



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, November 26, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: D. Murphy and W. Guthrie

Member Absent: R. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**1. CALL TO ORDER**

A quorum was present. In the absence of the Chair, the Secretary-Treasurer called the meeting to order.

**2. APPOINTMENT OF CHAIR**

The Secretary-Treasurer called for nominations for chair.

**MOVED BY:** W. Guthrie

**"THAT**, Dan Murphy be appointed 'Chair" for the Land Division Committee meeting November 26, 2012."

**3. DISCLOSURE OF PECUNIARY INTEREST**

None.

**4. APPROVAL OF MINUTES**

**MOTION #LD-2012-028**

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

**"THAT**, the minutes of the Land Division Committee meeting held on October 29, 2012 be approved as circulated."  
**ADOPTED**

**5. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-29**

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

“THAT, the agenda be adopted as circulated.”

**ADOPTED**

**6. DELEGATIONS & PRESENTATIONS**

None.

**7. COMMUNICATIONS**

7.1 RVCA – Watershed Briefs.

**8. REPORTS**

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

**8.1.1 B12/090 – 1343791 Ontario Inc. – New Lot**

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

**8.1.2 B12/105 – Tony Brownrigg – Lot Addition**

Pt. Lot 9 Conc. 1, Township of Montague. (Burchill Road)

**8.1.3 B12/110 – Lloyd Van Order - New Lot and Easement**

Pt. Lot 30 Conc. 10, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Otty Lake Sideroad)

**8.1.4 B12/114 – 2325388 Ontario Inc. New Lot**

Pt. Lot 21 Con. 1, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Bellamy Road)

**8.1.5 B12/118 – Chantel and Larry Lafreniere – R-O-W**

Pt. Lot 13 Conc. 5, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Parson’s Way)

8.2 Applications Previously Heard and Awaiting a Decision

**None**

**9. CONFIDENTIAL REPORTS**

None

**10. NEW/OTHER BUSINESS**

**10.1** OACA Conference 2013 – W. Guthrie received notice of the 2013 OACA Conference which is to be held on May 26 to 29, 2013 in Richmond ON. This date conflicts with the May LDC Meeting. The secretary to see if the Council Chambers is available May 24, 2013 and report back to the Committee in December.

**11. PUBLIC HEARING:**

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

**11.1 PROVISIONAL CONSENT GRANTED**

**11.1.1 B12/090 – 1343791 Ontario Inc. – New Lot**

**11.1.2 B12/105 – Tony Brownrigg – Lot Addition**

**11.1.3 B12/110 – Lloyd Van Order - New Lot and Easement**

**11.1.4 B12/114 – 2325388 Ontario Inc. New Lot**

**11.1.5 B12/118 – Chantel and Larry Lafreniere – R-O-W**

**12. UPCOMING MEETINGS**

Monday, December 17, 2012 @ 9:00 a.m.

Monday, January 28, 2013 @ 9:00 a.m.

Monday, February 25, 2013 @9:00 a.m. and

Tuesday, April 9, 2012 @ 9:00 a.m.

**13. ADJOURNMENT – 11:00 a.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 1343791 Ontario Inc. **Hearing Date:** November 26, 2012  
**Applicant:** Lyle W. Campbell  
**LDC File #:** B12/090  
**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith **Lot:** 23 **Conc.:** 3  
**Roll No.** 0924 000 015 04000 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 0.9-ha residential building lot and retain a 25.0-ha vacant landholding. The lands are accessed via King's Creek Road

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Bush Lot	Vacant
<b>Proposed Use</b>	Residential	Future Subdivision
<b>Area</b>	0.9 ha	25 ha
<b>Frontage</b>	95 m	135 m
<b>Depth</b>	160 m	535 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	None
<b>Sewage Disposal</b>	Private Septic	none
<b>Official Plan Designation</b>	Rural	
<b>-Conformity?</b>	Yes	
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 4 General Policies, Section 4.5 Division of Land, Section 6 Rural Area 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 11 Rural Zone

The Township of Lanark 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**

##### **EXECUTIVE SUMMARY**

The applicant has submitted a consent application to sever a 0.9 ha building lot with 75m of frontage on Kings Creek Road. The property has been severed in the past; however, this severance application is being submitted to compliment a plan of subdivision application for the retained lands. The subject lands cannot be efficiently incorporated into the plan of subdivision and would result in excessively large residential lots. Permitting an additional severance will promote more efficient use of the land. Staff have not received any comments or concerns regarding the severance.

##### **PURPOSE AND EFFECT OF APPLICATION**

The purpose and effect of the application is to create a new 0.91 ha (2.25 acre) lot with 75m of frontage within the Township.

