



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, April 30, 2012 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**

Chairman Strachan advised that he may have a conflict of interest on Item 7.6 and would be stepping down as chair for the application hearing.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2012-009**

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

Murphy

**"THAT,** the minutes of the Land Division Committee meeting held on April 2, 2012 be approved as circulated."  
**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-0010**

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

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

## 5. DELEGATIONS & PRESENTATIONS

None.

## 6. COMMUNICATIONS

- 6.1 OACA 2012 Conference – Burlington – June 3 to 6, 2012. W Guthrie registered to attend.
- 6.2 OEMC Conference – Kingston – Sept 12 to 14, 2012 – early-bird registration, prior to August 15, 2012
- 6.3 OACA Fall Seminar – County of Peterborough – Sept 28, 2012  
one

## 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.:
  - 7.1.2 **B11/169 – Lionel J Robidoux – easement**  
Pt. Lot 17 Conc. 6 geographic Township of North Burgess, now in Tay Valley Township. (Black Lake Road)
  - 7.1.2 **B11/170 – Joseph and Jacqueline Dujmovic – lot addition**  
Pt. Lot 16 Conc. 3, geographic Township of North Burgess, now in Tay Valley Township. (Miners Point Road.)
  - 7.1.3 **B11/174 – Lois, Steven and David Bolton – new lot**  
Pt. Lot 5 Conc. 3, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Wayside Drive)
  - 7.1.4 **B11/176 George & Deborah Hughes – Lot Addition**  
Pt. Lot 11 Conc. 9, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Meadowcrest Lane)
  - 7.1.5 **B12/004 – Natalie Dawn Mulrooney – new lot**  
Pt. Lot 22 Conc. 12, geographic Township of Bathurst, now in Tay Valley Township. (McDonald's Corners Road.)
  - 7.1.6 **B12/009 – Hector and Hilda Cowan – new lot**  
Pt. Lot 7, 8 and 9 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. (Elm Grove Road.)

**7.1.7 B12/010 – Gerald and Elizabeth Nolan – lot addition**  
Pt. Park Lot 3 Franktown Plan, Township of Beckwith. (Barrach Street.)

**7.1.8 B12/015 and B12/016 – William Neilson – two new lots**  
Pt. Lot 5 Conc. 1, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (1<sup>st</sup> Con Dalhousie)

**7.1.9 B12/017 – Jeffrey and Barbara Kerr – lot addition**  
Pt. Lot 16 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. (Black Lake Route 11)

**7.1.10 B12/021, B12/022 and B12/023 – Stephan Katz – 3 lot additions**  
Pt. Lot 30 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (McKay Farm Road, Sumack Lane & Bishops Way.)

**7.1.11 B12/028 – Brent and Patricia Coutts – lot addition**  
Pt. Lot 17 Conc. 9, geographic Township of Bathurst, now in Tay Valley Township. (9<sup>th</sup> Con Bathurst).

**7.2 Applications Previously Heard and Awaiting a Decision**

**None**

## **8. CONFIDENTIAL REPORTS**

None

## **9. NEW/OTHER BUSINESS**

**9.1 OMB Appeal – J Farrell submitted an appeal to the decision for B11/158 Joyce C Farrell - easement**

## **10. PUBLIC HEARING:**

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

### **10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B11/169 – Lionel J Robidoux – easement**

**10.1.2 B11/170 – Joseph and Jacqueline Dujmovic – lot addition**

**10.1.3 B11/174 – Lois, Steven and David Bolton – new lot**

- 10.1.4 B11/176 George & Deborah Hughes – Lot Addition**
- 10.1.5 B12/004 – Natalie Dawn Mulrooney – new lot**
- 10.1.6 B12/009 – Hector and Hilda Cowan – new lot**
- 10.1.7 B12/010 – Gerald and Elizabeth Nolan – lot addition**
- 10.1.8 B12/015 and B12/016 – William Neilson – two new lots**
- 10.1.9 B12/017 – Jeffrey and Barbara Kerr – lot addition**
- 10.1.10 B12/021, B12/022 and B12/023 – Stephan Katz – 3 lot additions**
- 10.1.11 B12/028 – Brent and Patricia Coutts – lot addition**

**11. UPCOMING MEETINGS**

Monday, May 28, 2012,  
Monday, June 25, 2012,  
Monday, August 20, 2012.  
Monday, September 24, 2012,  
Monday, October 29, 2012  
Monday, November 26, 2012, and  
Monday December 17, 2012

**12. ADJOURNMENT – 12:05 p.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Lionel J. Robidoux **Hearing Date:** April 30, 2012  
**Agent:** Ursula K. Melinz, Soloway Wright LLP  
**LDC File #:** B11/169  
**Municipality:** Tay Valley Township  
**Geographic Township:** North Burgess **Lot:** 17 **Con** 6  
**Roll No.** 0911 911 020 40501 **Consent Type:** Easement

**Purpose and Effect:** To sever an easement for a period greater than 21 yrs in favour of Bell Canada along Black Lane Route 11, described as Pt 1 & 2 on an unregistered Plan (2010-10-203) at Pt Lot 17 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Hydro poles and wires Continued Hydro & Bell	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.09 ha 59.37 m Irregular Municipal Road	0.5 ha 59.37 m Irregular Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	N/A N/A	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Limited Service Rural  n/a - easement	Limited Service Rural  0.405-ha Yes 60 m Yes - existing

#### (a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

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

Section 1.6.1 Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

Official Plan – Section 2 – General Development Policies, Section 3.6 Rural Policies, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 5.3 Limited Services Residential. Tay Valley Township advises that the proposal complies with the provisions of the Zoning By-law.

**(b) AGENCY REVIEW**

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

Tay Valley Township – Planner’s Report

**Applicable Sections 3.17 Public Uses**

Any Land may be used and any building or structure erected or used for the purpose of a public use as defined in the Zoning By-Law provided that; Lot coverage, setback and yard requirements of the zone shall be complied with, except in the case of towers, poles, lines and transmission facilities for natural gas, electricity, cable, water, storm and sanitary sewage and wired and wireless communications.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan

NOTE: Conservation Authority and Septic Office inspections are not required for easements.

**(c) PLANNING REVIEW**

The applicant proposes to sever an easement for a period greater than 21 years in favour of Bell Canada to relocate existing Bell facilities around the perimeter of lands owned by Lionel J Robidoux at Pt Lot 17 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township.

The subject lands are located in an area characterized by Residential on smaller type ‘seasonal’ dwelling lots along the shore of Black Lake and vacant lands to the east and south.

The lands are accessed via Black Lake Route 11A, a private road which adjoins Narrow’s Lock Road, a County maintained road.

The area has not been identified with any ‘woodlands’, within the area of the Robidoux lands. Woodland Development Policies have not been established by Tay Valley Township.

The Provincial Policy Statements Section 1.6.1 Infrastructure and Public Service Facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. 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 – April 30, 2012**

Darrell Mast, Solicitor representing Bell Canada attended the hearing and gave by affirmation.

Mr. Mast advised that the changes to the easements is required due to changes in the infrastructure (relocation of poles and lines) to accommodate building development on the Robidoux lands.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
4. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.



5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. A letter shall be received from Tay Valley Township stating that condition #3 through #5 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Joseph and Jacqueline Dujmovic Hearing Date: April 30, 2012

Agent: Christopher A. Moore

LDC File #: B11/170

Municipality: Tay Valley Township

Geographic Township: North Burgess Lot: 16 Con 3

Roll No. 0911 911 020 10801 Consent Type: Lot Addition & R-O-W

**Purpose and Effect:** To sever a 0.22-ha parcel of land as a lot addition to lands owned by S Stewart and D Dujmovic-Stewart (131 Miner’s Point Rd) at Pt. Lot 16 Conc. 3, North Burgess, being Pts 2 & 3 on Plan 27R-1747, Tay Valley Township and retain a 0.61-ha residential lot with an existing dwelling (219 Ridge Road) together with a R-O-W over Part 11 on Plan 27R-2386.

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	2,229 sq. m. 61.67 m 116.57 m Private Road - Unregistered	0.61-ha 42.06 m 97.53 m Private Road - Unregistered
Water Supply Sewage Disposal	None None	Private well Private septic
Official Plan Designation -Conformity?	Rural and Hazard Features (Mine) Yes	
Zoning Category  -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Limited Service Rural  0.405-ha n/a – lot addition 60 m n/a – lot addition	Limited Service Rural  0.405-ha No 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.4 Minerals and Petroleum**

Section 2.4.3 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased.

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 2 – General Development Policies, Section 2.15 Existing Uses, Section 2.18 Cultural and Heritage Resources, Section 2.19 Natural Hazard Features, Section 2.20.2 Abandoned Mines, Section 2.21 Natural Heritage Features, Section 2.23 Water Quality and Quantity, 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 policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.3 Limited Services Residential. Tay Valley Township advises that the proposal complies with the provisions of the Zoning By-law.

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

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

#### Township Planner's Report

- Zoning By-law Category: Seasonal Residential  
Applicable Sections: 5.2 - The existing residential use for the retained lands is permitted. Min. lot size will be met for both the lot to be added to and retained lot.

The retained lot meets the minimum water frontage requirements.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan

#### Conservation Authority - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for a lot addition. As we understand it, 2229 m<sup>2</sup> of vacant land will be severed to the rear of an existing waterfront residential lot and added to the neighboring parcel. A 3716 m<sup>2</sup> parcel will be retained.

We have undertaken our review within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act, We have also considered the applications from the perspective of the Conservation

Authority regulations under Section 28 of the Conservation Authorities Act. We did not undertake a site inspection in this case.

We have not identified any natural heritage or natural hazards that would preclude the approval of this application. The Rideau Valley Conservation Authority has no objection or condition of approval to the severance application.

