



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, December 17, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2012-030

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

“THAT, the minutes of the Land Division Committee meeting held on November 26, 2012 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2012-031

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

“THAT, the agenda be adopted as circulated.” **ADOPTED**

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 RVCA – new fees for 2013.
- 6.2 MVC – new fees for 2013.

7. REPORTS

- 7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m.
- 7.1.1 **B12/107 and B12/108 – Edward and Deborah Weaver – 2 New Lots**
Pt. Lot 9 & 10 Conc. 3, geographic Township of Lanark, now in the Township of Lanark Highlands. (Rogers Roads)
- 7.2 **B12/111 & B12/112 - Mark Ashmore & Heather Simpson – 2 New Lots**
Pt. Lot 12 Conc. 4, geographic Township of Lanark, now in the Township of Lanark Highlands. (Herron Mills Road)
- 7.3 **B12/113 – Edward and Deborah Weaver – Lot Addition**
Pt. Lot 10 Conc. 3, geographic Township of Lanark, now in the Township of Lanark Highlands. (Herron Mills Road)
- 7.4 **B12/121, B12/122 & B12/123 - Sharon Swanson & Terrence Champion – 3 New Lots.**
Pt. Lot 2 Conc. 1, geographic Township of Bathurst, now Tay Valley Township. (Althorpe Road)
- 7.5 **B12/124 – Howard and Judy Farrell – New Lot**
Pt. Lot 14 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (Stanleyville Road).
- 7.6 **B12/125 – Robert and Patricia Lloyd – New Lot**
Pt. Lot 9 Conc. 6, geographic Township of Bathurst, now in Tay Valley Township. (Truelove Road)
- 7.7 **B12/140 – Perth Planing Mill Ltd. – New Lot**
Pt. Lot 12 Pk Lot 1 Plan 8828 Town of Perth. (Wilson Street)
- 7.8 **B12/141 – Perth Planing Mill Ltd. – New Lot**
Pt. Lot 10 & 11 Pk Lot 1 Plan 8828 Town of Perth. (Kippen Street)
- 7.9 **B12/142 – John McLenaghan – Lot Addition**
Pt. Lot 10 & 11 Pk Lot 1 Plan 8828 Town of Perth. (Kippen Street)

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Procedural Manual – review

Committee discussed the following:

- a) Development Agreements – it was agreed that in future, Development Agreement as requested by the CA's for setbacks, shoreline protection, etc. would pertain to those lots abutting either Lake, River or 12-month stream. Where there is an intermittent stream on the lands, a note would be added to the Transfer/Deed Schedule.
- a) b) Bell Canada Easements – it was agreed that where a line crosses a property, an easement condition would be included, however where only an anchor is involved, Bell should negotiate any easement directly with the landowner.

The Secretary to make the necessary changes as suggested by Committee and forward a revised draft manual to the members for review in the new year.

9.2 Request for 2 stamped deeds – an agenda item to be included for discussion in the new year.

9.3 OACA Conference – Conference to be held May 26 to May 29, 2013 in Richmond Hill. W Guthrie expressed an interest in attending. However, these dates conflict with the May Committee meeting.

MOTION #LD-2012-032

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

“THAT, the May Committee meeting date be changed to Friday, May 24, 2013.”

ADOPTED

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B12/107 and B12/108 – Edward and Deborah Weaver – 2 New Lots

10.1.2 B12/112 - Mark Ashmore & Heather Simpson – 2 New Lots

10.1.3 B12/113 – Edward and Deborah Weaver – Lot Addition B12/111 &

**10.1.4 B12/121, B12/122 & B12/123 - Sharon Swanson & Terrence Champion
– 3 New Lots.**

10.1.5 B12/124 – Howard and Judy Farrell – New Lot

10.1.6 B12/125 – Robert and Patricia Lloyd – New Lot

10.1.7 B12/140 – Perth Planing Mill Ltd. – New Lot

10.1.8 B12/141 – Perth Planing Mill Ltd. – New Lot

10.1.9 B12/142 – John McLenaghan – Lot Addition

11. UPCOMING MEETINGS

2013 Meeting Schedule

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

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

Tuesday, April 9, 2013 @ 9:00 a.m.

Monday, April 29, 2013 @ 9:00 a.m.

Friday, May 24, 2013 @ 9:00 a.m. @ 9:00 a.m.

Monday, June 24, 2013 @ 9:00 a.m.;

Monday, August 26, 2013 @ 9:00 a.m.;

Monday, September 23, 2013 @ 9:00 a.m.;

Monday, October 28, 2013 @ 9:00 a.m.; and

Monday, December 16, 2013 @ 9:00 a.m.

12. ADJOURNMENT – 12:10 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Edward & Deborah Weaver **Hearing Date:** November 26, 2012
Agent: N/A
LDC File #: B12/107 and B12/108
Municipality: Lanark Highlands
Geographic Township: Lanark **Lot:** 9 & 10 **Con 3**
Roll No. 0940 934 010 16900 **Consent Type:** New lots

Purpose and Effect: To sever two (2) residential building lots – 2.42-ha and 4.7-ha and retain a 28.3-ha landholding with an existing dwelling and outbuildings at 3107 Herron Mills Road. The lands to be severed are accessed via Rogers Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/107	B12/108	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	2.42 ha	4.7 ha	28.3 ha
Frontage	140 m	60 m	380 m
Water Frontage		118 m	450 m
Depth	150 m	274 m	Irregular
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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.

Local Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 8.0 Natural and Human Made Hazards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

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

1.0 Review of Proposal and Application

Two applications have been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt. Lot 9, 10, Concession 3, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever two residential building lots, B12/107 (6 acres), B12/108 (11.6 acres) and retain a 70 acre landholding with an existing dwelling located at 3107 Heron Mills Road.

The property is designated as Rural on Schedule 'A 4' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

1.2 OFFICIAL PLAN

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

The proposal as submitted can achieve those directives.

1.3 ZONING

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

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

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

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

Conservation Authority - Mississippi Valley Conservation Sept 20, 2012

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (2) vacant lots. Lot #1 (B12/107) measures 2.4 ha with no water frontage; Lot #2 (B12/108) measures 4.7 ha with 118 metres of water frontage. The retained land is 28.3 ha with 450 metres of water frontage and an existing residence and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed retained lands and severed lot #2 have frontage on the Clyde River. In addition, unclassified wetland exists to varying depths along the waterfront of Lot #2. The shoreline of Lot #2 appears to have remained in its natural state. Lot #1 is largely forested with some open areas. We note that an Environmental Impact Statement was previously prepared as part of a separate application for the proposed construction of a power generation dam on the subject property. This EIS identified several species at risk (SAR).

REVIEW

The proposed retained land is already developed with no new development proposed at this time. No natural heritage features or natural hazards were identified on the proposed severed Lot #1. Sufficient area appears to exist on severed Lot #2 to accommodate future development in compliance with the current standards for development adjacent to a wetland and watercourse.

CONCLUSION AND RECOMMENDATIONS

Specifically concerning MVC's review role, we have no objection to the subject applications provided the mitigative measures outlined below are adhered to, on Severed Lot #2.

1. Any new buildings or structures, including a septic system, shall be setback the greater of the following:
 - 30 metres from the high water mark of the Clyde River or
 - 30 metres from the boundary of the wetland associated with the river.
2. Given the presence of wetland along the waterfront, we recommend minimal disturbance in this area to access the shoreline. Prior to any clearing for water access, MVC shall be consulted to ensure that access is achieved in a manner that results in minimal impact to the wetland and shoreline.
3. With the exception of water access as agreed upon in (2.) above, the existing vegetated buffer along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland and river shall otherwise remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, river or onto adjacent properties.

NOTES

Given the identification of SAR, we recommend that the Ministry of Natural Resources be consulted as the agency responsible for the Species at Risk Act.

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

The property owner should be advised that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 -

"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B12/107 – Wooded lot with good drainage. 0-35 cm of silty sand topsoil on rock. No discernible slope. Imported leaching bed fill likely will be required to construct a conforming septic system on this lot.

Severed – B12/108 – Partially cleared bush lot with fair drainage. The lot rises to a high hill at the southern edge of the property. The lot slopes steeply toward the river on the western edge and slopes more gradually to the north. 0-60 cm of silty sand on rock. Depending on the exact location of a proposed septic system, imported leaching bed fill may be required to construct a conforming system.

Retained – 64 acres with variable slope and drainage. Existing home and outbuildings. Clyde River crosses property. Existing well and sewage system servicing the house. The sewage system has malfunctioned and requires replacement. New sewage system required. Severance approval conditional upon a sewage permit being applied for, issued, new system installed, and approved for use.

Additional Information – the applicant has now submitted an application for replacement septic system, and the Health Unit no longer requires a condition to be placed on the severance.

