



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, April 14, 2014 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and W. Guthrie

Member Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2014-010

MOVED BY: W. Guthrie
SECONDED BY: R. Strachan

“THAT, the minutes of the Land Division Committee meeting held on March 10, 2014 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2014-011

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Rideau Watershed Briefs – March 2014.

MOTION #LD-2014-012

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

“THAT, correspondence Item 1 be received as information.” **ADOPTED**

7. REPORTS

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

7.1.1 B13/096 – Judith Sanders-Morse, David Sanders, & Dana Sanders – new lot.

Pt. Lot 26/27 Conc. 11 geographic Township of Lanark, now in the Township of Lanark Highlands. Tatlock Road.

7.1.2 B13/131 – Teresa Brown & Cliff Foote – new lot

Pt. Lot 2 Conc. 3 Township of Beckwith. Brown Sideroad.

7.1.3 B13/139 & B13/140 – D Wayne Shaver – two new lots

Pt. Lot 3 Conc. 3 Plan 320 Park Lot 7, Village of Lanark, now in the Township of Lanark Highlands. Paul Drive.

7.1.4 B13/156 – William & Sharon Henry – new lot

Pt. Lot 6 Conc. 5 geographic Township of Ramsay, now in the Town of Mississippi Mills. Quarry Road.

7.1.5 B13/167, B13/168 and B13/169 – Howard Carley – 3 new lots

Pt. Lot 9 Conc. A Township of Montague. Burchill Road.

7.1.6 B13/157, B13/158, B13/159 – Caivan Properties Holding Corp. – 3 new lots and R-O-W.

Pt. Lot 1 Conc. 1 geographic Township of South Sherbrooke, now in Tay Valley Township. Bygrove Lane.

7.1.7 B13/170 – Robert & Brigitte Groulx – new lot

Pt. Lot 11 Conc. 6 geographic Township of Lanark, now in the Township of Lanark Highlands. Mitchell Road.

7.1.8 B14/002 & B14/003 – Terrence Kell – 2 new lots

Pt. Lot 14 Conc. 9 geographic Township of Ramsay, now in the Town of Mississippi Mills. Country Street & St. George Street.

7.1.9 B14/004 – Barbara Robertson – new lot and R-O-W
Pt. Lot 23/24 Conc. 8 geographic Township of Pakenham, now in the
Town of Mississippi Mills. 9th Con N Pakenham.

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Hydrogeological Investigations

9.2 2013 Year-end Report – review

MOTION #LD-2014-013

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

“**THAT**, the 2013 Year-end Report be accepted as presented (and amended/revised) and that R Strachan present the report to Community Development Committee on April 23, 2014.”

ADOPTED

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B13/096 – Judith Sanders-Morse, David Sanders, & Dana Sanders – new lot.

10.1.2 B13/131 – Teresa Brown & Cliff Foote – new lot

10.1.3 B13/139 & B13/140 – D Wayne Shaver – two new lot

10.1.4 B13/156 – William & Sharon Henry – new lot

10.1.5 B13/157 and B13/158 – Caivan Properties Holding Corp. – 2 new lots and R-O-W.

10.1.6 B13/167, B13/168 and B13/169 – Howard Carley – 3 new lots

10.1.7 B13/170 – Robert & Brigitte Groulx – new lot

10.1.8 B14/002 & B14/003 – Terrence Kell – 2 new lots

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B13/159 – Caivan Properties Holding Corp. - new lot & R-O-W.

MOTION #LD-2014-014

MOVED BY: W. Guthrie
SECONDED BY: R. Strachan

“THAT, application B13/159 be deferred to provide the applicant / agent an opportunity to resolve the issues raised regarding, vehicle access, emergency vehicle access, utility location, development within setback area.” ADOPTED

10.2.2 B14/004 – Barbara Robertson - new lot & R-O-W.

MOTION #LD-2014-015

MOVED BY: W. Guthrie
SECONDED BY: R. Strachan

“THAT, application B14/005 be deferred to provide the owner/applicant an opportunity to discuss with the purchaser, the possibility of adding the adjacent landowner (Freemark) as a party to the R-O-W / Easement as shown on the application.” ADOPTED

11. UPCOMING MEETINGS

Tuesday, May 13, 2014 @9:00 a.m. LDC Meeting;
Sunday, May 25 to Wednesday May 28, 2014 – OACA Conference, Blue Mountain;
Monday, June 9, 2014 @ 9:00 a.m. LDC Meeting; and
Monday, August 11, 2014 @ 9:00 a.m. LDC Meeting;

12. ADJOURNMENT – 1:17 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Judith Sanders-Morse, David Sanders & Dana Sanders **Hearing Date:** April 14, 2014

Applicant: David Sanders

LDC File #: B13/096

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 26 & 27 Conc.: 11

Roll No. 0940 934 030 05000

Consent Type: New Lot

Purpose and Effect: To sever a 3.24-ha parcel of land and retain a 20.3-ha vacant landholding. The lands to be severed are accessed via Tatlock Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|--|---|
| Existing Use Proposed Use | Vacant Residential | Recreation Recreation |
| Area Frontage Depth Road - Access to | 3.24 ha 240 m Irregular County Road | 20.3 ha 1,120 m Irregular County Road |
| Water Supply Sewage Disposal | Proposed well Proposed septic | Proposed well Proposed septic |
| Official Plan Designation -Conformity? | Rural, PSW, Wetlands Yes | |
| Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural 1.0-ha Yes 60 m Yes | Rural & Environmental Protection 1.0-ha Yes 60 m Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County 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 3.3 Rural Communities, Section 5.0 Our Environment, Section 6.4 Hazardous Lands, Section 7.4.2 County Roads, Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 17.0 Environmental Protection Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a residential lot. The property is legally described as Pt Lot 26 and 27, Concession 11, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a ±8 acre residential building lot and retain a ±50 acre vacant landholding. The lands to be severed are accessed via Tatlock Road.

The portion of the property which is proposed to be severed is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. The retained portion of the property is designated as Rural Communities, Organic Soils and Provincially Significant Wetland (PSW). The property is predominantly zoned Rural with a portion of the retained parcel being zoned as Environmental Protection - Flood Plain (EP) by Zoning By-law 2003-451.

PROVINCIAL POLICY

All planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lot has access to a county maintained road.

The PPS (2005) reads: development and site alteration shall not be permitted in significant wetlands. As a result of this provision, this application features an amended lot layout as recommended by the Mississippi Valley Conservation Authority. The proposed lot-line between the severed and retained parcels does not go through the PSW area. The amended application includes an Environmental Impact Statement which demonstrates that the lot-lines have been adjusted as recommended by the MVCA.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The intent of the Township's Official Plan as stated in Section 3.3.1.2 is: "not to prohibit residential or economic development in rural areas, but rather to provide guidance on appropriate land use which will support the objective of preserving the identity and character of the rural and settlement areas." The proposal as submitted can achieve those directives.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with the retained portion of the property also containing the designations of Organic Soils and the southern portion of the property is designated as Provincially Significant Wetland.

ZONING

The proposal will, if approved, result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy Statement. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval. The property is predominantly zoned Rural with a large area being zoned as Environmental Protection by Zoning By-law 2003-451 .

DISCUSSION

This proposal seeks to sever a developable residential lot from the subject parcel and to retain a recreational lot. This area is able to meet the required setbacks.

An EIS has been prepared for this application and comments have been received by both the MVCA and the Ministry of Natural Resources. Written permission will be required from MVCA for any development within 120 metres of the PSW. As stated in the EIS provided, development of the two lots is considered reasonable, provided mitigative measures are implemented. Development of the retained parcel may require further planning approvals.

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

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

Conservation Authority – Mississippi Valley Conservation Authority

September 16, 2013

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (2) vacant parcels of land (Parcel A = 8 ac, Parcel B = 24 ac) and retain a vacant 20 ac parcel of land (Parcel C). Parcel B & C have river frontage, while Parcel A does not.

PROPERTY CHARACTERISTICS

A review of available GIS mapping revealed that Parcel B & C have frontage on the Indian River. A Provincially Significant Wetland (PSW) referred to as the *Clay ton-Taylor Complex* encompasses this section of the river and further 'extends into a significant portion of both properties. The lot line dividing Parcel B and C extends into the PSW. Both parcels are entirely within the 120 m adjacent lands to this PSW. Parcels A, B & C are all within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area.

REVIEW

Natural Heritage Features

Guidelines (Natural Heritage Reference Manual, 1999) prepared in support of the Provincial Policy Statement (PPS) indicate that new development, including lot creation, should not be permitted within significant wetlands; and fish habitat. It also indicates that development and site alterations shall not be permitted within their adjacent lands (i.e. within 120 m of a PSW and 30 m of fish habitat), unless it has been demonstrated that there will be no negative impacts on their natural features or ecological functions.

The aforementioned guidelines also require that new development and site alterations, including the creation of new lots, within significant wildlife habitat only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. In order to address Provincial requirements, an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical., on behalf of the applicants.

PSW

In an effort to prevent fragmentation of significant wetlands, the PPS requires that new development, including lot creation, not be permitted within PSW's. As previously indicated the lot line between Parcel B and C extends into the PSW and is therefore contrary to the PPS. We note that the EIS indicated that the subject proposal was permissible in the PPS; however, subsequent discussions with the author of the EIS resulted in a consensus that it does not comply and a lot line adjustment is recommended.

The PPS also indicates that development should not be permitted within 120 m of PSW unless it has been demonstrated that there will be no negative impacts on their natural features or ecological functions. The EIS concluded the following: *Since near-river wetland adjacent upland habitat will not be impaired by the severances, Wetland Functions for these species will not be negatively impacted by the proposed severances.* The EIS also recommended a minimum development setback of 30 m from the PSW. MVCA concurs with this conclusion and recommendation.

Fish Habitat

Parcels B and C have frontage on the Indian River. In addition, wetland extends from the river onto a significant portion of the both parcels. Both the river and the wetland are considered to be fish habitat. Sufficient area appears to exist on Parcels B and C to ensure that potential future development occur a minimum of 30 m from both the river and wetland.

Deer Yard

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, potential impacts upon the deer yard, as a result of this application, have been assessed in the EIS. MVCA has reviewed the EIS and concur with its conclusion that "Distances between the three future residences are considered to be adequate to allow relatively undisturbed passage of deer ... Road." MVCA has reviewed the EIS and concur with this conclusion.

CONCLUSIONS & RECOMMENDATIONS

MVCA does not recommend approval of the subject application as currently submitted. In order to comply with the PPS, the proposed lot line between Parcels B & C should be adjusted so it does not extend into the PSW (Please refer to the attached for a recommended adjustment).

Provided lot lines are adjusted in compliance with the PPS, MVCA does not have any other objections to the subject application. Mitigative measures will be provided following resolution to the lot lines.

NOTES

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA for any development' arid interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.

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

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

NOTE: in response to the pre-consultation with the MVCA the applicant re-submitted the application with the changes as recommended.

Conservation Authority – Mississippi Valley Conservation Authority
October 29, 2013

In a letter to the County of Lanark dated September 16, 2013, Mississippi Valley Conservation Authority (MVCA) provided a review of the subject consent application. The following amendment to the proposed lot layout was recommended as part of this review: *In order to comply with the PPS, the proposed lot line between Parcels B & C should be adjusted so it does not extend into the PSW.* In response, MVCA has received an amendment to the Environment Impact Statement (EIS) (dated September 27, 2013). The amended EIS includes a plan which demonstrates that the lot lines have been adjusted as recommended. Therefore, we do not have any objections to the amended application provided the following conditions are adhered to:

- As recommended in the EIS, any new buildings or structures, including a septic system, shall be setback 30 m from the edge of the wetland, on Parcels Band C.
- The existing shoreline vegetation within 30 metre of the PSW shall be retained in its entirety, on Parcels Band C.
- Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, or onto adjacent properties, on Parcels Band C. All roof run-off of future buildings shall be captured by eave-troughs and led to ground re-infiltration pits.
- There shall be no site disturbance or alteration within 30 m of the PSW unless permitted by MVCA, on Parcels Band C.
- Removal of terrestrial vegetation, including trees, in the forested areas should be limited to a maximum of 10% of the existing *cover*, on all lots.
- No woody vegetation shall be *removed* between May 15th and July 10th unless a breeding bird survey is conducted, on all lots.

