



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, March 28, 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-2011-008

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

“THAT, the minutes of the Land Division Committee meeting held on February 28, 2011 and the Special Meeting held March 8, 2011 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-009

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

“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 B10/056 and B10/057 – Brian Burge – two new lots

Pt Lot 3 Conc. 3, geographic Township of Darling, now in the Township of Lanark Highlands. Highway 511

7.1.2 B10/143 – Mervyn and Gail Downey – new lot

Pt Lot 2 Conc. 11, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Waba Road).

7.1.3 B10/178, B10/179 and B10/180 – Robert Newell – three new lots

Pt Lot 26 Conc. 4, Township of Beckwith. (Richmond Road).

7.1.4 B10/182 – William Duncan and Herel Duncan – R-O-W

Pt Lot 5 Conc. 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Highland Line).

7.1.5 B10/183 – Thomas Gould Redpath – new lot

Pt Lot 1 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands. (Munro Line).

7.1.6 B10/186 – Valerie Forest – lot addition

Pt Lot 10 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township. (Farren Lake Lane).

7.1.7 B10/188 – David & Heather Dillenbeck – lot addition

Pt Lot 27 Plan 15, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Pointview Drive)

7.1.8 B11/001 – William Hall – lot addition

Pt Lot 1 Conc. 2, geographic Township of Bathurst, now in Tay Valley Township. (Douglas Lane)

7.1.9 B11/002 – 1343791 Ontario Ltd. – lot addition

Pt Lot 23 Conc. 3, Township of Beckwith. (Richmond Road).

7.1.10 B11/003 – Mark and Kathy VanAlstine – new lot

Pt Lot 14 Conc. 9, geographic Township of South Sherbrooke, now in Tay Valley Township. (Maberly Elphin Road)

7.1.11 B11/004, B11/005 and B11/006 – Greg Rolak – 3 new lots
Pt Lot 12 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (Stanley Road)

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B09/072 and B09/073 – Wayne and Karen Stinson – two new lots
Pt Lot 24 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Wild Life Road)

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 2010 Year End Report

Committee reviewed the revised draft Year-End Report and further refined the tables. Member D Murphy will present the report to the Community Development Committee in the absence of the Chair.

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

10.1.2 B10/056 and B10/057 – Brian Burge – two new lots

10.1.3 B10/143 – Mervyn and Gail Downey – new lot

10.1.4 B10/178, B10/179 and B10/180 – Robert Newell – three new lots

10.1.5 B10/182 – William Duncan and Herel Duncan – R-O-W

10.1.6 B10/183 – Thomas Gould Redpath – new lot

10.1.7 B10/186 – Valerie Forest – lot addition

10.1.8 B10/188 – David & Heather Dillenbeck – lot addition

10.1.9 B11/001 – William Hall – lot addition

10.1.10 B11/002 – 1343791 Ontario Ltd. – lot addition

Committee adjourned the Hearing at 12:00 p.m. (Noon)
Committee re-convened at 1:30 p.m.

10.1.11 B11/003 – Mark and Kathy VanAlstine – new lot

10.1.12 B11/004, B11/005 and B11/006 – Greg Rolak – 3 new lots

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B09/072 and B09/073 – Wayne and Karen Stinson – two new lots

MOTION #LD-2011-010

MOVED BY: D. Murphy

SECONDED BY: W. Stinson

“THAT, application B09/072 and B09/073 be deferred to provide an opportunity to further refine the draft provisional conditions and to further confer with the Town of Perth;

AND that the application be brought back to the May 2nd, 2011 meeting provided the details have been resolved.”

ADOPTED

11. UPCOMING MEETINGS

Monday, May 2, 2011,
Monday, May 30, 2011,
Monday, June 27, 2011, and
Monday, July 19, 2011

12. ADJOURNMENT – 3:00 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brian Burge

Hearing Date: March 28, 2011

Agent: n/a

LDC File #: B10/056 and B10/057

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 3 Concession: 3

Roll No. 0940 944 015 03605

Consent Type: two (2) new lots

Purpose and Effect: To sever two (2) new residential building lots and retain a landholding with an existing cabin.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/056	B10/057	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.5-ha 200 m 150 m County Rd	2.67-ha 175 m 212 m County Rd	9.5-ha 725 m 900 m County Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha Yes 60 m Yes		1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.4 Minerals and Petroleum

Section 2.4.2.1 Minerals and petroleum resources shall be protected for long-term use.

Section 2.4.2.1 Mineral mining operations and petroleum resource operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

3.1 Natural Hazards

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

Official Plan – Section 3 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.2 Mineral Resources, Section 10.11.13 Subdivisions, Consents and Part-lot Control.

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

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

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

Two applications have been received from the County of Lanark Land Division Committee for the creation of two new lots for residential purposes. The holding is located on County Road 511 and commonly referred to as 7040 County Road 511. The holding is legally described as Part of Lot 3, Concession 3, former Township of Darling, now in the Township of Lanark Highlands, County of Lanark.

The applicant proposes to create two lots from a parent parcel of approximately 10 hectares (27 acres). The proposed lot configuration is attached as Appendix 1 for review. Proposed lot 1 will have frontage of 175 metres (574 feet) and an area of approximately 2.6 hectares (6.6 acres). Proposed lot two will have 200 metres (656 feet) and an area of approximately 1.4 hectares (3.7 acres).

The property is designated Rural on Schedule 'A 3' of the Township of Lanark Highlands Official Plan. Of note the lands about an area identified on the land use schedule as being Mineral Resource. The lands are zoned Limited Services Rural.

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 reviewed 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.

1. Services

The proposed lots when developed will be serviced privately and confirmation is required that there exists sufficient treatment capacity for any hauled sewage (Section 1.6.4.1). The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage outside of the Municipality. The applicant will need to obtain permits from the Lanark and Leeds Health Unit prior to any construction.

2. Transportation

Section 1.6.5 Transportation Systems and Section 1.6.6 Transportation and Infrastructure Corridors of the Provincial Policy Statement outline the priority that the province puts on the maintenance and efficiency of transportation systems and corridors. The lots front onto a County Road being County Road 511. The applicant has been advised to contact the County with respect to obtaining entrance permits for the proposed lots.

3. Mineral Resources

Provincial Policy protects mineral resources for the long term. The lands subject to this application about an area identified as Mineral Resource. The applicant will be required to contact the Ministry of Mineral Resources and Mines to determine that the additional residential uses will not preclude any further development or extraction of any aggregate resources.

OFFICIAL PLAN

The Burge lands are designated Rural on Schedule 'A 3' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along existing road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value. The Burge proposal represents lots of sufficient size to respect the intent and direction of the Official Plan.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the

Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The proposed lot areas exceed minimum standards and all lots have frontage on a county road. The County Roads Department will need to confirm that entrances can be obtained. The application demonstrates compliance with Official Plan directives.

ZONING

The lands are zoned Limited Services Rural on Schedule 'A 3' of Zoning By-law 2003-451. The proposed residential use is a permitted use within this zone. The proposed severed and retained lots will meet the requirements of the limited services rural zone.

The application can meet the requirements of the zoning by-law and other than building permit and health unit approval does not require any further approvals.

DISCUSSION

Subject to the applicant demonstrating, through consultation with the Ministry of Mineral Mines and Resources, that the identified Mineral Reserve will not be impacted by the additional residential uses the application can be considered to be consistent with the Provincial Policy Statement, compliant with policies of the Official Plan and in conformity with the requirements of the zoning By-law. The proposal is in keeping with existing surrounding land uses and an expected land use. As such the application can be supported subject to the identified conditions which includes the need to register a statement on the title of the severed and retained lots that recognizes the presence of an active quarry.

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

1. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
3. That the balance of any outstanding fees pertaining to this application be submitted to the Township.
4. That the applicant provide the Town 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.
5. An acceptable reference plan or legal description of the severed lands and the deed
6. That the following statement be registered on the title of the severed and retained lands: 'The owner recognizes the presence of an active quarry and further recognizes that noise, dust, vibration and heavy vehicle traffic are all part of the quarry's on-going operation.'
 - i) The additional residential uses will not preclude or hinder the establishment of new mining operations.

Conservation Authority – Mississippi Valley Conservation July 26, 2010

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

and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

According to the information provided, the purpose of the subject applications is to sever two vacant residential building lots; B10/056 is 1.5 ha and B10/057 is 2.67 ha. The retained land is a vacant 10.6-ha landholding.

A review of available mapping shows a tributary of the Clyde River traveling along the road frontage of both the proposed severed lands. In addition, an unclassified wetland appears on the proposed retained lands.

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

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

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

In addition, any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat.

Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
B10/056 – A 3.3 acre wooded land, land is vacant. Has small stream nearest road.