##### **NOTICE OF APPLICATION**

County of Lanark distributed notice of the application to residents within 60m of the subject property and to required public agencies. Staff provided the mailing list for the 60m residents.

##### **DESCRIPTION OF SUBJECT LANDS**

The subject lands front onto Kings Creek Road. The lands are currently vacant; however, the retained lands will be the subject of a forthcoming plan of subdivision. The plan of subdivision will be the second phase of the existing Cam's Ridge subdivision and the concept plan was present to the Township in December, 2011.

## PROVINCIAL POLICY STATEMENT

Section 1.1.4 of the PPS regards development within rural areas of municipalities. These policies permit limited development where services are available and in place. The proposed severance has frontage on an open and maintained road, and is adjacent to existing dwellings that the municipality provides garbage collection and emergency services to.

There do not appear to be any natural features on the subject property.

## OFFICIAL PLAN

The property is designated as Rural lands.

Section 4.5 states that consents will be generally be used to create one or two new lots. Although the property appears to have been severed in the past, Staff believes that permitting the severance application will result in a more efficient use of land. The property owner intends to submit a plan of subdivision application to the County of Lanark in the coming months. Due to the size and shape of the land holdings owned by the applicant, there does not appear to be an efficient way to include the subject lands within the plan of subdivision, without creating excessively large parcels. Therefore, although the severance will be the forth from the landholding, this appears to be a suitable situation to permit an additional severance as the result will be a more efficient use of land and there would be no opportunity for further division on the property.

The applicant had indicated that they will include the lands to be severed within their hydrogeological study for the proposed plan of subdivision. This study will confirm that sufficient quantity and quality of water exist on the subject lands.

The application was submitted prior to CPA 25 receiving provincial approval.

## ZONING BY-LAW

The subject lands are zoned Rural, while the retained lands will be rezoned to Rural Residential after the submission of the plan of subdivision application. Within the Rural zone, minimum lot size is 4,000m<sup>2</sup> and minimum frontage is 45m. The proposed severance is 9,100m<sup>2</sup> and will have 75m of frontage on Kings Creek Road.

The proposed severance conforms to the requirements of the zoning by-law.

## OPTIONS I ANALYSIS

The Township could choose to enforce the policies of the Official Plan to strictly permit a maximum of two severances on the subject property, which would prevent the severance from being approved. It appears to be difficult to include the subject lands efficiently into the proposed plan of subdivision with sufficient road frontage. Including the subject land within the plan of subdivision would result in excessively large lots, which are not an efficient method of servicing a municipality.

By allowing the subject property an additional severance on a parcel that has already been severed in the past, the municipality will allow a more efficient use land that otherwise would be used for lower-density residential development.

It should be noted that the Township should not grant additional severances to all property owners. It would be difficult to consider an additional severance off of a 100 acre parcel as more efficient development. But as the Township is aware of plans for a second plan of subdivision on the adjacent lands, and it is clear that the subject land

could not be easily incorporated to the plan without creating excessively large lots, this appears to be an appropriate situation to grant an additional severance. It should also be noted that the land division policies will be more restrictive after CPA 25 is approved and implemented.

#### COMMENTS

No comments have been received regarding the proposed severance.

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

1. To ensure that development of the retained lot is accessed by the future extension of Cam's Way:
  - a. Transfer a 0.3m reserve along the north side of Kings Creek Road in front of the retained lands to the Township of Beckwith; and
  - b. Consolidate the retained lands with lands in part Lot 22, being the lands south of Cam's Way phase 1;
2. That the Township receives confirmation of water quantity and quality prior to final approve of this consent application;
3. That the applicant register a 5.0m drainage easement across the front of the severed lands to accommodate drainage from Cam's Way Phase 2;
4. That the applicant provide the Township of Beckwith with a paper copy of the reference plan;
5. That the applicant pay the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) to the Township of Beckwith;
6. That the applicant confirm with the Township of Beckwith Public Works Superintendent that an entrance permit for the severed lands is feasible.

#### Advisory Note:

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

#### **Conservation Authority:** - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

#### Natural Heritage and Natural Hazards

There have been no natural hazards or heritage features identified on this site which would preclude this application.

#### Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

**Septic Office:** Leeds Grenville & Lanark District Health Unit

Severed – The land to be severed is a 15.09 hectare bush lot intended for residential use. Drainage is toward the east. There is approximately 0.3 m of vegetation above rock. The septic system for the proposed home would need to be fully raised using imported sandy loam fill.

Retained – The land to be retained is an approximately 25 hectare bush lot. Drainage is toward the east. There is approximately 0.3 m of vegetation above rock. Development is not currently intended on the land. However, the property could support a Class 4 conventional septic system that conforms to Ontario Building Code Part 8.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W** – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.9-ha residential building lot and retain a 25-ha vacant landholding.