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 two residential building lots 2.42-ha and 4.7-ha and retain a 28.3-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on a mixture of large to medium sized building lots.

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

Due to the proximity of a primary watercourse (Clyde River) the applicant provided a 'Biological Assessment' which was reviewed by the Conservation Authority. Mitigation measures are outlined in the CA report.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate, skarn

Archaeological

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

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

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

(e) **MINUTES – December 17, 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.

B12/107

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The 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.
5. The applicant shall provide the Township with a copy of the deed/transfer for the property.

6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 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. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will likely be required to construct a conforming septic system on this lot.*
5. *The Mississippi Valley Conservation advise that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario*

Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

6. *In addition, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling,*

trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

B12/108

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

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The 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.
5. 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.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of September 20, 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. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 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. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will likely be required to construct a conforming septic system on this lot.*
5. *The Mississippi Valley Conservation advise that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
6. *In addition, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does

occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

1.6 Infrastructure and Public Service Facilities

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3.2 County 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.

Local Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 8.0 Natural and Human Made Hazards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

Two applications have been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt. Lot 12, Concession 4, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever two residential building lots, B12/111 (6.1 acres), B12/112 (3.7 acres) and retain a 182 acre landholding with an existing dwelling and storage located at 688 Heron Mills Road.

The property is designated as Rural on Schedule 'A 4' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

Permits from the Health Unit will be required prior to any new development. The proposed lots have access to municipally maintained road.

1.2 OFFICIAL PLAN

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

1.3 ZONING

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

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

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

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

Conservation Authority – Mississippi Valley Conservation Oct 2, 2012

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant building lots, one measuring 2.49 ha (Lot #1) and the other measuring 1.5 ha (Lot #2). The retained land is 73.71 ha with an existing dwelling.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, unclassified wetland exists on the proposed retained lands. In addition, a tributary of the Clyde River travels through this wetland. The same tributary travels through severed Lot #1. No natural heritage features or natural hazards were identified on severed Lot #2.

REVIEW

Natural Heritage Features

Severed Lot #1: Sufficient area exists to accommodate future development in compliance with the current standards for development adjacent to a watercourse.

Severed Lot #2: None identified.

Retained Lands: Already developed with no new development proposed at this time. Therefore, no additional impacts are anticipated as a result of this application.

Natural Hazards

Severed Lot #1 and #2: None identified

Retained Lands: Wetland has been identified on the retained lands. Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. However, this land is already developed with no new development proposed at this time. Therefore, organic soils are not considered a constraint to the subject application.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject applications. The following mitigative measures should be implemented on Severed Lot #1:

1. No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of the unnamed tributary of the Clyde River.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the tributary, or onto adjacent properties.
3. The vegetation along the shoreline of the tributary shall be maintained to a minimum depth of 15 metres.

NOTES

Shoreline vegetation surrounding the tributary and wetland should be maintained to a minimum depth of 15 metres, and the wetland should remain undisturbed, on the retained lands.

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

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

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

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

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

Severed – B12/111 – A 2.49 hectare parcel that has no existing buildings. Land is well treed and undulating terrain. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/112 – A 1.5 hectare parcel that has no existing buildings. Land is well treed and undulating terrain. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 73.71 hectare parcel with an existing house serviced by a well and septic system. House is located far back from roadway. Land is well treed in the front section of the property. Additional sandy loam fill may be required in area of future replacement tile bed.

County Roads Department

- 1/ Lands to be severed have an approved entrance location. Permit #2376 applies. Entrance must be installed prior to deed endorsement.
- 2/ Lands to be retained have an existing approved entrance. Permit #1086 applies.
- 3/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County.
“In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor’s certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.
The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review of the above noted Application for Consent by our Engineering Department, it has been identified that Bell Canada requires a 10m wide strip to be measured 5m on either side of the aerial installation to extend from the pole to a minimum of 2m past the anchor installation to be measured 0.5m on either side of the guy wire installation as can be accommodated. The approximate location of our facilities has been identified on the enclosed sketch.

Since the easements are required as a condition of approval and in order to protect the integrity of the existing facilities to maintain service to the abutting lands, all cost associated with the transaction will be the responsibility of the Owner.

Also enclosed is a copy of our correspondence issued to the Owner care of Mark Ashmore and Heather Simpson. If there are any questions or concerns, please do not hesitate to call.

(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 two residential building lots (2.49-ha and 1.5-ha) and retain a 73.72-ha landholding with an existing dwelling and storage building located at 688 Herron Mills Road.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with typical residential lot along Herron Mills Road.

The lands are accessed via Herron Mills, a county maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – marble, calc-cilicate

Agricultural Operations

Due to an agricultural operations being located on the adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. For the Reid Farm (located to the north), the MDS indicated a minimum setback of 181 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 650 m. For the Affleck Farm (located to the north east), the MDS indicated a minimum setback of 241 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 361 m. For the Carver Farm (located to the east) the MDS indicated a minimum setback of 103 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 105 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

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.

A parcel of land abutting the retained lands has been designated as "Significant Woodlands" through the County Official Plan.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and area as set out in 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 Lanark Highlands and could be given favourable consideration.

(e) MINUTES – December 17, 2012

John Lunney, agent (ZanderPlan Inc.) attended the hearing and gave evidence under oath.

Mr. Lunney questioned the need to have a Development Agreement on title to regulated setbacks that are regulated under Provincial Legislation by the Conservation Authority.

However would agree that this could be added to the deed/transfer as a condition note.

Also, Lot #1 is larger to permit the building envelope further away from the intermittent creek.

Committee reviewed the report and the 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.

B12/111

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 "A tributary of the Clyde River traverses these lands. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the tributary and the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres".
4. An appropriate easement shall be granted to Bell Canada over the lot to be severed (if required) and retained.
5. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
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. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
10. Payment of shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
12. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
13. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
14. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
15. A letter shall be received from Bell Canada stating that condition #4 has been fulfilled to their satisfaction.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #12, #13 and #14 has been fulfilled to their satisfaction.
17. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill sandy loam fill may be required in the septic system area.*
2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*

3. *The Mississippi Valley Conservation advises that shoreline vegetation surrounding the tributary and wetland on the retained lands should be maintained to a minimum depth of 15 metres, and the wetland should remain undisturbed, on the retained lands.*
4. *The MVC also advise that in the event shoreline work is proposed along the tributary, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any proposed works in or near the tributary or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

B12/112

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. An appropriate easement shall be granted to Bell Canada over the lot to be severed and retained.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. Payment of shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard..
11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
12. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
13. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and

the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

14. A letter shall be received from Bell Canada stating that condition #3 has been fulfilled to their satisfaction.
15. A letter shall be received from the County of Lanark Public Works Department stating that condition #11, #12 and #13 has been fulfilled to their satisfaction.
16. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill sandy loam fill may be required in the septic system area.*
2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
3. *The Mississippi Valley Conservation advises that shoreline vegetation surrounding the tributary and wetland on the retained lands should be maintained to a minimum depth of 15 metres, and the wetland should remain undisturbed, on the retained lands.*
4. *The MVC also advise that in the event shoreline work is proposed along the tributary, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any proposed works in or near the tributary or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *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.*
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7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

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

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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.

LANARK COUNTY LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Edward & Deborah Weaver **Hearing Date:** December 17, 2012
Agent: N/A
LDC File #: B2012/113
Municipality: Lanark Highlands
Geographic Township: Lanark **Lot:** 9 & 10 **Con 3**
Roll No. 0940 934 010 16900 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.32-ha parcel of land as a lot addition and to provide road frontage to lands owned by Edward & Deborah Weaver and to retain a 1.23-ha residential building lot. The lands are accessed via Herron Mills Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Residential
Area	0.32 ha	1.2 ha - estimate
Frontage	75 m	160 m
Depth	48 m irregular	115 m irregular
Road - Access to	County Road	County Road
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a Lot Addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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.

Local Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 5.0 Cultural Heritage and Archaeological Resources, Section 8.0 Natural and Human Made Hazards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 9, 10, Concession 3, geographic Township of Lanark now in the Township of Lanark Highlands.

The applicant wishes to sever a 0.79 acre parcel of land and add it to lands located at the Part of Lot 10, Concession 3, Lanark.

The property is designated as Rural, on Schedule 'A 4' of the Township's Official Plan and zoned Rural on Schedule 'A 4' in Zoning By-law 2003-451.

2.0 Provincial Policy

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

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

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these polices.

3.0 Official Plan

The subject lands are designated Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

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

relevant policies.

4.0 Zoning

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. The lot addition is part of a housekeeping exercise to provide the lot with frontage on Heron Mills Road.