Recommendation – additional sandy loam fill will be required in area of future tile bed.

B10/057 – A 6.6 acre wooded vacant parcel with a small stream near Hwy 511 property line. Land is sloping and well treed. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained Lands – A 23.4 acre wooded land with small cabin at property. Land is sloping and also has areas of level land. Well treed. Recommendation – additional sandy loam will be required in area of future tile bed.

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

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

County of Lanark Public Works

Applicant has an approved existing entrance to the County Road – recreational purposes only #2269.

Applicant has an approved entrance location to the County Road #2266 and #2267.

Entrance to be installed prior to deed endorsement for B10/056.

Entrance to B10/057 has an existing field entrance that can be re-designed as single residential; entrance permit will be issued conditional on a favourable severance decision and the passing of the appeal period.

The retained lands have an existing entrance for recreational purposes; any proposals to change the use of the entrance must be applied for and approved through the Public Works Department.

Road Widening is required.

Ministry of Northern development, Mines and Forestry – Sept 27, 2010

Ministry of Northern Development, Mines and Forestry planning interests are related to the protection of long-term resource supply (Section 2.4 PPS) and to the protection of human health and safety (Section 3.2 PPS).

Areas of interest were identified by the Ministry of Natural Resources and the Ministry of Northern Development, Mines and Forestry working together through the MMAH One-Window planning process. Allowing residential development in proximity to the existing quarry operation may conflict with the Provincial Policy Statement.

The Ministry of Northern Development, Mines and Forestry has the following comments and concerns:

- OMYA Canada Inc. operates the nearby Tatlock Quarry where noise, dust and blasting activity should be acknowledged, Truck traffic to and from the operation is on-going along County Road 511,
- Future expansion of mineral operations into areas designated mineral reserve is possible.

The municipality may wish to consult with OMYA Canada Inc. to determine if the operator believes that the proposed development or activity would preclude or hinder:

- The continuing business of the mineral operation
- Any potential future expansion.

Please contact me if you require any further assistance or clarification of this information.

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) new residential building lots (1.5-ha and 2.67-ha) and retain a 9.5-ha landholding with an existing cabin.

The subject lands are located in an area characterized by sporadic residential building lots and large vacant landholdings along Highway 511, a County maintained road.

The lands about the “Mineral Constraint Overlay” designation in the Lanark Highlands Official Plan. This overlay is designed to ‘flag’ properties in the proximity of the Tatlock Quarry to require a review by the Ministry of Northern development, Mines and Forestry to ensure that the proposed use or development will not preclude or hinder the establishment of new operations or access to mineral resources. The Tatlock Quarry in Darling Township

is the source of white high calcium carbonate (crystalline limestone) and is a unique resource in Ontario.

The review by MNDMF required that the municipality consult with OMYA Canada Inc, who operate the quarry for comments. OMYA’s Planning Consultant has reviewed the application and concluded that the impact of development on the property would be minimal in terms of continued operations of the quarry, but requested the deed of land recognize the operation.

A barn is located over 350 m from the lands to be developed, no MDS was completed due to the distance and limited size of the livestock facility. However the MDS calculation will be required prior to the issuance of a building permit.

The Provincial Policy Statements require that mineral mining operations be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. The proposal has been evaluated by MNDMF and reviewed by the adjacent quarry operator. This review provides adequate conclusions that the application can meet the consistent with test of the Provincial Policy Statement, provided additional statements are placed on the property deeds to advise future purchasers that there are potential on-going operational activities such as noise, dust, traffic, etc.

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:

Wright Consulting Services – Feb 21, 2011

With respect to the above and as a result of our conference call amongst the interested parties, I am forwarding on behalf of Omya (Canada) Inc. this letter which contains our comments, observations and a proposed condition to be applied to the consent applications.

On behalf of our Client, we forwarded materials to the Ministry of Natural Resources and the Ministry of Northern Development and Mines which were provided by your planning consultant, Ms. J. Almond of Stantec Consulting. The writer also spoke to Ms. Pam Sangster, Senior Geologist of the Ministry of Northern Development and Mines. In addition, the writer visited the site as well as reviewed the Township's official plan and comprehensive zoning by-law.

As a result of the telephone conference conversation of Friday, February 18, 2011, the main concern regarding buffer zone requirements [subsection 4.32(b)], separation distances and impact issues have been ameliorated and further, that the impact of the proposed use on the subject property would be minimal in terms of continued operations of the quarry.

However, we ask that Council request that a condition be placed upon each lot to be severed as well as the retained lot that recognition is given to the existence of the quarry and its operations. Such a condition should be forwarded to the Land Division Committee as part of the Township's comments upon the applications and submission to the Committee.

Thank you for your time and consideration given to this matter. I look forward to hearing from you in the near future.

(e) **MINUTES – March 28, 2011**

Brian Burge, applicant, attended the hearing and gave evidence under oath.

Mr. Burge advised that the entrance has been redesigned as required by County Public Works and upgraded to a full residential entrance.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/056

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 Land Division Secretary-Treasurer with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate /quarry operation, and that the occupants of the lot may be susceptible to noise, dust, vibration, heavy vehicle traffic and related impacts from time to time".
4. 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).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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.
8. The applicant shall provide the Township of Lanark highlands with a copy of all reference plans associated with this application.
9. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. That the applicant enters into a Development Agreement and/or Site Plan Agreement with the Township of Lanark highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of July 26, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of

the Planning Act, to delete the reference to the Conservation Authority

12. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
13. The entrance to the retained lands shall be upgraded to a single residential entrance.
14. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
15. 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.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 through #15 have been fulfilled to their satisfaction.
17. A letter shall be received from Mississippi Valley Conservation stating that condition #11, has been fulfilled to their satisfaction.
18. 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. *The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area for the severed and retained lands.*

4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The 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.*
6. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

B10/057

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 Land Division Secretary-Treasurer with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate /quarry operation, and that the occupants of the lot may be susceptible to noise, dust, vibration, heavy vehicle traffic and related impacts from time to time".
4. 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).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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.
8. The applicant shall provide the Township of Lanark highlands with a copy of all reference plans associated with this application.
9. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of July 26, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
12. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
13. The entrance to the retained lands shall be upgraded to a single residential entrance.

14. The County Public Works Department shall confirm that the existing entrances to the lot to be severed and the lot to be retained have been installed to the satisfaction of the County.
15. 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.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 through #15 have been fulfilled to their satisfaction.
17. A letter shall be received from Mississippi Valley Conservation stating that condition #11, has been fulfilled to their satisfaction.
18. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 have been fulfilled to their satisfaction.

NOTES

1. *The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area for the severed and retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The 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.

6. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources 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.

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: Mervyn & Gail Downey

Hearing Date: March 28, 2011

Agent: N/A

LDC File #: B10/143

Municipality: Township of Mississippi Mills

Geographic Township: Pakenham

Lot: 2 Concession: 11

Roll No. 0931 946 025 08200

Consent Type: New Lot

Purpose and Effect: To sever a 0.4032-ha residential lot with an existing dwelling (191 Waba Road) and to retained a 9.7-ha vacant landholding. The lands are accessed via Waba Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant
Proposed Use	Residential	Residential
Area	0.4032 –ha	9.7-ha
Frontage	83.3 m	110 m
Depth	55 m	312 m
Road - Access to	County Road	County & Municipal Road
Water Supply	Private well	Proposed
Sewage Disposal	Septic system	Proposed
Official Plan Designation -Conformity?	Residential Yes	
Zoning Category	Hamlet/Rural	Hamlet/Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 2 Basis of Plan, section 3.4 Rural Settlement Areas and Villages, Section 4 General Policies, Section 4.6.3 County Roads, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions for all Zones, 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 – Planner's Report

Background

Mervyn and Gail Downey currently own approximately 5.5-ha (13.6ac) of land located on Part of Lot 12, Concession 11, Pakenham Ward, in the Town of Mississippi Mills, know municipally as 191 Waba Road. The intent of the application is to sever one residential building lots being 0.4ha (1.0ac) in size. The Downey's will retain a 5.1ha (12.6 ac) vacant residential lot.

The lots subject to the consent applications are designated Residential in the Official Plan. The retained parcel of land is designated Residential. All of the lands are zoned Rural.

Severance Application Summary

Lot Severance – BI0/143

This application is to sever the existing dwelling from the lot on a 0.4ha (1.0acre) parcel of land from the existing lot, creating two residential building lots. The proposed lot will have approximately 63m (206.7ft) of frontage on Waba Road, a municipally maintained road. The retained lands will have a total of 256m (839ft) on Waba Road and five Arches Road and will have a lot area of 5.1 ha (12.6ac). The severed lot and the retained lot will be serviced by private services.

Community Official Plan:

The subject property has an Official Plan designation of Residential and the following consent policies apply:

Section 5.3.11.1 General Consent Policies.