For the applicant's information on October 27 2011 the Board of Directors of the Rideau Valley Conservation Authority received and approved a report defining a regulatory (1: 100

year) flood level for Big Rideau and Lower Rideau Lakes. This is a project that the RVCA has been working on for some time; it has required fairly extensive discussions with Parks Canada regarding Canal operational procedures. Recommendations approved by the Board included:

1. That, based on the hydro technical analysis that is described in the Technical Memorandum dated October 18, 2011, the RVCA adopt 124.5 1 to 125.00 metres above sea level as the appropriate range of Regulatory Flood Level (RFL) for Big Rideau / Lower Rideau Lake.
2. That the "Regulation Policy Recommendations" contained in the Technical Memorandum dated October 18, 2011 be given due consideration when developing RVCA policies and standards to be applied in the evaluation and approval of development and site alteration proposals on the shorelines of Big Rideau / Lower Rideau Lake.
3. That the Technical Memorandum dated October 18, 2011 be published as soon as possible via the RVCA web site, and that copies be sent to the Townships of Rideau Lakes, Tay Valley and Drummond-North Elmsley, Parks Canada, and to the Big Rideau Lake Association.

Therefore the applicant may wish to have a site specific survey (in metres geodetic) done to determine if and how this flood risk may impact the property and for consideration in a redevelopment scenario.

Please note that the shoreline of Big Rideau Lake is subject to Ontario Regulation 174/06 *Development, interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

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

A site visit was conducted at the above mentioned property by our office on February 7, 2012, to ensure 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 0.2229 hectare parcel, irregular in area, for the purpose of a lot addition. The property to receive the lot addition, 131 Miners Point Road, is developed with a dwelling and serviced by a holding tank. The parcel to be severed is currently vacant with areas of mixed tree cover, exposed rock on a sloped towards the water. No test pits were present for inspection during the site visit.

The retained parcel is approximately 0.3716 ha and is developed with a dwelling and outbuildings and a septic system (Permit # SF49586).

The proposed lot addition is of large enough size and appropriate topography to support a Class 4 septic system with tertiary treatment that meets all requirements of the OBC and Building Code Evaluation Commission. The ability to maintain/operate or replace the existing septic system on the retained parcel will not be impacted by the severance but may require tertiary treatment system to provide a smaller foot print.

The Mississippi Rideau Septic System Office (MRSSO) is supportive of this lot addition based on the information provided in the application and site visit.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever .2229-ha parcel of land as a lot addition to lands owned by Serge Stewart and Diana Dujmovic-Stewart at Pt Lot 16 Conc. 3 North Burgess together with a R-O-W over Pts 3, 5 and 8 on Plan 27R-2386 and retain a 0.326-ha parcel of land with an existing dwelling at 214 Ridge Road.

The subject lands are located in an area characterized by Residential on typical smaller seasonal type lots along the shore of Big Rideau Lake. Murphy's Point Provincial Park is located to the east of the lands.

The lands to be severed are accessed via Ridge Road, a private road, while the lands to be enlarged are accessed via Miner's Point Road, also a private road. Miner's Point Road is the private access provided for the subdivision plan #4259. Ridge Road (Parts 3, 5 and 8 Plan 27R-2386 as well as Pt 9 Plan 27R-472, Part 3 Plan 27R-866, Part 1 Plan 27R-2544 and Part 1 Plan 27R-866) , according to the deed is held in common with others entitled the use thereof.

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. Site visits by the Township, Conservation Authority and Septic Office have not indicated that these lands may have had an historical mining site. However, if approved a cautionary note should be included in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

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

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

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major

water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

The Provincial Policy Statements provides that in rural areas 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. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. No new or additional infrastructure is required as a result of the proposal.

The lands to be enlarged are currently 0.25-ha. The additional lands will increase the lot size to 0.47-ha which will meet the minimum lot size, however the retained lands will be decreased to 0.37-ha which is less than the required lot size. Provided that the applicant amends the lot configuration to ensure that the retained lands do not fall below the minimum 0.4-ha lot size then the application can meet the minimum requirements of Township's Zoning By-law which. 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) ADDITIONAL INFORMATION**

Christopher Moore - April 4, 2012

Further to my telephone conversation with Noelle Reeve of the Township please find enclosed a further copy of page 2 of the Application for Consent. It appears that in error we neglected to tick off in Box 4 that part of this transaction 'will involve a tight-of-way over Part 11 on Plan 27R2386. In this regard once the severance is approved and the conveyance takes place Part 10 will be conveyed together with all existing right-of-ways as well as a right-of-way over Part 11 on Plan 27R2386.

I am not certain whether it was provided previously but you will also find enclosed a copy of the front page of the Deed pursuant to which my clients obtained title to the property. As can be seen Part 10 on Plan 27R2386, being the part to be severed and conveyed, enjoys a right-of-way over several parts as described therein. Accordingly once Part 10 is conveyed as part of the lot addition transaction it will be conveyed together with the benefit of these rights-of-way.

This shall also confirm that we have been able to confirm that the remaining land will have sufficient lot size to satisfy the Township and have provided that information to Ms. Reeve.

Should you have any questions please do not hesitate to contact the 'undersigned.

**(e) 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:



RECEIVED  
LANARK  
COUNTY

MAR 21 2012

Clerk's Department

42 Macassa Circle  
Kanata, ON K2T 1J7

March 16, 2012

Mary Kirkham, Planning Approvals Administrator  
County of Lanark  
Administration Building  
99 Christie lake Rd. (Sunset Blvd.)  
Perth, ON K1H 3C6

File No: B11/170  
Subject Land: Pt Lot 16 Conc. 3, geographic Township of North Burgess  
Municipality: Tay Valley Township  
Owner: Joseph and Jacqueline Dujmovic

Dear Ms. Kirkham:

As a landowner within 60 metres of the subject lands, I wish to be notified of the date of the public meeting pertaining to the above proposal.

I look forward to hearing from you.

Thanks.



Catherine Cuff

(f) **MINUTES – April 30, 2012**

Christopher Moore, Solicitor/Agent and Al Baker, representing Catherine Cuff attended the hearing and gave evidence under oath.

Mr. Moore advised that they had now confirmed the size of the retained lands at 0.6102-ha, which would satisfy the minimum requirements of the Townships Zoning By-law. Mast advised that the changes to the easements is required due to changes in the infrastructure (relocation of poles and lines) to accommodate building development on

the Robidoux lands.

Mr. Baker expressed concerns regarding additional traffic. Also advising that Ms. Cuff currently uses Ridge Road for access, but legal access is over Miner's Point Road.

Mr. Moore noted that Pt 11 is not being conveyed but if being retained as a R-O-W to the Stewart property.

The committee reviewed the staff report and draft conditions.

**(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. That the reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented April 4, 2012.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Serge Stewart and Diana Dujmovic-Stewart described as Subdivision Pt Lot 2 Plan 4259 being Pt 1 on Reference Plan 27R-1747 and all of Lot 3, Subdivision Plan 4259 Part Lot 3 Conc. 16, North Burgess, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
5. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.

6. The deed of land required by condition #1 above shall recognize any easements that currently exist.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
8. 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.
9. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
10. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
11. A letter shall be received from Tay Valley Township stating that condition #7 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *For the applicant's information on October 27 2011 the Board of Directors of the Rideau Valley Conservation Authority received and approved a report defining a regulatory (1: 100 year) flood level for Big Rideau and Lower Rideau Lakes. This is a project that the RVCA has been working on for some time; it has required fairly extensive discussions with Parks Canada regarding Canal operational procedures. Recommendations approved by the Board included:
  - a) That, based on the hydro technical analysis that is described in the Technical Memorandum dated October 18, 2011, the RVCA adopt 124.5 1 to 125.00 metres above sea level as the appropriate range of Regulatory Flood Level (RFL) for Big Rideau / Lower Rideau Lake.
  - b) That the "Regulation Policy Recommendations" contained in the Technical Memorandum dated October 18, 2011 be given due consideration when developing RVCA policies and standards to be applied in the evaluation and approval of development and site alteration proposals on the shorelines of Big Rideau / Lower Rideau Lake.
  - c) That the Technical Memorandum dated October 18, 2011 be published as soon as possible via the RVCA web site, and that copies be sent to the Townships of Rideau Lakes, Tay Valley and Drummond-North Elmsley, Parks Canada, and to the Big Rideau Lake Association.Therefore the applicant may wish to have a site specific survey (in metres geodetic) done to determine if and how this flood risk may impact the property and for consideration in a redevelopment scenario.*
2. *The RVCA also advises that the shoreline of Big Rideau Lake is subject to Ontario Regulation 174/06 Development, interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.*
3. *Residents and users of Big Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

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

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

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

6. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Lois, Steven & David Bolton **Hearing Date:** April 30, 2012  
**Agent:** Steven Bolton  
**LDC File #:** B11/174  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** Drummond **Lot:** 5 **Con** 3  
**Roll No.** 0919 919 010 23500 **Consent Type:** New Lot

**Purpose and Effect:** To sever 20.839-ha vacant landholding and retain a 2.9188-ha landholding with an existing dwelling (16758 Hwy #7). The severed parcel is accessed via Wayside Drive.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Hay Field N/A	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	20.839 ha 70 m 714.39 m Municipal	2.9188 ha 175.64 m 115.82 m Provincial Highway
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural, PSW and PSW Influence Area Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural & PSW No development in PSW 0.4-ha Yes 45 m Yes	Rural & PSW No development in PSW 0.4-ha Yes 45 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.2

Provincial Highways, Section 5.3 Local Roads.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural 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 – Planner’s Report

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

It is my understanding that this severance application seeks to divide property owned by the Bolton’s to sever a 21 ha vacant landholding and retain a 29 ha landholding, which contains an existing home (civic #16758 Highway 7) and some outbuildings. The lands to be severed access Wayside Drive. Presently both the severed and retained lands, aside from the dwelling, are primarily open pasture. In pre consultation with the Township, the applicant indicated that he did not have an immediate intended use for the severed lands, although farther in the future, a number of options are being considered.