NOTES

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA for any development and interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the *river* require written permission from MVCA

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

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – Approximately an 8 acre irregular shaped parcel of land consisting of bush land and bedrock, Variable drainage and slope. Some areas may be subject to seasonal wetness. No Outbuildings. Additional sandy loam fill will be required in the area of the future septic system, Lot size is large enough to accommodate on-site sewage disposal.

Retained – Approximately a 50 acre irregular shaped parcel of land consisting of bushland and bedrock. Drainage and slope varies. Some areas subject to seasonal wetness and high water table. Additional sandy loam fill will be required in the area of the future septic system.

Ministry of Natural Resources – Kemptville

MNR received an EIS report for the David Sanders Consent Application prepared by Pinegrove Biotechnical, located at Pt. Lot 26/27 Conc. 11 geographic Township of Lanark, now in the Township of Lanark Highlands. MNR has reviewed the report and would like to provide the following comments:

Provincially Significant Wetland

The Clayton-Taylor Complex Provincially Significant wetland (PSW) will be directly impacted by this proposed Consent application. Policy 2.1.3 b) of the PPS (2005) reads: *development* and site alteration shall not be permitted in significant wetlands. It is the responsibility of the municipality to ensure that future *development* satisfies the PPS. MNR assumes that MVCA has been contacted regarding potential impacts and authorizations regarding development in and adjacent to this PSW. If you would like to discuss this further, please feel free to contact me directly.

For clarification purposes and for feature reference, the definition of *development* in the PPS (2005) is: the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.

Species at Risk (SAR)

MNR recommends that the proponent consider conducting additional breeding bird surveys take next spring/summer as it was indicated in the report that the field inspection for this property took place on Nov 27th. Unfortunately, the year of survey was not provided and this should be clarified. The breeding bird timing window in Kemptville District is May 15-July 31 and according to the Bobolink survey protocol, 3 sets of point count surveys should take place in June or the first week of July with each survey separated by a week or more from previous surveys. According to the draft survey protocol for Eastern Meadowlark, surveys should be conducted in the late spring and early summer when birds are singing and defending their territories. Any suitable habitat areas larger than 3.0 hectares should be surveyed. Survey specific information can be provided upon request.

Furthermore, with regards to Whip-poor-will, under appropriate survey conditions, a minimum of 2 (preferably 3) separate nights, each being more than 1 week apart (preferably each within different lunar cycle windows) is the appropriate survey protocol. MNR recommends that the proponent consider surveying for Whip-poor-will in 2014. A copy of the survey protocol can be provided upon request.

A thorough survey for Butternut trees in the project areas should also occur prior to/during vegetation removal. Anyone intending to cut down or harm butternut trees may be able to follow the rules set out in the new regulation under the Endangered Species Act (ESA), for activities that may impact butternut trees, depending on the health of the trees as determined by a qualified butternut health assessor and the number of trees impacted. A person may be eligible if the activity affects Category 1 (non-retainable) trees or 10 or fewer Category 2 (retainable) trees. A person is not eligible for the regulation and must obtain an ESA authorization if the activity affects a Category 3 (achievable) tree, or more than 10 Category 2 (retainable) trees.

The EIS indicates that Blanding's Turtle is present on site and MNR internal data confirms an observation from 1981. Category 2 and 3 habitat likely exists across the entire property. It is the responsibility of the proponent to outline avoidance measures and thus, how Blanding's Turtles will not be impacted by the proposed severance, and

subsequent development. If the proponent cannot prove that there will be no negative impact to the species, authorizations under the ESA may be required. MNR suggests that the proponent **map** the suitable wetland habitat and category 2 and 3 habitat and discuss how impacts to these habitat features can be avoided.

General SAR Mitigation

- MNR strongly recommends that the removal of vegetation occur outside the breeding bird timing windows May 1- August 15, if vegetation removal will occur during this timing window, active nest searches should be conducted by a qualified biologist prior to beginning work.
- Erosion/silt fencing should be installed along the project area prior to construction and early in the spring to clearly delineate the project from adjacent habitat, to ensure that SAR turtles and snakes do not enter the work area and to mitigate potential impacts to habitat. The shoreline should be isolated from the water prior to June to ensure that no turtles nest within the gravel.
- A qualified biologist or environmental monitor should conduct thorough daily sweeps of the area on days when construction is to occur to search for SAR that may have entered the area.
- All on-site staff should undergo environmental awareness and SAR identification training to learn how to properly identify species at risk and what to do should they encounter SAR species.
- If a SAR species is encountered, work should cease immediately and the biologist or environmental monitor will be called on site and MNR contacted. Work will cease until the species has left the site and/or the biologist has protected the species from harm/harassment.

County Public Works Department

Applicant has an approved entrance location to the County Road – Permit No. 2455 and 2456.

Entrance to be installed prior to deed endorsement.

Sufficient lands to be deeded to the County along the frontage of the lot to be severed and retained.

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 3.24-ha residential building lot and retain a 20.3-ha landholding lot. Both lots are currently vacant.

The subject lands are located in an area characterized limited development along Tatlock Road, The proximity of the PSW along the Indian River has restricted development in this location.

In support of the proposal, the applicant had an EIS prepared by Pinegrove Biotechnical, which was reviewed by both MVCA and the MNR. The report concluded that development would not result in the harmful alteration of Natural Heritage Values, provided mitigation measures are included in a development agreement. The MVCA agreed with these conclusions.

Archaeological

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

Deer Yard

The subject property is located within the locally known 'Clayton-Taylor Lake Deer Yard'. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

The lands are accessed via Tatlock Road, a County maintained road.

Bedrock Inventory – marble, calc-silicate, skarn

Official Plan Policies

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

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

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

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3/ Woodlands

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

Zoning

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 Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – April 14, 2014**

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 the Township of Lanark Highlands.

4. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of October 29, 2013 and the EIS dated December 3, 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
10. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 and #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advised that additional sandy loam fill will be required in the area of the future septic system on the severed and retained lands.*
2. *The Mississippi Valley Conservation Authority advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA for any development and interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.*
3. *In addition, the MVCA advises that any proposed works in or near the river and PSW should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
6. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
7. *The 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.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *General SAR Mitigation*
 - *MNR strongly recommends that the removal of vegetation occur outside the breeding bird timing windows May 1- August 15, if vegetation removal will occur during this timing window, active nest searches should be conducted by a qualified biologist prior to beginning work.*
 - *Erosion/silt fencing should be installed along the project area prior to construction and early in the spring to clearly delineate the project from adjacent habitat, to ensure that SAR turtles and snakes do not enter the work area and to mitigate potential impacts to habitat. The shoreline should be isolated from the water prior to June to ensure that no turtles nest within the gravel.*

- *A qualified biologist or environmental monitor should conduct thorough daily sweeps of the area on days when construction is to occur to search for SAR that may have entered the area.*
- *All on-site staff should undergo environmental awareness and SAR identification training to learn how to properly identify species at risk and what to do should they encounter SAR species.*
- *If a SAR species is encountered, work should cease immediately and the biologist or environmental monitor will be called on site and MNR contacted. Work will cease until the species has left the site and/or the biologist has protected the species from harm/harassment.*

10. *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: Teresa Brown & Cliff Foote **Hearing Date:** April 14, 2014
Agent: Gary Brown
LDC File #: B13/131
Municipality: Beckwith
Geographic Township: N/A **Lot:** 2 **Conc.:** 3
Roll No. 0924 000 010 09600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 34.14-ha landholding with an existing work shop and farm outbuildings at 517 Gillies Corners Side Road and retain a 2.6-ha residential lot at 3029 Brown Side Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|---------------------------|----------------------------|
| Existing Use | Hobby Farm & Work Shop | Residential |
| Proposed Use | Hobby Farm, & Work Shop | Residential |
| Area | 34.14 ha | 2.6 ha |
| Frontage | 587 m | 160 m |
| Depth | 690 m | 168 m |
| Road - Access to | Municipal Road | Municipal Road |
| Water Supply | Private Well | Private Well |
| Sewage Disposal | Private Septic | Private Septic |
| 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.

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 2.0 Settlement Policies, 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 4 General Development Policies, Section 6.6 Rural Areas, Section 7.2 County Roads, 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 11 Rural Zone, and Section 13 Wetlands 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

Severances are permitted within the Rural designation of the Township. Section 4.5 outlines land division policies. The proposed severance largely conforms to these policies, with the exception of MDS. The current barn and existing dwelling do not meet the required MDS, however, it is believed that the intent of the MDS is being achieved as there is a substantial separation between the two structures with vegetation. MDS Guideline #46 permits MDS distances to be reduced through minor variance if 'circumstances meet the intent, if not the precise distances of MDS'. A minor variance has been requested as a condition of the severance.

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

- 1/ That the applicant obtains a minor variance from the Committee of Adjustment to recognize the reduced minimum distance separation between the existing barn and existing dwelling.
- 2/ That the applicant provides the Township with a copy of the reference plan.

NOTES:

- 1/ That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority - RVCA

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 34.14 hectares from the existing 36.74 hectare parcel. The retained parcel will contain the existing residence while the severed parcel will contain the existing work shop and farm buildings.

PROPERTY CHARACTERISTICS

The severed parcel is primarily cleared and used as farm land with the exception of the northwest portion of the property. The north—west portion of the property is treed with a small portion being part of the Black Creek Provincially Significant Wetland. The severed parcel contains a work shop and farm buildings,

The retained parcel is primarily treed with a clearing for the existing residence and private sewage system.

REVIEW - Natural Hazards

Organic Soils

Severed Parcel

The Conservation Authority has consulted the Surficial Geology mapping for the proposed severed parcel. A small portion of the severed parcel has been identified as having organic deposits (soil).

The Provincial Policy Statement has identified organic soils as a natural hazard. We note that there is no new development proposed as a result of this application. However, should the Owner or any subsequent Owner wish to construct any buildings in the future on areas where organic soils are observed then a geotechnical report in accordance with the Township's Official Plan and the Provincial Policy Statement should be undertaken to determine how the natural hazard can be overcome.

Retained Parcel

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

Natural Heritage

Watercourses

There have been no watercourses identified on the severed or retained parcels which would preclude this application.

Wetlands

Severed Parcel

A small portion of the north-west corner of the severed parcel has been identified as being within the Black Creek 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 via the existing work shop and farm buildings. Therefore there is no anticipated impact on the Provincially Significant Wetland.

Conservation Authority Regulations

For the applicant's information a small portion of the north-west corner of the property has been identified as being within the Black Creek Provincially Significant Wetland and the 120 metre adjacent lands. 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 development within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland requires the prior written approval from the RVCA.
- 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 - Large farm lot with varying slope and good drainage. The lot is near Gillies Corners Side Road. The topsoil is 15-20 cm deep over bedrock. There is a gravel ridge running through the middle of the property. The lot slopes away to the west. This large lot could accommodate on-site sewage disposal. Depending on the exact location of a proposed septic system, imported leaching bed fill may be required.

Also, prospective purchasers should be aware that if water softener units are installed in the homes, the back wash water is not to enter the sewage system unless it has been designed for such discharge.

Retained – Good drainage on this residential lot that slopes toward the west. There is an existing home and garage. There is a drilled well and septic system on the lot. The parcel has gravel and sandy loam soil of varying depth. The retained lot is large enough to accommodate a replacement system if required. There were no obvious signs of failure for the existing system at the time of inspection.

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 34.14-ha landholding with an existing work shop and farm implement buildings at 517 Gillies Corners Side Road and retain a 2.6-ha residential lot with an existing dwelling and garage located at 3029 Brown Side Road. The subject lands are located in an area characterized by typical rural residential in a various lot sizes. The Hamlet (settlement area) of Gillies Corners is located 1 km to the south.

The lands to be severed are accessed via Gillies Corners Sideroad and the lands to be retained are accessed via Brown Sideroad, both municipally maintained road.

Soils Inventory – Western Section

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

Eastern Section

- Kars
- slightly stony
- 4- severe limitations
- well
- lot run-off

Bedrock Inventory – sandstone, dolostone

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 no significant areas 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 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 – April 14, 2014**

Gary Brown, agent attended the hearing and gave evidence under oath.

Mr. Brown advised that he has used the property for farming purposes for a number of years. In order to comply with the minimum lot frontage for the severed lands, he has constructed approximately 75 of the Brown Sideroad which has now been taken over by the Township.

