1.2 OFFICIAL PLAN

The McTavish lands are designated Commercial District and Environmental Protection in the Township of Lanark Highlands Official Plan. This designation allows for a variety of commercial uses and in additional permits residential uses.

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

The lands are within the floodplain of the Clyde River. Section 8.0 of the Official Plan prohibits development within the floodplain. Future development will need to locate outside of these limits. Zoning and Site Plan control will be required prior to any development changes.

No new development is proposed and the current zoning allows for existing uses. The lands have existing entrances, no development will be permitted within the floodplain and the owner will need to demonstrate sufficient area to support any new development on the lands.



### 1.3 ZONING

The lands are zoned Environmental Protection, 'ER This zoning allows for existing uses. One of the two structures has been vacant for a considerable time and the other has been used for commercial purposes any other use of the lands would require a zoning by-law amendment. The lands are designated as Environmental Protection and Commercial District within the Official Plan. The commercial district allows for a variety of uses including residential uses. No specific development is being proposed at this time but a proposal to allow for a residential or commercial use could be supported with consideration of environmental constraints. Site Plan Control would be required.

### 1.4 DISCUSSION

The subject lands are within the Village of Lanark, a recognized settlement area. The application is to allow for separate land tenure on lands which were purchased separately but subsequently have merged in title. Although now considered as one lot they enjoy frontage on a County and function as two separate parcels and have servicing solutions to reflect same. The zoning on the lands does not have a minimum lot size or frontage requirement.

It is important to note that the applications are not accompanied by firm development plans. As such it is not appropriate to impose zoning and site plan control conditions as there is no way to guarantee that such conditions could reasonably be met within the regulatory time frame. With the current zoning provisions, development of the newly restored properties would be constrained as the permitted uses in the EP zone are limited. As development plans are firmed up the owners will be in a position to request a zoning amendment in accordance with the policies of the Official Plan and will also need to apply for site plan approval. Accordingly there are sufficient land use planning controls in place to ensure that future development can occur in a manner which represents good planning.

The application as proposed can be supported.

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.

Conservation Authority – Mississippi Valley Conservation June 16, 2011

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

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

#### PROPOSAL

According to the information provided, the purpose of the subject applications is to sever 0.07 ha with no water frontage and retain 0.37 ha with approximately 92 metres of water frontage. Both lots are already developed with commercial buildings.

#### PROPERTY CHARACTERISTICS

The proposed retained lands have frontage on the Clyde River. According to MVC's flood risk mapping, a portion of the retained lands are located within the 1:100 year flood plain and the Regulation Limit of the river. With the exception of the southwest corner of the retained land, the flood line appears to travel along the shoreline retaining wall. The severed property does not have water frontage, and it is located beyond 30 metres of the river. The flood plain does not extend onto the severed lands.

#### REVIEW

##### Natural Hazards

The proposed retained land is partially located within the 1:100 year flood plain and the Regulation Limit of the river. However, on the majority of the property, the flood plain does not appear to extend beyond the shoreline retaining wall and is therefore not considered a significant constraint to development.

The applicant should be advised that the proposed retained lands are partially regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of the river.

##### Natural Heritage

A standard environmental management practice within the MVC watershed is the requirement for a 30 metre setback for new development adjacent to provincially significant natural heritage features. This setback is intended to address ongoing nutrient enrichment of the waterway which results in weed and algae growth. It is also important for the protection of fish habitat. The Clyde River is considered a significant natural heritage feature which is comprised of fish habitat. It is our opinion that the severance of a lot should not further impact the ability for future development on the retained land to comply with this setback standard.

With this in mind, we suggest the following considerations be given to the subject application:

- **Lot Area:** With an area of 0.37 ha, the retained land is significantly undersized compared to the current standard of 1 ha for new waterfront lots. The subject severance would even further reduce the size of this lot.
- **Servicing:** It is our estimation that the subject retained lands do not have sufficient area to accommodate a Class 4 Septic System that is located outside of the floodplain and which complies with the waterbody setback requirement of 30 metres. Furthermore, it is our understanding that there are existing servicing issues in the village. The subject severance would eliminate the potential to

utilize the severed lands for a future septic system that complies with the various standards.