The retained lands are designated Rural in the Township’s Official Plan, as are the bulk of the severed lands, with the exception of a very small section in the northern end of the property (roughly 2 ha) which are within the Blueberry Marsh Provincially Significant Wetland. It should be noted that higher density residential development comprising the Wayside Hamlet is immediately to the northeast of the property, although an unopened road allowance buffers the two areas. In the planning evaluation, Staff also reviewed Sections 3.7 (Division of Land), 3.19 (Land Adjacent to a Wetland), 3.21 (Noise Attenuation), 3.23 (Provincial Highways) and 3.25 (Rural Character) of the Official Plan and determined that this application is consistent with all applicable provisions. That being said, Staff do advise that the applicant should be sure to receive any access permission as may be required by the Ministry of Transportation as the access to the proposed lot is close to Wayside Drive’s intersection with Highway 7. Also, given that a portion of the severed lot is within 250 m of the highway, a notation should be placed on the deed advising any potential purchasers of the land that the site may be subject to impacts associated with the highway, primarily noise. With the exception of the wetland and associated influence areas, the severed and retained lands are zoned Rural according to the Township’s Zoning By-Law and both lots would meet all provisions of that zone. I note that there is a sufficient building envelope outside of the influence areas, which support a positive planning evaluation of this application. Additionally the severance would not enable the use of the severed or retained lands for anything that would be incompatible with neighbouring land uses. As the severed lands would have a frontage of 70 m on Wayside Drive that would by necessity constrain any further division of land on that parcel.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:  
"TAKE NOTICE that this lot is located within 250 metres of a provincial highway which is located to the southeast in part of Lot 5, Concession 3, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."

#### Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has complete a review of the above noted application within the context of Sections 2.1 Natural I Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act and from the perspective of Conservation Authority regulations under Section 28 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration.

#### PROPOSAL

The purpose of this application is to sever a 20.8 ha vacant parcel of land currently in agricultural production, leaving a 2.9 ha retained parcel on which is situated an existing residence and a barn that is currently used for storage. The application indicates that there are no immediate plans for development on the severed parcel,

#### SITE CHARACTERISTICS

According the applicant's description and a review of the available GIS mapping and aerial photography, most of the site is in active agricultural production (hay Cr01)). The extreme northwest portion of the severed land is characterized by a forested edge associated with the Blueberry Marsh Provincially Significant Wetland. There are a number of hedgerows internal to the property and along the property boundaries. Site



drainage appears to be by overland sheet flow to a few broad swales that traverse the severed parcel.

This site is situated between two Provincially Significant Wetlands; the Perth Long Swamp on the south side of Hwy. 7 and the Blueberry Marsh to the north and west. Small portions of the Blueberry Marsh are on the lot to be severed. Please refer to the attached map.

#### Conclusion

The Rideau Valley Conservation Authority has no objection to this application. We recommend that the following notes be included in the notice of the Committee's decision:

Sections of both the severed and retained lands are situated within the 120 adjacent lands to the Blueberry Marsh and Perth Long Swamp Provincially Significant Wetlands. The 120 metre adjacent lands are subject to the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06) administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act. The Conservation Authority may issue a permit for development/site alteration within the 120 adjacent lands if it can be demonstrated to the Authority's satisfaction that the proposal will not have adverse impact with respect to flood control, erosion control, pollution, conservation of land and the hydrologic function of the wetland. The proponent may be required to submit an environmental impact statement in this regard.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – A 51 acre +/- parcel of land that is used for hayfield. Land is relatively flat. Additional sandy loam fill will be required in area of future leaching bed.

Retained – A 7.2 acre parcel of land with an existing barn/residential property. Land has gentle slopes. Additional sandy loam fill will be required in area of future leaching bed.

Hydro One Networks – No comments were received.

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

MTO Regional Director – Kingston – No comments were received

#### (c) **PLANNING REVIEW**

The applicant proposes to sever a 20.84-ha vacant landholding and retain a 2.92-ha residential lot with an existing dwelling at 16758 Highway #7.

The subject lands are located in an area characterized by large landholdings, interspersed with typical residential lots along Highway #7. The settlement area of Wayside is located to the east and the lands are bounded to the north and south by Provincially Significant Wetlands (Blueberry Marsh and Perth Long Swamp respectively). The Town of Perth is located approx. 1.0-km to the south west.

The lands to be severed are accessed via Wayside Drive, a municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – conglomerate, sandstone, shale

The area has considerable land masses mapped as ‘woodlands’, however, not on the lands to be developed. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

The lands are located within 200 m of Secondary Water Source (Blueberry Marsh and Perth Long Swamp) and therefore are subject to archaeological potential.

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of 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 – April 30, 2012**

Steven Bolton, agent attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

## **CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition, "TAKE NOTICE that this lot is located within 250 metres of a provincial highway which is located to the southeast in part of Lot 5, Concession 3, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."
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 Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

## **NOTES**

1. *The Rideau Valley Conservation Authority advises that sections of both the severed and retained lands are situated within the 120 adjacent lands to the Blueberry Marsh and Perth Long Swamp Provincially Significant Wetlands. The 120 metre adjacent lands are subject to the "Development, Interference with*

*Wetlands and Alterations to Shorelines and Watercourses Regulation” (Ontario Regulation 174/06) administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act. The Conservation Authority may issue a permit for development/site alteration within the 120 adjacent lands if it can be demonstrated to the Authority’s satisfaction that the proposal will not have adverse impact with respect to flood control, erosion control, pollution, conservation of land and the hydrologic function of the wetland. The proponent may be required to submit an environmental impact statement in this regard.*

2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

*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:** George and Debra Hughes **Hearing Date:** April 30, 2012  
**Applicant:** Kirk Cannon  
**Agent:** Julie Stewart  
**LDC File #:** B11/176  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Dalhousie **Lot:** 11 **Con** 9  
**Roll No.** 0940 003 030 11200 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 345.9 sq.m. parcel of land as a lot addition to lands owned by Kirk Myers Cannon and Cheryl Ann Cannon at Pt Lot 11 Conc. 9 Dalhousie being Pts 2 & 3 on Plan 26R-1382 and retain a 2.3-ha residential lot with an existing dwelling at 572 Meadowcrest Lane.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	R-O-W & vacant Seasonal Residential	Seasonal Residential Seasonal Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	345.9 sq. m 9.6 m waterfront 36.04 m Private road, unregistered	2.3 ha 37.79 m waterfront irregular Registered Right-of-Way
<b>Water Supply</b> <b>Sewage Disposal</b>	n/a n/a	Private well Septic System
<b>Official Plan Designation</b> <b>-Conformity?</b>	Lake Development District and Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Limited Service Rural  n/a lot addition	Limited Service Rural  1.0-ha Yes 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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3.0 – Growth and Settlement, Section 3.6 Rural Area, Section 3.6.3 Lake development District, Section 4.5.4 Private Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 8 Natural and Human Made Hazards, Section 10.11.13, Subdivisions, Consents and Part-lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 10.0 Limited Service Rural Zone

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

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

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

Township of Lanark Highlands – Planner's Report

#### **1.0 Introduction**

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 11, Concession 9, geographic Township of Dalhousie now in the Township of Lanark Highlands.

The applicant, Kirk Cannon wishes to sever a 345 square metre parcel of land and add it to Part of Lot 2, 3 of Plan 26R-1382. The purpose of the application is to add land to the existing property commonly known as 576 Meadowcrest Lane.

The property is designated as Lake Front Development, on Schedule 'A 2' of the Township's Official Plan and zoned Lake Development on Schedule 'A 2' in Zoning By law 2003-451.

#### **2.0 Provincial Policy**

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

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

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



### **3.0 Official Plan**

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

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

### **4.0 Zoning**

The lands are zoned as Lake Front Development on Schedule "A 2' by Zoning By-law 2003-451. Although the lands to be enlarged do not meet the current requirements or provisions of the Lake Front Development zone, the property does enjoy legal non-conforming status.

### **5.0 Discussion**

This application for a lot addition will not result in any new lot and will provide proper access to 576 Meadowcrest Lane. The application as submitted is consistent with the PPS, complies with the policies of the existing Official Plan and Zoning By-law.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

#### Conservation Authority – Mississippi Valley Conservation

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

#### **PROPOSAL**

It is our understanding that the purpose of the subject application is to sever a 346 sq. m. right of way, with 9.6 meters of water frontage, as a lot addition to the adjacent lands. The retained land is already developed with 37.9 meters of water frontage (currently 47.5 meters). The size of the retained land has not been provided; however, we have estimated that it exceeds the minimum standard of 1 ha. The lot to be-enlarged is also a waterfront lot, which is already developed.

#### **PROPERTY CHARACTERISTICS**

According to a review of available GIS mapping and aerial photography, the retained land, lot to-be enlarged and severed lands all have frontage on Dalhousie Lake, and are

partially located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. No other natural heritage features or natural hazards were identified.

#### REVIEW

According to a review of the Township's Zoning By-Law, the subject property is currently zoned Lakefront Development, with a provision for a minimum lot area of 1 ha and minimum water frontage of 50 meters. Given that the retained lands currently have 47.5 meters of water frontage, they do not currently comply; and the subject application proposes a further reduction to 37.9 meters. In general, MVC is not in favour of further reducing water frontage. However, in this particular case, the subject application essentially involves transferring ownership of a right-of-way to the adjacent property owners that use it to access their property.

#### CONCLUSION AND RECOMMENDATIONS

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

#### NOTES

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

The applicant should be advised that a portion of both resulting lots are located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of Dalhousie Lake. In addition, any proposed alterations to the shoreline of Dalhousie Lake require written permission from MVC.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – A 345 sq. m strip of land that is intended to provide right-of-way to neighbouring property at 572 Meadowcrest Lane. An addition to an existing property.

Retained – A 5 acre seasonal parcel of land with an existing cottage serviced by a sewage system and well. Additional sandy loam fill may be required in area of future replacement leaching bed.