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. That the applicant obtains a minor variance from the Committee of Adjustment to recognize the reduced minimum distance separation between the existing barn and existing dwelling. The applicant shall consult directly with the Township of Beckwith in this regard.
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 #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advise that a small portion of the north-west corner of the property has been identified as being within the Blacks Creek Provincially Significant Wetland and the 120 metre adjacent lands. 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 development within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland requires the prior written approval from the RVCA.*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of a proposed septic system, imported leaching bed fill may be required.*
3. *The LGL Health Unit also advises that prospective purchasers should be aware that if water softener units are installed in the homes, the back wash water is **not** to enter the sewage system unless it has been designed for such discharge.*
4. *That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
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: D Wayne Shaver **Hearing Date:** April 14, 2014
Agent: Wayne Shaver
LDC File #: B13/139 and B13/140
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Village **Lot:** 3 **Conc.:** 3 Plan 320
Roll No. 0940 936 015 27001 **Consent Type:** 2 New lots

Purpose and Effect: To sever two (2) residential building lots (0.4-ha & 0.46-ha) together with a R-O-W and to retain a 7.33-ha vacant landholding. Access to the severed lands is via an existing unnamed private road. These are re-submissions of applications B11/106 and B11/107 which were inadvertently allowed to lapse.

| DETAILS OF PROPOSAL | Land to be Severed | | Land to be Retained |
|---|--|-----------------------|--|
| | B13/139 | B13/140 | |
| Existing Use Proposed Use | Vacant Residential | Vacant Residential | Vacant – recreational Vacant - recreational |
| Area | 0.4-ha | 0.46-ha | 7.33-ha |
| Frontage | 64 m | 73.6 m | 283 m |
| Depth | 63.4 m | 55.5 m | 335.3 m |
| Road - Access to | Private ROW | Private R-O-W | Municipal |
| Water Supply | Proposed | Proposed | Proposed |
| Sewage Disposal | Proposed | Proposed | Proposed |
| Official Plan Designation -Conformity? | Rural & PSW Yes | | |
| Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Residential Low Density 04-ha Yes 60 m Yes | | Settlement Area/EP 0.4-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.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.

2.1 Natural Heritage

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

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

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

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

County Official Plan – Section 2.0 Settlement Policies, 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 3.2 Village and Hamlet Communities, Section 5.0 Our Environment, Section 6.4 Hazardous Lands – Flooding and Erosion, section 7.4.3 Local Roads, section 7.4.4 Private Roads, Section 8.4.2 Consents
The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 7.0 Residential Low Density, Section 17.0 Environmental Protection.
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planning Report

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Pt Lot 3 Concession 3, geographic Village of Lanark, now in the Township of Lanark Highlands.

This is a resubmission of a previous application (811-106 and 811-107) which lapsed. The subject property is an undeveloped ±18 acre parcel. The applicant wishes to sever two residential lots of ±1 acres each together with a R-O-W and to retain a ±16 acre parcel. Access to the lands is from Paul Drive.

The property is designated as Village Communities on Schedule 'A' of the Township's Official Plan with a Provincially Significant Wetland overlay located along the north side of the lot and extending into the abutting property on the north side.

The property is zoned Residential Low Density (R1) with the north portion zoned as Environmental Protection (EP). The area designated PSW and zoned EP appears on the Township's GIS mapping to be beyond the 120m setback for application 813-139. The application for 813-140 lists it as being 55m deep. The measurement from the front lot-line to the PSW is 167m, as such, part of the proposed lot falls within the 120m influence area of the PSW.

PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well-being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test. Section 1.1.3 of the Provincial Policy states that settlement areas shall be the focus of growth. The proposed lots are located within a designated settlement area.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on a municipally maintained road. No new or additional infrastructure should be required as a result of the proposal.

OFFICIAL PLAN

The subject lands are designated Village Communities on Schedule 'A' of the Township's Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

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

ZONING

The lands are zoned Residential Low Density R1 on Schedule 'A 5' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law. The proposal will if approved result in the creation of two new lots that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval. The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
7. That an appropriate right of way shall be granted to the owners of the lot to be severed over the lot to be retained.
8. That the existing right of way shall be named in accordance with Township "Naming of Roads Policy".

Conservation Authority - Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) 1-ac and (1) 1.15-ac vacant lots and retain an 18.1-ac vacant lot.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a portion of a Provincially Significant Wetland (PSW), referred to as the Gilles Lake-Kerr Lake Wetland extends into the proposed retained land. The proposed severed Lot #2 is located within the 120 adjacent lands, and MVCA's Regulation Limit, to this PSW. In addition, mapping shows areas of organic soil in the eastern end of the proposed retained lands, as well as

an area in the northwest of the retained, and the northeast corner of proposed Lot #2. No natural heritage features or natural hazards were identified on the proposed severed Lot # 1.

REVIEW

Natural Heritage Features

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the features identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, given that sufficient area exists for future development on proposed Lot #2 beyond 120 m of the PSW, it is our opinion that there is limited value in conducting an EIS at this time.

Natural Hazards

The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS and CONCLUSIONS

MVCA does not have any objection to the subject applications provided that any future development on the proposed retained land or Lot #2 is directed beyond areas of organic soils.

NOTES

A portion of the proposed retained lands is comprised of PSW and a larger portion is located within MVCA's Regulation Limit (Le. within 120 metres of the PSW). In addition, a portion of proposed Lot #2 is located within the Regulation Limit. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the applicant should be advised that written permission is required from MVCA prior any interference in or within 120 meters of the PSW.

An EIS may be required if future development is proposed within 120 metres of the PSW.

Septic Office – LGL Health Unit

B13/139

Severed Lot – Soil is sandy loam of varying depth. There are visible rock outcrops on the property and areas where soil depth is less than 10 cm. Drainage is good. Land Slopes gently to the north. Recommendation – The lot is large enough to accommodate on-site sewage disposal. Imported septic fill will likely be required to construct a system.

B13/140

Severed Lot – Drainage is good due to significant slope to the south and east sides of the lot. Thin topsoil on bedrock. Drilled well on site, vacant lot. Recommendation – lot is large enough to accommodate on-site sewage disposal but imported septic fill would be required to construct a system.

Retained: Large bush lot with varying slopes, rocky outcrops. Recommendation the severance will not negatively impact on-site sewage disposal on the retained lands.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots (0.4-ha and 0.46-ha) together with an R-O-W over Pt Lot 1 Plan 26R-2269 and retain a 7.33-ha vacant landholding. These applications are previously approved by the Committee under file Nos. B11/106 and B11/107 but lapsed.

The subject lands are located in an area characterized by Residential on large landholdings along interspersed with typical urban type residential lots along Paul Drive.

The lands to be severed are accessed via an existing private R-O-W which adjoins Paul Drive, a municipally maintained road. The Bosman's who own lands to the north of the lots have access over the private r-o-w . If approved the conditions should include a note that the applicant should consider a joint use and maintenance agreement for the construction and on-going maintenance of the shared private road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the r-residential low density 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 Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – April 14, 2014**

Wayne Shaver, owner attended the hearing and gave evidence under oath. Mr. Shaver advised that the R-O-W was severed a number of years ago to provide a legal R-O-W to Providence Point and that the owner of the centre maintained the private road.

The committee suggested that Mr. Shaver advise any new owners of the lots that there is a verbal agreement for maintenance of the private road. And that perhaps he should consider making this a written agreement.

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. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township Public Works Department in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. The existing right-of-way shall be named in accordance with the Township of Lanark Highland's 'Naming of Roads Policy'. The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Lanark Leeds and Grenville Health Unit advise that imported septic fill will likely be required to construct a septic system.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *It is recommended that the owner and users of the private road enter into a joint use and maintenance agreement for the construction and on-going maintenance of the shared private road.*
4. *The MVCA advises that any future development on the proposed retained land or the lands being created by application B13/140 is directed beyond areas of organic soils.*

5. *The MVCA also advise that a portion of the proposed retained lands is comprised of PSW and a larger portion is located within MVCA's Regulation Limit (Le. within 120 metres of the PSW). In addition, a portion of proposed Lot #2 is located within the Regulation Limit. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the applicant should be advised that written permission is required from MVCA prior any interference in or within 120 meters of the PSW.*
6. *The MVCA advises that an EIS may be required if future development is proposed within 120 metres of the PSW.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Sharon Elizabeth Henry
William David Henry

Hearing Date: April 14, 2014

Agent: ZanderPlan Inc.

LDC File #: B13/156

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: E 6 **Conc.:** 5

Roll No. 0931 929 010 01900

Consent Type: New Lot

Purpose and Effect:

To sever a 4.05-ha residential building lot and retain a 36.0-ha landholding with an existing dwelling, barn and outbuildings located at 1233 Quarry Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------------------|--|
| Existing Use Proposed Use | Vacant Residential | Residential / Farm Residential / Farm |
| Area Frontage Depth Road - Access to | 4.05-ha 45 m 270 m Municipal | 36.0-ha 112 m 700 m Municipal |
| Water Supply Sewage Disposal | Proposed Proposed | Private Well Septic System |
| Official Plan Designation -Conformity? | Rural with Agriculture overlay Yes | |
| Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural 1.0-ha Yes 45 m Yes | Rural 10.0-ha Yes 150 m No |

(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 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 Basis of Plan, section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Community Official Plan.

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

The Town of Mississippi Mills advises that the proposal does not comply with the zoning by-law regulations. Rezoning will be required.

(b) AGENCY REVIEW

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

Town Planner's Report **BACKGROUND & PROPOSAL**

Mr. William Henry & Ms. Sharon Elizabeth Henry (the "owners") currently own a ±43ha (106ac) property which has a frontage of ±157m on Quarry Road. The owners have

requested to sever a 4.05ha (10ac) vacant portion of property to create a rural-residential building lot, and to retain a ±39ha (96.3ac) parcel which contains an existing single detached dwelling and various agricultural outbuildings.

EXECUTIVE SUMMARY

The purpose of this report is to provide an analysis of the consent application against the relevant policies of the Town's Community Official Plan (COP), the Town's Zoning By-law #11-83, the Provincial Policy Statement (PPS) 2005, and the Planning Act, R.S.O. 1990, and to provide recommendations/suggested conditions to the County of Lanark's Land Division Committee.

DESCRIPTION OF SUBJECT LANDS

The subject property is located within the Ramsay Ward, approximately 3km northwest of Carleton Place. The property is ±43ha (106ac) in area, resembles an original township lot, and has a frontage of ±157m on Quarry Road. The property currently contains one (1) existing single detached dwelling, one (1) barn, and two (2) outbuildings.

The north-west half of the property consists of heavily wooded, non-tillable land, while the south-west half contains the previously noted structures, agricultural fields, as well as an area licensed for sewage spreading. Access to the property is currently provided by way of an existing driveway from Quarry Road at the north corner of the lot. While this entrance would continue to provide access to the retained parcel, the proposal would require a new entrance permit for the severed parcel.

Surrounding land uses consist of both rural and agricultural uses occurring on relatively large lots, as well as some non-farm residential uses occurring on smaller lots.

PROVINCIAL POLICY STATEMENT (PPS), 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as review of the proposal against these policies.

1.1.4 Rural Areas in Municipalities

1.1.4.1 In rural areas located in municipalities:

- a. 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;*
- b. development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;*
- c. new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae;*
- d. development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;*
- e. locally-important agricultural and resource areas should be designated and protected by directing non-related development to areas where it will not constrain these uses;*
- f. opportunities should be retained to locate new or expanding land uses that require separation from other uses; and*
- g. recreational, tourism and other economic opportunities should be promoted.*

Staff note that the addition of one (1) rural-residential building lot would be considered 'limited residential development', and that such a development would be compatible with the rural character of the surrounding area. In addition, while the majority of the south-west portion of the property is identified as being locally significant agricultural lands

within the COP, the setback of the severed lot from these lands would significantly exceed the 30m distance outlined within the COP.

With regards to complying with MDS requirements, Staff note that the applicant has carried out MDS calculations for various livestock facilities in the surrounding area. These calculations appear to show a sufficient building envelope for a new dwelling and accessory uses on the severed parcel. That being said, further MDS calculations would take place prior to a building permit being issued.

PLANNING ACT, R.S.O 1990

Section 51(24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).

Staff view the proposed consent to be in keeping with the above noted criteria.

COMMUNITY OFFICIAL PLAN (COP)

The subject property is entirely designated as Rural within the Town's COP, with the majority of the south-west half also being contained within the Rural-Agricultural overlay.

The purpose of the Rural-Agricultural overlay is to identify locally significant agricultural lands and to protect such lands from incompatible land uses. This is carried out by requiring new non-farm buildings to be setback a minimum of 30m from lands being used as part of an active agricultural operation. The proposed severed lot significantly exceeds this 30m setback.