5.0 Discussion

The application will not result in the creation of a new lot and will provide frontage to a parcel with no road frontage.

In conclusion, the application as submitted is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 0.32-ha parcel of land, as a lot addition to the adjacent lands to the northwest. The severed land and lands to be enlarged both have water frontage. The retained land is 1.23 ha with no water frontage. The subject property is vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the severed land and the lands to be enlarged have frontage on the Clyde River. Mapping also shows an unnamed tributary of the Clyde River travelling through the severed land and the lands to be enlarged. The shoreline appears to have remained in its natural state. Formal flood plain mapping has not been complete for this reach of the river; however, informal mapping prepared during the 1998 flood event depicts the flood plain extending as much as 47 metres onto the subject lands.

REVIEW

Natural Heritage Features

By adding the entire water frontage of one lot to another lot with water frontage, the subject application has the favorable effect of decreasing the potential intensity of development along the river. Therefore, no impacts to natural heritage features are anticipated as a result of the subject application.

Natural Hazards

Informal flood plain mapping identifies the presence of flood plain on the subject property. However, sufficient area exists on the receiving lands for future development outside of this area. Therefore, the flood plain is not considered a constraint to the subject application.

We recommend that future development occur beyond the estimated limit of the flood plain as depicted on MVC's informal mapping.

CONCLUSION AND RECOMMENDATIONS

We have no objection to the subject application provided the following mitigative measures are adhered to on the lot to be enlarged.

1. Any new buildings or structures, including a septic system, shall be setback a minimum of 30 metres from the high water mark of the Clyde River and the unnamed tributary. Future development shall occur beyond the flood plain as depicted on MVC's informal mapping. MVC should be consulted, prior to development, in order to identify this flood plain area.
2. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the river, tributary, or onto neighboring properties.
3. With the exception of a maximum 9 metre wide clearing along the shoreline of the river, the existing shoreline vegetation shall be retained to a minimum depth of 15 metres. This effort will assist in mitigating the effects of erosion and surface runoff on the Clyde River. Existing shoreline vegetation along the tributary shall also be maintained to a minimum depth of 15 metres.

NOTES

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

Due to the fact that formal flood plain mapping does not exist on this section of the river, a permit from MVC is not currently required for development on the subject property. However, the property owner should be advised that, in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 15/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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

Severed – Small lot intended to be lot addition. Thin silty sand topsoil over rock. The lot slopes to the northeast toward the river. This severance will become a lot addition, adding road frontage to an existing lot. Constructing a sewage system on this land would require importing leaching bed fill.

Retained – 64 acres with variable slope and drainage. Existing home and outbuildings.

Clyde River crosses property. Existing well and sewage system servicing the house. The sewage system has malfunctioned and requires replacement. New sewage system required. Severance approval conditional upon a sewage permit being applied for, issued, new system installed and approved for use.

County Roads Department

- 1/ Applicant has an approved entrance location to the County Road for the retained lot - permit 2406.
- 2/ A full entrance application must be submitted and entrance installed for the retained lot prior to deed endorsement for the severed lot.
- 3/ Sufficient lands for road widening shall be deeded to the County.
Comments – the retained lands have an approved entrance location. Permit No. 2406 applies. Entrance to be installed prior to deed endorsement. Lands to be severed currently do not have an approved residential entrance. The County has communicated with the applicant that an entrance will be possible following road realignment and construction. The applicant is to consult directly with our department following road reconstruction to determine a location for access. All applications and permits for entrance must be completed and adhered to at that time.

Hydro One Networks – Hydro one has a three phase line running through the property to be severed.

Bell Canada R-O-W – Subsequent to review of the above noted Application for Consent by our Engineering Department, it has been identified that Bell Canada will require a 10m wide easement corridor measured 5 m on either side of the existing aerial facilities crossing the subject lands as indicated on the enclosed sketch.

Since the easements are required as a condition of approval and in order to protect the integrity of the existing facilities to maintain service to the abutting lands, all cost associated with the transaction will be the responsibility of the Owner.

Also enclosed is a copy of our correspondence issued to the Owner care of Edward and Deborah Weaver.

(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 0.8-ha parcel of land as a lot addition to lands described as Pt. Lot 10 Conc. 3 Lanark 27R-5198 and retain a lot approximately 1.2-ha in size. The retained lands are legally shown as land north and south of Herron Mills Road. The lot to be enlarged currently does not have road frontage, the addition will provide frontage on a maintained road

The subject lands are located in an area characterized by Residential on a mixture of lot types along Herron Mills Road and Hwy 511.

The lands are accessed via Herron Mills Road, a county maintained road.

Archaeological

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

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 Town of Mississippi Mills.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single-detached dwellings. The property to be enlarged exceeds the minimum lot size and frontage requirements of the zoning by-law. The lot addition will provide road frontage to an existing 'land-locked' parcel of land.

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 Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – December 17, 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.

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 Edward James Weaver and Deborah Ann Weaver described as Part 1, Plan 27R-5198, being Pt. 9 and 10 Conc. 3 Lanark, 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. An appropriate easement shall be granted to Bell Canada over the lot to be severed. Easements over the retained lands should be negotiated directly with the applicant.
5. An appropriate easement shall be granted to Hydro One over the lot to be severed. Easements over the retained lands should be negotiated directly with the applicant.
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. The applicant shall obtain a Civic Address Number for the lands to be enlarged from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of October 5, 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.
11. 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.
12. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be retained have been installed to the satisfaction of the County.
13. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
14. A letter shall be received from the Bell Canada stating that condition #4 has been fulfilled to their satisfaction.
15. A letter shall be received from the Hydro One stating that condition #5 has been fulfilled to their satisfaction.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 to #13 has been fulfilled to their satisfaction.
17. A letter shall be received from Mississippi Valley Conservation stating that conditions #10 has been fulfilled to their satisfaction.

18. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that formal flood plain mapping does not exist on this section of the river; a permit from MVC is not currently required for development on the subject property. However, the property owner should be advised that, in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *The MVC also advise that any proposed works in or near the river or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act maybe required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the lot to be enlarged.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
5. *The Lanark County Public Works Department advises that the retained lands have an approved entrance location (Permit No. 2406). Lands to be severed currently do not have an approved residential entrance. An entrance to the severed lands will be possible following road realignment and construction. The applicant is to consult directly with our department following road reconstruction to determine a location for access. All applications and permits for entrance must be completed and adhered to at that time.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO)

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Sharon Swanson & Terence Champion **Hearing Date:** December 17, 2012
Agent: N/A
LDC File #: B12/121, B12/122 & B12/123
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 2 **Con** 1
Roll No. 0911 916 010 00400 **Consent Type:** New Lots

Purpose and Effect: To sever three (3) landholdings (11.35-ha, 11.35-ha and 10.52-ha) and retain a 41.41-ha landholding with an existing dwelling at 651 Althorpe Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/124	B12/122	B12/123	
Existing Use	Vacant	Vacant	Vacant	Residential
Proposed Use	Residential	Residential	Residential	Residential
Area	11.35 ha	11.35 ha	10.52 ha	41.41 ha
Frontage	123 m	123 m	114 m	225.4 m
Depth	923 m	923 m	923 m	1,625 m
Road - Access to	County Road	County Road	County Road	County Road
Water Supply	Proposed	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Proposed	Private Septic
Official Plan Designation	Rural			
-Conformity?	Yes			
Zoning Category	Rural		Rural	
-Area Required (min.)	0.405-ha		0.405-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	60 m		60 m	
-Compliance?	Yes		Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.2 County Roads, Section 4.3.3 County Road Policies, Section 4.4 Water, Waste Water and Stormwater Services, 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 General Development Policies, Section 3.6 Rural Policies Section 4.3 County Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Tay Valley Planners Notes

The proposal is to sever three landholdings (11 .35 ha, 11.35 ha and 10.52 ha and retain a 41.41 ha landholding with an existing dwelling at 651

Official Plan Designation: Rural, including significant wildlife habitat - Applicable Sections: 3.6, 2.23 Water Quality and Quantity, 2.17 Land Use Compatibility, 2.2.3

Natural Heritage Wildlife Habitat, 5.2 3 Consent Rural designation permits residential use. The 30 m setback from water can be met. The MDS formula was satisfied. The lot is to be created on a public road. There is sufficient land north of the deer yard to place a house. If a house was to be placed within the significant wildlife habitat an Environmental Impact Statement would be required. The lots will be created on a public road.

Zoning By-law Category - Applicable Sections: 10.2 - Lot 1: 11.35 ha, 123 metre frontage; Lot 2: 11 .35 ha, 123 metre frontage; Lot 3: 10.52 ha, 114 metre frontage; Retained lot: 41.41 ha, 255 metre frontage. All lots meet minimum zoning provisions.