(c) **PLANNING REVIEW**

The applicant proposes to sever 345.9 sq.m. parcel of land together with a r-o-w as a lot addition to lands owned by Kirk Myers Cannon and Cheryl Ann Cannon at Pt W Lot 11 Conc. 9, Dalhousie being Parts 2 and 3 on Plan 26R-1382 at 576 Meadowcrest Lane and retain a 2.4-ha parcel of land with an existing seasonal dwelling located at 572 Meadowcrest Lane.

The subject lands are located in an area characterized by seasonal and full-time residential on a variety of lot sizes along the shore of Dalhousie Lake.

The lands are accessed via Meadowcrest Lane, a private road, which adjoins 10<sup>th</sup> Con Dalhousie, a municipally maintained road.

A 'State of the Lake Environment Report' was undertaken on Dalhousie Lake in 2001 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2001 and 2006, and the results obtained through the years since 1975. In general the water quality in Dalhousie Lake is good. Water Clarity (TKN) as measured by Secchi Disc for 2006 was 4.1 metres indicating that Dalhousie Lake is a moderately enriched (some nutrients) or mesotrophic lake. Total Phosphorus Loading (TP) calculations indicate a moderately enriched, or mesotrophic lake.

The dissolved oxygen and temperature data at the deepest point in the main basin indicate oxygen concentrations in the deep water portion are poor by mid-September. Every effort should be made to reduce nutrient loading into the lake from land activities.

The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

The area has considerable land masses mapped as 'woodlands', however none on the lot to be severed. Woodland Development Policies have not been established by the Township of Lanark Highlands.

The Provincial Policy Statements provides that in rural areas 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. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. No new or additional infrastructure is required as a result of the proposal.

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 – April 30, 2012**

Julie Stewart, agent, George Hughes, owner and Sandy McAdoo, representing Robert Ferguson (adjacent landowner) attended the hearing and gave evidence under oath.

Ms. Stewart presented a revised sketch for Committee's consideration. The revision was to remove Part 2 on the unregistered plan and to reduce the depth of Part 2 to only include those lands abutting the Cannon property. This revision had been agreed upon by the purchaser and the owner.

Mr. McAdoo noted that he understood that the lands as outlined on the application were originally access to the lake for others. Mr. McAdoo was also concerned that the proposed lot addition ran behind the Ferguson lot and was in agreement with moving the lot line on Part 2, to be only those lands abutting the Cannon lot.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented April 30, 2012.

4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Kirk Myers Cannon and Cheryl Ann Cannon described as Parts 2 and 3, Plan RP26R-1382, being Pt. W Lot 11 Conc. 9 Dalhousie, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
5. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
6. The deed of land required by condition #1 above shall recognize any easements that currently exist.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
8. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
9. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #5, #6 and #7 has been fulfilled to their satisfaction.

#### **NOTES**

1. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future replacement leaching bed area on the retained lands.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

4. *The Mississippi Valley Conservation advises that a portion of both resulting lots are located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of Dalhousie Lake. In addition, any proposed alterations to the shoreline of Dalhousie Lake require written permission from MVC.*
5. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
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:** Natalie Dawn Mulrooney **Hearing Date:** April 30, 2012  
**Agent:** Pat Mulrooney  
**LDC File #:** B12/004  
**Municipality:** Tay Valley Township  
**Geographic Township:** Bathurst **Lot:** 22 **Con** 12  
**Roll No.** 091191603044710 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.0-ha residential building lot and retain a 20.9-ha landholding with an existing dwelling, garage and other buildings. The lands are accessed via McDonald's Corners Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Bush Residential	Residential / Campgrounds Residential / Campgrounds
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	1.0 ha 75 m 139 m County Road/Registered R-O-W	20 ha 390 m 600 m County Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Private well Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  1.0-ha Yes 60 m Yes	Rural / Tourist Commercial  1.0-ha    2.0-ha Yes        Yes 60 m      60 m Yes        Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – section 2 General Development Policies, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural, 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 6.3 Tourist Commercial Zone, Section 10 Rural Zone



Tay Valley Township advises that the proposal complies with the zoning 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

Applicable Sections: 6.3 & 1 0.1 - The proposed residential use for the severed lands is permitted. The existing dwelling and rental cabins on the retained parcel complies with the zoning provisions. Lot area is met for both the proposed severed and retained lot (1-ha and 20-ha respectively). Both the proposed severed and retained lots meet the minimum road frontage requirements.

Mississippi Valley Conservation Authority has no objections to the severance but noted that any development within 120 m to the PSW may require an Environmental Impact Assessment.

Mississippi Rideau Septic System Office has no objections to the severance as proposed.

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

- That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.
- That the applicant pay any outstanding fees to the Township prior to final approval.
- That one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.
- That the application submit to the Township the \$100 cash-in-lieu of parkland requirement.

Note: The owner is advised that the northwest corner of the property is regulated as floodplain and administered by the Mississippi Valley Conservation Authority.

Conservation Authority – MVC Feb 10, 2012

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever a vacant 1-ha lot, and retain a 20-ha lot with an existing residence, garage, and several rental cabins. The retained land has water frontage while the severed land does not.

**PROPERTY CHARACTERISTICS**

As revealed by a review of available GIS mapping, the proposed retained land has

frontage on the Mississippi River. In addition, a portion of the river, which fronts the retained lands, has been classified as a Provincially Significant Wetland (PSW) referred to as the Playfairville-Mud Lake Complex. No natural heritage features or natural hazards were identified on, or in close proximity, to the proposed severed lands. Formal flood plain mapping does not currently exist for this section of the Mississippi River.

## REVIEW

### Natural Heritage Values

The proposed retained lands are already developed with no new development proposed at this time. In addition, MVC is satisfied with the size and frontage of the resulting lots. Therefore, we do not anticipate any impacts to the river or PSW as a result of this application.

Concerning the retained lands, we note that potential future proposals for development within the 120 metre adjacent lands to the PSW, may require support by an Environmental Impact Assessment.

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

Natural Hazards - None identified on the subject property.

## RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application.

## NOTES

With respect to the retained lands, any potential future development should comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline of the river.

Concerning the retained lands, we note that an Environmental Impact Assessment may be required for any potential future proposals for development within the 120 metre adjacent lands to the PSW.

There is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 15 3/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River.

In addition, the property owner should be advised that, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed.

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

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

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

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

A site visit was conducted at the above mentioned property by our office on February 7, 2012, 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 1.0 hectare parcel, 75m by 139m. The proposed lot is currently vacant. The topography of the area is sloping and heavy tree cover and areas of exposed rock. The purpose of the consent, as identified by the applicant, is to create a new lot.

The retained parcel is irregular in dimensions and approximately 20 hectares. The existing use of the lot is described as residential with a portion as Tourist Commercial (CT), as per Tay Valley Townships Zoning By-Law. The property is serviced an existing septic system (Permit # SF43697).

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. Due to the exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

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.

An approved septic permit is required prior to the issuance of most building permits.

Public Works Department – Lanark County

- 1/ Applicant has an approved existing entrance to the County Road – Severed Lands #1170, Retained Lands #1981.
- 2/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark”, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.0-ha residential building lot and retain a 20.0-ha landholding with an existing dwelling (3521 McDonald's Corners Road) and campgrounds.

The subject lands are located in an area characterized by Residential and vacant landholdings on a variety of lot sizes along Iron Mine Road and McDonald's Corners Road. The Blue Heron Golf and Country Club is located to the east and the Mississippi River to the west.

The lands are accessed via McDonald's Corners Road, a county maintained road.

Soils Inventory – Name: Granby

- Stoniness: very stony
- CLI: 5 – severe limitations for agriculture
- Drainage: imperfectly
- Hydrogeology: slow

Bedrock Inventory – marble, calc-silicate rock

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

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for 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 – April 30, 2012**

Pat Mulrooney, agent, attended the hearing and gave evidence under oath.

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. 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 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 a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
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 #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation advises that with respect to the retained lands, any potential future development should comply with the zoning provisions, particularly with respect to the waterbody setback and the requirement to maintain a vegetated buffer along the shoreline of the river.*
2. *MVC advises that an Environmental Impact Assessment may be required for any potential future proposals for development on the retained lands within the 120 metre adjacent lands to the PSW*
3. *MVC advises that there is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 15 3/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Mississippi River.*

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

4. *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 applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.*

*That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Hector & Hilda Cowan **Hearing Date:** April 30, 2012  
**Agent:** Sylvia Coburn, McIntosh Perry Consulting Engineers Ltd.  
**LDC File #:** B12/009  
**Municipality:** Tay Valley Township  
**Geographic Township:** North Burgess **Lot:** 7, 8 & 9 **Con** 5  
**Roll No.** 0911 911 025 1800 **Consent Type:** New Lot  
0911 911 025 1500

**Purpose and Effect:** To sever a 41.76-ha vacant landholding and retain a 59.28-ha vacant landholding. The lands are accessed via Elm Grove Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	41.76 ha 602.1 m 559.9 m to 828.2 m County Road	59.18 ha 1251.3 m Irregular County Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Private Well Proposed Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and Hazard Features (Mines) Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	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.

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.4 Minerals and Petroleum**

Section 2.4.3 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased.

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 2 – General Development Policies, Section 2.18 Cultural and Heritage Resources, Section 2.19 Natural Hazard Features, Section 2.20.2 Abandoned Mines, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply, Sewage Disposal, Section 2.23 Water Quality and Quantity, 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 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 provisions of the Zoning By-law.

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

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

#### Tay Valley Planner's Report

- Zoning By-law Category: Rural
- Applicable Sections: 10.1 - The retained and severed lands are currently vacant, proposed residential uses are permitted. Both lots will meet the minimum lot size and frontage requirements.
- Rideau Valley Conservation Authority - Identified a number of environmental issues related to wetlands, streams, woodlands and requires an EIS before Site Plan Control approval.
- MRSSO has no objections.
- One public comment expressing concern about environmental sensitivity of the property.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan
- Cash in Lieu of Parklands
- Development Agreement indicating an EIS is required before a building permit will be granted to determine where there is a building envelope.

#### Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application and undertaken a site visit. We offer the following comments based on:

- Section 2.1 Natural Heritage (wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplains) of the Provincial Policy Statement under Section 3 of the Planning Act.
- The Federal Fisheries Act 35(2),
- Waterfront setbacks and best management practices derived from the “Rideau Lakes Study” (1993); the study considers the affects of development on phosphorous loading and the protection of recreational water quality on water bodies within the Rideau watershed.
- The Rideau Valley Conservation Authority regulation O.R 174-06 as per Section 28 of the Conservation Authorities Act.

The proposed severance will result in a new 41.76 ha lot with a 59.18 ha retained parcel.

The proponents have submitted a “Checklist for Determining Environmental Assessment for Wintering Deer Yard” (prepared by McIntosh Perry Consulting Engineers Ltd) with the application, indicating that “it may be possible to situate the development...so that negative impacts” to the deer habitat and natural environment of the site can be avoided. The Environmental Impact Assessment Checklist addresses possible impacts to the wintering site, recommending for additional field work and the use of site plan control to locate the future driveway and structural development to mitigate impact on the winter deer yard and accommodate existing drainage features. We agree this is reasonable.

We also suggest that notice be provided to the Owners/prospective that, for the protection of deer in and around the wintering site, domestic pets (i.e. dogs should not be allowed to roam freely in the area). The impact assessment did not specifically address waterfront or wetland impacts, suggesting that further field study and an EIS be prepared and that site plan control be used to address specific impacts on the deer wintering area.

The other specific environmental or habitat considerations are addressed as follows:

The RVCA recognizes the several local unclassified wetland pockets and associated ponds connecting the property via small water courses to both Long Lake and to Big Rideau Lake. *We recommend that a condition of approval provide notice that a 30 metre setback shall be maintained from these small watercourses and from the associated wetland areas which are not directly adjacent / outletting to the lake on the severed or retained parcel.*

Should a watercourse crossing be necessary to provide for access via a new driveway on the severed lot, the owner should also be made aware that prior written approval under Ontario Regulation 174-06 *is required from the RVCA for alterations to a watercourse. This also applies to alteration to the shoreline of Long Lake.*

Insofar as the lake waterfront of the proposed severed parcel is concerned, the proposed building site is located above the crest of slope on level land in excess of 40 metres the high water mark of *Long Lake (and the wetland/creek associated with the lake to the west of the proposed building site)*. Given the site conditions along the waterfront, we are satisfied that this setback within which there will be no disturbance save for modest water access on the hard shoreline, and will provide for the protection of recreational water quality and fish habitat in Long Lake. *We recommend that the noted water setback, erosion and sediment control, drainage and significant habitat concerns*

*be addressed and controls incorporated within the municipal site plan approval process, to the satisfaction of the RVCA.*

To note, *the eastern portion of the 508.5 metre section of the waterfront on the retained parcel presents the best option for water access from this parcel of land as it possesses waterfront on the creek which is gentle in the nature of the slope and appears to have open water of some depth off-shore. The 41.4 metre waterfront on the retained area in Lot 8 is considerably more challenging with a slope likely necessitating disturbance and/or stairs to the water.*

*Regarding the waterfront parcels adjoining the Road Allowance between Concessions 5 and 6, (27R 7014 Part 4 and Part 1) noted as “other lands owned by applicant “; we also note that we would not support any development on these small parcels which are by their nature, not developable (land locked and of very limited area).*

Lastly, we understand that the Ministry of Natural Resources has identified significant woodland (old growth forest) and other significant habitat on the property as provided to the Township. The RVCA does not have this specific information. We suggest that prior to approval, that the proponent should contact the Ministry of Natural Resources in Kemptville to address these considerations.

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

A review of the Consent Application was conducted 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 41.76 hectare parcel, irregular in area, to create a new lot. The proposed lot is currently vacant with a proposed residential use. There are areas of exposed rock, heavy tree cover and water bodies other than Long Lake. No test pits were provided.

The retained parcel is irregular in dimensions and is 59.18 hectares. The retained lot is very similar in topography as the proposed severed lot. It is currently vacant with a proposed residential use. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Due to exposed bedrock and shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to operate, maintain or replace a septic system in the future. Given the above information, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits.

### County Roads Department

Land to be severed by B12/009 has an approved entrance location – entrance application #2372 applies. Full entrance application must be submitted and entrance installed prior to deed endorsement. Retained lands to gain access from local municipal road known as Tully's Way.

Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County.

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

Hydro One Networks – No comments were received.

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

### (c) **PLANNING REVIEW**

The applicant proposes to sever 41.76-ha vacant landholding and retain a 59.28-ha vacant landholding.

The subject lands are located in an area characterized by large landholdings along Elm Grove Road, with smaller 'cottage' type residential lots along the shores of Long Lake and Big Rideau Lake.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – conglomerate, wacke, quartz

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

The "Watershed Watch Report" was undertaken on Long Lake in 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1980. The sampling indicates that Long Lake has a moderate concentration of nutrients. Some algae blooms and minor weed growth in sheltered bays and shallow areas were noted. Best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. Precautions need to be taken to avoid the spread of invasive species from other lakes.

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

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations

and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

Species At Risk – MNR mapping indicates that species at risk have been identified within the area proposed to be development. The Township has agreed that an Ecological Site Assessment be carried out at the "Site Plan" approval stage as the lot is very large. The site plan stage will narrow the scope as this will indicate where the building envelope will be located.

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.

Bruce Foster March 17, 2012

As owners of a family recreational cottage, part lot 9, concession 5, of North Burgess Ward and Tay Valley Township, at 2099 Elmgrove Road, we are vehemently opposed to the possible severing of any lots indicated in subject land, Pt Lot 7, 8, & 9, geographic township of North Burgess, and of Tay Valley Township municipality.

The Foster family has owned 2099 Elmgrove Road for over forty years. Our reasons for such opposition are stated succinctly below :

- (1) Our property has been designated by the Township as a "deer run". Any possible alterations to any of the land north of our property would be highly detrimental to the well-being of deer who live in these lands across the road.
- (2) The land being considered for severance is land that is indigenous to Black Rat snakes. Any alteration to existing land would be exceptionally detrimental to their preservation. Extinction of this already endangered wildlife species would sadly, prove to become imminent.
- (3) Numerous other forms of animal wildlife would be adversely affected too. Frogs, mice, squirrels, beavers, water snakes, foxes, rabbits, turkey vultures, and song birds just to name a few.
- (4) Natural plant life and assorted vegetative matter and coniferous and deciduous trees would be negatively impacted and drastically reduced in numbers.
- (5) Should the aforementioned land, under review, be developed or significantly altered, a myriad of environmental problems would surface. The former historical aspect and partial remnants of mica mines that existed close to a century ago would be lost. The safety of pedestrians, and cyclists would be significantly compromised due to more car and truck traffic on Elmgrove Road. Noise and emissions from vehicles would be more prevalent and harmful to residents' health.

It is clearly evident that the natural, serene beauty and tranquility of this area, enjoyed by many of the Elmgrove Road permanent homeowners or cottagers for upwards of half a century would be severely affected in a negative manner, should the severing of said property be allowed and possible building of future homes occur. (names of many of the homeowners have been cc'd out of courtesy-see below).

Please apprise us of the public meeting date and time. Secondly, we wish to be notified of any decisions made by the Land Division Committee with respect to the above matter.

We the undersigned, as immediate members of the Foster family, once again, emphatically oppose any changes to the adjacent lands within 60 metres of our summer residence.

Bruce Foster ( co-owner)

Sandra Foster ( co-owner)

Blake Foster ( son)

Hilary Foster ( daughter)

We can be contacted at 758 Cezanne Crescent, Orleans, Ontario K4A 2B2  
Our home telephone number is : 1-613-824-7928  
My e-mail address is : [bruce.foster@ocdsb.ca](mailto:bruce.foster@ocdsb.ca)

**NOTE** - a copy of the EIS was forwarded to Mr. Foster

**Mary Kirkham**

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**From:** Rob Christopher [kelmag@xplornet.ca]  
**Sent:** April 3, 2012 12:38 PM  
**To:** Mary Kirkham  
**Subject:** file No: B12/009

Rob Christopher  
RR# 5, Perth, On  
K7H 3C7  
(613)-267-6724

Att: Mary Kirkham, Planning Approvals Administer.

I would like to be notified of the decision of the Lands Division Committee with regards to the proposed consent for the Subject land, Pt Lot 7, 8 & 9 Cons. 5 in the Township of North Burgess, owned by Hector & Hilda Cowan. I wish to be notified of a public meeting concerning this proposal.

Thankyou, Rob Christopher.



**Mary Kirkham**

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**From:** Greg Baker [gabaker@live.ca]  
**Sent:** March 12, 2012 10:22 AM  
**To:** Mary Kirkham  
**Subject:** B12/009 LOT SEVERENCE PT7,&9CONC.5 TOWNSHIP NORTH BURGESS.

Hello Mary, please notify us of any public meetings on the above property. CHARLOTTE ARTHUR AND GREG BAKER, 2051 ELMGROVE RD RR#5 PERTH, ON. Thanks

**(e) MINUTES – April 30, 2012**

Chairman Strachan advised that he may have a conflict of interest and removed himself as chair for this hearing. W. Guthrie appointed D. Murphy as chair.

Mark Snider, agent, Hector Cowan, owner and Bruce Foster, adjacent landowner, attended the hearing and gave evidence by affirmation.

Mr. Foster outlined his concerns re: deer run, black ratsnake habitat, other wildlife habitat, additional traffic.