The following lot creation policies apply to all land uses whether development takes

place by consent or plan of subdivision.

- The size of the lots must be in accordance with the requirements for the type of use and servicing method proposed. The size of lot may be dependent on servicing studies which will be in accordance with the requirements of the municipality and other agencies.
- Information will be provided to substantiate that an adequate and suitable water supply and conditions for a proper sewage system exist, all of which can meet the requirements of the municipality and other agencies.
- Lots will not be created on lands which are unsuitable for development because of environmental conditions.
- All lots will have suitable road access in accordance with the relevant policies of this Plan. Proposals which result in the creation of land-locked parcels of land shall be strongly discouraged.
- The lot must be in an appropriate location for the use proposed and contain a suitable building site, where applicable. Where lots are proposed for residential, commercial or industrial purposes, a site plan may also be required.
- In reviewing any application to create new lots, the convenience, safety and welfare of the future residents of these lots will be a major consideration.
- All sections of the Plan dealing with the creation of lots shall apply where appropriate including but not limited to the general policy for development under Section 4 of the Plan, environmental policies under Section 3.1, wellhead protection policies under Section 3.1.4.16, agricultural and rural policies under Section 3.2 and 3.3 respectively and the following sections related to consent policies and plans of subdivision.

Section 5.3.11.2 General Consent Policies.

1. The Town shall support applications to create lots by consent when:
 - (i) the scale of development proposed or the total development potential of the property would not require a plan of subdivision;
 - (ii) the application represents infilling in an existing built up area;
 - (iii) the proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;
 - (iv) the creation of lots would not create or worsen traffic, access or servicing problems;
 - (v) the application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;
 - (vi) the application does not represent strip development; and,
 - (vii) the application meets all other policies of this Plan.
2. The Town shall not support consent applications that do not conform to the policies of the Community Official Plan or the provisions of the Zoning By-law.
3. The Town may require that the developer provide supporting information related to matters, such as environmental protection, potable water supply, sewage disposal, road access, design and compatibility to justify the development proposal.
4. Prior to supporting the creation of lots by consent, the Town shall be satisfied that the development can be supplied with municipal services, such as fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance. Such development should not adversely affect the finances of the Town.
5. In addition to the condition of an agreement, the Town may request other conditions to be imposed by the Land Division Committee which may include but not be limited to the following:
 - (i) a zoning amendment or minor variance;

- (ii) site plan control;
 - (iii) dedication of land or cash-in-lieu of parkland;
 - (iv) conveyance of land or an easement for utilities, access control or drainage;
 - (v) the construction or upgrading of roads or the installation of drainage facilities;
 - (vi) the establishment of buffer strips and landscaping;
 - (vii) floodproofing;
 - (viii) the installation of water supply or sewage disposal systems;
 - (ix) financial guarantees;
 - (x) demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;
 - (xi) implementation of mitigating measures to ensure compatibility amongst land uses; and,
 - (xii) the requirement for conducting studies and/or the implementation of any study required to support the development proposal.
6. In addition to the creation of new lots, consents may be granted for the following purposes:
- (i) correct lot boundaries;
 - (ii) convey additional land to an adjacent lot, provided the conveyance does not lead to the creation of an undersized lot;
 - (iii) clarify title to the land;
 - (iv) permit an easement or right-of-way;
 - (v) a lease or charge/mortgage;
 - (vi) a severance which results in the creation of original township lots; and,
 - (vii) permit a consent for municipal or other government purposes.

Section 3.4.3.4 provides direction regarding lot creation in the villages of the municipality and states the following: Minimum lot sizes within rural settlement areas and villages shall be based on the appropriate requirements for the proposed water and sewage systems as well as site specific considerations of topography and vegetation. Generally, single detached residential lots should be a minimum of 0.4 hectares (1 acre) in size. In waterfront situations, larger minimum lot sizes will most likely be required to ensure sufficient area to accommodate the 30 metre setback from the highwater mark, shoreline buffering requirements, flood plain considerations and other environmental constraints.

The proposed severance will create a lot that would meet the minimum requirement outlined by the Community Official Plan and is currently serviced with private services. Access to the property is from both a County Road and a local road which are maintained year round. The closest barn which might house livestock is over 500 meters away, with the closest dwelling being 300 metres away. It is important to note that the lot that is being created is for an existing dwelling.

Zoning By-law 01-70:

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

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 pay any outstanding property taxes on the subject property;
4. That the applicant must acquire a PIN/Municipal address for the retained lot.

Conservation Authority – Mississippi Valley Conservation – November 10, 2010

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

A review of available mapping shows an unnamed tributary of the Mississippi River travelling through a portion of the proposed retained lands. No other natural heritage features or natural hazards were identified.

Sufficient area appears to exist to locate future development in compliance with the minimum waterbody setback. With this in consideration, MVC does not have any objection to the subject application.

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

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

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

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

Severed lands – Greater than 1 metre silty clay. Existing system in grounds for 16 years, more than 3 metres from proposed property line. No obvious slope on property. Recommendation – there is adequate space for a replacement sewage system if required. No signs of failure from existing system.

Retained lands – Greater than 1 metre silty clay soil. Relatively flat field.

Recommendations – soil conditions unsuitable for leaching bed. Leaching bed fill would be required to construct a sewage disposal system.

Hydro One Networks – No comments were received.

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

Lanark County Public Works

1. Applicant has approved existing entrance to the County Road for the Severed Lands – Permit #1252 and Retained lands – Permit #2220.
2. Land proposed to be severed by B10/143 has an existing approved residential

access – Permit No. 1252. Retained lands have an existing field entrance – Permit No. 2220. If residential access is required to the retained lands, it must be obtained via Five Arches Drive. Applicant should consult directly with the Town of Mississippi Mills in this regard.

3. 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.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.4032-ha residential lot with an existing dwelling located at 191 Waba Road and retain a 9.7-ha vacant landholding. The applicant initially proposed a lot 63 m x 64 m and subsequently revised the application on January 24, 2011 to 83.3 m x 51.8 m (Average).

The subject lands are located in a settlement area, locally known as the Village of Pakenham.

The lands to be severed are accessed via Waba Road, a County maintained road. The lands to be retained have frontage on both Waba Road, a county maintained road and Five Arches Drive a municipally maintained road. However the County Public Works Department has advised that access to the retained lands will not be permitted on Waba Road.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – March 28, 2011**

Gail Downey, applicant, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented January 24, 2011.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
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 with a copy of all reference plans associated with this application.
7. 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.

8. A letter shall be received from the Lanark County Public Works Department stating that condition #7 has been fulfilled to their satisfaction.
9. 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 be advised that in the event that shoreline work is proposed on the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the tributary located on the retained lands should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that leaching bed fill would be required to construct a sewage disposal system on the retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the retained lands.*
5. *The Lanark County Public Works department advises that if residential access is required to the retained lands, it must be obtained via Five Arches Drive. Applicant should consult directly with the Town of Mississippi Mills in this regard.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert Newell **Hearing Date:** March 28, 2011
Agent: n/a
LDC File #: B10/178, B10/179 and B10/180
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 26 **Concession:** 4
Roll No. 0924 000 015 08800 **Consent Type:** 3 new lots

Purpose and Effect: To sever three (3) new residential building lot and retain a 5.64-ha residential lot with an existing dwelling at 210 Richmond Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B10/178	B10/179	B10/180	
Existing Use	Vacant	Vacant	Vacant	Residential
Proposed Use	Residential	Residential	Residential	Residential
Area	0.765-ha	0.765-ha	0.765-ha	5.64-ha
Frontage	45 m	45 m	45 m	112 m
Depth	170 m	170 m	170 m	170 m
Road - Access to	County	County	County	County Road
Water Supply	Proposed	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Residential Yes			
Zoning Category	Residential			Residential
-Area Required (min.)	0.4-ha			0.4-ha
-Compliance?	Yes			Yes
-Frontage Required (min.)	45 m			45 m
-Compliance?	Yes			Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.4.1 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.

3.1 Natural Hazards

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

Official Plan –Section 4 General Development Policies, Section 4.5 Division of Land, Section 5.1 Residential Policies, Section 7.2 County Road, Section 9.6 Subdivision of Land, Section 9.10 Committee of Adjustment and Land Division Committee

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

Zoning By-law - Section 3 General Policies, Section 5.1 Residential.

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

(b) AGENCY REVIEW

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.
3. That the location of entrances will be determined in conjunction with the requirements and conditions of the County of Lanark Public Works Director.
4. That a Hydro-geological Evaluation and Terrain analysis, together with a Grading and Drainage Plan, shall be completed by a qualified professional for the lots to be severed, and submitted to the Township for review and approval by the Township and/or Township engineer, at the expense of the Developer.