Rideau Valley Conservation Authority has no objection to this application, provided that the standard 30 metre setback from water and wetland is observed for any development and disturbance. For future consideration, RVCA requires prior written approval under Ontario Regulation 174-06 for "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses."

MRSSO has no objections to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies.

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

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

Conservation Authority - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for three new lots, all of which are in excess of 10 hectares in area. The retained parcel is to be 41 hectares in area.

The Property

As per our attached mapping, a watercourse and several areas of open water associated with that watercourse are scattered over the property. The land is otherwise level. We note that a minor pocket of wetland extends over the proposed lot line between the retained parcel and proposed B12/123. This pocket appears to not to be connected to the drainage system on the south half of the property.

There are also some minor wetland features associated with the watercourse/pond area on proposed B12/121. There appear to be no additional natural heritage or natural hazards on the property.

Review Comments and Recommendations

The Conservation Authority recommends a minimum 30 metre development and disturbance setback be applied to the watercourse and the wetland, To note, the east lot line of the proposed severed lot appears to be in excess of 30 metres from the wetland (therefore we have no additional setback consideration in regards to the wetland).

In conclusion, the Rideau Valley Conservation Authority has no objection to this application, with the provision that a standard 30 metre setback is required from the watercourse for development and disturbance.

Notes

Prior written approval of the RVCA is required prior to all altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174106.

Should the owner wish to pursue livestock fencing/alternate watering in the future to protect this small watercourse, the RVCA offers stewardship incentives and assistance through our main office in Manotick 1 800 267 3504.

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

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted October 26, 2012.

The applicant proposes to sever an 11.35 hectare parcel, to create a new residential lot. The proposed lot is vacant, relatively flat with dense tree cover, exposed rock, and a pond at the South Eastern portion of the lot. No test pits were provided.

The retained parcel is approximately 41.43 hectares. The retained lot is developed with dwelling, garage and two outbuildings. The dwelling is serviced by an existing sewage system (SF74886) and well. The retained lot is relatively flat with dense tree cover, exposed rock, and a several ponds at the South Eastern portion of the lot. No test pits were provided.

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

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system on either the retained or proposed lots. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments or concerns regarding this matter.

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.

County Roads Department –

- 1/ Applicant has an approved existing entrance to the County Road.
- 2/ Applicant has an approved entrance location to the County Road – severed lands No. 2401, 2402 and 2403.
- 3/ Entrance to be installed prior to deed endorsement for the severed lands.
- 4/ A full entrance application must be submitted and entrance installed prior to deed endorsement.
- 5/ Sufficient lands shall be deeded to “The Corporation of the County of Lanark”, along the frontage of the lot to be severed, to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor’s Certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

(c) 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 three (3) residential landholdings – 11.35-ha, 11.35-ha and 10.52-ha and retain a 41.41-ha landholding with an existing dwelling, garage studio and workshop located at 651 Althorpe Road.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots along Althorpe Road.

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

The lands are located partially within the locally known ‘Wintering Area – Deer Yard’. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum,

particularly removal of natural browse (eastern white cedar).

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 7 – no capability for agriculture
- 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/ Local Municipal Official Plan
Tay Valley 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: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 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 Tay Valley Township.

Zoning

The subject property is currently zoned Rural (RU). This zoning classification permits a number a uses, including single family dwellings. Both lot area and lot frontage exceed the required minimums as set out in the Zoning By-law.

Conclusions

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – December 17, 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.

The same conditions apply to all three applications.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. Payment of \$100 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.

10. 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.
11. 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.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9, #10 and #11 has been fulfilled to their satisfaction
13. A letter shall be received from Tay Valley Township stating that condition #3 through #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that due to exposed rock and presumed shallow soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
2. *The Rideau Valley Conservation Authority recommends a minimum 30 metre development and disturbance setback be applied to the watercourse and the wetland,*
3. *The RVCA also advise that prior written approval of the RVCA is required prior to all altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174106. Should the owner wish to pursue livestock fencing/alternate watering in the future to protect this small watercourse, the RVCA offers stewardship incentives and assistance through our main office in Manotick 1 800 267 3504.*
4. *The applicant is advised that a portion of the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands outside this area. Limited tree cover should be removed, particularly browse and cedar trees. Any development within the 'wintering area' will require the filing of an Environmental Impact Statement prior to obtaining a Building Permit.*

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

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

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

Additional Note for B12/123

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Howard & Judith Farrell Hearing Date: December 17, 2012
Agent: N/A
LDC File #: B12/124
Municipality: Tay Valley Township
Geographic Township: North Burgess Lot: 14 Con 9
Roll No. 0911 911 015 51500 Consent Type: New Lot

Purpose and Effect: To sever a 1.01-ha residential building lot and retain a 54.8-ha landholding with an existing dwelling and outbuildings at 1592 Stanleyville Road.

Table with 3 columns: DETAILS OF PROPOSAL, Land to be Severed, Land to be Retained. Rows include Existing/Proposed Use, Area, Frontage, Depth, Road Access, Water Supply, Sewage Disposal, Official Plan Designation, and Zoning Category.

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.3 Agriculture

Section 2.3.4.1 Lot creation in primate 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.

2.4 Minerals and Petroleum

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

County Official Plan – Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, 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 2 General Development Policies, Section 2.20 & 21 Natural Hazard Features, Section 3.6 Rural Policies, section 4.4 Municipal Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever a 1-ha residential building lot and retain a 54.8-ha landholding with an existing dwelling and outbuildings at 1592 Stanleyville Road.

Official Plan Designation: Rural. Applicable Sections: 3.6, 2.23 Water Quality and Quantity, 2.17 Land Use Compatibility, 5.2.3 Consent. Rural designation permits residential use. The 30m setback from water can be met. The MDS formulae was satisfied as the barn on the retained property only has 3 stalls. The lot is to be created on a public road.

Zoning By-law Category: Rural. Applicable sections 10.2 – Severed lot; 1.012 ha, 63 metre frontage; retained lot 54.8 ha, 467 metre frontage. Both lots meet minimum zoning provisions.

Rideau Valley Conservation Authority has no objection to this application, provided that the standard 30 metre setback from the watercourse is observed for any development and disturbance. For future consideration, RVCA requires prior written approval under Ontario Regulation 174-06 for “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

MRSSO has no objection to the severance as proposed. The topographic and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies.

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

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

Conservation Authority – Rideau valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee’s consideration:

Proposal

The application seeks approval for a 2.5 acre/1 ha residential lot to be severed from a 55 hectare agricultural holding, Rural zoning.

The Property

The entire property is traversed by a tributary of the Tay River, The watercourse divides on the property; the branch of the watercourse on the retained parcel (north section) is associated with a pocket of locally significant wetland, approximately 5 hectares in area. The south branch of the watercourse is less encumbered by the wetland a small section is contained within the wetland as identified per the attached mapping.

The proposed severed lot includes the watercourse, but does not extend into the wetland area identified to the east on the retained lands. There was no discernible flow and no fish habitat in the creek at the time of our site inspection, though the Creek, as a headwater feature, is rated as having intermittent habitat during high flow.

We have identified no other natural heritage or natural hazards on the proposed severed lands.

Review Comments and Recommendations

The Conservation Authority recommends a minimum 30 metre development and disturbance setback be applied to the watercourse. To note, the east lot line of the

proposed severed lot appears to be in excess of 30 metres from the wetland (therefore we have no additional setback consideration in regards to the wetland).

In conclusion, the Rideau Valley Conservation Authority has no objection to this application, with the provision that a standard 30 metre setback is required from the watercourse for development and disturbance.

Notes

Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06.

Should the owner wish to pursue livestock fencing/alternate watering in the future to protect this small watercourse, the RVCA offers stewardship incentives and assistance through our main office in Manotick (1-800-267-3504).

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

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted October 19, 2012.

The applicant proposes to sever a 1.01 hectare parcel, to create a new residential lot. The proposed lot has a storage shed and it is proposed to construct a dwelling as well. The lot is relatively flat, with a portion to the south east, sloping down towards a creek. The lot is primarily open field with exposed bedrock. No test pits were provided.

The retained parcel is approximately 54.8 hectares. The retained lot is developed with dwelling and farm buildings. The dwelling is serviced by an existing sewage system and well. The retained lot is relatively flat open land with dense tree cover, exposed rock. No test pits were provided.

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

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system on either the retained or proposed lots. Given the above information, our office has no objections to the severance as proposed.

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

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 1.0-ha residential building lot and retain a 54.8-ha landholding with an existing dwelling and farm buildings located at 1592 Stanleyville Road.

The subject lands are located in an area characterized by Residential within the abutting Settlement Area and along Scotch Line Road and Stanley Road.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite, syenite.