Mr. Snider provided background on the application, noting that the applicant had completed a 'scoped EIS' for the wintering area (deer yard) and will be completing as a condition of severance and site plan control an "ESA" for species at risk.

Mr. Snider also advised that Mr. Cowan has completed a 'draft' master plan for the retained lands which includes a number of lot additions to existing lots. These parcels lie between Tully's Way and the rear of the waterfront lots.

Mr. Cowan noted that he was aware that he would only be permitted one residential dwelling per lot.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the

Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands contain several local unclassified wetland pockets and associated ponds connecting the property via small water courses to both Long Lake and to Big Rideau Lake. A 30 metre setback shall be maintained from these small watercourses and from the associated wetland areas which are not directly adjacent / outletting to the lake on the severed or retained parcel.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
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 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 applicant shall provide Tay Valley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Payment 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).
10. That the applicant enter into a Development Agreement with Tay Valley Township indicating that an Environmental Impact Assessment (EIS) will be required prior to the issuance of a building permit. The EIS to determine the location of a suitable building envelope and address specific impacts on the deer wintering area.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
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 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.

14. 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.
15. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that condition #5 through #11 has 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.*

3. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
4. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
6. *Tay Valley Township advises that development will be subject to "Site Plan Control".*
7. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
8. *The Rideau Valley Conservation Authority advises that should a watercourse crossing be necessary to provide for access via a new driveway on the severed lot, the owner should also be made aware that prior written approval under Ontario Regulation 174-06 is required from the RVCA for alterations to a watercourse. This also applies to alteration to the shoreline of Long Lake.*
9. *The RVCA recommend that the water setback, erosion and sediment control, drainage and significant habitat concerns be addressed and controls incorporated within the municipal site plan approval process, to the satisfaction of the RVCA.*
10. *The RVCA advises that the waterfront parcels adjoining the Road Allowance between Concessions 5 and 6, (27R 7014 Part 4 and Part 1) noted as "other lands owned by applicant and that RVCA we would not support any development on these small parcels which are by their nature, not developable (land locked and of very limited area).*

11. *Residents and users of Long Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to / or from other lakes.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Gerald & Elizabeth Nolan

**Hearing Date:** April 30, 2012

**Agent:** n/a

**LDC File #:** B12/010

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** Pt Park 3 Franktown Plan

**Roll No.** 0924 000 010 18403

**Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 0.656-ha parcel of land as a lot addition to lands owned by Gerald and Elizabeth Nolan at 110 Barrach Street, being Pt Park Lot 3 Franktown Plan, Township of Beckwith.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.656-ha 118 m (width) 57 m None	2.88-ha 49 m Irregular Maitland Street
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Proposed well Proposed Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Residential Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Residential  0.4-ha n/a Lot Addition 45 m n/a lot addition	Residential  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 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

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.

Official Plan – Section 4 General Policies, Section 5.1 Residential Policies, Section 7.3 Local Roads, 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 Provisions, Section 5,1 Residential Zone. The Township of Beckwith advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

Township Planner's Report

The applicant pre-consulted with the Planning Committee at the December 19, 2011 meeting. The meeting minutes indicate that the Committee supported, in principle, the severance proposal.

The applicant currently owns the two properties that would be affected by the severance application, and wishes to adjust the existing lot line between the two properties. The severance would not create a new lot and will not generate an additional building opportunity within Franktown.

The application would enlarge an existing non-conforming lot from approximately 0.5 acre to approximately 2 acres. The area of the retained lands would decrease from 8.76 acres to 7.25 acres. The area and frontage of the retained lands will conform to the policies of the zoning by-law.

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.

Conservation Authority - Rideau Valley Conservation Authority

The RVCA has conducted a review within our mandate under Section 2.1 (Natural Heritage), 2.2 (Water) and 3.1 (Natural Hazards) of the 2005 Provincial Policy

Statement. We have not identified any matters that would preclude the approval of this application. There are no regulations under O.Reg. 174/06 of the Conservation Authorities Act that affect the subject property at this time.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – a 1.62-acre parcel of land that is mostly wooded. Land is relatively flat with shallow soil depths. Recommendation – lot is an addition to an existing lot only; lot will be added to 110 Barrach St.

Retained – a 7.14 acre vacant wooded park land located in subdivision block between Maitland St, Barrach St and Hwy #15 at Franktown. Recommendation – additional sandy loam fill will be required in future area of tile bed.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 0.656-ha parcel of land as a lot addition to lands owned by Gerald and Elizabeth Nolan and retain a 2.88-ha parcel of land with an existing cabin and workshop.

The subject lands are located within the designated settlement area of Franktown. The additional lands will increase the size of the non-conforming lot.

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town’s Official Plan which is appropriate in the settlement area setting. The application can meet the consistent with test of the Provincial Policy Statement. The PPS and the Town’s Community Official Plan promote infill where possible.

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.



**Mary Kirkham**

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**From:** Greg Baker [gabaker@live.ca]  
**Sent:** March 12, 2012 10:22 AM  
**To:** Mary Kirkham  
**Subject:** B12/009 LOT SEVERENCE PT7,&9CONC.5 TOWNSHIP NORTH BURGESS.

Hello Mary, please notify us of any public meetings on the above property. CHARLOTTE ARTHUR AND GREG BAKER, 2051 ELMGROVE RD RR#5 PERTH, ON. Thanks

**(e) MINUTES – April 30, 2012**

Gerald Nolan, owner, attended the hearing and gave evidence under oath.

Mr. Nolan advised that his existing residential lot is only ½ acre which places constraints on developing the lot. The additional lands will alleviate this problem.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gerald Nelson Nolan and Elizabeth Anne Nolan described as Part 2, Plan 27R-3303, being Pt. Lot 11 Conc. 3 Township of Beckwith, Pt. Park Lot 3, Franktown Plan, 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 if a survey is required by the Land Titles Office.
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 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.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the future tile bed area on the retained lands.*
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:** William Alfred Neilson

**Hearing Date:** April 30, 2012

**Agent:** ZanderPlan Inc.

**LDC File #:** B12/015 and B12/016

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Dalhousie

**Lot:** 5      **Concession:** 1

**Roll No.** 0940 002 025 00900

**Consent Type:** two (2) new lots

**Purpose and Effect:**

To sever two (2) residential building lots each contain 1.0-ha and retain a 64.5-ha vacant landholding. The lands to be severed are accessed via 1<sup>st</sup> Con A Dal.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/015	B12/016	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Vacant
<b>Area</b>	1.0-ha	1.0-ha	64.5-ha
<b>Frontage</b>	60 m	60 m	123 m
<b>Depth</b>	167 m	167 m	1,356 m
<b>Road - Access to</b>	Municipal	Municipal	Municipal
<b>Water Supply</b>	Proposed	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed	Proposed
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and Organic Soils Yes		
<b>Zoning Category</b>	Rural		Rural / Organic Soils
<b>-Area Required (min.)</b>	1.0-ha		1.0
<b>-Compliance?</b>	Yes		Yes
<b>-Frontage Required (min.)</b>	60 m		60 m
<b>-Compliance?</b>	Yes		Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

## **(b) AGENCY REVIEW**

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

### Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt Lot 5 Concession 1, geographic Township Dalhousie, now in the Township of Lanark Highlands. The applicant wishes to sever two 1.0 ha residential building lots and retain a 64.5 ha landholding. Access for both lots is via Concession 1A Dalhousie.

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

### **1.1 PROVINCIAL POLICY**

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

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

development. The proposed lots have access to municipally maintained road.

### 1.2 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, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The proposal as submitted can achieve those directives.

### 1.3 ZONING

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.

### Conservation Authority Mississippi Valley Conservation

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever (2) vacant 1.0-ha building lots, and retain a vacant 64.5-ha landholding.

### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed

tributary of Kerr Lake travels through an unclassified wetland located on the retained lands. This watercourse then travels through the western end of both of the proposed severed lands. The proposed severed lands are largely forested with cedar trees, in addition to a scattering of open areas throughout. The proposed retained land is largely forested with a few larger open areas.

#### REVIEW

##### Natural Heritage Values - Watercourse and Wetland

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

##### Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Sufficient area appears to exist on the proposed severed and retained lands to accommodate future development outside of areas consisting of organic soils.

#### RECOMMENDATIONS AND CONCLUSIONS

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

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

#### NOTES

The property owner should be advised that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
B12/015 Severed – a hectare parcel of land of overgrown field / cedar bush. Land

drainage and soil depth can vary. No existing buildings. Recommendation – additional sandy loam fill will be required in area of future tile bed.

B12/016 Severed - a hectare parcel of land of overgrown field / cedar bush. Land drainage and soil depth can vary. No existing buildings. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – a 64.5 hectare parcel of vacant farm land and bush. Slope, drainage and soil depth can vary. Recommendation – additional sandy loam fill may be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) 1.0-ha residential building lots and retain a 64.5-ha landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential and vacant on a variety of lot sizes along 1<sup>st</sup> Con A Dal. A small maple syrup operation is located to the north of the lands.

The severed lands are accessed via 1<sup>st</sup> Con A Dal., a municipally maintained road. The retained lands have access to Sheridan Rapids Road and 1<sup>st</sup> Con A Dal.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate rocks.

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

A farming operation is located on adjacent lands; therefore the applicant prepared and submitted a MDS Calculation. The MDS requires a minimum setback of 151 m from the lot boundary of the lands to be severed. GIS mapping indicates an approximate distance of 270 m from the livestock facility to the lot line of the lot being created by B12/016. However, if approved, a cautionary note should be included on the transfer/deed.