The following is a list of applicable rural lot creation policies contained within Section 3.3.6 of COP as well as a review of the proposal against these policies:

- 4. *The number of rural non-farm residential lots created by severance per land holding shall be limited to two lots created plus the remnant lot, except where otherwise specifically provided for in this Plan. A*

holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. Consents for a boundary adjustment, partial discharge of mortgage, easement or right-of-way shall not be considered toward the maximum number of consents per holding.

The subject property resembles an original township lot and does not appear to have had any previous severances since July 1, 1973.

A rural non-farm residential severance must be consistent with the following policies:

The access point of the driveway onto the public road must be located so that no safety hazards are created. A severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. Council may reduce the 150 metre requirement where soil conditions, topography, safety, sight lines or other sound planning considerations suggest that a lesser distance would be appropriate.

There appears to be opportunity to site a new driveway entrance at least 150m from neighbouring entrances on the south-side of Quarry Road. Furthermore, the Town's Roads and Public Works Department conducted a field review of the severance proposal and expressed no concerns with the parcel orientation and/or prospective locations for private access.

There is a demonstrated capacity for the lot to support the proposed development on private services.

As the proposal would result in the creation of only one (1) additional ±4ha building lot, there would appear to be a sufficient area to accommodate the required on-site private services. The owner will be required to receive necessary approvals from the Leeds, Grenville, Lanark District Health Unit for such services.

The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged.

Both the severed and retained lots will have frontage onto Quarry Road, an open and maintained public road.

Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation.

The severed parcel is ±4ha in area while the retained parcel would be ±39ha.

The creation of non-farm lots adjacent to an active agricultural operation within the Rural designation shall ensure that there is an appropriate building envelope outside of the 30 metre setback from lands which are being utilized as part of an active agricultural operation.

The severed parcel is setback at least 30m from an active agricultural operation or lands contained within the Rural-Agricultural overlay.

The placement of a rural residential severance must avoid having an adverse impact on significant landscape features, significant vegetation, wildlife habitats or other significant natural resources on the property.

The location of the severed lot is not anticipated to have an adverse impact on the rural landscape or any significant vegetation features. That being said, Staff would like to see as much of the existing trees and vegetation retained as possible.

Based on the above review, Staff view the proposal to meet the objectives of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned as Rural (RU) Zone by the Town's Zoning By-law #11-83. The development standards of the RU Zone vary depending on the use occurring on the property (being Agricultural, Rural, or Non-Farm Residential). As such,

the severed parcel would likely fall under a 'Non-Farm Residential' use while the retained parcel would be subject to the 'Rural Use' provisions. Notably, the 'Non-Farm Residential' use requires a minimum lot area of 1ha (2.47ac) and a minimum frontage of 45m (148ft), while the 'Rural Use' requires a minimum lot area of 10ha (24.7ac) and a minimum frontage of 150m (492ft).

Based on the severed parcel's lot area of ±4ha (10ac) and lot frontage of 45m (148ft), it would satisfy the development standards of the 'Non-Farm Residential' use. However, the retained parcel's frontage of ±112m (367ft) would be slightly deficient of the 150m (492ft) required by the Zoning By-law. Staff are recommending that a condition of provisional consent be for the owner to receive relief for this deficient frontage by way of a minor variance or zoning by-law amendment.

CONCLUSION

Staff view the proposal as being consistent with the policies of the Community Official Plan, in keeping with the PPS, and generally satisfying the development standards of the Zoning By-law. With this in mind, Staff recommends:

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

1. That the owner provide a copy of the registered reference plan to the Town;
2. That the owner provide a digital copy of the registered reference plan in a .DWG file format to the Town;
3. That the owner be required to obtain relief from the Town's Zoning By-law #11-83 to address the deficient frontage of the retained parcel;
4. That the owner be required to obtain a new residential entrance permit and PIN sign for the severed parcel;
5. That the owner pays any outstanding property taxes on the subject property."

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring approximately 4.05 ha and retain a developed lot measuring 36 ha.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, an unclassified wetland exists in the northern section of the proposed retained land and extends into the northwest corner of the proposed severed land. Several additional wetlands exist in the south-central section of the proposed retained lands. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Sufficient area appears to exist on the proposed severed lands to accommodate future development that complies with the current standards for development adjacent to wetlands.

Natural Hazards

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

The retained lands are already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands.
2. The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres.
3. Future development shall be directed away from wetland areas consisting of organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands or onto adjacent properties.
5. The wetlands shall remain undisturbed.

NOTES

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

Septic Office – Leeds, Grenville & Lanark District Health Unit

Severed – A 4.0 hectare (10 acres) parcel of vacant land that is a bush mix with rock outcroppings. Winter weather conditions prevent soil depths from being determined. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 36 hectare (89 acres) parcel of land with an existing house serviced with a well and septic system. There are various outbuildings. Additional sandy loam fill will be required in the area of the future replacement tile bed areas.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

Mary Kirkham

From: Dieter Seiler <dieter@seilerconsultants.com>
Sent: February 24, 2014 4:39 PM
To: Mary Kirkham
Subject: Land Division File No. B13/156

Attn. Land Division Committee,

With reference to your file No. B13/156 (Henry application for severance), and as a nearby landowner, this is to inform you that we have no issue with the application for severance.

Please notify us of the final decision of the Land Division Committee on this matter (email okay, using this address).

Thank you.

Dieter & Renate Seiler

dieter@seilerconsultants.com

Andreas and Nora Kazda – March 14, 2014

I am writing to recommend support for the proposed severance of a residential building lot from Pt. Lot 6 Conc. 5 geographic Township of Ramsay in the Town of Mississippi Mills. We feel that the addition of a residential lot fits within the current land use and vision for the area. As an adjacent property owner, we have no issues with creating this residential lot and welcome the low impact to the community which is currently not overly developed. The area is well treed and the location, configuration and access to the proposed lot will be aesthetically and economically balanced.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 4.05-ha residential building lot and retain a 36.0-ha landholding with an existing dwelling, barn and outbuildings located at 1233 Quarry Road.

The subject lands are located in an area characterized by large landholdings intermixed with smaller type rural residential lots.

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

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 175 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as less than the

required setback, however MDS Provision 42 states “Where larger lots may be permitted (generally greater than 1 ha), a suitable location must be identified for a 1 ha building envelope outside the MDS setback. The total lot area to be severed is 4.05-h therefore a suitable building enveloped may be obtained utilizing the north ½ of the lot. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – diorite, gabbro, peridotite

The retained lands are currently being utilized as a site for spreading hauled sewage under Certificate of Approval No. A-920269. The applicant has confirmed with the MOE the requirement for setback from a residential purpose, and the proposal can meet these setback requirements. The MOE has advised that there is no need to amend the approval certificate at this time, as the MOE is issuing 1-year expiry dates on spreading sites. Therefore a revised site plan and Schedule information will be provided at the time of renewal. A condition should be included to advise future purchasers of the adjacent Waste Management System Operation and potential for noise, odours etc.

Official Plan Policies

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

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

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

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

- 3/ Woodlands

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

Zoning

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

Conclusion

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

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

(e) MINUTES – April 14, 2014

John Lunney of ZanderPlan Inc. agent attended the hearing and gave evidence under oath.

Mr. Lunney confirmed that it was the intend of the owner to re-apply for the septage permit under the Ministry of the environment and that ZanderPlan has confirmed with MOE that the consent does not affect the application or permit, only adds more setback requirements.

The committee questioned if Mr. Henry has a legal or written agreement with the Town for the use of the unopened road allowance.

Mr. Lunney advised that this access has been used for many many years, but they are unable to locate any formal agreement.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an Waste Management System (Hauled Sewage) licensed under the Ministry of the Environment and may therefore be subject to noise, odours and other nuisances associated with the activity".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
8. The applicant shall obtain appropriate relief for the retain lands from the minimum lot frontage provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
9. The applicant shall obtain a new residential entrance permit to the subject lot. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from the Town Mississippi Mills stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be adhered to for any future development on the proposed severed lands:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands.*

- b) *The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres.*
 - c) *Future development shall be directed away from wetland areas consisting of organic soils.*
 - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands or onto adjacent properties.*
 - e) *The wetlands shall remain undisturbed.*
2. *The LGL Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the severed lands and for any replacement tile bed area on the retained lands.*
 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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
 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: Caivan Properties Holdings Corp. **Hearing Date:** April 14, 2014
Agent: Frank Cairo
LDC File #: B13/157, B13/158 and B13/159
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** Pt. 1 **Conc.:** 1
Roll No. 0911 914 015 01100 **Consent Type:** Three (3) new lots

Purpose and Effect:

To sever three (3) residential building lots (0.76-ha, 0.85-ha and 1.34-ha) together with a R-O-W and retain a 2.96-ha residential lot located at 1205 Bygrove Lane.

| DETAILS OF PROPOSAL | Land to be Severed | | | Land to be Retained |
|---|--|--------------------|--|-------------------------|
| | B13/157 | B13/158 | B13/159 | |
| Existing Use Proposed Use | Vacant Residential | Vacant Residential | Vacant Residential | Residential Residential |
| Area | 0.75-ha | 0.85-ha | 1.34-ha | 2.96 m |
| Frontage | 65 m | 65 m | 67.5 m | 307.8 m |
| Water Frontage | 62.3 m | 64.9 m | 252.4 m | 359.7 m |
| Depth | Irregular | Irregular | Irregular | irregular |
| Road - Access to | Private | Private | Private | private |
| Water Supply | Proposed | Proposed | Proposed | Private Well |
| Sewage Disposal | Proposed | Proposed | Proposed | Septic System |
| Official Plan Designation -Conformity? | Rural Yes | | | |
| Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Seasonal Residential 0.405-ha Yes 60 m Yes | | Seasonal Residential 0.405-ha Yes 60 m Yes | |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural 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 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township advises that

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential
Tay Valley Township advises that

(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 Comments

The proposal is to sever a 0.76-ha vacant lot, a 0.85-ha lot with an accessory building, and a 2.34-ha vacant lot (all together with a R-O-W and to retain a 2.97-ha residential lot with an existing dwelling at 1205 Bygrove Lane.

Official Plan designation: Rural

Zoning By-law category: Seasonal Residential

Lots meet minimum zoning provisions.

NOTE 1: An EIS was not requested as no species at risk were identified on the mapping provided by MNR. Also, the proposed retained lot and one new lot have exiting development on them (1 house and sugar-shack/wood storage building respectively) and the site has been previously disturbed with multiple gravelled golf cart paths throughout.

NOTE 2: B13/159 - Tay Valley Township Council does not support the RVCA comment that construction on this lot be undertaken via water access as Council members believe, based on their local knowledge, that more damage would be done to the shore area via water access than if construction was permitted through the neck of the peninsula. Council did agree that parking for the cottage should occur east of the neck of the peninsula as shown on the survey and that regular access to the proposed cottage in the middle of the peninsula should be via existing gravelled golf cart paths.

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 plans including an electronic copy.
- 5/ \$200 Cash-in-Lieu of Parklands.

Conservation Authority – Rideau Valley Conservation Authority

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

Lastly, the Conservation Authority considered and promotes the considerations for waterfront setbacks and best management practices derived from the “Rideau Lakes Study” and the related “Municipal Site Plan Evaluation Guidelines” for waterfront development.

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

The Proposal

The application seeks approval for three new lots on Bobs Lake:

B 157- proposes to create a .76 hectare (1.87 acre) parcel and right of way, with 62 metres of waterfront.

B 158- proposes to create a .85 hectare (2.1 acre) parcel (accessory – wood shed) and right of way with 62 metres of waterfront.

B 159- proposes to create a 1.34 hectare (peninsula) parcel, with at least 253 metres of water frontage.

The retained lot will maintain ownership of the island offshore (part 12).

The Property

This property is somewhat rugged, with terrain typical of the Canadian Shield. The steep slope to the lake for each of the proposed lots levels off to provide an opportunity to develop and easily meet a 30 metres setback from the lake. Soil cover is shallow, fast draining sand over bedrock. Vegetation cover over the property is stable young and maturing hardwood forest. This cover is consistent, save for area of structural development already on-site and the developed path system over the property. Much of the pathway system is within the 30 metre setback from water.

There are no wetlands identified in proximity to the property. We have no concerns as regards to this natural heritage feature.