- Future Use: The subject severance would eliminate the potential future use of this land in a way that complies with the current standards for waterfront development. We recognize that both the retained and severed lands are already developed and they form part of the “urban fabric” in a historically developed part of the Village. However, we suggest that consideration must be given to long term planning and the potential use of the subject lot in a way that complies with the various standards.

#### ADDITIONAL

In accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

A 0.07 ha parcel of land with an existing commercial vacant building serviced by a well and holding tank. This is a corrective severance and the lot size is limited to support only a holding tank. A holding tank is the means of servicing the building and will remain as such.

Retained – A 0.37 ha parcel of land with a large vacant building on the property that was once operated as the “Lanark Kitten Mill”. When the factory was in operation a holding tank serviced the building, however according to the owner it is no longer able to be utilized and has been abandoned. There are no services to the building, according to information provided. The building is a storage building only.

A holding tank to service the commercial building is the only option for servicing at the present time other than the possibility of future water and sewage hook up. The building takes up most of the land and the proximity to the Clyde River leaves little area for sewage disposal. Recommend that notes be made on deed/title that future services would be either holding tank and well or municipal water and sewer.

#### County of Lanark Public Works Department

1. The applicant has an approved existing entrance to the County Road – severed & retained #2251.
2. Retained and severed lands both gain access from an existing approved “Common Commercial “Entrance – Permit #2251.
3. Standard conditions for land for road purposes to apply.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.07-ha commercial lot with an existing building and retain a 0.37-ha commercial lot with existing buildings. The applicant purchased the two lots separately, however they were inadvertently merged on title during the conversion of registration from "Land Registry" to "Land Titles". For the purposes of parcel fabric by the municipality, the lots have historically been considered as separate parcels.

The subject lands are located in an area characterized by typical smaller 'village' type lots along George and Mill Streets in the Village of Lanark. The lands are serviced by a common commercial entrance. No new entrance is required.

The lands are accessed via George Street (County Road 511), a county maintained road.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 18, 2011**

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

Ms. Zander provided background information on the merging of the two lots.

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 of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition: "Futures Services (water and sewage) for the lot shall be by either a holding tank and well or municipal water and sewer.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. 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.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. The applicant 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. 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.

9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
10. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 has been fulfilled to their satisfaction.
11. A letter shall be received from the Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

## **NOTES**

1. *The applicant should be advised that the proposed retained lands are partially regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of the river.*
2. *In accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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 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.*
4. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** David and Melanie MacDonald **Hearing Date:** July 18, 2011  
**Agent:** Tracy Zander, ZanderPlan Inc.  
**LDC File #:** B11/067 and B11/068  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Dalhousie **Lot:** 12 **Concession:** 1  
**Roll No.** 0940 002 025 02300 **Consent Type:** New Lots

**Purpose and Effect:** To sever a two residential building lots, each containing 2.0-ha and to retain a 36-ha landholding with an existing dwelling, barn and outbuildings. The lands are accessed via Con. 1B Dalhousie.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/067	B11/068	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Farm residential Farm Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	2 ha 142 m 142 m Municipal Road	2 ha 142 m 142 m Municipal Road	38 ha 461 m 670 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Proposed well Proposed septic	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes		
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Limited Service Rural  1.0-ha Yes 60 m Yes		Limited Service Rural  1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

## **1.6 Infrastructure and Public Service Facilities**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

The Township of Lanark Highlands advises that the proposals conform to the designations and policies of the Official Plan. Application

Zoning By-law - Section 4.0 General Provisions, Section 10.0 Limited Services Rural Zone

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

### **(b) AGENCY REVIEW**

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

#### Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on the 1st Con B Dalhousie. The property is legally described as part of E Pt Lot 12 Concession 1, former Township of Dalhousie now in the Township of Lanark Highlands. The property is commonly referred to as 1369 1 Con B Dalhousie.

The applicant wishes to sever his lands and create two separate parcels with frontage on 1 Con B Dalhousie.