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 – April 30, 2012**

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

Ms. Zander provided background information on the purpose of the applications, noting that the lands between the lands to be severed and the southerly lot line are low and sometimes wet, therefore the lots have been configured to not include this area.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS: Both applications have the same conditions:**

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



an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. 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.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
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 March 9, 2012, 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. A letter shall be received from Mississippi Valley Conservation stating that condition #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #4 to #11 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the future septic system are for the severed and retained lands.*
2. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required*

from MVC pursuant to Ontario Regulation 15/3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

3. *In addition, any proposed works in or near the unnamed watercourse or wetlands 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 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 \$135.00 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.*

**Additional Note for B12/016**

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:** Geoffrey and Barbara Kerr **Hearing Date:** April 30, 2012  
**Agent:** Lionel Robidoux  
**LDC File #:** B12/017  
**Municipality:** Tay Valley Township  
**Geographic Township:** North Burgess **Lot:** 16 **Concession:** 16  
**Roll No.** 0911 911 020 40000 **Consent Type:** Lot Addition

**Purpose and Effect:**

To sever a 0.47-ha parcel of land as a lot addition to lands owned by Lionel Robidoux at Pt Lot 16 Conc. 6 North Burgess with an existing dwelling at 142 Black Lake Lane 11A and retain a 2.6-ha parcel of land with an existing dwelling at 140 Black Lake Lane 11A.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Future garage or shed	Residential
<b>Area</b>	0.47-ha	2.6-ha
<b>Frontage</b>	40 m	80 m
<b>Depth</b>	62 m	150 m
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	None	Private Well
<b>Sewage Disposal</b>	none	Septic System
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	n/a – lot addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage Required (min.)</b>		60 m
<b>-Compliance?</b>		Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – Section 2 General Development Policies, Section 2.15 Existing Uses, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.23 Water Quality and Quantity, 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 regulations.

**(b) AGENCY REVIEW**

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

Township Planner's Report

The proposal is sever a 0.47-ha parcel of land as a lot addition to be added to land owned by Lionel Robidoux at 142 Black Lake Rte 11 and to retain a 1.5-ha parcel with an existing dwelling.

Official Plan Designation: Rural

Zoning By-law Category: Rural

Applicable Sections: 10.1 - The existing residential use for the retained lands is permitted. The retained lands meet minimum lot size and minimum water frontage. The existing lot being added to is currently undersized and will be enlarged as a result of the severance.

- Rideau Valley Conservation Authority — Not circulated.
- MRSSO is supportive of the application.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan

Black Lake Cottage Association – no comments received.

**(c) PLANNING REVIEW**

The applicant proposes to sever 0.47-ha parcel of land as a lot addition to lands owned by Lionel Robidoux at Pt Lot 16 Conc. 6 North Burgess with an existing dwelling at 142 Black Lake Lane 11A and retain a 2.6-ha parcel of land with an existing dwelling at 140 Black Lake Lane 11A. The main purpose of this lot addition is to provide improved access to his existing dwelling, particularly fire protection.

The subject lands are located in an area characterized by Residential and Seasonal Residential on smaller type 'cottage' lots along Black Lake.

The lands are accessed via Black Lake Lane 11A, a private road which adjoins Narrow's Lock Road, a county maintained road.

Mr. Robidoux applied for a rezoning in 2007, at which time the RVCA and MRSSO provided comments on the lands being enlarged. Mr. Robidoux does not plan to develop the lands, however may in the future construct a garage or utility shed. If this is undertaken the Township will require a site plan, at which time the RVCA and MRSSO will provide comments.

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

A "State of the Lake Environment Report" was undertaken on Black Lake 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1975. The sampling indicates that Black Lake has moderate quantities of nutrients that are below the accepted threshold values at which significant problems occur. Therefore best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. Precautions need to be taken to avoid the spread of invasive species from other lakes.

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

Provided appropriate development criteria are put in place the application can be considered to be consistent with the Provincial Policy Statement and compliant with policies of the Township's Official Plan. The requirements of the Zoning By-law can be met only if the applicant proceeds in accordance with development criteria i.e. re-zoning and site plan control.

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:

James and Diane Sylvester – April 12, 2012

As discussed, the proposed severance advised in the Notice of Application for Consent on the subject file, be advised that as owners of the adjacent property (PIN 188 Black Lake Route 11), we have concern that our right-of-way to Part 15 (travelled laneway) on the Plan is maintained. We request to be informed of a decision in this matter.

(e) **MINUTES – April 30, 2012**

Philip Robidoux, representing the applicant, attended the hearing and gave evidence under oath.

Mr. Robidoux provided updated information on the dimensions of the lot to be severed. The frontage on the road was amended to 133 ft (40 m).

The committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 Lionel Joseph Robidoux described as Part Lot 17 Conc. 6, North Burgess, being Parts 1 and 2 on Reference Plan 27R-1032, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.



7. 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.
8. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
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 Black Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to / or from other lakes.*
2. *Tay Valley Township advises that development may be subject to "Site Plan Control".*
3. *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.*
4. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Residents and users of Mississippi Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Stephen Katz (KWC Architects Inc.)      **Hearing Date:** April 30, 2012  
**Agent:** John R. Wanless  
**LDC File #:** B12/021, B12/022, B12/023  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** North Elmsley      **Lot:** 30      **Con** 7  
**Roll No.** 0919 908 020 17250      **Consent Type:** 3 Lot Additions

**Purpose and Effect:** To sever three (3) lot additions: 0.148-ha lot addition to lands owned by David A & Margaret A Baxter; 0.595-ha lot addition to lands owned by Gail E Read; 0.695-ha lot addition to lands owned by Dennis W & Jacqueline M Staples and retain a 5.605-ha lot with an existing dwelling at 290 McKay Farm Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12-021	B12/022	B12/023	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Lot addition	Vacant Lot addition	Vacant Lot addition	House Unknown
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.148 ha 100.7 m 17.1 m Registered R-O-W	0.595 ha 62.6 m 94.8 m Registered R-O-W	0.695 ha 95.31 m 94.8 m Registered R-O-W	5.605 ha  445.6 m Registered R-O-W
<b>Water Supply</b> <b>Sewage Disposal</b>	n/a n/a	n/a n/a	n/a n/a	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes			
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Limited Services Residential Exception #19 0.4-ha n/a – lot addition 50 m n/a – lot addition			LSR Ex-19  0.4-ha Yes 50 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3 General Provisions, section 3.7 Division of Land, Section 3.9 Existing Land Uses, Section 3.17 Heritage Conservation, section 4.3 Rural Policies, Section 5.5 Private Roads

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

Zoning By-law - Section 4 General Provisions, Section 10 Limited Services Residential. The Township of Drummond / North Elmsley advises that the proposal complies with the provisions of the Zoning By-law.

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

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

Township of Drummond/North Elmsley – Planner's Report

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

It is my understanding that this severance application seeks to sever three parcels from property owned by Mr. Katz (civic #290 McKay Farm Road) as lot additions to adjacent cottage lots on Otty Lake. This application proposes to attach a 0.148 ha parcel to lands owned by David and Margaret Baxter (132 Sumac Lane), a 0.595 ha parcel to lands owned by Gail Read (126 Sutcliffe Lane) and a 0.695 ha parcel to lands owned by Dennis and Jacqueline Staples (122 Bishops Way). Mr. Katz will retain a 5.605 ha parcel which contains an existing dwelling. The severed portions are all vacant and mostly treed. The retained parcel is also mostly forested, although Sumac Lane, Sutcliffe Lane and Bishops Way all cross this land to service roughly a dozen cottages, in both Drummond/North Elmsley and Tay Valley Township.

The severed and retained lands are all designated Rural in the Township's Official Plan and Limited Services Residential in the Zoning By-Law. While Sections 3.7 (Division of Land) and 4.3.4 (Limited Services Residential Development) of the Official Plan still apply, since this application adds land to existing developed lots and does not facilitate or enable development on its own, this application will be evaluated differently in that the purpose is not to create a new development lot. In this case, the proposal meets the intent of these policies since it does not result in greater strain on infrastructure or any municipal services. Additionally, since these lot additions do not result in any net new lots, this application does not contradict the intent of Section 3.7.2.5 (3 severances on a lot of record). While Mr. Katz's development options on his lot are limited, the enlargement of the three cottage lots does serve to encourage a more appropriate pattern of lakefront development. All three existing lots to be enlarged are technically undersized according to present zoning standards (ranging in size from 0.13 to 0.26 hectares) and in each case, the lot addition would result in a new lot of at least 0.4 ha, which is the minimum in the Limited Services Residential Zone. As such, this application results in the net improvement of the planning situation in that neighbourhood. Planning

Staff are making this recommendation on the assumption that the new lot configurations do not create any accessory building setback encroachments, as can happen from time to time in cottage developments on private roads. Any future structural development or site alteration will be subject to the usual planning controls.

Given the foregoing, Drummond/North Elmsley Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the registry office.
- The applicant shall confirm that the proposed side yard setbacks from existing buildings on the severed, retained, enlarged and neighbouring lots complies with all requirements of the Township's Zoning By-Law.
- The severed lands shall be for a lot addition only to adjacent lands as identified in the Application.

Conservation Authority – Rideau Valley Conservation Authority

We offer the following comments within the context of Section 2.1— Natural Heritage (wetlands, wildlife habitat) and Section 3.1- Natural Hazards (flood potential, unstable slopes/erosion hazard) of the Provincial Policy Statement under Section 3 of the Planning Act and the associated Rideau Valley Conservation Authority regulation 174—06 (“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”) under Section 28 of the Conservation Authorities Act. We also review such applications as this with a view to fish habitat protection through our delegation from the Department of Fisheries and Oceans, Section 35-1 of the Federal Fisheries Act.

We do not object to this lot addition as it pertains to the considerations above, but we note that Otty Lake is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any additional development within the 1:100 year flood regulated area on Otty Lake (132.69 metres geodetic) and/or future shoreline alteration requires prior written approval from the RVCA. Within that approval process, we would also address fish habitat protection as per our delegated responsibility under the federal Fisheries Act, Thank you for the opportunity to comment. Please notify the RVCA of the Committee's decision.

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

Severed – B12/021 – A 0.366 acre parcel of vacant land. Land is mainly wooded. Lot addition to existing lot only, added to 132 Sumac Lane.