In so far as hazard lands are concerned, it has recently been determined that low lands around Bobs Lake are subject to a flood hazard during regional storm flood (1:100 year flood) conditions in the area. Surveys and studies undertaken in accordance with provincially established standards and the practice of professional engineering have determined that the expected 1”100 year flood level for the lake is 163.07 metres geodite.

Maintaining a 30 metre setback for any additional development on this property will address any flood concern issues. Generally, new development should take the noted flood elevation into account so as to ensure the safety and integrity of building and contents, design and placement of services and in this instance, access to the new lot created by B13/159. In this case, the 30 metre setback cannot be maintained for new access over the low area at the east end of the proposed lot and adjoining the right-of-way.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to proposed severances B13/157 and B13/158 provided the following:

There will be no additional disturbance within the 30 metre water setback area, in keeping with the municipal policies, save for modest pedestrian access for each lot to the controlled high water mark of Bobs Lake. While the paths noted above are relatively minor (pedestrian in their nature of use, mainly 2-3 metres in width), we would not support any additional development or expansion of the pathway system on this site.

Particularly at the end of the right-of-way (Part 11) as the road access meets the neck or the peninsula (B159), the land base narrows to less than 50 metres in width. At this narrow point, the site rises over a notable bedrock outcrop. Any access/driveway would necessitate significant disturbance within the water setback area, i.e. While the central portion of the proposed lot has sufficient area to accommodate a 30 metre setback from water, *the access to a building site* does not. Given the suite conditions for proposed B159, we recommend a condition such that the lot will be created as a water access lot as the creation of a driveway/access would cause short and long term impacts to the lake.

Alternatively, we would accept that a condition be imposed to require a development agreement (or site plan control agreement) which specifies that the site alteration and development of this lot be undertaken in such a way as to preclude disturbance within the 30 metres setback from water. In this way, construction equipment, materials and machinery access the site by water (at a suitable location) and not over the narrow neck of the lot. Combined with other standard mitigative measures, this will insure that the water setback and ultimately water quality of Bobs Lake will be preserved.

We also note that written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Bobs Lake, as per our Regulation 174/06 (Interference with Wetlands, Development and Alterations to Shorelines and Watercourses”).

We would support tertiary treatment septic systems for the new lots so as to offer the greatest possible long term protection of Bobs Lake recreational water quality and aquatic habitat.

Thank you for the opportunity to comment

Septic Office – Mississippi Rideau Septic System Office

Re: B13/157 - Cairo, Application for Consent to Sever Lot 1, Concession 1, South Sherbrooke, Tay Valley Township, known municipally as 1205 Bygrove Lane, Roll No. 091191401501100 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 February 10, 2014, in snow covered conditions.

The applicant proposes to sever a 0.756157 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a storage structure, which has been constructed on imported fill material. The remaining area is well treed with lower land around the structure and rising to the right away at the rear of the property. No test pits were provided.

The retained parcel is 3.545753 hectares. The property is developed with a dwelling, garage and woodshed. The dwelling is serviced by a well and a sewage system that was re-inspected in 2008 (08TV049). No test Pits were provided.

Due the known shallow soils and imported fill on the new lot, the MRSSO recommends that a treatment unit meeting Level IV wastewater parameters (as per Table 8.6.6.2. of the OBC) be used as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment. Also, the mantle area of the sewage system should be re-vegetated with native grasses and shrub species that are known to have confined root systems.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

Re: B13/158 - Cairo, Application for Consent to Sever Lot 1, Concession 1, South Sherbrooke, Tay Valley Township, known municipally as 1205 Bygrove Lane, Roll No. 091191401501100

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 February 10, 2014, in snow covered conditions.

The applicant proposes to sever a 0.846662 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a woodshed/"sugarshack". The remaining area is well treed and rises to the right away at the rear of the property. No test pits were provided.

The retained parcel is 3.455248 hectares. The property is developed with a dwelling, garage and woodshed. The dwelling is serviced by a well and a sewage system that was re-inspected in 2008 (08TV049). No test Pits were provided.

The MRSSO recommends that a treatment unit meeting Level IV wastewater parameters (as per Table 8.6.6.2. of the OBC) be used in the development of the proposed lot as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment. Also, the mantle area of the sewage system should be re-vegetated with native grasses and shrub species that are known to have confined root systems.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

Re: B13/159 - Cairo, Application for Consent to Sever Lot 1, Concession 1, South Sherbrooke, Tay Valley Township, known municipally as 1205 Bygrove Lane, Roll No. 091191401501100

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 B of the Ontario Building Code (OBC). A site visit was conducted February 10, 2014, in snow covered conditions.

The applicant proposes to sever a 1.344133 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is a vacant peninsula, with walking paths, well treed with varying topography and exposed bedrock. The proposed building area is located in a generally flat, lower lying area that allows for greater than 30m setback from water on both sides of the peninsula. No test pits were provided.

The retained parcel is 2.957777 hectares. The property is developed with a dwelling, garage and woodshed. The dwelling is serviced by a well and a sewage system that was re-inspected in 2008 (OBTV049). No test Pits were provided.

The MRSSO recommends:

- That a treatment unit meeting Level IV wastewater parameters (as per Table 8.6.6.2. of the OBC) be used in the development of the proposed lot as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.
- The mantle area of the sewage system should be re-vegetated with native grasses and shrub species that are known to have confined root systems.
- If an imported mantle is required, the sewage system shall be designed to reduce the amount of disturbance in the 30m setback.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

Bob's Lake Cottage Association – No comments were received.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – We acknowledge receipt and thank you for your correspondence dated February 20, 2014.

Subsequently 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**

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

Joyce Fleming – March 4, 2014

Mrs. Fleming attended the Land Division Office and expressed concerns with the width of the peninsula and whether or not a septic system could be installed. Mrs. Fleming advised that a further letter would be submitted.

Lynda Chenier – March 5, 2014

I do have a personal objection to the severing of this piece of property.

I am afraid that there is not enough space between the retained lot and my own for two building lots. This will greatly reduce my privacy and also reduce my future property value should I ever decide to sell.

My recommendation is to create 1 large residential lot, rather than 2 separate ones (157 and 158) as the owner is requesting.

I most definitely want to be advised of the date of the upcoming public meeting so that I may attend.

I also would like to make an appointment to receive additional information regarding this application. Dates available for me in March are: Tue 11th, Wed 12th, Fri 14th, Thurs 20th, Tues 25th.

If any of those days are convenient to your office please let me know.

Melvin McDougall – March 6, 2014

- 1/ Regarding the severance of lots next to my property at 1208 Bygrove Lane. Concerns regarding the first two lots are #! The improvements and the existing ramps (?) that have to be built. Maintenance of the road. Impact on the Environment and the Lake.
- 2/ The third lot to be severed, south west of the end of the existing road. There is insufficient room to build a new road because of the structure of the road face on the south east side and encroaching on the Lake Shore on the other side. The preliminary assessment or survey of the area shows there is not sufficient distance between the two shores to have a Building and Septic Tank. I would ask that nothing be done until a measurement be made when the water is at a high mark. These measurements were made at a summer time low. This lake changes between two to seven feet depending on the year.

Liliane Mabson – March 13, 2014

Re: File No. B13/157, B13/158 and B13/159

I am opposed to the application for subdivision of Pt. Lot 1 Conc. 1 geographic Township of South Sherbrooke, now in Tay Valley into four separate lots on the grounds that approval of this application for subdivision is an implicit approval for the building of a residence, septic system and roadway on proposed lot B13/159, which in turn implies

approval for a roadway, building or septic system within 25 metres or less of the shore line of Bob's Lake. This would be in contravention of the minimum 30 metres current setbacks required by the zoning by laws (Tay Valley Township By-Law 02-121). The reason for this situation is that the subject land is a narrow peninsula with a maximum width of less than 100 metres and is as narrow as about 50 metres. Building of a residence, septic system or roadway with less than the minimum setbacks of 30 metres from both shores would have severe detrimental effect both on the environmental health of Bob's Lake as well as a negative impact of the aesthetic properties of the shoreline.

I do request to be notified of the relevant public meeting as well as of the notice of decision of the Land Division Committee.

Thank you for taking these issues into consideration.

NOTE:

In response to the concerns raised regarding the possible installation of a septic system, the MRSSO was contacted to provide a detailed drawing of the location for a septic system.

Eric Kohlsmith – Septic Inspector

Please see the attached survey. I placed a polygon based on my understanding of the proposed building envelope from the applicant.

I feel a sewage system meeting the 30m setback can be installed in the assumed building envelope. A portion of the mantle may enter the 30m setback. Separation distances are measured from the leaching bed and not the mantle.



Jane (Dunnigan) Johnston – Rec'd April 9, 2014

I have received the Notice of Application for Consent - file number B13/157, B13/158 and B13/159. The notice requests comments by March 14, 2014 after which a committee will be reviewing the application. I apologize for missing this deadline but we have just arrived home after traveling for two months.

Let me begin by telling you that my family, the Dunnigan family, has had property in Long Bay since 1967. At that time the building standards allowed for much smaller lots. In hindsight it was determined that this kind of density would be detrimental to the health of the lake. Subsequently, the township has been very strict in allowing any building changes along our side of the bay, even small decks. Since we all have an interest in the quality of the lake, as well as a big financial commitment, these standards have been welcome.

When the area across the bay was developed a few years ago there was concern in our family and with neighbours that the density would be too great for that area of the lake. As you know the property concerned is very near the end of the bay, quite narrow and ends in wet lands. In fact, it is a very densely populated bay, there are at least three year round residents, one of whom has a water plane. One of the proposed lots to be severed seems to be in a very narrow and shallow channel which is home to countless turtles.

I must also comment on the existing property. The previous owners cut down dozens of trees, clear cutting an area for some sort of ramp and then dumped countless loads of sand along the shore and into the water. It was done at a time of year when no one was around to object and, since the damage was done, we decided not to lodge a complaint. Perhaps the township should require that this be fixed before allowing yet more damage to the bay.

It would seem to me that it would not be unreasonable to allow one piece of property to be severed but certainly not three. I believe it would make a mockery of the standards the township has already set and to which you have held all of us accountable.

I look forward to hearing the results of your deliberations.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots (0.76-ha, 0.85-ha and 1.34-ha) together with a R-O-W and retain a 2.96-ha residential lot located at 1205 Bygrove Lane.

The subject lands are located in an area characterized by seasonal residential development. The lands to the east were developed through a Plan of Subdivision in 1995 and the lands to the north were developed through the consent process in 1984. The lot now be divided was the retained lands. The lot creation date for Tay Valley in January 1, 1986.

The lands are accessed via Bygrove Lane a private road which is an extension of Bygrove Lane, a municipally maintained road. If approved the conditions should include a note that the applicant should consider a joint use and maintenance agreement for the construction and on-going maintenance of the shared private road.

Tay Valley Township requires Site Plan Control for all development proposals within 300 ft. of a water body. This process will enable the Township to address site alteration and development on the lots in such a way as to preclude disturbance with the 30 m setback from the water, including the requirement for construction equipment to access lot B13/159 by water.

Archaeological

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

BOB'S LAKE

A "State of the Lake Environment Report" was undertaken on Bob's Lake in 2005. Bob's Lake was created as a reservoir for the Tay Canal and as such has a greater potential for greater fluctuation of water levels. The report was able to conduct a comparison between water quality conditions as they existed in 2003 to results obtained from 1975 to

2003. The historical data and the results of the 2003 sampling indicate that Bob's Lake is in middle mesotrophic stage. Generally the lake is in good condition. Bacteria counts were low and nutrient concentrations are reasonably good with only minor localized algae accumulations. It is worth all users of the lake to practice good stewardship by having septic systems inspected, limiting lot clearing, maintaining a vegetated buffer along the shoreline and keeping cattle out of inflow streams and lake. While zebra mussel veliger's (larvae) were found in Crow Lake in 2004, they were determined to be absent when testing was done in 2005, though they were found in Bobs Lake, along with the Spiny Water Flea. The experience on Crow Lake suggests that these invasive species may die off and fail to procreate (calcium levels may not be adequate to enable larvae to morph into adults), though frequent reintroduction will likely serve to reinforce nascent communities.

Bedrock Inventory – marble, calc-silicate, skarm.

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 seasonal 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. Tay Valley Township requires 'site-plan' control for any development adjacent to water.

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – April 14, 2014**

Frank Cairo, agent and Melvin McDougall, Eleanor McDougall and Joyce Fleming, adjacent landowners, attended the hearing and gave evidence by affirmation.

