



**MINUTES
LAND DIVISION COMMITTEE**

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

Members Present: D. Murphy and W. Guthrie

Member Absent: R. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

In the absence of the Chair, the Secretary-Treasurer shall call the meeting to order.

1. CALL TO ORDER

A quorum was present.

Moved by: W. Guthrie

"THAT, Dan Murphy be appointed 'Chair' for the Land Division Committee meeting November 25, 2013."

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2013-033

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on October 28, 2013 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-034

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 B13/054, B13/055 and B13/056 – Jason & Trina Clyne – 3 New Lots
Pt. Lot 16 Conc. 2, geographic Township of Drummond, now in the Township of Drummond North Elmsley. Drummond Con 2.

7.1.2 B13/060 – Bob & Sarah MacFarlane – Lot Addition
Pt. Lot 23 Conc. 6 Township of Montague. Code Drive.

7.1.3 B13/068 – George Oliver – New Lot
Pt. Lot 30 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Wildlife Road.

7.1.4 B13/074 – Anne P Bartltman & Brian Rauwerd – new lot
Pt. Lot 12 Conc. 10, geographic Township of North Burgess, now in Tay Valley Township. Allan's Mill Road.

7.1.5 B13/079 – Rob McDiarmid – Lot Addition
Pt. Lot 23 Conc. 7 Township of Beckwith. Glenashton Road.

7.1.6 B13/081 and B13/082 – Lorna Bell – 2 New Lots
Pt. Lot 21 Conc. 5 Township of Beckwith. Kidd Road.

7.1.7 B13/085 – Raymond & Kenna Martin – New Lot
Pt. Lot 13 Conc. 10 Township of Beckwith. 10th Line Beckwith.

7.1.8 B13/098 and B13/099 – Troy and Tracy Noonan – 2 New Lots.
Pt. Lot 8 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 7.

7.1.9 B13/106 – Timothy Porteous – Lot Addition
Pt. Lot 12/13 Conc. 1 geographic Township of Bathurst, now in Tay Valley Township. Noonan Sideroad.

Applications Previously Heard and Revised

7.1.10 B13/043 – Wm Thomas Clarke & Rita Redner – New Lot

Pt. Lot 5 Conc 3 geographic Township of Bathurst, now in Tay Valley Township. Brooke Valley Road.

Application was submitted as 1.2-ha with 62m frontage and 172m depth. The preliminary survey of the property has resulted on a lot 1.8-ha with a frontage of 104.5m and depth of 172m. The change was required to ensure that setbacks from sideyards were adequate to meet the minimum zoning provisions. The intent of the application remains the same. This is a 50% increase and therefore requires Committees approval.

MOTION #LD-2013-035

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“**THAT**, the revisions to the dimensions of consent application B13/043 be approved as submitted.”

ADOPTED

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 2014 Meeting Calendar – due to changes to the Lanark County Committee meeting dates, the Secretary-Treasurer requested that the Committee consider changing the LDC Hearing dates from the fourth Monday of each month to the second Monday of each month. A draft calendar was reviewed by the Committee. It was agreed to finalize the new calendar in December, to provide all members with an opportunity to review.

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 B13/054, B13/055 and B13/056 – Jason & Trina Clyne – 3 New Lots

10.1.2 B13/068 – George Oliver – New Lot

10.1.3 B13/074 – Anne P Bartleman & Brian Rauwerd – new lot

10.1.4 B13/079 – Rob McDiarmid – Lot Addition

10.1.5 B13/081 and B13/082 – Lorna Bell – 2 New Lots

10.1.6 B13/085 – Raymond & Kenna Martin – New Lot

10.1.7 B13/098 and B13/099 – Troy and Tracy Noonan – 2 New Lots.

10.1.8 B13/106 – Timothy Porteous – Lot Addition

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B13/060 – Bob and Sarah MacFarlane – Lot Addition

MOTION #LD-2013-036

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, application B13/060 be deferred in order to obtain further information regarding the dimensions of the lands to be severed.”

ADOPTED

11. UPCOMING MEETINGS

Monday, December 16, 2013 @ 9:00 a.m.,
Monday, January 13, 2014, @ 9:00 a.m., and
Monday February 10, 2014 @ 9:00 a.m..

12. ADJOURNMENT – 11:05 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jason Lloyd Clyne **Hearing Date:** November 25, 2013
 Trina Leanne Clyne
Agent: Tracy Zander – ZanderPlan Inc.
LDC File #: B13/054, B13/055 & B13/056
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 16 **Conc.:** 2
Roll No. 0919 919 015 03200 **Consent Type:** 3 New Lots

Purpose and Effect: To sever three (3) residential building lots (0.4047-ha each) and retain a 21.7-ha landholding with an existing dwelling located at 350 McPhail's Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B13/054	B13/055	B13/056	
Existing Use	Vacant	Vacant	Vacant	Residential
Proposed Use	Residential	Residential	Residential	Residential
Area	0.4047 ha	0.4047 ha	0.4047 ha	21.7 ha
Frontage	45 m	45 m	45 m	593 m
Depth	88.9 m	88.9 m	88.9 m	308 m
Road - Access to	Municipal Rd.	Municipal Rd.	Municipal Rd.	Municipal Rd.
Water Supply	Proposed	Proposed	Proposed	Private well
Sewage Disposal	Proposed	Proposed	Proposed	Private septic
Official Plan Designation	Rural and Woodland			
-Conformity?	Yes			
Zoning By-law 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.

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural 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.

Local Official Plan – Section 3 General Policies, Section 4.3 Rural Policies, Section 3.13.5 Woodland 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:

Town Planner's Report

Please be advised that I have reviewed the above noted consent applications with respect to their conformity with the Township's Official Plan and Zoning By-law. In this case, the applicant is proposing three severances from an existing 22 hectare (54 acre) rural lot, which is accessed from MacPhail's Road. The subject lot also fronts on Drummond Concession 2. The proposed lots would each be a little over an acre in size and would be located at the north end of the lot, furthest from Drummond Concession 2. According to our mapping, a total of five lots, all fronting on Concession 2, have been severed from the original lot of record, however only three of those were created since 1979. As such, DINE's Official Plan would contemplate the creation of these additional lots by consent, provided they are adequately spaced from the previous severances and front on MacPhail's Road. Any future lot creation would have to occur by plan of subdivision.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. The intent of the designation is to provide for a broad range of uses, including residential development that is consistent within a rural setting. Section 4.3.4 (rural residential development) envisions a limited amount of residential development that blends in with the landscape. This application is consistent with that intent and compatible with the predominant low density residential character of the area. Since the entire property is identified as containing potentially significant woodland, Section 3.13.5 of the Official Plan requires the applicant to undertake an Environmental Impact Study to evaluate the proposal to ensure that the future residential development of these lots do not have an impact on the features which make this woodland significant. In fulfilment of this provision, an EIS was prepared by Hans von Rosen that suggested that the development could be accommodated provided that a number of mitigative measures would be undertaken to limit the size of the development envelope and reduce the impact on the surrounding features. These measures would typically be implemented through a development agreement, which would be required as a condition of a consent approval.

Additionally, Section 3.10.2 of the Plan identifies natural hazards as an evaluation consideration in new development and while these hazards are not specifically mapped on our Constraints Plan, the Plan delegates the identification and mitigation approvals of natural hazards to the local conservation authority. In this case, the Rideau Valley Conservation Authority has identified a very high water table throughout the site which creates a hazard to development and as per the Plan, development or site alteration cannot occur unless in accordance with RVCA's regulations. To move forward on this, a study would typically need to be undertaken, to the satisfaction of the conservation authority, which outlines the extent of the hazard and possible mitigation. RVCA and the Township would work from that through the development approvals. Such a study should be a condition of any consent approval and it is my expectation that certain conditions included within that study would also be implemented through a development agreement prior to final approval of the consents.

From a zoning standpoint, the severed and retained lands are all within the Rural (RU) Zone as indicated in the Township's Zoning By-Law. This application meets all the requirements of the zone in terms of lot area, frontage and use.

To conclude, this is a consent application on lands subject to a number of constraints, however I believe that provided that appropriate mitigative measures are undertaken, the application would be consistent with the intent of the Township's Official Plan. As such, the Township offers its support of the application, subject to the satisfaction of the conditions as indicated on the attached Municipal Reply Form.

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 as required to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township for both the severed and retained lands. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township in this regard.
- The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for all new lots. The applicant shall consult directly with the Township in this regard.
- The applicant shall provide, to the satisfaction of the Rideau Valley Conservation Authority, an engineer's report that outlines the extent of the natural hazard on the severed lots as well as any mitigation measures required to enable development on the severed lots. Further, the applicant shall undertake any conditions that may be contained therein with respect to the proposed development.
- The Applicant shall enter into a Development Agreement with the Township to administer the development conditions as outlined in the Environmental Impact Statement submitted by Hans von Rosen dated May 9th 2013 and the engineer's report to be provided addressing the natural hazard mitigation.

Conservation Authority – Rideau Valley Conservation Authority

We have received the noted application and our ecologist (M. Czarski) has undertaken a site visit September 26, 2013 to the property.

The Rideau Valley Conservation Authority (RVCA) has reviewed this application considering; Section 2, I Natural Heritage and 3.1 Natural I hazards of the Provincial Policy Statement under Section 3 of the Planning Act.

The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

The Proposal

Three new lots are proposed to be created by these consent applications, each being 1 acre (.4 hectare) in area. The proposed lots will front on the municipal road. A scoped Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical, dated May 9, 2013 to address the potential impacts on the significant wood lands identified on the subject property.

The Property

The EIS states that the forests and wetlands at McPhail's Road are an integral part of a large wetland/forest complex, stretching from the Perth Long Swamp north—easterly to the Tennyson Swamp, and further into the Black Creek wetlands in Beckwith and Montague Townships. As such, it facilitates an important SE to NW Linkage, which includes the A to A (Adirondack to Algonquin) linkage. However, the southern McPhail's

Road lowland forest extends away from the main portion of the treed wetland complex, as an outlier into a cleared agricultural area. Its importance to the surrounding landscape is mainly the provision of Interior Forest Habitat, which is already compromised by the width of the McPhail's Road right-of-way.