Conservation Authority – Rideau Valley Conservation Authority

There are no natural hazards or natural heritage issues precluding the approval of this application.

There are, however, small areas on the north ends of the proposed severed properties subject to O.Reg 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. These regulations are related to the 120 metre setback surrounding the

Provincially Significant Wetland of Prospect Bog. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA.

We wish to advise the committee that the Conservation Authority has no objections to these applications; however they may wish to include the above information in the notes of the decision.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
B10/178 – a 0.765-ha parcel of land with 45 m frontage. Lot is thick cedar brush with shallow soil depths. Recommendation – additional sandy loam will be required in area of future tile bed.

B10/179 – a 0.765-ha parcel of land with 45 m frontage. Lot is thick cedar brush with shallow soil depths. Recommendation – additional sandy loam will be required in area of future tile bed.

B10/180 – a 0.765-ha parcel of land with 45 m frontage. Lot is thick cedar brush with shallow soil depths. Recommendation – additional sandy loam will be required in area of future tile bed.

Retained Lands – mainly trees and brush. Land has shallow soil depth over rock. Recommendation – additional sandy loam will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works

1. Applicant has an approved existing entrance to the County Road for the retained lands. Permit #2312
2. Applicant has an approved entrance location to the County Road. Permit # 2298, #2297 and #2392
3. Entrances to the severed lands are to be installed prior to deed endorsement.
4. Lands proposed to be severed by B10/178, B10/179 and B10/180 have approved locations for single family residential access. Full entrance applications must be submitted and entrances installed prior to deed endorsement. Retained lands have an existing Single Residential entrance.
5. 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.

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) 0.765-ha residential building lots and retain a 5.6-ha residential lot with an existing dwelling, located at 210 Richmond Road.

The subject lands are located in a Settlement Area locally known as Prospect and is characterized by Residential and Institutional on a variety of lot sizes along Richmond Road. A residential Subdivision is located to the south of land lands on Windmill Road and Ashton Station Road.

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

The Beckwith Official Plan Section 4.5 provides that generally, the consent process will be used for the purpose of creating one or two new lots. However, Section 5.1.3 permits multiple development, but must complete additional studies to ensure that the development can occur in an orderly fashion. As the lands are located within the designated 'settlement' area locally known as Prospect, the infilling and multiple lots is deemed appropriate

The Provincial Policy Statements encourages economic opportunities within the rural area.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are located within a designated settlement area. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the settlement area. 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 – March 28, 2011**

Robert Newell, applicant, attended the hearing and gave evidence under oath.

Mr. Newell was aware of the requirement to undertaken a Hydro-G report and had already contacted McIntosh-Perry Consulting. Mr. Newell also advised that the PSW does not show on the new Official Plan for the Township.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

Note: The same conditions apply to all three (3) 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 copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. That a Hydro-geological Evaluation and Terrain analysis, together with a Grading and Drainage Plan, shall be completed by a qualified professional for the lots to be severed, and submitted to the Township of Beckwith for review and approval by the Township and/or Township engineer, at the expense of the Developer.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
8. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
9. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review

and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

10. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 through #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that there are small areas on the north ends of the proposed severed properties subject to O.Reg 174/06 "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. These regulations are related to the 120 metre setback surrounding the Provincially Significant Wetland of Prospect Bog. Any site alteration within these boundaries a permit from the RVCA.*
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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill / imported fill may be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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

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

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Policies, Section 4.5.3 Township Roads, Section 7.2 Mineral Resources, section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, section 6.0 Rural Zone, Section 18.0 Mineral Aggregate Resource.

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a right of way on lands legally described as West ½ of Lot 5, Concession 10, former Township of Dalhousie now in the Township of Lanark Highlands. The property has frontage on Highland Line.

The proposed severed right of way has 20.75 metres of frontage and a depth of 113.42 metres with an area of approximately 0.235ha. The proposed retained parcel is irregular with an area of approximately 6ha. The lands are currently being used as pasture and are designated as rural in the Township's Official Plan.

The application if approved will allow for a right of way to the pit operation, commonly referred to as Crain's pit.

BACKGROUND

On January 29, 2007, an application for amendment to the Official Plan and Zoning By-law was submitted by McIntosh Perry on behalf of Crains' Construction Limited in order to develop a pit at Part of Lot 6, Concessions 10 and 11, former Township of Dalhousie, now the Township of Lanark Highlands. These applications were submitted under the Planning Act.

An application to permit a Category 3, Class A pit above water that provides for a maximum extraction rate of 150,000 tonnes per year was also submitted to the Ministry of Natural Resources for approval early last year by the proponents. In accordance with Provincial Standards under the Aggregate Resources Act, the application was circulated for comment to the Ministry. In June, 2007, the Township provided its response to the

circulation and recommended conditions to be applied to the pit license.

Council approved the proposed OPA and ZBA .The applications for Official Plan Amendment and Zoning Bylaw amendment were appealed to the Board. The Board issued a decision in favour of the applicant.

Discussion

The application is to facilitate access to the pit operation from Highland Line. The proposal has been previously vetted through Council and the Ontario Municipal Board and deemed as appropriate land use. The application, if approved, will set the location of the access to the aggregate extraction operation and as such it should be in accordance with the site plan established to obtain the required license from the Ministry of Natural resources.

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, is applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed to be submitted to the township.
3. That the location and alignment of the proposed right of way be consistent with the site development plans submitted to the Ministry of Natural Resources for the aggregate license.
4. That the applicant pay any outstanding fees to the Township prior to final approval.

(c) PLANNING REVIEW

The applicant proposes to sever an R-O-W to gain access to lands owned by Crains' Construction for access to the aggregate resource. The R-O-W location is in accordance with the Aggregate License issued by the MNR.

The subject lands are located in an area characterized by sporadic Residential and large vacant landholdings. Wheeler's Pancake House and Museum are located approximately 1.6 km west of the lands. The R-O-W accesses to Highlands Line, a municipally maintained road.

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 – March 28, 2011

Chris Crain, agent for Crains' Construction, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications, including provisions to cross the un-opened road allowance either by way of agreement or road closing.
7. That the location and alignment of the proposed right of way be consistent with the site development plans submitted to the Ministry of Natural Resources for the aggregate license.
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Gould Redpath **Hearing Date:** March 28, 2011
Agent: Feryn Redpath
LDC File #: B10/183
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 1 **Concession:** 9
Roll No. 0940 944 015 31200 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.8-ha residential building lot and retain a 26.4-ha landholding. The lands to be severed are accessed via Munro Line.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant with outbuilding same
Area Frontage Depth Road - Access to	1.8-ha 78 m 225 m Municipal Road	26.4-ha 522 m 680 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	None None
Official Plan Designation -Conformity?	Rural, Aggregate Reserve & Deer Yard Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m yes	Rural, MAR-h & Deer Yard 1.0-ha Yes 60 m yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Official Plan

Section 3.0 Growth and Settlement, Section 3.6 Rural Policies, Section 4.5.3 Township Roads, Section 7.2 Mineral Resources, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part- Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, section 6.0 Rural Zone, Section 18.0, Mineral Aggregate Resource.

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on the lands legally described as Part Lot 1, Concession 10, former Township of Darling now in the Township of Lanark Highlands and commonly referred to as 177 Munro Line.

The applicant wishes to sever approximately 1.7ha (4.42 acres) of land with frontage of 78 metres (255 feet) to create a new lot for residential purposes. The proposed retained lands will have 521 metres (1712 feet) of frontage on Munro Line, and an area of approximately 26.3ha (65.15 acres).

The property is designated as Rural, Deer Yard and Aggregate Reserve on Schedule 'A 3' of the Township's Official Plan and zoned Rural, Deer Yard and Mineral Aggregate Reserve on Schedule A 3 by Zoning By-law 2003-451. The proposed retained lot currently functions as a storage facility (barn) with no associated residential use. The proposed new lot is vacant but residential use is expected. Frontage will be on the public municipally maintained roadway and services with be private well and septic.

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 Redpath 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 Munroe Line a municipally maintained road.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. A portion of the retained lands have been designated as Deer Yard. The proposed new lot is outside the limits of the Deer Yard. Confirmation from the Conservation Authority that no impact will occur as a result of the new lot will be required prior to finalization of the severance.

The statement also protects mineral aggregate resources and municipalities are required to create policies to protect these resources for the long term. The applicant will need to respect the separation distances from the resource or undertake a Mineral Aggregate Assessment in order to demonstrate that an additional residential use will not adversely impact the possibility of extraction of the resource in the future.