Both proposed lots will have 142 metres of frontage on 1 Con B Dalhousie and area of approximately 2 ha. The proposed retained lot will have approximately 36 hectares of area and frontage of 319 metres on 1 Con B Dalhousie.

The proposed severed lots are vacant at present, residential uses are proposed. There is residential dwelling and barn constructed on the proposed retained lot.

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

#### **PROVINCIAL POLICY**

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

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



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

The Provincial Policy also protects Natural Heritage Features. The subject lands are within the 120m buffer to a Provincially Significant Wetland. The applicant has submitted an Environmental Impact Statement in support of the creation of two new lots provided that mitigative measures outlined in the report are included in the severance agreement.

#### OFFICIAL PLAN

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

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

The proposal as submitted can achieve those directives.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

#### ZONING

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

#### DISCUSSION

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. 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. That the applicant enter into a Development Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the mitigative measures as outlined in the Environmental Impact Statement prepared by Hans K. von Rosen of Pinegrove Biotechnical on April 2 2011.
4. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
5. That the applicant pay any outstanding fees to the Township prior to final approval.
6. That the applicant submit the 5% cash-in of parkland dedication fee to the Township.
7. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
8. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

#### Conservation Authority – Mississippi Valley Conservation June 14, 2011

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

#### PROPOSAL

According to the information provided, the purpose of the subject applications is to sever (2) vacant residential building lots, each 2 ha in size. The proposed retained land is a developed 36 ha parcel of land.

#### PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, a tributary of Hopetown Creek travels through the northern end of the retained lands. In addition, a portion of both the retained lands as well as the severed parcel B11/067 are located within 120 metres of the Hopetown Wetland. This wetland has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources. Two unclassified wetlands were also observed; one on the southeast corner of the retained land while the other extends across the lot line that connects the two severed parcels.

#### REVIEW

Natural Heritage

*PSW & Unclassified Wetland*

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development, including lot creation, within 120 metres of a PSW boundary, only be

permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. In order to address this requirement, an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the landowners. In addition, an Addendum to the EIS was received on June 14, 2011. MVC has reviewed this EIS and Addendum and concur with the recommended mitigation measures for the severed parcels, as follows:

- The unclassified wetland, which connects the two severed lots, should be treated as contiguous with the PSW.
- No building envelope within 50 metres of the amended wetland boundary of the swale at the south-east corner of parcel "A" (Bi 1/068)
- No building envelope within 50 metres of the amended wetland boundary of the swale at the north-east corner of parcel "B" (Bi 1/067)
- All roof runoff of future buildings to be captured by eaves troughs, and led to infiltration pits
- All vegetation which is disturbed during construction activities, to be re-seeded to a grass/clover mixture prior to September 1 of the operational year.

Please refer to the EIS for additional details.

With respect to the unclassified wetland located on the southeast corner of the retained land, this property is already developed with no new development proposed at this time, and sufficient area exists for potential future development in compliance with the current standards for development adjacent to a wetland.

#### Watercourse

A watercourse was identified on the retained lands; however these lands are already developed with no new development proposed at this time, and sufficient area exists for potential future development in compliance with the current standards for development adjacent to a watercourse.

#### Natural Hazards

Wetland was identified on both the severed and retained lands. Wetlands inherently consist of organic soils which are considered a natural hazard. The poor drainage and unstable characteristics of wetlands makes them unsuitable for development. Therefore, development should be directed outside of these areas.

#### CONCLUSIONS AND RECOMMENDATIONS

MVC does not have any objection to the subject applications provided the recommendations of the EIS Addendum, outlined above, are adhered to. In addition, we recommend the following on the retained and severed lands:

- Wetland shall remain undisturbed.

#### ADDITIONAL

The property owner should be advised that in the event shoreline work is proposed along the tributary on the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is also required from MVC for any interference within the PSW or within 120 metres of the PSW.

Any proposed works in or near the tributary on the retained and the unclassified wetland

located on the retained and severed lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act 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.