Mr. Cairo advised that he has recently purchased these lands and prior to submitting the application, he had met with the Township, RVCA and the MRSSO to review his plans for development.

The lands are made up of 12 acres including an island to the south, the land do not continue into Frontenac County and are access by an existing surveyed R-O-W leading from the cul-de-sac at the end of Bygrove Lane. The landowner to the north of this R-O-W, Mr. McDougall also uses this r-o-w to gain access to his lands. The existing R-O-W extends onto the proposed lot B13/159 and therefore no private road extension is required.

B13/157 and B13/158 have buildings located on them, however they are not residential dwellings, only the retained lands has a residential dwelling located on it.

Mr. Cairo also advised that he has had extensive discussions with RVCA regarding the access to the peninsula lot (B13/159) which is limited due to the narrowness and outcroppings of rock.

Melvin and Eleanor McDougall presented the following written questions:

- 1/ WAS THE PROPERTY OWNER,S IN THE OLD BEDFORD TWP. NOTIFIED OF THESE SEVERENCE APPLICATION,S
- 2/ WHAT DISTANCE FROM THESE PROPERTIES HAVE TO NOTIFIED.
- 3/ WHAT IS THE REQUIRED LOT SIZE FOR SEVERENCE.
- 4/ DO THESE LOTS ALL HAVE THE REQUIRED SIZE.
- 5/ REGARDING LOTS 157 AND LOT 158. ,WHEN A ROAD MAINTENANCE AGREEMENT IS IN PLACE, PROPER LANEWAY ENTRANCES AGREED UPON (DRAINAGE TILE) IN PLACE AND REQUIRED PERMITS AQUIRED \ FOR DOCKS - SEPTIC BEDS \ BUILDINGS ETC.\ I WOULD AGREE TO SEVER THEN. RIGHT NOW THERE ARE TOO MANY UNANSWERED QUESTIONS.

LOT 159 DOES NOT MEET THE REQUIRMENTS FOR SEVERENCE

- 1/ AT WHAT TIME OF THE YEAR WAS THE SURVEY DONE
- 2/ WAS THE MEASUREMENTS TAKEN FROM THE WATER,S EDGE OR FROM THE BANK WHERE THE HIGH WATER HAS BEEN IN THE PAST. I RESERVE THE RIGHT TO QUESTION THESE MEASURMENTS WHEN THE SNOW HAS LEFT.

- 3/ THE SURVEY LINES SEEM TO RUN PARALLEL TO THE TWP OR COUNTY LINE.- DIAGONALLY ACROSS THE POINT. WHY?
- 4/ GIVEN YOU NEED 30 MTR. FROM EACH SHORE OR HIGH WATER GIVEN YOU NEED 30 MTR. FROM EACH SHORE OR HIGH WATER MARK, HOW MUCH AREA IS LEFT FOR ABUILDING.?
- 5/ RIDEAU CONSERVATION RECOMENDS NO ROAD ACCESS. LOOKING AT THE ROCK FACE YOU HAVE TO DEAL WITH EVEN UNDER THE SNOW IT,S A NO BRAINER. 1ST ACCESS BY WATER MEAN,S -FIRST THEY HAVE TO HAVE A LEGAL ACCESS BY WATER -NON AVAILABLE.
2ND A LANDING SIGHT MUST BE CONSTRUCTED ON THE LOT,S SHORE - A MAJOR TASK GIVEN THE HEIGHT OF THE BANK
REMEMBER -RIDEAU CONSERVATION VIEWED THIS SITE UNDER A DEEP BLANKET OF SNOW
- 6/ PARKING LOT IS GOING TO INFRINGE ON THE 30 METER SET BACK AS WELL AS ON THE LOW LYING AREA BETWEEN THE ROAD RIGHT OF WAY AND THE WATER
- 7/ THIS PENINSULA IS A NATURAL TRAVEL ROUGHT FOR NATURE GAME SUCH AS TURKEYS, DEER ETC, USE IT TO GET FROM THE MAIN LAND ONTO THE LARGE ISLANDS SOUTH AND WEST AND ACROSS TO THE MAINLAND ON THE SOUTH SIDE OF LONG BAY TO ALLOW A BUILDING IN THE CENTRE OF THIS PROPERTY WOULD BE A DISASTER
- 8/ TO ALLOW THE SHORE LINE TO BE ALTERED TO GET HEAVY EQUIPMENT IN TO WORK ANOTHER DISASTER
- 9/ HOW DO YOU STOP EQUIPMENT FROM USING THE EXISTING PATHS. YOU WERE NOT SUCSEFUL IN KEEPING THE PATHS FROM BEING BUILT OR FROM IMPROVEMENTS BEING MADE TO THE PATHS IN THE PAST.
- 10/ THIS SEVERENCE SHOULD NOT BE ALLOWED TODAY NOR IN THE FUTURE THIS PORTION OF THE LAKE HAS REACHED A SATURATION POINT \ FROM THE DAM AROUND THE NORTH END OF THE LAKE \ MUD BAY \ McCANN SUB DIVISION \ LONG BAY BOTH SHORES WITH THE EXCEPTION OF THE TWO ISLANDS WE DON'T NEED ANOTHER GETO \ RIDEAU \ TRENT \ HALIBURTON

The committee addressed the written questions.

Ms. Fleming question how and when were measurements taken to show the setbacks as the lake level varies greatly.

The committee advised that according to the plan of survey the elevation information was taken from geodetic datum derived from a set benchmark having a published elevation of 162.586 metres.

Mr. Cairo advised that he will continue to work with the RVCA to ensure that there is limited disturbance within the 30m setback area and confirmed that there is additional works required regarding access to the building envelope.

Ms. Fleming questioned where utility lines would be placed; if they needed to stay back 30 m. Mr. Cairo advised that Hydro/Bell lines are already in place.

The committee agreed that there are further issues that need to be addressed regarding B13/159, particularly emergency vehicle access.

Moved by W Guthrie and seconded by R Strachan, THAT B13/159 be deferred in order for the applicant to provide additional information regarding access, utilities, setbacks and servicing by emergency vehicles. Cd.

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 B13/157 and B13/158

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lot to be retained over the lot to be severed and all those who are currently entitled.
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 (including an electronic copy) 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. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 27, 2014 and the MRSSO reports dated February 14, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
11. A letter shall be received from Tay Valley Township stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *It is recommended that the owner and users of the private road enter into a joint use and maintenance agreement for the construction and on-going maintenance of the shared private road.*
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. *Residents and users of Bob's Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from or to other lakes.*
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: Howard Carley **Hearing Date:** April 14, 2014
Agent: ZanderPlan Inc.
LDC File #: B13/167, B13/168 and B13/169
Municipality: Township of Montague
Geographic Township: Montague **Lot:** Pt. Lot 9 **Conc.:** A
Roll No. 0901 000 010 14600 **Consent Type:** Three (3) new lots

Purpose and Effect:

To sever three (3) residential building lots (4.0-ha each) and retain a 39.4-ha vacant landholding. The lands are accessed via Burchill Road.

| DETAILS OF PROPOSAL | Land to be Severed | | | Land to be Retained |
|---|---|---------------------------------------|---------------------------------------|--|
| | B13/167 | B13/168 | B13/169 | |
| Existing Use Proposed Use | Vacant Residential | Vacant Residential | Vacant Residential | Vacant Vacant |
| Area Frontage Depth Road - Access to | 4.0-ha 100 m 400 m Municipal | 4.0-ha 100 m 400 m Municipal | 4.0-ha 100 m 400 m Municipal | 39.4-ha 655 m 536 m Municipal |
| Water Supply Sewage Disposal | Proposed Proposed | Proposed Proposed | Proposed Proposed | None None |
| Official Plan Designation -Conformity? | Rural, Significant Woodlands, Potential Bedrock, Mineral Aggregate Yes | | | |
| Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural 0.4-ha Yes 46 m Yes | | Rural 2.0-ha Yes 46 m Yes | |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.5 Mineral Aggregate Resources

Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

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 2 General Development Policies, Section 2.21.6 Significant Woodlands, Section 3.2 Mineral Resource (Bedrock), Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 18 Rural

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner Howard Carley seeks permission to sever three 10 acre residential building lots from his existing 125 acre lot. The severed lots (and retained) will be accessed from Burchill Road, which is owned and maintained by the Township. The Carley property is just north of the Village of Merrickville, however the severances are roughly a kilometer north of the more built up areas. According to the Township's records, no lots have been taken off of this lot of record since 2001 and as such, the three proposed consents could be considered under the Township's lot creation policies.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development. This section of Burchill Road is heavily wooded however there are a number of residential dwellings on large forested lots to the north. While reviewing the Township's constraints mapping however, the northern end of the property has been identified as a bedrock deposit (potential aggregate source) and almost the entire property identified as "potentially significant woodland". The Official Plan (Development Adjacent to Mineral Resources) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. In this case, given that the proposed lots are at the very edge of the bedrock deposit and that there is some existing residential development nearby on Burchill Road, it is staff's expectation that these nearby sensitive uses would realistically preclude the future exploitation of this resource.

The woodland issue is somewhat more complex and as per Sections 2.21.6 and 2.21.8 of the Official Plan, the proponent undertook an Environmental Impact Study that indicated that while the areas subject to the application are mostly forested and did provide habitat, the habitat is considered to be very common in the area and 'non-critical.' As such, development would not have a negative impact on the ecological function of the area provided certain suggested mitigative measures were undertaken. The Rideau Valley Conservation Authority reviewed the application and the EIS as per the natural heritage provisions of the Provincial Policy Statement and while they do not disagree in principle with the recommendations of the study, they suggest that due to potential fragmentation of the overall woodlot habitat, the applicants consider a much smaller lot size to accommodate less overall forest disturbance. While the Township would generally not object to such an approach, Staff suggest that alternatively, if the preference is to retain the larger lot sizes, more stringent development conditions based on the recommendations of the EIS but also including more detailed site development requirements, including maximum clearing envelopes and development setbacks from the road could be considered. These conditions could be implemented through a development agreement that would be required as a condition of severance approval.

Staff suggest that a maximum clearing envelope of 0.5 acres and development setback of 100 metres from Burchill Road, in addition to the other suggested mitigative conditions relating to season of work and protection of ephemeral ponds, would adequately address the protection of the identified feature. Additionally, limiting the clearing envelope would retain a more natural landscape setting which is more consistent with the nearby residential development and helps avoid effects of ribbon development. The entire Carley property is zoned Rural and this application is consistent with all provisions of the Zone with respect to the severed lots and the retained.

Provided that the issues raised in the foregoing paragraphs are addressed, Staff are of the opinion that this application will be consistent with the policies of the Township's Official Plan. As such, Montague Township supports this application as submitted, provided that the conditions as indicated on the attached Municipal Reply Form are met.

Township of Montague - 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/ Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. 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 for assumption. 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 residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 5/ The Applicant shall obtain Civic Address Numbers from the Township of Montague for all lots identified in the applications. The applicant shall consult directly with the Township in this regard.
- 6/ The Applicant shall enter into a Development Agreement with the Township to administer the development conditions as outlined in the Environmental Impact Study submitted by EcoTec Environmental Consultants dated December 2013 and include additional provisions establishing a maximum clearing envelope of 0.5 acres and maximum road setback of 100 m.
- 7/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

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 three 4 hectare residential lots from the existing 5 1.4 hectare parcel resulting in 4 residential lots.

PROPERTY CHARACTERISTICS

B13/167

The severed parcel is well vegetated consisting of a woodlot, a buckthorn thicket, a dry-fresh oak-maple-hickory deciduous forest and a small portion of a dry-fresh poplar mixed forest. The property was identified as Significant Wood lot in the Township's Official Plan.

B13/168

The severed parcel is well vegetated consisting of a dry-fresh poplar mixed forest, a dry-fresh oak-maple-hickory deciduous forest and a fresh-moist white cedar-hemlock coniferous forest. The property was identified as Significant Woodlot in the Township's Official Plan.

B13/169

The severed parcel is well vegetated consisting of a dry-fresh oak-maple-hickory deciduous forest. The property was identified as Significant Woodlot in the Township's Official Plan.

The retained parcel is mainly woodlot with a small portion of the property consisting of a dry-moist old filed meadow, a dry-fresh white cedar coniferous forest and a dry-fresh oak-maple-hickory deciduous forest.