Official Plan

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

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. 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 application is outside the boundary of the Deer Yard although portions of the retained lands are within the boundary of the deer yard. The Conservation Authority has been providing comment with respect to the requirements for an Environmental Impact Statement and it will be necessary for the applicant to consult with MVC to determine if there is a need and if so if the study could be scoped as no new development is proposed within the deer yard.

As a portion of the lands has been designated as Mineral Aggregate Reserve the applicant will need to demonstrate that the proposed development can be located outside of the influence area. Section 7.2.7 of the Official Plan outlines that this is not a strict buffer or setback but generally a distance of 150 metres is accepted as adequate to

ensure that incompatible land uses have been mitigated. The enclosed GIS extract illustrates the

plotted setback distance and there appears to be a developable area in the far northern portion of the proposed severed lot. The applicant will be required to undertake a site plan to illustrate that the separation distance can be achieved.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The new Official Plan outlines 300 metres as an area of influence and would allow the creation of one new lot without the need for an Environmental Impact Statement within a Deer Yard.

Zoning

The lands are zoned as Rural, Deer Yard and Mineral Aggregate Reserve on Schedule A 3 by Zoning By-law 2003- 451. The proposal can meet the frontage and area requirements of the by-law. The applicant will need to meet the performance standards of the bylaw, regarding setbacks, when new development is proposed.

Discussion

The application as submitted is consistent with the PPS and Official Plan policies provided that the issues respecting the identified deer yard and mineral aggregate reserve issues are addressed through appropriate setbacks or alternatively studies are undertaken which demonstrate that impacts can be mitigated. The proposal meets the requirements and performance standards of the rural zone. The application as proposed can be considered as appropriate and as such represents good planning subject to the above comments.

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 Building Location Survey illustrates a developable envelope outside of the limits of the Influence Area to the Mineral Reserve and that this is registered on title through means of a Site Plan.
4. That confirmation be obtained from the MVC that development outside of the Deer yard may occur without the need for an EIS.
5. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
6. That the applicant pay any outstanding fees to the Township prior to final approval.
7. That the applicant pay the cash-in-lieu of parkland dedication fee of 5% to the Township.
8. That the applicant provide any required road widening to the Township at no cost to the Township.

Conservation Authority – Mississippi Valley Conservation – March 1, 2011

Mississippi Valley Conservation (IMVC) 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 4.42 acres of vacant land and retain 65.15 acres of land with an existing barn.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a portion of the retained land is partially comprised of an area identified by the Ministry of Natural Resources as a significant deer wintering area. Unclassified wetland was also observed on the retained lands. A large portion of the retained lands consists of open field with smaller treed sections. With respect to the severed lands, it appears largely as open field with a smaller treed section and an unclassified wetland in one corner. No other natural heritage features or natural hazards were identified.

REVIEW

Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Assessment (EIA). The deer yard identified on the retained lands is considered significant wildlife habitat. However, given that only a portion of the retained lands is comprised of the deer yard and more than adequate area exists for potential future development outside of the this feature, it is our opinion that there is limited value in conducting an EIA in this case. However, if future development is proposed within deer yard, an EIA may be required at that time.

Unclassified Wetland

As previously indicated, unclassified wetland was observed on both the proposed severed and 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. It is, therefore, recommended that development occur outside of these poorly drained areas with a setback of 30 metres.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objections to the subject application provided the following mitigative measures are implemented for any future development on both the severed and retained lands.

- That no buildings or structures, including septic systems shall occur within 30 metres of the unclassified wetland.
- The wetland shall remain undisturbed.

- Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland.

We also recommend that pet dogs not be allowed to roam freely and harass deer. A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Land – 4 plus are parcel of rolling field and bush. Good overall drainage. Varying depths of silty sand. Recommendation – fill requirements subject to the exact location of the proposed for the sewage system.
Retained lands – 65 plus acres of rolling field and bushland. Some small lowland sections subject to seasonal wetness. Varying depths and types of soil. Existing storage barn on-site. Recommendations – fill requirements subject to the exact location proposed for the sewage system.

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 1.8-ha residential lot and retain a 26.4-ha landholding with an existing storage barn. Two previous severances were taken from the original landholding in 1999; however this is prior to the sunset date of the existing Official Plan – March 2003.

The subject lands are located in an area characterized by large landholdings interspersed with limited typical residential building lot. The Indian River is located to the southwest, however does not affect the lands.

The lands are accessed via Munro Line, a municipally maintained road.

Soils Inventory – Name: White Lake
- Stoniness: slightly stony
- CLI: 4 0 severe limitations
- Drainage: rapidly
- Hydrogeology: low run-off

As noted by the Township, development on the lands to be severed will be required to take into consideration the influence are surrounding the Mineral Aggregate Reserve – holding, located on the retained lands.

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 – March 28, 2011

Feryn Redpath, applicant, attended the hearing and gave evidence under oath.

Ms. Redpath advised that she had contacted the Township Road Superintendent and he advised that no road widening would be required.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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. That the Building Location Survey illustrates a developable envelope outside of the limits of the Influence Area to the Mineral Reserve and that this is registered on title through means of a Site Plan.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
9. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
10. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
11. 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.
12. 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.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #12 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation advises that the following mitigative measures shall be implemented for any future development on both the severed and retained lands.*
 - *That no buildings or structures, including septic systems shall occur within 30 metres of the unclassified wetland.*
 - *The wetland shall remain undisturbed.*
 - *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland.*

2. *The applicant is advised that the lands are adjacent to a recognized “Wintering Area – Deer Yard”. It is recommended that landowners keep domestic pets (dogs) leashed or penned at all times to prevent the harassment of deer.*
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 for both the severed and retained lands.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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: Valerie Forest **Hearing Date:** March 28, 2011
Agent: Ryan Matthews
LDC File #: B10/186
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 10 **Concession:** 2
Roll No. 0911 914 015 36011 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 15-ha landholding as a lot addition to lands owned by Ryan Robert Matthews and Ceara Anne Barker and to retain a 7.5-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	15.0-ha 200 m 181 to 311m (Varies) Private Road	7.5-ha 425 m 119 to 234 m (Varies) Private Road
Water Supply Sewage Disposal	None None	None None
Official Plan Designation -Conformity?	Rural with Mineral Resource Overlay Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m n/a	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.6 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.

2.4 Minerals and Petroleum

Section 2.4.2.1 Minerals and petroleum resources shall be protected for long-term use.

Section 2.4.2.1 Mineral mining operations and petroleum resource operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 3.3 Mineral Resources, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division,
Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Tay Valley Planner's Report

Official Plan – section 3.6.2 Rural designation permits residential use. 2.23 Water Quality and Quantity requires a minimum setback of 30 m from water. In this case a setback of 45 m from Farren Lake was previously established in 2002 when the Matthews' lot was originally severed.

Zoning By-law – 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 (15.0 and 7.5 ha respectively). The lot to be added to is zoned RLS-5. Since Rural zoning is compatible with RLS-5, the lot addition will not have to be re-zoned.

The MRSSO has no objection to the application.

Rideau Valley Conservation Authority previously established a setback of 45 m from Farren Lake on the previously severed property (now owned by the Matthews) due to the steep slope from the lake and has no objection to this application.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy of deed/transfer and two copies of the reference plan.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would convey a portion of the property at 637 Farren Lake Lane 12A to the abutting landowner at Part Lot 10, Concession 2 (Matthews). We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural

Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information Farren Lake and the lake identified as "Small Lake" is subject to Ontario Regulation 174/06. The prior written approval is required from the Conservation Authority for any straightening, changing, diverting or interfering in any way with the existing shoreline under Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" as administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act.

This particular application is for a lot addition only, which will have the effect of enlarging the lot at Part Lot 10, Concession 2 (Matthews's property). The Matthews lot was originally severed from the parcel at 637 Farren Lake Lane in 2002. At the time of the severance a development envelope was established with a 45 metre setback from Farren Lake. Since there is a development envelope already established on the retained lands, and a development envelope was established for the Matthews property at the time of severance, this lot line addition will not have an impact on the established development envelopes for either property.

Conclusion

In conclusion the Conservation Authority has no objection or conditions to this lot addition. Both lots will continue to have the same established development envelopes. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact mc at ext. 1191 if you have any questions.

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

A site visit was conducted at the above mentioned property by our office on January 7, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 15 hectare parcel, with road frontage of 200 m and irregular in dimension. The proposed lot is currently vacant with areas of mixed forest, exposed fractured bedrock, steep slopes and a large pond throughout the southern portion of the severance that is connected to Farren Lake. The purpose of the consent, as identified by the applicant, is for a lot addition to Concession 2, Pt Lot 10.

The retained parcel is irregular in dimensions and approximately 7.5 hectares in area. There is a dwelling and an existing septic system on the retained parcel. CGIS has a record of a septic permit issued by McIntosh Perry Consulting Engineers Ltd.