The EIS also notes the larger, general forested area functions as a wildlife habitat linkage between the extensive woodlands/wetlands in the area (Perth Long Swamp and the Blueberry Marsh toward the west, and the Tennyson Woodlands, the Montague Woodlands, and the Marlborough Forest in the east). Notwithstanding this, the Clyne property north of Richardson, which is situated in a finger-like extension of the major forest corridor, does not constitute a major wildlife travelling corridor, and is therefore not significantly impacted.

Assessment

The RVCA agrees with the EIS statement that the functions provided by the significant woodland will not be compromised by the three consent applications; the woodland feature extends well beyond the subject property and loss of interior forest will be minimal. We generally support efforts to minimize the loss of woodland area and interior forest habitat expected from the build-out of the three consents. This consideration would address Official Plan Policy 3.13.5.7 that there will be no negative impacts on the natural features for which the forested area is considered significant.

The EIS points out that there are no provincially significant wetlands on-site or in the adjacent lands of the significant forest identified in the vicinity. The EIS also states that there are no unevaluated wetlands on the proposed consent lands (though it is noted that there are wetlands in the larger general area).

The RVCA agrees that the lands subject to the consent applications are not dominated by wetland vegetation. However, there are pockets of ash, elm and soft/hard maple trees on-site and areas of standing water in the lower areas, along with a naturally occurring drainage swale running across the site. It is difficult to say that wetland vegetation does or does not occupy more than 50 percent of the lands subject to the consent applications - this can only be confirmed by mapping the area using criteria described in the Ontario Wetland Evaluation System Southern Manual (2013) and confirmed by the Ministry of Natural Resources.

It remains that there is a high water table, low areas with standing water and the on-site drainage swale that conveys surface water towards the roadside ditch, which was full of water and flowing freely at the time of the September 26th site visit. The most significant planning and development constraint is the preponderance of water found on-site as evidenced by the high water table and the on-site drainage swale along with wetland and/or water tolerant vegetation communities. This constitutes a "Natural Hazard" to development and is of sufficient concern to warrant recognition,

Recommendations

The RVCA has no objection to these applications in so far as it has been demonstrated through the EIS and the RVCA's ecologist's observations that:

- there will be no negative impact on the significant woodlands (including interior forest habitat),
- there are no PSWs on or adjacent to the site,
- the on-site drainage swale will not be impacted by the development and the setback of the proposed lots will be in excess of 30 metres from the swale.

However as noted, the site is constrained by a high water table and areas of standing water which, by virtue of the fact that they are present throughout the site, must be considered a natural hazard (hazardous site) within the context of the PPS. Section 3.1 .6 of the PPS allows for development on hazardous sites where the hazard can be overcome in accordance with standard best management practices, access/egress is available, the hazard is not aggravated and there is no adverse environmental impact. Section 3. 10.2. Subsection I .b) of the Township's Official Plan provides the following direction in this regard:

“For development and site alteration proposed in an area where there is a potential for the existence of a hazard as determined by the municipality or applicable approval authority or agency, a study shall be submitted, prepared by a qualified professional, which identifies the extent of the hazard and its impacts on development. In accordance with Section 3.1 of the Provincial Policy Statement, all development and site alteration shall be directed to areas outside the identified hazard.”

The applicant has provided a Drainage and Septic Location sketch prepared by Zanderplan (dated 06-09-2013 and received October 10, 2013) which indicates that there is sufficient lot area on each lot to accommodate a single detached dwelling, well and sewage disposal system.

In order to address the identified hazards on this site in accordance with Official Plan policy, this plan requires clarification as to how the on-site constraints to development will be addressed. We recommend the following conditions of approval in this regard:

1. Prior to final approval of the severances, the applicant shall provide a Site Plan for each lot, prepared/reviewed by a qualified professional engineer, that demonstrates how the high groundwater table, shallow soils and ponding areas have been addressed with respect to the elevations, design and construction of the foundations, foundation drainage systems, sewage disposal systems and wells and final grading and drainage,
2. That the applicant enter into a development agreement with the Township whereby the applicant and subsequent owners agree:
 - a) that each lot shall be developed in accordance with the plan and recommendations prepared by a qualified professional engineer as required by condition 1 above,
 - b) that the development footprint on each lot is minimized by limiting development and disturbance within the significant woodland to only that which is necessary for the building and sewage system envelopes as defined on the plan and shall not exceed 0.5 acre (0.2 ha).
 - c) to implement the recommendations contained in the Environmental Impact Study and specifically:
 - minimize the removal of existing tree cover to lessen habitat loss;
 - locate building envelopes in areas of less mature tree cover, leaving as much forest cover as possible intact post—development;
 - imported fill will be placed only in those areas identified within the proposed building envelopes to the extent and elevation as determined

- necessary by the engineer and identified on the engineered site plan
- building envelopes are located as close as possible to McPhail's Road, on relatively high ground such that any flood risk is minimized,
- servicing can be safely accommodated within the building envelopes to the satisfaction of the District Health Unit.

These conditions require the applicant to demonstrate how efforts will mitigate the negative effects referred to in the EIS, along with site specific plans to address the natural hazards associated with the three consent applications.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - (Same reports for all three lots to be severed) A 1 acre parcel of land, wooded parcel with no existing buildings. Please refer to site development plan submitted by Zanderplan Sept. 6, 2013 for approximate septic system envelope area.

Additional sandy loam fill will be required in the area of the future tile bed. See supporting site development plan prepared by ZanderPlan Sept. 16, 2013.

Retained – A 21.7 ha parcel of land with an existing house served by a fully raised sewage system and a well. Land is low and wet. Additional sandy loam fill will be required in the area of the future replacement sewage system.

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.

Ministry of Natural Resources – Kemptville – 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 3 residential building lot (0.4047-ha each) and retain a 21.7-ha residential landholding (350 McPhails Road). A total of 5 previous consent were taken from the original landholding – three in 1988, 1 in 1979 and 1 prior to 1975. The consent creation date for D/NE is 1979; however additional consent may occur if they are located on another road. These previous consents front onto Drummond Con 2 Road and the proposed consents front onto McPhails Road.

The subject lands are located in an area characterized by large landholdings along McPhails Road.

The lands are accessed via McPhails Roads, a municipally maintained road.

An EIS was undertaken by Pinegrove Biotechnical, and reviewed by the Conservation Authority and MNR. The lands have a number of constraints, however provided that appropriate mitigative measures are undertaken, through the requirement for a Site Plan and Development Agreement, the applications would be consistent with the intent of the County Official Plan, Township Official Plan and PPS.

Soils Inventory – Name: Farmington and Muck

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

Bedrock Inventory – Dolostone, Sandstone.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

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

- 2/ 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.

- 3/ Woodlands

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

Zoning

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

Conclusion

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

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

(e) MINUTES – November 25, 2013

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

Mr. Lunney noted that there is a wet area on the lands however it is not classified as 'wetlands'. And as suggested by the Conservation Authority, they have proceeded to have an engineering report prepared that demonstrates how the high groundwater table, shallow soils and ponding areas have been addressed with respect to the elevations, design and construction of the foundations, foundation drainage systems, sewage disposal systems and wells and final grading and drainage,

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 all three 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. That prior to final approval, the applicant shall provide a Site Plan for each lot, prepared/reviewed by a qualified professional engineer, that demonstrates how the high groundwater table, shallow soils and ponding areas have been addressed with respect to the elevations, design and construction of the

foundations, foundation drainage systems, sewage disposal systems and wells and final grading and drainage,

4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the recommendations outlined in the Environmental Impact Statement prepared by Pinegrove Biotechnical dated May 9, 2013 and the concerns of the Conservation Authority as outlined in their report of October 17, 2013, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
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. 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 LGL Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed. See supporting site development plan prepared by ZanderPlan Sept. 16, 2013.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: George Oliver **Hearing Date:** November 25, 2013
Applicant: John Oliver
LDC File #: B13/068
Municipality: Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 30 **Conc.:** 9
Roll No. 0919 908 020 53550 **Consent Type:** New Lot

Purpose and Effect: To sever 0.43-ha residential building lot and retain a 46-ha landholding. The lands to be severed are accessed via Wild Life Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant/wetland
Proposed Use	Residential	Vacant/wetland
Area	0.43 ha	46 ha
Frontage	50 m	300 m
Depth	85 m	1,200 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	None
Sewage Disposal	Proposed septic	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law 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 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local 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 Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposal is generally consistent with the Township's Official Plan and Zoning By-law. This application seeks to sever one lot (roughly 4.3 ha / 1.1 acre) from an existing 46 hectare (~114 acre) landholding fronting on both Wild Life Road and Otty Lake Sideroad, in the far west of the Township. The original Oliver landholding has had three lots taken off of it since 1985 (including the original farmhouse and barns) and these lots all have frontage on Otty Lake Sideroad. This proposed severance fronts on Wild Life Road and as such, the proposal is consistent with Section 6.3.2.6 of the Township's Official Plan that contemplates more than three severances on a lot that has frontage on two public roads. The proposed severed lot is presently vacant, with some trees and the retained lands are primarily pasture, with woodland and wetland at the southern end close to Doctors Lake.

The entire lands are designated Rural in the Township's Official Plan and the intent of the Rural designation is to "protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting", which include limited residential development that does not impact on the rural character of the area. This application is consistent with that intent and the application is compatible with the predominant low density residential character of the area. The proposed severance will also not substantially affect the usability of the retained lands nor fragment good agricultural lands. I do note that a portion of the retained lands are mapped as significant woodland and the Rideau Valley Conservation Authority has also identified locally significant wetland at the southern end of the lot although these features are far enough away that there will be no impact on the severance. Any future development on the southern part of the retained lands however will need to consider this.