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

Severed – B11/067 & B11/068 (same report for both severed lots) – A 2 ha parcel of land that is mainly agricultural farm field. Land has gentle slopes. No existing buildings. Additional sandy loam fill will be required in future tile bed area.

Retained – A 36 ha parcel of land with an existing house serviced by a well and septic system. There are various outbuildings for farm use on property. Additional sandy loam fill will be required in future replacement tile bed area.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a two residential building lots, each containing 2.0-ha each and to retain a 36-ha landholding with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings along 1<sup>st</sup> Con B Dal.

The lands are accessed via 1<sup>st</sup> Con B Dal, a municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 3 – moderately severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory: Grenville – marble, calc-silicate rock.

An MDS calculation was undertaken for the livestock housing facility located on the applicants land. The calculation resulted in a minimum setback requirement of 169 m. It appears from the DRAPE mapping that the southerly boundary line of B11/068 would be approximately 220 m from the livestock facility. However, this will require confirmation, prior to the issuance of a building permit. As well the deeds for both lots should contain a clause noting the proximity to an agricultural operation.

The area has considerable land masses mapped as ‘woodlands’. Lot B11/067 appears to encroach into the edge of the woodland area. Removal of tree cover in this area should in minimal to maintain the ecological function of the woodland. Woodland Development Policies have not been established by the Township of Lanark Highlands.

Due to the proximity of the Provincially Significant Wetland, locally known as the “Hopetown Wetland” the applicant had an Environmental Impact Statement conducted.

The EIS prepared by Pinegrove Biotechnical (April 2, 2011) concluded that the two severance are considered to cause insignificant negative impacts on Natural Heritage Values, provided mitigation measures are included in an agreement with the applicant / owner. The Township and Conservation Authority agree with this approach.

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

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

**(d) PUBLIC INPUT**

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows:

Don McNicol - June 13, 2011

I have received your "Notice of Application for Consent" regarding the possible severance of two residential building lots in the East Pt Lot 12 Conc. 1 of Dalhousie Township currently owned by David and Melanie MacDonald. I would appreciate if you would notify me of the decision of the Land Division Committee with respect to the proposed consent.

**(e) MINUTES – July 18, 2011**

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

Ms. Zander provided a brief background on the application.

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:** The same conditions apply to both consents:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township
5. 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.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the mitigative measures outlined in the Environmental Impact Statement prepared by Hans von Rosen dated April 2, 2011 and the concerns of the Conservation Authority as outlined in their report of June 14, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands . The applicant shall consult directly with the Township in this regard.
11. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.

13. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

## **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future septic system area.*
3. *The Mississippi Valley Conservation advise that in the event shoreline work is proposed along the tributary on the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is also required from MVC for any interference within the PSW or within 120 metres of the PSW.*
4. *In addition, any proposed works in or near the tributary on the retained and the unclassified wetland located on the retained and severed lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

**The following notes will also apply to B11/068**

8. *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 Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
9. *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:** Andrew & Julie Dawson

**Hearing Date:** July 18, 2011

**Agent:** N/A

**LDC File #:** B11/073

**Municipality:** Township of Drummond/North Elmsley

**Geographic Township:** Drummond

**Lot:** 6      **Concession:** 10

**Roll No.** 0919 919 020 014600

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 4.9-ha parcel of land with existing dwelling and barn (2498 Drummond Con 10A) and to retain 21.25-ha vacant landholding. The lands are accessed via Drummond Con 10A.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Farm Residential	Farm
<b>Proposed Use</b>	Farm Residential	Farm
<b>Area</b>	4.9 ha	21.25 ha
<b>Frontage</b>	214 m	91 m
<b>Depth</b>	231 m	875 m
<b>Road – Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Private Well	N/A
<b>Sewage Disposal</b>	Private Septic	N/A
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	10.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	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.

## **2.3 Agriculture**

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

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

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

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

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

### **(b) AGENCY REVIEW**

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

#### Township Planner's Report

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

The applicants are looking to sever a 4.9 hectare parcel of land with an existing dwelling and barn and retain a 21.25 hectare landholding which are currently open fields. The lands are accessed from Drummond Cone. 10A and fall entirely within the Rural Designation and are zoned Rural (RU). All zone requirements are met for both the retained and severed parcels.