The proposed lot addition is of large enough size and appropriate topography to support a Class 4 septic system meeting all requirements of the OBC and Tay Valley Township Official Plan /Zoning Bylaw. The severance will not interfere with the existing septic system on the retained portion or limit the ability to operate, maintain or replace the system in the future. Given the above information, our office has no objections to the severance as proposed.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 5-ha landholding as a lot addition to lands owned by Ryan Robert Matthews and Ceara Anne Barker and to retain a 7.5-ha vacant landholding. Both Lots are currently vacant.

The subject lands are located in an area characterized by Residential on typical small 'cottage' type lots along the north shore of Farren Lake. The lands to the east, north and west are large vacant landholdings.

The lands to be severed are accessed via Farren Lake Lane 12A a private r-o-w. Which adjoins Hanna Road, a municipally maintained road.

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

The Official Plan schedule indicates a former mining operation on the retained lands. Confirmation as to the type of deposit should be obtained from the Ministry of North Development, Mines and Forestry prior to any new development on the retained lands.

A "State of the Lake Environment Report' was undertaken on Farren Lake in 2001. Farren Lake had a low nutrient load, good dissolved oxygen concentrations, no significant bacteria counts and no invasive animal species in 2001. Farren Lake in 2001 was considered quite healthy, however no new reports have been undertaken since 2001. The 2001 report concluded that all lake users need to continue to make every effort to minimize their impact on the lake. Reduction of human source nutrient loading as well as the style of property use (e.g. natural versus groomed shorelines) will help to slow the aging of the lake.

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**

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:

Valerie Forest – Feb 22, 2011

Re: File B10/186

February 22/2011

I am the owner of this property, and was concerned by the sketch included in the notice of application for consent, which shows most of the pond area as severed land. After reviewing the actual file at the County Office, I was assured that Ryan submitted the sketch we had agreed upon, with the upper property line ^{of my land} (to be retained) including most of the pond.

I want to stress this point - that when the land is surveyed, ~~the~~ ^{my upper} property line needs to follow the pond's edge as accurately as possible given the agreed upon straight line, so the water's edge may sometimes be below the line, sometimes above, ~~but~~ ^{so} on average it follows the pond's edge accurately albeit straight lines (of course until it reaches the area where the pond's edge curves north). This is extremely important to me in order to feel comfortable proceeding with the severance.

NOTE: Ms. Forest was advised that the circulated sketch is 'only a sketch' and that the sketch provided with the application was the one being considered by the committee.

Dave Deacon – March 6, 2011

I would like to take this opportunity to formally voice my opposition to the above noted file's request for severance of the lands described. I wish to be heard / consulted on any further dealings regarding this matter. I could go into detail re. My opposition but I am of the understanding that those reasons will be discussed at further meetings or hearings.

Please advise me if there is additional action I need to take to prevent consent for the severance of the above noted file.

NOTE: Mr. Deacon was contacted. He advised that his objection to the severance was that there may be a subdivision on these lands in the future.

(e) **MINUTES – March 28, 2011**

Ryan Matthews, applicant, attended the hearing and gave evidence under oath.

Mr. Matthews confirmed that the lot line would be along the north boundary of the Beaver Pond. And also that the pond drains into the Tay River.

The Secretary read out an e-mail received from Dave Deacon:

Mr. Mathews;

I apologize for the delay in responding to your email re the above noted severance.

The possibility of further subdividing the property was/is my greatest concern, however as you have indicated you and your wife plan no further action wrt the property only enjoyment. I also enjoy my property with recreational activities such as hunting, fishing fourwheeling and snowmobiling. Therefore I will take you at your word.

Due to work commitments I am unable to attend the hearing on Mar.28/11.

As indicated I have cc this to Mary Kirkham and do further give her permission to read this on to the record at the hearing.

Hope this takes care of any concerns you had

The committee acknowledged that the general intent of the land to be severed would encompass 15-ha, however due to the configuration of the 'beaver pond' the area may be more or less than the 15-ha and may therefore exceed the 10% variance allowed. Should this occur, the secretary is hereby authorized to proceed, provided the 'general intent' of the application is upheld.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Ryan Robert Matthews and Ceara Anne Barker described as Part 1, Plan 26R-7882, being Part Lot 10 Conc. 2, geographic Township of South Sherbrooke, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
8. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Farren Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *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: David Allan & Heather Lee Dillenbeck **Hearing Date:** March 28, 2011
Agent: Paul Howard
LDC File #: B10/188
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Plan:** 15 **Lot:** 27
Roll No. 0919 908 015 37427 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.04-ha parcel of land as a lot addition to lands owned by Terri-Lynne Crozier at Plan 15 Lot 28, geographic Township of North Elmsley. The purpose of the consent is to adjust the lot line between the two parcels to accommodate the dwelling and deck, inadvertently construction in the wrong location.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	N/A	Residential Residential
Area Frontage Depth Road - Access to	0.04-ha 9 m (water) 98.3 m none	0.38-ha 49.3 m (Rd) 32 , (water) 98 m Municipal Road
Water Supply Sewage Disposal	None none	Private Well Septic System
Official Plan Designation -Conformity?	Hamlet and Wetlands Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Residential & Wetlands n/a – lot addition	Residential & Wetlands 0.4-ha Yes – existing 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.

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 3.19 Land Adjacent to Wetlands, Section 4.2 Hamlet Polices, Section 4.6 Wetland Policies, Section 5.3 Local Roads.

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

Zoning By-law - Section 2 non conforming/complying uses, Section 4 General Provisions, Section 8 Residential Zone, Section 24 Wetland Zone.

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

(b) AGENCY REVIEW

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

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

1. The balance of any outstanding taxes and fees shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed lands – a narrow strip of land intended to be conveyed to the adjacent parcel of land to re-adjust the lot line to accommodate the side of the house and deck.

Recommendation – contacted lawyer Paul Howard on Feb 11/11 to verify that the well indicated on site diagram will be on Terri-Lynne Crozier’s property. Land Severance is a corrective lot line adjustment only.

Retained lands – a 0.38-ha parcel of land with an existing residential house serviced by a well and septic system.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.04-ha parcel of land as a lot addition to lands owned by Terri-Lynne Crozier at Plan 15 Lot 28, geographic Township of North Elmsley. The purpose is to adjust the lot line to accommodate a portion of the Crozier dwelling and deck inadvertently construction across the lot line.

The subject lands are located in a settlement area, locally known as Port Elmsley. Port Elmsley Public School and a Drive-In Theatre are located to the west of the lands.

The lands are accessed via Point View Drive, a municipally maintained road.

A livestock facility is located approximately 350 m west of the lands. No MDS was undertaken as the lands are already built. No new development is anticipated.

The lands are within 300 m of a Primary Water Source (Tay 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. 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 – March 28, 2011

No persons attended the hearing.

(f) DECISION and 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 Terri-Lynne Crozier described as Lot 28, Plan 15, geographic Township of North Elmsley PIN 05231-0206 (LT)), 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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority’s “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Norman Kerr **Hearing Date:** March 28, 2011
Agent: John Goltz - OLS
LDC File #: B11/001
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 1 **Concession:** 2
Roll No. 0911 916 010 05000 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.0012-ha parcel of land as a lot addition to lands owned by William E Hall at Pt Lot 1 Conc. 2, Bathurst 27R-6327 Part 1. The purpose of the lot addition is to resolve a fence encroachment with the cottage at 858 Douglas Lane (Hall) and to retain a 0.12-ha residential lot with an existing dwelling at 856 Douglas Lane.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	0.0012-ha n/a 1.04-m none	0.23-ha 28.9 m (Water) 42.7 m Douglas Lane
Water Supply Sewage Disposal	None None	Lake Water Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Seasonal Residential n/a – lot addition	Seasonal Residential 0.405-ha No – existing 60 m No - existing

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

safety concerns.

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General development Policies, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, section 4.5 Private Roads, Section 5.2 Land Division
Tay Valley Township advises that the proposal confirms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5,2 Seasonal Residential Zone.
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Tay Valley Township Planner's Report

Official Plan - The proposal is to sever a 0.0012-ha lot addition from a seasonal residential lot and retain a 0.12-ha seasonal lot with an existing cottage located at 858 Douglas Lane A. The lot addition will resolve a fence encroachment issue.

Zoning By-law – Seasonal Residential use is appropriate. Frontage is not altered. Lot size is not substantially altered. RVCA has no objection to the severance. MRSSO has no objection to the severances.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy of the deed/transfer and two copies of the reference plan.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.0012-ha parcel of land (Approx. 1.05 m x 11.97 m) as a lot addition to land owned by William E Hall (PIN 05199-0119 LT) at Pt Lot 1 Conc. 2, geographic Township of Bathurst. The lot addition will resolve a fence encroachment issue

The subject lands are located in an area characterized by Seasonal Residential and Residential on smaller type 'cottage' lots along the south shore of Christie Lake.