With respect to the severed lands, it should also be noted that there is a livestock facility on an adjacent parcel and in support of the application, a Minimum Distance Separation calculation was prepared that showed there is a viable building envelope on this lot outside the buffer. MDS is provided for in the Township's Zoning By-law and any future residential development will be evaluated at that time through the building permit process.

The proposed severed and retained lots both comply with the provisions of the Rural Zone. Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application.
3. 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.
4. The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
5. The Applicant shall obtain a Civic Address Number for the proposed lot from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.

Conservation Authority – Rideau Valley Conservation Authority

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

The application seeks approval for a new 1+ ha lot, and a retained lot being 46 hectares.

The Property

As per our attached mapping, there are no watercourses or wetlands area affecting the proposed new lot. The south half of the retained lands contains a substantial area of locally significant wetland and associated creek. No other remarkable site features are evident which would affect our comment insofar as the provincial planning policy for heritage or hazard or fish habitat concerns.

Review Comments and Recommendations

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

To note, the Conservation Authority supports a 30 metre development and disturbance setback from the wetland boundary on the retained parcel (and to the small watercourse contained within this wetland). Should any works be proposed within the wetland and/or creek channel, prior written approval from the RVCA is required as per our Regulation 174/06. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 61 3-267-5353 x 131 should you have any questions.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – A 50 X 85 m vacant parcel of land. Land is treed with deciduous trees near front of property. Soil depth is shallow with outcrops of rock in this area. Land slopes off toward the back of parcel into open field area. Additional sandy loam fill will be required in the future tile bed area.

Retained – A 46 hectare parcel of farmland with no existing building. Land drainage and soil depth can vary throughout parcels. Additional sandy loam fill will be required in future tile bed area.

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 a 0.425-ha residential building lot and retain a 46-ha vacant landholding.

The subject lands are located in an area characterized by rural residential along Wild Life Road and at the intersection of Ferrier Road. Intermixed with larger vacant landholdings and larger type rural residential lots.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite

Agricultural Operations

Due to an agricultural operation being located on adjacent lands (B Poole), the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 151 m, the actual distance from

the barn to the closest proposed lot line is shown by the applicant as approximately 150 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc. Also, an MDS Calculation to confirm that the minimum separation distance is maintained will be required prior to the issuance of a building permit.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

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

- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', however none on the lands to be severed. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

Conclusion

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

of the Provincial Policy Statement.

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

(e) **MINUTES – November 25, 2013**

Mary Oliver and John Oliver, applicants 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond /North Elmsley in this regard.

7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES:

1. *The Rideau Valley Conservation Authority advises that they support a 30 metre development and disturbance setback from the wetland boundary on the retained parcel (and to the small watercourse contained within this wetland). Should any works be proposed within the wetland and/or creek channel, prior written approval from the RVCA is required as per our Regulation 174/06.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
4. *The lands to be severed may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Anne P Bartleman
Brian Rauwerd

Hearing Date: November 25, 2013

Agent: n/a

LDC File #: B13/074

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 12 Conc.: 10

Roll No. 0911 911 010 34600

Consent Type: new lot

Purpose and Effect: To sever a 1.74-ha residential building lot and retain a 3.3-ha residential lot with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area	1.74-ha	3.33-ha
Frontage	76 m	244 m
Depth	76 m	244 m
Road - Access to	Municipal Road	Municipal Road
Water Supply Sewage Disposal	Proposed Well Septic System	Well Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.6 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.

County Official Plan – Section 3.0 Rural 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.

Local Official Plan – Section 2 General Development Policies Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division

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

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

The proposal is to sever a 1.74-ha parcel of land for a building lot and retain a 3.33-ha parcel with an existing residence and outbuildings at 207 Allan Mills Road. Both lots meet minimum zoning provisions.

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

- 1 Payment of all taxes owing
- 2 Payment of all costs incurred by the Township for review
- 3 2 copies of Deed / Transfer
- 4 2 copies of the reference plan
- 5 Parkland contribution of \$100.

6 Road Widening, if required.

Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application considering; Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.

The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act, the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines", Fish habitat concerns per Section 35(l) of the Federal Fisheries Act, review delegation.

The application seeks approval for a new 1.74 ha lot, retained lot being 3.33 hectares.

The Property

As per the attached mapping, there are no watercourses or wetlands area affecting the proposed new lot. We have not identified any natural heritage or natural hazards that would otherwise preclude the approval of this application.

The Rideau Valley Conservation Authority has no objection to this application. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613-267-5353 x 131 should you have any questions.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted September 6, 2013.

The applicant proposes to sever approximately a 1.74 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is vacant open field. No test pits were provided.

The retained parcel is 3.33 hectares. The property is developed with a dwelling, and out buildings. The dwelling is serviced by a well and a sewage system - Permit # SF29494.

The property is developed with a yard, pool and has frontage on Grant's Creek. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all surface water bodies. Tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future on either lot. Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

Hydro One Networks – No comments were received.

Bell Canada R-O-W –

We acknowledge receipt and thank you for your correspondence dated October 8, 2013.

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 objections to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1.74-ha residential lot and retain a 3.33-ha residential lot with an existing dwelling and outbuildings at 207 Allan Mills Road.

The subject lands are located in an area characterized by rural residential and agricultural lands.

Archaeological

The lands are located within 300 m of Primary Water Source (Grants Creek) and therefore are subject to archaeological potential

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

- 3/ Woodlands

The area has not been mapped as 'woodlands'. Woodland Development Policies have not been established by Tay Valley Township.

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – November 25, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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 two copies 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 two copies of the deed/transfer for the property.
7. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that a tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment. An approved septic permit is required prior to the issuance of most building permits.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Rob McDiarmid Hearing Date: November 25, 2013
Agent: Gerald & Keitha Donovan
LDC File #: B13/079
Municipality: Township of Beckwith
Geographic Township: N/A Lot: 23 Conc.: 7
Roll No. 0924 000 030 00600 Consent Type: Lot Addition

Purpose and Effect: To sever an 8.1-ha parcel of land as a lot addition to lands owned by Gerald and Keitha Donovan at 529 Glenashton Road and retain a 71.0-ha agricultural landholding. The lands are for agricultural purposes.

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

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

2.3 Agriculture

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

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

County Official Plan – Section 3.0 Rural Policies Policies, Section 4.3.4 Local Roads, Section 8.2.2 Consents.

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

Local Official Plan – Section 4 General Development Policies, Section 5.1 Residential Policies, Section 6.1 Agriculture Policies, Section 7.3 Local Roads, Section 9.6 Division of Land, Section 9.10 Land Division Committee

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

Zoning By-law - Section 3 General Provisions, section 10 Agricultural Zone, Section 11 Rural Zone

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

(b) AGENCY REVIEW

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

Township Planner's Report

EXECUTIVE SUMMARY

The property owner wishes to propose a lot line adjustment with the adjacent property owner to transfer approximately 20 acres of agricultural land between the two owners. The land to be transfer amounts to two fields that the adjacent property owner has been working for several years. The PPS permits lot line adjustments in agricultural areas, as does the Township's Official Plan. As new lots are not being created, MDS calculations do not apply. Staff recommends support for the severance proposal.

DESCRIPTION OF PROPOSAL

The applicant proposes to submit a severance application for a lot line adjustment between the subject property and the abutting property to the west. The purpose of the application is to transfer approximately 20 acres of agricultural land from one farm to another.

DESCRIPTION OF SUBJECT LANDS

Both the subject lands and the receiving lands consist of partially cleared agricultural land and forested bush lands. The lands that are proposed to be transferred from one property to the other consist of two active agricultural fields.

PROVINCIAL POLICY STATEMENT

Section 2.3 regards prime agricultural areas. These policies aim to protect agricultural uses and land for long-term use. The policies permit lot line adjustments provided they are minor and do not lead to new lot creation. The proposed severance does not result in

new lot creation, but does consist of 20 acres of land. Staff considers this to be minor as it effectively transfers two active fields to the adjacent landowner, who already rents the fields from the current property owner.

OFFICIAL PLAN

The subject property is designated Rural, Agriculture and Wetlands by the Township's Official Plan. The lands affected by the proposed severance application are designated as Agriculture.

Section 6.1.5 indicates that severances intended to consolidate or re-divide agricultural lands may be permitted in the agricultural designation provided the severed and retained lands are both generally 96 acres in size. Both parcels appear to conform to this requirement; both properties exceed this size requirement, although most of the subject property is considered rural land rather than agricultural land.

Section 4.5 6 b) regards land division and lot line adjustments between parcels. This policy permits land to be conveyed to an abutting property, provided the transaction does not result in an undersized parcel for which the property is used. The proposed severance appears to conform to this requirement.

ZONING BY-LAW

The lands to be conveyed to the abutting property owner are zoned as Agriculture – Special Service Area. The lands are currently used for agricultural uses, which are naturally a permitted use within this zone. The Special Service Area indicates a location within the water monitoring area, but this does not have an impact on a severance proposal to adjust existing property boundaries.

As there is no construction associated with the severance proposal, there is no requirement to undergo MDS calculations, as the source of odour and noise already exists and the application would just amend the existing property boundaries.

OPTIONS / ANALYSIS

The proposed severance would transfer approximately 20 acres of agricultural land from one property owner to another. The proposed severance consists of two fields that the adjacent property owner has been renting and farming for several years, so the application would just transfer the lands to the individual who has been working them for years. The application does not create any new parcels within the Agricultural zone or designation, but just adjusts the existing boundaries.

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

Condition:

- That the applicant provides the Township with a copy of the reference plan;
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

Advisory Note:

- That all buildings and structures conform to the requirements of the Ontario Building Code and applicable by-laws.

Conservation Authority – Rideau Valley Conservation Authority

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

PROPOSAL

The proposal is to sever 20 acres from the parcel known municipally as 621 Glenashton Road. The severed parcel will then be added to the adjacent property known municipally as 529 Glenashton Road

PROPERTY CHARACTERISTICS

The severed parcel contains pasture land. The retained parcel is characterized with a several buildings used for the existing farming operation, farm fields through the middle of the property, wooded areas along the eastern boundary and the Goodwood Marsh (Provincially Significant Wetland) along the western portion of the property. A watercourse traverses the retained parcel.