Additionally, the severed and retained lands do not fall within any influence areas or buffers as indicated on Schedule 'B' of the Township's Official Plan. While the severed lot does fall within 500 metres of a livestock facility, the applicant supplied a Minimum Distance Separation (MDS) Report which indicated that adequate separation distances are maintained between the new lot and the existing barns. In their review, Mississippi Valley Conservation noted that the McIlquham Municipal Drain traverses a portion of the retained lands. While the vacant retained lands are not expected to be developed at this time there does appear to be adequate land to accommodate development while respecting any watercourse or waterbody buffers which may be required. Any future construction will need to respect the required setbacks.

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

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.

Conservation Authority – Mississippi Valley Conservation – June 9, 2011

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

#### PROPOSAL

According to the information provided, the purpose of the subject application is to sever 4.9 ha with an existing dwelling and barn; and retain a 21.25-ha vacant landholding.

#### PROPERTY CHARACTERISTICS

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

#### REVIEW

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

#### CONCLUSION AND RECOMMENDATIONS

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

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – A 4.9 hectare farm with an existing farm house serviced by a well and septic system. There are various agricultural outbuildings on property. House was found to be vacant at time of inspection. Additional sandy loam fill may be required in the area of future replacement tile bed.

Retained – A 21.25 hectare farm parcel with no existing buildings. Additional sandy loam fill may be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 4.9-ha parcel of land with an existing dwelling, barn and outbuildings and to retain a 21.25-ha agricultural landholding.

The subject lands are located in an area characterized by Farm Residential on large landholdings along Drummond Con 10A.

The lands are accessed via Drummond Con 10A.

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

Bedrock Inventory – Dolostone, sandstone.

The area of proposed development does not have any mapped as 'woodlands'. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

MDS calculations were undertaken for two adjacent farms – Dawson Farm – minimum setback 250 m and Dunlop Farm – minimum setback 250 m. The purpose of the consent is to separate the existing dwelling in order to utilize the farm lands, thereby expanding the applicants farming operation. No new development is proposed. However a condition should be placed on the transfer / deed advising that the dwelling is in proximity of a farming operation.

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**

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 – July 18, 2011**

Andrew and Julie Dawson, 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:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
7. 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.
8. 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.
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 advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the William Ireton Municipal Drain.*
2. *In addition, any proposed works in or near the Municipal Drain should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in future replacement tile bed area on the severed lands and any new proposed tile bed area of the retained lands.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing,*

*hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Thomas & Irene A. Dobbie **Hearing Date:** July 18, 2011  
**Agent:** N/A  
**LDC File #:** B11/074  
**Municipality:** Tay Valley Township  
**Geographic Township:** Bathurst **Lot:** 27 **Concession:** 9  
**Roll No.** 0911 916 030 03100 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.07-ha parcel of land with an existing dwelling and outbuildings (569 Township Boundary Road) and retain a 106.24-ha landholding with an existing barn and outbuildings. The lands are accessed via Township Boundary Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Residential	Agricultural
<b>Proposed Use</b>	Residential	Agricultural
<b>Area</b>	1.07 ha	106.24 ha
<b>Frontage</b>	152 m	392.5 m
<b>Depth</b>	134 m	see diagram
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	From adjacent property	Private well for barn only
<b>Sewage Disposal</b>	Private Septic	N/A
<b>Official Plan Designation -Conformity?</b>		Rural Yes
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	60 m	60 m
<b>-Compliance?</b>	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.

## **2.3 Agriculture**

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

## **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 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:

### Township Planner's Report

The proposal is to sever a 1.07-ha rural residential lot with existing dwelling and outbuilding at 569 Township Boundary Line Road and retain a 106.24 ha parcel of land with a barn and outbuildings.

Official Plan Designation: Rural, Organic Soils, Natural Heritage Yes

Applicable Sections: 3.6.2 Rural designation - permits residential and agricultural uses.