Agricultural Operations

Due to an agricultural operation being located on the retained lands and adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 81 m from the livestock housing facility on the retained lands, the actual distance to the closest proposed lot line is shown by the applicant as 400 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Mining

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

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/ Tay Valley 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: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 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 Tay Valley Township.

Zoning

The subject property is currently within the rural section of the development Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and area as set out in 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 Tay Valley Township and could be given favourable consideration.

(e) MINUTES – December 17, 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.

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

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The Certificate of Consent "Schedule" attached to the deed/transfer required by Condition #1 above, shall include the following condition ""A tributary of the Tay River traverses these lands. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the tributary".
5. Payment of \$100 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from Tay Valley Township stating that condition #5 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The MRSSO advise that due to exposed rock and presumed shallow soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*

2. *Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06.*
3. *The RVCA also advise that should the owner wish to pursue livestock fencing/alternate watering in the future to protect this small watercourse, the RVCA offers stewardship incentives and assistance through our main office in Manotick (1-800-267-3504).*
4. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
5. *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.*
6. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert & Patricia Lloyd

Hearing Date: Dec. 17, 2012

Agent:

LDC File #: B12/125

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 9 **Conc.:** 6

Roll No. 0911 916 020 14800

Consent Type: New Lot

Purpose and Effect:

To sever a 1.0-ha residential lot and retain a 38.0-ha landholding with an existing dwelling, barn and outbuildings located at 460 Anglican Church Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.0-ha	38.0-ha
Frontage	74 m	62.5 m
Depth	136 m	1420 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
Official Plan Designation -Conformity?	Rural, Organic Soils, Hazards (Mines) Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.3 Agriculture

Section 2.3.4.1 Lot creation in primate 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.

2.4 Minerals and Petroleum

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

County Official Plan – Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, 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 2 General Development Policies, Section 2.20 & 21 Natural Hazard Features, Section 3.6 Rural Policies, section 4.4 Municipal Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Comments

The proposal is to sever a 1 ha residential building lot and retain a 38 ha landholding with an existing dwelling, barn and outbuildings at 460 Anglican Church Road.

Official Plan Designation: Rural, Organic Soils

Applicable Sections: 3.6, 2.23 Water Quality and Quantity, 2.17 Land Use Compatibility, 5.2.3 Consent

Rural designation permits residential use, The 30 m setback from water can be met. The MDS formula was satisfied. The lot is to be created on a public road (Trueloves Road).

Zoning By-law Category: Rural

Applicable Sections: 10.2 - Severed lot: 1,006 ha, 74 metre frontage; Retained lot: 38 ha, 62.5 metre frontage. Both lots meet minimum zoning provisions.

Rideau Valley Conservation Authority has no objection to this application, provided that the standard 30 metre setback from the wetland is observed for any development and disturbance. For future consideration, RVCA requires prior written approval under Ontario Regulation 174-06 for "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses,"

MRSSO has no objections to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies,

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

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for new lot creation approximately 1 ha in area, with a retained parcel of 38 ha.

The Property

As per our attached mapping, there are two small tributary branches of the Tay River traversing the retained lands. There are three pockets of local wetland identified on the retained parcel. The largest is associated with the north branch of the noted watercourse. The property is otherwise unremarkable insofar as our considerations for natural heritage and natural hazards and fish habitat are concerned.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to this application.

Notes

We note (in relation to the retained lands) that a standard 30 metre setback is required from the watercourse for development and disturbance. Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (retained lands).

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.

Septic Office - MRSSO

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted October 24, 2012.

The applicant proposes to sever a 1.0064 hectare parcel, to create a new lot for a dwelling and garage. The proposed lot is vacant and slopes down from Trueloves Road towards, and including part of a small ridge of trees and exposed rock. The land appears to be sloping West to East between the road and ridge. No test pits were provided.

The retained parcel is approximately 38 hectares. The retained lot is developed with dwelling, barn and two outbuildings. The retained lot has areas open field, wetlands, and dense tree cover. No test pits were provided. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Due to exposed rock and presumed clayey soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

Given the slopes in the area of the proposed lot, the sewage system shall be constructed so that it is not subjected to excessive surface water run-off.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system on either the retained or proposed lots. Given the above information, our office has no objections to the severance as proposed.

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

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

Bell Canada R-O-W

Subsequent to review of the above noted Application for Consent by our Engineering Department, it has been identified that Bell Canada will require an easement to be measured a minimum of 2m past the anchor installation and to be measured 0.5m on either side of the 'guy wire installation as can be accommodated. The approximate location of our facilities has been identified on the enclosed sketch.

Since the easements are required as a condition of approval and in order to protect the integrity of the existing facilities to maintain service to the abutting lands, all cost associated with the transaction will be the responsibility of the owner.

Also enclosed is a copy of our correspondence issued to the Owner .care of Robert Ian Lloyd and Patricia Lloyd. If there are any questions or concerns, please do not hesitate to call.

(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, as follows:

Ron Running – Nov 27, 2012

Thank-you for the informati on proposal
applicatj for consent 1125 by
Lloyds.

My if 7 h objection to this proposal
land severance, and wish the Lloyds good luck
in the ture

In our review of the information we noticed
that the map does not show an existing
residence a lot in the south cor
pt. Lot 9, Co other t. 7 hopeful
that there is a fusion of over the location
of this house I suggest the as
of the L C to Planning Dept. that
this resi located any part of
property - W 1/2 lot 9, Cow b, Sutherland. Please confirm

Again, thank-you for the opportunity to meet,
please notify of the decision of the
Land Division Com Hec in respect of the
proposed consent.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.0-ha residential building lot and retain a 38.0-ha landholding with an existing dwelling, barn and outbuildings located at 460 Anglican Church Road.

The subject lands are located in an area characterized by large landholdings with typical residential lots along Hwy 7 and Anglican Church Road & Truelove's Road.

The severed lands are accessed via Truelove's Road, a municipally maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite, syenite

Agricultural Operations

Due to an agricultural operation being located on the retained lands and adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 90 m from the livestock housing facility on the retained lands, the actual distance to the closest proposed lot line is shown by the applicant as 480m. The MDS calculation for the adjacent lands indicated a minimum setback of 102m from the livestock housing facility, the actual distance to the closest proposed lot line is shown by the applicant as 293m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Mining

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

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/ Tay Valley 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: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', however none on the lands to be severed, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the development Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and area as set out in 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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – December 17, 2012**

No persons attended the hearing.

Committee reviewed the request of Bell Canada to provide an easement for the pole anchor located on the lands to be severed at no cost to the applicant. It was agreed that if the request was for a line that traversed the lands, that committee would consider this to be a reasonable request. However, in requiring an easement for an anchor location, the committee feels that this is an undue financial burden on the landowner (i.e. survey and legal costs) and that Bell Canada should deal directly with the landowner to discuss reasonable compensation for the anchor easement.

Committee agreed to not include a condition as requested by Bell Canada for an easement location for the anchor located on the severed lands.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

Planning Act.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. Payment of \$100 shall be made to the Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that due to exposed rock and presumed clayey soils, significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
2. *The Rideau Valley Conservation Authority advises that in relation to the retained lands that a standard 30 metre setback is required from the watercourse for*

development and disturbance. Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (retained lands).

3. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Perth Planing Mill Ltd. **Hearing Date:** December 17, 2012
Agent: Stephen Craig Halpenny
LDC File #: B12/140
Municipality: Town of Perth
Geographic Township: Perth **Lot:** 12 **Conc.:** Pk Lot 1 Plan 8828
Roll No. 0921 030 070 00600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1,100 sq.m. commercial lot and retain a 2,100 sq.m. commercial lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Commercial	Commercial
Proposed Use	Commercial	Commercial
Area	1,100 sq.m.	2,100 sq.m.
Frontage	20 m	21 m
Depth	20 m	61 m
Road - Access to	Municipal	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sanitary Sewers	Sanitary Sewers
Official Plan Designation -Conformity?	Commercial Area District Yes	
Zoning By-law Category	General Commercial	General Commercial
-Area Required (min.)	n/a – coverage 80%	n/a – coverage 80%
-Compliance?	No – legally non-conforming	No – legally non-conforming
-Frontage Required (min.)	6 m	6 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

Section 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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 3.0 Basis of Plan, Section 4.0 economic development, section 5.2 Sewage and Water, Section 5.5.4 Local Roads, Section 8.6 Commercial Central Area District , section 9.11.15 Subdivisions, Consents and Part Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 10.0 General Commercial

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

(b) AGENCY REVIEW

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

Town Planner's Report

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has no objection to the granting of provisional consent regarding the above noted applications subject to the comments herein and the conditions set out on the attached municipal commenting forms.