REVIEW

Natural Hazards

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

Natural Heritage

Watercourses

A watercourse has been identified traversing the retained parcel. The severance application is for a lot line adjustment and no new development is proposed. Therefore there is no anticipated impact on the watercourse.

Wetlands

A portion of the retained parcel has been identified as being with the Goodwood Marsh (Provincially Significant Wetland) and the 120 metre adjacent lands. There is no new development proposed as a result of this application and the building envelope has already been established on the retained parcel. Therefore there is no anticipated impact on the Provincially Significant Wetland.

Conservation Authority Regulations

For the applicant's information the watercourse identified on the retained parcel is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetland and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration

Septic Office – Leeds, Grenville and Lanark District Health Unit
Severed - The property to be severed is 20 acres of pasture. The land is rolling and elevations vary. Drainage appears to be north-west. The property will not be used for residential purposes and will not require a septic system. It is intended as a lot adjustment.

Retained – The land to be retained is 176 acres. It consists primarily of fields and contains a dwelling and farm buildings. Drainage appears to be toward the north-west. Soil and elevations vary. The severance will not impact the existing septic system or future replacement.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 8.1-ha parcel of land as a lot addition to lands owned by Gerald and Keitha Donovan at Pt. Lot 23 Conc 7 Beckwith to be used for agricultural purposes and to retain a 71.0-ha landholding at 621 Glenashton Road.

The subject lands are located in an area characterized by large landholdings along Glenashton Road. Agricultural facilities are located on the lands to be retained and on the adjacent lands to the east. However, as the proposed severed lands are to be used for agricultural purposes no MDS was required.

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

Soils Inventory – North section

- Name: Kars
- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: low run-off

South section

- Rideau
- non stony
- 4 – severe limitations
- imperfectly
- high run-off

Bedrock Inventory – Limestone, Dolostone, Shale

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

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

2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

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

Zoning

The subject property is currently within the rural/agricultural 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 the long-term protection of lands for agricultural purposes. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – November 25, 2013**

Rod McDiarmid, owner, 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Keitha Ann Harris and Gerald Anthony Donovan being E Pt. Lot 23 Pt. Lot 24 described as Part 1 & 2 Plan 27R-7992 and Part 1 Plan 27R-6166, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the watercourse identified on the retained parcel is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner: Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

3. *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: Lorna Bell

Hearing Date: November 25, 2013

Agent: Jamie Bell

LDC File #: B13/081 & B13/082

Municipality: Beckwith

Geographic Township: N/A

Lot: 21 **Conc.:** 5

Roll No. 0924 000 015 09600

Consent Type: Two New Lots

Purpose and Effect: To sever two 1.86-ha residential building lots and retain a 53.8-ha agricultural landholding with an existing dwelling, barn and outbuildings at 13.48 Derry Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/081	B13/082	
Existing Use	Vacant	Vacant	Agricultural
Proposed Use	Residential	Residential	Agricultural
Area	1.86 ha	1.86 ha	53.8 ha
Frontage	80 m	80 m	90 m on Kidd Road
Depth	232 m	232 m	1,120 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural & Agricultural Yes		
Zoning By-law Category	Rural		Rural & Agricultural
-Area Required (min.)	0.4-ha		0.4-ha 39-ha
-Compliance?	Yes		Yes Yes
-Frontage Required (min.)	60 m		60 m 60 m
-Compliance?	Yes		Yes Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.3 Agriculture

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.1 Agriculture Resources, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 4 General development Policies, Section 5.1 Residential Policies, Section 6.1 Agriculture Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 10 Agriculture Zone, Section 11 Rural Zone.

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

DESCRIPTION OF PROPOSAL

The property owners propose to create two approximately 4.9 acre new lots with frontage on Kidd Road. The proposed lots would be located in close proximity to two agricultural operations with livestock holding facilities.

DESCRIPTION OF SUBJECT LANDS

The subject lands consist of Lot 21, Concession 5 and have been severed five (5) times in the past; the west half has been severed four (4) times, while the east half has been severed once. The majority of the subject lands are used for agricultural purposes while the area of the proposed severances, along Kidd Road, remains as forested lands. There are several agricultural operations in the surrounding area, which makes locating the proposed severances difficult.

The subject lands contain approximately 250m of frontage along Kidd Road. The adjacent lands have been severed several times in the past, which has resulted in several residential lots along Kidd Road in proximity to the proposed severances.

The subject lands abut the Special Service Area, but are not located within the boundary for the water program. As such, the proposed severances would not be required to participate within the monitoring program.

PROVINCIAL POLICY STATEMENT

Section 1.1.4 regards development in rural areas of municipalities. As the severances are in an area that already receives all services offered by the municipality, the severances appear to conform to the PPS.

Section 1.6 regards servicing. Prior to approval of the severances, the Health Unit will comment on the feasibility of septic systems on the proposed lots.

OFFICIAL PLAN

Designations

The northern third of the subject lands are designated as Rural, whereas the southern two-thirds are designated as Agricultural. The proposed severances are located within the Rural portion of the property, where severances may be considered.

Land Division

The land division policies of the Official Plan state that the Township will permit up to three severances on parcels of 100 acres or greater. The Township passed a procedure to clarify their interpretation of the Official Plan policies. The procedure indicates that in the case of a full Township lot, up to three severances will be permitted from each of the 'half-lots'. The procedure also indicates that severances between the two half-lots will not be transferrable between the two halves.

As the severances are not to be transferrable between the lots, each half-lot should be considered individually. The east half has only been severed once in the past and appears to qualify for up to two (2) additional severances. The west half has been severed four (4) times in the past and does not appear to qualify for any additional severances. If two severances are permitted from the east half lot the lot, the full lot would have been severed

seven times rather than the typically permitted six.

Lots created through severance in the Rural designation are required to be at least 2 acres in size with 45m of frontage. Severances are required to conform to the Minimum Distance Separation formulae.

ZONING BY-LAW

The subject lands are zoned Rural and Agriculture. The proposed severances are located in the Rural zone. Minimum lot sizes within this zone are 4,000m² with 45m of frontage.

Section 3.20 regards separation distances and indicates that the construction of new dwellings is prohibited within any required MDS area.

OPTIONS / ANALYSIS

The proposed severances are located between the agricultural operation on the subject lands and an agricultural operation on the opposite side of Kidd Road, immediately opposite the proposed severances. Preliminary MDS calculations for the livestock components of these two operations have been included with this report. As indicated in the attached diagram, there appears to be sufficient area to locate the two proposed severances, but as the MDS from the Kidd farm extends onto the proposed severances, a 1 Ha building envelope must be located beyond the MDS distance. This results in deeper lots with a greater area than required by the official plan or zoning by-law.

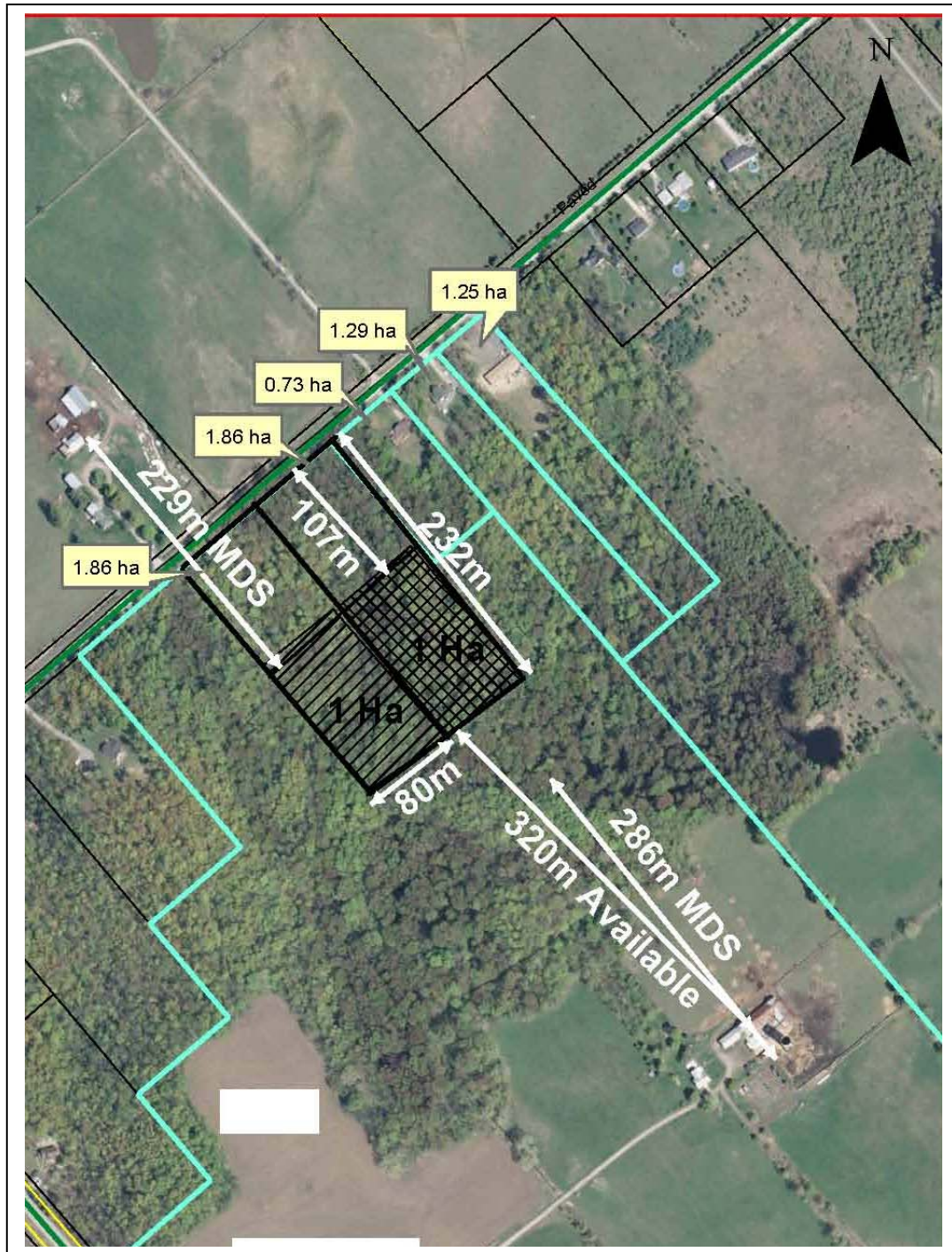
Staff discussed the proposed severances with OMAFRA to confirm whether the creation of additional lots would transition the uses from Type A to Type B under the MDS Guidelines. It was determined that the size of the proposed severances exceeded the size discussed in the guidelines and that the uses would remain as Type A, which requires smaller setback distances.