The subject lands are located in an area characterized by residential development on a mixture of lot sizes along King's Creek Road. The designated settlement area of Prospect is located to the west and Cam's Ridge Subdivision is located to the north.

This consent application represents a fourth severance on Lot 23; however, the owner intends to develop the remnant lands as "Phase II" of the Cam's Ridge Subdivision. It is intended that the internal road would not access King's Creek Road, but would rather wind its way through the remnant lands and the adjoining lands to the west in a 'U' shape ending in a cul-de-sac in the north east portion of lot 23. The removal of the lands which are the subject of this consent application from the landholding provides a more efficient use of the remnant lands for sub-division purposes.

The lands are accessed via King's Creek Road, a municipally maintained road.

Soils Inventory – Name: Farmington

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, sandstone.

## Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating one or two new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands  
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 Beckwith.

## Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meets the minimum frontage and any dwelling constructed on the lands will be required to meet the minimum setback requirements of the Zoning By-law.

## Conclusion

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, the County Official Plan and Official Plan for the Township of Beckwith and could be given favourable consideration.

(e) **MINUTES – November 26, 2012**

Lyle Campbell, agent, attended the hearing and gave evidence under oath.

Ms. Campbell advised that the HydroG report has been completed for the draft subdivision, which includes these lands, and that the report was favourable. Mr. Campbell also recognizes that this is a fourth consent; however, the development proposal is reasonable given the proposed layout of Cam's Ridge Phase 2.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
6. The applicant shall transfer a 0.3m reserve along the north side of Kings Creek Road and the retained lands to the Township of Beckwith.
7. The applicant shall cause the retained lands to be consolidated with the adjacent lands owned by the applicant, being described as Part Lot 22 Conc 3 Beckwith (south of Cam's Way Subdivision Phase 1).
8. That the Township of Beckwith receive confirmation of water quantity and quality prior to final approve of this consent application.

9. That the applicant register a 5.0m drainage easement across the frontage of the severed lands to accommodate drainage from Cam's Way Subdivision Phase 2.
10. A letter shall be received from the Township of Beckwith stating that condition #3 through #9 have been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that the future septic system would need to be fully raised using imported sandy loam fill.*
2. *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.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Tony Brownrigg

Hearing Date: November 26, 2012

Agent: N/A

LDC File #: B12/105

Municipality: Montague

Geographic Township: Montague

Lot: 9 Con 1

Roll No. 0901 000 010 23600

Consent Type: Lot Addition

**Purpose and Effect:** To sever a 6.11-ha parcel of land as a lot addition to lands owned by Tony Brownrigg at 1019 Richardson Road and retain a 7.81-ha landholding with an existing dwelling and outbuildings at 499 Burchill Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Farm Farm	Farm Farm
Area Frontage Depth Road - Access to	6.11 ha 508.1 m 255 m Municipal Road	6.11 ha 508.1 m 255 m Municipal Road
Water Supply Sewage Disposal	Private Well None	Private Well None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category  -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural  n/a lot addition	Rural  0.4-ha Yes 46 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.

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0- Natural Heritage, Section 6.0 Resources, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General development Policies, Section 2.16 Road Access, Section 2.18 Cultural Heritage, Section 2.21 Natural Heritage Features, section 2.22 Grown Water, Sewage Disposal, Section 3.2 Mineral Resource, Section 3.6 Rural Policies, section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 15 Extractive Industrial Zone, Section 18 Rural Zone.

The Township of Montague advises that the proposal complies with the Zoning By-law regulations.

## **(b) AGENCY REVIEW**

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

### **Township Planner's Report**

Please be advised that I have reviewed the above noted consent application and have determined that it is consistent with the Township of Montague's Official Plan and Zoning By-law. As I understand it, the applicant is intending to sever a 6.11 hectare (15 acre) irregularly shaped parcel from his lot fronting on Burchill Road and adding it as a lot addition to his adjacent 16.75 hectare (41 acre) parcel, which has a dwelling fronting on Richardson Road.

