



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, February 25, 2013 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Member Absent: W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer and Amanda Noel, Administrative Assistant

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-2013-05

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

“THAT, the minutes of the Land Division Committee meeting held on January 28, 2013 be approved as circulated.”

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-06

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

“THAT, the agenda be adopted as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 McIntosh Perry Consulting – Brian Kerr, OLS
Request to consider revision to Consent Application B12/030 – Jean King.
(Letter and sketch attached)

Options:

- 1/ Approve changes to the provisional consent conditions to reflect the new dimensions as per the e-mail dated Feb 5, 2013;
- 2/ Defer action to provide for re-circulation of the application; or
- 3/ Refuse to allow revisions to the original application, which would then require the applicant to re-submit new applications.

MOTION #LD-2013-07

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

“**THAT**, the provisions consent conditions for B12/030 approved August 20, 2012 be amended to reflect the revised sketch based on the e-mail dated February 5, 2013.”

ADOPTED

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. public hearing:

7.1.1 B12/130 & B12/131 – Birgit Clubb – 2 New Lot & Easement

Pt. Lot 25 Conc. 6, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Waba Road)

7.1.2 B12/132 – Carleton Maple Leaf Development Ltd – New Lot

Lot 249 and 251 Compiled Plan 276 Town of Carleton Place. (Bridge Street)

7.1.3 B12/133, B12/134 & B12/135 – Esther Timmins Estate – 3 new lots

Pt. Lot 11 Conc. 10, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Lynx Hollow Road)

7.1.4 B12/143 – William J Stanley- New Lot & Easement

Pt. Lot 14/15 Conc. 8, geographic Township of South Sherbrooke, now in Tay Valley Township. (Highway No. 7)

7.1.5 B12/146 – Marian Fitzgibbon – R-O-W

Pt. Lot 13 Conc. 2, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Bellamy Road).

7.1.6 B12/147 – Cathy and Rene Sweeney – R-O-W

Pt. Lot 4 Conc. 1, geographic Township of Lanark, now in the Township of Lanark Highlands. (Forbes Road)

7.1.7 B12/156 - Ronald and Margaret Dickinson – R-O-W

Pt. Lot 17 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Jerome Street).

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B12/137 and B12/138 – Reynold & Beverly Burchill – 2 New Lots

Pt. Lot 1 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 9A).

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Draft Procedural Manual – committee to review and provide comments for the April meeting.

9.2 Draft Year-End Report – format revised. Committee to review and provide comments for the April meeting.

9.3 OCAC Conference - Richmond Hill – May 26 to 29, 2013 - early Bird Registration prior to Apr 15, 2013. The Secretary to register D Murphy and W Guthrie.

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 B12/132 – Carleton Maple Leaf Development Ltd – New Lot

10.1.2 B12/130 & B12/131 – Birgit Clubb – 2 New Lot & Easement

10.1.3 B12/133, B12/134 & B12/135 – Esther Timmins Estate – 3 new lots

10.1.4 B12/137 and B12/138 – Reynold & Beverly Burchill – 2 New Lots

10.1.5 B12/143 – William J Stanley- New Lot & Easement

10.1.6 B12/146 – Marian Fitzgibbon – R-O-W

10.1.7 B12/147 – Cathy and Rene Sweeney – R-O-W

10.1.8 B12/156 - Ronald and Margaret Dickinson – R-O-W

11. UPCOMING MEETINGS

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

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

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

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

12. ADJOURNMENT – 12:30 p.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Birgit Clubb **Hearing Date:** February 25, 2013
Agent: ZanderPlan Inc.
LDC File #: B12/130 & B12/131
Municipality: Mississippi Mills
Geographic Township: Pakenham **Lot:** 25, **Con** 6
Roll No. 0931 946 020 16100 & 0931 946 020 15900 **Consent Type:** New Lot & Easement

Purpose and Effect: To sever two residential building lots together with an easement for common access (1.0-ha and 1.11-ha) and retain a 38.4-ha landholding with an existing dwelling, barns and outbuildings at 2944 Waba Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/130	B12/131	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Agriculture Agriculture
Area Frontage Depth Road - Access to	1.0 ha 66 m 237 m County Road	1.11 ha 95 m Irregular County Road	38.4 ha 1180 m Irregular County Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic	Private well Private septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	1.0-ha Yes 45 m Yes		1.0-ha Yes 45 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan - under review by MMAH

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

The Town of Mississippi Mills advises that the proposed severances are consistent with the Community Official Plan.

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

The Town of Mississippi Mills advises that the proposed severances are consistent with the Town's Zoning By-law.

(b) AGENCY REVIEW

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

Town of Mississippi Mills – Planner's Report

BACKGROUND

Birgit Clubb currently owns a 7.5 ha (18.74ac) parcel of land with frontage on Waba Road which is a county owned and maintained road. The subject property is located in the north-east quadrant of Pakenham Ward, in the Town of Mississippi Mills. The property is currently occupied by a single family dwelling, a barn and various outbuildings. The intent of the application is to create two lots of approximately 1ha (2.48ac) and 1.1ha (2.75ac) from the existing lot and retaining the remainder resulting in the creation of two lots plus the retained lot.

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

SEVERANCE APPLICATION SUMMARY - Lot Severance

This application is to sever two (~1ha and 1.1ha) parcels of land from the existing rural lot to create two new rural residential lots. The proposed lots would have ~66m (216.53ft) and ~95m (311.6ft) of frontage on Waba Road. The retained lot would have ~1275m (4183ft) of frontage on Waba Road.

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

COMMUNITY OFFICIAL PLAN

The subject property has an Official Plan designation of Rural. Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6-Severances and Lot Creation, permits severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original Township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire the proposed severance on the property.

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

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

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

Section 3.3.6.5 (vii) of the Community Official Plan does permit two or more lots to share a single driveway where there is planning rationale. The proposed lots have sufficient frontage to accommodate the spacing requirement between individual driveways, however, the lands subject to the application fronts onto Waba Road, where the right of way forms an "S" curve across the whole frontage. This road alignment will impact the vehicular site lines of oncoming traffic and create potential safety concerns. These concerns can be reduced by having a shared driveway to service the two lots. The Public Works Department for the Country of Lanark, who is responsible for the Waba Road is also concerned with the "S" curve of Waba Road in front of the subject property and is requiring that the two new lots be accessed by a shared driveway.

ZONING BY-LAW 11-83

The subject property is currently zoned Rural (RU). The Rural (RU) zone permits a range of rural and agricultural uses including a single detached residential dwelling. For lands intended to be used for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft). Applications B12/130 and B12/131 requests approval to sever two parcels of vacant land. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

CONCLUSION

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind,

staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
That the applicant pay any outstanding property taxes on the subject property;
3. That the applicant acquire entrance permits;
4. That the applicant acquires a PIN/Municipal address for each lot.
5. That the applicant registers on title a joint use and maintenance agreement against both properties regarding the future use and maintenance of the shared driveway.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B12/130 – A 2.48 acre vacant parcel of land with gentle slope. No existing buildings. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 94.97 acre farm parcel with abandoned farm house and various farm out buildings. There is a dug well and drilled well on the property. Additional sandy loam fill will be required in area of replacement tile bed.