Application B12-142 is proposing a lot addition that will improve the benefiting lot by creating a more standard lot configuration and more area for either parking development or more flexibility for a redevelopment of the site. The severance has no impact on the legal non-complying structures on the retained parcel. The Town of Perth therefore has no objection to the proposed consent.

Application B12-141 is proposing to sever a parking area fronting on Kippen Street from the retained lot which features two existing buildings that have been used for commercial (non-retail) purposes. The parking area has primarily served the retail commercial building occupying the parcel being severed pursuant to application B12-140.

Accordingly this application should only be granted in the event that B12-140 is granted. The severed parcel should remain a parking area as it will not have immediate access to municipal water and sanitary sewer services and should be tied in title with the parcel created under application B12-140.

The severance proposed in application B12-141 would put the rear lot line for the retained parcel well within the 6.1 m rear yard specified for the C1-1 Zone. As this configuration reflects the existing development pattern, staff believe the non-compliance can be addressed through a minor variance or the site could be rezoned to provide permanent relief from the present zone standards.

Based on the areal imagery it appears that the 60% maximum lot coverage will be met once the lot addition proposed in application B12-142 is completed. If this is not confirmed in the final survey information then a variance for relief may be needed. The building on the retained parcel is not presently serviced. Municipal staff anticipate that the applicant will not want to install water and sanitary services prior to lot creation. Therefore an agreement with the Town to ensure servicing is a recommended condition and would be needed for a building to be used or occupied as a principal structure. Given the proximity of the existing building to the proposed lot line, the Owner should consider providing an easement or other legal mechanism to ensure access for the retained parcel over the severed lot for building repair and maintenance purposes.

Application B12-141 is proposing to create a new lot encompassing the existing frontage of about 20 m (66 ft.) on Wilson Street and an area of approximately 1100 m² (11,840 ft²) which encompasses an existing retail commercial building and would have a lot coverage estimated at approximately 90%. The severed parcel will not comply with the minimum rear yard setback or the minimum lot coverage provisions of the C I-I Zone. Given that the configuration of the proposed lot reflects the existing development pattern municipal staff believe either a variance or rezoning to address these issues would be appropriate. The site would not comply with the minimum parking standard. This can be addressed if ownership of the associated parking lot being severed under application B12-141 is tied to the proposed lot. If application B12-141 is not completed then this lot should only be created if there is an easement ensuring access and exclusive use of the parking area on the land subject to B12-141 and the parking use is ensured through a zoning amendment.

The retained lot would have frontage of about 21 m (68.8 ft.) on Joy Avenue and has an existing entrance onto Kippen Street. It encompasses a large commercial warehouse-form building and would have a lot area of roughly 2114 m² (22,754 ft.²). The retained parcel is not presently connected to municipal water and sanitary services. As per our preceding comments regarding application B12-141, connection to services or an agreement with the Town will be needed for the retained lot to be occupied or redeveloped. The retained lot will not comply with the minimum rear yard standard and this can be addressed by a minor variance or rezoning and either would be appropriate since the effect would be to reflect and maintain the existing development pattern.

Based on the available aerial imagery it appears that the existing building will comply with the maximum 60% lot coverage. If that is not confirmed by the final survey then a minor variance would be needed for the retained lot.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Town of Perth - recommends approval of this application subject to the following conditions:

1. The Severed lot be tied in title with the lot being created pursuant to Application B12-141 to the satisfaction of the Town of Perth and an agreement shall be completed to the satisfaction of the Town of Perth establishing that the parking for the severed lot is to be maintained on the tied parcel.
2. If Application B12-141 is not granted or completed then a legally binding easement in favour of the severed lot for the permanent and exclusive use of the parking area encompassed by B12-141 shall be obtained and both parcels zoned to reflect the committed dedicated parking use.
3. Any outstanding municipal service fees or taxes due to the Town of Perth at the time a clearance letter is requested be paid
4. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
5. The Owner shall complete a minor variance or rezoning of the severed and retained parcels to address the non-compliance with the zoning By-law that will arise from the consent.
6. In the event that the Owner acquires all or part of the Kippen Street road allowance then the severed parcel, the road allowance, and the severed parcel from application B12-141 shall merge in title and become one lot to the satisfaction of the Town of Perth in lieu of condition No.1.
7. The Owner shall complete a development agreement with the Town of Perth to be registered on title of the retained lot to address the following:
 - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections prior to any reuse or redevelopment of the lot. All work shall be approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
 - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to reconstruction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - iii) The owner will acknowledge responsibility to develop adequate parking on site prior to the occupation of the retained parcel for a new use.

Advisory notes:

The proponent be cautioned of the need to allow sufficient time for the variance or zoning process and for a development agreement to be completed with the Town (a minimum of 60 to 90 days should be anticipated) and advised that a deposit of \$750 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.

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

Bell Canada R-O-W –

We acknowledge receipt and thank you for your correspondence dated November 5, 2012.

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 requirements for easement protection.

We have no concerns or objections to the proposed severance.

(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, as follows:

Deborah Hamilton-Foley - Nov 21, 2012

Thank you very much for taking the time to sit down with me to review these proposed plans.

I would like to receive notice of any public meetings as well as any notice of decision in regards to these plans.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 1,100 sq. m. lot with an existing commercial building and retain a 2,100 sq.m. lot with an existing metal clad warehouse and vacant lands.

The subject lands are located in an area characterized by typical mixed commercial / urban residential. The effect of the severance is to slit the lot so that each building is located on its own separate lot. Future development may require an application for minor variance.

The lands are accessed via both Wilson Street and Kippen Street, municipally maintained roads.

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/ Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of

not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.

3/ Woodland Policies are not applicable.

Zoning

The subject property is currently within the General Commercial section of the Zoning By-law, which permits a number of commercial type uses. The proposed lot is legal non-complying – re-zoning or minor variance is required prior to final approval.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands does not meet the minimum requirements of Town's Zoning By-law, however the Town would entertain a minor variance or re-zoning. 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 Perth and could be given favourable consideration.

(e) MINUTES – December 17, 2012

John McLenaghan, applicant attended the hearing and gave evidence under oath. Craig Halpenny, solicitor for the applicant also attended.

The Hearing for applications B12/140, B12/141 and B12/142 were held concurrently.

The Secretary read out an e-mail received from the Town of Perth, which provided additional information for the Committee:

"Status of Kippen Street. John McLenaghan has filed an application with the Town regarding the closure and conveyance of Kippen Street. The Town has completed an engineering review that concluded the street could be closed from a public transportation perspective. However, a neighbouring land owner has expressed concern about the street closure on his business and the application has been deferred pending the two parties negotiating a solution. If the road closure happens before the consents are completed then we are requesting that the parking area merge with the lot that will include the former Home Hardware store.

Mr. Halpenny provided a background on the concurrent applications. The parking lot (B12/141) has historically been the parking lot for the former store located on B12/140. The buildings on B12/142 were historically the lumber yard and storage buildings for the former store located on B12/140.

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.

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 Severed lot be tied in title with the lot being created pursuant to Application B12/141 to the satisfaction of the Town of Perth and an agreement shall be completed to the satisfaction of the Town of Perth establishing that the parking for the severed lot is to be maintained on the tied parcel.
4. If Application B12/141 is not granted or completed then a legally binding easement in favour of the severed lot for the permanent and exclusive use of the parking area encompassed by B12/141 shall be obtained and both parcels zoned to reflect the committed dedicated parking use.
5. Any outstanding municipal service fees or taxes due to the Town of Perth at the time a clearance letter is requested be paid.
6. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
7. The Owner shall complete a minor variance or rezoning of the severed and retained parcels to address the non-compliance with the zoning By-law that will arise from the consent.
8. In the event that the Owner acquires all or part of the Kippen Street road allowance then the severed parcel, the road allowance, and the severed parcel from application B12/141 shall merge in title and become one lot to the satisfaction of the Town of Perth in lieu of condition No.3.
9. The Owner shall complete a development agreement with the Town of Perth to be registered on title of the retained lot to address future development of the lands.
10. A letter shall be received from the Town of Perth stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

- 1. The Town of Perth advises that the proponent be cautioned of the need to allow sufficient time for the variance or zoning process and for a development agreement to be completed with the Town (a minimum of 60 to 90 days should be anticipated) and advised that a deposit of \$750 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Perth Planing Mill Ltd. **Hearing Date:** December 17, 2012
Agent: Stephen Craig Halpenny
LDC File #: B12/141
Municipality: Town of Perth
Geographic Township: Perth **Lot:** 10 & 11 **Conc.:** Pk Lot 1 Plan 8828
Roll No. 0921 030 070 00600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1,100 sq.m. commercial lot and retain a 2,100 sq.m. commercial lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant / Parking Lot Vacant / Parking Lot	Commercial / Warehouse Commercial / Warehouse
Area	280 sq.m.	3750 sq.m.
Frontage	24 m	75 m
Depth	20 m	50 m
Road - Access to	Municipal	Municipal
Water Supply Sewage Disposal	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers
Official Plan Designation -Conformity?	Commercial Area District Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	General Commercial n/a – coverage 80% No 6 m Yes	General Commercial n/a – coverage 80% No 6 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.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

Section 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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 3.0 Basis of Plan, Section 4.0 economic development, section 5.2 Sewage and Water, Section 5.5.4 Local Roads, Section 8.6 Commercial Central Area District , section 9.11.15 Subdivisions, Consents and Part Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 10.0 General Commercial

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

(b) AGENCY REVIEW

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

Town Planner's Report

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has no objection to the granting of provisional consent regarding the above noted applications subject to the comments herein and the conditions set out on the attached municipal commenting forms.