Suitable Building Envelope

The MDS setback from the Kidd farm on the north side of Kidd Road extends into the proposed lot by approximately 107m. MDS guidelines permit severances in areas impacted by an MDS setback, provided the proposed lot contains a building envelope of 1 hectare beyond the required MDS setback. Therefore, residential development on the proposed lots would have to be located in the shaded portion towards the rear of the lot, as this represents a 1 hectare building envelope beyond the required MDS setback.

Bell MDS Setback

The estimated MDS setback from the livestock facilities on the retained lands limits the distance that the proposed severances can extend onto the Bell property. The diagram indicates that there is sufficient area to permit the severances. There is limited opportunity to increase the depth of these lots.



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

1. That the applicant enters into a development agreement with the Township to ensure development occurs within the suitable building envelope beyond the minimum distance separation. This agreement shall be registered on title of each of the severed lots;

2. That the applicant provides the Township with a copy of the reference plan;
3. That the applicant confirms with the Public Works Superintendent that an entrance to each proposed lot is feasible;

Advisory Note:

4. That all buildings and structures shall be located in accordance with the Ontario Building Code and all applicable by-laws.

Conservation Authority - Rideau Valley Conservation Authority

B13/081

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

PROPOSAL

The proposal is to sever a new 4.6 acre residential lot from the existing 142 acre parcel. We note that this is the first of two severance applications which would ultimately result in a total of 3 lots (2 new lots, 1 retained) from the existing parcel.

PROPERTY CHARACTERISTICS

The severed parcel is heavily treed with some portions of the property being a permanent unevaluated wetland. The retained parcel is heavily treed with a permanent unevaluated wetland identified on northern portion of the property. The remainder of the retained parcel consists of agricultural fields with a municipal drain (Derry Branch 1 and 2) bisecting the property.

REVIEW

Natural Hazards

There have been no natural hazards identified on this property which would preclude this application. We have reviewed the Official Plan schedule and the Surficial Geology mapping for this area. While organic soils have not been identified on either mapping, there is a possibility that organic soils may be observed on the property in the locations which exhibit wetland characteristics. The Provincial Policy Statement has identified organic soils as a natural hazard. Therefore should the Owner or any subsequent Owner observe organic soils at the time of construction, a geotechnical report in accordance with Provincial Policy Statement should be undertaken to determine how the natural hazard can be overcome.

Natural Heritage

Watercourses

Two watercourses (Derry Branch 1 and Branch 2 Municipal Drain) have been identified on the retained parcel. The severed parcel will have no impact on any of the required setbacks from the watercourses.

Wetlands

An unevaluated wetland has been identified on the severed and retained parcels. The unevaluated wetland has not been identified as a Provincially or Locally Significant Wetland in the Township's Official Plan. The RVCA's Board of Directors has given direction to staff to only regulate Provincially Significant Wetlands or Locally Significant Wetlands (as identified in an Official Plan) and the 120 metre adjacent lands under Section 28 of the Conservation Authorities Act. Therefore the wetlands identified on this site are not regulated by the Rideau Valley Conservation Authority at this time.

Therefore based on the circumstances noted above and the context under the Planning Act, there are no triggers within this application which would afford protection of the wetland features on this site at this time. However, the applicant should be aware that based on the low lying wetland characteristics on the site, the site may experience a very high ground water table and this should be taken into consideration in the design of the foundation and the private sewage system for any residence.

Conservation Authority Regulations

For the applicant's information the watercourses (Derry Branch 1 and 2 Municipal Drains) identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

B13/082

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

PROPOSAL

The proposal is to sever a new 4.6 acre residential lot from the existing 142 acre parcel. We note that this is the second of two severance applications which would ultimately result in a total of 3 lots (2 new lots, 1 retained) from the existing parcel.

PROPERTY CHARACTERISTICS

The severed parcel is heavily treed with some portions of the property being a permanent unevaluated wetland. The retained parcel is heavily treed with a permanent unevaluated wetland identified on northern portion of the property, The remainder of the retained parcel consists of agricultural fields with a municipal drain (Derry Branch 1 and 2) bisecting the property.

REVIEW

Natural Hazards

There have been no natural hazards identified on this property which would preclude this application. We have reviewed the Official Plan schedule and the Surficial Geology mapping for this area. While organic soils have not been identified on either mapping, there is a possibility that organic soil ls may be observed on the property in the locations which exhibit wetland characteristics. The Provincial Policy Statement has identified organic soils as a natural hazard. Therefore should the Owner or any subsequent Owner observe organic soils at the time of construction, a geotechnical report in accordance with Provincial Policy Statement should be undertaken to determine how the natural

hazard can be overcome.

Natural Heritage

Watercourses

Two watercourses (Derry Branch 1 and Branch 2 Municipal Drain) have been identified on the retained parcel. The severed parcel will have no impact on any of the required setbacks from the watercourses.

Wetlands

An unevaluated wetland has been identified on the severed and retained parcels. The unevaluated wetland has not been identified as a Provincially or Locally Significant Wetland in the Township's Official Plan. The RVCA's Board of Directors has given direction to staff to only regulate Provincially Significant Wetlands or Locally Significant Wetlands (as identified in an Official Plan) and the 120 metre adjacent lands under Section 28 of the Conservation Authorities Act. Therefore the wetlands identified on this site are not regulated by the Rideau Valley Conservation Authority at this time.

Therefore based on the circumstances noted above and the context under the Planning Act, there are no triggers within this application which would afford protection of the wetland features on this site at this time. However, the applicant should be aware that based on the low lying wetland characteristics on the site, the site may experience a very high ground water table and this should be taken into consideration in the design of the foundation and the private sewage system for any residence.

Conservation Authority Regulations

For the applicant's information the watercourses (Derry Branch 1 and 2 Municipal Drains) identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration. Thank you for the opportunity to comment. Please forward notice of the

Authority's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – (Same report for both lots to be severed)

The property to be severed is a 4.69 acre wooded lot intended for residential use. There is at least 0.3 m of black top soil above a heavier soil. The severed property will accommodate a conventional class 4 septic system. The system will need to be raised using imported sandy loam fill.

The property to be retained is 133 acres of agricultural land with a residence and outbuildings. Soil and elevations vary. The main drainage appears to be southerly. The

severance will not impact the existing septic system nor its future replacement.

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.

Mary Kirkham

From: Carol Brown <brocarol@gmail.com>
Sent: August 20, 2013 6:08 PM
To: Mary Kirkham
Subject: Consent application

Hi Mary Kirkham, I am responding to the notice of application for land severance file no. B13/081 and B13/082(Pt. Lot 21 conc 5.

I have concerns re building houses to my left. It is a swampy area and they will need in excess of 40 truck loads of soil. What will this do to the water level and the effect it could have on my new septic bed? The addition of the houses on my right affected the water drainage. As well I thought legislation was passed saying lots had to be more than 2 acres.

I am not in favor of this if it affects the drainage for septic beds.

Carol

NOTE:

The severances exceed the minimum requirement and because the building envelope is pushed to the rear of the lots, the houses and septic systems will be located well away from the adjacent property owner's septic system and will be unlikely to have any affect.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots – 1.86-ha each and retain a 53.8-ha landholding with an existing dwelling, barn and outbuildings at 1348 Derry Road.

The total land parcel is composed of the East ½ Lot 21 and Part of the West 1.2 Lot 21 Conc. 5 Beckwith. Four new residential lots have been created from the original West ½ Lot 21 ((3 in 1976 and 1 in 1981), and one lot has been created from the original East ½ Lot 21 (1978). The updated Official Plan provides for up to 3 consents on a 40-ha parcel of land (i.e. ½ of a full Township Lot).

The subject lands are located in an area characterized by rural residential intermixed with agricultural lands along Kidd Road. The lands have split designation – rural to the north and agriculture to the south. The proposed lot will not interfere with the agriculture operation, provided that the MDS separation distance is maintained.

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

Agricultural Operations

Due to an agricultural operation being located on the retained lands as well as on the adjacent lands to the north, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 286 m, from the Bell livestock facility, the actual distance from the barn to the closest proposed lot line as shown by the applicant as 295 m and 229 m from the Kidd livestock facility, the actual distance from the barn to the closest proposed lot line as shown by the applicant is 125 m. Therefore the building envelopment will be required to be located at the rear of the lot in order to maintain a distance of 229 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Grenville

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

Bedrock Inventory – Dolostone, sandstone

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

- 3/ Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed 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 Beckwith and could be given favourable consideration.

(e) **MINUTES – November 25, 2013**

Jaimie Brown, agent and Carol Brown, adjacent landowner, attended the hearing and gave evidence under oath.

Ms. Brown expressed concern that any development, particularly a septic system, would cause overland drainage onto her property.

Mr. Bell explained that the lots were considerably deeper than her lot and that the building envelope would be to the rear of the property. Also, that they would encourage any purchaser to maintain the tree cover at the front of the property.

Mr. Brown also advised that there is a drain at the rear of the lands to be created which would take any overland water from the building envelope.