County Roads Department – Land to be severed by B12/130 and B12/131 has an approved entrance location which will service the severed lots as a Common Residential entrance. Permit application #2382 applies. Lands to be retained have an existing residential entrance permit #2415. A full entrance application must be submitted and entrance installed prior to deed endorsement.

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.

The County of Lanark is aware that there is a former road lying between the property and the existing travelled road that has not been closed by by-law. The County requires that these lands be closed and conveyed to the abutting property owner. The County requires the survey to identify the former road sufficient to allow us to proceed with a formal road closing. The applicant will be responsible for the costs to identify the former road across the frontage of the severed lots and the County will be responsible for the costs to identify the former road across the frontage of the retained lands. The surveyor should consult directly with the Terry McCann, Construction Manager, to determine the County

requirements. The draft reference plan must be provided to us for review and approval prior to registration.

Hydro One Networks – No comments were received.

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

(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 (1.0-ha and 1.11-ha) together with an easement for common entrance and retain a 38.5-ha landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings intermixed with typical residential lots along Waba Road

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

Soils Inventory – South Portion

- Name: Monteagle
- Stoniness: very stony
- CLI: 7 – no capabilities
- Drainage: well drained
- Hydrogeology: moderate

North Portion

- Rideau
- non-stony
- 3 – moderately severe limitations
- imperfectly
- high run-off

Bedrock Inventory – Marble, Calc-silicate, skarn

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland

Development Policies have been established by the Town of Mississippi Mills.

Zoning

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

Conclusion

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

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

(e) **MINUTES – February 25, 2013**

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

Ms. Zander provided confirmation that the road allowance (cross road) between lots 25 and 26 Conc. 6 Pakenham is showing as 'closed' in the Land Titles Office and therefore Lots 25 and 26 are one parcel of land.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to both severances

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicants shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. The applicant shall prepare and register on title a “Joint Use and Maintenance Agreement” for the construction and on-going maintenance of the shared driveway.
9. The applicant shall provide the Lanark County Public Works Department with a draft reference plan which shall identify the former road lying between the applicants severed and retained lands and the existing travelled road. The applicant’s surveyor shall consult directly with the Lanark County Construction Manager in this regard.
10. The applicant shall in consultation with the Lanark County Public Works Department take all necessary steps to “Stop-up, Close and Convey” the former road lying between the applicants severed and retained lands and the existing travelled road. The applicant shall consult directly with the Lanark County Public Works Department in regards to the cost sharing as it relates to the road closing.
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 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 County of Lanark Public Works Department stating that condition #9 through #14 has been fulfilled to their satisfaction.
15. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and the future replacement tile bed area on the retained lands.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical

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

Additional Note for B12/131

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

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 - under review with MMAH

Official Plan – Section 3 – General Provisions, Section 4.2 Residential Policies, Section 4.3 General Commercial, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

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

Development Permit By-law - Section 2.17 Development Review Process, Section 3.0 General Provisions, Section 5.0 Residential designations, Section 6.2 Central Business District.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law requirements.

(b) AGENCY REVIEW

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

Town of Carleton Place – Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 249-251 Bridge Street as shown on the attached key maps. The lot is located on the east side of Bridge Street.

The severed lot would be approximately 20.6 metres wide and 655.1 m². The retained parcel would be approximately 16.1 metres wide and 283.5m². There is an existing single family house on the retained portion of land and an existing commercial building (Maple Leaf Dairy) on the severed parcel.

COMMENT

The Official Plan designation of the severed lot is General Commercial and the designation of the retained lot is Residential. The General Commercial designation has been placed on the downtown core, which includes the central business district and extends down both sides of Bridge Street and Lansdowne Avenue, from Herriott Street in the north to Arthur Street in the South. The intention of this designation is to define the

pedestrian-oriented core area of the Town where pedestrian-oriented commercial and business uses will be encouraged. Residential units are permitted on the upper floors. The Residential designation allows for a range of residential housing types. The Development Permit designation of the severed lot is Central Business District and the retained portion is designated Residential. The effect of the severance will be to create a lot with an existing family house on the retained lot and a lot with an existing commercial building on the severed lot. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law. The applicant will be required to provide a survey to demonstrate and confirm that the proposed lots conform to the Development Permit By-law. A Development Permit application may be required to address any provisions that are not able to be met by the existing buildings.

Town of Carleton Place – 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 Town.
- 2 That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.

Hydro One Networks – No comments were received.

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

(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 655.1 sq.m. parcel of land with an existing commercial / residential building located at 249/251 Bridge Street and retain a 283.5 sq.m. parcel of land with an existing dwelling located at 11 William Street.

The subject lands are located in an area characterized by Residential and Commercial in a typical urban setting.

The lands to be severed are accessed via Bridge Street and the lands to be severed are accessed via William Street, both are municipally maintained roads.

Official Plan Policies –

- 1/ County Official Plan – under review with MMAH
- 2/ Carleton Place Official Plan Policies for the Division of Land are found in Section 7.4 of the OP. The intent of the OP is to develop land through the subdivision process, however, consent may be granted in accordance with specific applicable consent policies. These include: no extension of major service required, must have frontage on existing public road, infilling, conforms to Development Permit By-law. There is no lot creation date for the Town of Carleton Place.
- 3/ Woodlands
The Town of Carleton Place have an approved Tree Preservation Plan.

Development Permit By-law

The Development Permit designation of the severed lot is Central Business District and the retained portion is designated Residential. Both designations permits a number of uses, no change is anticipated in the existing uses. Any new development will be required to meet the minimum requirements of the Development Permit By-law.

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 meet the minimum requirements of Town Development Permit 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 and Official Plan for the Town of Carleton Place and could be given favourable consideration.

(e) **MINUTES – February 25, 2013**

Ed Jansen, agent attended the hearing and gave evidence by affirmation.

Mr. Jansen advised that previous to his ownership, the lands were in separate title.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide a digital copy of the registered reference plan in a NAD83 datum format to the Town of Carleton Place.
5. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
7. A letter shall be received from the Town of Carleton Place stating that condition #3 through #6 has been fulfilled to their satisfaction.

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 1.6.4.4 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.

County Official Plan - under review by MMAH.

Official Plan – Section 2 Basis of Plan, Section 3.4 Rural Settlement Areas and Villages, Section 3.3.6 Severances and Lot Creation, section 4 General Policies, Section 4.6.4 Municipal Roads Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposed severances are consistent with the Community Official Plan.

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

The Town of Mississippi Mills advises that the proposed severances are consistent with the Town's Zoning By-law.

(b) AGENCY REVIEW

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

Town of Mississippi Mills – Planner's Report

Background

The Estate of Esther Timmins currently owns a 2.86 ha (7.07ac) parcel of land with

frontage on Lynx Hollow Road which is a municipally owned and maintained road. The subject property is located in the north-east quadrant of Pakenham Ward, in the Town of Mississippi Mills. The property currently houses a single family dwelling and various outbuildings. The intent of the application is to create three new lots each being approximately 0.46ha (1.16 ac) in size and a retained lot being approximately 1.45ha (3.59ac) in size from the existing lot.