REVIEW

Natural Hazards

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

Natural Heritage

Significant Woodland

Almost the entire severed and retained parcels have been identified as Significant Woodlot in the Township's Official Plan. In accordance with the Official Plan requirements the applicant has submitted an EIS "*Environmental Impact Study*" - for *Proposed Property Severance of Lt 9, Concession A, Burchill Road, Montague Township*" dated December 2013, prepared by EcoTec Environmental Consultants Inc.

The EIS has made some recommendations in order to reduce the environmental impacts as a result of potential development. Those recommendations include:

- As much of the forest is retained and left for wildlife habitat
- Removal of live and healthy trees and vegetation should not occur within or adjacent to the fresh-moist white cedar-hemlock coniferous forest.
- That a minimum 15 metre buffer be maintained around the ephemeral pools
- That efforts be made to minimize clearing operations and it be restricted to a period between August 16th and April 30th in order to avoid impacts during the bird breeding/nesting season, should clearing be required.
- That a sweep of the area for species at risk be completed prior to any works being completed.
- That MNR be contacted immediately if any species at risk are observed.

While the Conservation Authority agrees in principle with the findings of the EIS report, the EIS was primarily focused on a small study area immediately within and adjacent the proposed severed parcels and did not discuss the functionality of the woodlot as a whole nor did the report specifically identify a building envelope for each lot.

In 2009 the RVCA released the Middle Rideau Sub-watershed Report. As part of the report, catchment data sheets were prepared. The subject property forms part of the Rideau River (Merrickville) catchment area. The catchment data sheet for this catchment area identified woodlands as representing a total of 28% of the land cover (see attached). This number is below the 30% of woodland required to sustain forest birds, according to the Environment Canada Guideline. When forest cover declines below 30%, forest birds tend to disappear as breeders across the landscape.

In addition, or the 28% woodland cover, this woodlot is one of only 6 areas in the catchment that is above 100 hectares in size. Therefore in order to try and preserve this large woodlot to the greatest extent and to minimize the disturbance to the forest interior habitat, it is recommended that the lot sizes be reduced to 0.4 hectares (the minimum required under the Official Plan). This would situate the development closer together and allow for less fragmentation of the interior forest habitat of the wood lot. It would also alleviate any necessity for a development agreement as majority of the recommendations in the EIS would be implemented by virtue of the smaller lot sizes.

CONCLUSION

In conclusion, the Conservation Authority recommends that the lot sizes be reduced to 0.4 hectares in order to reduce the fragmentation of the woodlot and to better preserve the interior habitat of the existing woodlot.

Septic Office – LGL District Health Unit

Severed (Same report for all three lots to be severed) – A 4 hectare parcel of vacant land. Land has gentle slopes. Property has some trees but mainly open field. Due to winter weather conditions, soil depth and water table could not be determined. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 39.4 hectare parcel of land with no existing buildings. Slope and drainage can vary throughout parcel of land. Land is a combination of open field and treed areas. Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

Township of Merrickville Wolford – No comments were received

Ministry of Natural Resources

The Ecological Site Assessment (prepared by Eco-Tech) was carried out in accordance with guidance from the MNR as outlined in their letter of November 13, 2013.

(c) **PUBLIC INPUT**

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

Billy Gutknecht – Feb 22, 2014

Although I do not have any recommendations in this matter, I do wish:

- 1/ To be notified of the Public Meeting, and
- 2/ To be notified of the decision of the Land Division Committee in respect of the proposed consent.

Recently, Montague Township has put in a new culvert, which lands on the west die drain through / under Burchill Road and straight east across the property. I would certainly be more interested in how drainage from all the properties nearby will be impacted if at all.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots (4.0-ha each) and retain a 39.4-ha vacant landholding.

The subject lands are located .5-1m north of the Village of Merrickville. A number of larger type residential type lots are located to the north and an inactive Aggregate Operation is to the north west.

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

As requested by the Municipality, the applicant submitted an Environmental Impact Study (EIS) prepared by EcoTec Environmental Consultants Inc. The EIS was reviewed by the RVCA. The report concluded as follows:

CONCLUSIONS AND RECOMMENDATIONS

The following is a summary of recommendations for property severance based on field surveys of the subject property. These recommendations have been created in order to reduce environmental impacts as a result of potential development:

- It is recommended that, should development occur, as much of the forest is retained and left for wildlife habitat.
- It is recommended that removal of live healthy trees and vegetation should not occur within, or adjacent to, the fresh-moist white cedar-hemlock coniferous forest.
- It is also recommended should future development occur that a 15 m buffer be maintained around the ephemeral pools.
- It is recommended that efforts be made to minimize clearing operations and it be restricted to a period between August 16th and April 30th in order to avoid impacts during the bird breeding/nesting season , should clearing be required .
- Should future development occur it is recommended that a sweep of the area for species at risk be completed prior to any work being completed.
- It is recommended that MNR be contacted immediately if any species at risk are observed.

As noted in the reply by RVCA, they suggested that the lot sizes be reduced to 0.4-ha

The EIS was also reviewed in order to reduce the fragmentation of the woodlot and to better preserve the interior habitat of the existing woodlot. However, the Township has noted that they would prefer to maintain larger lots, and restrict the area for the building envelope. As well, the agent has discussed the options further with the RVCA and municipality.

Soils Inventory – Name: Farmington
- Stoniness: moderately 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/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

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

Zoning

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

(e) **MINUTES – April 14, 2014**

John Lunney of ZanderPlan Inc. agent and Wayne Poapst, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Lunney provided a revised sketch, dated April 11, 2014 which indicated a change to the configuration for B13/167 as the Township has requested additional lands for road widening, which would eliminate the sharp corners and provided for a gradual curve. Mr. Lunney also indicated that the Township has not expressed any concerns with the location of entrances to the proposed lots.

Mr. Poapst advised that he had concerns with the road and now that the Township has agreed to take additional lands and re-construct the curve on Burchill Road, he no longer had any objections to the lots being created.

The committee questioned why the rear lots lines had not been kept in conformity (straight line) and Mr. Lunney advised that the landowner desired to have all three lots equal in size.

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated April 11, 2014.

3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The Applicant shall enter into a Development Agreement with the Township to administer the development conditions as outlined in the Environmental Impact Study submitted by EcoTec Environmental Consultants dated December 2013 and the RVCA comments dated Feb 14, 2014 regarding Natural Heritage and environmental impacts as they relate to the establishment of a maximum clearing envelope and maximum road setback.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Montague stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the septic system area.*
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: Robert & Brigitte Groulx **Hearing Date:** April 14, 2014
Agent: Nicholas Freeley
LDC File #: B13/170
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** Pt. 11 **Conc.:** 6
Roll No. 0940 934 015 08500 **Consent Type:** New lot

Purpose and Effect:

To sever a 2.12-ha residential lot with an existing dwelling located at 349 Mitchell Road and retain a 3.11-ha residential building lot.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|--------------------|---------------------|
| Existing Use | Residential | Vacant |
| Proposed Use | Residential | Residential |
| Area | 2.12-ha | 3.11-ha |
| Frontage | 152 m | 300 m |
| Depth | 175 m | 158 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Private Well | Proposed |
| Sewage Disposal | Septic System | Proposed |
| Official Plan Designation | Rural Communities | |
| -Conformity? | Yes | |
| Zoning By-law Category | Rural | Rural |
| -Area Required (min.) | 1.0-ha | 1.0-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 60 m | 60 m |
| -Compliance? | Yes | Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 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

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 3.3 Rural Communities, Section 5.3.2 Wetlands, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, section 17.0 Environmental Protection.

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

(b) AGENCY REVIEW

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

Township Planning Report

An application has been received from the County of Lanark Land Division Committee for the creation of one residential lot. The property is legally described as Pt Lot 11 Concession 6, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a ±5.23 residential lot with an existing dwelling at 349 Mitchell Road and retain a ±5.23 acre residential building lot.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with a very small portion close to the rear lot-line being designated as Provincially Significant Wetland (PSW).

The property is predominantly zoned Rural (RU) with a small portion at near the rear lot line being zoned as Environmental Protection (EP).

PROVINCIAL POLICY

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal, the lot to be severed is already developed. The undeveloped retained portion will be privately serviced and has sufficient area to support a private well and septic system. Approval from the Health Unit has been granted for this application. The proposed lots have access to a municipally maintained road.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

A portion of the subject property is designated as Provincially Significant Wetland. Section 5.3.2.4 of the Township's Official Plan sets development constraints for development within 120m of a PSW. The portion of the property which is proposed to be severed and includes the PSW has been previously developed. The undeveloped parcel, which is the retained parcel, is beyond the 120m influence zone.

ZONING

The subject property is predominantly zoned Rural. A small portion at the rear of the subject property is zoned Environmental Protection (EP). This area is on the proposed severed lot. As stated previously, this lot has been previously developed. Section 4.22 Natural Heritage Features of Zoning By-law 2003-451 speaks to the influence zone for PSWs. The undeveloped retained lot is outside of the 120m influence zone.

DISCUSSION

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

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

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

3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed 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 that the municipality has a good and marketable title. The Township Superintendent of Public works should be consulted prior to commencing a survey to determine the amount of road widening required.
5. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
6. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township of Lanark.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 2.1 ha lot, which is already developed, and retain a vacant 3.1-ha lot.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a portion of a Provincially Significant Wetland (PSW), referred to as the *Gilles Lake-Kerr Lake Wetland* extends into the southwest corner of the proposed retained land. The southwest corner of the proposed severed land is located within the 120 adjacent lands, and MVCA's Regulation Limit, to this PSW. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Features

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 metres of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the features identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, given that sufficient area appears to exist for future development beyond 120 m of the PSW on the proposed severed lot, and given that the retained land is already developed, it is our opinion that there is limited value in conducting an EIS at this time. However, if future development is proposed within 120 of the PSW, an EIS may be required at that time.

RECOMMENDATIONS and CONCLUSIONS

MVCA does not have any objection to the subject application.

NOTES

A portion of the proposed retained land is comprised of PSW and a larger portion is located within MVCA's Regulation Limit (i.e. within 120 metres of the PSW). In addition, a portion of the severed lands is located within the Regulation Limit. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the applicant should be advised that written permission is required from MVCA prior any interference in or within 120 meters of the PSW.

An EIS may be required if future development is proposed within 120 metres of the PSW.

Septic Office – LGL District Health Unit

Severed – A 7 acre (+-) parcel of land with an existing house serviced by a well and septic system. Land has slope to the Easterly direction. Winter conditions prevent assessment of soil depths and type. Additional sandy loam fill will be required in the area of the future tile bed area.

Retained – An approximate 8 acre parcel (+-) of open field. There is a building that has been placed on wooden crib/blocks – no foundation at this time. Land slopes to Easterly direction. Due to winter conditions, soil type and depth are undetermined. 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 a 2.12-ha residential lot with an existing dwelling located at 349 Mitchell Road and retain a 3.12-ha residential building lot.

The subject lands are located in an area characterized by large residential lots and large landholdings. A small portion of the severed lands is designated as Provincially Significant Wetland. Any future redevelopment on this lot may require an EIS prior to any building permit being issued.