The lands are accessed via Douglas Lane A, a private r-o-w, which adjoins Althorpe Road, a County maintained road.

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

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

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

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 – March 28, 2011**

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

Mr. Goltz advised that the lands to be transferred are already being used by the Wm. Hall and have been fenced as such for many years.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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 William E Hall described as Part Lot 1 Conc. 2, geographic Township of Bathurst (PIN 05199-0119 (LT)), 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that conditions #4 through #7 have been fulfilled to their satisfaction.

NOTES:

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *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: 1343791 Ontario Ltd. **Hearing Date:** March 28, 2011
Agent: Lyle Campbell
LDC File #: B11/002
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 23 **Concession:** 1
Roll No. 0924 000 015 04000 **Consent Type:** Lot addition

Purpose and Effect: To sever a 7.89-ha vacant landholding as a lot addition to lands owned by Wolfgang and Patricia Overhoff at Pt Lot 23 Conc. 3, Beckwith Part 1 on Plan 27R-3558 and to retain n 8.64-ha vacant landholding. The lands to be enlarged are accessed via Richmond Road and the retained lands will access King's Creek Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	7.89-ha 80 m 540 m County Road	8.64-ha 160 m 540 m Municipal Road
Water Supply Sewage Disposal	None None	None None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural N/A – lot addition	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.

Official Plan – Section 4 General development Policies, Section 6 Rural Area Policies, Section 7.2 County Roads, Section 7.3 Local Roads, Section 9.10 Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

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

1. That a paper copy of the registered reference plan be provided to the Township of Beckwith.

Conservation Authority – Rideau Valley Conservation Authority

There are no natural hazards or natural heritage matters affecting the subject property.

We wish to advise the committee that the Conservation Authority has no comments or objections to this application.

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

Severed lands – 19+ acres of relatively flat cedar bushland. Shallow soils over bedrock. To be an addition to a developed lot. Recommendations – 3 to 5 feet of fill would be required if a sewage system was to be constructed on this parcel.

Retained Lands – 20+ acres of gently rolling mixed bushlands. Varying soil conditions. Recommendations – fill requirements subject to the exact location proposed for a sewage system.

(c) PLANNING REVIEW

The applicant proposes to sever a 7.89-ha vacant landholding as a lot addition to lands owned by Wolfgang and Patricia Overhoff at Pt Lot 23 Conc. 3, Beckwith Part 1 on Plan 27R-3558 and to retain n 8.64-ha vacant landholding. .

The subject lands are located in an area characterized by Residential and Commercial Development on a variety of lot sizes along Richmond Road. Cam's Ridge Subdivision, a recently approved subdivision is located to the west of the lot and the settlement area, locally known as Prospect is located to the east of the lot.

The lands to be enlarged are accessed via Richmond Road, a County maintained road, and no new access is required. The retained lands will access King's Creek Road, a municipality maintained road.

Soils Inventory – Name: Farmington

- Stoniness: slightly stony
- CLI: 6 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

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

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

Wolfgang and Patricia Overhoff – March 2, 2011

We wish to be notified of the public meeting date and location on the decision of the Land Division Committee in respect to subject land.

Barry Hughes - March 8, 2011

With regard to a land severance request for the above-noted property, I wish to provide the following comments:

- 1) It is my understanding that when a property is bought adjacent to an existing property, by the same landowner, that both properties then become one single property and, therefore, severance rules consider past severances or subdividing of land.
- 2) The official plan discourages growth by severance and recommends any new land development by subdivision in community development areas, which in this case is in close proximity (i.e., Prospect).
- 3) The official plan recommends any land development in community development ones where appropriate infrastructure for growth is available.

As a result of the above-noted comments, I oppose the proposed application of severance.

Please be advised that I wish to be notified of any public meetings regarding this severance. I also wish to be notified of any decision of the Land Division Committee with respect to this land severance.

Thank you for advising me of this notice of application, and I look forward to hearing from you on any upcoming meetings.

(e) **MINUTES – March 28, 2011**

Lyle Campbell, agent for 1343791 Ont. Ltd, Wolfgang and Patricia Overhoff, purchasers and Barry Hughes, adjacent landowner, attended the hearing and gave evidence by affirmation.

Mr. Campbell advised that the Overhoff lot is a very awkward shaped parcel and that this parcel of land is only intended as a lot addition.

Mr. Hughes expressed concerns, particularly with the retained lands (1) that the lands are currently being stripped of trees, that a road has been constructed and that the lands have been drained, (2) that this is the first step to another new subdivision outside the settlement area as defined in the Official Plan, (3) that subdivisions should only be permitted within settlement areas, and (4) that it appears that the lands will be joined with the existing Cam's Ridge Subdivision.

The committee reviewed the staff report and draft provisional consent conditions and noted that the parcel of land being severed is for a 'lot addition only' and that it must be consolidated on title.

Mr. Campbell advised that when the new Township Official Plan is approved that he may apply for further severances on the retained lands, but at this time there are no plans for development. Mr. Campbell also advised that he had provided for drainage on the lands to protect the existing hardwood trees.

The Chair advised Mr. Hughes that there will be an opportunity for public comments in the future, should there be another development proposal on the retained lands.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Wolfgang and Patricia Overhoff described as Part 1, Plan 27R-3558, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that 3 to 5 feet of fill would be required if a sewage system was to be constructed on the severed lands and additional fill requirements for the retained lands are subject to the exact location proposed for a sewage system.*
2. *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: Mark & Kathy VanAlstine **Hearing Date:** March 28, 2011
Applicant: Brock VanAlstine
LDC File #: B11/003
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 14 **Concession:** 9
Roll No. 0911 914 010 37300 **Consent Type:** New Lot

Purpose and Effect: To sever a 10.9-ha residential building lot and retain a 75.0-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Maberly Elphin Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	10.9-ha 620 m 487 m County Road	74.86-ha 230 m 605 m County Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Organic Soils yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 2.19.2 Natural Hazard Features, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 5.2 Land Division

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

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

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

(b) AGENCY REVIEW

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

Tay Valley Township Planner's Report

Official Plan- Applicable Sections: 3.6.2 Rural - designation - permits residential use on the proposed severed lot and residential and agricultural use on the retained lot. 5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed lots will have frontage on County Rd 36 (Maberly Elphin Rd). 2.19.2 Natural Hazard Organic Soils —. requires development to occur outside of organic soils. There is a limited amount of organic soils at the east end of the proposed lot. A building envelope is available outside of the organic soil area. 2.17.2 Land Use Compatibility Where Agricultural and Non-agricultural Uses are Adjacent — An MDS was calculated for the barn on the retained land and the setback of 166 m will be met for the proposed lot.

Zoning By-law - Applicable Sections: 10.1.1 - Residential as well as agricultural uses are appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (10 ha and 75 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 620 m for the proposed severed lot and 230 m for the retained).

Mississippi Valley Conservation Authority has no objection to the severance but reminds the applicant that the standard 30 m development setback from water is required for the wetlands on both the proposed and severed lots with no disturbance of vegetation adjacent to the wetland within a 15m buffer zone.

Mississippi Rideau Septic System Office has no objection to the severance.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy of the deed/transfer and two copies of the reference plan.
3. Parkland contribution in the amount of \$100.00

Conservation Authority – Mississippi Valley Conservation - March 1, 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 27 acres of vacant land and retain 185 acres of land with an existing dwelling and barn.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained land consists of two unclassified wetlands, with unnamed tributaries of Fagan Lake draining into them. With respect to the severed lands, one unclassified wetland was observed adjacent to the Maberly-Elphin Rd. No other natural heritage features or natural hazards were identified.

REVIEW

The resulting lands (severed and retained) meet with the current minimum area and frontage requirements stipulated in Tay Valley Township's Zoning By-law. And, sufficient area appears to exist on the proposed severed lands to accommodate future development in compliance with the zoning by-law. The proposed retained lands are already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application. However, we recommend the following conditions be implemented for any future development on the proposed severed lands:

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

With respect to the retained lands, we assume that any potential future development will comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline. We also recommend

that the above conditions, as outlined for the severed lands, apply to the retained in the event of future development.

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

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

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

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

On-Site Services (Septics) – Mississippi Rideau Septic Office – Feb 11, 2011

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 February 11, 2011.

The applicant proposes to sever a 10.9 hectare parcel from the retained parcel for the purpose of creating a new lot. The proposed severed lot is currently vacant, generally open with rolling topography border by a wooded area to the North West and wet area to the South East. Three soil test pits were provided. Test pits one and two terminated on inferred bedrock at different depths, test pit three was greater than 1.5m in depth, with no bedrock. The soil type and percolation rate was not determined during the site visit. CGIS, Tay Valley Township's geographical information system, does indicate an area of organic soils generally in lower elevations along the Eastern property line.