This application transfers a vacant area of land (consisting of woodland and pasture) from one large lot with a dwelling to another large lot with a dwelling. As such, this reconfiguration does not really affect development potential in the area, since there is no new lot nor does it affect any existing uses. The resulting 56 acre lot will now have frontage on two parts of Burchill Road in addition to more frontage on Richardson and the application complies with the Township's Consent Policies (Sec. 5.2.3), as well as the underlying policies of the Rural Designation. I do note a number of environmental constraints on the severed and retained lands, including significant woodlands on the severed lands and significant valleylands (along the Rideau Creek) on the severed and retained lands. As per Policies 2.21.3 and 2.21.7 of the Township's Official Plan, the applicant has submitted an Environmental Impact Assessment in support of this application with regards to the creek and valleylands. While I do not have a copy, I understand that the Assessment is supportive of the application provided that certain mitigative measures are undertaken should development occur in the future. Additionally, significant woodlands are located on a portion of the severed lands, however this application in and of itself should not have any sort of impact on that. While the severed and retained lands are designated Rural, most of the lands to be enlarged are designated as an Aggregate Pit, although there does not appear to be large scale extraction on the site at this time. While the policies of Section 2.17.2 of the Plan need to be considered, I am satisfied that the application affecting adjacent lands would not impact the extraction of the resource given that no new residential or other sensitive use is enabled.

The severed and retained lots are both within the Rural (A) Zone and most of the lot to be enlarged is zoned Extractive Industrial. This application is consistent with all applicable policies of the Township's Zoning Bylaw.

To conclude, I am satisfied that assuming the conditions contained in the EIA are addressed for any future development, this application is consistent with the policies of the Township's Official Plan and Zoning By-law.

As such the Township of Montague supports the Brownrigg consent, provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The severed lands shall be for a lot addition only to adjacent lands as identified in the Application
- 2/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 3/ 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.

- 4/ Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township for both the severed and retained lands. 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.
- 5/ Pursuant to the comments of the Rideau Valley Conservation Authority dated October 29th 2012, the Applicant agrees to implement the conditions and recommendations as outlined in the Environmental Impact Statement submitted in support of this application.

**Conservation Authority** – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

**PROPOSAL**

The proposal is for the severance of 6.11 ha parcel from the existing 13.92 ha parcel.

**PROPERTY CHARACTERISTICS**

A tributary to Rideau Creek has been identified on the northern portion of the severed parcel, while Rideau Creek has been identified on the retained parcel. In addition the severed and retained parcels have been identified as having Significant Valleylands in association with Rideau Creek in the Township's Official Plan. Rideau Creek is characterized by gentle slopes on each side of the creek left in its natural state. The severed parcel is vacant with grassland habitat on the northern portion of the parcel, while the southern portion consists of uncultured grass and shrubland and the edge of a forest. The retained parcel consists of hayfields, uncultured grass and shrubland, a house, garage and a barn.

**REVIEW**

**Natural Hazards**

There have been no natural hazards identified on the site which would preclude this application.

**Natural Heritage**

**Rideau Creek**

The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).

We note that in accordance with the Municipality's Official Plan a 30 metre setback is required from any water body. Therefore should any future development be proposed on the severed parcel, in particular on the northern portion, then the required 30 metre

setback from Rideau Creek and its tributary will need to be factored into the placement of any development.

#### Significant Valleyland

The Provincial Policy Statement and the Official Plan requires that site alteration not be permitted on adjacent lands to natural heritage feature (includes significant valleyland) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Accordingly the applicant has submitted an EIS "*Environmental Impact Statement for Mr. Tony Brownrigg RE: Severance, Part Lot 9, concession 1, Montague Twp., Lanark county*" dated September 26, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.

The report has concluded that providing the mitigating conditions in the report are implemented then the severance is not expected to cause negative impacts on Natural Heritage Values of the area including the Significant Valleyland. In addition the report has made recommendations regarding mitigation measures for future development on the two respective plots.

Among the findings in the EIS, Bobolink and Meadowlark are expected to be present in the cultured grasslands identified entirely on the northern severed parcel and the hayfield on the retained parcel. Accordingly the EIS has made compensation recommendations should a residence be proposed on the severed parcel north of Rideau Creek or on the retained parcel. Given that the Species at Risk Act is within the jurisdiction of the Ministry of Natural Resources, the Owner should contact the Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for development on the northern severed parcel.

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application subject to the following condition:

1. That the applicant enter into a development agreement with the Municipality to the satisfaction of the conservation Authority that includes the following clauses:  
That the Owner acknowledges and agrees to implement all of the recommendations in the EIS "*Environmental Impact Statement for Tony Brownrigg RE: Severance, Part Lot 9, Concession 1, Montague Twp., Lanark County*" dated September 26, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.

That the Owner acknowledges and agrees that all development on the severed and retained parcels shall be setback a minimum of 30 metres from the normal highwater mark of Rideau Creek,

That the Owner acknowledges and agrees that Rideau Creek is subject to Ontario Regulation 174/06 made pursuant to Section 28 of the Conservation Authorities Act as administered by the Rideau Valley Conservation Authority. The prior written approval of the RYCA is required for any alteration, straightening, changing, diverting or interfering in any way with any watercourse (including watercourse crossings).