5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed and retained lots will have frontage on the Township Boundary Line Road. Section 2.19.2 Organic soils require development to occur outside of organic soils. No development is proposed on the area of organic soils at the southeast corner of the retained lot. Section 2.21 Natural Heritage — a small part of the northwest section of the retained lot is designated Natural Heritage as part of the Playfairville-Mud Lake Provincially Significant Wetland.

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 lot (1.07 ha and 106.24 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lot (approximately 152 m and 392.6 m respectively).

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

- 1/ Payment of all taxes owing
- 2/ Payment of all costs incurred by the Township for review
- 3/ Copy of Deed / Transfer
- 4/ 2 copies of the reference plan, and
- 5/ Parkland contribution of \$100.

Conservation Authority – Mississippi Valley Conservation

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever 1 ha and retain 106.24 ha. The severed lands are already developed with an existing dwelling while the retained land consists of an existing barn, drive shed and garage.

**PROPERTY CHARACTERISTICS**

The subject property is largely open field with the exception a large forested area on the retained lands to the south. According to a review of available mapping, the northwest corner of the proposed retained lands are located within the 120 metres adjacent lands of a Provincially Significant Wetland (PSW), referred to as the Playfairville-Mud Lake Complex. With respect to the severed lands, no natural heritage features or natural hazards were identified on or within close proximity to these lands.

**REVIEW**

**PSW:**

Guidelines which were prepared in support of the Provincial Policy Statement (PPS) recommend that new development, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as estimated on available mapping, sufficient area exists on the retained lands for potential future development that is located well beyond the 120 metre adjacent lands. With this in consideration, MVC is of the opinion that there would be limited value in conducting an EIS at this time. However, in the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.

**Lot Size:**

MVC is satisfied with the size of all resulting lots.

**CONCLUSIONS AND RECOMMENDATIONS**

MVC does not have any objection to the subject application provided that any future development within the 120 metre adjacent lands to the PSW is evaluated by an EIS.

#### ADDITIONAL

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the property owner should be advised that written permission is required from MVC for any interference within 120 metres of the PSW.

Any proposed works in or near the PSW 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 8 of the Ontario Building Code (OBC). A site visit was conducted on June 8, 2011

The applicant proposes to sever a 1.0866 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently developed with a dwelling and woodshed. Tay Valley Township's Geographical Information System (CGIS) does not have record of a septic system permit for the dwelling. A septic tank was found on the eastern portion of the lot, in front of the house. It is assumed that the leaching bed is next to the driveway. Soil test pits were not provided.

The retained parcel is approximately 44.43 hectares in area (provided by CGIS). The retained lot is comprised of a barn, garage, open fields, tree lines, and a treed area. There is an area of Organic soils (treed area) and Natural Heritage (North West corner) as per the Township's Official Plan.

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. Areas of organic soil are not ideal locations for septic systems. 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 1.07-ha residential lot with an existing dwelling and

woodshed and retain a 106.24-ha landholding with an existing barn, drive shed and garage.

The subject lands are located in an area characterized by Farm/Residential on large landholdings intermixed with smaller type residential lots along the Township Boundary Road.

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

Soils Inventory – Name: Monteagle

- Stoniness: moderately stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory; Conglomerate, sandstone.

The purpose of the consent is to separate the existing dwelling but retain the lands for farm operations. No new development is proposed. Therefore no MDS was undertaken as the buildings (dwelling and barns) are existing. However a condition should be placed on the transfer / deed advising that the dwelling is in proximity of a farming operation.

The area has large section mapped as ‘woodlands’, particularly north of the proposed lot, within the Playfairville-Mud Lake PSW Development Policies have not been established by Tay Valley Township.

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 – July 18, 2011**

Irene Dobbie, applicant attended the hearing and gave evidence under oath.

Ms. Dobbie confirmed that the barn located on the retained portion was only used for storage, and was not a livestock facility.

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 of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with 2 copies with a copy of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. 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).
9. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.