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 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. The wording of the agreement shall be acceptable to the Municipality to ensure that development occurs within a suitable building envelope beyond the minimum distance separation. The agreement or site plan shall be registered on title.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
8. A letter shall be received from the Township of Beckwith stating that condition #4 through #7 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 Rideau Valley Conservation Authority advises that the watercourses (Derry Branch 1 and 2 Municipal Drains) identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
3. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Raymond & Kenna Martin **Hearing Date:** November 25, 2013
Applicant: Shelley Martin
LDC File #: B13/085
Municipality: Beckwith
Geographic Township: Beckwith **Lot:** 13 **Conc.:** 10
Roll No. 0924 000 035 37402 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.62-ha residential building lot and retain a 0.72-ha residential lot at 2400 10th Line Rd. The lands are accessed via Beckwith 10th Line.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.62 ha	0.72 ha
Frontage	64.3 m	63.93 m
Depth	104.2 m	96.52 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well with filtration system	Private well
Sewage Disposal	Proposed septic	Private septic
Official Plan Designation -Conformity?	Settlement Area Yes	
Zoning By-law Category	Residential	Residential
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

Section 1.1.3.3 Planning authorities shall identify and promoted opportunities for intensification and redevelopment where this can be accommodated taking into account

existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

1.6 Infrastructure and Public Service Facilities

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

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

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

Local Official Plan – Section 4 General Development Policies, Section 5.1 Residential Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, section 5.4 Rural Residential.

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

(b) AGENCY REVIEW

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

Township Planner's Report

DESCRIPTION OF PROPOSAL

The applicant proposes to submit an 'infill' severance application to create a new 1.5 acre building lot within the Black's Corners Community Development Area. The proposed severance would possess approximately 65m of frontage on the 10th line.

DESCRIPTION OF SUBJECT LANDS

The subject lands consist of approximately 3.3 acres of largely treed lands and contain an existing dwelling. The area of the proposed severance appears to be entirely vegetated and lower in elevation than the rest of the property, although fill has been placed in the to-be-severed area in recent weeks. The lands are located adjacent to the former railway and former Levine Landfill.

PROVINCIAL POLICY STATEMENT

Section 1.1.3 promotes intensification within community development areas of municipalities. While the proposed severance would be considered intensification, the Township has developed policies to regulate infill-severance intensification and the proposed severance does not appear to qualify.

Section 3.2 regards protecting public health and safety from man-made hazards. This section generally directs development on contaminated lands to occur after suitable rehabilitation has occurred.

OFFICIAL PLAN

The subject property is located within the Community Development Area of Black's Corners and is designated Residential. The lands abut Special Policy Areas 2 and 3, which reference development constraints due to the contamination of the former Levine Landfill.

Section 4.5 regards land division in the Township. Severances are limited to a maximum of three per original lot, unless the property qualifies for additional infill severances under subject 5. These infill policies were only recently incorporated into the Official Plan by OPA 25 and have not yet been used by a property owner to obtain a severance.

5) despite the above, residential infill through consents will be allowed in the Community Development Areas, subject to the following:

(a) a residential infill lot shall have a minimum area of 0.6 hectares (1.5 acres);

The subject property contains sufficient area to provide a severance of 1.5 acres.

(b) the proposed development shall have minimum frontage on a public road, as per the Zoning By-Law;

The proposed severance would meet the minimum frontage requirements for the Rural Residential zone, being 45m.

(c) the proposed development shall be between two existing dwellings that are located on the same side of a public road and are not more than 125 metres apart;

The proposed severance is not located between two existing dwellings on the same side of the road. The proposed severance is adjacent to only one dwelling, as the lands farther to the east are the former Levine Landfill and are presently vacant. No dwelling will be constructed on the site of the former Levine Landfill and as such, it is doubtful that the subject property will ever qualify for an infill severance. This being said, the subject property is slightly greater than 3 acres and only contains enough land to ever provide a single severance. The proposed severance would result in a more efficient use of the land.

(d) the proposed development shall be opposite at least two residential lots with frontage on the same public road; and

The proposed severance is not directly opposite at least two residential lots, but is considered to be in close proximity. Certainly there are several residential lots on the opposite side of the road, but the property directly across from the proposed severance is currently vacant and owned by the Township.

(e) the retained parcel shall have a minimum area and frontage on a public road, as per the Zoning By-Law;

The retained parcel would have the minimum area and frontage of the Rural Residential zone, being 1 acre with 45m of frontage on the 10th Line.

Staff discussed the above requirements with the Planning Committee during the July 2013 meeting. The Committee indicated that it was their interpretation that the property did satisfy the requirements for the infill severance policies.

Section 5.5.10 requires development within 500m west of the former Levine landfill site to be supported by a hydrogeological study "in order to address any potential groundwater implications relating to the Volatile Organic Compounds (VOC) contaminations originating from this landfill site". The terms of reference for the HydroG

would be determined in consultation with MOE. The Planning Committee determined during the July 2013 pre-consultation meeting that if the applicant entered into an agreement with the Township, as a condition of the severance application, to have the water filtration system installed in the dwelling there was no need for a hydrogeological study to be completed.

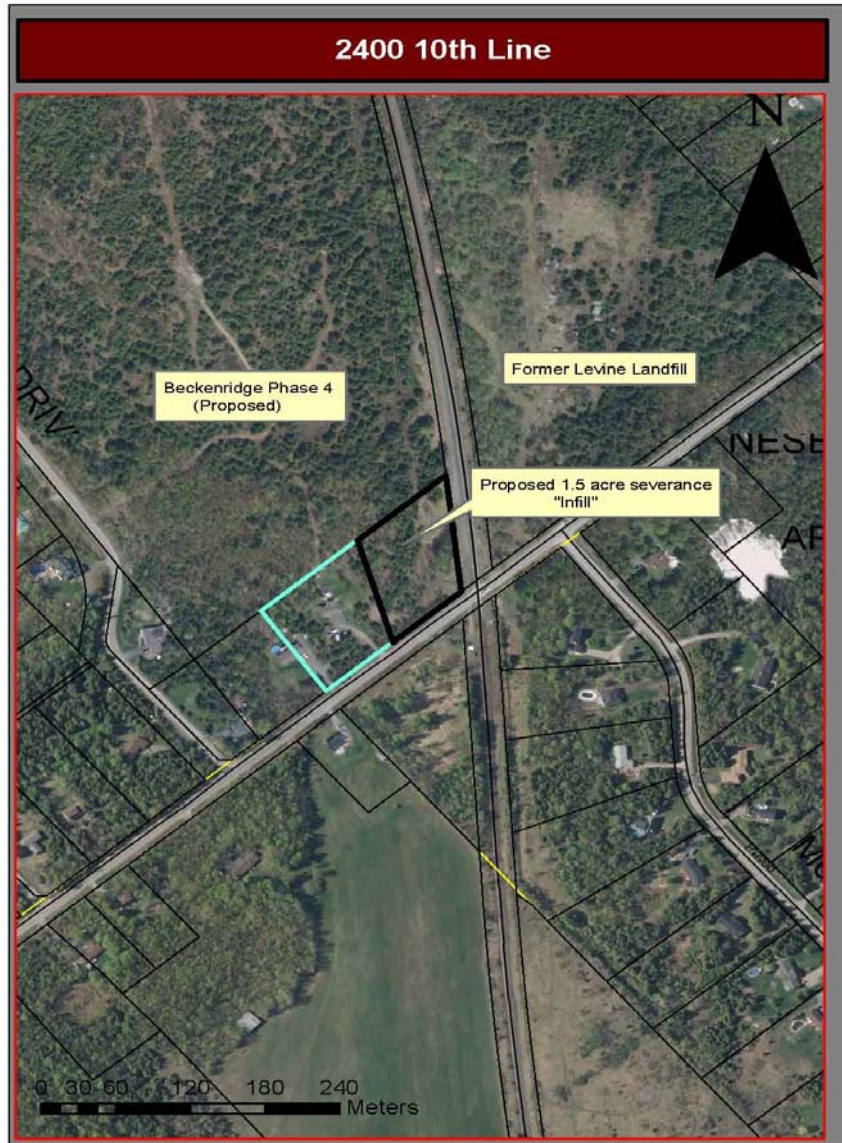
Staff suggested that the applicant be made to follow setback distances being applied to the subdivision application on the lands immediately to the north. These setback distances require wells to be drilled 110m away from the Levine Landfill. The applicant has agreed to locate the well 110m from the northeast corner of the property, thought to be closest to the source of the contamination and enter into the agreement to install the water filter systems.

ZONING BY-LAW

The subject property is zoned Rural Residential. Lots within this zone are required to possess a minimum of 45m frontage with a minimum area of 4,000m². The proposed severance could conform to these requirements.

OPTIONS / ANALYSIS

The Planning Committee has already indicated their interpretation for the infill severance policies and the requirement for the property to install the water filtration equipment.



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

Conditions:

1. That the applicant enters into a development agreement with the Township agreeing to have the water filtration equipment install, in accordance with the Beckwith Water Supply program;
2. That the applicant provides the Township with confirmation that the well has been drilled at least 110m from the northeast corner of the property;
3. That the applicant confirms with the Township's Public Works Superintendent that a viable entrance is possible for the severance;
4. That the applicant provides the Township with a copy of the reference plan;

Advisory Note:

1. That all buildings and structures are constructed in accordance with the Ontario Building Codes and applicable laws.

Conservation Authority – Mississippi Valley Conservation Authority

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - Bush lot with 10-20cm of silty loam topsoil over bedrock. The lot is higher at the back and slopes down toward 10th Line. Lot line was revised in consultation with S. Martin. The lot is large enough to accommodate on-site sewage disposal. Imported leaching bed fill will be required to construct a raised system.

Retained – Thin layer of silty loam topsoil over bedrock on the retained land. The lot slopes toward the severed lot and 10th line. Existing home with raised septic system. The lot is large enough to accommodate a replacement system if needed. The proposed lot line of the severance was moved to accommodate mantle for existing system.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.62-ha residential building lot and retain a 0.72-ha residential lot with an existing dwelling located at 2400 10th Line Beckwith.