#### Notes

It is the Owners responsibility to contact the Ontario Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for any development on the severed parcel or the hayfield on the retained parcel.

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

**Severed** – The land to be severed totals 6.11 hectares and is in two portions. The portion on Richardson Road is rolling, with the land sloping from both sides toward a swale but the main drainage is toward the creek. The second portion is treed. 3 or more feet of soil/sand was observed in some locations. The land is intended to remain for agricultural use. If a septic system is required in the future, one could be accommodated.

**Retained** – The land to be retained is 7.81 hectares. It contains a house, garage and barn and consists of fields, trees and a ravine to the east of the house. Drainage varies but, in the area of the house, appears to drain toward the ravine and toward the south. The septic system is located toward the south of the house. The severance will still allow for future replacement of the septic system with a Class 4 conventional system that conforms to Ontario Building Code Part 8.

#### (c) **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.

- MARY KIRKHAM -

SEPT/30/2012

PLEASE NOTIFY ME OF THE DATE FOR  
PUBLIC MEETINGS REGARDING FILE #

FILE - B 12 / 105

LAND - PT. 9 CONC 1

MUNICIPALITY - TOWNSHIP OF MONTAGUE

OWNER - TONY BRENNAN RIGG

RECEIVED  
LANARK  
COUNTY

OCT 02 2012

Clerk's Department

THANK - YOU -

ANDREW SMALL

(613) 269-4309

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 6.11-ha vacant parcel of land as a lot addition to adjacent lands described as Pt. Lot 9 Conc. 1, Montague (27R-2904 Part 2) and retain a 7.81-ha landholding with an existing dwelling, garage and barn located at 299 Burchill Road.

The subject lands are located in an area characterized by Residential development on larger type lots landholdings along Richardson Road and Burchill Road. An existing licensed extractive operation is located on the adjacent lands, however no material has been removed from these lands for several years. The applicant has been in discussion with MNR to have the pit license rescinded.

No MDS calculation was undertaken as the barns are being for storage only.

An EIS was undertaken by the applicant and reviewed by the Conservation Authority. Mitigative measures are outlined in the RVCA Report.

The lands to be severed will be accessed via Richardson Road and the retained lands are accessed via Burchill Road.

Soils Inventory – Mixture from south to north

Name: Farmington	Mountain
Stoniness: moderately stony	non-stony
CLI: 3 – moderately severe	2 – moderate limitations
Drainage: well drained	imperfectly
Hydrogeology: moderate	slow

Bedrock Inventory – Dolostone, sandstone

### Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands  
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 been established by the Township of Montague.

### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot is intended as a lot addition and the retained lands are already developed. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

### Conclusion

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, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration.

(e) **MINUTES – November 26, 2012**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Anthony Walter Brownrigg described as Part 2, Plan 27R-2904 Pt. Lot 9 Conc. 1 Montague, 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 Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office
6. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening

requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. 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 October 29, 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.
8. A letter shall be received from Rideau Valley Conservation Authority stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Montague stating that condition #4 through #7 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The applicant is advised that it is the Owners responsibility to contact the Ontario Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for any development on the severed parcel or the hayfield on the retained parcel.*
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.*



limited residential development and other rural land uses.

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

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

### **2.3 Agriculture**

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 3 General Provisions, Section 3.11 Influence Areas, Section 4.3 Rural Policy Area, Section 5/3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law - Section 4 general Provisions, Section 7 Rural Zone.

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

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

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

#### **Township Planner's Report**

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is generally consistent with the Township's Official Plan and Zoning By-law. It is my understanding that Lloyd Van Order seeks to sever a 2.83 hectare (7 acres) parcel from the southwest corner of his approximately 40 hectare landholding. The severed lands are currently vacant and mostly wooded and the retained lands contain a farm (at the far end of the lot) and most of the remainder is pasture, with some bush and wetland. The intended use of the new lot is residential and access would be provided from Otty Lake Sideroad, which forms the boundary between Drummond/North Elmsley and Tay Valley Townships. Mr. Van Order intends to transfer the lands to his daughter, who is the applicant Barbara Beard.