All of the lands subject to the consent application are designated Rural Settlement and Hamlet in the Official Plan. All of the lands are zoned Rural (RU).

Severance Application Summary Lot Severance

This application is to sever three (~0.46ha) parcels of land from the existing rural lot to create three new rural residential lots. The proposed lots would have ~61m (200.13ft) of frontage on Lynx Hollow Road. The retained lot would have ~125m (410ft) of frontage on Lynx Hollow Road.

The severed lots are being created for the construction of a single residential dwelling on each lot, with the retained lot supporting the existing dwelling.

Community Official Plan

The subject property has an Official Plan designation of Rural Settlement and Hamlet designation. With the subject lands being designated as Rural Settlement Area and Hamlet, it is these, Section 3.4.3 and the general severance polices (5.3.11) that will be applied in this case and not the general rural severances polices.

Section 3.4.3.5 of the Community Official Plan requires minimum lot sizes within rural settlement areas and villages to be based on the appropriate requirements for the proposed water and sewage systems as well as site specific considerations of topography and vegetation. Generally, single detached residential lots should be a minimum of 0.4 hectares (1 acre) in size. In waterfront situations, larger minimum lot sizes will most likely be required to ensure sufficient area to accommodate the 30 metre setback from the highwater mark, shoreline buffering requirements, flood plain considerations and other environmental constraints.

Section 5.3.11.2 of the Community Official Plan has set out the performance standards to be satisfied for a consent application to be supported by the Town, which includes the following:

- Scale of development does not require a plan of subdivision
- Infill in an existing built up area
- Proposed lots are in keeping with the lot area, frontage and density pattern of surrounding neighbourhood
- Would not create or worsen traffic, access or servicing problems
- Efficient use of land and will not hinder the development of the retained lands
- Does not represent strip development
- Meets the other polices in the plan.

Development Scale

The proposed consent applications will create a total of three new lots plus a retained lot. The extent of the development being requested is minor and does not require a plan of subdivision.

Infilling of an existing Built-up Area

The 2.86ha (7.07ac) parcel of land subject to the application is a rural residential property abutting the Pakenham Developments Subdivision beside the Pakenham Highlands Golf Course. This parcel represents the last parcel of land in the settlement area. The proposed severances will continue the creation of rural residential lots within the existing settlement area.

Worsen traffic, access or servicing problems

The intent of the applications is to create three (3) new rural residential Building lots, plus the retained lot for the existing dwelling. The increase in the dwelling units in the area by three (3) will not have an impact on traffic on Lynx Hollow Road as the municipal road services less than 60 building lots. With the proposed lots having access to a year round municipality maintained right of way, there will be no issue with site access. Finally the lots will be serviced by private services, and as a condition of approval the applicant will have to demonstrate that the lot has capacity to support the proposed development on private services.

Efficient use of Land/Not Hinder retained

The new lots being proposed have an approximate lot area of 0.46ha (1.16 ac) in size and a retained lot being approximately 1.45ha (3.59ac) in size. The three new lots marginally exceed the minimum lot area requirements, while leaving a large retained parcel of land for the existing dwelling. The retained land needs to be larger due to the location of the existing dwelling and the fact that a creek currently divides the retained parcel. As a result of the constraints the proposed infill lots will continue to develop an established settlement area while maximizing the number of lots being created.

Strip Development

The lands subject to the application form part of a rural settlement area that has a developed plan of subdivision surrounding the property. Permitting the creation of these lots supports the continual development of an established built-up area and would not create lots in isolation along a road.

Other COP Policies

The proposed lots are consistent with the lot creation policies contained within the Community Official Plan. It is noted that there is a Provincially Significantly Wetland on lands to the west of the subject site. The Community Official Plan requires that an Environmental Impact Statement be completed where development is occurring within 120m of a Provincially Significant Wetland to show that there is no negative impact on the wetlands as a result of the development. The Community Official Plan includes lot creation as development. Of the three lots being created on one lot, being application B12/135 falls within the 120 metres, however there is a sufficient building envelope outside the protection area. In order to satisfy this requirement the applicant will have to complete an environmental assessment with the Mississippi Valley Conservation.

Zoning By-law 11-83:

The subject property is currently zoned Rural (RU). The Rural (RU) zone permits a range of rural and agricultural uses including a single detached residential dwelling. For lands intended to be used for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft). Applications B12/133, B12/134 and B12/135 request approval to sever three parcels of land plus a retained parcel with a minimum lot area of ~0.46ha (1.16ac) and a minimum lot frontage of ~61m (200.13ft). The severed and retained lands meet the minimum lot frontage requirements

as outlined in by-law 11-83, fall short for minimum lot area, however the minimum lot size does meet minimum lot size as required in the Community Official Plan.

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the general intent of the Zoning By-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant acquire entrance permits;
5. That the applicant acquires a PIN/Municipal address for each lot.
6. That the applicant acquire site plan approval for consent application B12/135
7. That the applicant demonstrates that the lot has capacity to support the proposed development on private services.
8. That the applicant rezone the subject lands to accommodate the reduced lot area
9. That the applicant complete the acquisition of the closed portion of Lynx Hollow Road
10. That the applicant completes an Environmental Impact Assessment for consent application B12/135.

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

Severed – B12/133 – A 1.16 acre parcel of land that is a mix of bush and open field. Gentle slopes. No existing buildings. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/134 – A vacant 1.163 acre parcel of land. Land has gentle slopes. A mix of bush near road frontage & field. Additional sandy loam fill will be required in area of future tile bed.

Severed – B12/135 – A 1.163 acre parcel of land. Rock out crop nearest road frontage. Field in mid to back of parcel. Land is vacant. Additional sandy loam fill will be required in area of future bed.

Retained – A 4 acre parcel of land with an existing house serviced by a well and septic system. Additional sandy loam fill will be required in area of future replacement tile bed.

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 questions or objection 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.

November 29, 2012
Dave & Sandra Skinner

As indicated in your Notice of Application for Consent regarding the above-referenced file, we are hereby requesting a Notice of Decision.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots (0.46-ha, 0.47-ha and 0.47-ha) within a designated settlement area and retain a 1.16-ha residential lot.

The subject lands are located in an area characterized by Residential on typical residential type lots within a settlement area, and abut the Pakenham Developments Subdivision with large vacant landholdings to the west. This parcel of land represents the last parcel of land within the settlement area, and is classed as in-filling. A portion of Parcel B12/137 is within the 120m of the “Pakenham Mountain Wetland Complex”, however is separated from the complex by Ski Hill Road. An EIS should be completed and reviewed by Mississippi Valley Conservation.

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

Bedrock Inventory – granodiorite, tonalite.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of ‘general policies’ also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation. Additional severances may be permitted within settlement areas, for infill purposes.