Application B12-142 is proposing a lot addition that will improve the benefiting lot by creating a more standard lot configuration and more area for either parking development or more flexibility for a redevelopment of the site. The severance has no impact on the legal non-complying structures on the retained parcel. The Town of Perth therefore has no objection to the proposed consent.

Application B12-141 is proposing to sever a parking area fronting on Kippen Street from the retained lot which features two existing buildings that have been used for commercial (non-retail) purposes. The parking area has primarily served the retail commercial building occupying the parcel being severed pursuant to application B12-140.

Accordingly this application should only be granted in the event that B12-140 is granted. The severed parcel should remain a parking area as it will not have immediate access to municipal water and sanitary sewer services and should be tied in title with the parcel created under application B12-140.

The severance proposed in application B12-141 would put the rear lot line for the retained parcel well within the 6.1 m rear yard specified for the C1-1 Zone. As this configuration reflects the existing development pattern, staff believe the non-compliance can be addressed through a minor variance or the site could be rezoned to provide permanent relief from the present zone standards.

Based on the areal imagery it appears that the 60% maximum lot coverage will be met once the lot addition proposed in application B12-142 is completed. If this is not confirmed in the final survey information then a variance for relief may be needed. The building on the retained parcel is not presently serviced. Municipal staff anticipate that the applicant will not want to install water and sanitary services prior to lot creation. Therefore an agreement with the Town to ensure servicing is a recommended condition and would be needed for a building to be used or occupied as a principal structure. Given the proximity of the existing building to the proposed lot line, the Owner should consider providing an easement or other legal mechanism to ensure access for the retained parcel over the severed lot for building repair and maintenance purposes.

Application B12-141 is proposing to create a new lot encompassing the existing frontage of about 20 m (66 ft.) on Wilson Street and an area of approximately 1100 m² (11,840 ft²) which encompasses an existing retail commercial building and would have a lot coverage estimated at approximately 90%. The severed parcel will not comply with the minimum rear yard setback or the minimum lot coverage provisions of the C I-I Zone. Given that the configuration of the proposed lot reflects the existing development pattern municipal staff believe either a variance or rezoning to address these issues would be appropriate. The site would not comply with the minimum parking standard. This can be addressed if ownership of the associated parking lot being severed under application B12-141 is tied to the proposed lot. If application B12-141 is not completed then this lot should only be created if there is an easement ensuring access and exclusive use of the parking area on the land subject to B12-141 and the parking use is ensured through a zoning amendment.

The retained lot would have frontage of about 21 m (68.8 ft.) on Joy Avenue and has an existing entrance onto Kippen Street. It encompasses a large commercial warehouse-form building and would have a lot area of roughly 2114 m² (22,754 ft.²). The retained parcel is not presently connected to municipal water and sanitary services. As per our preceding comments regarding application B12-141, connection to services or an agreement with the Town will be needed for the retained lot to be occupied or redeveloped. The retained lot will not comply with the minimum rear yard standard and this can be addressed by a minor variance or rezoning and either would be appropriate since the effect would be to reflect and maintain the existing development pattern.

Based on the available aerial imagery it appears that the existing building will comply with the maximum 60% lot coverage. If that is not confirmed by the final survey then a minor variance would be needed for the retained lot.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Town of Perth - recommends approval of this application subject to the following conditions:

1. The consent filed under application B12-140 is granted.
2. Any outstanding municipal service fees or taxes due to the Town of Perth at the time a clearance letter is requested be paid.
3. The Severed lot be tied in title with the lot being created pursuant to Application B12-140 to the satisfaction of the Town of Perth and an agreement shall be completed to the satisfaction of the Town of Perth establishing that the new lot is not intended for structural development but to provide parking for the tied parcel.
4. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
5. The Owner shall complete a minor variance or rezoning of the retained parcel to address the non-compliance with the zoning By-law that will arise from the consent.
6. In the event that the Owner acquires all or part of the adjacent road allowance known as Kippen Street then the road allowance, the severed parcel and the severed parcel from application B12-140 shall merge in title and become one lot to the satisfaction of the Town of Perth (condition 2 then would not be required).
7. The Owner shall install municipal water and sanitary connections to the retained lot or complete a development agreement with the Town of Perth to be registered on title of the retained lot to address the following:
 - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections prior to any reuse or redevelopment of the lot. All work shall be approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
 - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to reconstruction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - iii) The owner will acknowledge responsibility to develop adequate parking on site prior to the occupation of the site for a new use.

Advisory Notes:

1. The proponent be cautioned of the need to allow sufficient time for the variance or zoning process and for a development agreement to be completed with the Town (a minimum of 60 to 90 days should be anticipated) and advised that a deposit of \$750 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.
2. The Owner may wish consider providing an easement or other legal mechanism to ensure access for the retained parcel over the severed lot for building repair and maintenance purposes.
3. The Owner may wish to consider establishing a right-of-way over the severed lot in favour of the retained parcel for application B12-142 if legally assured vehicle access to the rear yard at 36 Wilson Street would be beneficial in the long term.

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

Bell Canada R-O-W –

We acknowledge receipt and thank you for your correspondence dated November 5, 2012.

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 requirements for easement protection.

We have no concerns or objections to the proposed severance.

(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, as follows:

Deborah Hamilton-Foley - Nov 21, 2012

Thank you very much for taking the time to sit down with me to review these proposed plans.

I would like to receive notice of any public meetings as well as any notice of decision in regards to these plans.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 280 sq. m. vacant / parking lot and retain a 3750 sq.m. lot with an metal clad shed / frame shed.

The subject lands are located in an area characterized by typical mixed commercial / urban residential. The effect of the severance is to split the lot so that each property is located on its own separate lot. Future development may require an application for minor variance.

The lands are accessed via Harriet Street and Kippen Street, the severed land access only Kippen Street, both are municipally maintained roads. The applicant has submitted an application to the Town to purchase Kippen Street.

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/ Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3/ Woodland Policies are not applicable.

Zoning

The subject property is currently within the General Commercial section of the Zoning By-law, which permits a number of commercial type uses. The proposed lot does not meet the requirements of the zoning by-law – re-zoning or minor variance is required.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands does not meet the minimum requirements of Town's Zoning By-law, however the Town of Perth would entertain a minor variance or amendment to the zoning by-law. 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 Perth and could be given favourable consideration.

(e) MINUTES – December 17, 2012

John McLenaghan, applicant attended the hearing and gave evidence under oath. Craig Halpenny, solicitor for the applicant also attended.

The Hearing for applications B12/140, B12/141 and B12/142 were held concurrently.

The Secretary read out an e-mail received from the Town of Perth, which provided additional information for the Committee:

"Status of Kippen Street. John McLenaghan has filed an application with the Town regarding the closure and conveyance of Kippen Street. The Town has completed an engineering review that concluded the street could be closed from a public transportation perspective. However, a neighbouring land owner has expressed concern about the street closure on his business and the application has been deferred pending the two parties negotiating a solution. If the road closure happens before the consents are completed then we are requesting that the parking area merge with the lot that will include the former Home Hardware store.

Mr. Halpenny provided a background on the concurrent applications. The parking lot (B12/141) has historically been the parking lot for the former store located on B12/140. The buildings on B12/142 were historically the lumber yard and storage buildings for the former store located on B12/140.