The entire lands are designated Rural in the Township's Official Plan and the intent of the Rural designation is to "protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting", which include limited residential development that does not impact on the rural character of the area. This application complies with these policies and is consistent with the predominant low density residential character of the area, on both the Tay Valley and

Drummond/North Elmsley sides of the road. Township staff met the applicant on a number of occasions to discuss a severance off of this lot and a few locations were considered and discussed. The applicant chose to apply for a lot that is sufficiently far away so as to have no impact on the agricultural function of the farms along Scotch Line Road but is located in an area that contains extensive potentially significant woodland, including edge habitat of a larger woodland complex along Wild Life Road and linking to another woodland across Oily Lake Sideroad in Tay Valley. Additionally, the Rideau Valley Conservation Authority in their review has identified a locally significant wetland on a small portion of the severed lands. I note that there is an approximately 1 acre cleared portion of land at the northwest corner of the lot along Oily Lake Sideroad and I believe that a sufficient building envelope exists in that area such that a single family dwelling would be suitable while minimizing any alteration of significant habitat. I believe a condition that the owner enters into a Development Agreement with the Township to prohibit development within the significant woodlands unless supported by an Environmental Impact Study as well as establishing a 30 metre development and site alteration setback from the wetland (as suggested by RVCA) would be appropriate. Aside from these constraints, this application is consistent with all other applicable policies in the Township's Official Plan. Additionally, the proposed severed and retained lot complies with all land use policies of the constituent Rural Zone.

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

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- 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 enter into Site Plan Control or Development Agreement with the Township to address the concerns with regards to wetland setbacks and significant woodlands to ensure the continued protection of sensitive natural features on the severed and retained lands.

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application as it relates to Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act and as it relates to the Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

The Rideau Valley Conservation Authority has no objection the severance application, however, we note that there is a small area of wetland associated with the bush land on the severed parcel and a second area of wetland extending on to the retained parcel on the east lot line (see attached mapping).

We recommend that a minimum 30 metre setback be respected for any development or site disturbance which may impact the hydrologic function/drainage of the wetland.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613- 267-5353 x 131 should you have any questions.

**On-Site Services (Septics)** – Leeds, Grenville & Lanark District Health Unit  
Severed – Fair Drainage on this bush lot with no discernible slope. Outcropping rock ridge bordering the north and east sides dividing the property from a swampy area with poor drainage. 0-60 cm of silty sand soil on rock.

Retained – Large farm property. Some sections with good drainage and some swampy areas. Existing system at the farm house. No obvious signs of failure. Existing well next to house. This severance will not negatively impact on-site sewage disposal for the retained property.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W** – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

**Tay Valley Township** = No comments were received.

(c) **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.

## **Mary Kirkham**

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**From:** Barbara Beard <barbara.alexandra.beard@gmail.com>  
**Sent:** October 29, 2012 5:26 PM  
**To:** Mary Kirkham  
**Cc:** mvanorder@cogeco.ca  
**Subject:** Monica Van Order right of way through Barbara Beard' land

1679 Autumn Crescent  
Pickering, ON L1V 6X5  
905-837-5396  
October 29, 2012  
Mary Kirkham, Secretary-Treasurer  
Lanark County Land Division Committee  
Administrative Building Sunset Blvd.  
99 Christie Lake Road  
P.O. Box 37  
Perth ON K7H 3E2  
Dear Mrs. Kirkham.

I am writing to state that Monica Van Order has the right to access her land using the entrance on my (Barbara Beard's) land.

Thanks for your help.

]  
Sincerely

*Barbara Beard*

### **(d) PLANNING REVIEW**

#### Background and Summary

The applicant proposes to sever 2.83-ha residential building lot, together with an r-o-w in favour of the adjacent landowners (Monica Van Order) and retain a 38.2-ha landholding with an existing dwelling, barn and sheds at 2233 Scotch Line Road. .

The subject lands are located in an area characterized by Residential on large landholdings along Scotch Line Road and Otty Lake Sideroad, intermixed with typical residential building lots.

The lands are accessed via Otty Lake Sideroad, a municipally maintained road.

No MDS was carried out as the farm buildings are located on the northern portion of the lot in excess of 500 metres from the proposed lot.

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 7 – natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – granodiorite, granite, syenite

### Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.  
Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.  
Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of “general policies” also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.  
Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed
- 3/ Woodlands  
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 been established by the Township of Drummond / North Elmsley.

### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

### Conclusion

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, the County Official Plan and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – November 26, 2012**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall grant an appropriate right-of-way to the owner of the adjacent lot – Monica Lenore Van Order Pt. Lot 30 Conc. 10 North Elmsley being Part 1 on Reference Plan 27R-8858.
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. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall address concerns with regards to wetland setbacks and significant woodlands to ensure the continued protection of sensitive natural features on the severed and retained lands.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

**NOTES:**

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location for the future residence, imported leaching bed fill may be required to construct a conforming septic system.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding. 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:** 2325388 Ont. Inc. **Hearing Date:** November 26, 2012  
**Applicant:** Evans McNabb  
**LDC File #:** B12/113  
**Municipality:** Mississippi Mills  
**Geographic Township:** Pakenham **Lot:** 21 **Con 1**  
**Roll No.** 0931 946 020 00910 **Consent Type:** New Lot