Severed – B12/022 - A 1.417 acre parcel of vacant land. Land is mainly wooded. Lot addition to existing lot only, added to 126 Sutcliffe Road.

Severed – B12/023 - A 1.718 acre parcel of vacant land. Land is mainly wooded. Lot addition to existing lot only, added to 122 Bishop's Way.

Retained – A 13.851 acre parcel of land. Land is mainly wooded land with areas of clearing/field. Additional sandy loam fill will be required in area of future tile bed.

Otty Lake Cottage Association – No comments were received.

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) lot additions: 0.148-ha lot addition to lands owned by David A & Margaret A Baxter; 0.595-ha lot addition to lands owned by Gail E Read; 0.695-ha lot addition to lands owned by Dennis W & Jacqueline M Staples and retain a 5.605-ha lot with an existing dwelling at 290 McKay Farm Road.

The lot additions will increase the small 'cottage type' lots and encourages a more appropriate land development pattern by bringing the rear lot lines to the existing travelled private roads.

The subject lands are located in an area characterized by Residential and Seasonal Residential on smaller type lots along the shore of Otty Lake. McKay Farm Subdivision is to the south east and an unopened Road Allowance is located to the south west.

The lands are accessed via Sumack Lane and Sutcliffe Lane, both private roads, which adjoin McKay Farm Road, a private Road, to Elmo Grove Road, a county maintained road.

The area has considerable land masses mapped as 'woodlands', however non on the lands to be severed. Care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

A "State of the Lake Environment Report" was undertaken on Otty Lake in 2002-2004. The reports were able to conduct a comparison between water quality conditions as they existed in 2002 and 2004, to results obtained through the years from 1971. In general the

water quality in Otty Lake is good. Water Clarity (TKN) and Total Phosphorus Loading (TP) calculations indicate higher than usual when compared to other area lakes. The elevated concentrations of TP and TKN are to blame for the bloom of blue-green algae that occurred in 2002. Such blooms and increasingly profuse weed growth can be expected in shallow areas of Otty Lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

Provided appropriate development criteria are put in place the application can be considered to be consistent with the Provincial Policy Statement and compliant with policies of the Township's Official Plan and the requirements of the Zoning By-law.

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

**(d) PUBLIC INPUT**

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



March 21, 2012

Mary Kishham,  
Planning Approvals Administrator,  
County of Lanark  
99 Christie Lake Rd.  
Perth, Ont K7H 3L6

File No. B12/021, B12/022 + B12/023

We wish to be notified of the decision  
of the Land Division Committee in  
respect of the proposed consent re  
the above file numbers.

Yours truly,

Shelley Robinson,  
116 Ashgrove Cir.  
Napanee, Ont K2G 0T3  
(613-721-0489)

March 21, 2012

Mary Kishham,  
Planning Approvals Administrator,  
County of Lanark  
99 Christie Lake Rd.  
Perth, Ont K7H 3L6

File No. B12/021, B12/022 + B12/023

We wish to be notified of the decision  
of the Land Division Committee in  
respect of the proposed consent re  
the above file numbers.

Yours truly,

Shelley Robinson,  
116 Ashgrove Cir.  
Napanee, Ont K2G 0T3  
(613-721-0489)

**Mary Kirkham**

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**From:** C & B HORLEY [cbhorley@rogers.com]  
**Sent:** April 6, 2012 11:58 AM  
**To:** Mary Kirkham  
**Cc:** 'Los Nogales Labs'  
**Subject:** RE: B12/021 Katz  
**Attachments:** image001.gif

Dear Ms Kirkham

Per our conversation, we would like to express concern and challenge the land severance until we receive further information on the land use. Our concerns are relating to our deeded right of way access and also potential future access to the northernmost finger of land that extends over our property area from Sutcliffe lane.

We were on vacation for three weeks so did not receive this notice until returning on 30<sup>th</sup> of March. Because we had to contact the overseas other owner, and receive further information from your office, our response is a few days delayed. The notice in our case did not give us sufficient time to respond by 3 April, but given that the notice did allow for later response, we request this minor delay be accepted.

Best regards

Chris & Bonnie Horley, Jennifer Cameron

**(e) MINUTES – April 30, 2012**

Stephan Katz, owner, attended the hearing and gave evidence under oath.

Mr. Katz advised that these parcels are 'left-over' lands between the existing r-o-w and the waterfront lots. And noted that further lot addition applications will be submitted as purchase and sale agreements are processed.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B12/021**

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 David Alexander Baxter and Margaret Anne Baxter described as Part 1, Plan 27R-8428 being Part Lot 30 Conc. 7 North Burgess, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be severed, the lot to be enlarged 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.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that Otty Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any additional development within the 1:100 year flood regulated area on Otty Lake (132.69 metres geodetic) and/or future shoreline alteration requires prior written approval from the RVCA.*

2. *Tay Valley Township advises that development may be subject to "Site Plan Control".*
3. *Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system are on the retained lands.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

## **B12/022**

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 Gail Elizabeth Read described as Part Lot 30 Conc. 7, North Burgess, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be severed, the lot to be enlarged 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.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that Otty Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any additional development within the 1:100 year flood regulated area on Otty Lake (132.69 metres geodetic) and/or future shoreline alteration requires prior written approval from the RVCA.*
2. *Tay Valley Township advises that development may be subject to "Site Plan Control".*
3. *Residents and users of Otty Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system are on the retained lands.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Brent & Patricia Coutts

**Hearing Date:** April 30, 2012

**Applicant:** Ernest George Coutts

**LDC File #:** B12/028

**Municipality:** Tay Valley Township

**Geographic Township:** Bathurst

**Lot: 17      Con 9**

**Roll No.** 0911 916 030 00300

**Consent Type:** Lot Addition and R-O-W

**Purpose and Effect:** To sever a 0.86-ha parcel of land as a lot addition to lands owned by Ernest and Susan Coutts at Pt Lot 17 Conc. 9, Bathurst 27R-546 Pt 1 (1372 9<sup>th</sup> Conc. Bathurst) and retain a 71.14-ha landholding with an existing dwelling, vacant barn and outbuildings (1280 9<sup>th</sup> Conc. Bathurst). A R-O-W to be provided for access to the fields to the north of the lot addition.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Agricultural Building	Agricultural/Residential Agricultural/Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road – Access to</b>	0.86 ha 137.16 m 18.29 m irregular Municipal Road	71.14 ha 128 m Greater than 1,000 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	N/A N/A	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and Organic Soils Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  n/a – lot addition	Rural  1.0-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.

### **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 Provisions, Section 2.15 Existing Uses, Section 2.16 Public Road Access, Section 2.17 Land Use Compatibility, Section 2.22 Water Supply, Sewage Disposal, section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 and 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

The proposal is sever a 0.86-ha parcel of land as a lot addition to be added to land owned by Ernest and Susan Coutts at 1372. 9th Con Bathurst and to retain a 71.3-ha parcel with an existing dwelling.

- Official Plan Designation: Rural & Organic Soils

• Zoning By-law Category: Rural

• Applicable Sections: 10.1 - The existing residential and farm use for the retained lands is permitted. The retained lands meet minimum lot size and minimum frontage. The existing lot being added to is currently undersized and will meet the minimum lot size and frontage as a result of the severance.

• Mississippi Valley Conservation Authority — Not circulated

• MRSSO — Could not support the Minor Variance application as the setback between the proposed building and existing septic didn't meet the minimum requirements. The required setback will be met as a result of this application.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan

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

A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code (OBC) can be installed, replaced, maintained/operated given the new development proposed for the site. A site visit was conducted March 15, 2012.

The purpose of this application, as understood by this office, is to construct a two storey detached garage. The garage will be west of the existing septic system.

The property is 0.21 ha. There currently is a dwelling on the property. The dwelling is serviced by a septic system that was installed in 1977; permit number P-114-77 and drilled well.

The size of the existing septic system will not be impacted as this office understands there will be no living space, bedrooms, or fixture units in the garage. The location of the proposed structure does encroach on the existing septic system. As illustrated in the attached site plan, the proposed garage will be 12 feet (3.7m) from the distribution pipe. As measured onsite, the actual separation distance from the proposed garage (staked area) to the distribution pipe is approximately 2.0m (6.6 feet). The OBC minimum separation requirement from distribution pipes is 16.4 feet (5.0 m).

Based on the minimum requirements of the OBC, the MRSSO cannot support this application for Minor Variance.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 0.86-ha parcel of land as a lot addition to lands owned by Ernest and Susan Coutts at Pt Lot 17 Conc. 9 Bathurst (1372 9<sup>th</sup> Con Bathurst), and retain a 71.14-ha landholding with an existing residence, vacant barns and outbuildings (1280 9<sup>th</sup> Con Bathurst). The R-O-W is an existing farm access to the adjacent fields and bush.

The subject lands are located in an area characterized by large landholdings, interspersed with residential building lots along 9<sup>th</sup> Line Bathurst. The barns on the retained lands are currently vacant, however not MDS is required as residential development is existing.

The lands are accessed via 9<sup>th</sup> Con Bathurst, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – granodiorite, granite, syenite

The area has considerable land masses mapped as ‘woodlands’, however none are located on the lands to be severed. Woodland Development Policies have not been established by Tay Valley Township.

Provided appropriate development criteria are put in place the application can be considered to be consistent with the Provincial Policy Statement and compliant with

policies of the Township's Official Plan and the requirements of the Zoning By-law.

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 – April 30, 2012**

Brent Coutts, owner and Ernest Coutts, applicant, attended the hearing and gave evidence under oath.

Mr. E Coutts advised that the existing lot is only ½ acres and that additional lands were required in order to construct a garage. Also that the r-o-w to be included with the lot addition is a long-time existing farm laneway.

The committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained.
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4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Ernest George Coutts and Susan Irene Coutts described as Part 2, Plan 27R-546, Part Lot 17 Conc. 9 Bathurst, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
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 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 applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

## **NOTES**

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