It is noted that Lot B12/135 is partially within the 120m setback area of the Pakenham Mountain Wetland Complex and is therefore subject to an EIS to ensure that development will not create any adverse effects on the wetland. However, there is sufficient area outside the 120m influence area for development as well; Ski Hill Road separates the wetland area from the proposed development.

3/ Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lots do not meet the minimum lot size contained within the zoning by-law; however do meet the minimum lot size as required in the Community Official Plan. The zoning by-law is currently being revised and will then conform to the Official Plan Policies. In the meantime Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are located within a designated settlement area however are not serviced by public services (water and sewer). The development is compatible with the rural landscape and can be sustained by rural service levels. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Community Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – February 25, 2013**

Glen Timmins, agent attended the hearing and gave evidence under oath.

Mr. Timmins was advised that an EIS would be required to address the adjacent wetland complex located on the west side of Ski Hill Road from B12/135, as well as details on capacity to support the private services on the these lands.

Mr. Timmins advised that a Hydrogeological Report had been prepared for the existing subdivision adjacent to these lands.

Mr. Timmins also provided background on the road issue and this has been discussed with the Town who are willing to proceed with the closing and transfer of lands.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to B12/133 and B12/134

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicants shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
9. The applicant shall demonstrate that the lot has capacity to support the proposed development on private services. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. The applicant shall obtain appropriate relief from the minimum lot size provisions of the Zoning By-law for the Town of Mississippi Mills by way of an amendment to the Zoning By-law.

11. The applicant shall complete the "Road Closing Process" for Lynx Hollow Road. The applicant shall consult directly with the Town of Mississippi Mills in this matter.
12. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

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

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

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

B12/135

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one**

year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicants shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
9. The applicant shall demonstrate that the lot has capacity to support the proposed development on private services. The applicant shall consult directly with the Town in this regard.
10. The applicant shall obtain appropriate relief from the minimum lot size provisions of the Zoning By-law for the Town of Mississippi Mills by way of an amendment to the Zoning By-law.
11. The applicant shall have an Environmental Impact Statement prepared by qualified person. The EIS shall be submitted to the Town and the Conservation Authority for review and approval, and any mitigation measures shall be implemented by way of a Site Plan Agreement with the Town of Mississippi Mills.
12. That the applicant enter into a Site Plan Agreement with the Town of Mississippi Mills. The wording of the agreement shall be acceptable to the Municipality and shall include any mitigation requirements as set out in the Environmental Impact Assessment.
13. The applicant shall complete the "Road Closing Process" for Lynx Hollow Road. The applicant shall consult directly with the Town of Mississippi Mills in this matter.

14. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #13 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William James Stanley **Hearing Date:** February 25, 2012
Applicant: Elma Stanley
Agent: ZanderPlan Inc
LDC File #: B12/143
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 14 & 15 **Con 8**
Roll No. 0911 914 010 36742 **Consent Type:** New Lot & Easement

Purpose and Effect: To sever a 2.097-ha residential lot (at 21944 Hwy #7) together with an easement for a common entrance and retain a 9.31-ha vacant lot together with an easement for a common entrance. The retained lands to be maintained as an “Environmental Protection Area”.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Environmental Protection
Proposed Use	Residential	Environmental Protection
Area	2.097 ha	9.31 ha
Frontage	145 m	297 m
Depth	Irregular	Irregular
Road - Access to	Provincial Highway	Provincial Highway
Water Supply	Private Well	N/A
Sewage Disposal	Private Septic	N/A
Official Plan Designation -Conformity?	Hamlet, Natural Heritage & Organic Soils Yes	
Zoning Category	Rural & Environmental Protection	Environmental Protection
-Area Required (min.)	0.405-ha	No development
-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.

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 - under review with MMAH

Official Plan – Section 2 General Development Policies, Section 2.19 Natural Hazard Features, section 2.21 Natural Heritage Features, Section 2.22 Water Supply, Sewage Disposal, Section 3.6 Rural Policies, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 4.2 Provincial Highways, 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, Section 13 Natural Heritage 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 2.097 ha residential lot together with an easement for a

common entrance, and retain a 9.31 ha vacant lot together with an easement for a common entrance. The retained lands to be maintained as an "Environmental Protection Area."

Applicable Sections: 10.2 - The severed land is 2.097 hectare with a road frontage of 145 metres and the retained land is 9.31 hectares with a road frontage of 297 metres. Both lots satisfy minimum requirements.

- Mississippi Valley Conservation (MVC) has no objection to the application, provided that the following measures are implemented on the retained land:
 - Future development shall not be permitted
 - Any site alteration within 120 metres of the Provincially Significant Wetland (PSW) will require written permission from Mississippi Valley Conservation
 - The applicant shall enter into a Site Plan Control Agreement with the Township, on the retained lands, including the conditions above.

MVC may require an Environmental Impact Statement on the severed lands at the time of any future development, and requires written permission for any alteration within 120 metres of the PSW,

- MRSSO has no objections to the severance as proposed. The topography and area for the severed lot are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies, The retained lot is not suitable for development

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, two (2) copies 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 \$200 cash-in-lieu of parkland requirement."

Conservation Authority – Mississippi Valley Conservation

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

The applicant proposes to sever a 2.097 hectare parcel, to create a new residential lot. The proposed lot has a dwelling which is serviced by a Class 4 sewage system (10V005). The sewage system permit is still open.

The retained parcel is approximately 9.31 hectares. The retained lot is undeveloped and zoned Environmental Protection (EP) and comprised of a Provincially Significant Wetland (PSW). No test pits were provided.

The topography and area for the severed lot is adequate to support the replacement of an OBC compliant sewage system greater than 30m from all water bodies. The retained lot is not suitable for development.

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

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

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

The applicant proposes to sever a 2.097 hectare parcel, to create a new residential lot. The proposed lot has a dwelling which is serviced by a Class 4 sewage system (10V005). The sewage system permit is still open.

The retained parcel is approximately 9.31 hectares. The retained lot is undeveloped and zoned Environmental Protection (EP) and comprised of a Provincially Significant Wetland (PSW). No test pits were provided.

The topography and area for the severed lot is adequate to support the replacement of an OBC compliant sewage system greater than 30m from all water bodies. The retained lot is not suitable for development.

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

Ministry of Transportation – Corridor Management Planner Eastern Region.

In the event Mr. Stanley was to proceed to the formal severance process, through Lanark County, the Ministry of Transportation (MTO) would be prepared to endorse the severance, as submitted, provided the following one (1) condition is included in the land division committee's decision.

1. A Reference Plan shall be prepared, and approved by the Ministry of Transportation, prior to registration, establishing a 10m wide easement, granted by the retained lot, sharing the entrance with the newly severed lot. The easement, depicted on the plan as a Part, must be shown on the reference plan approved by the approving authority and the easement rights incorporated into the deeds of both lots involved.

The MTO response to the Lanark County Severance Application File will further state ... A Ministry permit will be required to recognize the status of the newly created mutual entrance. Only one permit is issued for a mutual entrance, which contains both owners' names and is issued in duplicate - one to each owner.