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**Purpose and Effect:** To sever a 1.15-ha residential building lot with access to Bellamy Road and retain a 1.23-ha residential building lot with access to Peneshula Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.15 ha	1.23 ha
<b>Frontage</b>	112 m	160 m
<b>Depth</b>	138 m	84 m
<b>Road - Access to</b>	Municipal Road	County Road
<b>Water Supply</b>	Proposed Well	Proposed Well
<b>Sewage Disposal</b>	Proposed Septic	Private Septic
<b>Official Plan Designation -Conformity?</b>	Rural Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0- Natural Heritage, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 Basis of Plan, Section 3.3 Rural Policies, section 3.3.6 Severances and Lot Creation, section 4 General Policies, Section 4.6.3 County Roads, Section 4.6.4 Municipal Roads Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

Zoning By-law - Section 6 General Provisions, Section 12 Rural Zone.

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

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

#### **Town Planner's Report**

##### **Background**

Evans McNab currently owns a 1.87 ha (4.63ac) parcel of land with frontage on Bellamy Road which is a municipally owned and maintained road and Peneshula Road which is a county owned and maintained road. The subject property is located in the north-east quadrant of Pakenham Ward, in the Town of Mississippi Mills. No structures or buildings exist on the vacant lot. The intent of the application is to create one lot of approximately 1.15ha (2.84ac) from the existing lot and retaining the remainder resulting in the creation of one lot plus the retained lot.

All of the lands subject to the consent application are designated Rural in the Official Plan. All of the lands are zoned "Rural (RU) Zone."

##### **Severance Application Summary - Lot Severance**

This application is to sever a 1.15ha (2.84ac) parcel of land from the existing rural lot to create a new rural residential lot. The proposed lots would have 259m (849.73ft) of frontage on Peneshula Road. The severed lot would have 50m (164ft) of frontage on Bellamy Road.

Both the severed and retained lots are being created for the construction of a single residential dwelling on each lot.

##### **Community Official Plan**

The subject property has an Official Plan designation of Rural. Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6-Severances and Lot Creation, permits

severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original Township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire the proposed severance on the property.

Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. It also requires that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. The driveway between the proposed severed lot and the existing non-farm residential lot is well over 300m (984.3ft), providing the ability to provide a new entrance for the retained lot and to satisfy the requirements of the policy.

Section 3.3.6.5 (iii) of the Community Official Plan requires that the retained lot and the severed lots have frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Both the severed and retained lots have direct frontage onto Peneshula Road, which is currently owned and maintained by the County of Lanark.

Section 3.3.6.5 (vi) of the Community Official Plan requires a minimum lot size of 1 hectare for a non-farm residential lot. The proposed severed lot and retained lot exceed the minimum lot size requirement.

#### Zoning By-law 11-83:

The subject property is currently zoned Rural (RU). The Rural (RU) zone permits a range of rural and agricultural uses including a single detached residential dwelling. For lands intended to be used for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft). Application B12/114 requests approval to sever a parcel of vacant land. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

#### Evaluation

The subject lands are a result of two municipal road ways dividing the original lot, thus creating a transferable parcel that is permitted to be further divided provided it meets the other policies. This parcel of land has an approximate road frontage of 264m (866ft) onto Peneshula Road and 122m (400ft) on Bellamy Road, which are sufficient to meet the require separation distances between driveways.

The proposed consent application is able to satisfy most of the consent policies and provisions except for the minimum lot area. The parcel of land subject to the request currently has a minimum lot area of 1.8ha (4.61ac), which would result in either the severed or retained lot not meeting minimum lot size required by the Community Official Plan or the local zoning by-law. However, the Town has approved the stop-up and closure of the unopened road allowance between Lot 20 and Lot 21, Concession 1 Pakenham and approved the transfer of approximately 0.5ha (1.29ac) to lands subject to the consent application. The addition of these lands will increase the lot area of the lands subject to the application to 2.4ha (5.9ac), which will satisfy the minimum lot size requirements.

## Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law provided that the additional land being acquired by the road closure is transferred and added to the existing lot. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant must acquire entrance permits;
5. That the applicant must agree to widen the road allowance as acceptable to the municipality on both the severance and the retained lands;
6. That the applicant must acquire a PIN/Municipal address for each lot
7. That the transfer of the land associated with the road closure must be completed prior to final approval of the consent request.

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

**Severed** – A 2.86 acre parcel of vacant wooded land. There is an area that is low and a man-made pond has been constructed. There is sufficient area on property to support a conventional tile bed. Additional sandy loam fill is required in area of tile bed.