## **NOTES:**

1. *The Mississippi Valley Conservation advise that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the property owner should be advised that written permission is required from MVC for any interference within 120 metres of the PSW.*
2. *Any proposed works in or near the PSW 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. *Mississippi Valley Conservation advises that any future development within the 120 metre adjacent lands to the Provincially Significant Wetland (Playfairville-Mud Lake Wetland Complex) shall be evaluated by an Environmental Impact Study.*
4. *The Mississippi-Rideau Septic System official advises that additional fill / imported fill may be required in the future replacement septic system area.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Frank & Shelley Scott **Hearing Date:** July 18, 2011  
**Agent:** Frank Scott  
**LDC File #:** B11/078 and B11/079  
**Municipality:** Town of Mississippi Mills  
**Geographic Township:** Pakenham Block C Compiled Plan 779 Blakeney  
**Roll No.** 0931 946 025 07202 **Consent Type:** R-O-W

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#### **Purpose and Effect:**

B11/078 - To provide an access easement over Part 3 Plan 27R-9722 to Part 1 and 2 on Plan 27R-9722 and Part 1 and 2 on Plan 26R-439;

B11/079 – To provide an access easement over Part 2 Plan 27R-9722 to Part 1 Plan 27R-9722 and Part 1 Plan 26R-439. The R-O-W adjoins Blakeney Road.

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#### (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.

##### **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation of 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 Basis of Plan, Section 3.1.2 Environmental and Natural Heritage Features, Section 3.1.3 Environmental Hazards and Constraints, Section 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.9 Private Roads, Section 5.3.11 Consent to Sever Land.

Zoning By-law - Section 6 General Provisions, Section 9 Rural Zone.

### **(b) AGENCY REVIEW**

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

Town 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 pays any outstanding property taxes on the subject property.
- 4/ That the applicant complete the road closing process for the unopened road allowance between Lots 10 and 11 Conc. 11 geographic Township of Pakenham.



Conservation Authority – Mississippi Valley Conservation June 22, 2011

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

We take this opportunity to note that the Geological Survey of Canada - Surficial Geology mapping indicates the presence of deposits of lacustrine/marine clay, throughout the entire property. Due to the potential instability of marine clay, the subject property is considered as potentially vulnerable to failure, particularly slope failure. The area of concern associated with this hazard is delineated on MVC's mapping as the Regulation Limit. This limit extends across the majority of the subject property. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVC for any potential future development or site alterations within this area.

Written permission is also required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain, or for any alterations to the shoreline of the river.

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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 if you require a review in this regard.

**(c) PLANNING REVIEW**

The applicant is currently in the process of purchasing the unopened road allowance between lots 10 and 11 Concession 11, geographic Township of Pakenham. In turn, Mr. Scott proposes to provide access to two other lots over the road allowance, once he is in title possession of the lands.

The subject lands are located in an area characterized by Residential and Seasonal Residential on a variety of smaller lots along the Mississippi River. The water front has been mapped for flood risk and development constrains are outlined in the response by MVC. In addition, some of the lands along the waterfront have also been mapped as 'woodlands'. However 'Woodland Policies' have not been established by the Town of Mississippi Mills.

The lands are accessed via a private r-o-w, which adjoins Blakeney Road.

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

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

which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – July 18, 2011**

No persons attended the hearing.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS: The following conditions apply to both applications:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
6. That the applicant complete the road closing process for the unopened road allowance between Lots 10 and 11 Concession 11, geographic Township of Pakenham.

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

#### **NOTES**

1. *The Mississippi Valley Conservation advises that the Geological Survey of Canada - Surficial Geology mapping indicates the presence of deposits of lacustrine/marine clay, throughout the entire property. Due to the potential instability of marine clay, the subject property is considered as potentially vulnerable to failure, particularly slope failure. The area of concern associated with this hazard is delineated on MVC's mapping as the Regulation Limit. This limit extends across the majority of the subject property. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVC for any potential future development or site alterations within this area.*
2. *MVC also advises that written permission is also required from Conservation Authority prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain, or for any alterations to the shoreline of the river.*
3. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change*

*the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.*

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