When common access arrangements are to be utilized, a surveyed right-of-way area must be established and an easement granted by each lot in favour of the other lot sharing the entrance. This ensures continuous access to both lots served by the mutual entrance. It is noted that the attached severance sketch depicts the common entrance as being via the existing field entrance, fronting the proposed retained portion. We request that draft copies of the reference plan and deeds be submitted to this office prior to registration.

The applicant should be aware that any future development within 45 meters (150 feet) of the MTO property limit of, within 396 meters (1300 feet) of the centerpoint of the Highway 7 / County Road 36 Intersection, requires a Ministry of Transportation Building and Land Use Permit, prior to construction. It is notable that this permit control area encompasses the entire severed portion, proposed to be residentially developed.

Although, the inquiry states that the entrance is not to be changed this e-mail will confirm that MTO is not prepared to permit portions of the entrance to run parallel to the highway within the MTO right-of-way. Alteration / realignment to the entrance may be required, prior to severance application, and Reference Plan preparation. In this regard, please contact K. Wadsworth, to attend the site, to ensure the entrance has acceptable alignment, and meets MTO Residential Entrance Standard.

The MTO Mutual Residential Entrance Permit, is to be obtained, post-severance, by contacting Kevin Wadsworth at the MTO Bancroft Corridor Management Office, 50 Monck Street, P.O. Box 300, Bancroft, Ontario K0L 1C0 Telephone (613) 332-3220 ext 225 Fax (613) 332-3751 Toll free: 1 800 554-0487

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 questions or objection 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.

Scott Pemberton - January 20, 2013

I would like to make an appointment to see information relating to this Application for Consent (B12 /143). It is difficult for me to get there much earlier than 3:30 as I teach until 2:40 in Ottawa. Could I make an appointment at this time for this Wednesday the 23rd? I am representing my parents, Robert & Petra Pemberton, in this matter. I would like to request notice of the public meeting and of the notice of decision.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.097-ha parcel of land with an existing residential dwelling located at 21944 Highway No. 7 and retain a 9.31-ha vacant landholding. It is intended that the retained lands remain as Environmental Protection. One (1) previous severance was taken from the original landholding in 2006.

The subject lands are located in an area characterized by Residential on a mixture of lot types within a settlement area, however the lands being severed and retained are outside the designated 'settlement area' as shown on the Official Plan. A restaurant and shop are located to the west.

The lands are accessed via Highway No. 7, a provincially maintained road. Both the retained and severed will share a residential entrance.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 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 lands have areas 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 and natural heritage section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(e) MINUTES – February 25, 2013

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

Ms. Zander provided a background on the application, noting that the applicant recognizes that no building or structures would be permitted on the retained lands.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to 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. 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.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain a Civic Address Number from Tay Valley Township for the retained lands. The applicant shall consult directly with the Township in this regard.
9. A Reference Plan shall be prepared, and approved by the Ministry of Transportation, prior to registration, establishing a 10m wide easement, granted by the retained lot, sharing the entrance with the newly severed lot. The easement, depicted on the plan as a Part, must be shown on the reference plan approved by the approving authority and the easement rights incorporated into the deeds of both lots involved.

10. A Ministry of Transportation permit will be required to recognize the status of the newly created mutual entrance. Only one permit is issued for a mutual entrance, which contains both owners' names and is issued in duplicate - one to each owner.
11. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the shared driveway. An undertaking shall be provided to the Land Division Secretary-Treasurer.
12. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.
13. A letter shall be received from the Ministry of Transportation stating that condition #9 and #10 has been fulfilled to their satisfaction.

NOTES

1. *The Ministry of Transportation advises that any future development within 45 meters (150 feet) of the MTO property limit of, within 396 meters (1300 feet) of the centrepoint of the Highway 7 I County Road 36 Intersection, requires a Ministry of Transportation Building and Land Use Permit, prior to construction. It is notable that this permit control area encompasses the entire severed portion, proposed to be residentially developed.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Marian Iva Fitzgibbon **Hearing Date:** February 25, 2013
Agent: N/A
LDC File #: B12/146
Municipality: Town of Mississippi Mills
Geographic Township: Pakenham **Lot:** 13 **Con** 2
Roll No. 0931 946 015 04501 & 0931 946 015 04500 **Consent Type:** Right-of-way

Purpose and Effect: To sever an existing r-o-w in favour of Randy Allyn Warren and the Estate of John Mathieson across Lot 13 Conc 2 Pakenham.

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.6 Infrastructure and Public Service Facilities

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

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 - under review by MMAH

Official Plan – Section 2 Basis of Plan, Section 3,1,2 Environmental and Natural Heritage Features Section 3.3 Rural Policies, section 3.3.6 Severances and Lot Creation, section 4 General Policies, Section 4.6.9 Private Roads, Section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposed severances are consistent with the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 12 Rural Zone, section 18 Limited Service Rural, Section 38 Environmental Protection.

The Town of Mississippi Mills advises that the proposed severances are consistent with the Town's Zoning By-law.

(b) AGENCY REVIEW

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

Town of Mississippi Mills – Planner's Report
BACKGROUND

Currently there is an existing access lane from Bellamy Road to the Warren and Mathieson property which provides access to these lots. This is a historical access lane that has no legal standing. The intent of this application is to establish legal standing for this access land by acquiring consent for a right of way over the subject lands from the Lanark Land Division Committee.

The easement being sought would grant access rights over Part of Lot 13, Concession 2, Pakenham Ward, currently owned by Marian Iva Fitzgibbon. The affected property has a Community Official Plan designation of Rural and Provincially Significant Wetland and is zoned Limited Service Residential Special Exception 16 (LSR-16) and Environmental Protection (EP).

SEVERANCE APPLICATION SUMMARY

B12/146 – Easement

This application is to establish an access easement over Lot 13, Concession 2 Pakenham Ward. Currently, the Warren and Mathieson properties which would benefit from this application do not have frontage onto an open and maintained road and are otherwise inaccessible. The purpose of this application is to allow continued access to the Warren and Mathieson properties once the Fitzgibbon property changes ownership. The width of the proposed easement would be 20m (65.6ft) wide and 628m (2060ft) long to accommodate private access land. The same application was granted in 1996 (B5/96) by the Land Division Committee however was not acted upon before it expired. The previous application was granted for a ROW.

The proposed easement will continue to have an ingress/egress point of access from 1391 Bellamy Road.

COMMUNITY OFFICIAL PLAN POLICIES

The subject property has an Official Plan designation of Rural and Provincially Significant Wetland. The creation of the right of way easement is subject to the policies contained in Section 5.3.11.2. In this section the Community Official Plan permits the creation or easements or rights of way that provide access to established existing lots of record. The

intent of this application is grant legal rights over the subject property via a historical access lane to established lots of record.

ZONING BY-LAW

The subject property is currently zoned Limited Service Residential Special Exception 16 (LSR-16) and Environmental Protection (EP).

Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-16' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 71.2 hectares (175 acres). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.