The subject lands are located in an area characterized by rural residential. The effect of the lot creation is considered 'infill', a process recommended by the PPS. Numerous subdivisions are located in close proximity. As noted by the Township the installation of water filtration equipment is required.

The lands are accessed via 10th Line Beckwith, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

Zoning

The subject property is currently within the rural residential 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*. 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, the County Official Plan and Official Plan for the Township of Beckwith and could be given favourable consideration.

(e) **MINUTES – November 25, 2013**

Shelly Martin, owner and Lyle Campbell, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Brown advised that he was aware of the location of the airport and the Levine Waste Area and that a well filter system would be installed in the new dwelling.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enters into a development agreement with the Township of Beckwith agreeing to have the water filtration equipment install, in accordance with the Beckwith Water Supply program.
6. That the applicant provides the Township of Beckwith with confirmation that the well has been drilled at least 110m from the northeast corner of the property.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
8. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Troy Noonan & Tracy Noonan **Hearing Date:** November 25, 2013
Applicant: Troy Noonan
LDC File #: B13/098 & B13/099
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 8 **Conc.:** 6
Roll No. 0919 919 030 02200 **Consent Type:** Two New Lots

Purpose and Effect: To sever two (2) residential building lots (1.65-ha each) and retain a 16.9-ha landholding with an existing dwelling at 26.13 Drummond Con 7.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	1.65 ha	1.65 ha	16.9 ha
Frontage	68.58 m	68.58 m	167.64 m
Depth	243.89 m	243.89 m	663.85 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed Well	Proposed Well	Proposed Well
Sewage Disposal	Proposed septic	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural and Wetlands Yes (provided mitigation)		
Zoning By-law Category	Rural & Wetland Adjacent	Rural & Wetland	
-Area Required (min.)	Area 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.

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 5.5.1 Provincially Significant Wetlands, Section 8.2.2 Consents.

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

Local Official Plan – Section 3 General Provisions, Section 4.3 Rural Policies, Section 4.6 Wetlands Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law – section 4 general Provisions, Section 7 Rural Zone, Section 24 Wetland Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

Thank you for circulating the Township on the above noted severance applications. I have reviewed the applications with respect to their conformity with the Township's Official Plan and Zoning By-law. In this case, the applicant is proposing to sever two residential building lots (1.65 ha / 4 ac each) from a 20 ha (50 ac) rural lot, that is accessed from Drummond Concession 7. According to my records, no previous lots

have been severed from this lot of record since 1979. The severed lands are heavily forested and include some wetland and the retained lands are partially cleared with an existing dwelling.

The severed and retained lands are located primarily within the Rural Designation, as outlined in the Township's Official Plan, with portions of both designated as Wetland. With respect to the application to enable new residential development in the Rural Designation, the Township's Official Plan provides for a broad range of uses, including a limited amount of residential development that is consistent within a rural setting and blends in with the landscape. These applications are consistent with that intent and compatible with the predominant low density residential and woodland character of the area. There are however a number of natural constraints affecting the severed lands that would affect the siting of any future residential development on the proposed lots and this would need to be accommodated in any severance approval. As shown on the map attached to this report, there is a small area of Provincially Significant Wetland along the northern section of one of the severed lots, near the road, and the greater Blueberry Marsh is located south of the lots. With the exception of a band in the middle of the lots, the bulk of the severed lots are within the 120 metre influence area. Additionally, most of the severed lots are located within significant woodlands (and their adjacent lands). The Natural Heritage sections of the Official Plan do not allow any development or lot creation within these areas unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on these significant features. To that end, the applicant provided a report provided by Hans von Rosen and reviewed by the Rideau Valley Conservation Authority that identified the key features on the lot to protect and also establishing a building envelope and development conditions that would allow the residential development without negatively impacting the woodland and wetland features. These conditions include:

- Minimum development setback of 30 m from edge of PSW at front of the lots;
- Shared driveway off of Drummond Cone. 7 at the edge of the eastern lot to avoid the PSW;
- Minimum westerly development setback of 40 m to protect the interior woodland features;
- Adequate rear yard setback from the Blueberry Marsh.

It is the Township's position that these conditions can be implemented through a site specific zoning amendment that establishes special yard requirements and access provisions for the severed lots. With respect to the OP's provisions requiring frontage and direct access onto public roads and the suggestion of having the westerly lot only being accessed through the eastern lot, I note that a shared driveway is identified as a legitimate point of access in the implementing Zoning By-law and as such, this arrangement can be supported as per the Official Plan. The shared driveway should also be surveyed with a right-of-way granted to the westerly lot owner to guarantee permanent access.

To conclude, this is a consent application on lands subject to a number of constraints, which effectively limit development to a relatively small window on both lots. That being said and provided that the identified mitigative measures are undertaken, I believe the application would be consistent with the intent of the Township's Official Plan. As such, the Township offers its support of the application, subject to the satisfaction of the conditions as indicated on the attached Municipal Reply Form.

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
4. That access to both lots shall be provided from a shared driveway on the lot identified as B 13/099. The Applicant shall confirm that a residential entrance to these lots is viable and shall consult directly with the Township in this regard.
5. That a right-of-way in favour of the owners of the lot identified as B 13/098 is established on the shared driveway in order to ensure permanent legal access to that lot.
6. 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.
7. Future development on the severed lots shall be adequately set back from significant woodlands and wetlands that have been identified on the subject lands as per the EIS submitted by Hans von Rosen and the Rideau Valley Conservation Authority. In order to implement the development conditions outlined in those reports, the severed lands shall be rezoned to establish appropriate yard and access requirements.
8. The applicant acknowledges that the severed and retained lands are within the influence area of a Provincially Significant Wetland and that any future development on the subject lands may be subject to Site Plan Control as per the Township's Official Plan Policies.

Conservation Authority – Mississippi Valley Conservation Authority

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

Proposal

The purpose of these applications is to sever two rural residential building lots, each of which will have an area of 4.13 acres. The retained parcel, which is currently used for residential purposes and a hobby farm, will have a lot area of 41.74 acres. The proposed severances are indicated in red on the attached map.

Site Characteristics

The proposed lots are situated in an upland area that is surrounded by both permanent wetland and the Provincially Significant Wetland known as the Blueberry Marsh. The lots are mostly within the 120 metre adjacent lands to the PSW. With the exception of a small (less than half an acre) portion of PSW in the northwest corner (along the road frontage) of the lot to be created by B13/098, the lots are located in what is mapped as a permanent wetland feature (non PSW). However a site inspection conducted by RVCA

staff in October 2012 confirmed that there is a shallow ridge running through the central portion of the site that does not exhibit wetland characteristics. Vegetation cover is typical of upland forest. Both lots have extensive forest cover mixed with open areas that were created during the development of the original homestead on the property. These open areas have been reverting to natural vegetation cover. There are no well-defined watercourses on the site, other than the constructed channel from the pond to the edge of the wetland on the retained parcel.

Assessment

The proposed lots are situated mostly within the 120 metre adjacent lands to the Blueberry Marsh PSW, Significant Woodland (including interior forest) and an Area of Natural and Scientific Interest, all of which are identified on Schedules A and B of the Township's Official Plan. Parcel A (B13/098) includes a 40 m wide strip of interior forest along its western edge. In order to satisfy the requirements of the Official Plan and the Provincial Policy Statement with respect to natural heritage features, the applicant commissioned the preparation of an environmental impact statement (EIS) that was prepared by Hans K. von Rosen of Pinegrove Biotechnical, dated November 22, 2012 and submitted concurrently with the applications. The EIS concludes that there will be no significant impact caused by the lot creation and development of the site provided that:

- the building sites are limited to the ridge running through the central portion of each lot,
- a minimum development setback of 30 metres is maintained from the edge of the PSW, and
- access to Lot A is not through the small area of PSW at the road frontage- access can be accomplished by using a shared access for both lots over the existing farm lane from Drummond Concession 7 into Lot B.

The Conservation Authority is in agreement with the findings of the EIS and the recommendations to avoid and/or mitigate the impacts of lot creation and development on the natural heritage features present on this site.

Conservation Authorities Act Regulations

With the exception of the central portion of each lot (generally that area that has been identified in the EIS as the area suitable for the building envelopes), the severed and retained lots are situated within the 120 metre adjacent lands to the Blueberry Marsh PSW. As such, the lots are subject to the Rideau Valley Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner of the property requires the written approval of the Conservation Authority prior to undertaking any form of development or changes to existing grade within any area subject to the regulation.

Conclusion

The Conservation Authority has no objection to these applications. As a condition of approval we request that the proposed lots be rezoned to limit development to the building envelop locations identified in the EIS, require a minimum 30 metre development setback from the wetland edge, identify the setback from the interior forest and provision of the common access. The rezoning shall be based on a site specific survey by an OLS showing the lot lines, the common access, the building envelopes, wetland boundary and the required setbacks from the wetland boundary and the interior forest. We also request that the following information be appended to the Committee's decision as notes:

1. The lots to be created by these applications are situated within the 120 metre adjacent lands to the Blueberry Marsh Provincially Significant Wetland. In accordance with the requirements of the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act), the owner requires the written approval of the Conservation Authority prior to undertaking any form of development on the property or changes to existing grade anywhere within the area subject to the regulation.
2. The creation of these lots has been supported by an Environmental Impact Statement (EIS) prepared by Hans K. von Rosen (Pinegrove Biotechnical), dated November 22, 2012. It has been determined that development can occur on these lots without adverse impact on the Blueberry Marsh Provincially Significant Wetland, the interior forest on the site and the Area of Natural and Scientific Interest (coincidental with the woodland area). The EIS makes recommendations regarding the location of the development envelopes, setbacks from the wetland edge and the interior forest habitat. These matters will be addressed to the satisfaction of the Township and the Rideau Valley Conservation Authority by a zoning by-law amendment and/or development agreement.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – (Same report for both lots to be severed) A 4.13 acre wooded lot. Soil depth and drainage can vary. Property has very gentle slopes. Additional sandy loam fill will be required in the area of future tile bed.