The retained parcel is approximately 74 hectares in area. The retained lot is currently developed with a dwelling, barn and outbuildings. CGIS does not have record of a septic system permit for the dwelling. There is a large pond on the retained parcel, approximately 25m from the existing dwelling, as measured on CGIS.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system located greater than 30 meters from surface waters. Organic soils are generally not suitable for the construction of on-site sewage systems. Imported fill may be required in these areas to construct an OBC compliant 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.

County of Lanark Public Works Department

1. Applicant has an approved existing entrance to the County Road for the retained lands – Permit #687.
2. Applicant has an approved entrance location to the County Road for the severed lands – Permit #2291.
3. Entrance to the severed lands to be installed prior to deed endorsement.
4. Lands proposed to be severed by B11/003 have an approved entrance location. A full entrance application must be submitted and entrance installed prior to deed endorsement.
5. 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.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 10.9-ha landholding for residential purposes and retain a 75-ha landholding with an existing dwelling, outbuildings and vacant livestock facility, located at 472 Maberly Elphin Road.

The subject lands are located north of the settlement area locally known as Maberly. Generally, in the area of the proposed lot, lands are characterized by Residential on large landholdings interspersed with smaller type residential lots. Two previous severances were created from the original landholding – 1987 and 1997.

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

Barns or livestock facilities are located on the retained lands. Although vacant at the present time, they do have potential to be used in the future. An MDS calculation as undertaken which indicates that a 166 m setback is required. It appears that the lot line is approx. 300 m from the barn location.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels

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

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

(d) PUBLIC INPUT

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

(e) MINUTES – March 28, 2011

Brock VanAlstine, applicant and Melissa Brady, friend of the applicant, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(g) 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. 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).
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of March 1, 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.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
12. 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.
13. A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
14. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #12 has been fulfilled to their satisfaction.
15. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that imported fill may be required to construct an OBC compliant system.*
2. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed on the severed or 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".*
3. *In addition, any proposed works in or near the tributaries and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. Tay Valley Township will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
6. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
7. *The applicant is advised that a fee of \$125.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Grzegorz Jerzy Rolak **Hearing Date:** March 28, 2011
Applicant: Greg Rolak
LDC File #: B11/004, B11/005 and B11/006
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 12 **Concession:** 9
Roll No. 0911 911 010 30800 **Consent Type:** three (3) new lots

Purpose and Effect: To sever three (3) new residential building lots 1.01-ha each and to retain a 17.2-ha landholding with an existing residential dwelling and outbuildings. The lands are accessed via Stanley Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/004	B11/005	B11/006	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.01-ha 65 m 156 m Mun Rd	1.01-ha 65 m 156 m Mun Rd	1.01-ha 65 m 156 m Mun.Rd	17.2-ha 75 m 800 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Aggregate Resource Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes			Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Official Plan – Section 2 General development Policies, section 3.3 Mineral Resources 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:

Tay Valley Township Planner's Report

Official Plan: Rural, Mineral Resource

Applicable Sections: 3.6.2 Rural - designation - permits residential use on the proposed severed lots and residential and agricultural use on the retained lot. 3.3.2 Mineral - Resource- Permitted Uses - allows for other uses than extraction with permission from the Ministry of Northern Development and Mines. An email from the Ministry indicates they have no interest in the property. 52.3.4 Consent - requires lots to have frontage on a public road. The proposed lots will have frontage on Stanley Road. 2.17.2 Land Use Compatibility Where Agricultural and Non-agricultural Uses are Adjacent—A barn on the retained-land is located more than 500 m from the proposed lots.

Zoning By-law

Applicable Sections: 10.1.1 - Residential as well as agricultural uses are appropriate.

10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (1.10 ha and 17.2 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 65 m for the proposed severed lots and 75 m for the retained).

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

Notes – be aware that a 30 m setback from wetland water will be required. Retain woodland. Shared driveway required.

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

1. Payment of all taxes owing and all costs incurred by the Township for the review process.
2. Copy of the deed/transfer and two copies of the reference plan.
3. Parkland contribution in the amount of \$100.00 for each application.

Conservation Authority – Rideau Valley Conservation Authority

The subject applications have been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

These applications seek the creation of three new lots, nil approximately 1 ha or 2.5 acres in size with a 42.5 remnant parcel.

The Rideau Valley Conservation Authority has no objection to these severances. The proposed severed parcels are not subject to Conservation Authority flood Regulations, Provincial Policy wetland considerations nor does the land show any watercourses or waterbodies to trigger a fish habitat concern or review.

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

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

B11/004

A site visit was conducted at the above mentioned property by our office on February 9, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 1.01 hectare parcel, 65m of road frontage and 156m deep, from the southern portion of the retained parcel to create a new lot. The proposed lot is currently vacant with mixed woods, open field, and very little exposed rock. No test pits were present for inspection.

The retained parcel is rectangular in dimensions and approximately 17.2 hectares in area. There is a dwelling, barn, and several out buildings surrounded by open fields. Tay Valley Township's geographical information system (CGIS) does not have record of a septic permit for this property.

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.

B11/005

A site visit was conducted at the above mentioned property by our office on February 9, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 1.01 hectare parcel, 65m of road frontage and 156m deep, from the southern portion of the retained parcel to create a new lot. The proposed lot is currently vacant with a wet low lying area with indicator species (red osier dogwood) next to the road, extending back to mixed woods and open field. There were no test pits provided.

The retained parcel is rectangular in dimensions and approximately 17.2 hectares in area. There is a dwelling, barn, and several out buildings surrounded by open fields. Tay Valley Township's geographical information system (CGIS) does not have record of a septic permit for this property.

The proposed lot is of sufficient area and topography that development can occur greater than 30m from surface waters.

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.

B11/006

A site visit was conducted at the above mentioned property by our office on February 9, 2011 to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part B of the Ontario Building Code (OBC).

The applicant proposes to sever a 1.01 hectare parcel, 65m of road frontage and 156m deep, from the southern portion of the retained parcel to create a new lot. The proposed lot is currently vacant with mixed woods, open field, and very little exposed rock. No test pits were present for inspection.

The retained parcel is rectangular in dimensions and approximately 17.2 hectares in area. There is a dwelling, barn, and several out buildings surrounded by open fields. Tay Valley Township's geographical information system (CGIS) does not have record of a septic permit for this property.

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.

Ministry of Northern Development, Mines & Forestry

With regard to Lot 12, Concession 9, North Burgess Township, there are no Crown owned mining rights. I am not sure what part of this lot you are severing so I am providing geological information for the entire lot. The south half of the lot is underlain by Potsdam sandstone, a silica-rich sedimentary rock used in building stone and high purity silica products. This is a commodity designated under the Aggregate Act and administered by the Ministry of Natural Resources. The northern portion of this lot is underlain by granite gneisses. There are no documented mineral occurrences on this lot.

There are no known abandoned mine hazards (AMIS database) located on this lot. The closest known abandoned mine site is in Lot 14, Concession 9. Mica was extracted in the past and AMIS site #03982 is not considered to be a hazard. Please note that the information provided in the AMIS database has been compiled from various sources and the Ministry of Northern Development, Mines and Forestry makes no representation and takes no responsibility that such information is accurate, current or complete. The user is

warned to undertake his or her own independent investigation to validate the information.

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) 1.01-ha residential building lots and retain a 17.2-ha landholding with an existing dwelling, outbuildings and livestock facility.

The subject lands are located in an area characterized by Residential, on large landholdings, interspersed with smaller type residential lots. The lands are located within a designated Mineral resource are however, MNDMF have advised that they have no interest in the property.

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

No MDS was undertaken as the livestock facility is located in excess of 500 m from the boundary of the proposed lots.

Soils Inventory – Name: Christy
- Stoniness: slightly stony
- CLI: 5 – very severe limitations
- Drainage: poor drainage
- Hydrogeology: slow infiltration

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

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

(d) PUBLIC INPUT

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

(f) **MINUTES – March 28, 2011**

Greg Rolak, applicant and Charlotte Rolak, spouse of the applicant, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(g) **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:

B11/004

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. 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).
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

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

NOTES:

1. *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30 m water setback, in relation to the wetland on the property, as set out in section 3.26 of the Zoning By-law.*
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.

B11/005

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. 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).
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES:

1. *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30 m water setback, in relation to the wetland on the property, as set out in section 3.26 of the Zoning By-law.*
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.

B11/006

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. 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).
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain an entrance location permit from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

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

NOTES:

1. *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30 m water setback, in relation to the wetland on the property, as set out in section 3.26 of the Zoning By-law.*
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.

5. *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.*