Zoning by-law 11-83 defines a private ROW as “land owned by an individual other than a public authority over which right-of-way has been granted to others for access purposes”.

CONCLUSION

The proposed severance is consistent with the Community Official Plan and Zoning by-law. Furthermore, the proposed right of way is to ensure continued access to two recreational properties in the event of a change of ownership of the Fitzgibbon property which is presently listed for sale.

With this in mind, staff's recommendation regarding the proposed severance is to support the application.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property
4. That the applicant acquires a PIN/Municipal address for each lot.
5. That the applicant name the private right of way to the satisfaction of the Town
6. That the applicant enters into a joint use and maintenance agreement with those that are utilizing the right of way.”

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an easement/r-o-w over an existing private road. The existing private road has been used by Warren/Mathieson for many years. The Mathieson lands located at Lot 11 Conc. 2 Pakenham was created in approximately 1973/1974 with access along this r-o-w. The r-o-w being severed will relocate the private road to the east of the existing residential dwelling. The lands being severed are for r-o-w purposes only, no new lot is being created.

The subject lands are located in an area characterized by rural on large landholdings.

The easement/ r-o-w is accessed via Bellamy Road, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

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

Conclusion

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – February 25, 2013**

Marian Fitzgibbon, owner and George Fitzgibbon, spouse of owner attended the hearing and gave evidence under oath.

Mr. Fitzgibbon advised that the original r-o-w traversed between the house and the garage, this was changed relocated to the east in 1996 however, legally the description was not changed.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only in favour of Randy Allyn Warren at Pt. Lot 11 and 12 Conc. 2 Pakenham and the Estate of John Mathieson at Pt Lot 11 Conc. 2 Pakenham.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicants shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
8. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the right-of-way.
9. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
10. The applicant shall name the private right-of-way to the satisfaction of the Town of Mississippi Mills.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *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: Cathy & Rene Sweeney **Hearing Date:** February 25, 2013
Agent: N/A
LDC File #: B12/147
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 4 **Con** 1
Roll No. 0940 934 010 00900 **Consent Type:** Right-of-way

Purpose and Effect: To sever an existing right-of-way in favour of James Mikolaitis and Doug Brown at W 1/2 Lot 4 & 5 Conc. 1 Lanark.

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.6 Infrastructure and Public Service Facilities

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

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 – under review by MMAH

Official Plan – Section 3.0 Growth and Settlement, Section 4.5.4 Private Roads, Section 10.11.13 Subdivisions Consents and Part-Lot Control.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planning Report

An application has been received from the County of Lanark Land Division Committee to legally recognize the existing right of way located on lands legally described as Part of Lot 4, Concession 1, Geographic Township of Lanark now in the Township of Lanark Highlands. The ROW provides access to the rear of the adjacent properties located at the West Part of Lot 4, Concession 1, Lanark. It is the intention of the adjacent land owners to apply to subdivide their land, conditional on approval of the ROW.

1.1 OFFICIAL PLAN

The lands are designated Rural on Schedule 'A-4' of the Township's Official Plan. In section 4.5.4 Private Roads of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

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

1.2 ZONING

The lands are zoned Limited Services Rural on Schedule 'A 4' of Zoning By-law 2003-451 .

2.0 Discussion

The application will provide legal land access to the adjacent property. For this reason, staff supports the application.

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

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an existing right-of-way in favour of James Mikolaitis and Doug Brown at West Pt. Lot 5 and 5 Conc. 1 Lanark.

The subject lands are located in an area characterized by Residential on larger type landholdings along Forbes Road. The Village of Lanark is located .7-km to the east.

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review with MMAH.

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. 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.

Private road policies are found at Section 7.4.4.1 – para 2 – “Where an existing private road is not constructed to municipal standard, the Township may require that it be upgraded to a municipal standard as a condition of allowing infill development. For the purposes of this Plan, the establishment of a right-of-way to provide shared driveway access to two abutting properties, each of which has frontage on a public road, shall not constitute the creation of a new private road. In addition, a consent application, the sole purpose of which is to legally identify the location of an existing private road, shall not constitute the creation of a new private road.” (NOTE: the Private Road section of the new Official Plan is under appeal.)

- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – February 25, 2013**

Doug and Gloria Brown and Elaine Mikolaitis, adjacent landowners attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only to Douglas Edward Brown and Gloria Jean Brown at Lanark Con 1 W Pt. Lot 4 26R862 Pt. 2 and James Robert Mikolaitis and Elaine Marie Mikolaitis at Lanark Con 1 Pt. Lot 5 26R2996 Pt. 1
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. The applicant shall prepare and register on title a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the right-of-way. A copy shall be provided to the Township of Lanark highlands.
9. The applicant shall name the private right-of-way to the satisfaction of the Township of Lanark Highlands.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *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: Ronald L. Dickinson & Margaret J.M. Dickinson **Hearing Date:** February 25, 2013

Agent: John Francis Hollinger

LDC File #: B12/156

Municipality: Drummond/North Elmsley

Geographic Township: Drummond

Lot: 17 **Con** 12

Roll No. 0919 919 025 64700

Consent Type: R-O-W

Purpose and Effect: To sever an existing right-of-way in favour of John Francis Hollinger at Pt. Lot 17 Conc. 12 Drummond.

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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 - under review by MMAH.

Official Plan – Section 3 General Provisions, Section 4.2 Hamlet Policies, Section 4.6 Wetland Policies, Section 4.7 Flood Plain Policies, Section 5.5 Private Road Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township of Drummond/North Elmsley – Planner's Report

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

Unlike most other consent applications this one is not done with the intention of facilitating development but rather to finalize a legal arrangement between the owners of the subject land (Ron and Marg Dickinson) and John Hollinger, who owns a 24 acre parcel that is otherwise landlocked. This application addresses a very small area of land, which is located at the end of Jerome Street (a municipally owned road) in the hamlet of Fergusons Falls. This land is owned by the Dickinson's and presently provides access to a group of 8 cottages in communal ownership on the Mississippi River as well as an additional cottage owned by the Dickinson's on the far side of the cottage property. The communal cottage property was severed and sold a few years ago by the Dickinson's although they retained their single cottage as well as a narrow finger of land extending towards the small area of land, known as Part 2 of Plan 27R-9700. John Hollinger's vacant lot is to the south of this and he has to date been unable to secure legal access to the lot. This application is intended to provide this access.

As I understand it, this application does not change the ownership of any lands, rather provides a right-of-way to benefit Mr. Hollinger. As such, while the creation of private road right-of-ways is typically not permitted in Drummond/North Elmsley Township, in

this case the application can be supported given that it does not enable or support any additional development nor result in the construction or extension of a private road. This consent has no implication on the zoning or any future development of Mr. Hollinger's property or the retained lands.

Given the foregoing, Township Staff believe that this application is consistent with the Township's Official Plan and the intent of the Zoning By-law and as such support the above consent provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The severed lands shall be for a right of way only to access adjacent lands owned by John Hollinger.