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

Bedrock Inventory – Marble, Calc-Silicate, Skam

Official Plan Policies

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

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

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

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3/ Woodlands

The area has considerable land masses mapped as 'woodlands', but none on the severed or retained lands. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

(e) **MINUTES – April 14, 2014**

Bridgette Groulx, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall obtain an entrance location permit for the retained lands. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the retained lands. 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 Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that a portion of the proposed retained land is comprised of PSW and a larger portion is located within MVCA's Regulation Limit (i.e. within 120 metres of the PSW). In addition, a portion of the severed lands is located within the Regulation Limit. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the applicant should be advised that written permission is required from MVCA prior any interference in or within 120 meters of the PSW.*
2. *The MVCA also advise that an EIS may be required if future development is proposed within 120 metres of the PSW.*
3. *The LGL District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed area on the severed lands and in the area of the future tile bed area on the retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The County of Lanark advises that, prior to the issuance of a building permit on the retained lands, 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: Terrence Kell **Hearing Date:** April 14, 2014
Agent: Richard Limmert
LDC File #: B14/002 and B14/003
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** Pt. 14 **Conc.:** 9
Roll No. 0931 030 040 10300 **Consent Type:** Two new lots

Purpose and Effect:

To sever two (2) residential building lots (0.074-ha each) and retain a 0.297-ha residential lot at 268 Country Street. B14/002 is accessed via Country Street and B14/003 is accessed via George Street.

| DETAILS OF PROPOSAL | Land to be Severed | | Land to be Retained |
|---|---------------------------|--------------|---------------------------|
| | B14/002 | B14/003 | |
| Existing Use | Vacant | Vacant | Residential |
| Proposed Use | Residential | Residential | Residential |
| Area | 735.59 m.sq. | 735.59 m.sq. | 0.297 h |
| Frontage | 21.34 m | 21.34 m | 43.17 m |
| Depth | 34.47 m | 34.47 m | 69.02 m |
| Road - Access to | Municipal | Municipal | Municipal |
| Water Supply | Proposed | Proposed | Piped Water |
| Sewage Disposal | Proposed | Proposed | Sanitary Sewage |
| Official Plan Designation -Conformity? | Residential Yes | | |
| Zoning By-law Category | Residential First Density | | Residential First Density |
| -Area Required (min.) | 450 m.sq. | | 450 m.sq. |
| -Compliance? | Yes | | Yes |
| -Frontage Required (min.) | 18 m | | 18 m |
| -Compliance? | Yes | | Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

Local Official Plan– Section 2 Basis of Plan, Section 3.6 Residential Policies, Section 4 General Policies, section 4.2.2 Urban Design, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land. The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 6 General Provisions, Section 13 Residential First Density (R1) The Town of Mississippi Mills 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

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted consent applications to the County of Lanark requesting to create two (2) 736m² residential infill building lots by way of severance from the above noted property. The proposal would result in a ±2970m² (0.73ac) retained parcel which would contain an existing detached dwelling, detached garage, small outbuilding, as well as a patio/canopy structure.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located within a mature residential neighbourhood of Almonte which is mainly comprised of single-detached dwellings. Based on the 4442m² (1.1ac) area of the property and the lot frontages of 64.5m along Country Street and 64.2m along St. George Street, Staff would describe the lot as being significantly oversized compared to other lots in the surrounding neighbourhood.

The property currently contains a large single detached dwelling (known as the 'McCallum House') as well as a detached garage, a small outbuilding, a patio/canopy

area, and an in-ground swimming pool. The property itself is designated as being of architectural and historical value and interest by way of former Town of Almonte By-law #6-1992, in accordance with the *Ontario Heritage Act R.S.O. 1990*.

The property is currently zoned as First Density Residential (R1) by the Town's Zoning By-law #11-83 and is designated as Residential in the Town's Community Official Plan (COP).

COMMUNITY OFFICIAL PLAN (COP)

Residential Designation

The subject property is designated as Residential in the Town's COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Town. The following provides an analysis of the proposal against relevant objectives:

- *To promote and support development which provides for affordable, rental and or increased density of housing types;*

The infill nature of the proposal would effectively triple the density of the subject property.

- *To direct the majority of new residential development to areas where municipal sewer and water services will be available and which can support new development;*

The Town's Director of Roads and Public Works has indicated that municipal water and sewer services would be available, and able to support single-detached dwellings on the severed lots.

- *To ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*

The dimensions and area of the proposed severed lot are comparable to other properties in the surrounding area and meet the minimum performance standards of the R1 Zone. Also, due to the infill nature of the proposal, any development proposal would be subject to Site Plan Control. Overall, Staff believes the severed and retained lots would be compatible with the surrounding neighbourhood.

Infilling Policies

Section 3.6.7 of the COP also contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

- *The Town shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.*

As the proposal is a small scale residential infill development, it is supported by the above noted policy.

- *Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for infill development are found in the design section of this Plan.*

The areas and dimensions of the proposed severed lots are consistent with other lots in the surrounding neighbourhood. Staff believe that they are each of an appropriate area and shape to accommodate single detached dwellings and associated ancillary uses. A detailed review of the design and built form of the proposed development will occur at the Site Plan Control stage.

- *Infilling development proposals shall be required to prepare "lot grading and drainage plans" that take into consideration potential drainage impacts on abutting properties.*

The owner will be required to provide a lot grading and drainage plan at the Site Plan Control stage.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Town shall support the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- *the scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create two (2) additional residential building lots, a plan of subdivision would not be required.

- *the application represents infilling in an existing built up area;*

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- *the proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

The areas and dimensions of the proposed severed lots are consistent with other lots in the surrounding neighbourhood. Overall, the proposal is not anticipated to destabilize the surrounding neighbourhood.

- *the creation of lots would not create or worsen traffic, access or servicing problems;*

The creation of two (2) additional building lots will not negatively impact the traffic of the area. The Town's Director of Roads and Public Works has indicated that access and servicing is available to the subject property.

- *the application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*

The infill nature of the proposal on lands with full municipal services available represents an efficient and desirable form of development. The retained lot satisfies all development standards of the R1 Zone.

- *the application meets all other policies of this Plan.*

The proposed proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned as Residential First Density (R1) by the Town's Zoning By-law #11-83. This zone permits detached single family residential uses as well as various associated ancillary uses.

As the subject property is on full municipal water and sewer services, the following minimum development standards of the R1 Zone apply:

Table 1: R1 Development Standards

| | |
|----------------------------|---------------------|
| Lot Area (m ²) | 450 |
| Lot Frontage (m) | 18 |
| Front Yard Setback | 6 |
| Side Yard Setback (m) | 1.2 |
| Rear Yard Setback (m) | 7.5 |
| Lot Coverage (%), Maximum | 40% / 45%(bungalow) |

The following table summarizes the proposed development:

Table 2: Proposed Lots

| | Retained Lot | Severed Lot (Country Street) | Severed Lot (St. George Street) |
|----------------------------|---------------------|-------------------------------------|--|
| Lot Area (m ²) | 2970 | 736 | 736 |
| Lot Frontage (m) | 43.2 / 42.9 | 21.3 | 21.3 |

While the detached dwelling and outbuildings on the retained lot appear to satisfy the minimum development standards of the R1 Zone, the site plan provided shows the existing patio/canopy structure on the property to be quite tight to the proposed interior side lot-line. As per Table 6.1(d) and Table 13.2A of the Zoning By-law, the minimum side-yard setback is 1.2m. The applicant should demonstrate that this structure would meet the setback requirements of the R1 Zone or obtain the necessary relief from the Zoning By-law by way of a minor variance.

PROVINCIAL POLICY STATEMENT (PPS), 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS.

Generally speaking, the PPS encourages new residential development to occur within established settlement areas, on full municipal services, and in the form of intensification or redevelopment. This policy direction is highlighted in the following sections of the PPS:

1.1.3.3

Planning authorities shall identify and promote 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 service facilities required to accommodate projected needs.

1.4.3

Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;**
- b) permitting and facilitating:**
 - i) all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and**
 - ii) all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3;**
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;**
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and**
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.**

The proposed consents would result in future infill opportunities on existing municipal services. With this in mind, Staff view the proposed applications to be consistent with the relevant policies of the PPS.

SERVICING & INFRASTRUCTURE

The subject property is currently serviced by municipal water and sewer and has frontages on both Country Street and St. Georges Street, which are both municipally owned and maintained roads. The Town's Director of Roads and Public Works reviewed the proposal and provided the following comments:

"Access

- *Curb modifications will be required at the applicant's expense to provide access to the lot. An Entrance Permit will ultimately be required for each of the new lots created.***

Water and Sewer

- *Water and Sewer mains are found in both St. George Street and Country Street however new service laterals will need to be provided to the lot at the proponent's expense. This work will also involve all necessary roadway reinstatements.***
- *There are no storm sewers in either block.***

Grading/Drainage

- *When the lot is ultimately developed, a grading and drainage plan will need to be prepared by the developer so as to ensure that there will not be adverse drainage impacts created to neighbouring properties.***

I presume that a development agreement will be required."

As these requirements will be required prior to any construction on the severed lots, they would not limit the ability to create the lots at this time. That being said, Staff believe the applicant should be aware of what will be required prior to developing the lot. Furthermore, the Town must be in receipt of all development charges prior to any construction on the lots.

HERITAGE DESIGNATION

As noted previously, the subject property is designated as being of architectural and historical value and interest by way of former Town of Almonte By-law #6-1992, in accordance with the *Ontario Heritage Act R.S.O. 1990*. A review By-law #6-1992 reveals that while the entire site appears to be protected, the designation is largely tied to the architectural and historical significance of the existing structures on the site.

To assist with the review of the application, Staff circulated the proposal to the Town's Heritage Committee. The Committee reviewed the proposal at their March 25th, 2014 meeting, and expressed no major concerns with the proposed severances (apart from what would become of the wrought iron fence bordering the east side of the property along Country Street). It was also noted that the owner, Terry Kell, had previously made a presentation to the Committee on May 29, 2012 regarding a similar severance proposal, and that no major objections were brought forward at that time. However, the Committee did pass a motion to requesting the following:

“that the purchaser or purchasers as well as their architects consult with the Heritage Committee on any development and building proposals to ensure that the new development does not impact the heritage aspects of the adjacent property.”

Staff note that as per Section 4.3.3(1) of the Town's COP, Council is required to consult with the Heritage Committee for any development on land adjacent to heritage resources. Due to the infill nature of the proposal, any future development would be subject to Site Plan Control. Such a review would help ensure that any new development satisfies Section 4.3.3(2) of the COP which requires development to be compatible with the conservation or enhancement of the heritage values of identified resources.

Also, as the heritage designation currently affects the entire property, the severed lots would continue to maintain this designation. That being said, any future owners would have the right to submit an application to Council requesting the removal of the designation. Should Council and the Heritage Committee be in support of such a proposal, a simple option may be to pass a new by-law which would continue to designate the retained lands, but repeal By-law #6-1992.

CONCLUSION

Overall, Staff view the proposed consent applications to be a desirable and logical form of development. The proposal would result in new residential infill opportunities which could be serviced by existing municipal services. Such development should be promoted as it accommodates new growth without the need to construct and maintain new infrastructure.

While the proposal is increasing the density of the area, the retained and severed lots are not anticipated to detract from the character of the surrounding neighbourhood or have a destabilizing effect on the area. Any proposed development would be subject to a strict review under Site Plan Control to ensure compatibility with the adjacent heritage resources.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town;
3. That the applicant provide confirmation that the existing patio/canopy structure will be setback $\geq 1.2\text{m}$ from the proposed interior lot line, or if necessary, receive appropriate relief from the zoning by-law; and,
4. That the owner pay any outstanding property taxes on the subject property.”

Mississippi River Power – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

Mary Kirkham, Planning Administrator
County of Lanark
Administration Building, 99 Christie Lake Rd.
Perth, Ontario K7H 3C6

RECEIVED
LANARK
COUNTY

MAR 03 2014

March 1, 2014

Re: File No. B14/002

Clerk's Department

Dear Ms. Kirkham,

We are writing with regard to the proposal to subdivide Pt. Lot 14 Conc. 9 Township of Ramsay, Town of Mississippi Mills.

Our concern is for the trees that currently line the front of the property on Country Street. These very large, very old trees fulfill several functions, all of which are beneficial:

- They provide habitat for birds and small animals
- They improve air quality
- They reduce noise pollution
- They moderate the temperature by filtering sunlight
- They vastly enhance the aesthetic of the streetscape

Our concern is that several of these trees would need to be cut down to facilitate development of the lot. Further, we are worried that the tree at the corner of our adjoining property could be lost, also, if it suffers root damage during digging to prepare the lot for building.

Is it possible that the proposed development could be approved with the caveat that the trees be saved?

We would like to be informed of the outcome of this proposal.

Thank you so much for your consideration of this matter.

Sincerely,

Patrick and Jane Larson
288 Country Street
P.O. Box 1842
Almonte, ON K0A 1A0

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots - 736 m.sq. each and retain a 2970 m.sq. residential lot with an existing dwelling located at 268 Country Street.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is 'infill', a process recommended by the PPS.

Proposed Lot B14/002 is accessed via Country Street and B14/003 is accessed via St. George Street, both municipally maintained roads.

Official Plan Policies

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

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The Mississippi Mills COP (Section 3.1.2.3.1.3) requires that in urban area, selective protection of significant trees or shrubs shall be promoted. Provisions retain to protection of vegetation may be incorporated into subdivision or site plan agreement.

Zoning

The subject property is currently within the residential first density 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 Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – April 14, 2014**

Terrence Kell, owner and Richard Limmeret, applicant, owner attended the hearing and gave evidence under oath.

Mr. Kell advised that they met with neighbours and advised them that they had no intention to remove the large trees.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. Satisfactory evidence shall be provided to the Town of Mississippi Mills confirming that the lot to be retained complies with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.

9. A letter shall be received from the Town of Mississippi stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

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

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

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