Retained – A 41.74 acre parcel of land with a house and various outbuildings. There is a well and septic system that services the house. The existing sewage system is a raised leaching bed in imported sand fill. Additional sandy loam fill will be required in the area of the 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 concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two residential building lots (1.65-ha each) and retain a 16.9-ha landholding with an existing dwelling located at 2613 Drummond Con 7.

The subject lands are located in an area characterized by large landholdings interspersed with rural residential lots along Drummond Con 7. The lands to be severed are located within the influence area of Blueberry Marsh PSW.

The lands are accessed via Drummond Con 7, a municipally maintained road.

Bedrock Inventory – Dolostone, Sandstone

An EIS was undertaken by Pinegrove Biotechnical and reviewed by the Township and RVCA. The EIS concluded that provided mitigating conditions are incorporated into a development agreement and zoning by-law (setbacks), development would not result in harmful impacts upon the Natural Heritage Values of the PSW.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979. Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

- 3/ Woodlands

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area,

and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – November 25, 2013**

Troy Noonan, owner, attended the hearing and gave evidence under oath.

Mr. Noonan advised that he is in negotiations with the Township and CA to reduce the 40 m setback requirements from the side lot line. However, noted that if unable to reduce this setback requirement, a suitable building envelope could be obtained.

Mr. Noonan was advised that he will be required to survey the driveway in order to provide access to lot B13/098.

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:

B13/098

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

the influence area of a Provincially Significant Wetland. Any future development on the lands may be subject to Site Plan Control.”

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
7. That access to the lot shall be provided from a shared driveway on the lot identified as B13/099. The Applicant shall confirm that a residential entrance to these lots is viable and shall consult directly with the Township of Drummond / North Elmsley 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. 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.
10. The lot to be severed shall be re-zoned to address setback requirements from significant woodlands and wetlands as outlined in the Pinegrove Biotechnical EIS dated November 22, 2012 and the report of the RVCA dated Oct 7, 2013.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the lots to be created by these applications are situated within the 120 metre adjacent lands to the Blueberry Marsh Provincially Significant Wetland. In accordance with the requirements of the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act), the owner requires the written approval of the Conservation Authority prior to undertaking any form of development on the property or changes to existing grade anywhere within the area subject to the regulation.*
2. *The creation of these lots has been supported by an Environmental Impact Statement (EIS) prepared by Hans K. von Rosen (Pinegrove Biotechnical), dated November 22, 2012 . It has been determined that development can occur on these lots without adverse impact on the Blueberry Marsh Provincially Significant Wetland,*

the interior forest on the site and the Area of Natural and Scientific Interest (coincidental with the woodland area). The EIS makes recommendations regarding the location of the development envelopes, setbacks from the wetland edge and the interior forest habitat. These matters will be addressed to the satisfaction of the Township and the Rideau Valley Conservation Authority by a zoning by-law amendment and/or development agreement.

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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.

B13/099

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within the influence area of a Provincially Significant Wetland. Any future development on the lands may be subject to Site Plan Control."
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
7. That a right-of-way in favour of the owners of the lot identified as B13/098 be established as a shared driveway in order to ensure permanent legal access to that lot.
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. 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.
10. The lot to be severed shall be re-zoned to address setback requirements from significant woodlands and wetlands as outlined in the Pinegrove Biotechnical EIS dated November 22, 2012 and the report of the RVCA dated Oct 7, 2013.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the lots to be created by these applications are situated within the 120 metre adjacent lands to the Blueberry Marsh Provincially Significant Wetland. In accordance with the requirements of the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act), the owner requires the written approval of the Conservation Authority prior to undertaking any form of development on the property or changes to existing grade anywhere within the area subject to the regulation.*
2. *The creation of these lots has been supported by an Environmental Impact Statement (EIS) prepared by Hans K. von Rosen (Pinegrove Biotechnical), dated*

November 22, 2012 . It has been determined that development can occur on these lots without adverse impact on the Blueberry Marsh Provincially Significant Wetland, the interior forest on the site and the Area of Natural and Scientific Interest (coincidental with the woodland area). The EIS makes recommendations regarding the location of the development envelopes, setbacks from the wetland edge and the interior forest habitat. These matters will be addressed to the satisfaction of the Township and the Rideau Valley Conservation Authority by a zoning by-law amendment and/or development agreement.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Timothy Porteous **Hearing Date:** November 25, 2013
Agent: Amy Creighton
LDC File #: B13/106
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 12 & 13 **Conc.:** 1
Roll No. 0911 916 010 03110 **Consent Type:** Lot addition

Purpose and Effect: To sever a 42.1-ha parcel of land as a lot addition to lands owned by Timothy Porteous described as Pt. 2 Plan 27R-4936 and retain a 9.3-ha residential lot with an existing dwelling at 387 Noonan Side Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	42.1 ha	9.3 ha
Frontage	46 m	71 m
Depth	600 m	572 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Private Septic
Official Plan Designation -Conformity?	Rural and Organic Soils Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	n/a – lot addition	0.405-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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

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

Local Official Plan – Section 2 General Development Policies, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planner's Notes

The proposal is to sever a 42.1-ha parcel of land for a lot addition and retain a 9.3 parcel with a residence.

Both lots meet minimum zoning provisions.

RVCA and MRSSO have no objection

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, sufficient land for Road Widening purposes, shall be deeded to Tay Valley Township 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 Public Works Manager shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required."

Advisory Note: Rezoning of the floodplain to Flood Plain Zone (FP) will occur following the Official Plan update identifying the lands as Natural Hazard. Section 28 of the Conservation Authorities Act will prevent construction in the meantime within or adjacent to the floodplain.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulation 174-06 under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

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

Proposal

The application seeks approval for a lot addition, 42.1 hectares in area, to an existing vacant parcel. The retained lot will be 9.3 hectares, on which there is existing residential development. The property is currently zoned Rural.

The Property

Both the retained and proposed severed lots have relatively level topography and portions of low land, grading gently from the Snye and the municipal road to an area of higher upland forest. According to our mapping, a portion of Noonan Side Road and portions of both the retained and severed lots are situated within the flood regulated area as identified in 20 II and confirmed in the field October 2, 2013. There is also an area of the "lot to be enlarged" which is identified as locally significant wetlands (see attached mapping).

This reach of the Snye possesses good water quality and stable stream conditions and supports a variety of warm and cool water species of fish.

Review Comments and Recommendations

As per the RVCA Policies relating to Ontario Regulation 174-06 (Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation) we must address safe access / egress, overall public safety and the provision of emergency services as part of our review.

Noonan Side Road in the vicinity of the property is subject to flood depths of up to .3 metre in a 1:100 magnitude flood event (road elevation along the lot frontage ranges from 146.98 to 146.95 metres geodetic). The 1:100 year flood elevation is 146.98 metres geodetic at this location.

With the elevation verification noted above, we confirm that Section 1.4.4 (FLOODPROOFING - Safe Access / Egress) of our policies can be addressed: "For vehicular and pedestrian access routes (municipal roadways and private rights-of-way) safe access will be considered to be available if the depth of flooding at regulatory (1:100-year) flood level along the full length of the travelled surface of the access roadway or right-of-way is no greater than 0.3 metres".

Insofar as the wetland designation is concerned, we note that the majority of the locally significant wetland is also flood susceptible, save for pockets of wetland on the north portion of the lot addition (see attached mapping). While this additional wetland is not identified as a *provincially significant wetland*, we would support protection of the local wetland as a natural heritage feature.

The Rideau Valley Conservation Authority does not object to this lot addition however, we recommend that as conditions of approval;

- the area identified as locally significant wetland and the flood susceptible area be rezoned to recognize the natural heritage and natural hazard on-site.
- notification be provided to the owner that written permission from the Rideau Valley Conservation Authority is required for development activity on the retained lot and lot to be enlarged within the regulated area, including but not limited to construction, filling excavations, site grading or stockpiling of material, as per Ontario Regulation 174-06.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted September 30, 2013.

The applicant proposes to sever 42.1 hectare parcel, for the purpose of a lot addition to Concession 1 Part Lot 12 and 13 (Roll # 0911 916 010 03102). The proposed area to be severed is a low lying wet area with dense tree cover. No test pits were provided.

The retained parcel is approximately 9.3 hectares. The property is currently developed with a dwelling, attached garage, and shed(s).

The dwelling is serviced by a well and sewage system – Permit # 06V025. No test pits were provided.

The severance as proposed will not interfere with the ability to install, operate or maintain an OBC compliant sewage system on the retained lot. Given the above information, our office has no objections to the severance as proposed.

The installation of a sewage system on the lot receiving the addition may require a significant amount of imported sand fill due to high groundwater in the area.

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 42.1-ha parcel of land as a lot addition to lands owned by Timothy Porteous and fronting on Glen Tay Side Road and retain a 9.3-ha residential lot with an existing dwelling located at 387 Noonan Road.

The subject lands are located in an area characterized by a mixture of residential / vacant lots.

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning

designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

3/ Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The lands to be enlarged will benefit from the increased area. 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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – November 25, 2013**

Tim Porteous and Amy Creighton, owners, 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Timothy Robert Porteous described as Part 2 Plan 27R-4936 being Pts 12/13 Conc 1 geographic Township of Bathurst, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
8. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that written permission from the Rideau Valley Conservation Authority is required for development activity on the retained lot and lot to be enlarged within the regulated area, including but not limited to construction, filling excavations, site grading or stockpiling of material, as per Ontario Regulation 174-06.*
2. *Tay Valley Township advises that rezoning of the floodplain to Flood Plain Zone (FP) will occur following the Official Plan update identifying the lands as Natural Hazard. Section 28 of the Conservation Authorities Act will prevent construction in the meantime within or adjacent to the floodplain.*

3. *The Mississippi Rideau Septic System Office advises that the installation of a sewage system on the lot receiving the addition may require a significant amount of imported sand fill due to high groundwater in the area.*
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.