(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:

Janet McIntyre - December 20, 2012

With regard to your letter of December 17, 2012, this is to inform you that I would like to be notified of the public meeting pertaining to the above property. I would also like to get a notice of the decision of the Land Division Committee.

I have no concerns regarding this matter and hope it will proceed favourably for John Francis Hollinger.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an existing right-of-way in favour of John Hollinger

The subject lands are located in an area characterized by Residential within the hamlet of Fergusons Falls.

The lands are accessed via Jerome Street, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies

as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

Section 5.5 Private Roads para 3 provides that 'New private road shall not be permitted....'.

3/ Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

Conclusion

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – February 25, 2013**

Ron and Margaret Dickinson, owners and Janet McIntyre, representing John Hollinger attended the hearing and gave evidence under oath.

Ms. McIntyre questioned if the hydro anchor was within the area being severed for r-o-w, as this may cause difficulty in vehicular turning.

Mr. Dickinson advised that the area being severed is only Part 2 on Plan 27R-9700 and that the hydro anchor may not be located on this property, however there should be not problem making a right hand turn within the 30 feet r-o-w. Mr. Dickinson also advised that this r-o-w was given to the cottage group some years ago.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed are for r-o-w purposes only in favour of John Francis Hollinger Drummond Con 12 Pt. Lot 17, described as Part 2 on Reference Plan 27R-9700.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *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: Reynold Burchill & Beverly Burchill **Hearing Date:** January 28, 2013

Reconvened Hearing Date: Feb. 25, 2013

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B12/137 & B12/138

Municipality: Drummond/North Elmsley

Geographic Township: Drummond

Lot: 1 **Con** 9

Roll No. 0919 919 020 07800

Consent Type: New Lots

Purpose and Effect: To sever two residential building lots (0.4-ha each) and retain a 17.4-ha vacant landholding. The lands are accessed via Conc. 9A Drummond

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B12/137	B12/138	
Existing Use	Agriculture	Agriculture	Agriculture
Proposed Use	Residential	Residential	Agriculture
Area	0.4 ha	0.4 ha	17.4-ha
Frontage	45 m	45 m	69 m
Depth	90 m	90 m	1200 m +/-
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	None
Sewage Disposal	Proposed septic	Proposed septic	None
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.
The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone.
The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township of Drummond/North Elmsley – Planner’s Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed severances are generally consistent with the intent of the Township’s Official Plan and Zoning By-law. According to my records, the Burchills own a 49 acre (20 hectare) landholding that fronts on both Drummond Concession 9A and 10A. Around 2008, three lots have been severed off the 10A frontage and there appears to be no other severance history on the lot of record. This application envisions the severance of two additional lots of about an acre in size, which will front on Concession 9A. This proposal is being evaluated under the Township’s new Official Plan that allows additional lot creation on large lots that front on more than one public road. The severed and retained lands are primarily open pasture and there are currently no dwellings on the lot. Please see attached map for a local planning context.

The severed and retained lands are all designated Rural in the Township’s Official Plan and zoned Rural in the Zoning By-Law. The intent of the Rural designation is to “protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting”, which include limited residential development that does not impact on the rural character of the area. This application would comply with the intent of those policies.

No influence areas or other constraints have been noted in this evaluation, aside from potentially significant woodland on the other side of Concession 9A, although I do take

note of the significant agricultural character of the area and the presence of Class 3 soils on the property. Section 4.3.2.2 of the Plan specifies that the Township should consider impacts on agricultural uses and function (and the policies of Section 4.4) when evaluating new development in the Rural designation. When considering lot creation, I look for lots that are sized and oriented such that overall impacts on agricultural function and uses are minimized. In this case, there appears to be no other location on this lot that is more suitable for residential development than what is proposed. In terms of size, I look for new lots that are either large enough for agricultural operations of their own (or hobby farming) or small enough such that minimal land is removed from agricultural circulation. In this case, the applicants propose two 1 acre lots and have provided MDS calculations that show adequate distance between the lots and existing livestock facilities on neighbouring properties and allow continued agricultural uses on the retained lands. As such, Staff view this application as consistent with the intent of the Rural and agricultural policies of the Township's Official Plan and compliant with the requirements of the implementing Zoning By-law.

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

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- The Applicant shall obtain Civic Address Numbers for the proposed lots from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- Satisfactory proof shall be provided to the Township that the proposed severed and retained lands conform to all applicable requirements of the Zoning By-law.

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

According to the information provided, the purpose of the subject applications is to sever two vacant 1-ac building lots and retain a 43-ac vacant landholding.

PROPERTY CHARACTERISTICS

According to a review of available mapping, the Durby McIntyre Municipal Drain travels across the northern end of the retained lands. This drain has been classified as intermittent and may comprise fish habitat. The subject property is primarily open field.

REVIEW

MVC is satisfied with the size of resulting lots. And, the proposed retained lands appear to have sufficient area to accommodate new development in compliance with a minimum waterbody setback of 30 metres from the Municipal Drain. No Natural Heritage Features or Natural Hazards were identified on the severed lands.

CONCLUSION AND RECOMMENDATIONS

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

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed B12/137 – A Vacant 1 acre parcel of land. Relatively flat open field. Additional sandy loam fill will be required in area of future tile bed.

Severed B12/138 – a 1 acre parcel of vacant land. Lot is relatively flat / open field.
Recommendation – additional sandy loam fill will be required in area of future tile bed

Retained – A 44-acre farm parcel of agricultural land. Additional sandy loam fill will be required in area of future tile bed.

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**

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:

Jim Yuill - January 16, 2013

Please be advised of my intention to oppose the severance regarding Part Lot 1 Concession 9 (File B12/137 and B12/138) for applicants Renny and Beverly Burchill. As the owners of the land adjacent to the property in question, I believe that the land should be zoned as Agriculture as opposed to Rural. In order to be zoned as Rural, it is my understanding that the land must be classified as Class 3 or higher. Please provide the supporting documentation to support the classification of this land as I believe that it is Class 2. You may wish to draw on the studies conducted for the Landfill exercise approximately 25 years ago.

It is my understanding that the land directly on the other side of the road is Agriculture. Therefore, a distance of approximately 40 feet has created a difference in zoning from Agriculture to Rural. So from one side of road to the other side would mean that the land class differs from Class 2 to Class 3 or lower.

As active farmers of the adjacent land, it is our intention to construct an 80 cow milk barn on our land. Accompanying, this building would be a manure pit. As such, I do not need any more opposition to our construction plans from local residential property owners.

I also wish to serve notice to you of our intention to seek reimbursement from the County for all of our expenses incurred in opposing this proposal.

I can be reached as 613-798-6780.

Thank you for your understanding regarding this important issue.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots – 0.4-ha each 17.4-ha vacant landholding. Three previous severances were taken from the landholding in 2008. The new OP Policies for consents in D/NE permit additional consents where lands are accessed by two or more roads, such as through lots.

The subject lands are located in an area characterized by residential and agriculture on large landholdings intermixed with smaller type residential lots. The hamlet of Balderson is located to the south and Mississippi River to the north. A municipal drain (known as Durby McIntyre Drain) crosses the north portion of the lands to be retained.