**Retained** – A 3.04 acre vacant wooded parcel of land. Property is mainly forest. Land is undulating with some areas of shallow soils and rock outcrops. There is sufficient area to support construction of a conventional tile bed. Additional sandy loam fill is required in area of future tile bed.

## **County Roads Department**

Retained lands have an approved residential entrance location – Permit Application 2405 applies. Proposed severed land to gain access of local municipal road (Bellamy Road).

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** – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever 1.15-ha residential building lot and retain a 1.23-ha residential building lot. All the lands are currently vacant.

The subject lands are located in an area characterized by large landholdings along both Peneshula Road and Bellamy Road. A number of typical residential lots are located to the east along Bellamy Road. The lands to be severed will access Bellamy Road and the retained lands access Peneshula Road.

The severed lands are accessed via Bellamy Road, a municipally maintained road and the retained lands are accessed via Peneshula Road, a county maintained road.

Bedrock Inventory – flows, tuffs, breccias

**Official Plan Policies**

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

3/ Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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, the County Official Plan and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – November 26, 2012**

Evans McNab attended the hearing and gave evidence under oath.

Mr. McNab confirmed that the dimensions outlined on his application form included the area that encompasses the road allowance, which is in the process of being closed and conveyed to the numbered company. This area is required in order to ensure that the lands meet the minimum lot size requirements in the Zoning By-law. The Road Closing process is in the final stages of being completed. Mr. McNab also advised that he had submitted applications for both road entrances, and that one had been installed.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall confirm that a residential entrance to the severed lands is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. The applicant shall obtain a Civic Address Number for both the severed and retained lands from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Town of Mississippi Mills 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. The transfer of the lands associated with the road closure shall be completed prior to final approval of the consent.
10. The applicant shall submit a full entrance application for the retained lands to the County of Lanark Public Works Department and install the entrance as required in the permit.
11. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.

12. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill is required in area of future tile bed on both the severed and retained.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Chantal & Larry Lafreniere **Hearing Date:** November 26, 2012  
**Agent:** Denis & Christine Leduc  
**LDC File #:** B12/118  
**Municipality:** Lanark Highlands  
**Geographic Township:** Dalhousie **Lot:** 13 **Con** 5  
**Roll No.** 0940 002 025 3150 **Consent Type:** Right-of-way

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**Purpose and Effect:** To sever a R-O-W shown as Part 3 on the attached sketch over lands owned by C & L Lafreniere (224 Parsons Way) in favour of D & C Leduc (228 Parsons Way) and release the R-O-W shown as Part 1 on the attached sketch.

(a) **APPLICATION REVIEW**

**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.

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3 Transportation, Section 5.0 Natural Heritage, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 3.0 Growth and Settlement, Section 4.5.4 Private Roads, 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 11.0 Lakefront Development.

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**

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee to legally recognize a new right of way and release the existing right of way located on

lands legally described as Part of Lot 13, Concession 5, Geographic Township of Dalhousie now in the Township of Lanark Highlands. The change in right of ways was previously approved by the Land Division Committee but lapsed.

#### 1.1 OFFICIAL PLAN

The lands are designated Rural on Schedule 'A-2' of the Township's Official Plan. Section 4.5.4 of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

#### 1.2 ZONING

The lands are zoned Rural and Lake Front Development on Schedule 'A 2' of Zoning By-law 2003-451.

#### 2.0 Discussion

The application will provide legal land access to the property located at 228 Parsons Way. For this reason, staff supports the application.

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.

#### (c) **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.

#### (d) **PLANNING REVIEW**

##### Background and Summary

The applicant proposes to sever an existing r-o-w over part 3 on Plan 27R-8474 together with an easement over Part 1 on Plan 27R-8369 and release an interest in Part 1 on Plan 27R-8474.

The existing r-o-w adjoins Parson's Way and existing Private Road.

##### Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 10.11.13 of the OP. Generally, the consent process will be used for the purpose of creating up to two (2) parcel of land. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required. The lot creation date for Lanark Highlands in March 2003.
- 3/ Woodlands  
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.

#### Zoning

The R-O-W and Easement are not affected by the Zoning By-law requirements.

#### Conclusion

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the 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, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

#### **(e) MINUTES – November 26, 2012**

Chantel Lafreniere, owner and Christine Leduc, agent attended the hearing and gave evidence under oath.

Ms. Lafrenierre advised that the ROW as shown as Part 1 has not been used for over 40 years.

Ms. Leduc advised that they have a hydro easement which was recently renewed.

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 applicant shall submit to the Secretary-Treasurer of the Land Division Committee an undertaking, that the R-O-W shown as Part 1 on Reference Plan 27R-8474 will be released.
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 Lanark Highlands.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #8 has been fulfilled to their satisfaction.