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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That consent filed under application B12/140 is granted.
4. Any outstanding municipal service fees or taxes due to the Town of Perth at the time a clearance letter is requested be paid.
5. The Severed lot be tied in title with the lot being created pursuant to Application B12/140 to the satisfaction of the Town of Perth and an agreement shall be completed to the satisfaction of the Town of Perth establishing that the new lot is not intended for structural development but to provide parking for the tied parcel.
6. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
7. The Owner shall complete a minor variance or rezoning of the retained parcel to address the non-compliance with the zoning By-law that will arise from the consent.
 - a. In the event that the Owner acquires all or part of the adjacent road allowance known as Kippen Street then the road allowance, the severed parcel and the severed parcel from application B12-140 shall merge in title and become one lot to the satisfaction of the Town of Perth (condition 2 then would not be required).
8. The Owner shall install municipal water and sanitary connections to the retained lot or complete a development agreement with the Town of Perth to be registered on title of the retained lot to address future development of the lands.
9. A letter shall be received from the Town of Perth stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The proponent be cautioned of the need to allow sufficient time for the variance or zoning process and for a development agreement to be completed with the Town (a minimum of 60 to 90 days should be anticipated) and advised that a deposit of \$750 against the administrative and legal costs of agreement preparation needs to be submitted before preparation of the development agreement will be initiated.*
2. *The Owner may wish consider providing an easement or other legal mechanism to ensure access for the retained parcel over the severed lot for building repair and maintenance purposes.*
3. *The Owner may wish to consider establishing a right-of-way over the severed lot in favour of the retained parcel for application B12-142 if legally assured vehicle access to the rear yard at 36 Wilson Street would be beneficial in the long term.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John Robert McLenaghan.

Hearing Date: December 17, 2012

Agent: Stephen Craig Halpenny

LDC File #: B12/142

Municipality: Town of Perth

Geographic Township: Perth

Lot: 10 & 11 Conc.: Pk Lot 1 Plan 8828

Roll No. 0921 030 070 00400

Consent Type: Lot addition

Purpose and Effect:

To sever a 160 sq.m. vacant commercial parcel of land as a lot addition to lands owned by Perth Planing Mill Ltd at Pt. Lot 10 and 11 Pk Lot 1 Plan 8828 and to retain a 640 sq.m. commercial lot with an existing 2 storey frame building/ 1 storey frame building and brick garage.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant Commercial	Commercial
Proposed Use	Vacant Commercial	Commercial
Area	160 sq.m.	640 sq.m.
Frontage	12.2 m	13.7 m
Depth	13.7 m	54.8 m
Road - Access to	No access	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sanitary Sewers	Sanitary Sewers
Official Plan Designation -Conformity?	Commercial Area District Yes	
Zoning By-law Category	General Commercial	General Commercial
-Area Required (min.)	No	coverage 80%
-Compliance?		No
-Frontage Required (min.)		6 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

Section 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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 3.0 Basis of Plan, Section 4.0 economic development, section 5.2 Sewage and Water, Section 5.5.4 Local Roads, Section 8.6 Commercial Central Area District , section 9.11.15 Subdivisions, Consents and Part Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 10.0 General Commercial

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

(b) AGENCY REVIEW

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

Town Planner's Report

On behalf of the Town of Perth and pursuant By-law No. 3344, (a By-law delegating certain authority to the Planner), please be advised that the Town has no objection to the granting of provisional consent regarding the above noted applications subject to the comments herein and the conditions set out on the attached municipal commenting forms.

Application B12-142 is proposing a lot addition that will improve the benefiting lot by creating a more standard lot configuration and more area for either parking development or more flexibility for a redevelopment of the site. The severance has no impact on the legal non-complying structures on the retained parcel. The Town of Perth therefore has no objection to the proposed consent.

Application B12-141 is proposing to sever a parking area fronting on Kippen Street from the retained lot which features two existing buildings that have been used for commercial (non-retail) purposes. The parking area has primarily served the retail commercial building occupying the parcel being severed pursuant to application B12-140.

Accordingly this application should only be granted in the event that B12-140 is granted. The severed parcel should remain a parking area as it will not have immediate access to municipal water and sanitary sewer services and should be tied in title with the parcel created under application B12-140.

The severance proposed in application B12-141 would put the rear lot line for the retained parcel well within the 6.1 m rear yard specified for the C1-1 Zone. As this configuration reflects the existing development pattern, staff believe the non-compliance can be addressed through a minor variance or the site could be rezoned to provide permanent relief from the present zone standards.

Based on the areal imagery it appears that the 60% maximum lot coverage will be met once the lot addition proposed in application B12-142 is completed. If this is not confirmed in the final survey information then a variance for relief may be needed. The building on the retained parcel is not presently serviced. Municipal staff anticipate that the applicant will not want to install water and sanitary services prior to lot creation. Therefore an agreement with the Town to ensure servicing is a recommended condition and would be needed for a building to be used or occupied as a principal structure. Given the proximity of the existing building to the proposed lot line, the Owner should consider providing an easement or other legal mechanism to ensure access for the retained parcel over the severed lot for building repair and maintenance purposes.

Application B12-141 is proposing to create a new lot encompassing the existing frontage of about 20 m (66 ft.) on Wilson Street and an area of approximately 1100 m² (11,840 ft²) which encompasses an existing retail commercial building and would have a lot coverage estimated at approximately 90%. The severed parcel will not comply with the minimum rear yard setback or the minimum lot coverage provisions of the C I-I Zone. Given that the configuration of the proposed lot reflects the existing development pattern municipal staff believe either a variance or rezoning to address these issues would be appropriate. The site would not comply with the minimum parking standard. This can be addressed if ownership of the associated parking lot being severed under application B12-141 is tied to the proposed lot. If application B12-141 is not completed then this lot should only be created if there is an easement ensuring access and exclusive use of the parking area on the land subject to B12-141 and the parking use is ensured through a zoning amendment.

The retained lot would have frontage of about 21 m (68.8 ft.) on Joy Avenue and has an existing entrance onto Kippen Street. It encompasses a large commercial warehouse-form building and would have a lot area of roughly 2114 m² (22,754 ft.²). The retained parcel is not presently connected to municipal water and sanitary services. As per our preceding comments regarding application B12-141, connection to services or an agreement with the Town will be needed for the retained lot to be occupied or redeveloped. The retained lot will not comply with the minimum rear yard standard and this can be addressed by a minor variance or rezoning and either would be appropriate since the effect would be to reflect and maintain the existing development pattern.

Based on the available aerial imagery it appears that the existing building will comply with the maximum 60% lot coverage. If that is not confirmed by the final survey then a minor variance would be needed for the retained lot.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department.

If you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Town of Perth - recommends approval of this application subject to the following conditions:

1. Any outstanding municipal service fees or taxes due at the time a clearance letter is requested be paid.
2. The Severed parcel remain subject to the provisions of Section 50 (3) of the *Planning Act* and be tied in title with the benefiting lot tied to the satisfaction of the Town of Perth
3. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.

(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, as follows:

Deborah Hamilton-Foley - Nov 21, 2012

Thank you very much for taking the time to sit down with me to review these proposed plans.

I would like to receive notice of any public meetings as well as any notice of decision in regards to these plans.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 160 sq. m. vacant commercial lot as a lot addition to lands owned by Perth Planing Mill and retain a 640 sq.m. commercial lot. With an existing 2 storey frame dwelling, 1 storey brick dwelling and brick garage.

The subject lands are located in an area characterized by typical mixed commercial / urban residential. The effect of the severance is to square off lands owned by Perth Planing Mill.

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/ Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3/ Woodland Policies are not applicable.

Zoning

The subject property is currently within the General Commercial section of the Zoning By-law, which permits a number of commercial type uses.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands do not meet the minimum requirements of Town's Zoning By-law; however the Town will entertain a minor variance or re-zoning application. 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 Perth and could be given favourable consideration.

(e) MINUTES – December 17, 2012

John McLenaghan, applicant attended the hearing and gave evidence under oath. Craig Halpenny, solicitor for the applicant also attended.

The Hearing for applications B12/140, B12/141 and B12/142 were held concurrently.

The Secretary read out an e-mail received from the Town of Perth, which provided additional information for the Committee:

"Status of Kippen Street. John McLenaghan has filed an application with the Town regarding the closure and conveyance of Kippen Street. The Town has completed an engineering review that concluded the street could be closed from a public transportation perspective. However, a neighbouring land owner has expressed concern about the street closure on his business and the application has been deferred pending the two parties negotiating a solution. If the road closure happens before the consents are completed then we are requesting that the parking area merge with the lot that will include the former Home Hardware store.

Mr. Halpenny provided a background on the concurrent applications. The parking lot (B12/141) has historically been the parking lot for the former store located on B12/140. The buildings on B12/142 were historically the lumber yard and storage buildings for the former store located on B12/140.

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.

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 Perth Planing Mill Limited described as Part Lot 10 and Pt. Lot 11 Pk Lot 1 Plan 8828 Pt. of Pt. 2 Reference Plan 27R-6978, 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. Any outstanding municipal service fees or taxes due at the time a clearance letter is requested be paid.
5. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
6. A letter shall be received from the Town of Perth stating that condition #4 and #5 has been fulfilled to their satisfaction.