Agricultural Operations

Due to agricultural operations being located on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. Yuill Farm - the MDS indicated a minimum setback of 250 m, the actual

distance from the barn to the closest proposed lot line for B12/138 is 250 m. Bostock/Snyder Farm – the MDS indicated a minimum setback of 151 m, the actual distance is approx.. 225 m. It is noted that three (3) residential units are located on the south side of Drummond Con 9A, that are approximately 140 metres from the existing Yuil Barn. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

The lands to be severed are accessed via Drummond Con 9A, a municipally maintained road.

Soils Inventory –	Severed Lands	Retained Lands
	- Name: Monteagle	North Gower
	- Stoniness: very stony	non stony
	- CLI: 6 – natural grazing only	2 – moderate limitations
	- Drainage: well	poor
	- Hydrogeology: moderate	high run-off

Bedrock Inventory – conglomerate, sandstone, shale

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of “general policies” also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979. Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed
- 3/ Woodlands
The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated

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

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

(e) **MINUTES – January 28, 2013**

Tracy Zander, agent and Jim Yuill, adjacent landowner attended the hearing and gave evidence under oath.

Ms. Zander provided a background of the consent applications, noting that the new D/NE Official Plan provides for additional consents where the lands abut on two or more maintained roads (through lots). The lands where the consents are proposed are classified as 6 in the Canada Land Inventory Mapping and the retained lands are classed as 2; also these lands are not designated in the Township Official Plan or Zoning By-law as 'agriculture' lands.

Mr. Yuill, advised that he owns the lands to the west of the proposed lots and that he has a 50-head dairy operation with the intent of constructing an 80-head dairy facility within the next 5-years and submitted a list of questions for Committees consideration.

Mr. Yuill questioned if there had been consideration for the buffer area surrounding the County lands that were intended for use as a County Waste Site. The secretary advised that the OP and Zoning Mapping for D/NE and Tay Valley does not show any buffer area

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

"**THAT**, applications B2012/137 and B2012/138 be deferred pending clarification - influence area and/or setback requirements for the County owned lands (proposed landfill site) at Lot 25 and 26 Conc. 9, geographic Township of Bathurst, now in Tay Valley Township."

ADOPTED

(f) **ADDITIONAL INFORMATION**

(Please refer to sketch attached regarding the County of Lanark Waste Management Master Plan.)

The proposed Lanark County Landfill Site has not been included on any Official Plans or Zoning By-law as the lands have not received a "Certificate of Approval" in order to collect waste. However there is a requirement that lands within 1000m of the 'site boundary', enter into a "Restrictive Covenants Agreement" with the County that "acknowledges that the County of Lanark Waste Management Master Plan Compensation Policy dated October, 2997 provides for the indemnification by the County

of a Property Value Protection Zone upon the commencement of the operation of the landfill site.”

This restrictive covenant would be registered on title of any lands within this 1000m area.

Consent Application B87/468, B87/469 and B87/470, are the lots that were created on lands now designated as Agriculture at Pt. Lot 1 Conc. 8 Drummond. The deeds for these 3 lots required a note advising that the lands were within a farming area and that dust, odours and noises arising from normal farming practices may occasionally interfere with the use and enjoyment of the lands. The Township at that time advises that the lots were in conformity with the current Official Plan policies and Zoning By-law designations. There was no requirement to enter into a “Restrictive Covenants Agreement” as these lots were created prior to finalization of the Landfill Site Master Plan.

(g) MINUTES – February 25, 2013

Tracy Zander, agent attended the hearing and was reminded that she is still under oath from the previous hearing. Beth Yuill, adjacent landowner, attended the hearing and gave evidence under oath.

The Secretary entered into the record the following correspondence:

Dear Sirs: (addressed to Bob Strachan, Dan Murphy and Wayne Guthrie)

Today (Friday, February 22nd), I received responses to my questions tabled at the January 28th meeting of the Land Division Committee. In speaking with Mary Kirkham this morning, I understand that the responses were not finalized until yesterday. As such, the responses were not sent until this morning. I duly respect the effort in preparing these responses and I appreciate the time put forth by the administration of the Land Division Committee in researching the responses.

Unfortunately, having received the responses within this late window of Monday's meeting does not provide sufficient time for me to research and seek counsel in regards to the responses. I realize that it has taken approximately four weeks to prepare the responses, so I appreciate your understanding in knowing that I cannot appropriately prepare for the meeting in such a constrained timeframe. As such, I am seeking your confirmation that this issue will be deferred until the next meeting of the Land Division Committee.

In the interim, I will forward some further questions regarding the responses for clarification from the administration of the Land Division Committee over the next two days.

I thank you for your understanding in this matter. Regards, Jim Yuill

Chairman Strachan noted that the original deferral was to obtain further information regarding the proposed County Landfill Site and asked if the applicant, (through his agent) was in favour of a deferral. Ms. Zander indicated that they were not in favour of a deferral.

Chairman Strachan noted that the response to Mr. Yuill's questions submitted at the previous hearing would normally be provided at the re-convened hearing, however were sent out prior to today's hearing as a courtesy.

Ms. Yuill noted that they required additional time to undertake research regarding the soils information and the zoning requirements and also to consider further questions regarding the proposal, and submitted to the committee a request for further clarification on the answers to the original 15 questions.

The Committee suggested that they go through the list of question first and then make a final determination as to whether or not to defer the hearing further. Both attendees agreed to this process. The questions were reviewed and clarification provided – the secretary was requested to provide written clarification.

The Committee agreed that the proposed applications meet the current Official Plan Policies and Zoning By-law designations which are based on Provincial Policy and provincial information (CLI mapping data). The Committee relies upon the Ontario Soil Survey data information (Soil Survey of Lanark County Report No. 40) or all of its information regarding soils. We recognize that from time to time that applicants, agents and/or adjacent landowners may not accept this soil data as being totally accurate but the Committee, in order to treat all applicants equally, has to rely on the same soil data base for all of our decisions to ensure consistency.

The Yuill's offered no new facts that needed to be clarified or confirmed and so the Committee had all the factual information necessary to make an informed decision. Sufficient planning rationale has been provided and there is no need to defer the matter further.

Committee reviewed the staff report and draft conditions which include a condition for a "Restrictive Covenants Agreement" with Lanark County for those lands within the 1000m buffer area as shown on the Master Plan Reference Site 5N Plan dated December 5, 1996.

(h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to both lots

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 applicant shall enter into a Restrictive Covenants Agreement with Lanark County – County of Lanark Waste Management Master Plan Compensation Policy dated October 1997 for those lands within the 1000m buffer area as shown on the Master Plan Reference Site 5N Plan dated December 5, 1996. The applicant shall consult directly with the County of Lanark in this regard.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality’s road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, written permission is required from MVC prior to any alterations to the shoreline of the Durby McIntyre Municipal Drain.*
2. *In addition, any proposed works in or near the Municipal Drain should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy*

loam fill will be required in the septic system area.

4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The Township of Drummond / North Elmsley may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.